

T - 9210 Dan Nelson

T - 9210

Name Dan Nelson
 By dba Hans Nelson & Sons Nursery, Inc.
 Address 31020 SE Waybill Road
Boring, OR 97009-9427
503-663-3348

Change in USE
 Date filed 8-19-2002
 Date of hearing _____
 Place of hearing _____
 Date of order 12-30-02 Vol. 56, page 2256
 Date for application of water _____
 Proof mailed _____
 Proof received _____
 Certificate issued 8/28/15 Vol. _____, page 90591

DESCRIPTION OF WATER RIGHT

Name of stream A Spring / Unnamed Res.
 Trib. of Sandy River County of Clackamas
 Use Wildlife
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority 1-1-1993
 In name of Christina R. Vaeretti / William E. Rannow
 _____ Adjudication, Vol. _____, page _____
 App. No. R-76927 Per. No. R-102047 Cert. No. 70836
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8/19/02</u>	<u>300.00</u>	<u>54917</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
<u>1-8-03</u>	<u>100.00</u>	<u>017496</u>

REMARKS

NOID
CWRE #156 / Edward A. Crane

Important Message



Time: _____ Date: _____

For: _____

From: Dan Nelson

Telephone: 503-663-3348

- | | |
|--|--|
| <input type="checkbox"/> Telephoned | <input type="checkbox"/> Please call |
| <input type="checkbox"/> Wants to see you | <input type="checkbox"/> Will call again |
| <input type="checkbox"/> Returned your call | <input type="checkbox"/> URGENT |
| <input type="checkbox"/> Was here to see you | |

Message: 503-663-0138

Taken by: _____

Post-it® 7679-4 ©GM 1993

Mailing List for Transfer Certificate

Application: T-9210

Certificate: 90591

Certificate/Transfer Holder: (include copy of map)

~~1~~ DAN NELSON
dba HANS NELSON AND SONS NURSERY, INC.
31020 SE WAYBILL ROAD
BORING OR 97009-9427

Copies Mailed

By: *JA*
(SUPPORT STAFF)

on: *8/28/15*
(DATE)

Copies of final Certificate to be sent to:

- ~~1~~ 1. Watermaster #16 (Include map)
- ~~2~~ 2. Data Center
- ~~3~~ 3. Water Availability
- ~~4~~ 4. Vault
- ~~5~~ 5. File

Other Persons to receive copies (proposed and/or final certificate: (Include map))

- ~~1~~ 1. EDWARD A CRANE, CWRE

Record Marking(s):

- 1. Original Application# R-76927
- 2. Old Certificate# 70836

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAN NELSON
dba HANS NELSON AND SONS NURSERY, INC.
31020 SE WAYBILL ROAD
BORING OR 97009-9427

confirms the right to store the waters of A SPRING IN AN UNNAMED RESERVOIR, a tributary of the SANDY RIVER, for MULTIPLE PURPOSES, INCLUDING, BUT NOT LIMITED TO NURSERY USE AND AGRICULTURAL USE.

The right to store water was perfected under Application R-76927 (HB - 2153). The date of priority is JANUARY 1, 1993. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 5.0 ACRE FEET.

The reservoir is located as follows:

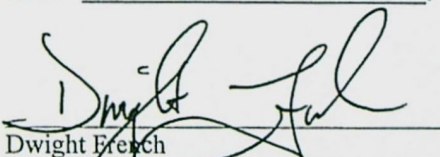
Twp	Rng	Mer	Sec	Q-Q
1 S	4 E	WM	25	SW SW

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of 8 inches, or the provision of other means to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

The right to store water for the above purpose is restricted to beneficial use at the place of use described above.

This certificate is issued to confirm a change in CHARACTER OF USE approved by an order of the Water Resources Director entered DECEMBER 30, 2002, at Special Order Volume 56, Page 2256, approving Transfer Application 9210, supercedes Certificate 70836, State record of Water Right Certificates.

Issued AUG 28 2015


Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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COUNTY OF CLACKAMAS
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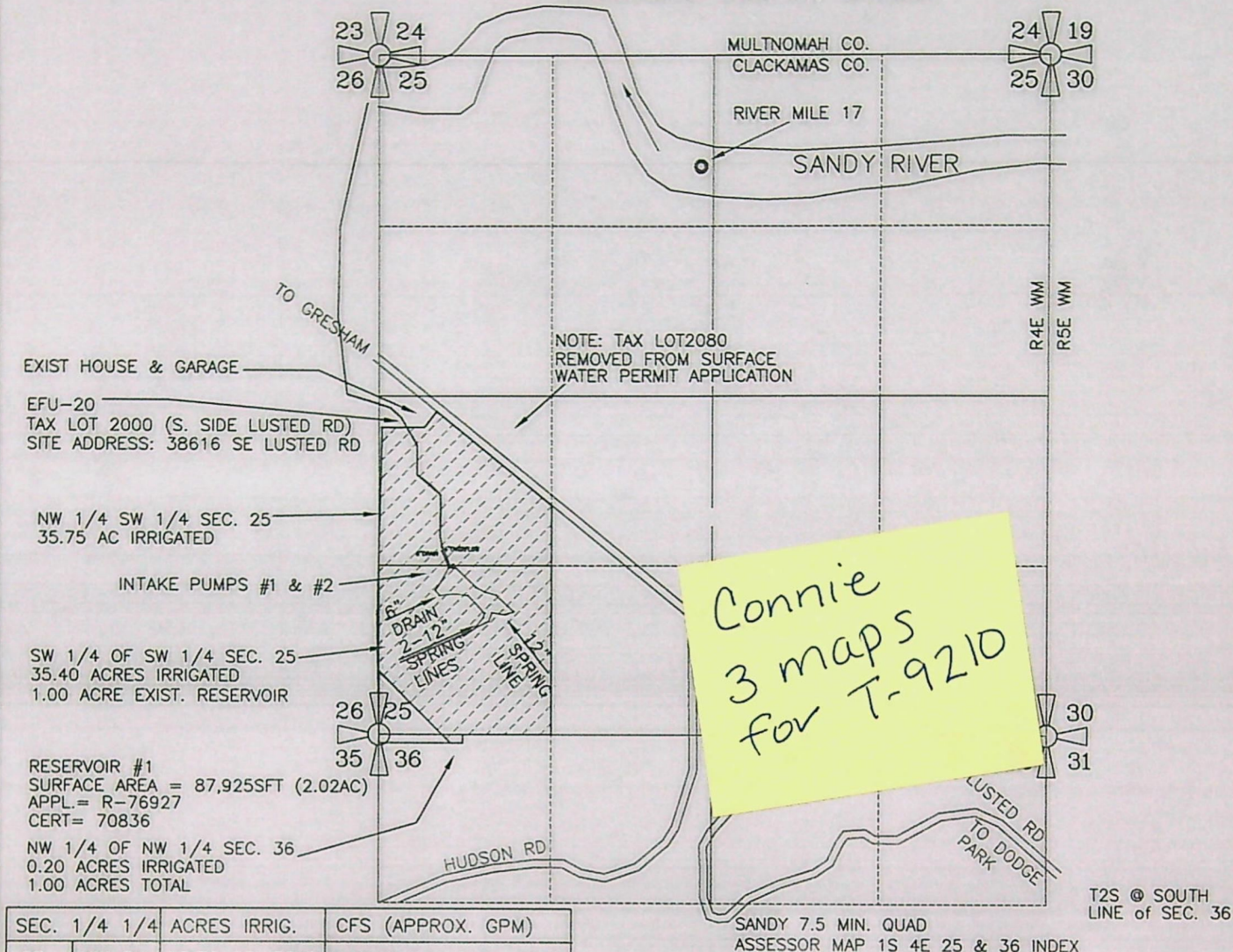
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T-9210-cf-70836.jlj Page 1 of 1 Recorded in State Record of Water Right Certificates numbered *****.

90591

CORPORATE
BOUNDARY LINE _____
DONATION LAND
CLAIM (DLC #) -----

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



SEC.	1/4	1/4	ACRES IRRIG.	CFS (APPROX. GPM)
25	NW	SW	28.50 AC IRRIG	0.3563 CFS (160 GPM)
25	SW	SW	35.40 AC IRRIG	0.4425 CFS (199 GPM)
36	NW	NW	0.20 AC IRRIG	0.0025 CFS (1.12 GPM)
TOTAL IRRIG.			64.10 ACRES	0.8013 CFS (360 GPM)

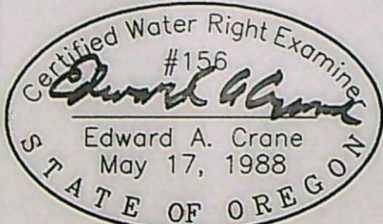
RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153)
WAS FOR WILDLIFE USES ONLY. THIS TRANSFER APPLICATION
ADDS IRRIGATION USES (GEN NURSERY USES & AGRICULTURAL USES).

RESERVOIR INTAKE #1 & #2 ARE LOCATED 1300 FEET NORTH & 590FT
EAST FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 1
SOUTH, RANGE 4 EAST of the WM, CLACKAMAS COUNTY, OREGON

PREPARATION OF THIS MAP WAS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP LINES.

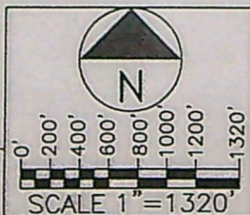
TRANSFER T-9210, S-85058
STORAGE RESERVOIR CERT. 70836

PREPARED BY EDWARD A. CRANE, CWRE



Renewal 12/31/2005
Signed 9.29.04

SURVEYED SEPT. 22, 2004
BY EDWARD A. CRANE, CWRE



D:\CRANE ENGR & SURVEY\PROJECTS\347-005\34700501.DWG EAC 9/20/2004

DATE

SEPT. 2004

PROJECT NO.

347-005



**CRANE ENGINEERING
& SURVEYING, INC.**

13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015

OFFICE: 503-698-3890
FAX NO: 503-698-3861
CELL: 503-679-3253
E-MAIL: eces@verizon.net

APPLICATION FOR PERMIT NUMBER R-76927
(UNDER HB-2153), IN THE NAME OF:

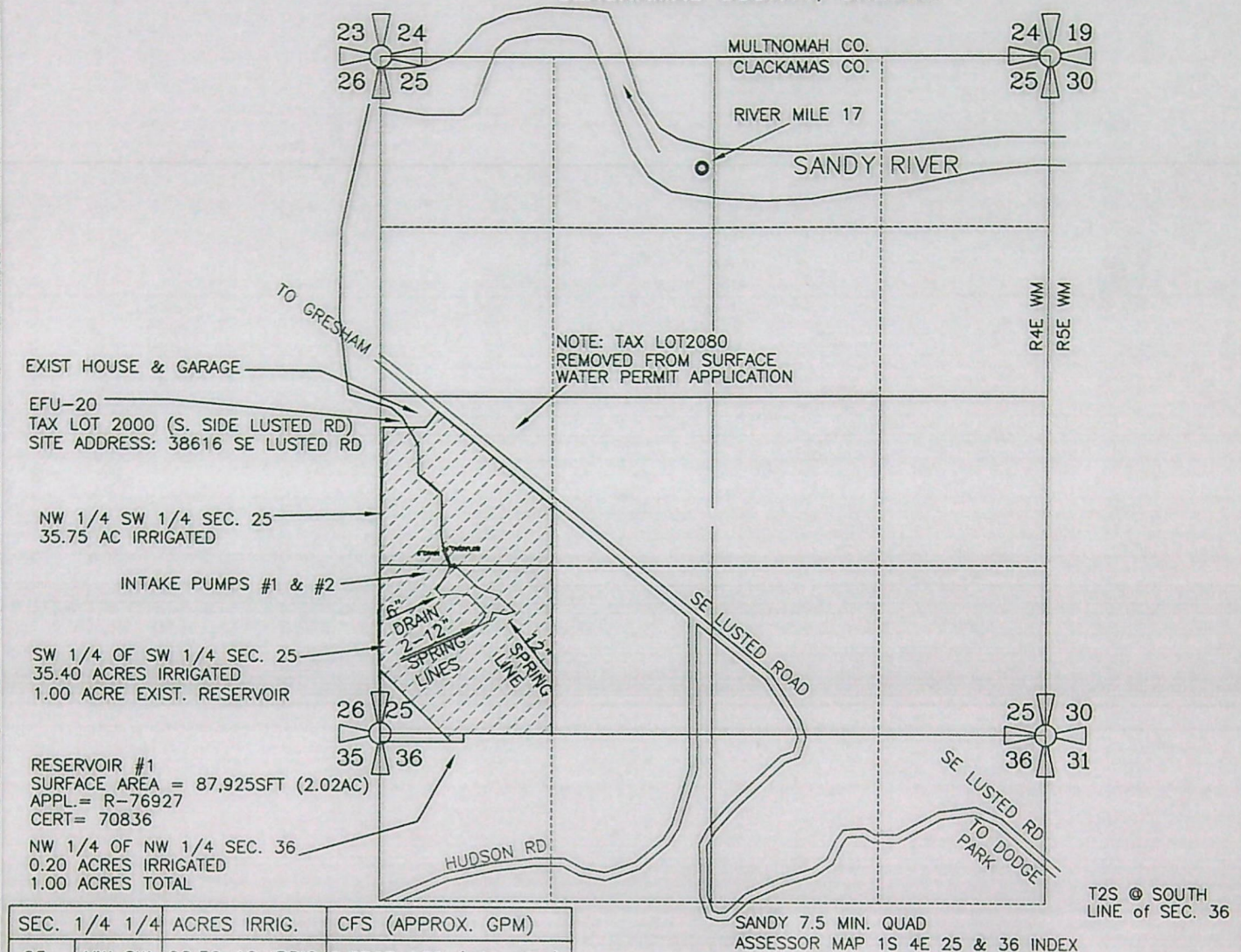
DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

1/3

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DONATION LAND
CLAIM (DLC #) -----

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TOTAL IRRIG.			64.10 ACRES	0.8013 CFS (360 GPM)

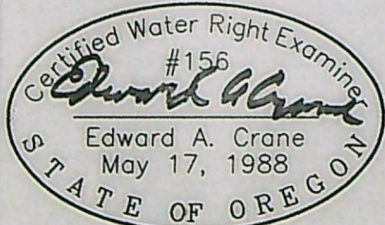
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TRANSFER T-9210, S-85058
STORAGE RESERVOIR CERT. 70836

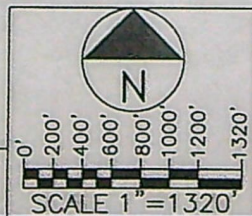
PREPARED BY EDWARD A. CRANE, CWRE



Renewal 12/31/2005

Signed 9.29.04

SURVEYED SEPT. 22, 2004
BY EDWARD A. CRANE, CWRE



DATE
SEPT. 2004

PROJECT NO.
347-005



CRANE ENGINEERING
& SURVEYING, INC.

13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015

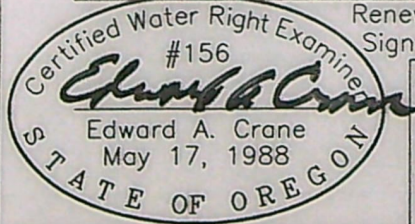
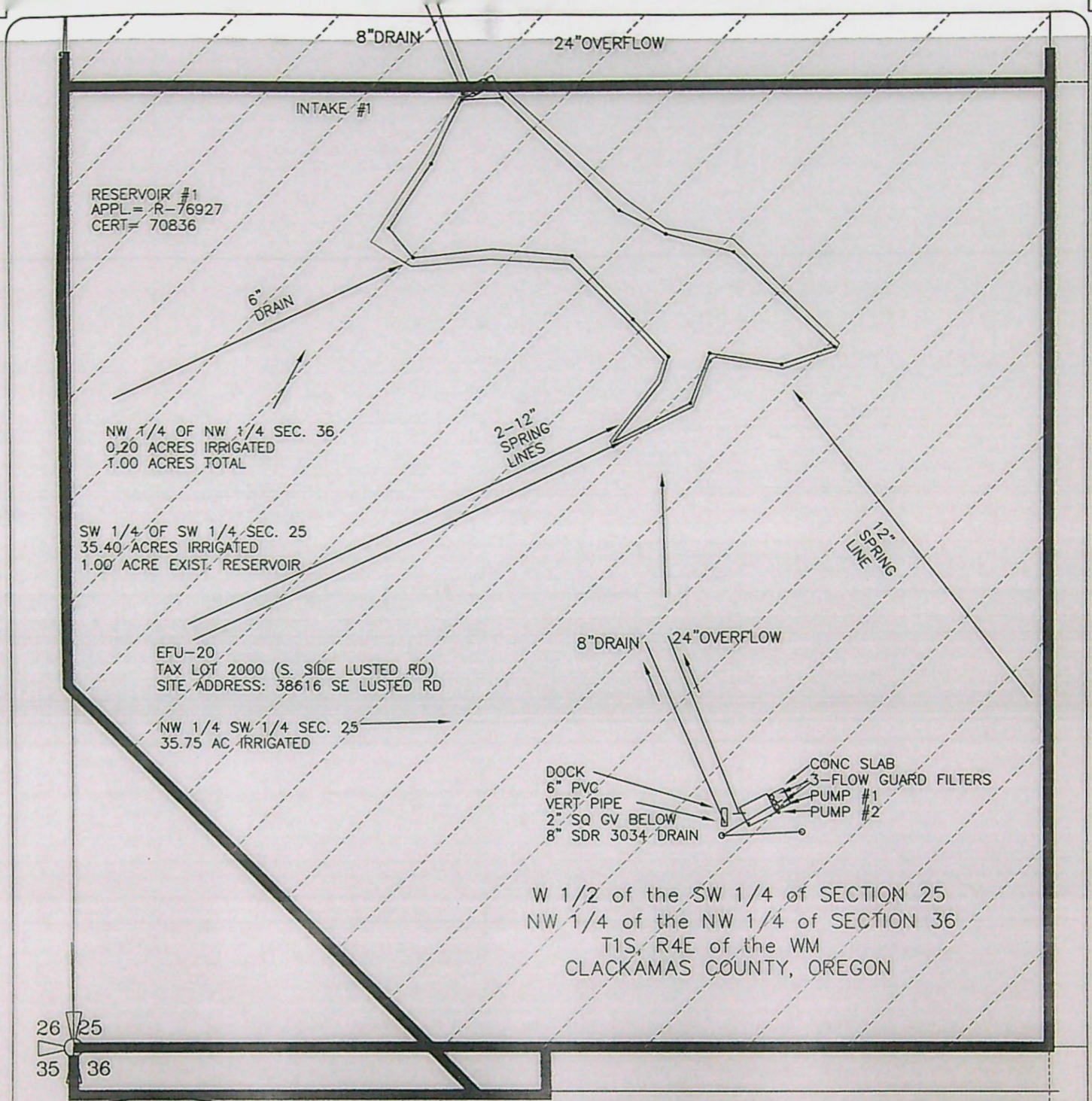
OFFICE: 503-698-3890
FAX NO: 503-698-3861
CELL: 503-679-3253
E-MAIL: ec@verizon.net

APPLICATION FOR PERMIT NUMBER R-76927
(UNDER HB-2153), IN THE NAME OF:

DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

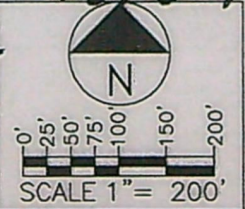
SHEET

1/3



SURVEYED SEPT. 22, 2004

Renewal 12/31/2005
Signed 9.29.2004



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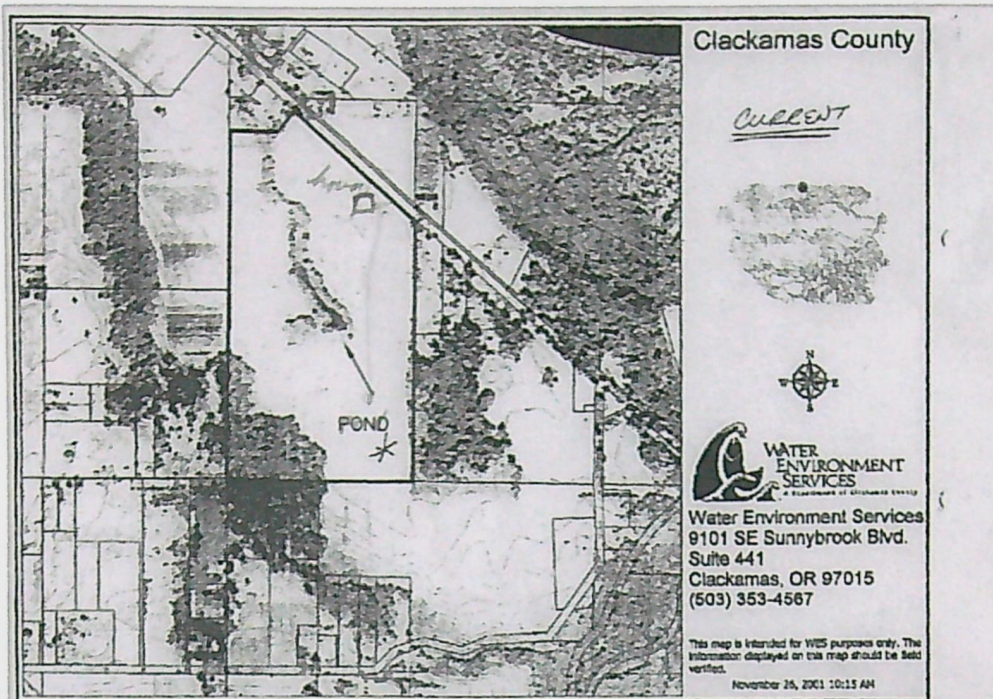
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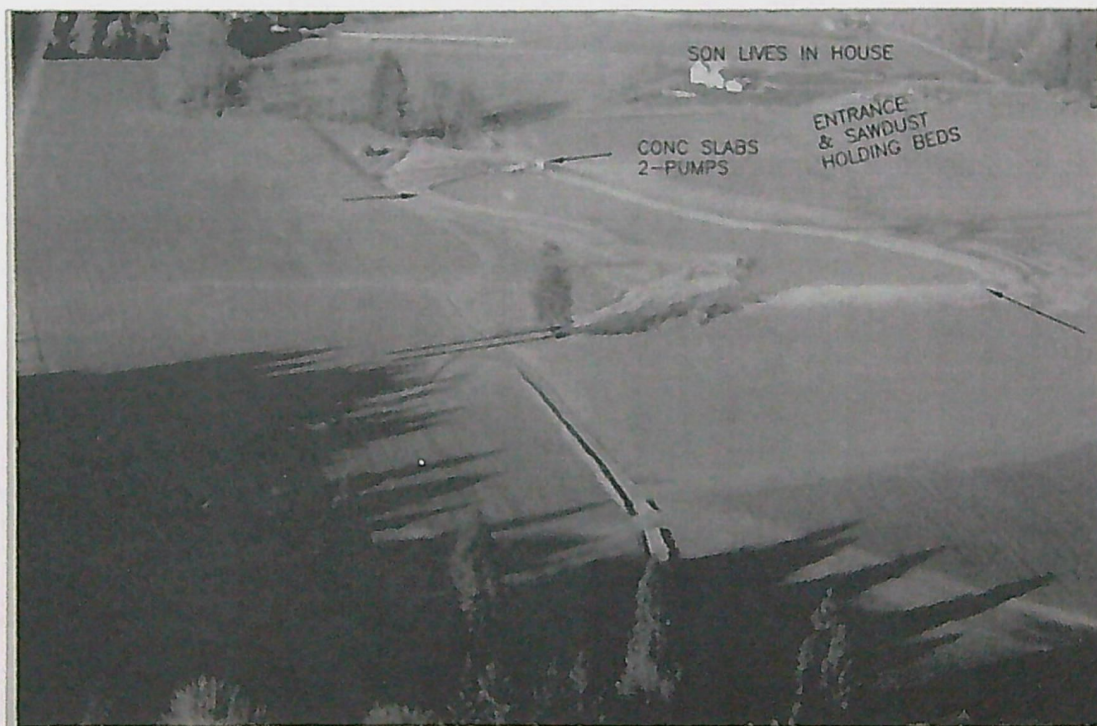
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SHEET

2/3



SCALE 1"=1320'



