

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit G-17968,	)	PROPOSED FINAL ORDER
Clackamas County	)	APPROVING ASSIGNMENT OF A WATER
	)	RIGHT PERMIT AND ISSUANCE OF
	)	REPLACEMENT WATER RIGHT PERMITS

Authority

ORS 537.225 establishes the process in which a water right permit holder may submit a request for full or partial assignment of a water right permit and issuance of replacement permits. OAR Chapter 690, Division 325 establishes the requirements and procedures to be used by the Department to evaluate an application by a landowner of record holding a water right permit for irrigation, nursery, temperature control, stock watering or agricultural water use to assign all or part of the water right permit and to issue replacement permits to reflect an assignment from the current permit holder to one or more additional permit holders.

Applicants

Dylan and Annalisa Bruck
29500 SW Bruck Lane
Wilsonville, Or 97070

Josh Stinson
29250 SW Bruck Lane
Wilsonville, Or 97070

Findings of Fact

1. On June 2, 2025, Dylan Bruck, Annalisa Bruck and Josh Stinson, filed an application for partial assignment of Water Right Permit G-17968 and requested issuance of replacement permits. The Department assigned the application number T-14716.
2. On November 23, 2022, the Department approved an assignment of a water right permit and issuance of replacement water right permits G-18779 and G-18780, under Split a Permit Application T-13824, recorded at Special Order Volume 127, Pages 61-66.
3. On January 10, 2023, the Department received a request to reconsider and withdraw the Final Order recorded at Special Order Volume 127, Pages 61-66; withdraw the replacement water right permits G-18779 and G-18780; and to restore the originating water right permit G-17968.
4. On February 22, 2023, the Department approved a final order, recorded at Special Order Volume 127, Pages 473-475, withdrawing the final order approving an assignment of a water right permit and the replacement water right permits G-18779 and G-18780.
5. Original Water Right Permit G-17968 was reinstated as a result of the withdrawn Final Order issued February 22, 2023, recorded at Special Order Volume 127, Pages 473-475.
6. On April 3, 2025, the Department approved a partial assignment of Permit G-17968 from Vernon Bruck to Dylan and Annalisa Bruck and Josh Stinson.
7. On April 25, 2025, the Department approved an extension of time for complete application of water to October 1, 2029, for Permit G-17968.

Under ORS 537.225(5) and ORS 536.077(1), any person may file a protest of this Proposed Final Order within 45 days after publication of notice of this Proposed Final Order in the Department's weekly notice

8. Notice of the application for the assignment of the water right permit and request for issuance of replacement water right permits was published in the Department's weekly notice on July 7, 2026, pursuant to ORS 537.325(3)(e) and OAR 690-325-0080. No comments were filed in response to the notice. In addition, the Department provided copies of the Initial Review, draft replacement permits, the application, map, and existing water right permit to each owner of land upon which the water right permit is appurtenant.

9. The Permit to be modified and assigned is as follows:

Permit: G-17968 in the name of VERNON BRUCK
Use: NURSERY USE ON 69.7 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.87 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per year. The use of water for nursery use may be made at any time, during the period of allowed use specified below, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

POA	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
WELL 2 (CLAC 50729)	3 S	1 E	WM	17	NW SW	280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
WELL 5	3 S	1 E	WM	17	NW SW	45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
WELL 3	3 S	1 E	WM	18	NE SE	590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
WELL 4 (CLAC 74429)	3 S	1 E	WM	18	SE SE	1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
WELL 6	3 S	1 E	WM	18	SE SE	1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY					
Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	17	NW SW	22.8
3 S	1 E	WM	17	SW SW	10.3
3 S	1 E	WM	18	NE SE	20.1
3 S	1 E	WM	18	SE SE	16.5
Total					69.7

10. The Applicant requests Permit G-17968 be split, and replacement permits be issued as follows:

Permit A: Dylan and Annalisa Bruck

Permit: G-17968
Use: NURSERY USE ON 66.9 ACRES
Priority Date: JUNE 3, 2009
Quantity: MAXIMUM RATE: 0.835 CUBIC FOOT PER SECOND (CFS)
Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per year. The use of water for nursery use may be made at any time, during the period of allowed use specified below, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR-ROUND

Source: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

Authorized Points of Appropriation:

POA	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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WELL 6	3 S	1 E	WM	18	SE SE	1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 S	1 E	WM	17	NW SW	New TL 900	20.0
3 S	1 E	WM	17	SW SW	New TL 900	1.4
3 S	1 E	WM	17	SW SW	TL 900	8.9
3 S	1 E	WM	18	NE SE	TL 801 & New 3500	3.6
3 S	1 E	WM	18	NE SE	TL 3500	16.5
3 S	1 E	WM	18	SE SE	TL 3600	16.5
Total						66.9

