

T-14552

Regular

RA

T-14552

Name Dan Nelson / Hans Nelson & Sons Nursery, Inc.

DESCRIPTION OF WATER RIGHT(S)

Address 31020 SE Waybill Rd.

Boring, OR 97009

*communication only via mail

Change in APOA

Date Filed 10/17/2024

Initial notice date 10/29/2024

DPD issued date

PD issued date

PD notice date

Date of FO _____ Vol _____ Page _____

C-Date

COBU due date

COBU Received date

Certificate issued

Name of Stream A well

Trib. of Johnson Creek

Use Irrigation

County Clackamas

Quantity of water (CFS)

No. of Acres

Name of ditch

App# G-7941 Per # G-7325 Cert # 50467 PR Date 3-18-1977

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

App# _____ Per # _____ Cert # _____ PR Date _____

FEES PAID

Date	Amount	Receipt #
<u>10-17-24</u>	<u>\$2,250.00</u>	<u>144026</u>
<u>10-17-24</u>	<u>\$125.00</u>	<u>144026</u>
<u>11-7-24</u>	<u>\$2,605.61</u>	<u>144134</u>

FEES REFUNDED

Date	Amount	Receipt #
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Assignments:

Irrigation District

Agent Ian Godwin ; Laura Schroeder

*communication only via mail

CWRE

CC's list Clackamas County Planning

☐ - Oversized map - Location

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14552

GW Reviewer Dennis Orlowski Date Review Completed: December 20, 2024

Summary of Same Source Review:

- ☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Water Level Decline Condition Review:

- ☐ Water levels at the original point(s) of appropriation have exceeded the allowed decline threshold defined by conditions in the originating water right.

Summary of Injury Review:

- ☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

- ☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-14552

Applicant Name: Hans Nelson and Sons Nursery, Inc.

Proposed Changes: ☐ POA ☒ APOA ☐ SW→GW ☐ RA
☐ USE ☐ POU ☐ OTHER

Reviewer(s): Dennis Orlowski

Date of Review: December 20, 2024

Date Reviewed by GW Mgr. and Returned to WRSD: December 20, 2024

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

1. Basic description of the changes proposed in this transfer: This proposed transfer relates to certificate 50467, which authorizes the use of groundwater from a single POA (CLAC 980 ("POA-1")) to irrigate 14.2 acres (max. rate 0.11 cfs, ~50 gpm) in Clackamas County, approximately 3 miles southeast of Damascus.

This application proposes to add two APOA for certificate 50467:

- "POA-2" (to be drilled)
- "POA-3" (to be drilled)

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: Authorized POA CLAC 980 is 157 feet deep and obtains groundwater from water-bearing sand and gravel deposits. The two proposed APOA wells are planned to be no more than approximately 225 feet deep, a depth which should also ensure they develop the same source aquifer as the existing authorized POA.

Incidentally, in this portion of the Portland Basin, these sedimentary deposits, at this depth range, have been mapped by the USGS as the Troutdale Gravel Aquifer (TGA). OWRD has equated the TGA to the "Shallow Troutdale Aquifer" in the Sandy-Boring Groundwater Limited Area (GWLA), which encompasses this area. Normally, within this GWLA only exempt groundwater uses are permitted from the Shallow Troutdale Aquifer (OAR 690-502-0170). However, both the 1977 application date and 1982 issuance date for certificate 50467 preceded the October 4, 1991 date on which the Sandy-Boring GWLA rules were implemented; consequently, the GWLA exempt use limitation does not apply to this particular water right.

3. a) Is the existing authorized POA subject to a water level decline condition?
☐ Yes ☒ No Comments: Certificate 50467 does not contain provisions related to either the setting of a reference level or decline conditions.
- b) If yes, for each POA identify the reference level, most recent spring-high water level, and whether an applicable permit decline condition has been exceeded: N/A
4. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No Comments: _____
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): N/A
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: Relative to the existing authorized POA CLAC 980, the proposed location for POA-3 is about 150-250 feet nearer to several wells to the northeast: CLAC 989, CLAC 72727, CLAC 54193. Thus it is likely that this proposed change will result in an increase in interference with those and other similar nearby wells.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
☐ Yes ☒ No If yes, explain: To evaluate the potential additional interference with CLAC 989, a Theis (1935) drawdown analysis was completed. Aquifer parameters used for the analysis were derived from regional data and studies (Pumping Test Reports; Freeze and Cherry, 1979; McFarland and Morgan, 1996; Swanson et al., 1993). To provide a conservative analysis, it was assumed that both authorized POA CLAC 980 (POA-1) and proposed POA-3 would be independently pumped non-stop at the maximum authorized rate under certificate 50467 (0.11 cfs, ~50 gpm) up to the associated duty, which would be accomplished in about 160 days.

Results of the Theis comparative analysis indicate that additional interference with CLAC 989 would likely range from only about 1 to 4 feet based on these conservative pumping scenarios. This estimated low range of additional interference in nearby wells should ensure continued normal use of those wells; thus it is not likely that the proposed use will result in CLAC 989 or another similar groundwater right from receiving the water to which it is legally entitled.

6. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☐ Yes ☒ No Comments: The nearest surface water source is a tributary to Johnson Creek located approximately 1600-1700 feet west-northwest of the application POA. However, this reach is not perennial and thus not subject to this analysis. Furthermore, relative to CLAC 980 (POA-1) the proposed location for POA-3 is only about 130 feet nearer to this intermittent stream course, and thus its proposed use would not be expected to cause any increase in additional interference even if the stream were a perennial reach.

- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: _____ ☐ Minimal ☐ Significant

Stream: _____ ☐ Minimal ☐ Significant

Provide context for minimal/significant impact: N/A

7. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☐ Yes ☐ No Comments: N/A

8. What conditions or other changes in the application are necessary to address any potential issues identified above: The maximum depths for proposed POA-2 and POA-3 should be no deeper than the proposed 225 feet to ensure they obtain groundwater from the same source as the authorized POA, CLAC 980 (POA-1). Local geologic mapping (Swanson and others, 1993) indicates that the top of the regional Confining Unit 1 (CU1) is likely just below the planned bottoms of the proposed APOA wells. CU1 separates the Shallow Troutdale Aquifer (Troutdale Gravel Aquifer) from the Deep Troutdale Aquifer (TSA); therefore, as long as the proposed APOA are completed above CU1 then they will obtain groundwater from the same source as authorized CLAC 980, i.e., the Shallow Troutdale Aquifer (TGA).

9. Any additional comments: None

References

Water rights documents: application T-14552; certificate 50467; groundwater technical reviews for applications T-12121, T-12697, GT-12948.

Freeze, R.A. and Cherry, J.A., 1979, Groundwater, Prentice Hall, Englewood Cliffs, New Jersey, 604 p.

McFarland, W.D., and Morgan, D.S., 1996, Description of the Ground-Water Flow System in the Portland Basin, Oregon and Washington, Water Supply Paper 2470-A, 58 p: U. S. Geological Survey, Reston, VA.

Swanson, R. D., McFarland, W. D., Gonthier, J. B., and Wilkinson, J. M., 1993, A description of hydrogeologic units in the Portland Basin, Oregon and Washington, Water-Resources Investigations Report 90-4196, 56 p.: U. S. Geological Survey, Reston, VA.

Theis, C.V., 1935, The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using groundwater storage, American Geophysical Union Transactions, vol. 16, p. 519-524.