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SURVEYED SEPT. 22, 2004

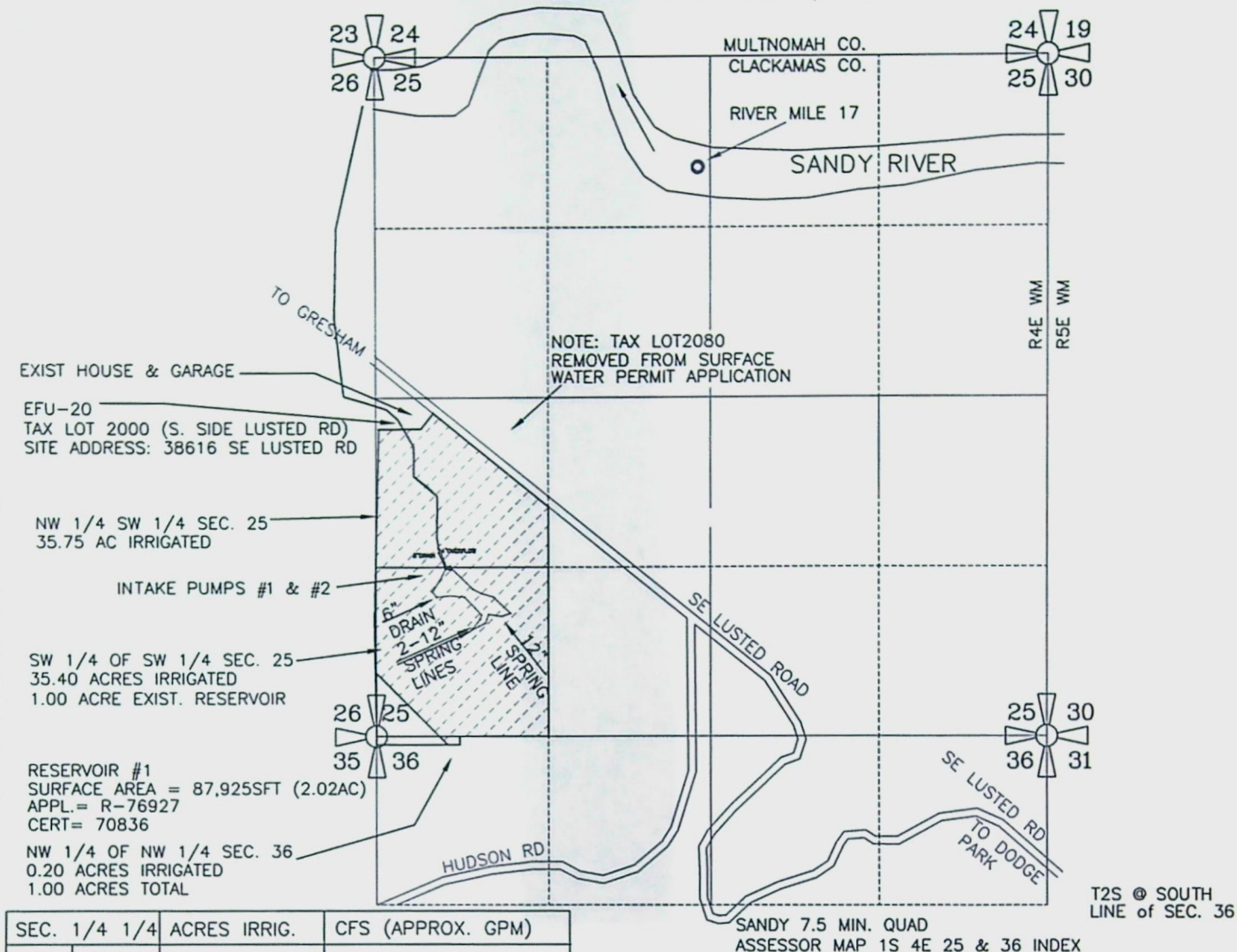
D:\CRANE ENGR & SURVEY\PROJECTS\347-005\34700501.DWG EAC 9/20/2004

PREPARED BY EDWARD A. CRANE, CWRE

DATE SEPT. 2004		CRANE ENGINEERING & SURVEYING, INC. 13755 SE 119TH DRIVE CLACKAMAS, OREGON 97015 OFFICE: 503-698-3890 FAX NO: 503-698-3861 CELL: 503-679-3253 E-MAIL: eces@verizon.net	APPLICATION FOR PERMIT NUMBER R-76927 (UNDER HB-2153), IN THE NAME OF:	SHEET 3/3
PROJECT NO. 347-005			DAN L. NELSON dba HANS NELSON & SONS NURSERY, INC. TEL: 503-663-3348 31020 SE WAYBILL RD., BORING, OR 97009	

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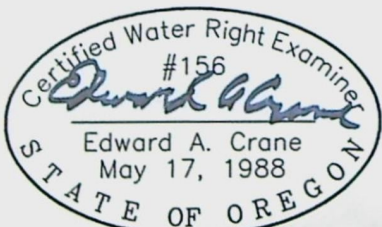
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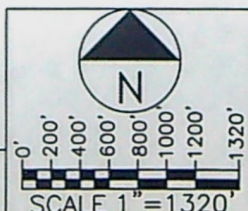
PREPARED BY EDWARD A. CRANE, CWRE



Renewal 12/31/2005

Signed 9.29.04

SURVEYED SEPT. 22, 2004
BY EDWARD A. CRANE, CWRE



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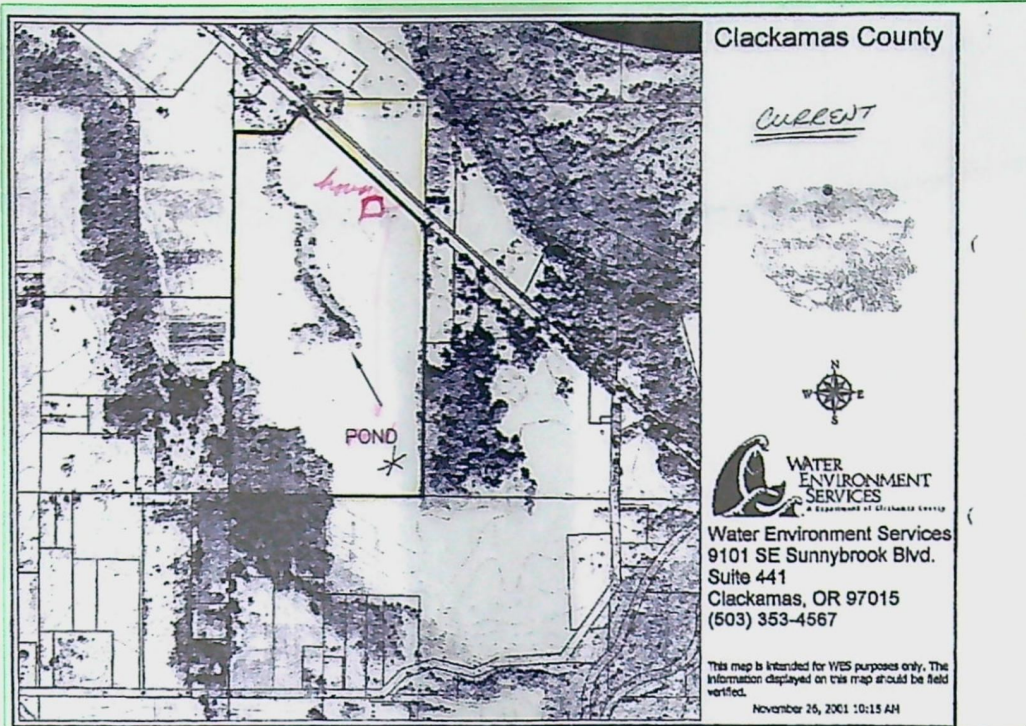


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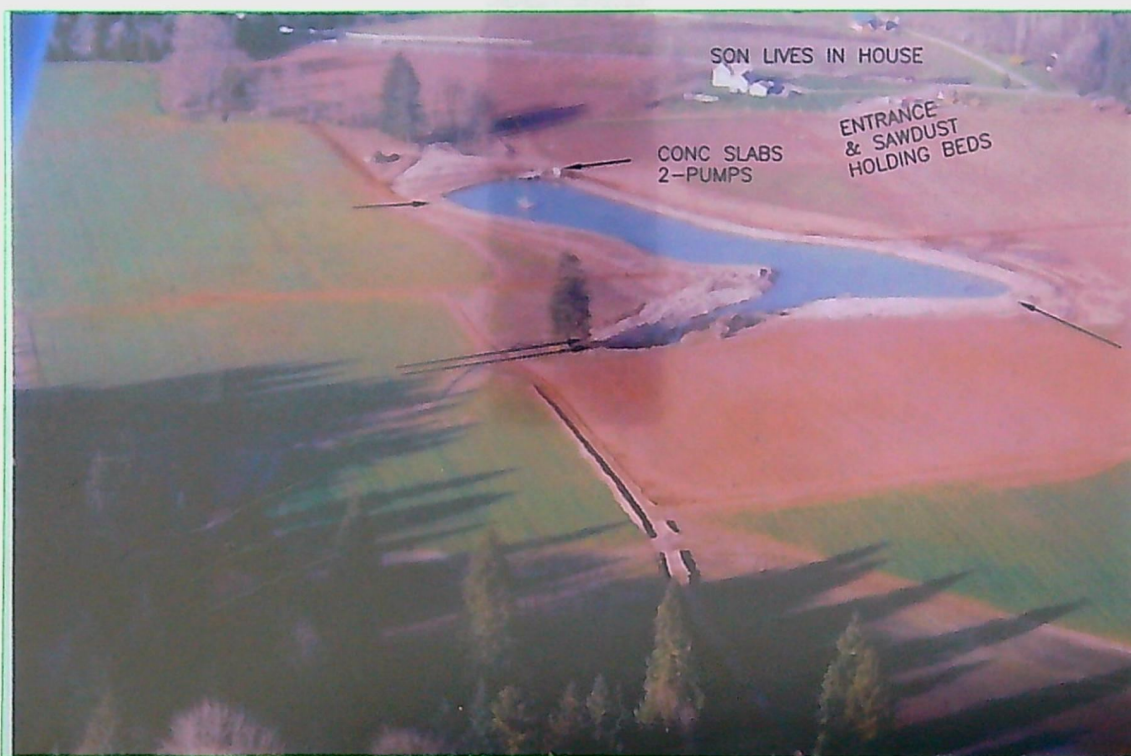
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SHEET
1/3



SCALE 1"=1320'



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PREPARED BY EDWARD A. CRANE, CWRE

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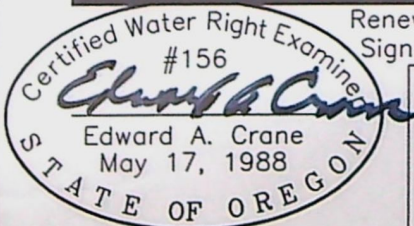
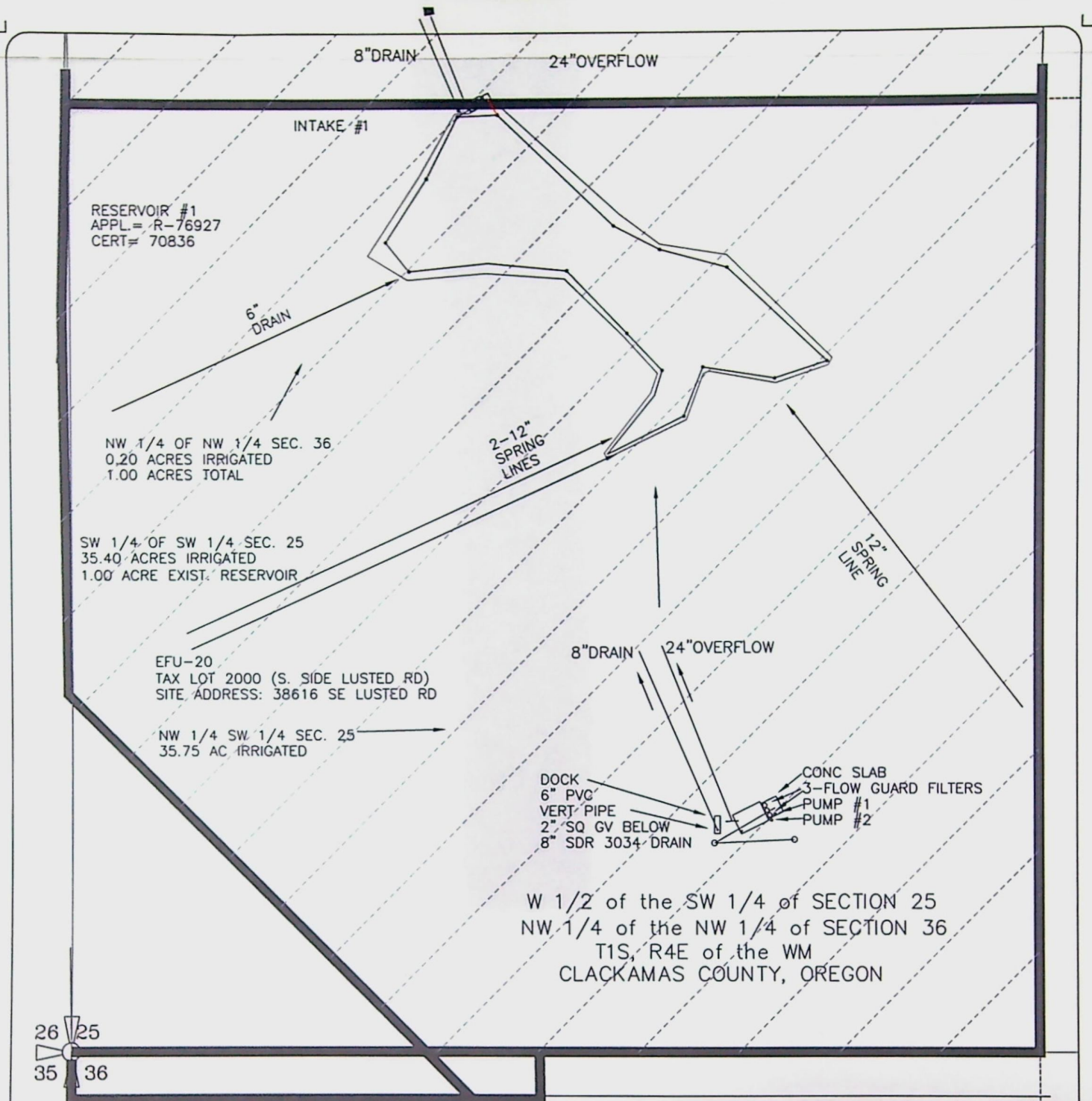
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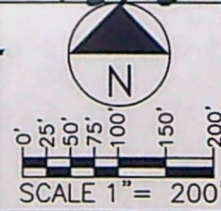
SHEET

3/3



SURVEYED SEPT. 22, 2004

Renewal 12/31/2005
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SHEET

2/3

Mailing List for Transfer Certificate

Application: T-9210

Certificate:

Certificate/Transfer Holder: (include copy of map)

~~DAN NELSON~~
~~dba HANS NELSON AND SONS NURSERY, INC.~~
~~31020 SE WAYBILL ROAD~~
~~BORING OR 97009-9427~~

Copies Mailed

By: JH
(SUPPORT STAFF)

on: 5/22/15
(DATE)

Copies of final Certificate to be sent to:

- ~~1. Watermaster #16 (Include map)~~
- ~~2. Data Center~~
- ~~3. Water Availability~~
- ~~4. Vault~~
- ~~5. File~~

Other Persons to receive copies (proposed and/or final certificate: (Include map)

- ~~1. EDWARD A CRANE, CWRE~~

Record Marking(s):

1. Original Application# R-76927
2. Old Certificate# 70836



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

DATE MAILED:

MAY 22 2015

NOTICE

Reference: Transfer Application 9210

Enclosed is a proposed certificate of water right and map. The proposed certificate represents the extent water was used within the terms of an order approving the transfer based upon a Claim of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous transfer holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review this proposal. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you do not agree with the proposed certificate, Oregon Administrative Rule 690-380-6040 allows the transferee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the transfer assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, a recommendation will be made to the Director to issue a certificate, and if the Director signs the certificate, the recorded certificate of water right will be mailed to you.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application #	Permit #	Transfer # T-9210
WRD Reviewer Jessica Joye	Date 5/6/15	
WRD Peer Reviewer J. Skragg	Date 5/11/15	

Research

- ☒ Organize file in chronological order
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- ☒ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ☒ Water Organization identified using AOI? ☒ No ☐ Yes
If "Yes" cc: _____ & Add to Mailing List
- ☒ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ☒ Print Platcard & check for Place of Use Conflict? ☒ No ☐ Yes
If "Yes", provide copy of certificate & relevant map
- ☒ Print BLM Cadastral Survey
- ☒ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ☐ No ☒ Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

N/A Fish Conditions
 N/A Meter/measuring device
 N/A Water Use Reporting
 N/A Pump Test (post December 19, 1988)
 N/A Other Conditions _____
 N/A SWL
 YES C-Date 9/22/04

T. Order 12/30/02

CBU 10/6/04

C-Date 10/1/04

YES Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

(HB-2153)
 CERT 70836 — Δ in character of use, scrivener's
 error

Determination

☒ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

☐ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

☐ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

☐ Stamp PROPOSED or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

☐ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

☐ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

<input type="checkbox"/> Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

NOTES:

Pump Capacity Calculator *Pump 1*
using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 7.5
Efficiency = 6.61
Lift = 175
PSI = 75

Results Calculated

$(hp)(\text{efficiency}) = 49.575$
Head based on psi = 190.5
Total dynamic head = 365.5
(head + lift)

Pump Capacity = 0.136 cubic feet per second *min*

$$\frac{5.0 \text{ AF}}{1} \times \left(\frac{1.98 \text{ AF}}{\text{day}} \right) = 2.53 \text{ cfs}$$

Pump Capacity Calculator
using Department designed formula:

Pump 1

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 7.5
Efficiency = 6.61
Lift = 150
PSI = 65

Results Calculated

$(hp)(\text{efficiency}) = 49.575$
Head based on psi = 165.1
Total dynamic head = 315.1
(head + lift)

Pump Capacity = 0.157 cubic feet per second

Pump Capacity Calculator

using Department designed formula: *Pump 2*

$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 20
Efficiency = 6.61
Lift = 200
PSI = 112

Results Calculated

$(\text{hp})(\text{efficiency}) = 132.2$
Head based on psi = 284.5
Total dynamic head = 484.5
(head + lift)

Pump Capacity = 0.273 cubic feet per second

Pump Capacity Calculator
using Department designed formula:

Pump 2

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 20
Efficiency = 6.61
Lift = 165
PSI = 71

Results Calculated

$(hp)(\text{efficiency}) = 132.2$
Head based on psi = 180.4
Total dynamic head = 345.4
(head + lift)

Pump Capacity = 0.383 cubic feet per second

T-9210



County:	Clackamas
Taxlot:	14E25 02000
Owner1:	NELSON DAN L & LINDA B TRUSTEES
Owner2:	NULL
Owner Address:	31020 SE WAYBILL RD BORING OR 97009
Site Address:	38516 SE LUSTED RD BORING 97009
Acres:	68.4
TRISQ:	WM1 0054 00E25XXXX
Effective Date:	January 1, 2014



T-9210

Dan L Nelson

- verified w/ Clackamas Co.

LINDA B Nelson
Trustees

31020 SE Waybill RD

BORING, OR

97009

46-04

TBR

2002-09

2014

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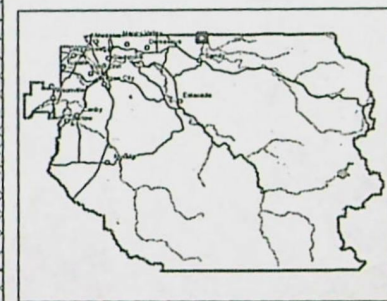
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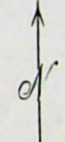
SECTION 25 T.1S. R.4E. W.M.
CLACKAMAS COUNTY
1" = 400'

Cancelled Taxlots
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- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tax Code Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY



01-02-2014

14 E 25

Water Rights Platcard Report

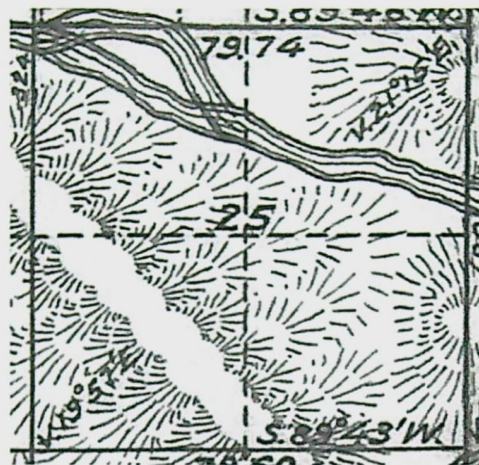
 Meridian: Township: Range: Section: Records per Page: Search

 Platcards Maps!
[Learn about](#) * [View Map](#)

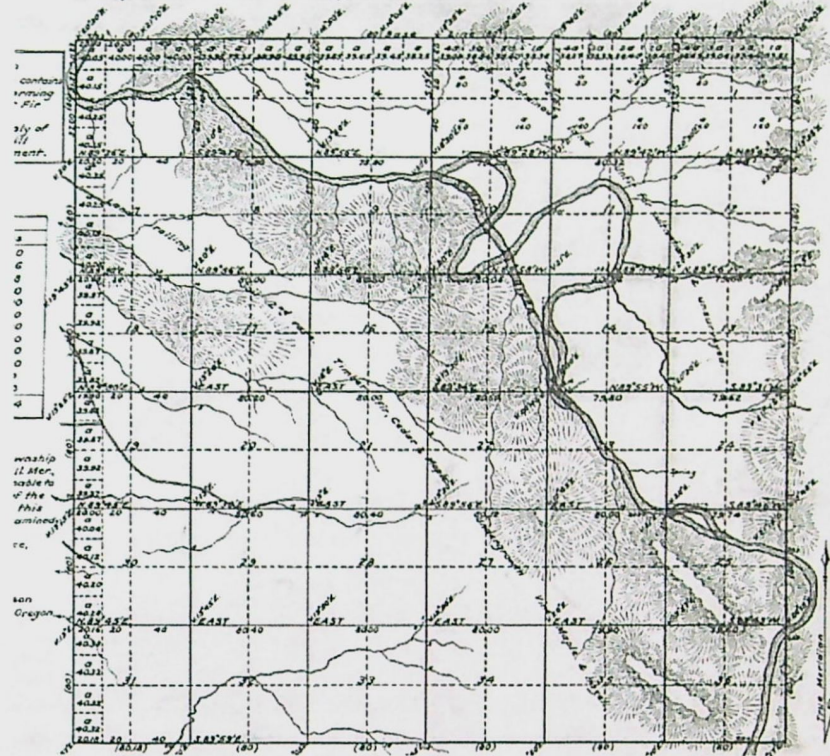
Water Right	Channing Years	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Permit: G 13054 * Additional Info: HOLLY MARTIN App: G14246 Permit: G13054		1/26/1996	AGRICULTURE USES															*					
Select Permit: G 13411 CN Additional Info: C/O BILLY TOSHEFF App: G14522 Permit: G13411		5/5/1997	DOMESTIC EXPANDED	CN																			
Select Permit: G 13054 * Additional Info: HOLLY MARTIN App: G14246 Permit: G13054		1/26/1996	IRRIGATION															15					
Select Claim: GR 2131 * Additional Info: AMY IRENE GEERTZ Claim: GR2131		7/1/1952	IRRIGATION											5				10					
Select Inchoate: T 9210 CF (REG) * Additional Info: DAN NELSON App: R76927		1/1/1993	MULTIPLE PURPOSE															(*)					
Select Permit: R 14141 * Additional Info: DAN NELSON App: R86099 Permit: R14141		1/5/2005	MULTIPLE PURPOSE															*					
Select Permit: S 34713 CN Additional Info: CORBETT WATER DISTRICT App: S46469 Permit: S34713		10/6/1969	MUNICIPAL USES	CN																			
Select Permit: G 13411 CN Additional Info: C/O BILLY TOSHEFF App: G14522 Permit: G13411		5/5/1997	NURSERY USES	CN																	20.5	21	
Select Permit: G 15436 * Additional Info: DAN NELSON App: G15710 Permit: G15436		2/15/2002	NURSERY USES														28.5	35.4					
Select Permit: S 54192 * Additional Info: HANS NELSON AND SONS NURSERY INC. App: S85058 Permit: S54192		2/15/2002	NURSERY USES														35.75	35.4					
Select Permit: S 54652 * Additional Info: HANS NELSON AND SONS NURSERY INC. App: S86622 Permit: S54652		6/15/2006	NURSERY USES														28.5	35.4					

 Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

T-9210



Township N° 1 South, Range N° 4 East, Willamette Meridian, Oregon.



STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING A CHANGE IN CHARACTER OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9210 submitted by

DAN NELSON dba HANS NELSON AND SONS NURSERY, INC.
31020 SE WAYBILL ROAD
BORING, OREGON 97009-9427.

The right to be modified, as evidenced by Certificate 70836, was perfected under Application R-76927 with a date of priority of JANUARY 1, 1993. The right allows the storage of A SPRING IN AN UNNAMED RESERVOIR, a tributary of the SANDY RIVER, for WILDLIFE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 5.0 ACRE FEET.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The reservoir is located as follows:

SW¼ SW¼
SECTION 25

TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described above.

The applicant proposes to change the character of use from ~~STORAGE FOR WILDLIFE~~ to ~~STORAGE FOR MULTIPLE PURPOSES; INCLUDING, BUT NOT LIMITED TO NURSERY USE AND AGRICULTURAL USE.~~

This order corrects a scrivener's error in found in Certificate 70836. The ¼, ¼ was omitted in the location description of the reservoir.

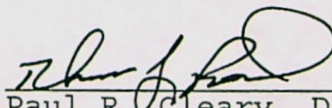
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before ~~October 1, 2004.~~

Certificate 70836 is cancelled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed ~~DEC 30 2002~~.


152 Paul R. Cleary, Director

CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-010(1) and 690-014-0110(4).

0000000

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. A separate form shall be completed for each permit or transfer final order.

I. General Information

RECEIVED

1. Application number: R-76927 (HB-2153) S-85058
2. Permit number:
CERTIFICATE: 70836 (NOW CANCELLED)
TRANSFER T-9210 (added irrigation use, was just wildlife use for pond)
(SPECIAL ORDER VOL. 56, PG 2256)
3. County: CLACKAMAS
4. Tax Lot Information: (Shown on map 1 4E 25 & 36 INDEX)

**WATER RESOURCES DEPT
SALEM, OREGON**

OCT 06 2004

Tax map number	Tax lot number
1 4E 25	2000 (68.70AC, #38360 & #38616)
1 4E 36	PART OF TL 2000 ABOVE (no separate TL number)

5. Date of Site Inspection: SEPTEMBER 22, 2004 WEDNESDAY
6. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
DAN L. NELSON	9/22/2004	PRESIDENT of HANS NELSON & SONS NURSERY, INC.

7. Permittee / Transferee of record (this may not be the current property owner)

a. Individuals

	Individual 1	Individual 2
Name	See below	
Mailing Address		
City/State/Zip		

b. Businesses/Organizations

Name	HANS NELSON & SONS NURSERY, INC.
Contact Person and Title	DAN L. NELSON, PRESIDENT
Mailing Address	31020 SE WAYBILL ROAD
City/State/Zip	BORING, OR 97009

8. Property owner (current owner information)

c. Individuals

Name		
Mailing Address		
City/State/Zip		
Phone #		
Fax #		
e-mail address		

d. Businesses/Organizations

Name	HANS NELSON & SONS NURSERY, INC.
Contact Person and Title	DAN L. NELSON, PRESIDENT
Mailing Address	31020 SE WAYBILL ROAD
City/State/Zip	BORING, OR 97009-9427
Phone	503-663-3348 OFFICE 503-310-9708 CELL
Fax	503-663-0138
e-mail	dnelson@hansnelson.com

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department.

9. If any property described in the permit or transfer final order is not included in this report, identify the owner of record for that property (ORS 537.230(3)):

**Mark "NA" if there are no owners of property not included in this claim

Name	NA
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

RECEIVED

OCT 06 2004

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

**WATER RESOURCES DEPT
SALEM, OREGON**

II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion/appropriation.

1. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepenings)

2. Point of diversion/appropriation sources and tributary:

Source	Tributary to
INTAKE #1 & #2: RESERVOIR #1	SPRING, TRIBUTARY OF SANDY RIVER

3. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
INTAKE #1 & #2: SW of SW Sec.25, 1S, 4E WM Clackamas County, OR	1300'N & 590' E of SW Corner Sec.25, 1S 4E WM (NEW COORDINATES)

4. Use(s), period of use, and rate for each use:

Uses	When water is used	Rate for use
Multiple uses, including, not limited to: NURSERY USE	Not Stated, Transfer Appl. Asked for 64.10ac & normal irrigation season March 1 to Oct. 31st	0.8013cfs (360gpm)
AGRICULTURAL USES	Assumed "temperature control", Nov.1 to end Feb.	0.8013cfs (360gpm)

Total Quantity of Water 0.8013cfs (360gpm)

RECEIVED

OCT 06 2004

**WATER RESOURCES DEPT
SALEM, OREGON**

5. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
		NWSW	25	1S	4E	IRRIG	28.50	
		SWSW	25	1S	4E	IRRIG	35.40	
		NWNW	36	1S	4E	IRRIG	0.20	

Total Acres Irrigated 64.10ac

Groundwater Source Information (Well and Sump)

**If the appropriation is not from ground water (well or sump), this section, items 1-4, can be deleted.

1. Describe the access port or other means to measure the water level in the well in the box below:

N/A

2. If well logs are not available, provide as much of the following information as possible:

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Well drilled for	Well drilled by
N/A						

In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

N/A

**If the appropriation is not from a sump, the following section, items 3-4, can be deleted.

3. If the appropriation involves a **SUMP**, provide the following information for each **SUMP**:

Length	Width	Circumference	Maximum depth	Surface area (in acres)	Volume in acre feet
N/A					

4. Provide sump volume calculations in the box below:

N/A

Reservoir Data

**If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-6, can be deleted.

1. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table below.

$(9.5)(2.02) = 19.19 \text{ A.F.}$ T-9210 is for 5 A-F.

Maximum depth	Average depth	Surface area (in acres)	Volume in acre feet
N/A 9'	5'	2.02ac (I Surveyed)	9.0ac ft

RECEIVED

OCT 06 2004

2. Provide reservoir volume calculations in the box below:

R-86099
FOR 19 A.F.

WATER RESOURCES DEPT
SALEM, OREGON

3. Provide the following information concerning the physical characteristics of the dam:

Crest width (W)	Dam height at centerline (H)	Distance from downstream top of dam to downstream toe (L)	Distance from upstream top of dam to upstream toe (U)	Water level at inspection	Downstream slope	Upstream slope
120' top slopes to north	9.5' Excavated hole above dam by dragline. Sides were done with big hydraulic backhoe	About 100ft, please see picture & scaled drawings.	About 20ft	12" up batterboards		

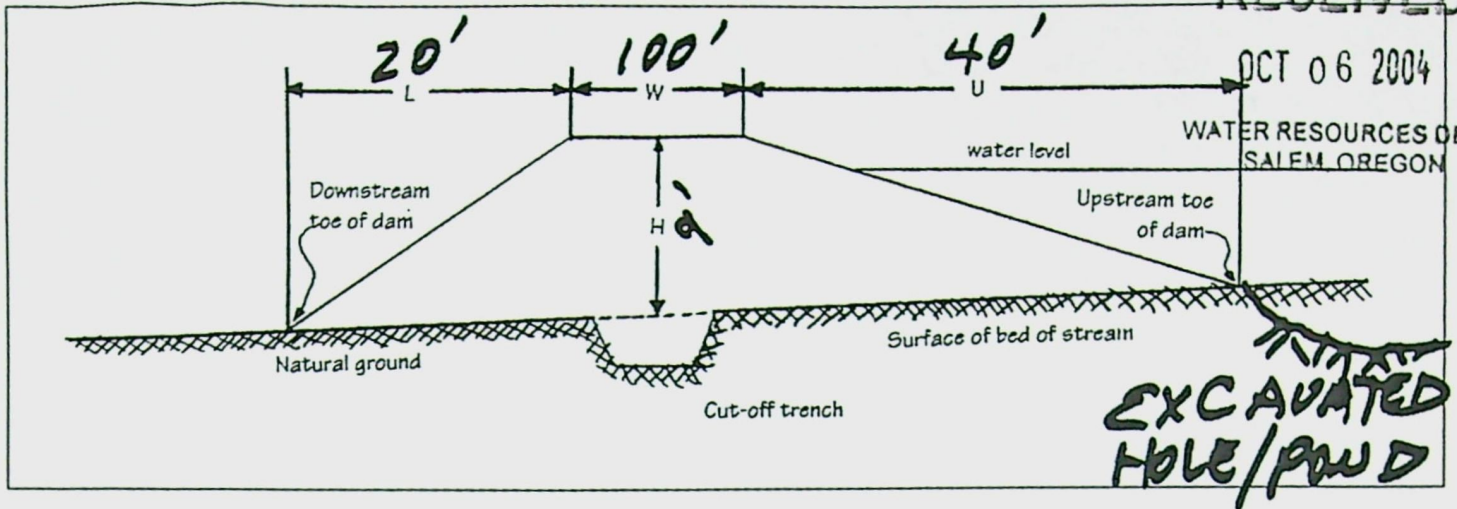
(Has another 20ft of pipe under slope from dam top to culvert outlet)

Example Dam Profile **This box can be deleted from the form

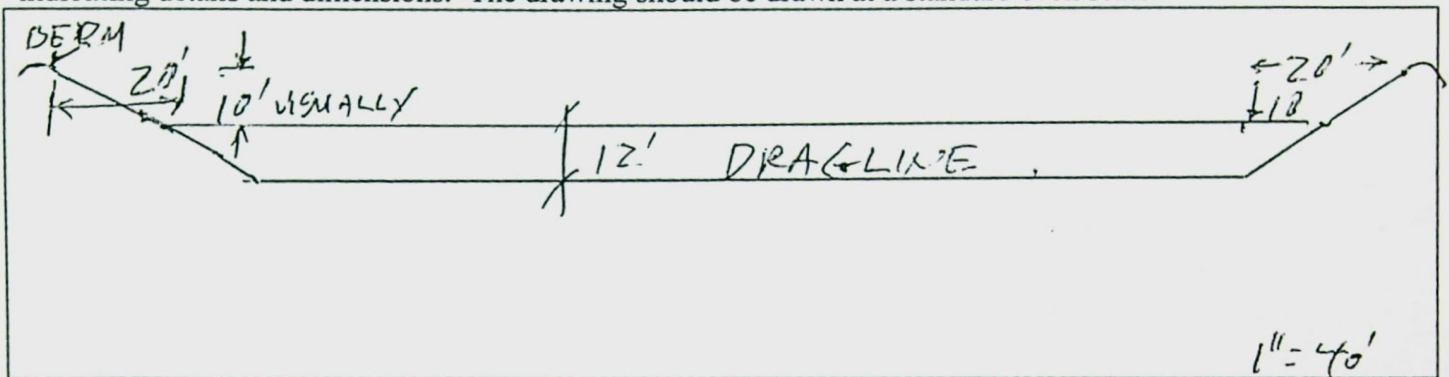
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WATER RESOURCES DEPT
SALEM, OREGON



4. In the box below, provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.



5A. Describe the outlet works (size and type of the outlet conduit and location) in the box below:

24" diameter corrugated pipe (first 20ft), has 2"x6" batter boards to control level of reservoir. (Dan bought 120ft w/tight solid ABS pipe from Familian Northwest).

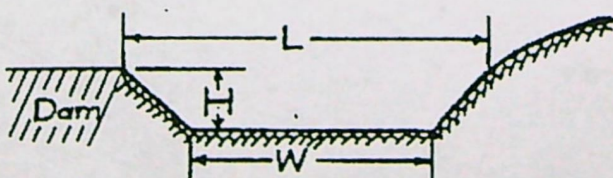
5B. Describe the DRAIN works (size and type of the outlet conduit and location) in the box below:

8"X 13' drain SDR35, 3034 PVC (first 13ft), then ABS to outlet (bought from Familian Northwest). They 8" gate valve is a AFC 2508 MJ by MJ. The 6" white PVC goes up to beneath the floor planks of the dock (lift off the loose 2"x6" plank between the 2 dock upright supports).

6. Describe the emergency spillway (dimensions and location) in the box below:

Spillway location	Bottom width (W)	Top width (L)	Spillway depth (H)
West side dam, in natural ground, channel to creek.	Graded as a dip in ground, seems like 8' wide. Access road around reservoir crosses it.		Seems like 2ft deep, is a graded channel with rounded / smoothed sides - is drivable.

Example Spillway Profile



✓ Rounded
various
2'-3' 3' 4'

Gravity flow pipe (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

**If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

1. If the system involves a gravity flow pipe, complete the table below.

Pipe size	Pipe type	"C" factor	Amount of fall	Length of pipe	Slope	Computed volume
N/A	ALL PUMPED					

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2. Provide calculations in the box below:

N/A	WATER RESOURCES DEPT SALEM, OREGON
-----	---------------------------------------

3. If an actual measurement was taken, provide the following:

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water
N/A			

Attach measurements notes

Gravity flow canal or ditch (The Department typically uses Manning's formula for canals and ditches)

**If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

1. If the system involves a gravity canal or ditch, complete the table below.

Canal or ditch type (material)	Top width of canal or ditch	Bottom width of canal or ditch	Depth	"N" factor	Amount of fall	Length of canal/ditch	Slope	Computed volume
N/A, All pumped								

2. Provide calculations in the box below:

N/A

3. If an actual measurement was taken, provide the following:

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water

Attach measurements notes

System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type	Intake size	Discharge size	Impeller
Pump #1 Cornell	1.25W- CC PKG	133302 6.50 TC-07021	END SUCTION CENTRIFUGAL	1.5"	2"NPT	6.50"
Pump #2 Berkeley	B2-1/2 ZPL	M10481, BM B51626M	END SUCTION CENTRIFUGAL	3"?	2.5"?	7.25"

If a performance curve is available, attach to the claim (ATTACHED)

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Pump #1 Baldor Electric	Spec 366806Y242M2	7.5	3450 (3600 nom.)	480V-3 phase
Pump #2 Baldor	Cat JPM2514T, SPEC.39K0364663	20	3325 (3600 nom.)	480V-3 phase

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SALEM, OREGON

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition	Current meter reading	Notes
N/A				

4. Measurement device description

Device description	Condition	Notes
N/A		

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
N/A			

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output See Pump Curve
Pump #1	65 to 75psi	Pump Curve 64gpm @175ft (75psi) and 120gpm @ 150ft 65psi 0.14CFS - 0.27CFS	10-25ft	64 to 120gpm per curve
Pump #2		260gpm 200ft (112psi) and 200gpm @165ft (71psi) 0.58CFS - 4.5CFS		

7. Provide pump calculations in the box below:

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SALEM, OREGON

8B. Mainline information (Constructed March 25, 2004)

Mainline size	Length	Type of pipe
125psi gasketed 5"	3300'	PVC
200psi gasketed 5"	200'	PVC
160psi gasketed 4"	480'	PVC
Schedule 40 2"	1000'	PVC

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SALEM, OREGON

9. Handline information

Handline size	Length	Type of pipe
4" x 30' Handset Alum. Piping	40 pieces	Aluminum
3" x 40' Hand-set Alum Piping	50 pieces	Aluminum 2,00ft total

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Rainbird 30	Rotating	1 1/32"	65-112psi	__ gpm each	Lots	+/- gpm
		Orifice Nozzle	Pump #1 & Pump #2			

Refer to the chart of sprinkler output at various pressures for most nozzle sizes.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

11. Additional notes or comments related to the system:

Irrigates ____ per set of ____ Rainbird rotating __gpm sprinklers on 3/4" galv riser.

III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

	Date	Explanation
Begin construction INTAKE #1 & #2	4/29/2003	Bought pipe & installed pumps
Complete construction INTAKE #1 & #2	3/25/2004	Bought rest of pipe, finished filters & pumps.
Complete application of water		

INTAKE #1	9/22/2004	Final Proof Survey - field inspection by me.
-----------	-----------	--

2. Initial Water Level Measurements:

****If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.**

- a. Was the water user required to submit an initial static water level measurement? NO
- b. What month was the initial measurement to be taken in? N/A
- c. Did the water user make the initial static water level measurement in the month required? NO
- d. If "YES", was the measurement submitted to the Department?
- e. If the initial measurement not been submitted, provide that measurement now if available:

Date of measurement	Who made measurement	Method	Measurement
N/A			

3. Annual Static Water Level Measurements:

****If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.**

- a. Was the water user required to submit annual static water level measurements? NO
- b. In the box below, provide the month in which the static water level was to be made:
N/A
- c. Did the water user make the static water level measurements in the month required?
- d. If "YES", were those measurements submitted to the Department?
- e. If the annual measurements were not submitted, provide the measurements now in the box below:

Year	Month	Measurement made by	Measurement
N/A			

4. Measurement, recording, and reporting conditions:

- a. Does the permit or transfer final order require the installation of a meter or approved measuring device?
XXX YES ****If "NO", items b through g relating to this section can be deleted.**

- b. Has a meter been installed? NO

- c. Provide the date the meter was installed:

N/A

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SALEM, OREGON

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? N/A

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date
No Letter		

f. Is the water user required to report the water use to the Department? NO

g. Have the reports been submitted? N/A

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening and/or By-pass Devices

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? NO

**If "NO", items b through i relating to this section can be deleted

b. Has the fish screening been installed? NO N/A

c. When was the fish screening installed?

Date	By whom
N/A	

d. Is the **total** diversion rate of all rights at the point of diversion less than N/A YES NO

e. If the diversion rate is less than 0.5 cfs, the water user can self certify the fish screen.

f. Has a self certification form been previously submitted to the Department? NO

g. If not, is the self certification form attached to this Claim? NO

h. Has the by-pass device been installed? NO

i. Describe the by-pass device:

When installed	By whom	Approved by ODFW	Description
N/A			

6. **Pump Test** (typically required for ground water uses prior to issuance of a certificate, but not a requirement of permit development)

a. Has a pump test been submitted and approved by the Department? N/A

b. If no, is the pump test attached to this Claim? NO

7. **Other Permit Conditions** (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

IV. Conclusions, Signatures

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SALEM, OREGON

Permit and Transfer Final Order Rates and System Rates Comparisons:

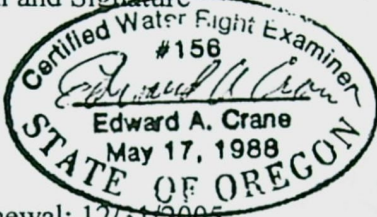
POD or POA name or #	Rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	# of acres allowed by permit or transfer final order	# of acres developed
INTAKE #1 & #2	Not Stated 0.8013CFS		(told)	64.10 ac	64.10ac total

Claim of Beneficial Use Map

The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned.

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

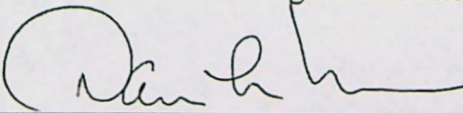
Seal and Signature  Renewal: 12/31/2005 Signed: 09/29/2004 EDWARD A. CRANE, CWRE Crane Engineering & Surveying, Inc. 13755 SE 119 th Drive Clackamas, OR 97015 Tel: 503-698-3890 Fax: 503-698-3861 Cell: 503-679-3253 E-Mail: eces@verizon.net
--

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WATER RESOURCES DEPT
SALEM, OREGONLand Owners Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

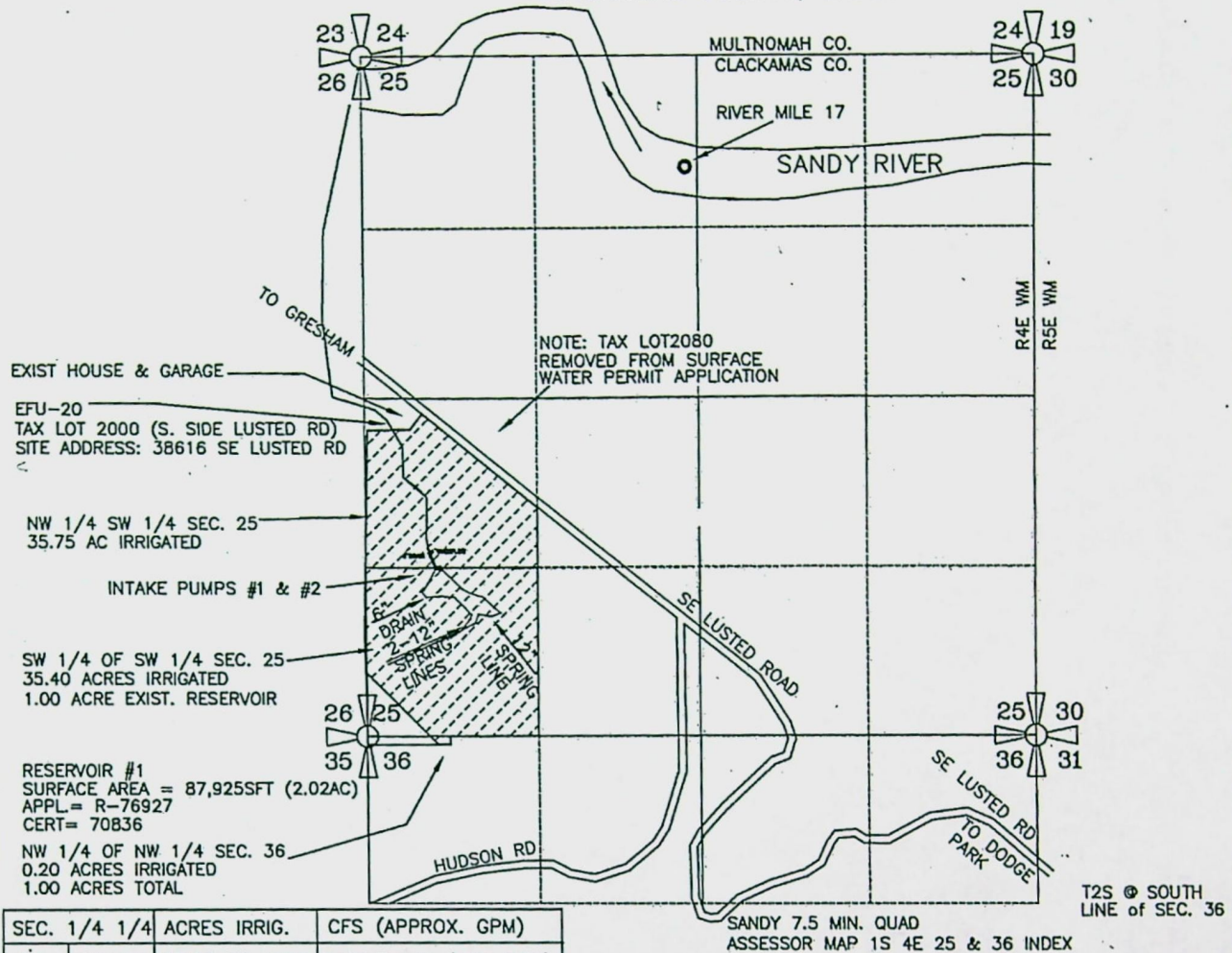

 Signature DAN L. NELSON

9-29-04

Date

CORPORATE
BOUNDARY LINE
DONATION LAND
CLAIM (DLC #)

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



SEC.	1/4	1/4	ACRES IRRIG.	CFS (APPROX. GPM)
25	NW	SW	28.50 AC IRRIG	0.3563 CFS (160 GPM)
25	SW	SW	35.40 AC IRRIG	0.4425 CFS (199 GPM)
36	NW	NW	0.20 AC IRRIG	0.0025 CFS (1.12 GPM)
TOTAL IRRIG.			64.10 ACRES	0.8013 CFS (360 GPM)

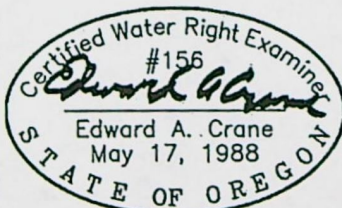
RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153)
WAS FOR WILDLIFE USES ONLY. THIS TRANSFER APPLICATION
ADDS IRRIGATION USES (GEN NURSERY USES & AGRICULTURAL USES).

RESERVOIR INTAKE #1 & #2 ARE LOCATED 1300 FEET NORTH & 590 FT
EAST FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 1
SOUTH, RANGE 4 EAST OF THE WM, CLACKAMAS COUNTY, OREGON

PREPARATION OF THIS MAP WAS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP LINES.