Permit B: Josh Stinson**Permit:** G-17968**Use:** NURSERY USE ON 2.8 ACRES**Priority Date:** JUNE 3, 2009**Quantity:** MAXIMUM RATE: 0.035 CUBIC FOOT PER SECOND (CFS)

Limit/Duty: The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per year. The use of water for nursery use may be made at any time, during the period of allowed use specified below, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR-ROUND**Source:** WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN**Authorized Points of Appropriation:**

POA	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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WELL 6	3 S	1 E	WM	18	SE SE	1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

Authorized Place of Use:

NURSERY						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 S	1 E	WM	17	NW SW	TL 801	2.8

Split a Permit Review Criteria

The Department has verified the mailing address of each owner of the authorized place of use identified on the map contained in the application as follows:

Name and Address	Acres	Proportionate Rate (cfs)	Twp	Rng	Mer	Sec	Q-Q	Tax Lot
Dylan and Annalisa Bruck 29500 SW Bruck Lane Wilsonville, OR 97070	66.9	0.835 CFS	3 S	1 E	WM	17 & 18	MULTIPLE	801, 900, 3500, 3600
Josh Stinson 29250 SW Bruck Lane Wilsonville, OR 97070	2.8	0.035 CFS	3 S	1 E	WM	17		801

11. The deeds supplied with the application match the properties proposed for assignment.
12. The applicants affirmed the most recent water use under the permit has been exercised within the relevant terms and conditions of the water right permit.
13. The assignment and issuance of replacement permits would not result in injury to other water right holders.
14. The assignment and issuance of replacement permits would not result in enlargement of the permit.
15. The assignment and issuance of replacement permits does not alter any other terms of Permit G-17968.

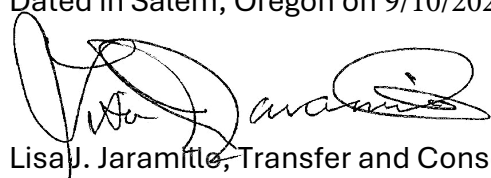
Conclusions of Law

The assignment and issuance of replacement permits proposed by Application T-14716 are consistent with the requirements of ORS 537.225 and OAR Chapter 690, Division 325. If protests are not filed pursuant to OAR 690-325-0100, the application will be approved.

If Application T-14716 is approved, the final order will contain the following:

1. *The assignment and issuance of replacement permits proposed by Application T-14716 are approved.*
2. *Permit G-18978, in the name of Dylan and Annalisa Bruck, and Permit G-18979 in the name of Josh Stinson, are issued to supersede Permit G-17968 (original permit). Permit G-17968 (original permit) is no longer of any force or affect.*
3. *All other terms and conditions under Permit G-17968 (original permit) are incorporated into Permits G-18978 and G-18979 (superseding permits).*

Dated in Salem, Oregon on 9/10/2026



Lisa J. Jaramilla, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date: 9/11/2026

Pursuant to ORS 536.077(4) and (5), if no protest of this Proposed Final Order is received by 10/30/2026 , and the Department does not withdraw this Proposed Final Order on or before 12/2/2026 , this Proposed Final Order is a final order without any further action by the Department on 12/2/2026 .

Protests: Under the provisions of ORS 537.225(5) and ORS 536.077(1), any person may protest this Proposed Final Order. Protests may be mailed or hand delivered to the Oregon Water Resources Department at 725 Summer Street NE, Suite A, Salem, OR 97301. If you

submit a protest by U.S. mail, please consider mailing early to ensure the Department receives the protest by the deadline. Protests may be emailed to will.d.davidson@water.oregon.gov, but payment of the Protest fees cannot be accepted electronically and must be received by the Department by mail or hand delivery prior to the deadline. Protests and protest fees must be received by the Water Resources Department no later than **10/30/2026** .

Protests must meet the following requirements:

- Be in writing;
- Include the protestant's name, address, telephone number, and email address, if the protestant has an email address;
- Include the name, address, telephone number, and email address of the protestant's attorney, if the protestant is represented by an attorney;
- Include a description of the protestant's interest in the Proposed Final Order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented;
- Include a detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to the protestant's interest and/or the claimed public interest;
- Identify which of the Proposed Final Order's recommended findings of fact, conclusions of law or conditions of approval the protestant objects to;
- Raise all reasonably ascertainable issues and include all reasonably available arguments that support the protestant's position. Under ORS 537.225(5), issues raised in a protest must directly pertain to whether the proposed replacement water right permits are authorized under and in conformance with ORS 537.225;
- Include any citation of legal authority to support the protest, if known;
- Explain how the issues raised in the protest are within the Department's jurisdiction;
- If the protestant is the applicant, include a protest fee of \$720 required by ORS 536.050; and
- If the protestant is not the applicant, include a protest fee of \$1,425 required by ORS 536.050.

Under ORS 537.227(2), the parties to any contested case hearing on the Proposed Final Order are limited to the applicant for the water right permit assignment and persons that timely file a protest against the Proposed Final Order.

Additional Notices

Notice of requirement to provide updated contact information: Parties must timely provide the Department with updated contact information, including any change of address or primary means of electronic communication. The contact information provided in the protest is presumed to be valid for the purposes of service and notification of

upcoming referral to the Office of Administrative Hearings unless timely updated by the party. OAR 690-002-0081.

Notice of the circumstances under which this Proposed Final Order will become a final order: If no protest of this Proposed Final Order is timely received and the Department does not withdraw this Proposed Final Order for reconsideration within 33 days after the close of the period for submitting a protest, this Proposed Final Order will become a final order on the date that is 33 days after the close of the period for submitting a protest, with no further action required by the Department. If a protest or protests are timely received, but later: (1) all timely-filed protests are withdrawn and the withdrawals are not based on a settlement agreement requiring changes to this Proposed Final Order; (2) all protestants fail to appear at a scheduled hearing; or (3) all protestants notify the Department or the administrative law judge that the protestants will not appear at a scheduled hearing, the protestants will have waived any right to a hearing, and the Department or the administrative law judge will issue an order dismissing the protests and notifying the parties that this Proposed Final Order has become a final order. OAR 690-002-0235; OAR 137-003-0672. The Department designates the relevant portions of its file on this matter, including all materials that you have submitted relating to this matter, as the record for the purpose of proving a prima facie case upon default. OAR 137-003-0672.

Notice of right to be represented by an attorney: You may be represented by an attorney at any contested case hearing on this Proposed Final Order. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an “authorized representative” as defined at OAR 137-003-0555(1)(b) may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice to active duty servicemembers: Active-duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest, or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

Dylan and Annalisa Bruck
29500 SW Bruck Lane
Wilsonville, OR 97070

This superseding permit is issued to describe an extension of time for complete application of water approved April 25, 2025, an amendment for additional points of appropriation and a change in point of appropriation proposed under Permit Amendment Application T-12491 and approved by Special Order Vol. 107, Pages 627-629, entered February 6, 2018 and a Split a Permit, approved by Special Order Volume 139, Page _____, entered on _____. This permit, together with Permit G-18979, supersedes Permit G-17968.

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-17230

SOURCE OF WATER: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 66.9 ACRES

MAXIMUM RATE: 0.835 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JUNE 3, 2009

WELL LOCATIONS:

POA	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
WELL 2 (CLAC 50729)	3 S	1 E	WM	17	NW SW	280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
WELL 5	3 S	1 E	WM	17	NW SW	45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
WELL 3	3 S	1 E	WM	18	NE SE	590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
WELL 4 (CLAC 74429)	3 S	1 E	WM	18	SE SE	1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
WELL 6	3 S	1 E	WM	18	SE SE	1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized

nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

Authorized Place of Use:

NURSERY						
Twtp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 S	1 E	WM	17	NW SW	New TL 900	20.0
3 S	1 E	WM	17	SW SW	New TL 900	1.4
3 S	1 E	WM	17	SW SW	TL 900	8.9
3 S	1 E	WM	18	NE SE	TL 801, New 3500	3.6
3 S	1 E	WM	18	NE SE	TL 3500	16.5
3 S	1 E	WM	18	SE SE	New TL 3600	16.5
Total						66.9

Permit Amendment T-12491 Conditions:

The quantity of water diverted at the new points of appropriation, Wells 4, 5, and 6, shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 1.

The combined quantity of water diverted at the new additional points of appropriation, Wells 4, 5, and 6, together with that diverted at the old points of appropriation, Wells 2 and 3, shall not exceed the quantity of water lawfully available at the original points of appropriation, Wells 2 and 3.

Water shall be acquired from the same aquifer as the original points of appropriation.

Extension of Time Conditions (Approved April 25, 2025):

Last Extension Condition:

This will be the last extension of time granted for Permit G-17968. Any future extensions of time request will be limited to the rate and acres developed by October 1, 2029, or will be denied, unless the permit holder can provide the Department with evidence that diligence is shown during this extension period. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

Existing Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.

- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The well shall produce ground water only from the alluvial ground water reservoir.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to report an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall report seven consecutive annual static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require the user to obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and

- D. Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water level measurement reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal a water level decline of 25 or more feet; or
- D. Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Prior to using water from any well listed in this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level or pump test data.

STANDARD CONDITIONS

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The original permit, issued on March 11, 2010, specified:

- Completion of construction and application of the water to the use was to be made on or before March 11, 2015.

By Extension of Time Final order dated April 25, 2025, the deadline for completing construction and for complete application of water to use was extended to October 1, 2029.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued _____

DRAFT

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

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The specific limits and conditions of the use are listed below.

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SOURCE OF WATER: WELLS 2, 3, 4, 5, AND 6 IN NEWLAND CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 2.8 ACRES

MAXIMUM RATE: 0.035 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JUNE 3, 2009

WELL LOCATIONS:

POA	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
WELL 2 (CLAC 50729)	3 S	1 E	WM	17	NW SW	280 FEET SOUTH AND 120 FEET EAST FROM THE W¼ CORNER OF SECTION 17
WELL 5	3 S	1 E	WM	17	NW SW	45 FEET SOUTH AND 920 FEET EAST FROM THE W¼ CORNER OF SECTION 17
WELL 3	3 S	1 E	WM	18	NE SE	590 FEET SOUTH AND 1290 FEET WEST FROM THE E¼ CORNER OF SECTION 18
WELL 4 (CLAC 74429)	3 S	1 E	WM	18	SE SE	1640 FEET SOUTH AND 515 FEET WEST FROM THE E¼ CORNER OF SECTION 18
WELL 6	3 S	1 E	WM	18	SE SE	1640 FEET SOUTH AND 210 FEET WEST FROM THE E¼ CORNER OF SECTION 18

The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per

second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

Authorized Place of Use:

NURSERY						
Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres
3 S	1 E	WM	17	NW SW	TL 801	2.8

Permit Amendment T-12491 Conditions:

The quantity of water diverted at the new points of appropriation, Wells 4, 5, and 6, shall not exceed the quantity of water lawfully available at the original point of appropriation, Well 1.

The combined quantity of water diverted at the new additional points of appropriation, Wells 4, 5, and 6, together with that diverted at the old points of appropriation, Wells 2 and 3, shall not exceed the quantity of water lawfully available at the original points of appropriation, Wells 2 and 3.

Water shall be acquired from the same aquifer as the original points of appropriation.

Extension of Time Conditions (Approved April 25, 2025):

Last Extension Condition:

This will be the last extension of time granted for Permit G-17968. Any future extensions of time request will be limited to the rate and acres developed by October 1, 2029, or will be denied, unless the permit holder can provide the Department with evidence that diligence is shown during this extension period. In addition, all normal extension standards and rules will be evaluated. ORS 539.010(5); OAR 690-315-0040.

Existing Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The well shall produce ground water only from the alluvial ground water reservoir.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain from a qualified individual (see below), and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to report an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall report seven consecutive annual static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require the user to obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations submitted to the Department.

The water use shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water level measurement reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal a water level decline of 25 or more feet; or
- D. Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Prior to using water from any well listed in this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level or pump test data.

STANDARD CONDITIONS

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The original permit, issued on March 11, 2010, specified:

- Completion of construction and application of the water to the use was to be made on or before March 11, 2015.

By Extension of Time Final order dated April 25, 2025, the deadline for completing construction and for complete application of water to use was extended to October 1, 2029.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued _____

DRAFT

Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department



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

www.oregon.gov/owrd

September 11, 2026

VIA CERTIFIED MAIL AND E-MAIL

JOSH STINSON
29250 SW BRUCK LANE
WILSONVILLE, OR 97070

SUBJECT: Water Right Transfer Application T-14716

Please find enclosed the Proposed Final Order indicating that, based on the information available, the Department intends to approve Split a Permit Application T-14716. This document is an intermediate step in the approval process.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Proposed Final Order. The notice initiates a period in which any person may file a protest opposing the decision proposed by the Department in the Proposed Final Order. The protest period will end 45 days after the Department's notice.

The Proposed Final Order will become a Final Order 33 days after the protest period ends without any further action by the Department, as a matter of law, if no protest is filed.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Proposed Final Order to present information and arguments supporting their position in a quasi-judicial proceeding.

Please don't hesitate to contact me at 503-979-3129 or arla.l.davis@water.oregon.gov, if I may be of assistance.

Sincerely,

Arla L. Davis

Arla L. Davis
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14716
Amy J. Landvoigt, District 20 Watermaster (*via e-mail*)
Doann Hamilton, Agent for the applicant (*via e-mail*)
Dylan and Annalisa Bruck, Applicant (*via certified mail and e-mail*)

Encs (PFO, draft replacement permits)



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

www.oregon.gov/owrd

September 11, 2026

VIA CERTIFIED MAIL AND E-MAIL

DYLAN AND ANNALISA BRUCK
29500 SW BRUCK LANE
WILSONVILLE, OR 97070

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Sincerely,

Arla L. Davis

Arla L. Davis
Transfer Specialist
Transfer and Conservation Section

cc: Transfer Application file T-14716
Amy J. Landvoigt, District 20 Watermaster (*via e-mail*)
Doann Hamilton, Agent for the applicant (*via e-mail*)
Josh Stinson, Applicant (*via certified mail and e-mail*)

Encs (PFO, draft replacement permits)