United States Geological Survey, 2014, National Hydrography Dataset (NHD), 1:24,000, U. S. Department of the Interior, Reston, VA.

United States Geological Survey, 2017, *Sandy quadrangle*, Oregon [map], 1:24,000, 7.5 minute topographic series, U.S. Department of the Interior, Reston, VA.

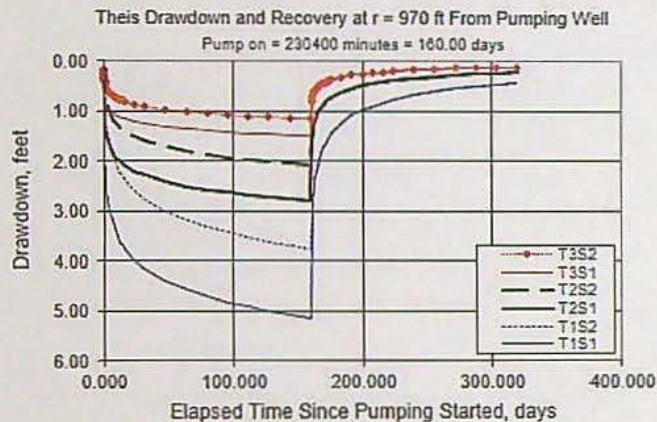
Theis Drawdown Analysis – Authorized POA CLAC 980 to CLAC 989

Theis Time-Drawdown Worksheet v.3.00

Calculates Theis nonequilibrium drawdown and recovery at any arbitrary radial distance, r , from a pumping well for 3 different T values and radial distance, r , from a pumping well for 3 different T values and 2 different S values.
 Written by Karl C. Wozniak September 1992. Last modified December 30, 2014

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		160		d	
Radial distance from pumped well	r		970.00		ft	Q conversions
Pumping rate	Q		0.110		cfs	49.37 gpm
Hydraulic conductivity	K	25.000	50.000	100.000	ft/day	0.11 cfs
Aquifer thickness	b		50		ft	6.60 cm
Storativity	S_1		0.00010			9.504.00 cfs
	S_2		0.00100			0.22 at/d
Transmissivity Conversions	T_{dpm}	1.250	2.500	5.000	ft ² /day	
	T_{ftpm}	0.8681	1.7361	3.4722	ft ² /min	
	T_{gdpft}	9.350	18.700	37.400	gpd/ft	

Recalculate Use the Recalculate button if recalculation is set to manual

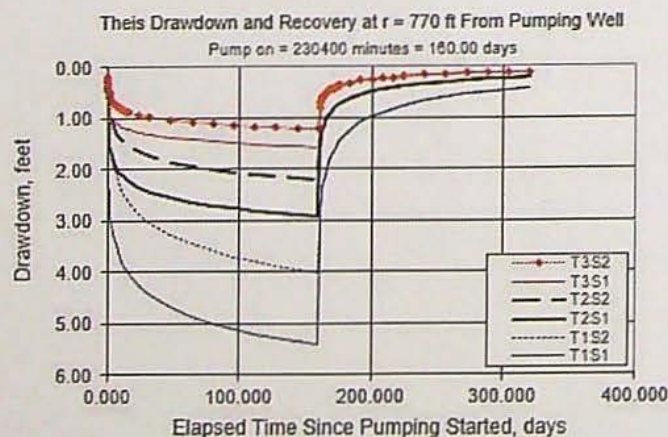
**Theis Drawdown Analysis – Proposed APOA POA-3 to CLAC 989**

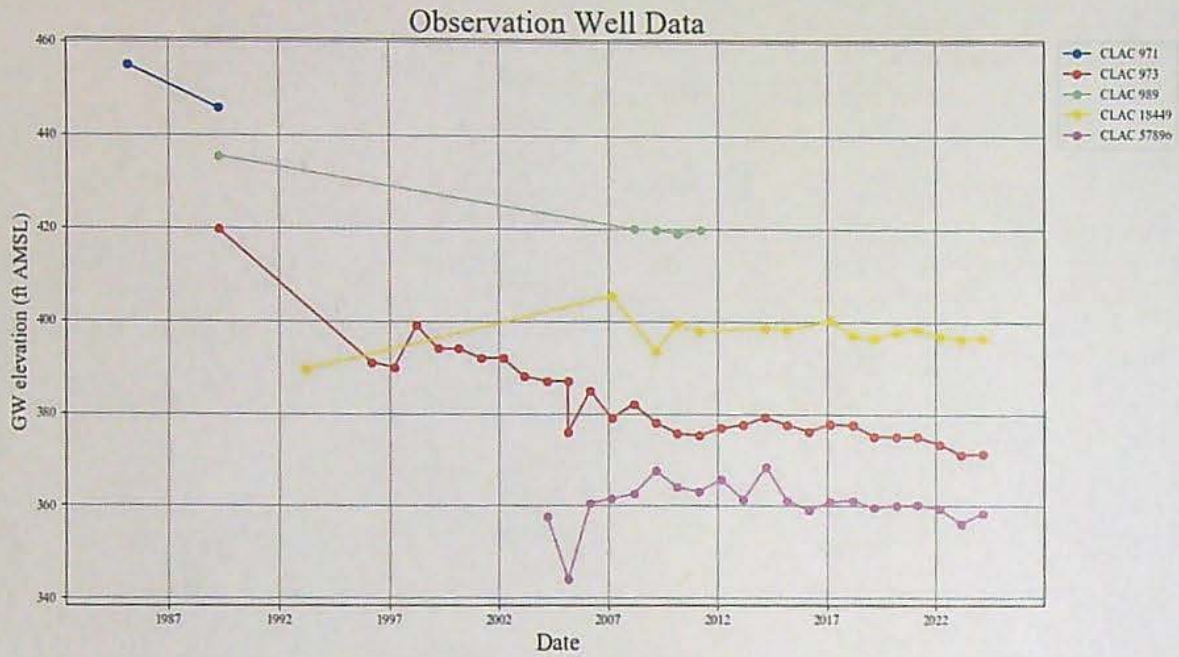
Theis Time-Drawdown Worksheet v.3.00

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 Written by Karl C. Wozniak September 1992. Last modified December 30, 2014

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		160		d	
Radial distance from pumped well	r		770.00		ft	Q conversions
Pumping rate	Q		0.110		cfs	49.37 gpm
Hydraulic conductivity	K	25.000	50.000	100.000	ft/day	0.11 cfs
Aquifer thickness	b		50		ft	6.60 cm
Storativity	S_1		0.00010			9.504.00 cfs
	S_2		0.00100			0.22 at/d
Transmissivity Conversions	T_{dpm}	1.250	2.500	5.000	ft ² /day	
	T_{ftpm}	0.8681	1.7361	3.4722	ft ² /min	
	T_{gdpft}	9.350	18.700	37.400	gpd/ft	

Recalculate Use the Recalculate button if recalculation is set to manual



Hydrograph, Area Wells

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14542

GW Reviewer Stacey Garrison/Travis Brown Date Review Completed: 11/6/2024

Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Water Level Decline Condition Review:

☐ Water levels at the original point(s) of appropriation have exceeded the allowed decline threshold defined by conditions in the originating water right.