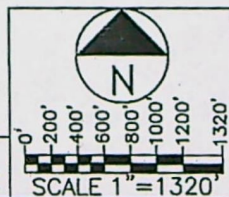
TRANSFER T-9210, S-85058
STORAGE RESERVOIR CERT. 70836

PREPARED BY EDWARD A. CRANE, CWRE



Renewal 12/31/2005
Signed 9.29.04

SURVEYED SEPT. 22, 2004
BY EDWARD A. CRANE, CWRE



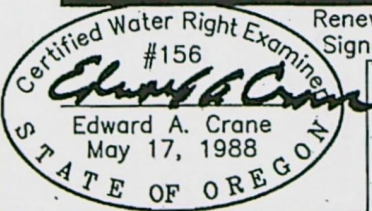
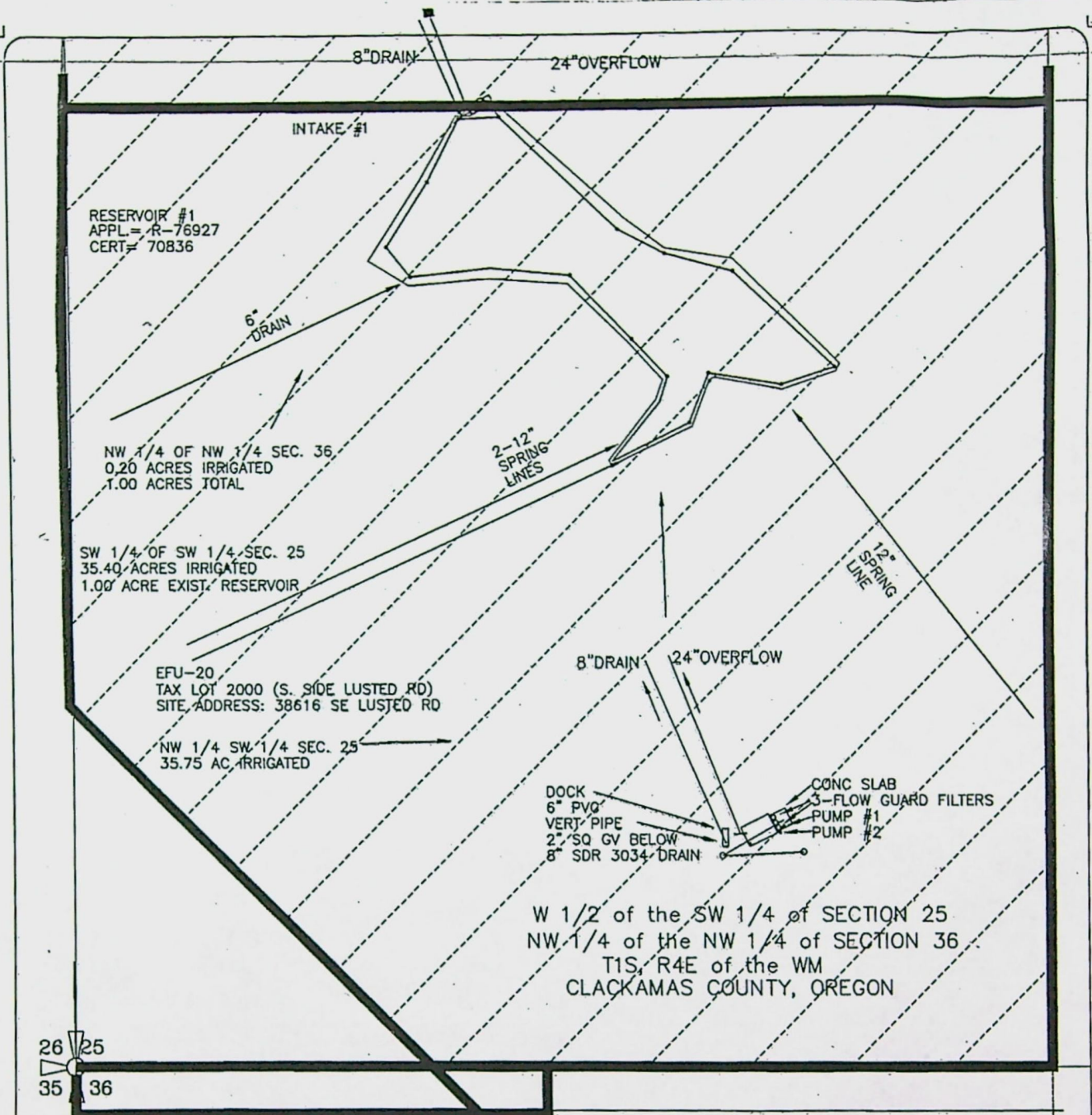
DATE
SEPT. 2004
PROJECT NO.
347-005



CRANE ENGINEERING
& SURVEYING, INC.
13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015
OFFICE: 503-698-3890
FAX NO: 503-698-3861
CELL: 503-679-3253
E-MAIL: eces@verizon.net

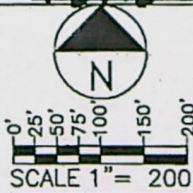
APPLICATION FOR PERMIT NUMBER R-76927
(UNDER HB-2153), IN THE NAME OF:
DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET
1/3



SURVEYED SEPT. 22, 2004

Renewal 12/31/2005
Signed 9.22.2004



PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

TRANSFER T-9210, S-85058
STORAGE RESERVOIR CERT. 70836

PREPARED BY EDWARD A. CRANE, CWRE

DATE
SEPT. 2004
PROJECT NO.
347-005



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& SURVEYING, INC.**
13755 SE 119TH DRIVE
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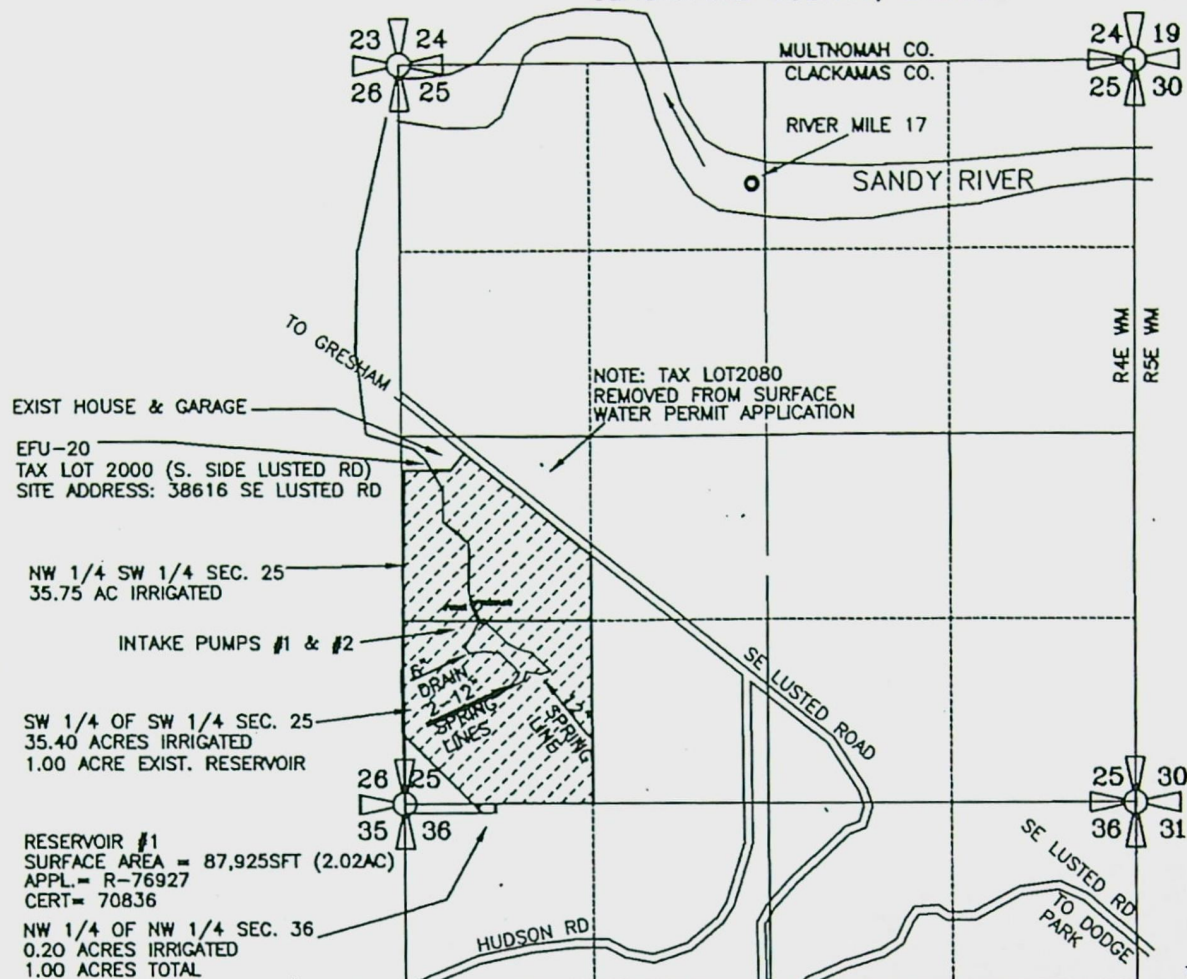
APPLICATION FOR PERMIT NUMBER R-76927
(UNDER HB-2153), IN THE NAME OF:

DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET
2/3

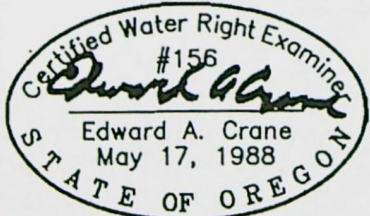
CORPORATE
BOUNDARY LINE _____
DONATION LAND
CLAIM (DLC #) _____

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



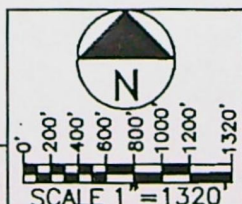
SEC. 1/4 1/4	ACRES IRRIG.	CFS (APPROX. GPM)
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36 NW NW	0.20 AC IRRIG	0.0025 CFS (1.12 GPM)
TOTAL IRRIG.	64.10 ACRES	0.8013 CFS (360 GPM)

SANDY 7.5 MIN. QUAD
ASSESSOR MAP 1S 4E 25 & 36 INDEX
RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153)
WAS FOR WILDLIFE USES ONLY. THIS TRANSFER APPLICATION
ADDS IRRIGATION USES (GEN NURSERY USES & AGRICULTURAL USES).



Renewal 12/31/2005
Signed 9.29.04

SURVEYED SEPT. 22, 2004
BY EDWARD A. CRANE, CWRE



RESERVOIR INTAKE #1 & #2 ARE LOCATED 1300 FEET NORTH & 500 FT EAST FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 4 EAST of the WM, CLACKAMAS COUNTY, OREGON

PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

TRANSFER T-9210, S-85058
STORAGE RESERVOIR CERT. 70836

PREPARED BY EDWARD A. CRANE, CWRE

DATE
SEPT. 2004

PROJECT NO.
347-005



**CRANE ENGINEERING
& SURVEYING, INC.**
13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015
OFFICE: 503-698-3890
FAX NO: 503-698-3861
CELL: 503-679-3253
E-MAIL: ecses@verizon.net

APPLICATION FOR PERMIT NUMBER R-76927
(UNDER HB-2153), IN THE NAME OF:

DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

1/3

STATE OF OREGON
COUNTY OF Clackamas

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

CHRISTINA R VAERETTI
RANNO, WILLIAM E
PO BOX 1506
SANDY, OR 97055

confirms the right to store the waters of
A SPRING, A TRIBUTARY OF SANDY RIVER IN AN UNNAMED RESERVOIR
for WILDLIFE.

The right to store and use these waters was perfected under Reservoir Application R-76927.
The date of priority is January 1, 1993. The amount of water entitled to be stored and
used each year under this right is not more than 5.0 ACRE-FEET

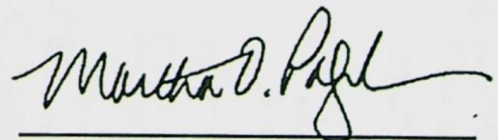
Located as follows:

1/4 1/4 SECTION 25, TOWNSHIP 1 SOUTH, RANGE 4 EAST WM.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with
a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary
for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of
use listed above.

WITNESS the signature of the Water Resources Director, affixed **FEBRUARY 27, 1996.**



Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 70836



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

December 27, 2004

Dan L. Nelson, President
Hans Nelson & Sons Nursery Inc.
31020 SE Waybill Road
Boring, OR 97009

Reference: Transfer Application No. T-9210, Application No. 85058

Dear Mr. Nelson:

The Department received your claim of beneficial use and site report (Report) describing the use of water allowed by Order of the Department approving Transfer Application No. T-9210 on October 6, 2004.

The Report appears to be complete, however, the Department has yet to approve the use of water from the reservoir as proposed by Application No. 85058. The reason for bringing this to your attention is the storage capacity of the reservoir appears to have changed since the date of filing of Application R-76927. In as much, a new application for permit for the additional storage in the reservoir should be made and approved before you may legally store any amount beyond 5.0 acre-feet of water allowed under the Order approving Transfer Application No. T-9210.

You should carefully review the amount of water which you should make application as it appears the total capacity of the reservoir may exceed the 9.0 acre-feet described in your Report. In addition, if you wish to appropriate the additional amount of stored water an additional application should be submitted and approved prior to the use of water.

If you have any questions regarding the processing of your Application No. 85058, you may contact Anita Huffman, at telephone number 503.986.0815. Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have. My telephone number is 503.986.0809.

Sincerely,

Steve Brown
Certificates

c: Mr. Crane, CWRE
Mr. McCord, Watermaster, District 20



Crane Engineering & Surveying, Inc.

13755 S.E. 119th Drive
Clackamas, OR 97015
Office: (503) 698-3890
Cell: (503) 679-3253
FAX: (503) 698-3861
Email: eces@verizon.net

Oregon Water Resources Department
Application and Permit Section
725 Summer Street NE, Suite "A"
Salem, Oregon 97301-1271

Octob
Revis

*Please- Replace the
other one sent in
by Dan Nelson
(Had well monitored)
ED*

SUBJECT: Hans Nelson & Sons Nursery, Inc.

Claim of Beneficial Use & Site Report – Reservoir
Cert. 70836; Appl. R-76927 (HB-2153) Final Proof Survey & Maps
Property is Located at 38615 SE Lusted Road
TL 2000, W1/2 of SW of Sec. 25 & NW NW Sec.36, T1S, R4E of WM
Clackamas County, Oregon

D:\CRANE ENGR & SURVEY\PROJECTS\347-005\OWRD1.DOC

Ladies and Gentlemen:

Enclosed is the Claim of Beneficial Use and Site Report from Dan Nelson dba Hans Nelson & Sons Nursery, Inc. This Final Proof Survey is for adding irrigation use from their reservoir submitted under Transfer T-9210 for the use of 0.8013 cubic foot per second (360gpm) on 64.10.0 acres of land.

I inspected the reservoir including two irrigation pumps, discharge piping and on September 22, 2004. Attached are the Final Proof Survey Maps showing the location of this reservoir.

Please contact the Dan Nelson at 503-663-3348 if you have any questions about their reservoir and irrigation system. I'm available to answer any questions or concerns that you may have about the Claim of Beneficial Use, Site Report or Final Proof Survey Maps and can be reached by telephone at 503-698-3890 and by Fax at 503-698-3861.

Sincerely,
CRANE ENGINEERING & SURVEYING, INC.

Edward A. Crane, CWRE

cc: Dan Nelson dba
Hans Nelson & Sons Nursery, Inc.
31020 SE Waybill Road
Boring, OR 97009

Tel: 503-663-3348
Fax: 503-663-0138
Cell: 503-310-9708
E-Mail: dnelson@hansnelson.com

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OCT 15 2004

**WATER RESOURCES DEPT
SALEM, OREGON**



Crane Engineering & Surveying, Inc.

13755 S.E. 119th Drive
Clackamas, OR 97015
Office: (503) 698-3890
Cell: (503) 679-3253
FAX: (503) 698-3861
Email: eces@verizon.net

Oregon Water Resources Department
Application and Permit Section
725 Summer Street NE, Suite "A"
Salem, Oregon 97301-1271

October 14, 2004
Revised

SUBJECT: Hans Nelson & Sons Nursery, Inc.

Claim of Beneficial Use & Site Report – Reservoir Transfer T-9210
Cert. 70836; Appl. R-76927 (HB-2153) Final Proof Survey & Maps
Property is Located at 38615 SE Lusted Road
TL 2000, W1/2 of SW of Sec. 25 & NW NW Sec.36, T1S, R4E of WM
Clackamas County, Oregon

D:\CRANE ENGR & SURVEY\PROJECTS\347-005\OWRD1.DOC

Ladies and Gentlemen:

Enclosed is the Claim of Beneficial Use and Site Report from Dan Nelson dba Hans Nelson & Sons Nursery, Inc. This Final Proof Survey is for adding irrigation use from their reservoir submitted under Transfer T-9210 for the use of 0.8013 cubic foot per second (360gpm) on 64.10.0 acres of land.

I inspected the reservoir including two irrigation pumps, discharge piping and on September 22, 2004. Attached are the Final Proof Survey Maps showing the location of this reservoir.

Please contact the Dan Nelson at 503-663-3348 if you have any questions about their reservoir and irrigation system. I'm available to answer any questions or concerns that you may have about the Claim of Beneficial Use, Site Report or Final Proof Survey Maps and can be reached by telephone at 503-698-3890 and by Fax at 503-698-3861.

Sincerely,
CRANE ENGINEERING & SURVEYING, INC.

Edward A. Crane, CWRE

cc: Dan Nelson dba
Hans Nelson & Sons Nursery, Inc.
31020 SE Waybill Road
Boring, OR 97009

Tel: 503-663-3348
Fax: 503-663-0138
Cell: 503-310-9708
E-Mail: dnelson@hansnelson.com

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Crane Engineering & Surveying, Inc.

13755 S.E. 119th Drive
Clackamas, OR 97015
Office: (503) 698-3890
Cell: (503) 679-3253
FAX: (503) 698-3861
Email: eces@verizon.net

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**WATER RESOURCES DEPT
SALEM, OREGON**

Oregon Water Resources Department
Application and Permit Section
725 Summer Street NE, Suite "A"
Salem, Oregon 97301-1271

September 29, 2004

SUBJECT: Hans Nelson & Sons Nursery, Inc.

Claim of Beneficial Use & Site Report – Reservoir Transfer T-9210
Cert. 70836; Appl. R-76927 (HB-2153) Final Proof Survey & Maps
Property is Located at 38615 SE Lusted Road
TL 2000, W1/2 of SW of Sec. 25 & NW NW Sec.36, T1S, R4E of WM
Clackamas County, Oregon

D:\CRANE ENGR & SURVEY\PROJECTS\347-005\OWRD1.DOC

Ladies and Gentlemen:

Enclosed is the Claim of Beneficial Use and Site Report from Dan Nelson dba Hans Nelson & Sons Nursery, Inc. This Final Proof Survey is for adding irrigation use from their reservoir submitted under Transfer T-9210 for the use of 0.8013 cubic foot per second (360gpm) on 64.10.0 acres of land.

I inspected the well including well head, discharge piping, hydro-pneumatic tank on September 22, 2004. Attached are the Final Proof Survey Maps showing the location of this reservoir.

Please contact the Dan Nelson at 503-663-3348 if you have any questions about their reservoir and irrigation system. I'm available to answer any questions or concerns that you may have about the Claim of Beneficial Use, Site Report or Final Proof Survey Maps and can be reached by telephone at 503-698-3890 and by Fax at 503-698-3861.

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31020 SE Waybill Road
Boring, OR 97009

Tel: 503-663-3348
Fax: 503-663-0138
Cell: 503-310-9708
E-Mail: dnelson@hansnelson.com

CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-010(1) and 690-014-0110(4).

0000000

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. A separate form shall be completed for each permit or transfer final order.

I. General Information

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1. Application number: R-76927 (HB-2153) S-85058
2. Permit number:
CERTIFICATE: 70836 (NOW CANCELLED)
TRANSFER T-9210 (added irrigation use, was just wildlife use for pond)
(SPECIAL ORDER VOL. 56, PG 2256)
3. County: CLACKAMAS
4. Tax Lot Information: (Shown on map 1 4E 25 & 36 INDEX)

Tax map number	Tax lot number
1 4E 25	2000 (68.70AC, #38360 & #38616)
1 4E 36	PART OF TL 2000 ABOVE (no separate TL number)

5. Date of Site Inspection: SEPTEMBER 22, 2004 WEDNESDAY
6. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
DAN L. NELSON	9/22/2004	PRESIDENT of HANS NELSON & SONS NURSERY, INC.

7. Permittee / Transferee of record (this may not be the current property owner)

a. Individuals

	Individual 1	Individual 2
Name	See below	
Mailing Address		
City/State/Zip		

b. Businesses/Organizations

Name	HANS NELSON & SONS NURSERY, INC.
Contact Person and Title	DAN L. NELSON, PRESIDENT
Mailing Address	31020 SE WAYBILL ROAD
City/State/Zip	BORING, OR 97009

8. Property owner (current owner information)

c. Individuals

Name		
Mailing Address		
City/State/Zip		
Phone #		
Fax #		
e-mail address		

d. Businesses/Organizations

Name	HANS NELSON & SONS NURSERY, INC.
Contact Person and Title	DAN L. NELSON, PRESIDENT
Mailing Address	31020 SE WAYBILL ROAD
City/State/Zip	BORING, OR 97009-9427
Phone	503-663-3348 OFFICE 503-310-9708 CELL
Fax	503-663-0138
e-mail	dnelson@hansnelson.com

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department.

9. If any property described in the permit or transfer final order is not included in this report, identify the owner of record for that property (ORS 537.230(3)):

**Mark "NA" if there are no owners of property not included in this claim

Name	NA
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

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Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

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II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion/appropriation.

1. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepening)

2. Point of diversion/appropriation sources and tributary:

Source	Tributary to
INTAKE #1 & #2: RESERVOIR #1	SPRING, TRIBUTARY OF SANDY RIVER

3. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
INTAKE #1 & #2: SW of SW Sec.25, 1S, 4E WM Clackamas County, OR	1300'N & 590' E of SW Corner Sec.25, 1S 4E WM (NEW COORDINATES)

4. Use(s), period of use, and rate for each use:

Uses	When water is used	Rate for use
Multiple uses, including, not limited to: NURSERY USE	Not Stated, Transfer Appl. Asked for 64.10ac & normal irrigation season March 1 to Oct. 31st	0.8013cfs (360gpm)
AGRICULTURAL USES	Assumed "temperature control", Nov.1 to end Feb.	0.8013cfs (360gpm)

Total Quantity of Water 0.8013cfs (360gpm)

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5. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
		NWSW	25	1S	4E	IRRIG	28.50	
		SWSW	25	1S	4E	IRRIG	35.40	
		NWNW	36	1S	4E	IRRIG	0.20	

Total Acres Irrigated 64.10ac

Groundwater Source Information (Well and Sump)

**If the appropriation is not from ground water (well or sump), this section, items 1-4, can be deleted.

1. Describe the access port or other means to measure the water level in the well in the box below:

N/A

2. If well logs are not available, provide as much of the following information as possible:

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Well drilled for	Well drilled by
N/A						

In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

N/A

**If the appropriation is not from a sump, the following section, items 3-4, can be deleted.

3. If the appropriation involves a **SUMP**, provide the following information for each **SUMP**:

Length	Width	Circumference	Maximum depth	Surface area (in acres)	Volume in acre feet
N/A					

4. Provide sump volume calculations in the box below:

N/A

Reservoir Data

**If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-6, can be deleted.

1. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table below.

Maximum depth	Average depth	Surface area (in acres)	Volume in acre feet
N/A	5'	2.02ac (I Surveyed)	9.0ac ft

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2. Provide reservoir volume calculations in the box below:

3. Provide the following information concerning the physical characteristics of the dam:

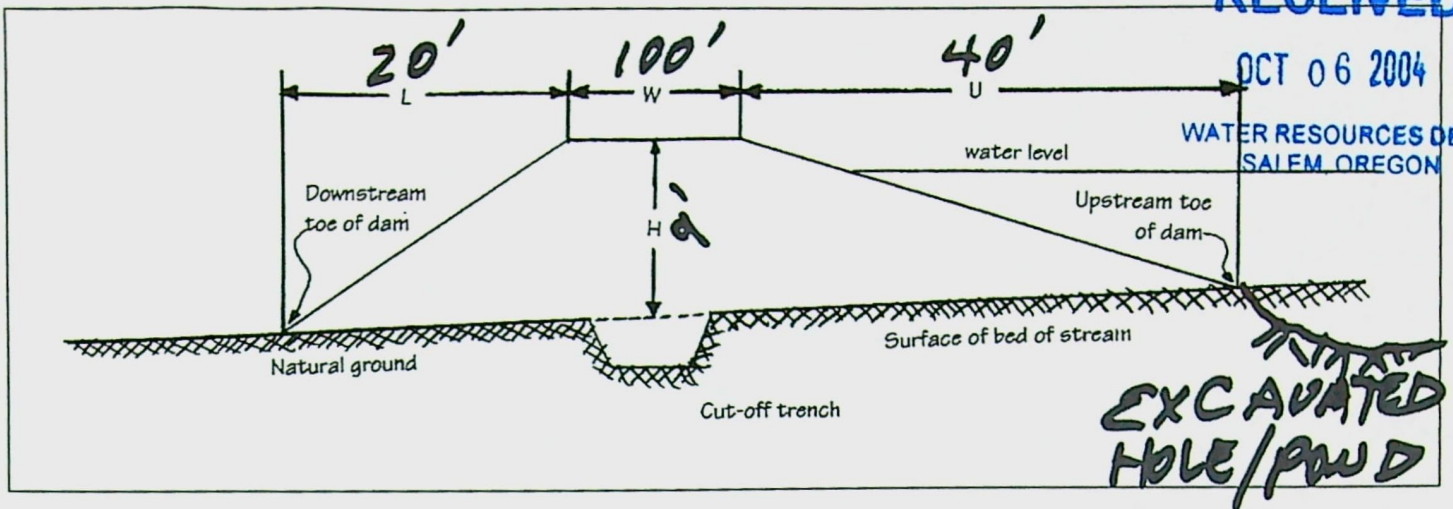
Crest width (W)	Dam height at centerline (H)	Distance from downstream top of dam to downstream toe (L)	Distance from upstream top of dam to upstream toe (U)	Water level at inspection	Downstream slope	Upstream slope
120' top slopes to north	9.5' Excavated hole above dam by dragline. Sides were done with big hydraulic backhoe	About 100ft, please see picture & scaled drawings.	About 20ft	12" up batterboards		

(Has another 20ft of pipe under slope from dam top to culvert outlet)

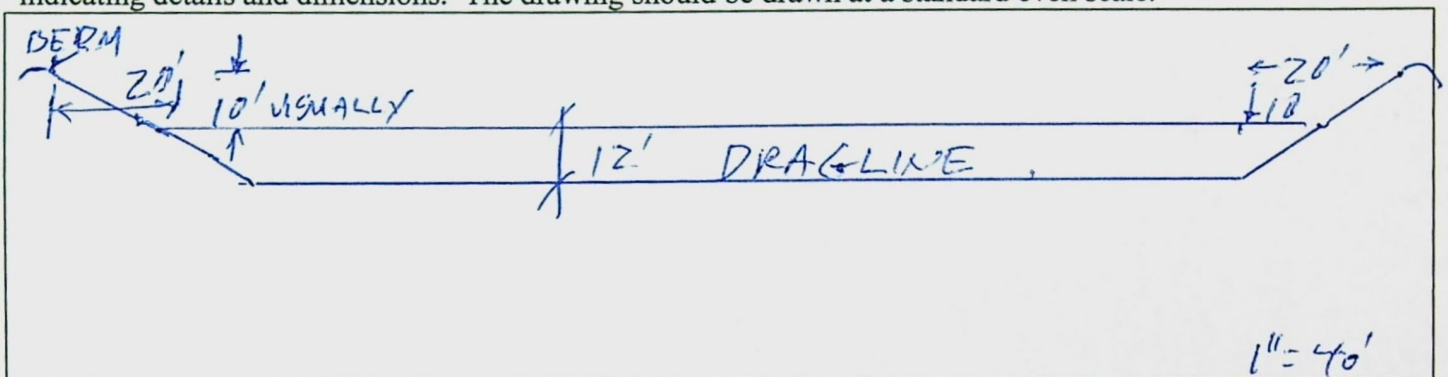
Example Dam Profile **This box can be deleted from the form

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4. In the box below, provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.



5A. Describe the outlet works (size and type of the outlet conduit and location) in the box below:

24" diameter corrugated pipe (first 20ft), has 2"x6" batter boards to control level of reservoir. (Dan bought 120ft w/tight solid ABS pipe from Familian Northwest).

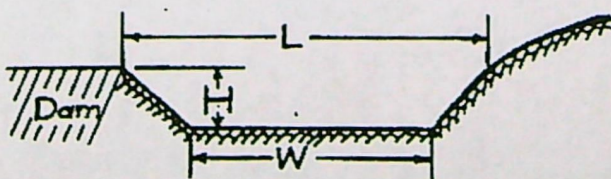
5B. Describe the DRAIN works (size and type of the outlet conduit and location) in the box below:

8"X 13' drain SDR35, 3034 PVC (first 13ft), then ABS to outlet (bought from Familian Northwest). They 8" gate valve is a AFC 2508 MJ by MJ. The 6" white PVC goes up to beneath the floor planks of the dock (lift off the loose 2"X6" plank between the 2 dock upright supports).

6. Describe the emergency spillway (dimensions and location) in the box below:

Spillway location	Bottom width (W)	Top width (L)	Spillway depth (H)
West side dam, in natural ground, channel to creek.	Graded as a dip in ground, seems like 8' wide. Access road around reservoir crosses it.		Seems like 2ft deep, is a graded channel with rounded / smoothed sides - is drivable.

Example Spillway Profile



Handwritten notes: "Rounded" with an arrow pointing to the spillway profile. "Jarvis 2'-3' 8' +/-" with arrows indicating dimensions.

Gravity flow pipe (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

****If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.**

1. If the system involves a gravity flow pipe, complete the table below.

Pipe size	Pipe type	"C" factor	Amount of fall	Length of pipe	Slope	Computed volume
N/A	ALL PUMPED					

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2. Provide calculations in the box below:

N/A	WATER RESOURCES DEPT SALEM, OREGON
-----	---------------------------------------

3. If an actual measurement was taken, provide the following:

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water
N/A			

Attach measurements notes

Gravity flow canal or ditch (The Department typically uses Manning's formula for canals and ditches)

****If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.**

1. If the system involves a gravity canal or ditch, complete the table below.

Canal or ditch type (material)	Top width of canal or ditch	Bottom width of canal or ditch	Depth	"N" factor	Amount of fall	Length of canal/ditch	Slope	Computed volume
N/A, All pumped								

2. Provide calculations in the box below:

N/A

3. If an actual measurement was taken, provide the following:

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water

Attach measurements notes

System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type	Intake size	Discharge size	Impeller
Pump #1 Cornell	1.25W- CC PKG	133302 6.50 TC-07021	END SUCTION CENTRIFUGAL	1.5"	2"NPT	6.50"
Pump #2 Berkeley	B2-1/2 ZPL	M10481, BM B51626M	END SUCTION CENTRIFUGAL	3"?	2.5"?	7.25"

If a performance curve is available, attach to the claim (ATTACHED)

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Pump #1 Baldor Electric	Spec 366806Y242M2	7.5	3450 (3600 nom.)	480V-3 phase
Pump #2 Baldor	Cat JPM2514T, SPEC.39K0364663	20	3325 (3600 nom.)	480V-3 phase

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3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition	Current meter reading	Notes
N/A				

4. Measurement device description

Device description	Condition	Notes
N/A		

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
N/A			

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output See Pump Curve
Pump #1	65 to 75psi	Pump Curve 64gpm @175ft (75psi) and 120gpm @ 150ft 65psi	10-25ft	64 to 120gpm per curve
Pump #2		260gpm 200ft (112psi) and 200gpm @165ft (71psi)		

7. Provide pump calculations in the box below:

****This box can be deleted from the form**

$$Q_{\text{pump}} = \frac{(\text{Hp})(550 \text{ ft lb/sec/Hp})(\text{efficiency})}{(62.4 \text{ lb/cu ft})(\text{lift} + \text{press})} = \frac{(\text{efficiency})(\text{Hp})}{\text{total head}} = \text{cfs}$$

in feet in feet

or

$$Q_{\text{pump}} = \frac{(\text{Hp})(\text{conversion factor})}{(\text{lift} + \text{pressure}) \text{ total head in feet}} = \text{cfs}$$

Conversion factors:

$$\text{Centrifugal Pump, 75\% eff. } \frac{(550 \text{ ft lb/sec/Hp})(.75)}{(62.4 \text{ lb/cu ft})} = 6.61 \text{ ft}^4/\text{sec/Hp}$$

Turbine & Submersible Pumps, 80% eff. $\frac{(550 \text{ ft lb/sec/Hp})(.80)}{(62.4 \text{ lb/cu ft})} = 7.04 \text{ ft}^4/\text{sec/Hp}$

Efficiencies have been assumed to be 75% for centrifugal pump installations and 80% for turbine or submersible pumps. See the list below of converted psi's to feet of head. These figures account for minor friction losses. If the system involves unusually long pipelines friction losses should be accounted for by using standard charts and formulas.

Refer to the conversion table below to compute PSI to head for pump pressure in feet.

$$[(\text{psi}/.433)(1.1) = \text{head (in feet/psi)} = 2.54 \text{ feet head/psi}]$$

PSI	HEAD	PSI	HEAD
25	63.5	55	139.7
30	76.2	60	152.4
35	88.9	65	165.1
40	101.6	70	177.8
45	114.3	75	190.5
50	127.0	80	203.2

Because they are using drip irrigation with Pump #1, they installed 3 "Flow-Guard" Filtration Products FVC324A, 3-24" MEDCY filter station tanks.

8A. Mainline information (Constructed April 29, 2003)

Mainline size	Length	Type of pipe
125psi gasketed 5"	1020'	PVC
160psi gasketed 4"	340'	PVC
160psi gasketed 3"	660'	PVC
125psi gasketed 4"	160'	PVC
Schedule 40 2"	820'	PVC

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8B. Mainline information (Constructed March 25, 2004)

Mainline size	Length	Type of pipe
125psi gasketed 5"	3300'	PVC
200psi gasketed 5"	200'	PVC
160psi gasketed 4"	480'	PVC
Schedule 40 2"	1000'	PVC

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9. Handline information

Handline size	Length	Type of pipe
4" x 30' Handset Alum. Piping	40 pieces	Aluminum
3" x 40' Hand-set Alum Piping	50 pieces	Aluminum 2,00ft total

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Rainbird 30	Rotating	11/32"	65-112psi	___ gpm each	Lots	+/- gpm
		Orifice Nozzle	Pump #1 & Pump #2			

Refer to the chart of sprinkler output at various pressures for most nozzle sizes.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

11. Additional notes or comments related to the system:

Irrigates ___ per set of ___ Rainbird rotating ___ gpm sprinklers on 3/4" galv riser.

III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

	Date	Explanation
Begin construction INTAKE #1 & #2	4/29/2003	Bought pipe & installed pumps
Complete construction INTAKE #1 & #2	3/25/2004	Bought rest of pipe, finished filters & pumps.
Complete application of water		

INTAKE #1	9/22/2004	Final Proof Survey - field inspection by me.
-----------	-----------	--

2. Initial Water Level Measurements:

****If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.**

- Was the water user required to submit an initial static water level measurement? NO
- What month was the initial measurement to be taken in? N/A
- Did the water user make the initial static water level measurement in the month required? NO
- If "YES", was the measurement submitted to the Department?

e. If the initial measurement not been submitted, provide that measurement now if available:

Date of measurement	Who made measurement	Method	Measurement
N/A			

3. Annual Static Water Level Measurements:

****If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.**

- Was the water user required to submit annual static water level measurements? NO
- In the box below, provide the month in which the static water level was to be made:

N/A

- Did the water user make the static water level measurements in the month required?
- If "YES", were those measurements submitted to the Department?

e. If the annual measurements were not submitted, provide the measurements now in the box below:

Year	Month	Measurement made by	Measurement
N/A			

4. Measurement, recording, and reporting conditions:

- Does the permit or transfer final order require the installation of a meter or approved measuring device?
XXX YES ****If "NO", items b through g relating to this section can be deleted.**

- Has a meter been installed? NO

- Provide the date the meter was installed:

N/A

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d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? N/A

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date
No Letter		

f. Is the water user required to report the water use to the Department? NO

g. Have the reports been submitted? N/A

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening and/or By-pass Devices

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? NO

**If "NO", items b through i relating to this section can be deleted

b. Has the fish screening been installed? NO N/A

c. When was the fish screening installed?

Date	By whom
N/A	

d. Is the **total** diversion rate of all rights at the point of diversion less than N/A YES NO

e. If the diversion rate is less than 0.5 cfs, the water user can self certify the fish screen.

f. Has a self certification form been previously submitted to the Department? NO

g. If not, is the self certification form attached to this Claim? NO

h. Has the by-pass device been installed? NO

i. Describe the by-pass device:

When installed	By whom	Approved by ODFW	Description
N/A			

6. **Pump Test** (typically required for ground water uses prior to issuance of a certificate, but not a requirement of permit development)

a. Has a pump test been submitted and approved by the Department? N/A

b. If no, is the pump test attached to this Claim? NO

7. **Other Permit Conditions** (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

IV. Conclusions, Signatures

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Permit and Transfer Final Order Rates and System Rates Comparisons:

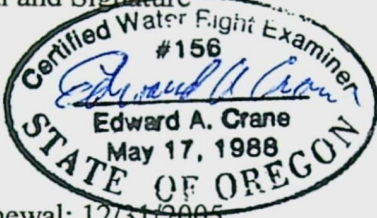
POD or POA name or #	Rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	# of acres allowed by permit or transfer final order	# of acres developed
INTAKE #1 & #2	Not Stated 0.8013CFS		(told)	64.10 ac	64.10ac total

Claim of Beneficial Use Map

The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned.

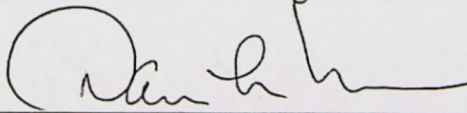
CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

Seal and Signature 
Renewal: 12/31/2005 Signed: 09/29/2004 EDWARD A. CRANE, CWRE Crane Engineering & Surveying, Inc. 13755 SE 119 th Drive Clackamas, OR 97015 Tel: 503-698-3890 Fax: 503-698-3861 Cell: 503-679-3253 E-Mail: eces@verizon.net

RECEIVED**OCT 06 2004****WATER RESOURCES DEPT
SALEM, OREGON**Land Owners Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.



Signature DAN L. NELSON

9-29-04

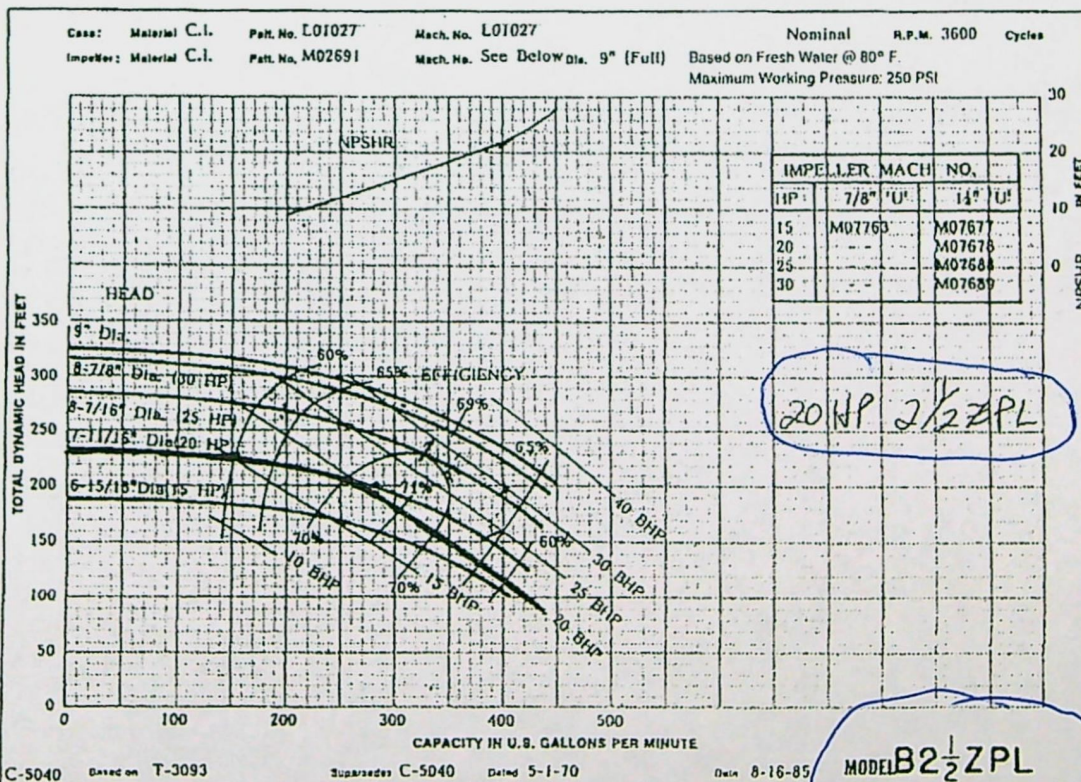
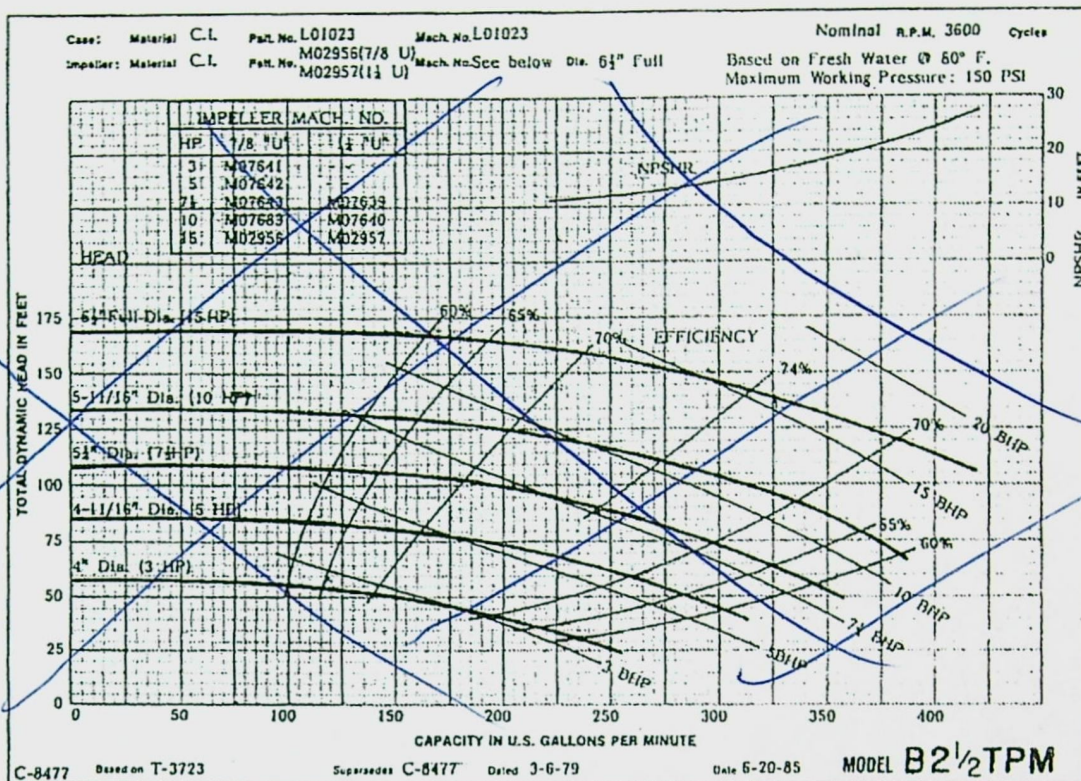
Date



BERKELEY PUMPS TYPE "B" RATING CURVES MOTOR DRIVE

Large Pump - 20 HP

CURVE	4075
DATE	1-27-89
PAGE	4.01
SUPERSEDES	
Curve 4075	Page 4.01
Dated 1-2-86	



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20 HP 2 1/2 ZPL

*#2 **

To: JESSE

Small Pump - #1

1.25W - 3600 RPM

SINGLE VOLUTE

**this me*Max. Impeller Dia.
Non-overloading

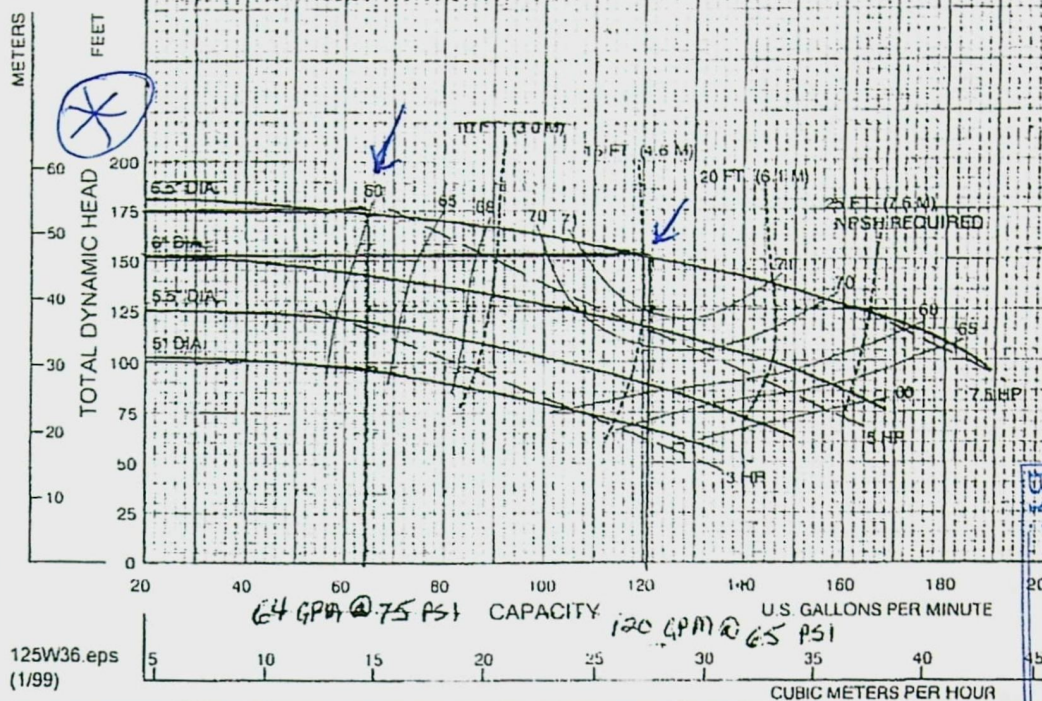
HP	Full Motor Load 1.0 S.F.	Full Motor Load 1.15 S.F.
7.5	6.50"	
5.0	5.75"	6.12"
3.0	4.75"	5.06"

Performances shown are for cool water, horizontal frame configuration with packing. Other mounting styles or liquids may require horsepower and/or performance adjustments.

Feet x .305 = Meters
Inches x 25.4 = Millimeters
GPM x .227 = Cubic Meters/Hour
GPM x 3.785 = Liters/Minute
HP x .746 = KW

125W36.eps
(1/99)

Speed	Impeller Dia	Style	Solids Dia	N _s	Suction	Discharge	No. Vanes
3520	Various	Enclosed	0.25"	899	1.5	1.25	6

**1.5W - 3600 RPM**

SINGLE VOLUTE

Max. Impeller Dia.
Non-overloading

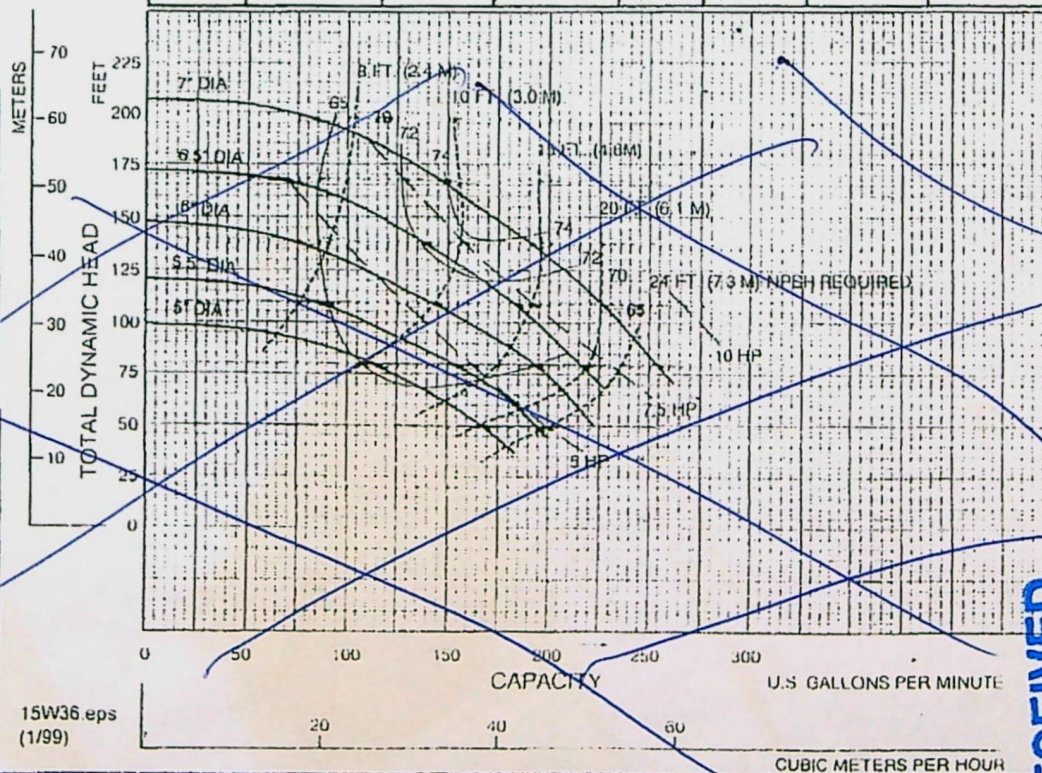
HP	Full Motor Load 1.0 S.F.	Full Motor Load 1.15 S.F.
10	7.00"	
7.5	6.56"	7.00"
5.0	5.50"	5.94"

Performances shown are for cool water, horizontal frame configuration with packing. Other mounting styles or liquids may require horsepower and/or performance adjustments.