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-14542

Applicant Name: Patrick and Denise Beggs

Proposed Changes: ☐ POA ☒ APOA ☐ SW→GW ☒ RA
☐ USE ☐ POU ☐ OTHER

Reviewer(s): Stacey Garrison/Travis Brown

Date of Review: 11/6/2024

Date Returned to WRSD: 11/12/2024

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

1. Basic description of the changes proposed in this transfer: Applicant proposes to add an APOA (PROP 556) to 54.8 ac of Certificate 56439. Certificate 56439 authorizes POA 1 (MARI 8825/8812) to irrigate 100.4 ac at a maximum rate of 0.78 cfs and a maximum annual duty of 251 AF. The maximum rate is split by priority date: 0.67 cfs with priority date of July 6, 1973, and 0.11 cfs with priority date of December 13, 1974. The transfer to the APOA (PROP 556) is evaluated at the maximum split, proportioned rate of 0.4257 cfs (0.366 cfs with priority date of July 6 1973, 0.060 cfs with priority date of December 13 1974) and a maximum annual duty of 137 AF.
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: The authorized POA (MARI 8825/8812) develops the weathered top of the Sand Hollow Basalt belonging to the Frenchman Springs member of the Wanapum Basalt Formation (Tolan and Beeson, 1999), part of the Columbia River Basalt Group, CRBG. The well is completed to 600 ft bls [-136 ft amsl], with water-bearing zones (WBZs) from 23 ft bls [441 ft amsl] to 350 ft bls [114 ft amsl]; when the well was deepened to 600 ft bls [-136 ft amsl], the driller noted "No water encountered". The proposed APOA (PROP 556) would likely develop the same Sand Hollow Basalt, with proposed casing and surface seal to 30 ft bls [543 ft amsl] and a maximum depth of 250 ft bls [323 ft amsl]. It is anticipated that the proposed APOA (PROP 556) will develop the same aquifer as the authorized POA (MARI 8825/8812).

3. a) Is the existing authorized POA subject to a water level decline condition?
☐ Yes ☒ No Comments: _____
- b) If yes, for each POA identify the reference level, most recent spring-high water level, and whether an applicable permit decline condition has been exceeded: N/A
4. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No Comments: Only the Frenchman Springs member of the CRBG is developed.
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): N/A
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☐ Yes ☒ No Comments: The authorized POA (MARI 8825/8812) is closer to the nearest ground water user than the proposed APOA (PROP 556). A decrease in interference with other ground water users is anticipated.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
☐ Yes ☐ No If yes, explain: N/A
6. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
☐ Yes ☒ No Comments: The authorized POA (MARI 8825/8812) is closer to the nearest surface water source than the proposed APOA (PROP 556). A decrease in interference with surface water is anticipated.
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?
Stream: _____ ☐ Minimal ☐ Significant
- Provide context for minimal/significant impact: N/A
7. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
☐ Yes ☐ No Comments: N/A
8. What conditions or other changes in the application are necessary to address any potential issues identified above: _____
9. Any additional comments: _____

References

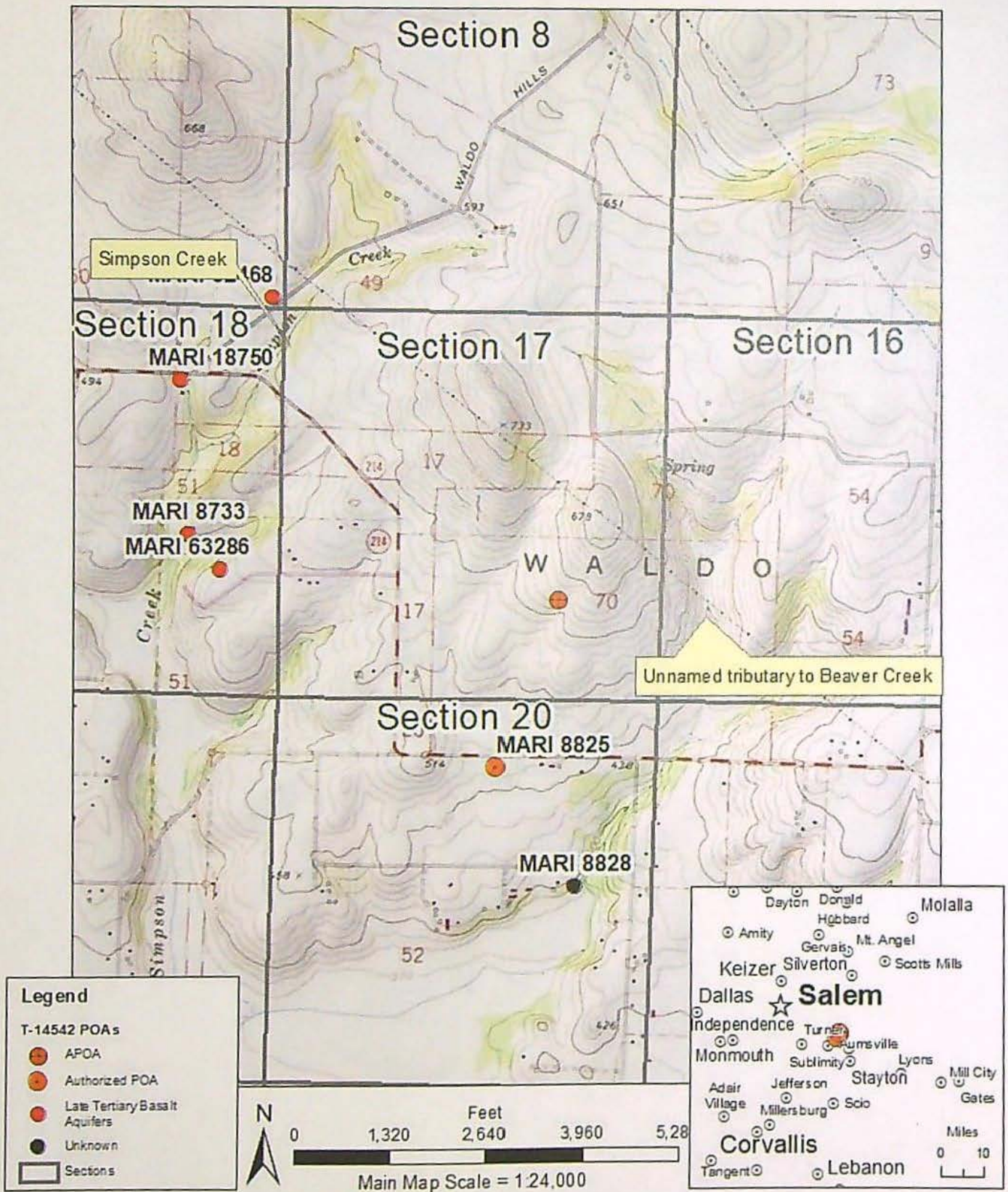
Transfer File: T-14542, Certificate 56439

Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-water hydrology of the Willamette Basin, Oregon, Scientific Investigations Report 2005-5168: U. S. Geological Survey, Reston, VA.

Gannett, M.W. and Caldwell, R., 1998, Geologic framework of the Willamette Lowland aquifer system, Oregon and Washington, Professional Paper 1424-A, 32 p: U. S. Geological Survey, Reston, VA.

Herrera, N.B., Burns, E.R., and Conlon, T.D., 2014, Simulation of groundwater flow and the interaction of groundwater and surface water in the Willamette Basin and Central Willamette subbasin, Oregon: U.S. Geological Survey Scientific Investigations Report 2014-5136, 152 p.

Theis, C.V., 1935, The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using groundwater storage, American Geophysical Union Transactions, vol. 16, p. 519-524.