Feet x .305 = Meters
Inches x 25.4 = Millimeters
GPM x .227 = Cubic Meters/Hour
GPM x 3.785 = Liters/Minute
HP x .746 = KW

15W36.eps
(1/99)

Speed	Impeller Dia	Style	Solids Dia	N _s	Suction	Discharge	No. Vanes
3520	Various	Enclosed	0.28"	1048	2.0	1.5	6



Cornell Pump Company • Portland, Oregon

I-A-1-40

REV 6/99

TOTAL P.01

RECEIVED
MAY 27 2004

RECEIVED

002 90 130

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING A CHANGE IN CHARACTER OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9210 submitted by

DAN NELSON dba HANS NELSON AND SONS NURSERY, INC.
31020 SE WAYBILL ROAD
BORING, OREGON 97009-9427.

The right to be modified, as evidenced by Certificate 70836, was perfected under Application R-76927 with a date of priority of JANUARY 1, 1993. The right allows the storage of A SPRING IN AN UNNAMED RESERVOIR, a tributary of the SANDY RIVER, for WILDLIFE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 5.0 ACRE FEET.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The reservoir is located as follows:

SW¼ SW¼
SECTION 25

TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described above.

The applicant proposes to change the character of use from STORAGE FOR WILDLIFE to STORAGE FOR MULTIPLE PURPOSES; INCLUDING, BUT NOT LIMITED TO NURSERY USE AND AGRICULTURAL USE.

This order corrects a scrivener's error in found in Certificate 70836. The ¼,¼ was omitted in the location description of the reservoir.

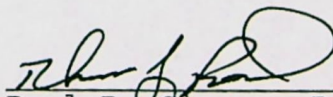
THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.

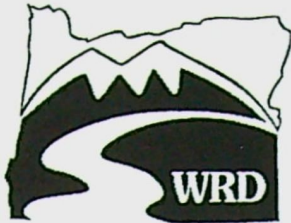
Certificate 70836 is cancelled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed DEC 30 2002.


152 Paul R. Cleary, Director

Completion Checklist for CWRE Claims of Beneficial Use



Date Received 10-6-04
CWRE # 156
Claim Logged
File Marked ✓
Oversized Map # no

Application #
Permit #
Transfer # 9210
Date
Reviewer

Map Review:

- ☒ Map on polyester film
- ☒ Application & permit #; or transfer #
- ☒ Disclaimer
- ☒ North arrow
- ☒ CWRE stamp and signature
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
- ☒ Township, range, section, and tax lot numbers
- ☒ Source illustrated if surface water
- ☒ Point(s) of diversion or appropriation (illustrated)
- ☒ Point(s) of diversion or appropriation (coordinates)
- ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.)
- ☒ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required
- ☒ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)
- ☒ Checked to legal description

Report Review:

- ☒ On form or format provided by the Department
- ☒ Application & permit #; or transfer #
- ☒ County
- ☒ Tax lot information
- ☒ Date of survey
- ☒ Person interviewed
- ☒ Ownership information
- ☒ Source(s) of water
- ☒ Point of diversion/appropriation location
- ☒ Use, period of use, and rate for use
- ☒ Place of use location

- ☒ Type of use
- ☒ Extent of use

Storage to Storage

- ☐ Rate and Duty
- ☐ Diversion rate for each use
- ☐ Description of conveyances system (from POD to POU)
- ☐ Diversion works description (pump make, serial model, capacity, and description)
- ☒ System capacity

☐ Calculated capacity of system
OR

☐ Measured amount of use

- ☒ Permit conditions

☐ Time limits

☐ Initial water level measurements

☐ Annual static water level measurements

☐ Measurement, recording, and reporting

☐ Meter/measuring device

☐ Water use reporting

☐ Fish screening and/or by-pass

☐ Pump test (ground water)

*9.0 AF on claim
Storage ≈ 24 AF
12' - dragline const.*

Other conditions

_____ CWRE stamp and signature

_____ Signature(s) of permittee or transfer holder

Certificate Issuance Processing Checklist

_____ Map and COBU reviewed

_____ Conflict check (include copy of plat card printout)

_____ Check current ownership

Any Conflicts? _____

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

_____ Proof to the Satisfaction has not been established for the following reasons: _____

Proposed Actions:

Send letter requesting the following items/information: new app - over storage

Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

Yes

If "Yes":

_____ Proposed

_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

Platcard Report

Township 1S Range 4E Section 25

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	- 07/01/1952	-	GR2131										5.0 IR			10.0 IR						
i	G14246 01/26/1996	G13054 -														AG						
	01/26/1996															15.0 IR						
i	G14522 05/05/1997	G13411 -																			DN	
	05/05/1997																		20.5 NU	21.0 NU		
i	G15710 02/15/2002	G15436 -											28.5 NU	35.4 NU								
i	R76927 01/01/1993	-		xfr#: T9210											MP							
i	S46469 10/06/1969	S34713 -		CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN	MU CN		
i	S85058 02/15/2002	-												AG (s)	AG (s)							
	02/15/2002													35.75 IR (s)	35.4 IR (s)							

Page:1 [2](#) [Next](#) [Last](#)[Return to Platcard Query Screen](#)

Phillip C. Ward, Director

Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 • Fax: 503-986-0903

Run Time: 3 seconds

Platcard Report

Township 1S Range 4E Section 25

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i	S85058 02/15/2002	- -												35.75 NU (s)	35.4 NU (s)							

Page: [First](#) [Previous](#) [1](#) [2](#)

[Return to Platcard Query Screen](#)

Phillip C. Ward, Director

Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 • Fax: 503-986-0903

Run Time: 1 seconds

STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING A CHANGE IN CHARACTER OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9210 submitted by

DAN NELSON dba HANS NELSON AND SONS NURSERY, INC.
31020 SE WAYBILL ROAD
BORING, OREGON 97009-9427.

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SW¼ SW¼
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This order corrects a scrivener's error in found in Certificate 70836. The ¼,¼ was omitted in the location description of the reservoir.

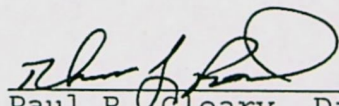
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1. The proposed change shall be completed on or before October 1, 2004.

Certificate 70836 is cancelled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed DEC 30 2002.


For Paul R. Cleary, Director



HANS NELSON & SONS NURSERY, INC.
WHOLESALE GROWERS OF SHADE AND FLOWERING TREES
31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427
PHONE: (503) 663-3348
FAX (503) 663-0138



RECEIVED

December 6, 2002

DEC 09 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Mr. Kelly Starnes
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97301-4172

Re: Water Reservoir Application R76927
Certificate 70836

Dear Kelly:

Enclosed is an Affidavit of Publication from the Sandy Post Newspaper regarding the legal notice of water right transfer.

These notices deal with the surface water reservoir application R76927, certificate 70836 for land located at 38616 SE Lusted Road, Boring, Oregon.

I understand that there is a 30-day waiting period after the last notice ran, which was 11/27/02. If no protests are filed at that time, the transfer application is complete and can move back to the irrigation surface water right application.

Please let me know if you have any questions.

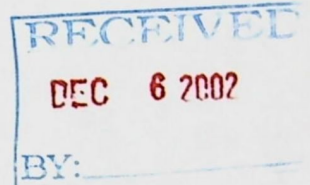
Sincerely,

Dan L. Nelson
President

DLN:lbm

Encl.

Affidavit of Publication



STATE OF OREGON
County of Clackamas

ss HANS NELSON & SONS NURSERY

I, SANDRA NICOLE SMITH, being first duly sworn, depose and say that I am the Bookkeeper of the Sandy Post, a weekly newspaper of general circulation, published at Sandy, in the aforesaid county and state, as defined in ORS 193.010 and 193.020 that SP 1102-04 WATER RIGHT TRANSFER, a printed copy of which is hereto attached, was published in regular issues of said newspaper for 3 successive and consecutive weeks in the following issues: 11/13-11/20-11/27

Sandra Nicole Smith

Subscribed and sworn to before me this 26th day of NOVEMBER, 192002.

Deseri Kim Forrester

Notary Public for Oregon

My commission expires SEPTEMBER 26, 2005



RECEIVED

DEC 09 2002

WATER RESOURCES DEPT.
SALEM, OREGON

LEGAL NOTICE

Notice of Water Right Transfer 9210

Dan Nelson, dba Hans Nelson and Sons Nursery, Inc., 31020 S.E. Waybill Road, Boring, Oregon 97009-9427, filed an application with the Water Resources Department for a change in character of use of water as provided by ORS 540.510 to 540.530.

Certificate 70836, in the name of Christina R. Vaeretti and William E. Rannow, includes a right limited to 5.0 acre-feet from a spring, with a priority date of January 1, 1993 for storage for wildlife use.

The applicant proposes to change the character of use from storage for wildlife to storage for multiple purposes, including, but not limited to nursery and agricultural use.

Protests may be filed by persons who think their water right may be injured by this change. Additional information or forms and rules for filing protests are available from the Water Resources Department by calling 503-378-8455 ext. 309. If a protest is filed a hearing may be held.

The last date of publication is November 27th, 2002. IF NO PROTEST IS FILED WITHIN 30 DAYS AFTER THE LAST DATE OF PUBLICATION, THE CHANGE MAY BE APPROVED WITHOUT A HEARING.

SP-1102-04
11/13, 11/20, 11/27/02



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

November 7, 2002

Dan Nelson
31020 SE Waybill Road
Boring, Oregon, 97009-9427

Reference: Water Right Transfer Application 9210

Enclosed is a transfer notice which must be published in a local newspaper in the general area of the transfer. The notice must be published at least **once a week for three consecutive weeks**. Please have the newspaper insert the appropriate final date of publication in the place indicated in the notice. **Payment of the cost of publication is your responsibility, please do not send any billing to the Water Resources Department.**

Please request an **affidavit of publication** from the newspaper following publication and send it to me, Kelly Starnes, at the address at the top of the page.

Upon receipt of the affidavit, processing will continue on the transfer application.

If you have any questions, please call me at (503)-378-8455, ext. 309.

Sincerely,

Kelly Starnes
Water Right Inspector

enc

cc Edward A. Crane, CWRE

NOTICE OF WATER RIGHT TRANSFER 9210

Dan Nelson, dba Hans Nelson and Sons Nursery, Inc., 31020 SE Waybill Road, Boring, Oregon, 97009-9427, filed an application with the Water Resources Department for a change in character of use of water as provided by ORS 540.510 to 540.530.

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The last date of publication is [last date of publication]. IF NO PROTEST IS FILED WITHIN 30 DAYS AFTER THE LAST DATE OF PUBLICATION, THE CHANGE MAY BE APPROVED WITHOUT A HEARING.

STATE OF OREGON
COUNTY OF Clackamas

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

CHRISTINA R VAERETTI
RANNO, WILLIAM E
PO BOX 1506
SANDY, OR 97055

confirms the right to store the waters of
A SPRING, A TRIBUTARY OF SANDY RIVER IN AN UNNAMED RESERVOIR
for WILDLIFE.

The right to store and use these waters was perfected under Reservoir Application R-76927.
The date of priority is January 1, 1993. The amount of water entitled to be stored and
used each year under this right is not more than 5.0 ACRE-FEET

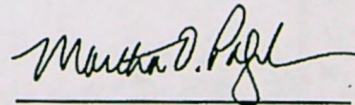
Located as follows:

1/4 1/4 SECTION 25, TOWNSHIP 1 SOUTH, RANGE 4 EAST WM.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with
a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary
for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of
use listed above.

WITNESS the signature of the Water Resources Director, affixed **FEBRUARY 27, 1996.**



Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 70836

STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING A CHANGE IN CHARACTER OF USE

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The reservoir is located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 25

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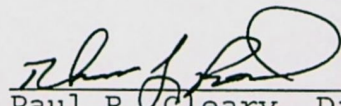
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THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.

Certificate 70836 is cancelled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources
Director, affixed DEC 30 2002.


For Paul R. Cleary, Director



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

January 10, 2003

Dan Nelson
Hans Nelson & Sons Nursery, Inc.
31020 SE Waybill Road
Boring, Oregon 97009-9427

REFERENCE: File T-9210

Enclosed is a copy of the order approving your water right transfer application T-9210. Also enclosed is a refund check in the amount of \$100.00 for excess fees collected.

A time to complete the transfer is given in the order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

for BERNADETTE WILLIAMS
Transfer Program Coordinator

BW:sh

Enclosures

cc: Mike McCord, Watermaster
Edward A. Crane, CWRE

STATE OF OREGON

COUNTY OF CLACKAMAS

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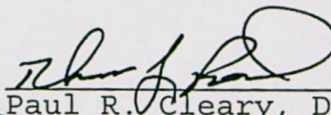
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WITNESS the signature of the Water Resources

Director, affixed DEC 30 2002.


152 Paul R. Cleary, Director

**WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS**

TO: Fiscal Services Section

DATE: 12/30/02

FROM: Kelly Starnes (File Examiner)

PHONE: x309 FAX: _____

SUBJECT: TRANSFER FILE - Request for Payment or Refund

TRANSFER FILE #: 9210 RECEIPT #: 54917

Please prepare payment in the amount of \$ 100.00, made payable to:

Name: Hans Nelson & Sons Nursery Inc
Address: 31020 SE Waybill Road
City: Boring ST: OR Zip: 97009-9427

These funds are being paid or refunded as a result of (check one):

☒ File being Rejected / Withdrawn / Misfiled
☐ Excess fees were collected for application / PON
☐ Payment of PON
☐ Protest filing fee
☐ Other: _____

TRANSFER FILE #: _____ RECEIPT #: _____

Please prepare payment in the amount of \$ _____, made payable to:

Name: _____
Address: _____
City: _____ ST: _____ Zip: _____

These funds are being paid or refunded as a result of (check one):

☐ File being Rejected / Withdrawn / Misfiled
☐ Excess fees were collected for application / PON
☐ Payment of PON
☐ Protest filing fee
☐ Other: _____

0205

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: Kelly Starnes Date: 12/30/02

Please give to Sarah when Finished. Thankx.

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

December 30, 2002

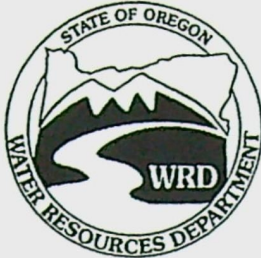
To: Paul R. Cleary, Director
From: Kelly Starnes, Water Right Inspector
Subject: Transfer 9210

The applicant wants to change the use of his reservoir in order to irrigate (secondary permit from reservoir pending).

Notice of the transfer was published in the local paper and no protests/comments were received.

The Watermaster has said the change could be made without injury to other water rights. The transfer should be approved.

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
158 12th ST NE, Salem, OR 97301
(503) 378-8455
www.wrd.state.or.us

FAX TRANSMITTAL

TO: Dan Nelson FAX NUMBER: 503-663-0138
DATE: 11/7/02 PAGES: 3, INCLUDING COVER SHEET
FROM: Kelly Starnes PHONE: (503) 378-8455 EXT. 309
COMMENTS: ~~RECEIVED~~

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD & TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

FAX: (503) 378-2496

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FIELD & TECHNICAL SERVICES

- Dam Safety
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- Regional Liaisons
- Transfers

FAX: (503) 378-8130

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

NORTHWEST REGION

- District 16 Watermaster

FAX: (503) 378-6203



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

November 5, 2002

Dan Nelson
Hans Nelson and Sons Nursery, Inc.
31020 SE Waybill Road
Boring, Oregon 97009-9427

Reference : Water Right Transfer Application 9210

I am reviewing your water right transfer application for a change in character of use for Reservoir Application R-76927, Certificate 70836. There are some items that have to be addressed before further processing can take place on your transfer application. The items are:

1. Complete copy of deed. The transfer application will need a complete copy of the deed to the land (where the reservoir is located) involved in the transfer. You have included the land description portion when you filed your transfer, all I will need now is the front page of the deed that shows the current owners.

2. Transfer Application.

Part 3) Authorized place of use description - The authorized place of use of the reservoir appears to be in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T 1 S, R 4 E, W.M.. I am enclosing an amendment statement that would amend your transfer application. If you agree with this statement, please sign and return it to me.

Part 4) Proposed use - A more flexible (as far as any future water usage from the reservoir) proposed use would be "Storage for multiple purposes including, but not limited to Nursery and Agricultural use". I have also included this amendment in the amendment statement mentioned above.

3. Statement of use. The transfer application will need a notarized statement from someone familiar with Water Right Application R-76927, Certificate 70836. The statement needs to say that the water right had been used for wildlife purposes at the authorized place of use within the past five years.

Please send the requested information and signed amendment statement , within 60 days to me, Kelly Starnes, at the above address. If you have any questions, please call me at 503-378-8455 ext. 309.

Sincerely,



Kelly Starnes
Water Right Inspector

enc

cc: Edward A. Crane, CWRE

Amendment to Transfer Application 9210

Please amend Part 3) Location of Authorized Place of Use to read:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T 1 S, R 4 E, W.M.

Please amend Part 4) Proposed use to read:

Storage for Multiple Purposes, including, but not limited to Nursery and Agricultural use.

Signature

Date



HANS NELSON & SONS NURSERY, INC.
WHOLESALE GROWERS OF SHADE AND FLOWERING TREES
31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427
PHONE: (503) 663-3348
FAX (503) 663-0138



November 5, 2002

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WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
Commerce Building
158 12th Street N.E.
Salem, Oregon 97301-4172

Attention: Kelly Starnes

Dear Kelly:

My wife Linda and I purchased the land at 38616 SE Lusted Road, Boring, Oregon with Water Reservoir Application R-76927, Certificate 70836 from Christina R. Vaeretti and William E. Rannow on February 19, 2002. This land is located in Clackamas County, Oregon.

I understand the transfer application will need a notarized statement from Linda or me familiar with Water Right Permit R-76927. We both have seen numerous ducks and geese on this pond since the middle of January 2002. This statement matches the purpose of the designated use for this permit being for wildlife use. Enclosed is a notarized statement from Linda with this information.

Hopefully this answers your question regarding recent 5-year use of this reservoir.

Sincerely,

Dan L. Nelson
President

DLN:lbm
Encl.

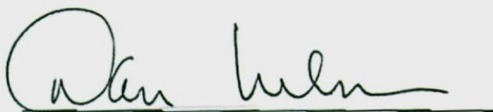
Amendment to Transfer Application 9210

Please amend Part 3) Location of Authorized Place of Use to read:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T 1 S, R 4 E, W.M.

Please amend Part 4) Proposed use to read:

Storage for Multiple Purposes, including, but not limited to Nursery and Agricultural use.



Signature

11-6-02

Date

RECEIVED
NOV 07 2002
WATER RESOURCES DEPT.
SALEM, OREGON



HANS NELSON & SONS NURSERY, INC.
WHOLESALE GROWERS OF SHADE AND FLOWERING TREES
31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427
PHONE: (503) 663-3348
FAX (503) 663-0138



November 5, 2002

Oregon Water Resources Department
Commerce Building
158 12th Street N.E.
Salem, Oregon 97301-4172

Attention: Kelly Starnes

Re: Water Reservoir Application R-76927
Certificate 70836

Dear Kelly:

This is to certify that I have seen numerous ducks and geese on the pond at 38616 SE Lusted Road, Boring, Oregon since looking at and purchasing the land in January and February, 2002. This land is located in Clackamas County.

Sincerely,

Linda B. Nelson
Vice President

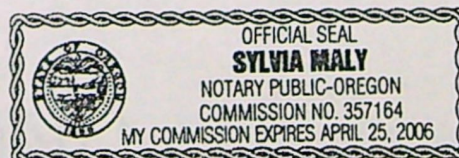
State of: OREGON

County of: MULTNOMAH

This instrument was acknowledged before me on 11/5/02 date.

Notary Public for Oregon

My commission expires 4-25-06



RECEIVED
NOV 07 2002
WATER RESOURCES DEPT.
SALEM, OREGON

Amended



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199
www.wrd.state.or.us

Application for Water Right Transfer

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

RECEIVED

AUG 19 2002

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR:

Please check one

- ☒ Water Right Transfer ☐ Temporary Transfer ☐ Permit Amendment
☐ Historic Point of Diversion Change ☐ Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: DAN NELSON dba HANS NELSON & SONS NURSERY, INC.
First Last

Address: 31020 SE WAYBILL ROAD
BORING OREGON 97009-9427
City State Zip

Phone: 503-663-3348 CELL: 503-310-9708
Home Work Other

*Fax: 503-663-0138 *E-Mail address: _____

*Optional information

2. TYPE OF CHANGE

- ☒ Use ☐ Place of Use ☐ Point of Diversion ☐ Point of Appropriation

Reason for change: ADDING GENERAL NURSERY USES (MAR.1-OCT.31) AND GENERAL AGRICULTURAL USES (TEMPERATURE CONTROL FROM NOV.1-END FEB.) NOW IS WILDLIFE USE ONLY.

Is the land within an irrigation or other water district? ☐ Yes ☒ No

If yes, include district name: _____

For Department Use

App. No. _____ Permit No. _____ Date _____

T-9210

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AUG 19 2002

WATER RESOURCES DEPT
SALEM, OREGON

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: CHRISTINA R. VAERETTI & WILLIAM E. RANOW

Decree: _____

☒ Not applicable

Permit Number: R-76927 Certificate Number: 70836

☐ Not applicable ☐ Not applicable

Priority Date: JANUARY 1, 1993 Authorized Use: WILDLIFE

Source of Water: SANDY RIVER
SPRING, TRIB. TO County: CLACKAMAS

Are there other sources listed on the water right? ☐ Yes ☒ No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
320FT NORTH, 960FT EAST	SW of SW	25	1S	4E WM

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
1S	4E	25		SW of SW	2000	35.40
1S	4E	25		NW of SW	2000	28.50
1S	4E	36		NW of NW	2000	0.20
THE CERTIFICATE HAS NO PLACES OF USE				Yes it does - in		
SURFACE WATER APPLICATION S-85058 LISTS THE ABOVE				AREAS.		

Are there other lands described in the water right? ☐ Yes ☒ No

Are there other water rights or permits associated with this land? ☐ Yes ☒ No
If yes, include a copy of all rights or permits. APPLICATION S-85058 IS PENDING NOW.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):

THERE IS NO DELIVERY SYSTEM NOW, IT WILL BE CONSTRUCTED AFTER THE SURFACE WATER PERMIT IS ISSUED.

System capacity (in cfs): 0.892CFS REVISED CAPACITY.

Amended

4. PROPOSED CHANGES TO THE WATER RIGHT

☒ Change in Use:

Storage for multiple purposes, including, but not limited to Nursery and Agricultural use.

Proposed use: GENERAL NURSERY USES & GENERAL AGRICULTURAL USES - IRRIGATION

☐ Change in Point of Diversion or Point of Appropriation:

☐ Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

☐ Additional

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
320FT NORTH, 960FT EAST	SW SW	25	1S	4W WM
CERT. DID GIVE A POINT OF DIVERSION.				

☒ Change in Place of Use:

No change

Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
1S	4E	25		SW SW	2000	35.40
1S	4E	25		NW SW	2000	28.50
1S	4E	36		NW NW	2000	0.20

for secondary right

Remarks: SURFACE WATER APPLICATION S-85058 IS PENDING NOW.

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AUG 19 2002

WATER RESOURCES DEPT.
SALEM, OREGON

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AUG 19 2002

WATER RESOURCES DEPT.
SALEM, OREGON

5. LAND OWNERSHIP

Answer only
if for change
in Use or
Place of Use.

Use/Place of Use

Are the lands free of encumbrances? ☐ Yes ☒ No

If no, name of encumbrance holder: William Rannow
Christina Vaccetti

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only
if applicant
is not the
landowner.

Landowners

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.

Landowners: _____
(List all landowners shown on deed.)

Address(es): _____

City

State

Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only
if the receiving
landowner is
not the original
landowner or
the applicant.

Receiving Landowner

Name: _____

Address: _____

City

State

Zip

- ☐ The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
- ☐ Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

T-9210

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AUG 19 2002

WATER RESOURCES DEPT.
SALEM, OREGON

6. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- ☒ Enclosed
- ☐ Not needed: (must meet the following four requirements)
- ① In EFU zone or irrigation district.
 - ② Change in place of use only.
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures.
 - ④ Irrigation only.

- ☒ List all affected governments (city, county, state, tribal, federal):

NO CITY

CLACKAMAS COUNTY

Map:

- ☒ Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- ☐ All others: *Need not be prepared by a Certified Water Right Examiner.*

Deed:

- ☒ Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

- ☐ Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

- ☐ If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

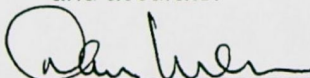
Fees:

- ☒ Amount enclosed \$ 300

See instruction book for fee schedule.

7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.


applicant signature

Dan Nelson
name (print)

8-9-02
date

applicant signature

name (print)

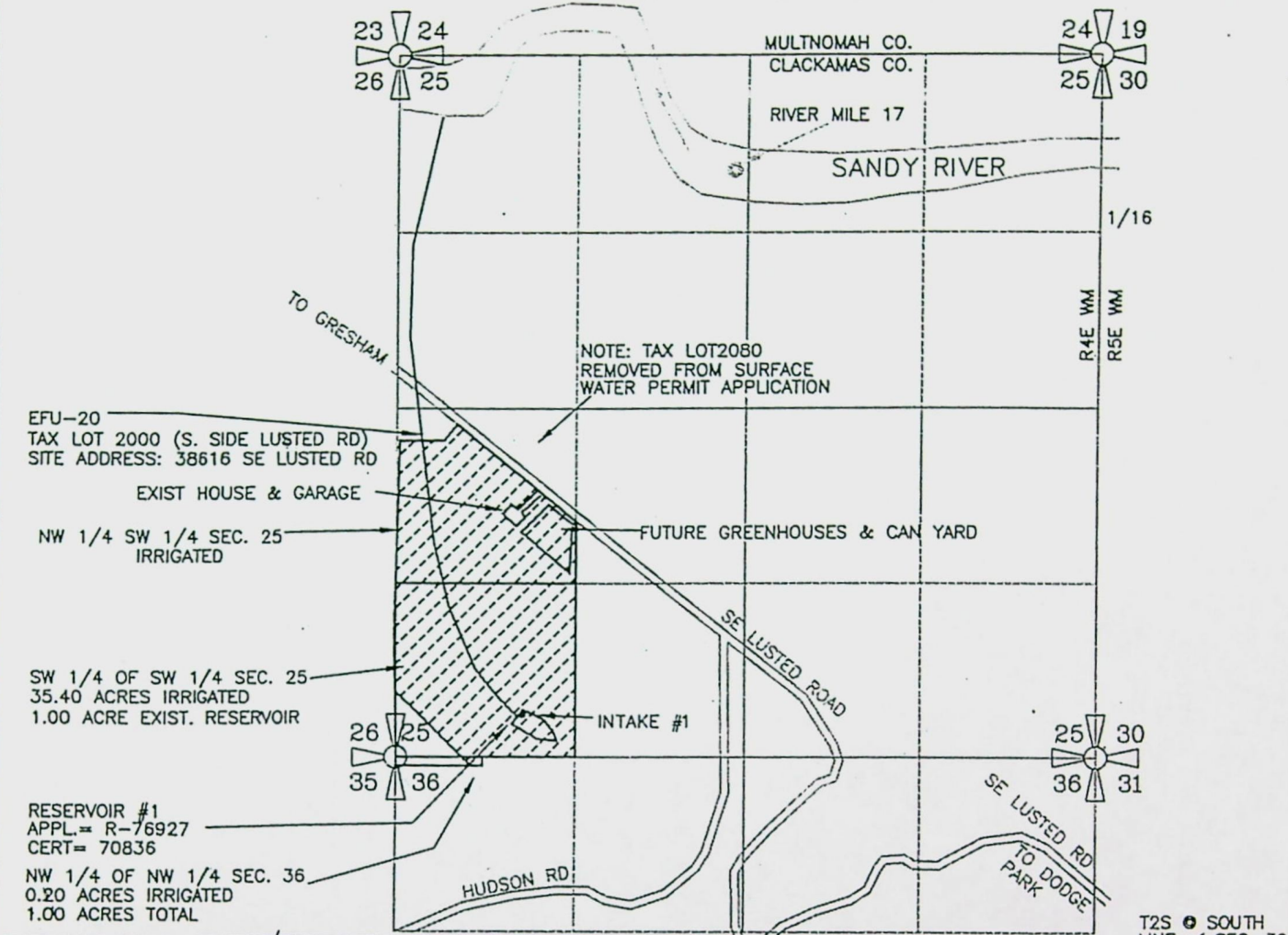
date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

CORPORATE
BOUNDARY LINE
DONATION LAND
CLAIM (DLC #)

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



SEC.	1/4	1/4	ACRES IRRIG.	CFS (APPROX. GPM)
25	NW	SW	28.50 AC IRRIG	0.3563 CFS (160 GPM)
25	SW	SW	35.40 AC IRRIG	0.4425 CFS (199 GPM)
36	NW	NW	0.20 AC IRRIG	0.0025 CFS (1.12 GPM)
TOTAL IRRIG.			64.10 ACRES	0.8013 CFS (360 GPM)

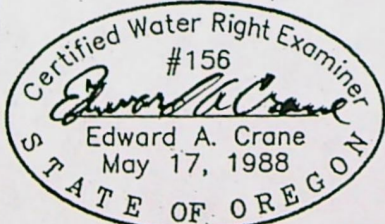
RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153)
WAS FOR WILDLIFE USES ONLY. THIS TRANSFER APPLICATION
ADDS IRRIGATION USES (GEN NURSERY USES & AGRICULTURAL USES).

RESERVOIR INTAKE #1 IS LOCATED 320 FEET NORTH & 960 FEET EAST
FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 1 SOUTH
RANGE 4 EAST of the WM, CLACKAMAS COUNTY, OREGON

PREPARATION OF THIS MAP WAS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP LINES.

APPLICATION FOR A TRANSFER/
STORAGE RESERVOIR CERT:70836

PREPARED BY EDWARD A. CRANE, CWRE

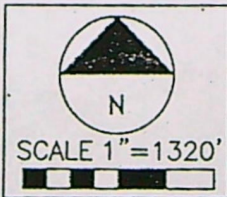


Renewal 12/31/2003

Signed E.A. Crane

SURVEYED FEB. 6, 2002
BY EDWARD A. CRANE, CWRE

K:\CAD\347-004\34700401.DWG EAC 8/05/2002



DATE
AUG. 2002
PROJECT NO.
347-004



CRANE & MERSEITH
Engineering/Surveying
SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222
BUS: (503) 654-2005
FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER R-76927
(UNDER HB-2153), IN THE NAME OF:

DAN NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET
1/1

STATE OF OREGON
COUNTY OF Clackamas

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

CHRISTINA R VAERETTI
RANNO, WILLIAM E
PO BOX 1506
SANDY, OR 97055

confirms the right to store the waters of
A SPRING, A TRIBUTARY OF SANDY RIVER IN AN UNNAMED RESERVOIR
for WILDLIFE.

The right to store and use these waters was perfected under Reservoir Application R-76927.
The date of priority is January 1, 1993. The amount of water entitled to be stored and
used each year under this right is not more than 5.0 ACRE-FEET

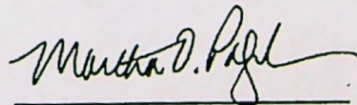
Located as follows:

1/4 1/4 SECTION 25, TOWNSHIP 1 SOUTH, RANGE 4 EAST WM.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with
a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary
for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of
use listed above.

WITNESS the signature of the Water Resources Director, affixed **FEBRUARY 27, 1996.**



Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 70836

This is a June 1990 Flight of T15, K4E, Sec. 25926. Full G. Thompson, PA (CFSA) 12-30-94

Application No. 96927
Permit No.

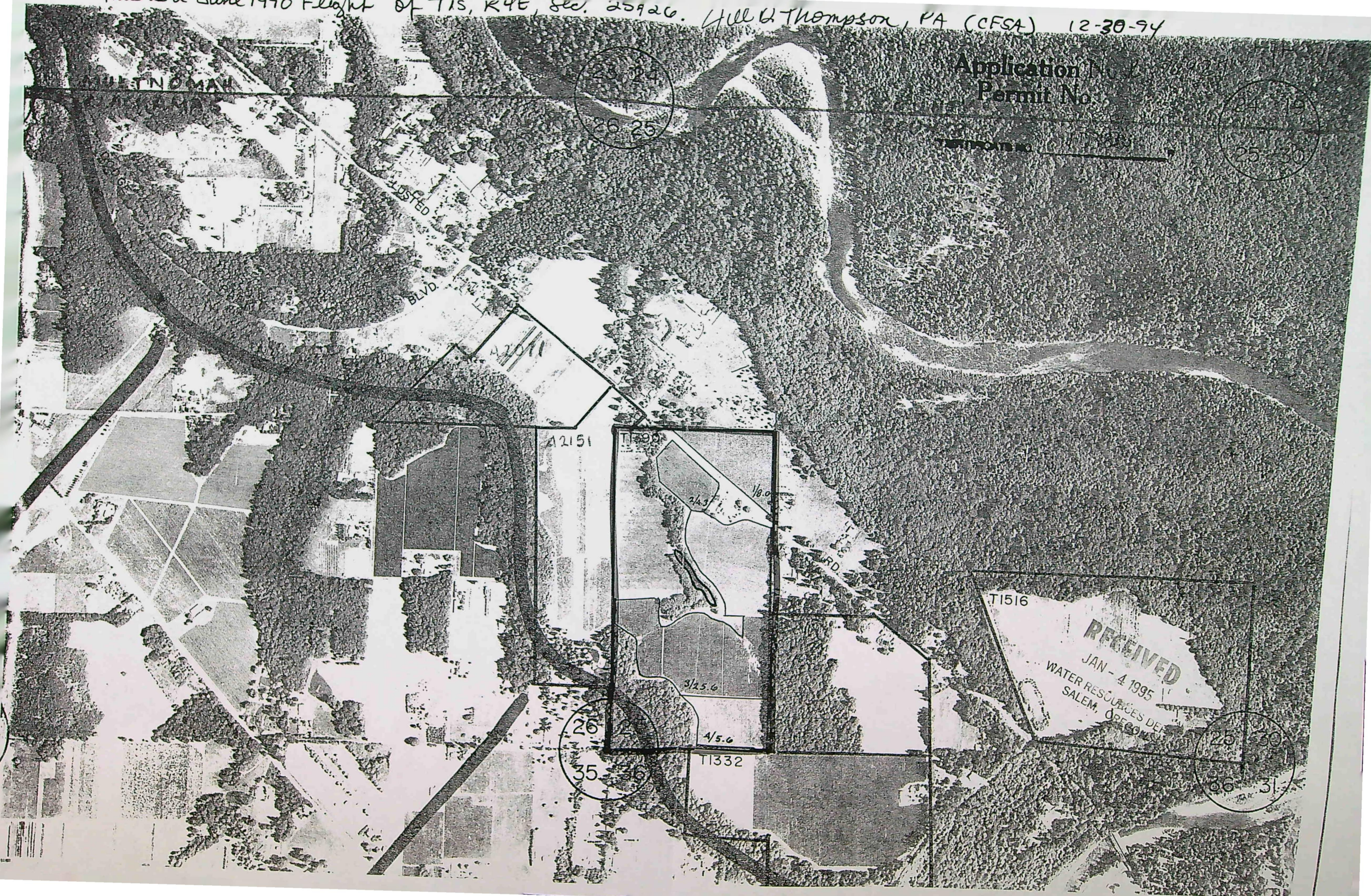
TRIP DATE NO. 12310

23-24
26-25

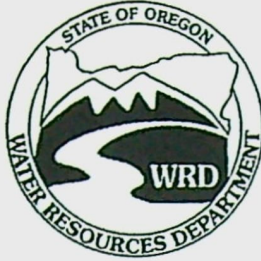
24-19
25-30

26-35
35-36

25-30
36-31



OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
158 12th ST NE, Salem, OR 97301
(503) 378-8455
www.wrd.state.or.us

FAX TRANSMITTAL

TO: Dan Nelson FAX NUMBER: 503-663-0138
DATE: 11/5/02 PAGES: 34, INCLUDING COVER SHEET
FROM: Kelly Starnes PHONE: (503) 378-8455 EXT. 309
COMMENTS: _____

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD & TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

FAX: (503) 378-2496

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
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FAX: (503) 378-8130

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

NORTHWEST REGION

- District 16 Watermaster

FAX: (503) 378-6203

STATE OF OREGON
WATER RESOURCES DEPARTMENT

FACSIMILE TRANSMITTAL SHEET

TO: ~~Scott~~ Kelly Starnes

DATE: 9-24-02

FROM: Mike Mc Cord, Watermaster District 20
1678 South Beaver Creek Road, Suite L
Oregon City, OR 97045
Phone (503) 722-1410
Fax (503) 722-5926

This transmission contains 2 pages. (including the cover) Please let me know if you did not receive all pages or if any pages are unreadable.

Message: _____





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

INTEROFFICE MEMO

FORWARD TO: Kelly Starnes DATE: 8-28-02
FIELD PROCESSOR WORKING ON THIS TRANSFER

FROM: ✓ WATERMASTER, DISTRICT # 20
GROUNDWATER SECTION

(SIGNATURE) Michael J. McLeod
signed by injury reviewer

FAXED
9-24-02

SUBJECT: WATER RIGHT TRANSFER # 9210

A change in: POU POD POA USE of water.

In the name(s) of Dan Nelson/dba Hans Nelson & Sons Nursery, Inc

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY ^{MAY} WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application ^{MAY} ~~would~~ result in injury to other water rights because the pond is currently being cleaned out because it had silted in. it should be noted that the reservoir may not be enlarged so that it exceeds 5 A/F in capacity. Otherwise, no injury will occur.

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

✓ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.



Issues raised are not injury to other water rights.

Reference: Transfer # 9210

We have reviewed the app

Please check one of the bo

Kelly
11/5/02

☐ There does not appear of the transfer.

☒ We believe that the transfer would injure the _____, tributary to Sandy River. The nature of the injury is as follows: ODFW is concerned about the type of change proposed from wildlife use to general agricultural use. Fluctuating reservoir water levels as a result of agricultural use may effect nesting & feeding behavior of water-fowl. Also
(Please attach any available supporting information.)
non-game wildlife use of the reservoir could be adversely effected by this proposed change in use.

This transfer is not for a permanent or historic change in a point of diversion. Therefore, the provisions of ORS 540.525 and 540.532 related to requirements for fish screens or by-pass devices do not apply.

Richard S. Caldwell
Signature
Richard Caldwell
Printed Name
NRS #
Title

Please return this form to Kelly Starnes, Water Resources Department, 158 12TH ST NE, SALEM OR 97301-4172 by September 29, 2002.

RECEIVED

SEP 24 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Department of Fish and Wildlife
Transfer Comment Form

Reference: Transfer # 9210

We have reviewed the application for transfer and provide the following comments:

Please check one of the boxes related to potential injury to water rights.

☐ There does not appear to be a potential for injury to instream or other water rights as a result of the transfer.

☒ We believe that the transfer would injure the instream or other water right(s) on _____, tributary to Sandy River. The nature of the injury is as follows: ODFW is concerned about the type of change proposed from wildlife use to general agricultural use. Fluctuating reservoir water levels as a result of agricultural use may effect nesting & feeding behavior of waterfowl. Also non-game wildlife use of the reservoir could be adversely effected by this proposed change in use.
(Please attach any available supporting information.)

This transfer is not for a permanent or historic change in a point of diversion. Therefore, the provisions of ORS 540.525 and 540.532 related to requirements for fish screens or by-pass devices do not apply.

Richard S. Caldwell
Signature
Richard Caldwell
Printed Name
NRS #
Title

Please return this form to Kelly Starnes, Water Resources Department, 158 12TH ST NE, SALEM OR 97301-4172 by September 29, 2002.

RECEIVED

SEP 24 2002

WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

August 28, 2002

Dick Caldwell
Oregon Department of Fish and Wildlife
17330 S.E. Evelyn St.
Clackamas, OR 97015

Reference: **Transfer # 9210**

Enclosed for your review is a copy of a water right transfer application from a **Spring / Unnamed Res.**, tributary of **Sandy River**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

This transfer is not for a permanent or historic change in a point of diversion. Therefore, the provisions of ORS 540.525 and 540.532 related to requirements for fish screens or by-pass devices do not apply.

We must receive your response in our Salem office

Attention: Kelly Starnes
Water Resources Department
158 12TH ST NE
SALEM OR 97301-4172

by September 29, 2002 in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call (503)378-3739 ext 309.

Enclosure

cc: Wm # 18, Darrell Hedin
Applicant

1" = 400'

This map was prepared for assessment purpose only.

MULT N'OMAH

COUNTY

46-04

TBR

2002-9

E.F.U.
46-19

SCENIC RIVERS

1 4E 25

BOOK 6

RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME
Christina R. Vaeretti and William E. Rannow

GRANTEE'S NAME
Dan L. Nelson and Linda B. Nelson Family Trust

SEND TAX STATEMENTS TO:
Mr. and Mrs. Dan L. Nelson
31020 SE Waybill Rd.
Boring, OR 97009

AFTER RECORDING RETURN TO:
Mr. and Mrs. Dan L. Nelson
31020 SE Waybill Rd.
Boring, OR 97009

RECORDED IN CLACKAMAS COUNTY
JOHN KAUFFMAN, COUNTY CLERK



00260940200200185720020026
D-D Cnt=1 Stn=3 ELIZABETH
\$10.00 \$11.00 \$10.00

2002-018572

\$31.00

02/26/2002 09:26:03 AM

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NOV 07 2002

WATER RESOURCES DEPT.
SALEM, OREGON

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Christina R. Vaeretti, A Married Woman and William E. Rannow, A Married Man, who took title as William A. Rannow, Grantor, conveys and warrants to

Dan L. Nelson, Trustee and Linda B. Nelson, Trustee of the Dan L. Nelson and Linda B. Nelson Family Trust Dated December 18, 1992, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting:

The herein property has been classified as forest lands, as disclosed by the tax roll. In the event of declassification, the property may be subject to additional taxes and/or penalties; Rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of SE Lusted Road; Easements recorded November 19, 1923 in Book 172, Page 285; Easement Recorded December 10, 1981 in Recorder's No. 81 42295;

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$489,000.00 (See ORS 93.030)

DATED: February 19, 2002

Christina R. Vaeretti
Christina R. Vaeretti

William E. Rannow
William E. Rannow

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me on

2-22-02

by Christina R. Vaeretti and William E. Rannow

NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES: _____



Order No. 07-77661-28

EXHIBIT "ONE"

PARCEL I:

A tract of land situated in the Southwest one-quarter of Section 25 and the Northwest one-quarter of Section 36, Township 1 South, Range 4 East of the Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

Below Lusted Rd

Beginning at the Southwest corner of said Section 25; thence North $01^{\circ}08'47''$ West, along the West line thereof, 962.19 feet to a 5/8" iron rod with a yellow plastic cap stamped "Marx Assocs"; thence North $05^{\circ}52'37''$ East 74.90 feet to a 5/8" iron rod with a yellow plastic cap stamped "Marx Assocs"; thence North $01^{\circ}31'58''$ West 1358.09 feet to the Northwest corner of that certain tract of land described in Recorder's Fee No. 93 50262, Deed Records, said county; thence North $89^{\circ}04'00''$ East, along the North line of said Fee No. 93 50262, 333.64 feet to an angle point; thence North $38^{\circ}52'00''$ East, continuing along said North line, 155.01 feet to a point in the Southwesterly right of way line of SE Lusted Road (60 feet wide); thence South $51^{\circ}08'00''$ East, along said Southwesterly right of way line, 1165.41 feet to the Northeast corner of said Fee No. 93 50262; thence South $00^{\circ}41'00''$ East, along the East line of said Fee No. 93 50262, 1789.06 feet to the Southeast corner thereof and a point in the South line of said Section 25; thence West, along said South line, 651.69 feet to an angle point in the South line of said Fee No. 93 50262; thence South $01^{\circ}08'47''$ East 66.00 feet to the most Southerly Southeast corner of said Fee No. 93 50262; thence West, along the South line of said Fee No. 93 50262, 660.00 feet to a point in the West line of Section 36; thence North $01^{\circ}08'47''$ West, along said West line, 66.00 feet to the point of beginning.

PARCEL II:

Below Lusted Rd

That portion of the West one-half of the Southwest one-quarter of Section 25, Township 1 South, Range 4 East of the Willamette Meridian, Clackamas County, Oregon, lying Northeasterly of SE Lusted Road.

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SALEM, OREGON

T-9210

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AUG 19 2002

WATER RESOURCES DEPT.
SALEM, OREGON

3637 N.E. Surf Court
Lincoln City, Oregon 97367

Oregon Water Resources Department
Commerce Building
158 12th Street N.E.
Salem, Oregon 97301-4172

Re: Reservoir Application R-76927

To Whom It May Concern:

I, William E. Rannow, give my permission to transfer my water rights under Certificate of Water Right (HB-2153) as follows:

The right to store the waters of a spring, a tributary of Sandy River in an unnamed reservoir for wildlife.

The right to store and use these waters was perfected under Reservoir Application R-76927. The date of priority is January 1, 1993. The amount of water entitled to be stored and used each year under this right is not more than 5.0 acre-feet.

Located as follows: $\frac{1}{4}$ $\frac{1}{4}$ Section 25, Township 1 South, Range 4 East WM

Please transfer the above right to Dan Nelson DBA Hans Nelson & Sons Nursery, Inc., 31020 SE Waybill Road, Boring, Oregon 97009, who purchased the property in February, 2002.

Sincerely,

William E. Rannow

William E. Rannow

Date: 8-11-02

T-9210

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AUG 19 2002

WATER RESOURCES DEPT.
SALEM, OREGON

P. O. Box 1506
Sandy, Oregon 97005

Oregon Water Resources Department
Commerce Building
158 12th Street N.E.
Salem, Oregon 97301-4172

Re: Reservoir Application R-76927

To Whom It May Concern:

I, Christina R. Vaeretti, give my permission to transfer my water rights under Certificate of Water Right (HB-2153) as follows:

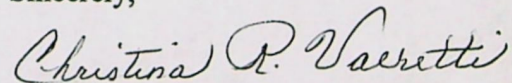
The right to store the waters of a spring, a tributary of Sandy River in an unnamed reservoir for wildlife.

The right to store and use these waters was perfected under Reservoir Application R-76927. The date of priority is January 1, 1993. The amount of water entitled to be stored and used each year under this right is not more than 5.0 acre-feet.

Located as follows: $\frac{1}{4}$ $\frac{1}{4}$ Section 25, Township 1 South, Range 4 East WM

Please transfer the above right to Dan Nelson DBA Hans Nelson & Sons Nursery, Inc., 31020 SE Waybill Road, Boring, Oregon 97009, who purchased the property in February, 2002.

Sincerely,



Christina R. Vaeretti

Date: 8-13-02

T-9210



Oregon Water Resources Department Land Use Information Form

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WATER RESOURCES DEPT.
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.130. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: DAN NELSON dba HANS NELSON & SONS NURSERY

Address: 31020 SE WAYBILL ROAD

City: BORING State: OR Zip: 97009 Day Phone: 503-663-3348

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	(Check all that apply)		
2000, W1/2 SW1/4, SEC 25, T1S, R4E WM		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. CLACKAMAS COUNTY, NO CITY

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): GENERAL AGRICULTURAL USES, GENERAL NURSERY USES

Briefly describe: INSTALL INTAKE PUMP IN EXISTING RESERVOIR, NEW 6" TRANSMISSION SYSTEM, ROTATING SPRINKLER HEADS, BARE ROOT SHADE, FLOWERING AND ORNAMENTAL TREES.