Map**T-14542 Beggs**

Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Transfer Application: T-14552

Review Due Date: 11/21/2024

Applicant Name: Dan Nelson

Proposed Changes: ☐ POU ☐ POD ☒ POA ☐ USE ☐ OTHER

Reviewer(s): Amy Landvoigt

Date of Review: 10/24/2024

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☐ No ☒ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:

6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain:

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:

- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer? ☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source? ☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur? ☐ Yes ☐ No If "Yes", explain:

12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

b. The water user shall maintain the meters or measuring devices in good working order.

c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

a. Before water use may begin under this order, the water user shall install staff gages, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

☐ Weir
☐ Parshall Flume
☐ Other: _____

☐ Submerged Orifice
☐ Flow Restrictor

Oregon Water Resources Department

Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14552



In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will be required to be installed prior to diversion of water, as a condition of this transfer:



at each point of diversion/appropriation (new and existing) **OR**



at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: Amy Landvoigt

District: 20

Address: 10722 SE Highway 212

City/State/Zip: Clackamas, OR 97015

Phone: 503-312-1743

Email: amy.j.landvoigt@water.oregon.gov

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

On behalf of the Director, I authorize use of the following suitable alternate measurement device:

Watermaster signature

District

Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **144134**
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

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

APPLICATION _____
PERMIT _____
TRANSFER T-14552

CASH: ☐ CHECK: # 61645 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 2,605.61

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 R 11522-25 \$ _____
0412 OTHER: (IDENTIFY) Transfer R.A. \$ 2,605.61

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ _____ 0202 RECORD FEE \$ _____
0203 GROUND WATER \$ _____ 0204 \$ _____
0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ _____ 0219 LICENSE FEE \$ _____
LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD# _____
0210 MONITORING WELLS \$ _____ CARD# _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **144134** DATED: 11-7-24 BY: W. D. Miller

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

Cash In Bank - Check

Received
NOV 07 2024
OWRD

Oregon Water Resources Department
Date 11/14/2024 Type Bill Reference T-14552 Expedite Fee

Original Amt: 2,605.61

Balance Due 2,605.61

11/5/2024 Discount
Check Amount

Payment 2,605.61
2,605.61

61645

Hans Nelson & Sons Nursery, Inc.

REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: R11-522-25

Received
NOV 07 2024

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Hans Nelson & Sons Nursery, LLC, hereafter Applicant, hereafter known together as the parties.

OWRD

OWRD Information

Contact: Lisa Jaramillo
Title: Transfer Advisor/Manager
Address: 725 Summer Street, NE, Suite A
Salem, OR 97301-1266

Phone: (503) 871-1889
Fax: (503) 986-0901
Email: lisa.j.jaramillo@water.oregon.gov

Applicant's Information

Name: Hans Nelson & Sons Nursery, Inc.
Contact: Dan Nelson
Address: 31020 SE Waybill Road
Boring, OR 97009

Phone:
Fax:
Email:

Applicant's Representative

Name: CwM-H2O, LLC
Contact: Ian Godwin
Address: 311 B Avenue, Suite P
Lake Oswego, OR 97034

Phone: (503) 954-1326
Fax:
Email:

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14552)

1. **Authority.** The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
2. **Restrictions.** Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
3. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.
4. **Consideration.**
 - a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$2,605.61. Applicant agrees to pay the full amount of \$2,605.61 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
 - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
5. **Confidentiality.** Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
6. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

- Hans Nelson + Sons Nursery, Inc -

Hans Nelson-
Chairman President

11-4-24

Name/Title:

Dwight French – Administrator

11-13-24

Revised February 22, 2024.krf

Cash In Bank - Check

Received
OCT 17 2024
OWRD

125.00

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 144020 INVOICE #
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIVED FROM: Hans Nelson & Sons Nursery, Inc.
BY: APPLICATION PERMIT TRANSFER T-14552
CASH: CHECK: # 61624 OTHER: (IDENTIFY)
TOTAL REC'D \$125.00

1083	TREASURY	4170	WRD MISC CASH ACCT
0407	COPIES	47124 R11522-25	\$
0412	OTHER:	(IDENTIFY) Transfer R-A	\$125.00
0243	I/S Lease		
0244	Muni Water Mgmt. Plan		
0245	Cons. Water		

4270	WRD OPERATING ACCT
MISCELLANEOUS	
0407	COPY & TAPE FEES \$
0410	RESEARCH FEES \$
0408	MISC REVENUE: (IDENTIFY) \$
TC162	DEPOSIT LIAB. (IDENTIFY) \$
0240	EXTENSION OF TIME \$
WATER RIGHTS:	
0201	SURFACE WATER EXAM FEE 0202 \$
0203	GROUND WATER EXAM FEE 0204 \$
0205	TRANSFER EXAM FEE \$
WELL CONSTRUCTION	
0218	WELL DRILL CONSTRUCTOR EXAM FEE 0219 \$
LANDOWNER'S PERMIT	0220 \$
OTHER	(IDENTIFY)

0536	TREASURY	0437	WELL CONST. START FEE
0211	WELL CONST START FEE	\$	CARD#
0210	MONITORING WELLS	\$	CARD#
OTHER	(IDENTIFY)		

0607	TREASURY	0467	HYDRO ACTIVITY	LIC NUMBER
0233	POWER LICENSE FEE (FW/WRD)			\$
0231	HYDRO LICENSE FEE (FW/WRD)			\$
	HYDRO APPLICATION			\$

TREASURY OTHER / RDX
FUND TITLE
OBJ. CODE VENDOR #
DESCRIPTION \$

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 144020 INVOICE #
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIVED FROM: Hans Nelson & Sons Nursery, Inc.
BY: APPLICATION PERMIT TRANSFER T-14552
CASH: CHECK: # 61624 OTHER: (IDENTIFY)
TOTAL REC'D \$125.00

1083	TREASURY	4170	WRD MISC CASH ACCT
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0243	I/S Lease		
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0245	Cons. Water		

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MISCELLANEOUS	
0407	COPY & TAPE FEES \$
0410	RESEARCH FEES \$
0408	MISC REVENUE: (IDENTIFY) \$
TC162	DEPOSIT LIAB. (IDENTIFY) \$
0240	EXTENSION OF TIME \$
WATER RIGHTS:	
0201	SURFACE WATER EXAM FEE 0202 \$
0203	GROUND WATER EXAM FEE 0204 \$
0205	TRANSFER EXAM FEE \$
WELL CONSTRUCTION	
0218	WELL DRILL CONSTRUCTOR EXAM FEE 0219 \$
LANDOWNER'S PERMIT	0220 \$
OTHER	(IDENTIFY)

0536	TREASURY	0437	WELL CONST. START FEE
0211	WELL CONST START FEE	\$	CARD#
0210	MONITORING WELLS	\$	CARD#
OTHER	(IDENTIFY)		

0607	TREASURY	0467	HYDRO ACTIVITY	LIC NUMBER
0233	POWER LICENSE FEE (FW/WRD)			\$
0231	HYDRO LICENSE FEE (FW/WRD)			\$
	HYDRO APPLICATION			\$

TREASURY OTHER / RDX
FUND TITLE
OBJ. CODE VENDOR #
DESCRIPTION \$



OREGON WATER RESOURCES DEPARTMENT
TRANSFER REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

Please contact Transfer Staff before submitting this request, as the application fee of \$125.00 per request is non-refundable.

Checks submitted for this application must be separate from Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
☒	Transfer Application	T-14552 Transfer Number Not Yet Assigned

	Applicant Information	Applicant's Representative/Contact
Name:	Dan Nelson / Hans Nelson & Sons Nursery	Ian Godwin (CwM-H2O, LLC)
Address:	31020 SE Waybill Road	311 B Avenue, Suite P
	Boring, OR 97009	Lake Oswego, OR 97034
Phone:		503-954-1326
Fax:		
E-Mail Address:		

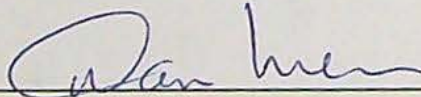
By signing this application, I understand:

- That upon receipt of my non-refundable application fee of **\$125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimate of costs and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate, I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- That an incomplete or inaccurate application may delay the process and increase the cost to process my request.
- That expedited processing does not guarantee a favorable review of my request.

I certify that I am the (check one):

☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Name: Dan Nelson

Signature:  President 10-9-24

Send completed Application and payment to:

Oregon Water Resources Department
Transfer Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

Received

OCT 17 2024

OWRD

OWRD USE ONLY: Reimbursement Authority Number: R11-522-25

TRANSFER COVER SHEET

Transfer: T-14552

GR Application #: GR-

File Assigned- Transfer Specialist:

Transfer Type: Regular Transfer

Reimbursement Authority? ☐

Applicant: Dan Nelson Hans Nelson 31020 SE Waybill Rd Boring, OR 97009-9427	Receiving Landowner:	CWRE Agent: Ian Godwin 311 B Ave, Suite P Lake Oswego, OR 97034
Interested Parties: BOR (date): _____ Tribal Gov't: _____ Gov'ts: Clackamas County Planning Department County: CLACKAMAS	Irrigation District: Check area of interest on map ☐	Additional Contact Information: Laura Schroeder 1915 NE Cesar Chavez Blvd. Portland, OR 97212

Key Dates & Initial Actions (Support Staff)

Type of change(s) proposed- attach additional review checklists as necessary			
ADDITIONAL POINT OF APPROPRIATION			
If change is Historic or Substitution, application will go directly to Final Order. Add'l questions on last page for Historic and Gov't Action.			
Fees Pd:	\$2250.00	WM Review request date sent - WM District: 20	10/22/2024
Received Date:	October 17, 2024	WM Review - date received:	
Acknowledgement Letter Sent	Date: 10/22/2024	GW Review - date sent:	10/22/2024
County sent cc: of Ack Letter	Date: 10/22/2024	GW Review - date received:	
Initial Public Notice Date:	10/29/2024	ODFW Review - date sent: ODFW District:	
Comments Received:	Yes ☐ No: ☐	ODFW Review - date received:	

Water Rights Affected

File Marked	No.	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
☐	1	G-7941	G-7325	50467	☐ Yes ☐ No	
☐	2				☐ Yes ☐ No	
☐	3				☐ Yes ☐ No	

I have confirmed that the information on this document is correct (or has been corrected): ☐ initials

Caseworker Actions:

Assigned in WRIS:	DPD Workflow updated:	WRIS Notes:
PD and RR sent to Data Entry:	Certified mail date:	
Newspaper notice needed: Yes ☐ No: ☐	Name of Newspaper:	
PD notice email coordinator:	PD notice Request Date:	Amount Due: \$
		Received date:
Last day of publication:	Affidavit received:	

DOCUMENT	Drafted		Peer Review		Policy Review		Changes		ODFW contact info: ☐ included NA: ☐	
	Date	initials	Date	initials	Date	initials	Date	initials	WM contact info: ☐ included NA: ☐	
DPD									Number of Docs for signature:	
NOTICE									Date in Signature bin	Signature date
PD										
FO										
RR										
Special Issues:										

PERMANENT TRANSFER APPLICATION CHECKLIST

☐ RA

Transfer #: T-1455214552

CW	PR	Coord	
☐	☐		Save all certificates in electronic "T" folder and highlight Priority Date, Rate, Use and Limit/Duty paragraph
☐	☐	☐	☐ Supplemental checklist for transfers w/in a District (S:\groups\wr\TACS\WRISApps Templates\Transfer Checklists\SUPP_Within District Processing Checklist 9-5-2019) If this is a Living Certificate – check with Ann Reece See Supplemental Language document for language

Transfer Application Review and Deficiencies

CW	PR	Coord			
☐	☐	☐	Are all applicants/agents listed in WRIS with email addresses, if available?	☐ Yes	☐ No
☐	☐	☐	Have all permit/certificates been entered in WRIS under Transfer #?	☐ Yes	☐ No
☐	☐	☐	Were timely Public Comments received? (if yes, enter commenter names/email on mailing list)	☐ Yes	☐ No
Add finding for any comments received (see Supplemental Language document)					

Groundwater Modification Application Review and Deficiencies

CW	PR	Coord	☐ N/A		
☐	☐	☐		If for a Groundwater Modification, were there any assignments? <i>All GR Mod applicants must be the holder of record.</i>	☐ Yes ☐ No
☐	☐	☐		Are there any past GR Modifications and/or letters documenting changes to the GR <i>These must be accounted for in the GR Mod Order.</i>	☐ Yes ☐ No

Review "From" and "To" Lands and/or POD/POA

CW	PR	Coord			
☐	☐	☐		Are only the authorized POD(s)/POA(s)/POU listed on the "from" map?	☐ Yes ☐ No
☐	☐	☐		Does the "from" map match the certificate map? If No, what is different?	☐ Yes ☐ No
☐	☐	☐		Compare FROM POU in application (Table 2) with certificate. <i>Mark certificate with acres being xferred, any RR acres and any acres being cancelled.</i>	
☐	☐	☐		Compare TO POU in Table 2 with the TO Lands on map (for accuracy)	
☐	☐	☐		Are any of the "from" lands being cancelled/diminished?	☐ Yes ☐ No
☐	☐	☐		If Yes, were cancellation/diminution affidavits submitted? (see findings and <u>additional authority</u> in Supplemental Language doc)	☐ Yes ☐ No
☐	☐	☐		Are any instream water rights affected? If Yes, Cert # (If Yes, check criteria for injury-upstream POD move, moving closer to SW, or return flows affected)	☐ Yes ☐ No

Layered/Supplemental Rights

CW	PR	Coord	☐ N/A		
☐	☐	☐		Are there any layered irrigation rights?	☐ Yes ☐ No
☐	☐	☐		If Yes, were they included in application? If No, they must move with the primary, to a "like" primary, or they will be cancelled though the transfer process	☐ Yes ☐ No

☐	☐	☐	Layered right(s) Cert:		
☐	☐	☐	Are any supplemental rights being transferred? (verify that it is actually a supplemental right)	☐ Yes	☐ No
☐	☐	☐	If Yes, are they being transferred to a "like" primary (i.e. similar reliability)?	☐ Yes	☐ No
☐	☐	☐	Notes:		

Transfer Review Criteria					
CW	PR	Coord			
☐	☐	☐	Validity of the right – Has the right been used in the last 5 years and is not subject to forfeiture?	☐ Yes	☐ No
☐	☐	☐	☐ Evidence of use and supporting documentation ☐ Confirming (not a remaining right) cert issued within the last 5 years ☐ Rebuttal to forfeiture (ORS 540.610)		
☐	☐	☐	Ready, Willing and Able – ☐ Current delivery system sufficiently described in application. Does delivery system have capacity to fully divert and use the authorized rate/duty of the right?	☐ Yes	☐ No
☐	☐	☐	Would the proposed transfer result in enlargement? If Yes, why? What conditions, if any, will avoid?	☐ Yes	☐ No
☐	☐	☐	Would the proposed transfer result in injury? If Yes, why? What conditions, if any, will avoid?	☐ Yes	☐ No
☐	☐	☐	If injury, has WM or GW provided a list of injured water right holders? ☐ N/A	☐ Yes	☐ No
☐	☐	☐	If POD/POA/APOD/APOA change, will it be from the same source? If No, deny per OAR 690-380-2110(2) ☐ N/A	☐ Yes	☐ No
☐	☐	☐	Notes:		

Draft Preliminary Determination and Cover Letter – 12 pt. Calibri font			
CW	PR	Coord	
☐	☐	☐	Prepare ModPod workareas
☐	☐	☐	Prepare DPD (save as T-XXXXX-dpd-approve/deny (where XXXXX is the transfer number)
☐	☐	☐	Prepare DPD Cover letter (save as T-XXXXX-dpd-cov)
☐	☐	☐	Prepare Public Notice ☐ and/or ☐ newspaper notice (if required) (save as T-XXXXX-pd-notice)
☐	☐	☐	Prepare Remaining Right(s) (if applicable). Send with DPD, cover letter and notice for peer review.

Issue Draft Preliminary Determination	
CW	
☐	Copy DPD and cover letter for paper file
☐	Save DPD and cover letter as PDF
☐	Mail/email to applicant/agent/WM
☐	Add workflow item "Draft PD Issued"

Report of Ownership Information (ROI)				
CW	PR	Coord		
☐	☐	☐	Does legal description in ROI/Deed match "from" lands?	☐ Yes ☐ No
☐	☐	☐	Have all owners on the ROI/Deed signed the application?	☐ Yes ☐ No
☐	☐	☐	Has a notarized statement of consent been submitted? (if applicable) ☐ N/A	☐ Yes ☐ No

Newspaper Notice (if required)				
CW	PR	Coord		
☐	☐	☐	☐ N/A	
☐	☐	☐	Prepare/send letter to applicant/agent regarding newspaper notice cost	☐ Yes ☐ No

☐	☐	☐	TACS Support delivered receipted funds to caseworker	☐ Yes	☐ No
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Preliminary Determination and Cover Letter Preparation

CW	PR	Coord	See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\DPD to PD Conversion 12-8-2016) for more detailed instructions	
☐	☐	☐	Was application amended after DPD was issued? - Make sure amended pages were scanned to WRIS (see support staff) and make sure you mark amended (replaced) pages with SUPERSEDED. Also make findings in PD.	☐ Yes ☐ No
☐	☐	☐	If Yes, what was amended?	
☐	☐	☐	Did amendment change outcome from denial to approval? <i>If Yes, make findings in PD.</i>	☐ Yes ☐ No
☐	☐	☐	☐ If POD/POA changes or changes in "from" lands – re-review required from WM ☐ If POA changes – re-review required from GW	
<i>Note: If POD was amended and changed from a downstream move to upstream within an ISWR reach – Consent to Injury may be required.</i>				
☐	Save DPD as a new document (T-XXXXX-pd-approve/deny.doc) – 12 pt. Calibri font			
☐	Remove "Draft" from document			
☐	Unhide hidden findings (cntrl-A, select Font, uncheck "hidden" box) and add dates			
☐	If application was amended, add finding including date of amendment			
☐	Change language resulting from any amendments in response to the DPD, including language under Determination and Proposed Action			
☐	Unhide appeal (protest) language at the end of the document			
☐	Prepare PD Cover Letter (save as T-XXXXX-pd-cov)			
☐	Check email address(s) for accuracy			
☐	Notes:			
☐	Send to caseworker/coordinator for Peer Review			

Data Center Review of PD

CW	PR	Coord	
☐	☐	☐	Email PD and RR(s)(with new cert numbers) to Data* for review – indicate if file is RA *email address is in key
☐	☐	☐	Data Center will send notification that file is complete
☐	☐	☐	Make any necessary changes to PD or prepare Revised DPD (if substantive changes)

Issue Preliminary Determination

CW	
☐	Print PD and put in Manager's box for signature and issuance (support will print cover letter)
☐	Add workflow notes

Protest

CW	PR	Coor	
☐	☐	☐	Have protests been received? ☐ Yes ☐ No If YES, STOP! Coordinate with Protest section.

Final Order

CW	See cheat sheet at (S:\groups\wr\TACS\6. Transfers\Procedures\PD to FO Conversion 12-8-2016) for more detailed instructions
Do not issue Final Order before this date: (protest period end date or 30 days after date of last newspaper publication)	
☐	If application had a newspaper notice, verify that Affidavit of Publication was received. Date:
☐	Save PD as a new document (T-XXXXX-ord-approve (or deny))
☐	Remove "PRELIMINARY DETERMINATION" from document title and replace with "FINAL ORDER." Unhide hidden findings (cntrl-a, select Font, uncheck "hidden" box)
☐	Replace "PROPOSING APPROVAL/DENIAL OF" with APPROVING/DENYING
☐	Replace the "judicial review/reconsideration rights" box in the first page footer for the "Final Order" judicial review language; unhide and add Special Order Volume (support will add page #)
☐	Update the hidden paragraph following the public notice and amendments findings (regarding issuance of PD)
☐	Change "Determination and Proposed Action" to "Conclusions of Law" and update paragraph
☐	Replace "If application T-XXXXX is approved . . ." with Now, therefore, it is ORDERED:"
☐	Select list of conditions below "It is ORDERED" section and turn off Italics. Check numbering (start at "1").
☐	Delete Protest language, Document preparation box, and Notice Regarding Servicemembers; Insert "Mailing Date: _____"
☐	Final Check: All Conclusions of Law are supported by Findings and Transfer Review Criteria

Remaining Rights

CW	PR	Coord	☐ N/A
☐	☐	☐	Make sure all RR certs have new cert numbers and are entered on the right side of the footer of each RR
☐	☐	☐	Update left side of footer to read: T-XXXXX.rr.YYYYYY.ini, where YYYYYY is original cert number and .ini stands for your initials. New certificate should be on the right.
☐	☐	☐	Print RR on certificate paper and include with Final Order for signature

Issue Final Order

CW	
☐	Pull "Working Copy" folder from file
☐	Print and put FO and RR in Manager's box for signature (manager will deliver to support for processing and issuance)
Notes:	



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

October 22, 2024

Dan Nelson
Hans Nelson
31020 SE Waybill Rd
Boring, OR 97009-9427
Reference: Application T-14552

On October 17, 2024, the Department received your water right Permanent Transfer Application. The application was accompanied by \$2250.00. Receipt number 144026 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of appropriation until a final order approving the transfer application has been issued by the Department. 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 application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0935.

Cc: Watermaster Dist. #20, Amy J. Landvoigt (*via email*)
Ian Godwin, Laura A. Schroeder, Agents
Clackamas County Planning, Local Government

Enclosure

T1S, R4E, Sec. 29

SE Wheeler Rd

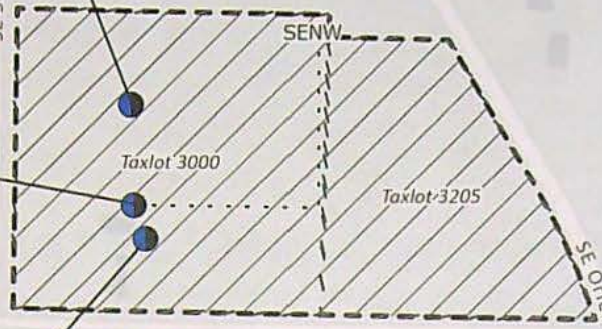
SE Orient Dr

NENW



Proposed POA-3: 2150 ft S and 1630 ft E from NW Corner Section 29

Proposed POA-2: 2400 ft S and 1630 ft E from NW Corner Section 29



POA-1: 2450 ft S and 1650 ft E from NW Corner Section 29

SE Waybill Rd

SE Waybill Rd

POU by Taxlot:
Taxlot 3000: 9.1 ac.
Taxlot 3205: 5.1 ac

POU by QQ:
SENW: 14.2 ac

CwM-H2O

Complete Water Management



311 B Avenue, Suite P
Lake Oswego, Oregon 97034
(503) 954-1326

Cert. 50467
Transfer Application Map

1	DATE	AUTH	DRAFT
No.	Date	By	Revisions



0 150 300 600 Feet
1:4,800

Proj#: 2432001
Nelson Nursery
Dan Nelson
31020 SE Waybill Rd
Boring, OR 97009

● POAs
[Hatched Box] Cert 50467 POU (Corrected)
[Dashed Box] Taxlots
[Dotted Line] Distribution Lines
14552 -

Received
OCT 17 2024
OWRD

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # 144026

INVOICE # _____

RECEIVED FROM: Hans Nelson & Sons
BY: Nursery Inc.

APPLICATION
PERMIT
TRANSFER T-14352

CASH: ☐ CHECK: # 61627 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 2,250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE 0202 \$
0203 GROUND WATER EXAM FEE 0204 \$
0205 TRANSFER EXAM FEE \$ 2,250.00

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 \$
LANDOWNER'S PERMIT 0220 \$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD#
0210 MONITORING WELLS \$ CARD#

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) \$
0231 HYDRO LICENSE FEE (FWWRD) \$
HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND TITLE
OBJ. CODE VENDOR #
DESCRIPTION \$

RECEIPT: 144026

DATED: 10-17-24 BY: [Signature]

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

Cash In Bank - Check

2,250.00

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Hans Nelson & Sons Nursery, Inc.
Oregon Water Resources Department
Date 10/9/2024 Type Reference
Bill Transfer app fee

Original Amt.
2,250.00

Balance Due
2,250.00

10/10/2024
Discount
Check Amount

Payment
2,250.00
2,250.00

61627

Application for Permanent Water Right Transfer



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

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Check all items included with this application. (N/A = Not Applicable)

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at:
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Cert. 50467**
Please include a separate Part 5 for each water right. (See instructions on page 6)
NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.

Attachments:

- ☒ Completed Transfer Application Map. (Attachment 1)
- ☒ Completed Evidence of Use Affidavit and supporting documentation. (Attachment 2)
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.) N/A
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district. N/A
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone. (Attachment 3)
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. (Attachment 4)
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability. N/A

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- | | |
|--|--|
| ☐ Application fee not enclosed/insufficient | ☐ Map not included or incomplete |
| ☐ Land Use Form not enclosed or incomplete | ☐ Evidence of Use Form not enclosed or incomplete |
| ☐ Additional signature(s) required | ☐ Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- ☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☐ ☒ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)

FEE WORKSHEET for SUBSTITUTIONOWRD

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Dan Nelson/Hans Nelson & Sons Nursery, Inc.			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 31020 SE Waybill Rd			FAX NO.	
CITY Boring	STATE OR	ZIP 97009	E-MAIL *Communication only via mail	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Ian Godwin (CwM-H2O, LLC)			PHONE NO. 503-954-1326	ADDITIONAL CONTACT NO.
ADDRESS 311 B Ave, Suite P			FAX NO.	
CITY Lake Oswego	STATE OR	ZIP 97034	E-MAIL *Communication only via mail	
AGENT/BUSINESS NAME Laura Schroeder/Schroeder Law Offices			PHONE NO. 503-281-4100	ADDITIONAL CONTACT NO.
ADDRESS 1915 NE Cesar Chavez Blvd			FAX NO.	
CITY Portland	STATE OR	ZIP 97212	E-MAIL *Communication only via mail	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
With this permanent transfer application, Hans Nelson & Sons Nursery, Inc (Applicant) aims to add two (2) additional points of appropriation (POAs) to their existing groundwater certificate. Operational challenges with the existing POA necessitate the development of additional POAs. This application does not seek any changes to the place or type of use.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: The Sandy Post
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.

I (we) affirm that the information contained in this application is true and accurate.

Applicant signature

Print Name (and Title if applicable)

Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No*

*If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- ☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:
https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	
Describe any special ownership circumstances:				
The confirming Certificate shall be issued in the name of: ☐ Applicant ☐ Receiving Landowner				

☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.) N/A

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity. N/A

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS	
Clackamas County - Planning	Development Services Building, 150 Beaver Creek Rd	
CITY	STATE	ZIP
Oregon City	OR	97045

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # **50467**

Description of Water Delivery System

System capacity: 0.11 cubic feet per second (cfs) OR
49.4 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. A buried mainline runs from Well-1 eastward across the center of the POU and then north along the boundary between Taxlots 3000 and 3205. Lateral lines are installed from risers on this mainline to provide water to the entire POU.

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POA-1	☒ Authorized ☐ Proposed	CLAC-980	1 S	4 E	29	SE NW	3000	2450 ft S and 1650 ft E from NW corner Sec. 29
POA-2	☐ Authorized ☒ Proposed	PROPOSED	1 S	4 E	29	SE NW	3000	2400 ft S and 1630 ft E from NW corner Sec. 29
POA-3	☐ Authorized ☒ Proposed	PROPOSED	1 S	4 E	29	SE NW	3000	2150 ft S and 1630 ft E from NW corner Sec. 29

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|--|
| ☐ Place of Use (POU) | ☐ Supplemental Use to Primary Use (S to P) |
| ☐ Character of Use (USE) | ☐ Point of Appropriation/Well (POA) |
| ☐ Point of Diversion (POD) | ☒ Additional Point of Appropriation (APOA) |
| ☐ Additional Point of Diversion (APOD) | ☐ Substitution (SUB) |
| ☐ Surface Water POD to Ground Water POA (SW/GW) | ☐ Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- ☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 50467

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
										APOA	1	S	4	E	29	SE	NW	3000		9.1	Irrigation	POD #1, POD #2, POD #3	1977
										APOA	1	S	4	E	29	SE	NW	3205		5.1	Irrigation	POD #1, POD #2, POD #3	1977
TOTAL ACRES:												TOTAL ACRES:						14.2					

Additional remarks:

This transfer application aims only to add two additional POAs to the existing certificate. No other changes to use type or place of use are being requested.

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For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☐ Yes ☒ No

If YES, list the certificate, water use permit, or ground water registration numbers: _____.

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irr. will be substituted for surface water primary irr.) N/A

Ground water supplemental Permit or Certificate # _____;

Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use N/A

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- ☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

- ☒ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-_____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
POA-1	Yes	NA	157'	6"	0-157 ft	0-98 ft	120-155	110 ft	Troutdale Gravel Aquifer*	0.11 cfs
POA-2	No	NA	~225'	6-8"	Dependent on conditions during drilling	Approx. 0-50 ft	Dependent on conditions during drilling	Approx. 110 ft		0.11 cfs
POA-3	No	NA	~225'	6-8"						0.11 cfs

*All existing and proposed POAs will produce water from only this aquifer. The proposed POAs will be constructed to a maximum approximate depth of 225 ft, or until Confining Unit 1 (silt, clay, very fine sand) is encountered.

ATTACHMENT 2
Application for Water Right
Transfer
Evidence of Use Affidavit



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.
Supporting documentation must be attached.

State of Oregon)
) ss

County of CLACKAMAS

I, DAN NELSON, in my capacity as President,

mailing address

31020 SE WAYBILL RD
BORING, OR 97009

telephone number () , being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 50467; OR

☒ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
50467	1	S	4	E	WM	29	SE	NW		14.2

OR

- ☐ Confirming Certificate # _____ has been issued within the past five years; OR
- ☐ Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); OR
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

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(continues on reverse side)

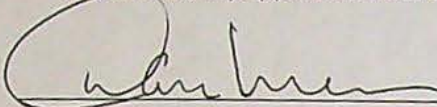
14552 -

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3. The water right was used for: (e.g., crops, pasture, etc.): CROPS

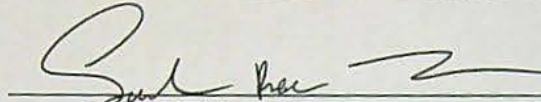
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.


Signature of Affiant

10-9-24
Date

Signed and sworn to (or affirmed) before me this 9th day of October, 2024.




Notary Public for Oregon

My Commission Expires: 01/03/2027

Supporting Documents	Examples
☐ Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
☐ Copies of receipts from sales of irrigated crops or for expenditures related to use of water	• Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
☐ Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	• District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
☒ Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
☐ Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number



2016 Google Earth Imagery



2019 Google Earth Imagery

CwM-H2O 
Complete Water Management

311 B Ave, Suite P
Lake Oswego, Oregon 97034
(503) 954-1326

HISTORICAL USE OF Certificate 50467

The approximate places of use for Cert. 50467 are shown by the white outline.

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2021 Google Earth Imagery



2024 Google Earth Imagery

CwM-H2O 
Complete Water Management

311 B Ave, Suite P
Lake Oswego, Oregon 97034
(503) 954-1326

HISTORICAL USE OF Certificate 50467

The approximate places of use for Cert. 50467 are shown by the white outline.

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14552 -

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

NAME Dan Nelson			PHONE	
MAILING ADDRESS 31020 SE Waybill Rd				
CITY Boring	STATE OR	ZIP 97009	EMAIL	

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
1S	4E	29B	SENW	3000	EFU	☒ Diverted	☒ Conveyed	☒ Used	EFU
1S	4E	29B	SENW	3205	EFU	☐ Diverted	☒ Conveyed	☒ Used	EFU
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Clackamas County

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- ☐ Permit to Use or Store Water ☒ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Exchange of Water ☐ Allocation of Conserved Water

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 0.11 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
 ☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

The transfer application proposes to add two additional points of appropriation to the existing water right. These will be located within the same taxlot as the current point of appropriation.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

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See Page 4 →

OCT 17 2024

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 200 401
- ☐ Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Agricultural irrigation approved with this LUCS.

Name: Nick Hart Title: Planner I
Signature: [Signature] Date: 10/09/2024
Governmental Entity: Clackamas County Planning + Zoning Phone: 503-742-4513

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

Please complete this form and return it to the applicant. For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____
Staff Name: _____ Title: _____
Staff Signature: _____ Date: _____
Governmental Entity: _____ Phone: _____

The original and first copy
of this report are to be
filed with the

MAY 5 1969

WATER WELL REPORT

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

(Please type or print)
(Do not write above this line)

State Well No. 1/A-29
State Permit No.

(1) OWNER:

Name Wayne Adams
Address 16480 SE Powell Portland

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☒ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☒

6" Diam. from 0 ft. to 157 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Mills Knife
Size of perforations 3/8 in. by 3 in.
175 perforations from 120 ft. to 155 ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WATER LEVEL: Completed well.

Static level 110 ft. below land surface Date April 69
Artesian pressure lbs. per square inch Date

(9) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom?

Yield: 50 gal./min. with 20 ft. drawdown after 2 hrs.
80 " 2.5 " 2 "
100 " 30 " 1 "

Ball test 20 gal./min. with 1 ft. drawdown after 1 hrs.

Artesian flow g.p.m. Date

Temperature of water 53 Was a chemical analysis made? ☐ Yes ☒ No

(10) CONSTRUCTION:

Well seal—Material used cement sand

Depth of seal 98 ft.

Diameter of well bore to bottom of seal 8 in.

Were any loose strata cemented off? ☐ Yes ☒ No Depth

Was a drive shoe used? ☒ Yes ☐ No

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Yell gravel packed? ☐ Yes ☒ No Size of gravel:

el placed from ft. to ft.

(11) LOCATION OF WELL:

County Clackamas Driller's well number
1/4 Section 29 T. 1S R. 4E W.M.
Bearing and distance from section or subdivision corner

(12) WELL LOG:

Diameter of well below casing to bottom

Depth drilled 157 ft. Depth of completed well 157 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change
in position of Static Water Level as drilling proceeds. Note drilling rates.

MATERIAL	From	To	SWL
Top soil	0	2	
Red dense clay	2	23	
Yellow Tuff	23	46	
clay & cobble	46	65	
Loosely cement	65	120	
coarser bearing	120	157	

Received

OCT 17 2024

OWRD

Set 57'-8" surface pipe.
drilled 8" hole to 73' set
6" pipe drove to 157'

Work started March 1969 Completed April 1969

Date well drilling machine moved off of well April 1 1969

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Perry Doome Date April 29 69
(Drilling Machine Operator)

Drilling Machine Operator's License No. 215

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME A.O. Olsen
(Person, firm or corporation) (Type or print)

Address 18211 SE Powell Portland

[Signed] A.O. Olsen
(Water Well Contractor)

Contractor's License No. 282 Date April 20 1969



October 15, 2024

Oregon Water Resources Department
Attn: *Transfer Application Staff*
725 Summer St. NE Ste A
Salem, Oregon 97301

RE: APPLICATION FOR PERMANENT TRANSFER WITH ADDITIONAL POAS – CERTIFICATE 50467

Dear OWRD Staff,

Please find accompanying this letter a Permanent Transfer Application for Groundwater Certificate 50467 on behalf of Dan Nelson of Hans Nelson & Sons Nursery (Applicant). The application package is accompanied by an application for expedited review through the Reimbursement Authority (RA) as well as two checks for the RA fee (\$125, Check #61624) and the transfer review fee (\$2,250, Check #60627).

The transfer application proposes the addition of two points of appropriation (POAs) to the certificate, which currently has a single well source approved. The existing and two proposed POAs will all produce water from the shallow Troutdale Gravel Aquifer. The transfer does not affect the place of use or character of use.

Please let us know if there are any issues with processing the RA application, transfer application or map, any of the supplementary attachments, or if you have questions regarding the information included therein. Thank you for your assistance.

Sincerely,

CwM H2O, L.L.C.

Ian Godwin, CWRE

Received
OCT 17 2024
OWRD