D. Source

Indicate the source for the proposed water use:

☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

0.892 ☒ CFS 400 ☒ GPM ☐ Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

T-9210

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 401.01. Go to section B "Approval" below

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: STEVE HANSCHKA Date: 8-15-02
 Title: PLANNER Phone: 503-353-4500
 Signature: [Signature]

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

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AUG 19 2002

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

**WATER RESOURCES DEPT.
SALEM, OREGON**

T-9210



HANS NELSON & SONS NURSERY, INC.

WHOLESALE GROWERS OF SHADE AND FLOWERING TREES

31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427

PHONE: (503) 663-3348

FAX (503) 663-0138



August 16, 2002

Ms. Anita M. Huffman
Water Resources Department
Commerce Building
158 12th Street N.E.
Salem, Oregon 97301-4172

Re: Water Right Application S-85058

Dear Ms. Huffman:

Ed Crane, CWRE, has completed an application for water right transfer for S-85058. Enclosed is this form as well as the supporting documents you have requested. Also enclosed is my check in the amount of \$300.00 to complete this application.

I would like to request that this application be considered as soon as possible. I previously sent you a letter requesting a time out from processing on August 9, 2002. Please rescind this request.

Thank you for your help in processing this request.

Sincerely,

Dan L. Nelson
President

DLN:lbm
Encl.

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WATER RESOURCES DEPT.
SALEM, OREGON

T-9210



Crane & Merseith Engineering/Surveying

6566 S.E. Lake Road, Suite D • Milwaukie, OR 97222-2138 • Phone: (503) 654-2005 • Fax: (503) 654-2575

August 6, 2002

Application and Permit Section
Oregon Water Resources Department
158 12th Street, N.E.
Salem, Oregon 97310-0210

SUBJECT: **Property Located at 38615 SE Lusted Road**
Application for a Water Right Transfer for Reservoir #1
Certificate 70836, Application R-76927 (HB-2153)
Rights for Tax Lot 2000, W 1/2 SW 1/4 Sec. 25
and NW1/4 of NW1/4 of Sec. 36, T1S, R4E WM
Intake #1 & Reservoir #1 are located in SW 1/4 SW 1/4
Sec. 25, T1S, R4E of WM, Clackamas County, Oregon
Project Number: 347-004 L:\WP_PROJ\347-004\OWRD1.DOC

Dear Sir/Madam:

Dan Nelson doing business as Hans Nelson & Sons Nursery, Inc. is submitting the enclosed "Application for a Water Right Transfer" to add "Irrigation Use" from an existing reservoir (Appl. R-76927/H.B.2153 "non-exempt existing ponds - prior 1/1/1993")- Certificate 70836). They would like to use stored water for both General Nursery Irrigation Use (Mar. 1st to Oct. 31st) and General Agricultural Irrigation Use / Temperature Control (Nov. 1st to the end of February).

They request "Time out for processing for up to 180 days for the previously submitted "Application for a Permit for Surface Water S-85058". That application was **originally** for 0.892 cubic feet per second (cfs)(or 400gpm) on 71.35 acres irrigated at an 1/80cfs/ac/day rate from the existing Reservoir #1. Mr. Nelson has removed Tax Lot 2080 from that application by separate letter. The revised surface water permit is now for 0.8013cfs (360gpm) on 64.10acres.

I personally inspected his acreage and Reservoir site on February 6, 2002. Attached for your review and approval are the Transfer Application and map with supporting data that shows the location of the reservoir and other features on their property.

RECEIVED

AUG 19 2002

WATER RESOURCES DEPT.
SALEM, OREGON

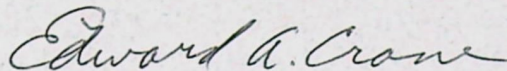


T-9210

Dan Nelson Transfer Application
August 6, 2002
Page 2

Please contact Dan Nelson at 503-663-3348 if you have any questions about their existing reservoir or pending Surface Water Application. I'd be available to answer any questions or concerns that you may have about the Application and can be reached at 503-654-2005.

Sincerely,
CRANE & MERSETH ENGINEERING\SURVEYING



Edward A. Crane, CWRE
Vice President

cc: Dan Nelson, President dba
Nelson & Sons Nursery Inc.
31020 SE Waybill Road
Boring, OR 97009-9427

TEL: 503-663-3348
Fax: 503-663-0138

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WATER RESOURCES DEPT.
SALEM, OREGON

T-9210



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

August 28, 2002

Dan Nelson
dba Hans Nelson & Sons Nursery, Inc.
31020 SE Waybill Road
Boring, Oregon 97009-9427

REFERENCE: Transfer 9210

On 08-19-2002 we received your water right transfer application requesting a change in Use for use of water from a Spring / Unnamed Res. The application was accompanied by \$ 300.00. Our receipt 54917 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. If you have a specific reason why your application should be examined ahead of other applications, please send us a letter describing your reason. We may be able to examine your application ahead of others.

You may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503) 378-3739.

cc: Watermaster #18, Darril Hedin
CWRE #156, Edward A. Crane

enclosure

County: CLACKAMAS
Transfer: 9210
Certificate: 70836
Priority Date: 01/01/1993
Name: DAN NELSON / DBA HANS NELSON & SONS NURSERY,
INC.
Address: 31020 SE WAYBILL ROAD; BORING, OR 97009
Change: USE
Source: A SPRING/UNNAMED RES
Authorized USE: WILDLIFE
Proposed USE: IRRIGATION



State of Oregon
Water Resources Department
 158 12th Street NE, Salem, OR 97310
 (503)378-8455 • (800)624-3199
 www.wrd.state.or.us

Application for Water Right Transfer

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

RECEIVED

AUG 19 2002

APPLICATION FOR:

WATER RESOURCES DEPT.
SALEM, OREGON

Please check one

- ☒ Water Right Transfer
 ☐ Temporary Transfer
 ☐ Permit Amendment
☐ Historic Point of Diversion Change
 ☐ Government Action Point of Diversion

1. APPLICANT INFORMATION

Name: DAN NELSON dba HANS NELSON & SONS NURSERY, INC.
First Last

Address: 31020 SE WAYBILL ROAD

BORING OREGON 97009-9427
City State Zip

Phone: 503-663-3348 CELL: 503-310-9708
Home Work Other

*Fax: 503-663-0138 *E-Mail address: _____

*Optional information

2. TYPE OF CHANGE

- ☒ Use
 ☐ Place of Use
 ☐ Point of Diversion
 ☐ Point of Appropriation

Reason for change: ADDING GENERAL NURSERY USES (MAR.1-OCT.31) AND GENERAL AGRICULTURAL USES (TEMPERATURE CONTROL FROM NOV.1-END FEB.) NOW IS WILDLIFE USE ONLY.

Is the land within an irrigation or other water district? ☐ Yes ☒ No

If yes, include district name: _____

For Department Use

App. No. _____ Permit No. _____ Date _____

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WATER RESOURCES DEPT.
SALEM, OREGON

3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: CHRISTINA R. VAERETTI & WILLIAM E. RANNO

Decree: _____

☒ Not applicable]

Permit Number: R-76927 Certificate Number: 70836

☐ Not applicable] ☐ Not applicable]

Priority Date: JANUARY 1, 1993 Authorized Use: WILDLIFE

Source of Water: SANDY RIVER
SPRING, TRIB. TO County: CLACKAMAS

Are there other sources listed on the water right? ☐ Yes ☒ No

Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
320FT NORTH, 960FT EAST	SW of SW	25	1S	4E WM

Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
1S	4E	25		SW of SW	2000	35.40
1S	4E	25		NW of SW	2000	28.50
1S	4E	36		NW of NW	2000	0.20
THE CERTIFICATE HAS NO PLACES OF USE						
SURFACE WATER APPLICATION S-85058 LISTS THE ABOVE AREAS.						

Are there other lands described in the water right? ☐ Yes ☒ No

Are there other water rights or permits associated with this land? ☐ Yes ☒ No
If yes, include a copy of all rights or permits. APPLICATION S-85058
IS PENDING NOW.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):

THERE IS NO DELIVERY SYSTEM NOW, IT WILL BE CONSTRUCTED AFTER THE SURFACE WATER
PERMIT IS ISSUED.

System capacity (in cfs): 0.892CFS REVISED CAPACITY.

4. PROPOSED CHANGES TO THE WATER RIGHT

☒ Change in Use:

Proposed use: GENERAL NURSERY USES & GENERAL AGRICULTURAL USES - IRRIGATION

☐ Change in Point of Diversion or Point of Appropriation:

☐ Change

Old point of diversion or point of appropriation will not be used for this portion of the water right.

☐ Additional

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

Location of Proposed Point of Diversion or Point of Appropriation

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
320FT NORTH, 960FT EAST	SW SW	25	1S	4W WM
CERT. DID GIVE A POINT OF DIVERSION.				

☒ Change in Place of Use:

Location of Proposed Place of Use

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
1S	4E	25		SW SW	2000	35.40
1S	4E	25		NW SW	2000	28.50
1S	4E	36		NW NW	2000	0.20

Remarks: SURFACE WATER APPLICATION S-85058 IS PENDING NOW.

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WATER RESOURCES DEPT.
SALEM, OREGON

T-9210

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AUG 19 2002

WATER RESOURCES DEPT.
SALEM, OREGON

5. LAND OWNERSHIP

Answer only
if for change
in Use or
Place of Use.

Use/Place of Use

Are the lands free of encumbrances? ☐ Yes ☒ No

If no, name of encumbrance holder:

William Rannow
Christina Vaereth

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only
if applicant
is not the
landowner.

Landowners

This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.

Landowners: _____

(List all landowners shown on deed.)

Address(es): _____

City

State

Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only
if the receiving
landowner is
not the original
landowner or
the applicant.

Receiving Landowner

Name: _____

Address: _____

City

State

Zip

- ☐ The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
- ☐ Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.

T-9210

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WATER RESOURCES DEPT.
SALEM, OREGON

6. EXHIBITS

Application may be rejected if all appropriate exhibits are not enclosed.

Land Use Information Form:

- ☒ Enclosed
- ☐ Not needed: (must meet the following four requirements)
- ❶ In EFU zone or irrigation district.
 - ❷ Change in place of use only.
 - ❸ No structural changes needed, including diversion works, delivery facilities, other structures.
 - ❹ Irrigation only.
- ☒ List all affected governments (city, county, state, tribal, federal):
- NO CITY
- CLACKAMAS COUNTY

Map:

- ☒ Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- ☐ All others: *Need not be prepared by a Certified Water Right Examiner.*

Deed:

- ☒ Must accompany all applications, except permit amendment requests.

Evidence of use within last five years, or not subject to forfeiture:

- ☐ Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

Water Well Reports:

- ☐ If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.


Fees:

- ☒ Amount enclosed \$ 300

See instruction book for fee schedule.

7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.


applicant signature

Dan Nelson
name (print)

8-9-02
date

applicant signature

name (print)

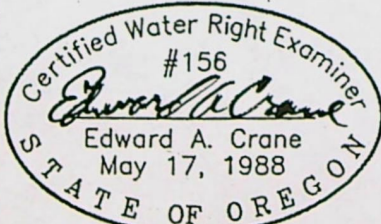
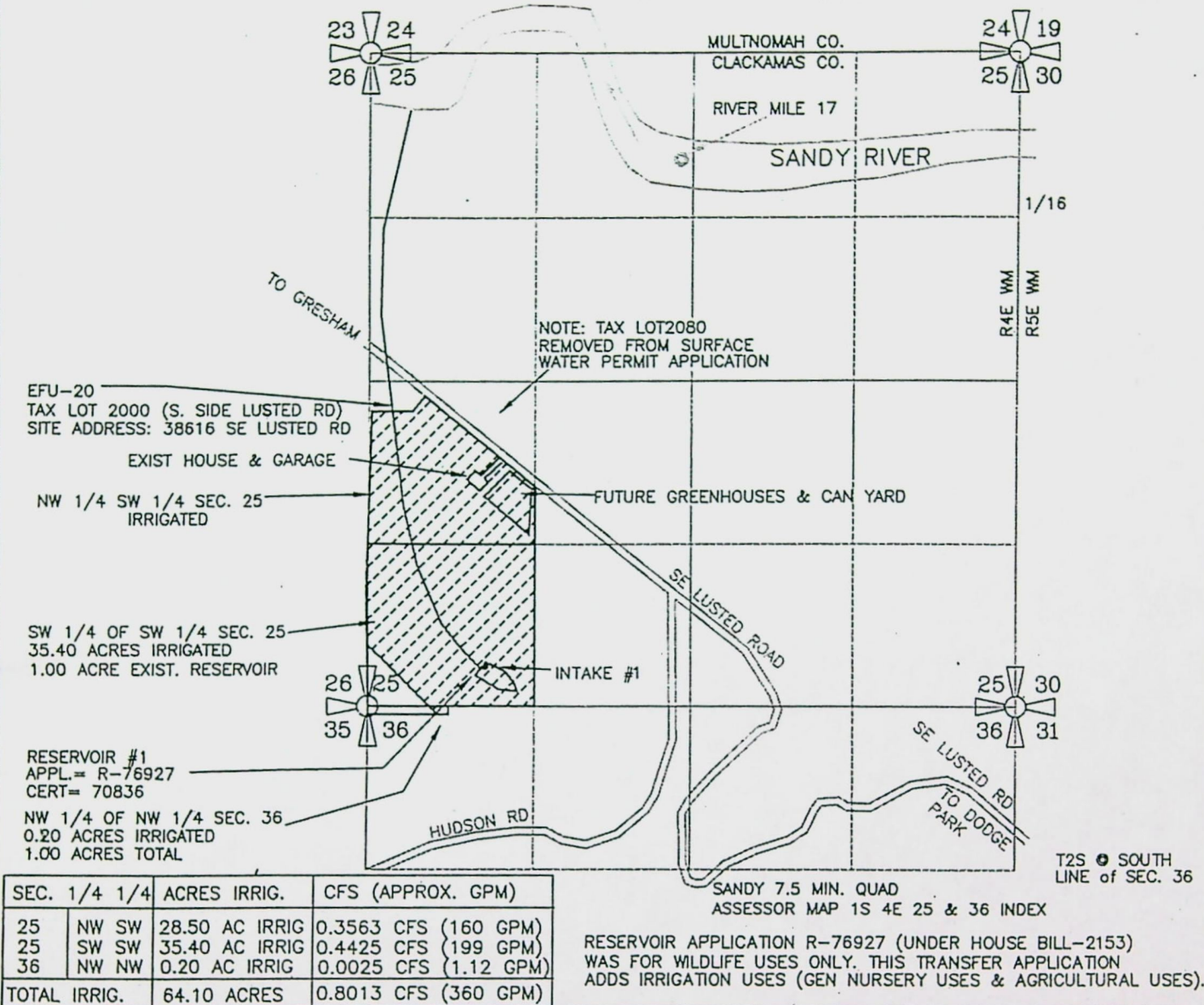
date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

CORPORATE
BOUNDARY LINE
DONATION LAND
CLAIM (DLC #)

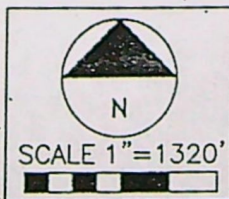
W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



Renewal 12/31/2003
Signed *E.A. Crane*

SURVEYED FEB. 6, 2002
BY EDWARD A. CRANE, CWRE

K:\CAD\347-004\34700401.DWG EAC 8/05/2002



RESERVOIR INTAKE #1 IS LOCATED 320 FEET NORTH & 960 FEET EAST FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 1 SOUTH RANGE 4 EAST of the WM, CLACKAMAS COUNTY, OREGON

PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

**APPLICATION FOR A TRANSFER/
STORAGE RESERVOIR CERT:70836**

PREPARED BY EDWARD A. CRANE, CWRE

DATE
AUG. 2002
PROJECT NO.
347-004



CRANE & MERSETH
Engineering/Surveying
SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222
BUS: (503) 654-2005
FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER R-76927
(UNDER HB-2153), IN THE NAME OF:

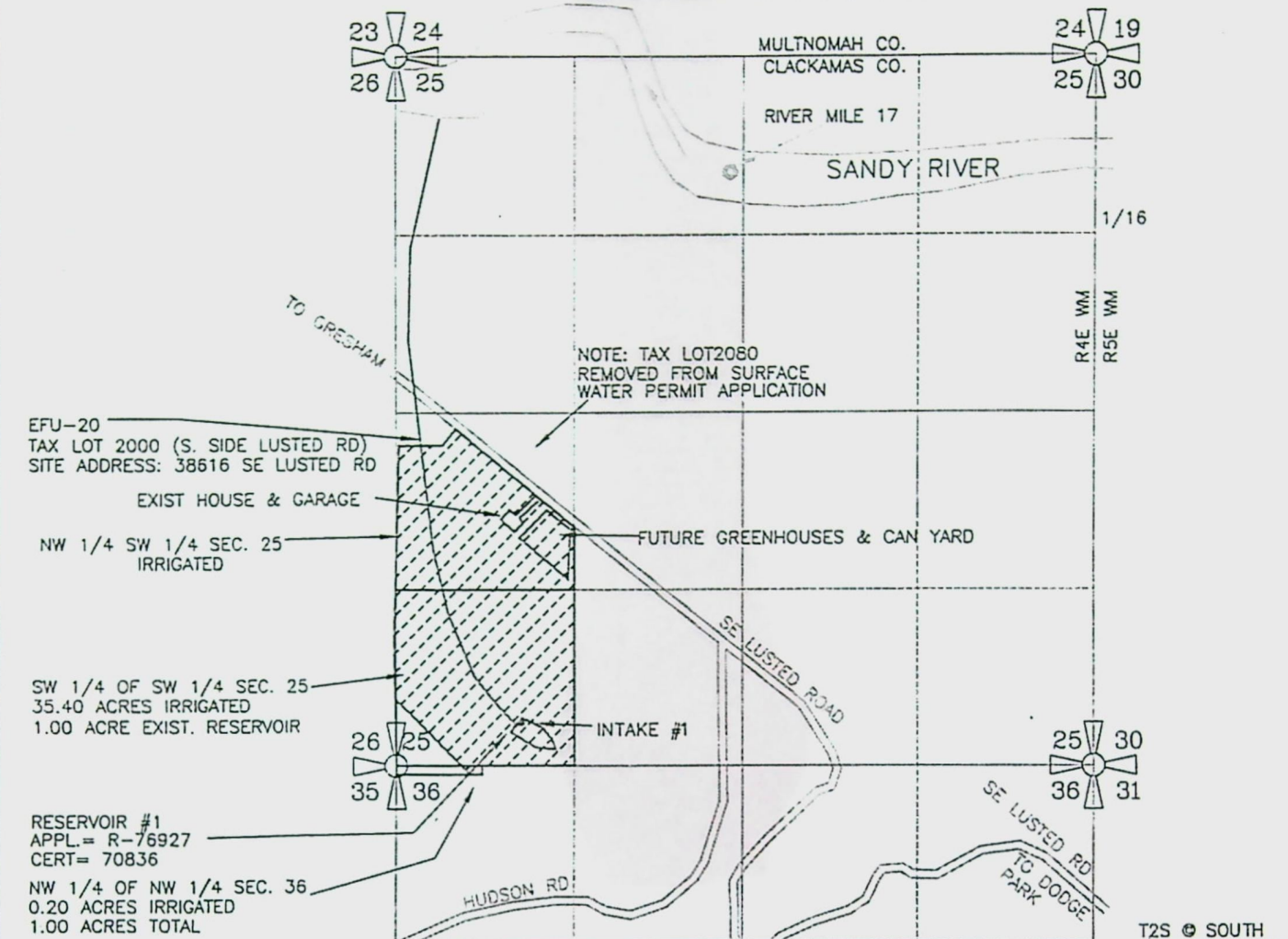
DAN NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

1/1

CORPORATE
BOUNDARY LINE
DONATION LAND
CLAIM (DLC #)

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



SEC.	1/4	1/4	ACRES IRRIG.	CFS (APPROX. GPM)
25	NW	SW	28.50 AC IRRIG	0.3563 CFS (160 GPM)
25	SW	SW	35.40 AC IRRIG	0.4425 CFS (199 GPM)
36	NW	NW	0.20 AC IRRIG	0.0025 CFS (1.12 GPM)
TOTAL IRRIG.			64.10 ACRES	0.8013 CFS (360 GPM)

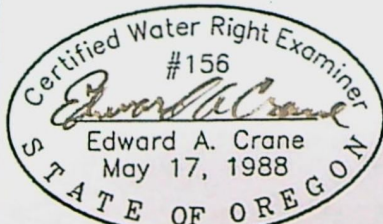
RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153)
WAS FOR WILDLIFE USES ONLY. THIS TRANSFER APPLICATION
ADDS IRRIGATION USES (GEN NURSERY USES & AGRICULTURAL USES).

RESERVOIR INTAKE #1 IS LOCATED 320 FEET NORTH & 960 FEET EAST
FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 1 SOUTH
RANGE 4 EAST of the WM, CLACKAMAS COUNTY, OREGON

PREPARATION OF THIS MAP WAS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP LINES.

APPLICATION FOR A TRANSFER
STORAGE RESERVOIR CERT.70836

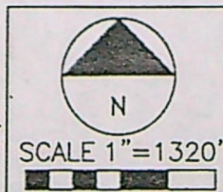
PREPARED BY EDWARD A. CRANE, CWRE



Renewal 12/31/2003

Signed *E.A. Crane*

SURVEYED FEB. 6, 2002
BY EDWARD A. CRANE, CWRE



DATE
AUG. 2002
PROJECT NO.
347-004



CRANE & MERSETH
Engineering/Surveying
SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222
BUS: (503) 654-2005
FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER R-76927
(UNDER HB-2153), IN THE NAME OF:
DAN NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET
1/1

T-9210

HANS NELSON & SONS NURSERY, INC.

21890

ACCOUNT NO.			VENDOR		CHECK NO.		CHECK DATE
VOUCHER	INVOICE NUMBER	INV. DATE	REFERENCE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
	02/fee	8/16/02	Fee to process appl.	300.00	300.00		300.00
						CHECK TOTAL	
						300.00	

RECEIVED

AUG 19 2002

WATER RESOURCES DEPT.
SALEM, OREGON

T-9210

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **54917**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Hans Nelson: Sons
BY: Nursery, Inc

APPLICATION	
PERMIT	
TRANSFER	T-9210

CASH: ☐ CHECK: # ☒ 24-7038 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 300.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ 300.00

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **54917**

DATED: 8/19/02 BY: K. Hall

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

TRANSFER CHECK OFF LIST

TRANSFER FILE # 9210
 DATE RECEIVED 8-19-02
 DATE MONEY SLIPPED 8-19-02
 DATE RECEIPTED 8-19-02
 VALID WATER RIGHT? X Yes _____ No
 TEMP ALT AC _____ (Greg) IRR DIST _____ (Greg) PERM AMEND _____ (Kelly) DIV 15 X (Bernie Assigns)
 TEMP Div 15 _____ (Bernie) ISWR Bernie COPIES TO LIAISON _____
 LETTER FROM ATTORNEY _____ YES (PUT INFO ON FRONT COVER) X NO
 FOLDER FILLED OUT* L
 INDEX CARD L
 ENTERED IN DB ✓
 TYPE BLACK BOOK ✓ (And color code)
 RECORD MONEY/RECEIPT # ✓
 CONTENTS MARKED ✓
 COLOR CODED L Yes
 4 COPIES MADE & STAMPED ✓
 CERTIFICATE MARKED ✓
 CERTIFICATE COPIED ✓
 PULL APPLICATIONS ✓
 APP FOLDER MARKED ✓
 FINAL PROOF MAP COPIED ✓
 PERMIT MARKED /
 PERMIT COPIED /
 PERMIT MAP COPIED /
 DECREE MARKED /
 DECREE COPIED /
 ADJUDICATION MAP COPIED /
 ENTRIES CHECKED _____ CHECKED BY _____ INIT FOLDER _____
 PUBLIC NOTICE DATE 9-3-02 (PREPARED & COPIED) ✓
 LETTER SENT ✓ Irrigation District X (copy of app & map)
 COPY TO WM ✓
 BLUE FORM TO WM ✓ Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his
 COPY TO GW X POA, APOA, or [SW TO GW ONLY(as POD)]
 BLUE FORM TO GW X Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his
 COPY TO CWRE ✓
 LETTER TO ODFW ✓ ALL Surface water POU/USE (POD and APOD FISH SCREENS)
 TRANSFER SENT TO: ✓ SW — NCR — SCR — ER wa

*SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER