



Mailing List for Certificate

Scheduled Mailing Date:

Application: G-13693

Permit: G-12333

Certificate: 89719

Permit/Certificate Holder:

✓ COUNTRYSIDE NURSERY INC.  
23800 NE AIRPORT RD.  
AURORA, OR 97002

|               |                          |
|---------------|--------------------------|
| Copies Mailed |                          |
| by:           | <u>JS</u><br>(STAFF)     |
| on:           | <u>1-23-15</u><br>(DATE) |

Copies of Final Certificate to be sent to:

- ✓ 1. Watermaster District 16
- ✓ 2. Data Center (include copy of map)
- ✓ 3. Water Availability
- ✓ 4. Vault
- ✓ 5. File

Other persons to receive copies: (include map):

- ✓ 1. Malia R. Kupillas, CWRE, Pacific Hydro-Geology Inc.



# Oregon

John A. Kitzhaber, MD, Governor

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

**Date Mailed: January 23, 2015**

## **NOTICE OF CERTIFICATE ISSUANCE**

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

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

STATE OF OREGON  
COUNTY OF CLACKAMAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

COUNTRYSIDE NURSERY INC.  
23800 NE AIRPORT RD.  
AURORA, OR 97002

confirms the right to use the waters from TWO WELLS IN PUDDING RIVER BASIN, WITHIN THE WILLAMETTE BASIN for NURSERY OPERATIONS on 47.5 ACRES.

This right was perfected under Permit G-12333. The date of priority is MAY 20, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 3.0 CUBIC FEET PER SECOND (CFS), BEING 1.0 CFS FROM WELL 1 AND 2.0 CFS FROM WELL 2, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

| Twp | Rng | Mer | Sec | Q-Q   | DLC | Measured Distances                                                  |
|-----|-----|-----|-----|-------|-----|---------------------------------------------------------------------|
| 3 S | 1 W | WM  | 36  | NW SW | 55  | WELL 1 - 1785 FEET NORTH & 895 FEET EAST FROM SW CORNER, SECTION 36 |
| 3 S | 1 W | WM  | 36  | SW SW |     | WELL 2 - 320 FEET NORTH & 1050 FEET EAST FROM SW CORNER, SECTION 36 |

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

A description of the place of use is as follows:

| Twp | Rng | Mer | Sec | Q-Q   | Acres |
|-----|-----|-----|-----|-------|-------|
| 3 S | 1 W | WM  | 36  | NE SW | 9.84  |
| 3 S | 1 W | WM  | 36  | NW SW | 28.89 |
| 3 S | 1 W | WM  | 36  | SW SW | 5.58  |
| 3 S | 1 W | WM  | 36  | SE SW | 3.19  |

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

- A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.
- B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, 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 interference.

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

The Director may require water level or pump test results every ten years.

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

This right 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 use of water shall be limited when it interferes with any prior surface or ground water rights.

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

JAN 23 2015

Issued \_\_\_\_\_

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

STATE OF OREGON  
COUNTY OF CLACKAMAS  
CERTIFICATE OF WATER RIGHT

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COUNTRYSIDE NURSERY INC.  
23800 NE AIRPORT RD.  
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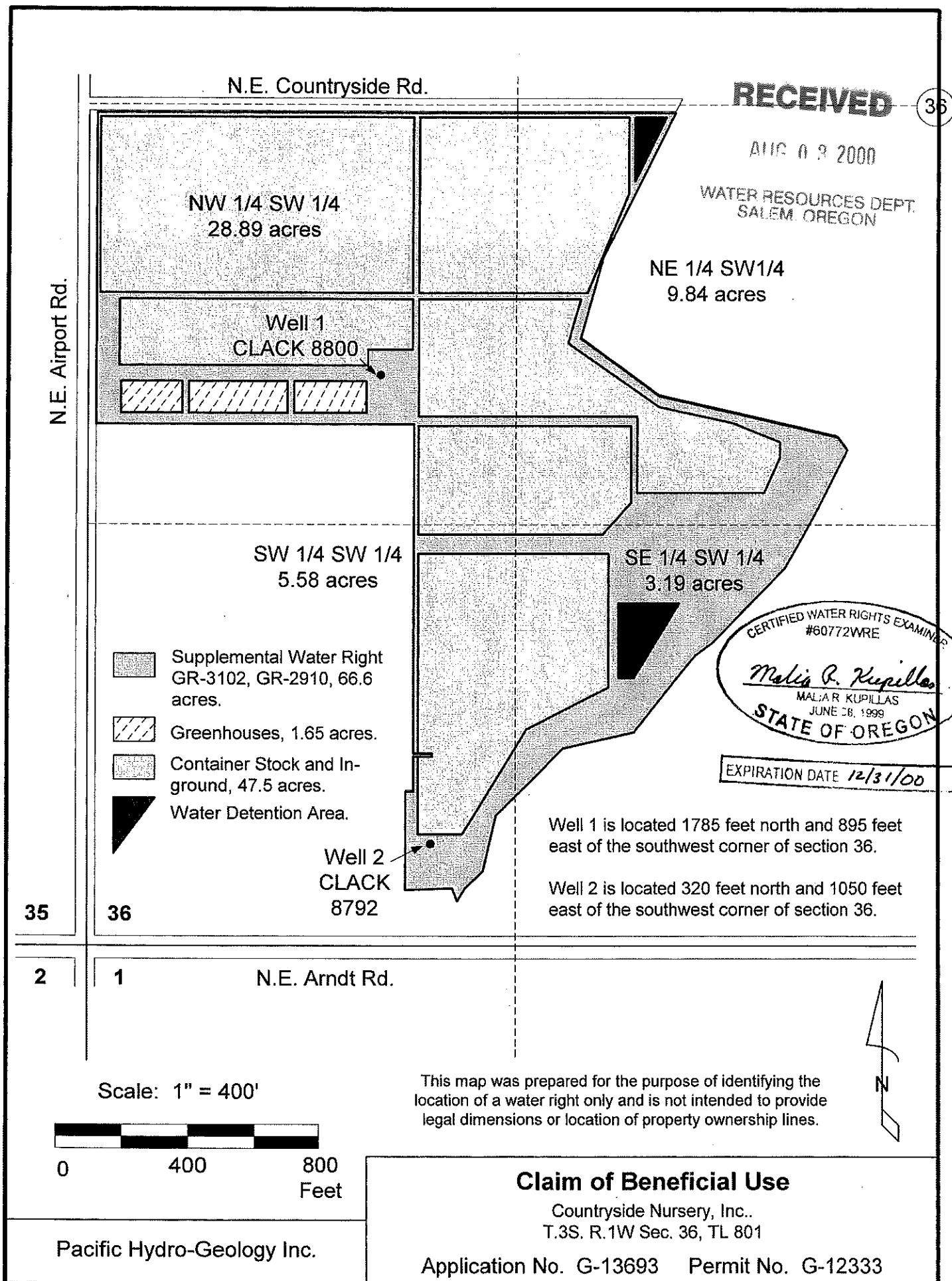
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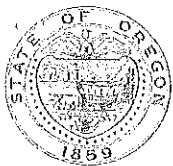
The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued \_\_\_\_\_.

**PROPOSED**

Dwight French  
Water Right Services Division Administrator, for  
Director  
Oregon Water Resources Department





# Oregon

John A. Kitzhaber, MD, Governor

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

**DATE MAILED:**

**SEP 30 2014**

**NOTICE**

Reference: Application G-13693 Permit G-12333

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

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

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

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

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

Sincerely,

Dwight French  
Water Right Services Administrator

Mailing List for Certificate

Scheduled Mailing Date:

Application: G-13693

Permit: G-12333

Certificate: 89539

Permit/Certificate Holder:

COUNTRYSIDE NURSERY INC.  
23800 NE AIRPORT RD.  
AURORA, OR 97002

|                    |         |
|--------------------|---------|
| Copies Mailed      |         |
| by: <u>FAL</u>     | (STAFF) |
| on: <u>9/30/14</u> | (DATE)  |

Copies of Final Certificate to be sent to:

1. ~~Watermaster District 16~~
2. ~~Data Center (include copy of map)~~
3. ~~Water Availability~~
4. ~~Vault~~
5. File

Other persons to receive copies: (include map):

1. Malia R. Kupillas, CWRE, Pacific Hydro-Geology Inc.

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

|                                     |                        |            |
|-------------------------------------|------------------------|------------|
| Application # <u>613693</u>         | Permit # <u>612333</u> | Transfer # |
| WRD Reviewer <u>Corey Courchane</u> | Date <u>9-17-14</u>    |            |
| WRD Peer Reviewer <u>Mary BjorE</u> | Date <u>9-24-14</u>    |            |

## Research

- ☒ Organize file in chronological order
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish-Screen Certification Documents, Water Use Reports & Pump Tests
- ☒ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ☒ Water Organization identified using AOI? ☒ No ☐ Yes  
If "Yes" cc: \_\_\_\_\_ & Add to Mailing List
- ☒ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor Confirmed by phone w/ Assessor 9-17-14  
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ☒ Print Platcard & check for Place of Use Conflict? ☒ No ☐ Yes  
If "Yes", provide copy of certificate & relevant map
- ☒ Print BLM Cadastral Survey
- ☒ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ☐ No ☒ Yes  
If "No", either \_\_\_\_\_ WRD amend map OR \_\_\_\_\_ prepare Order of Certification

## Reviewing Claim

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

- N/A Fish Conditions
- N/A Meter/measuring device
- N/A Water Use Reporting
- yes Pump Test (post December 19, 1988) Approved 8-4-00
- N/A Other Conditions \_\_\_\_\_
- N/A SWL
- yes C-Date 9-17-99 Letter from Nursery
- cc Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate) w1 w2

## NOTES:

A 3-29-97

B 10-1-98 1-5-77 8-25-87

C 10-1-99 9-17-99

SWL 102'

## Determination

*Cc* I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued. *user has fully developed and made proof of beneficial use.*

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

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

## Processing

CC Stamp PROPOSED or Assign CERT# 89539 or ORDER OF CERTIFICATION (circle one)

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

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

\_\_\_ Record marking: App \_\_\_\_\_ Permit \_\_\_\_\_ Cert \_\_\_\_\_  
 App \_\_\_\_\_ Permit \_\_\_\_\_ Cert \_\_\_\_\_  
 App \_\_\_\_\_ Permit \_\_\_\_\_ Cert \_\_\_\_\_  
 App \_\_\_\_\_ Permit \_\_\_\_\_ Cert \_\_\_\_\_

**NOTES:**

S:\groups\wr\certs\2014-2015 Certificate Project\Checklist

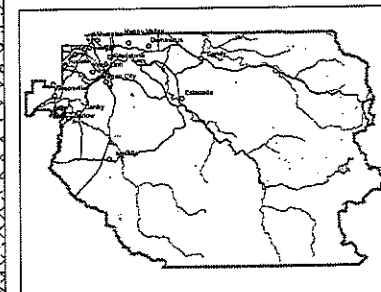


D. L. C.  
JOHN ANDERSON NO. 55

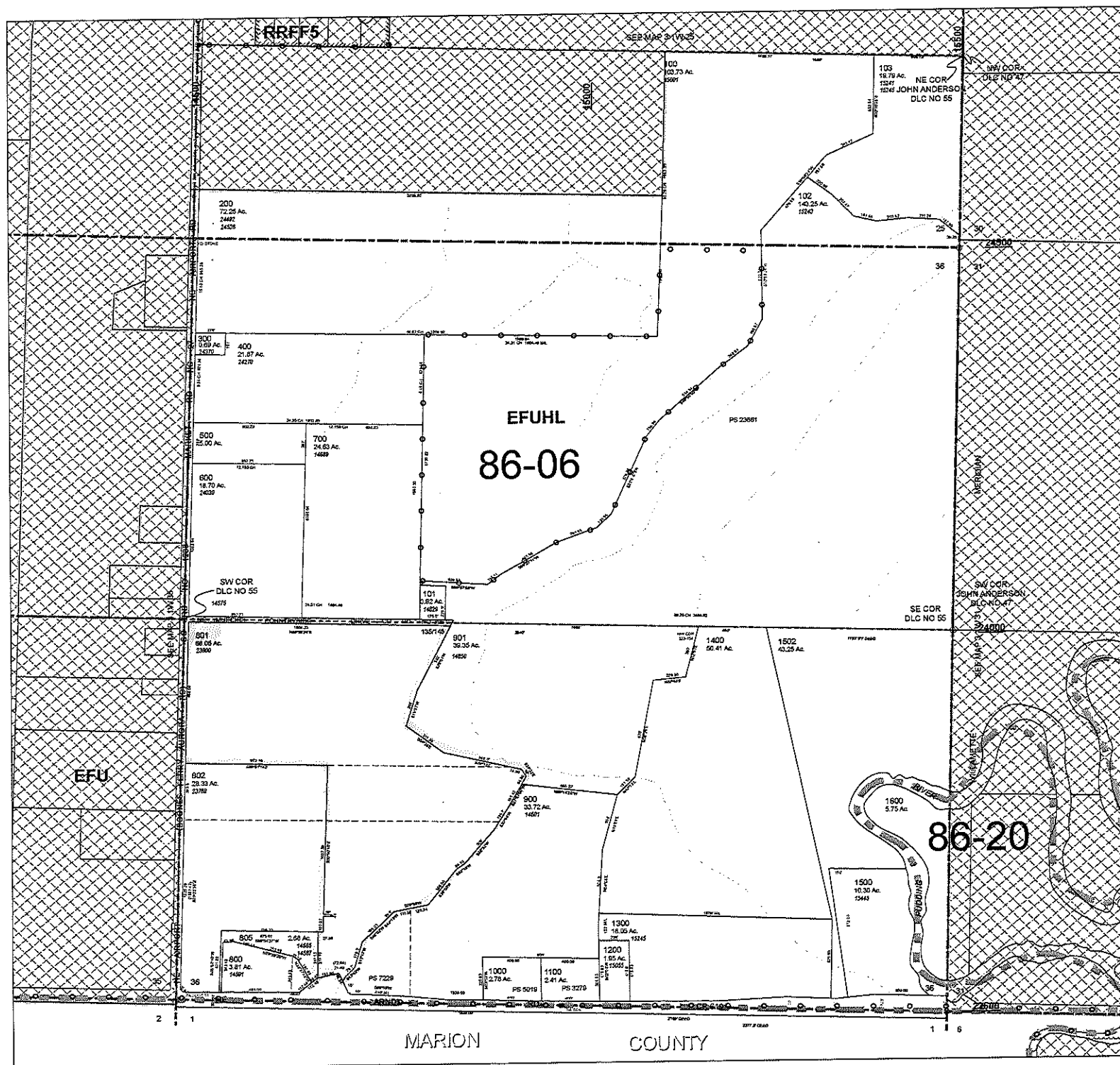
### Cancelled Taxlots

803  
804  
802  
803  
1101  
1301  
1501

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



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY



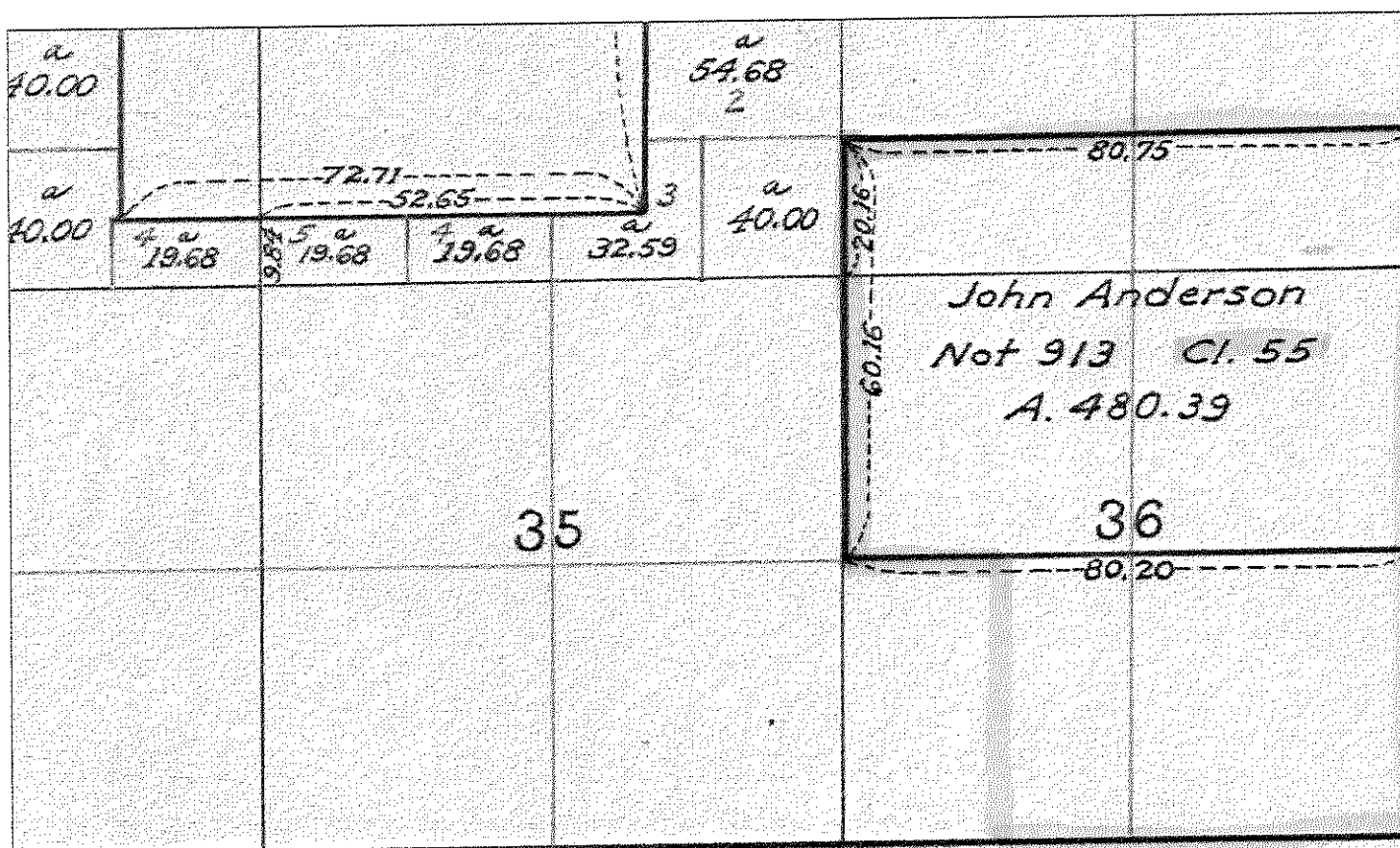
## Water Rights Platcard Report

NCR

Meridian: Willamette Township: 3 South Range: 1 West Section: 36 Records per 999 Page: Search Platcards Maps! Learn about \* View Map

| Water Right                                                                       | Changing Xfers | Priority  | Use              | Use Status | DLC | Gov't Lot | QQ(40): Q(160): | NE NE | NW NE | SW NE | SE NE | NE NW | NW NW | SW NW | SE NW | NE SW | NW SW | SW SW | SE SW | NE SE | NW SE | SW SE | SE SE | Unknown QQ |
|-----------------------------------------------------------------------------------|----------------|-----------|------------------|------------|-----|-----------|-----------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|------------|
| Select Claim:GR 3102 *                                                            |                | 7/20/1950 | IRRIGATION       |            |     |           |                 |       |       |       |       |       |       |       |       | 18    | 40    | 25    | 5     |       |       |       |       |            |
| Additional Info:<br>HENRY W B COLINS<br>Claim: GR3102                             |                |           |                  |            |     |           |                 |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |            |
| Select Permit: G 12687 *                                                          |                | 5/20/1994 | IRRIGATION       |            |     |           |                 |       |       |       |       |       |       |       |       |       | 4.1   | 20.7  |       |       |       |       |       |            |
| Additional Info:<br>FARM CREDIT SERVICES<br>App: G13692<br>Permit: G12687         |                |           |                  |            |     |           |                 |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |            |
| Select Permit: G 12687 *                                                          |                | 5/20/1994 | AGRICULTURE USES |            |     |           |                 |       |       |       |       |       |       |       |       |       | *     | *     |       |       |       |       |       |            |
| Additional Info:<br>FARM CREDIT SERVICES<br>App: G13692<br>Permit: G12687         |                |           |                  |            |     |           |                 |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |            |
| Select Permit: S 44731 CN                                                         |                | 9/27/1979 | MUNICIPAL USES   | CN         |     |           |                 | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     | *     |            |
| Additional Info:<br>TIGARD WATER DISTRICT<br>App: S59372<br>Permit: S44731        |                |           |                  |            |     |           |                 |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |            |
| Select Permit: G 12333 *                                                          |                | 5/20/1994 | NURSERY USES     |            |     |           |                 |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       | 47.5       |
| Additional Info:<br>COUNTRYSIDE NURSERY INC.<br>App: G13693<br>Permit: G12333     |                |           |                  |            |     |           |                 |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |            |
| Select Permit: G 13131 *                                                          |                | 1/5/1995  | NURSERY USES     |            |     |           |                 |       | 24.3  | 6.2   |       | 15.7  |       |       | 22.7  |       |       |       |       |       |       |       |       |            |
| Additional Info:<br>FAIRDALE NURSERY<br>App: G14234<br>Permit: G13131             |                |           |                  |            |     |           |                 |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |            |
| Select Claim:GR 2282 *                                                            |                | 3/1/1952  | IRRIGATION       |            |     |           |                 |       |       |       |       | 3.8   | 19    |       |       |       |       |       |       |       |       |       |       |            |
| Additional Info:<br>GILBERT T SCHAAD<br>Claim: GR2282                             |                |           |                  |            |     |           |                 |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |            |
| Select Claim:GR 3054 *                                                            |                | 7/11/1949 | IRRIGATION       |            |     |           |                 |       |       |       |       | 12    | 20    |       |       |       |       |       |       |       |       |       |       |            |
| Additional Info:<br>WILLIAM F SCHAAD<br>Claim: GR3054                             |                |           |                  |            |     |           |                 |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |            |
| Select Cert:15438 OR *                                                            |                | 8/12/1940 | IRRIGATION       |            |     |           |                 |       |       |       |       |       |       |       |       | 10.4  |       |       |       |       |       | 14.4  |       |            |
| Additional Info:<br>ROBT I COLVIN<br>App: S18929<br>Permit: S14538<br>Cert: 15438 |                |           |                  |            |     |           |                 |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |            |
| Select Cert:22487 OR CN                                                           |                | 4/19/1950 | IRRIGATION       | CN         |     | 55        |                 | 35.2  | 29    | 34.4  | 37    | 46    |       |       |       |       |       |       |       |       |       |       |       |            |
| Additional Info:                                                                  |                |           |                  |            |     |           |                 |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |            |

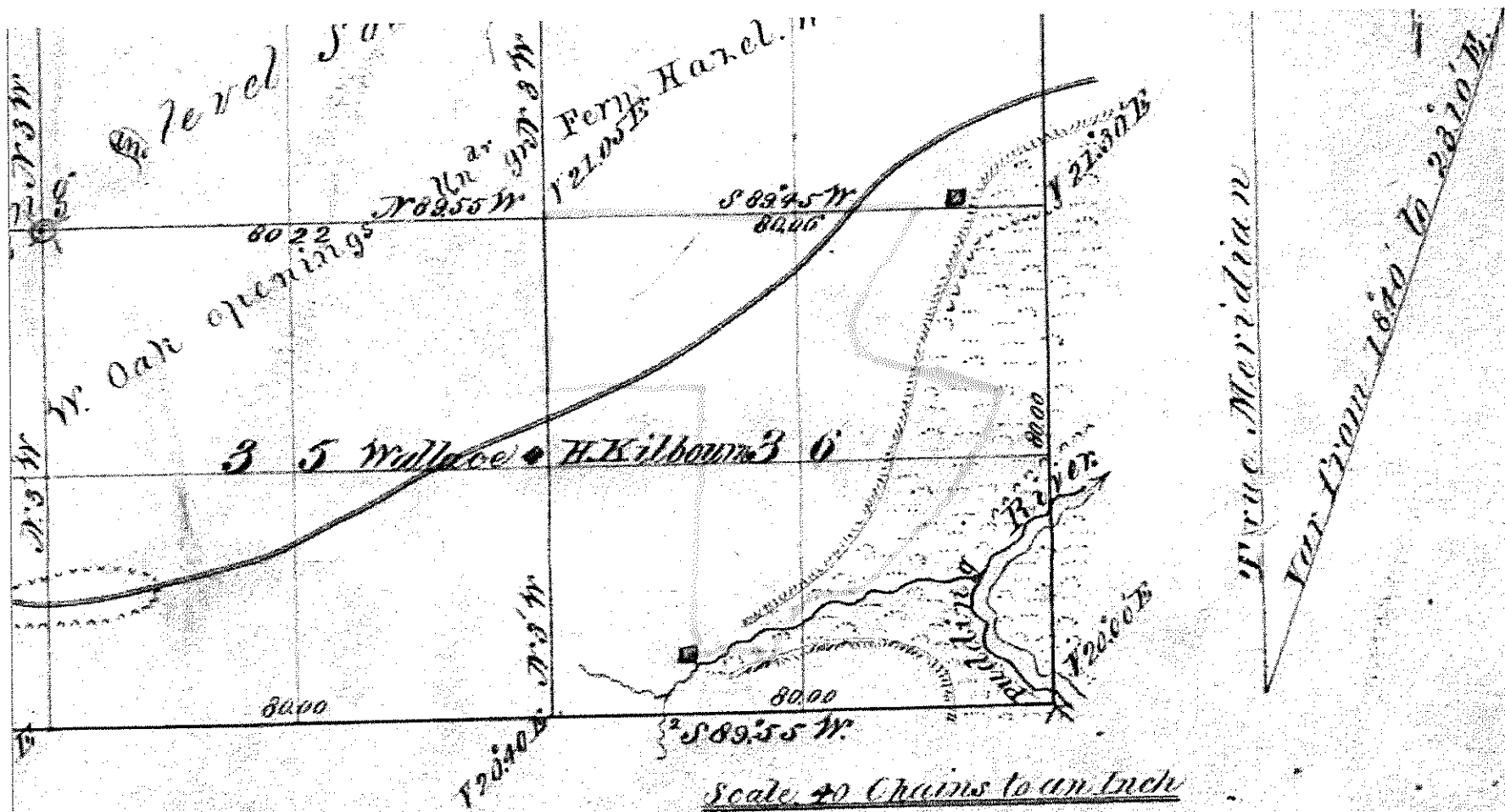
|                                                                                          |                   |        |            |                                           |    |      |      |      |      |      |    |  |      |  |  |      |  |     |   |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
|------------------------------------------------------------------------------------------|-------------------|--------|------------|-------------------------------------------|----|------|------|------|------|------|----|--|------|--|--|------|--|-----|---|--|-----------------------------------------|--|------------------------------------------------------------------------------------------|--|---------------------------------------|--|-------------------------------|--|--|--|--|--|--|--|--|
| O.O. OGDEN<br>App: S24626<br>Permit: S19470<br>Cert: 22487                               |                   |        |            |                                           |    |      |      |      |      |      |    |  |      |  |  |      |  |     |   |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
| Select                                                                                   | Cert:42290 OR *   | T11812 | 10/20/1964 | IRRIGATION                                |    |      |      |      |      |      |    |  | 1.2  |  |  | 17.7 |  | 0.4 | 3 |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
| Additional Info:<br>EDWARD G STRITZKE<br>App: S40370<br>Permit: S30098<br>Cert: 42290    |                   |        |            |                                           |    |      |      |      |      |      |    |  |      |  |  |      |  |     |   |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
| Select                                                                                   | Cert:53301 CR *   |        | 4/19/1950  | IRRIGATION                                | 55 | 32.9 | 27.2 | 33.6 | 37.6 | 15.7 |    |  | 26.2 |  |  |      |  |     |   |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
| Additional Info:<br>O.O. OGDEN<br>App: S24626<br>Permit: S19470<br>Cert: 53301           |                   |        |            |                                           |    |      |      |      |      |      |    |  |      |  |  |      |  |     |   |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
| Select                                                                                   | Cert:53302 OR *   |        | 3/20/1978  | STORAGE                                   | 55 |      |      | *    | *    |      |    |  |      |  |  |      |  |     |   |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
| Additional Info:<br>ALBERT TROUTMAN<br>App: R57190<br>Permit: R7249<br>Cert: 53302       |                   |        |            |                                           |    |      |      |      |      |      |    |  |      |  |  |      |  |     |   |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
| Select                                                                                   | Cert:53303 OR *   |        | 3/20/1978  | SUPPLEMENTAL<br>IRRIGATION<br>(Suppl'mtl) | 55 | 15.3 | 15.9 | 26.9 | 1.1  | 15.7 |    |  | 26.2 |  |  |      |  |     |   |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
| Additional Info:<br>ALBERT TROUTMAN<br>App: S57191<br>Permit: S43040<br>Cert: 53303      |                   |        |            |                                           |    |      |      |      |      |      |    |  |      |  |  |      |  |     |   |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
| Select                                                                                   | Cert:70844 OR *   |        | 1/1/1993   | LIVESTOCK                                 |    |      |      |      |      |      |    |  |      |  |  |      |  |     | * |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
| Additional Info:<br>NORMAN COLVIN<br>App: R76935<br>Cert: 70844                          |                   |        |            |                                           |    |      |      |      |      |      |    |  |      |  |  |      |  |     |   |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
| Select                                                                                   | Permit: G 16020 * |        | 11/19/2003 | NURSERY USES                              |    |      | 8    |      |      | 20   | 20 |  |      |  |  |      |  |     |   |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
| Additional Info:<br>NORTHWEST FARM CREDIT SERVICES FLCA<br>App: G16134<br>Permit: G16020 |                   |        |            |                                           |    |      |      |      |      |      |    |  |      |  |  |      |  |     |   |  |                                         |  |                                                                                          |  |                                       |  |                               |  |  |  |  |  |  |  |  |
| Acreage Legend: 12.25 Regular<br>acres                                                   |                   |        |            |                                           |    |      |      |      |      |      |    |  |      |  |  |      |  |     |   |  | 12-25 Acreage is on a<br>canceled right |  | (12.25) Acreage is part of a transfer and<br>has not been proven up on yet<br>(inchoate) |  | [12.25] Acreage has been<br>suspended |  | * Acreage is not<br>specified |  |  |  |  |  |  |  |  |



The above S  
 R.I.W., Will. Mer  
 field notes of t  
 which have bee  
 Surveyor Gene  
 Eugene City, N

I certify the above to be a correct copy of the  
 original plat on file in this office.  
 U.S. Surveyor General's Office,  
 Portland Oregon, Nov. 21, 1923.

Wesley M. Carviness  
 Surveyor General for Oregon



Map of Township No. 3 South, Range No. 1 West of the Willamette Valley of Oregon, is strictly conformable to the field notes

## Pump Capacity Calculation Sheet

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

*Well 1*

### Data Entry (fill in underlined blanks)

HP = 57.5  
Efficiency = 7.04  
Lift = 20.4  
PSI = 50

### Results Calculated

(hp)(efficiency) = 404.8  
Head based on psi = 127.0  
Total dynamic head = 147.4  
(head + lift)

Pump Capacity = 2.75 feet per second

*Allowed use is*

*Well 1 = 1.0 cfs  
2 = 2.0 cfs*

*both systems meet capacity  
proof of beneficial use made*

## Pump Capacity Calculation Sheet

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

### Data Entry (fill in underlined blanks)

---

HP = 60  
Efficiency = 7.04  
Lift = 89.5  
PSI = 45

### Results Calculated

---

$(\text{hp})(\text{efficiency}) = 422.4$   
Head based on psi = 114.3  
Total dynamic head = 203.8  
(head + lift)

Pump Capacity = 2.07 feet per second

Well 2

## Sprinkler Capacity Calculator

### Data Entry (fill in underlined blanks)

Sprinkler group 1      Nozzle size = 1 1/64 inch      (type an apostrophe before the size)  
                                         Pressure = 50 PSI  
                                         Number of heads = 252

Sprinkler group 2      Nozzle size = 0 inch      (type an apostrophe before the size)  
(if applicable)      Pressure = 0 PSI  
                                         Number of heads = 0

Sprinkler group 3      Nozzle size = 0 inch      (type an apostrophe before the size)  
(if applicable)      Pressure = 0 PSI  
                                         Number of heads = 0

### Results calculated

Sprinkler group 1 capacity =      1512 gpm, or      3.37 cfs  
Sprinkler group 2 capacity =      0 gpm, or      0 cfs  
Sprinkler group 3 capacity =      0 gpm, or      0 cfs

**Total sprinkler capacity =**      1512 gpm, or      3.37 cfs

Note: If entered values return a result of "#N/A" gpm, then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

**Data Entry (fill in underlined blanks)**

Sprinkler group 3 (if applicable) Nozzle size = 0 inch (type an apostrophe before the size)  
Pressure = 0 PSI  
Number of heads = 0

### Results calculated

**Total sprinkler capacity =** 1436.4 gpm, or 3.2 cfs

**Note:** If entered values return a result of "#N/A" gpm, then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

COUNTRYSIDE NURSERY INC.  
13200 SW WILSONVILLE RD  
WILSONVILLE, OREGON 97070

PHONE: (503) 687-0511

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13693

SOURCE OF WATER: TWO WELLS IN PUDDING RIVER BASIN, WITHIN THE WILLAMETTE BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 47.5 ACRES

RATE OF USE: 3.0 CUBIC FOOT PER SECOND (CFS), BEING 1.0 CFS FROM WELL 1 AND 2.0 CFS FROM WELL 2

THE PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: MAY 20, 1994

POINT OF DIVERSION LOCATION:

WELL 1: NW 1/4 SW 1/4, SECTION 36, T3S, R1W, W.M.; 1785 FEET NORTH AND 895 FEET EAST FROM THE SW CORNER, SECTION 36

WELL 2: SW 1/4 SW 1/4, SECTION 36, T3S, R1W, W.M.; 320 FEET NORTH AND 1050 FEET EAST FROM THE SW CORNER, SECTION 36

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 47.5 ACRES  
SECTION 36

TOWNSHIP 3 SOUTH, RANGE 1 WEST, W.M.

Application G-13693 Water Resources Department

PERMIT G-12333

NW 1/4 SW 1/4 → DEC 55  
NE 1/4 SW 1/4

## Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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.

## STANDARD CONDITIONS

The wells 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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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.

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 use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued MARCH 29, 1996

  
Water Resources Department  
for Martha O. Pagel  
Director

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36

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SALEM, OREGON

N.E. Airport Rd.

N.E. Countryside Rd.

NW 1/4 SW 1/4  
28.89 acres

NE 1/4 SW 1/4  
9.84 acres

Well 1  
CLACK 8800

SW 1/4 SW 1/4  
5.58 acres

SE 1/4 SW 1/4  
3.19 acres

Supplemental Water Right  
GR-3102, GR-2910, 66.6  
acres.

Greenhouses, 1.65 acres.

Container Stock and In-  
ground, 47.5 acres.

Water Detention Area.

CERTIFIED WATER RIGHTS EXAMINER  
#60772WRE

*Malia R. Kupillas*

MALIA R. KUPILLAS  
JUNE 08, 1999

STATE OF OREGON

EXPIRATION DATE 12/31/00

35

36

2

1

N.E. Arndt Rd.

Scale: 1" = 400'



Pacific Hydro-Geology Inc.

Well 1 is located 1785 feet north and 895 feet  
east of the southwest corner of section 36.

Well 2 is located 320 feet north and 1050 feet  
east of the southwest corner of section 36.

This map was prepared for the purpose of identifying the  
location of a water right only and is not intended to provide  
legal dimensions or location of property ownership lines.

### Claim of Beneficial Use

Countryside Nursery, Inc..  
T.3S. R.1W Sec. 36, TL 801

Application No. G-13693 Permit No. G-12333

The  
R.I.W., W.  
field not  
which has  
Surveyor  
Eugene

Acres 639 <sup>30</sup>/<sub>100</sub>

26 83.75

27.12 <sup>2</sup>/<sub>2</sub>

54.68 <sup>2</sup>/<sub>2</sub>

40.00 <sup>2</sup>/<sub>2</sub>

32.59 <sup>2</sup>/<sub>2</sub>

19.68 <sup>2</sup>/<sub>2</sub>

19.68 <sup>2</sup>/<sub>2</sub>

72.71

52.65

35

36

80.75

20.16

60.16

John Anderson

Not 913 C.I. 55

480.39

80.20

106.86

19.70 <sup>2</sup>/<sub>2</sub>

18.08 <sup>2</sup>/<sub>2</sub>

25 <sup>2</sup>/<sub>2</sub>

18.76 <sup>2</sup>/<sub>2</sub>

18.74 <sup>2</sup>/<sub>2</sub>

9.78 <sup>2</sup>/<sub>2</sub>

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WATER RESOURCES DEPT.  
SALEM, OREGON

**CLAIM OF BENEFICIAL USE**

Section 36, T.3S. R.1W.

Tax Map No. 3 1W 36 Tax Lot Number 801

Clackamas, County

For: **Countryside Nursery**

Permit Application Number: **G-13693**

Permit Number: **G-12333**

Supplemental Water Right Number: Application GR-3102 and GR-2910

**Date of Site Survey:** 10/20/99

**Person Interviewed:** Joe Kupillas, 10/20/99

**Owner Information:**

**Permitee:** Name: Countryside Nursery Inc.  
13200 SW Wilsonville Rd  
Wilsonville, Oregon 97020

Phone: (503) 678-3248

**Property Owner:** Name: James Farley  
Countryside Nursery Inc.  
13200 SW Wilsonville Rd.  
Wilsonville, Oregon 97020

Phone: (503) 678-3248

Deed No. 94-00259  
(Copy attached)

**Water Source (s) and Location:**

Water source is groundwater from two wells. Well No. 1 (CLACK 8800) is located 1785 feet north and 895 feet east of the S.W. Corner of Section 36. Well No. 2 (CLACK 8792) is located 320 feet north and 1050 feet east of the S.W. corner of Section 36.

**Type and Period of Use:** Irrigation of 47.5 acres of nursery stock in containers and in-ground and 1.65 acres of greenhouses, year round.

**Variation of Project from Permit:** It is the intent on this claim of beneficial use to change the point of appropriation for the water claimed under GR-3102, GR-2910 to a supplemental right. The permittee cannot formally change the groundwater registration to a supplemental water right until the ground water registration is adjudicated. Therefore,

they are filing this claim of beneficial use as a primary water right to make record of this change and protect their current groundwater registration in the event that the change to supplemental water right is allowed in the final adjudication. This claim of beneficial use does not waive or abandon any vested right to groundwater under the groundwater registration.

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**Permit Conditions:**

1. Permittee may be required to install a meter or other measuring device to monitor amount of water used. Meter or other device shall be installed within 90 days of notice from the Director.
2. Permittee may be required to keep a record of the amount (volume) of water used, and report water use on a periodic schedule. In addition, the permittee may be required to report general water use information, the periods of water use, and the place and nature of water use under this permit.
3. The wells shall be constructed in accordance with General Standards for the Construction and Maintenance of Water Wells in Oregon. The wells shall be equipped with a usable access port or airline for water level measurements at all times. **Information on the well logs indicates the wells were constructed in accordance with General Standards for the Construction and Maintenance of Water Wells in Oregon that were in effect at the time of construction.**
4. The results of a pump test shall be submitted to the department prior to receiving a certificate of water right. **Pumping test results for both wells are submitted with this claim of beneficial use.**

**Time Limits:** Time limits have been met. Well 1 was completed on January 5, 1977 and Well 2 was completed on August 25, 1987. Water was applied to beneficial use from these wells beginning March 30, 1996.

**Diversion and Point of Appropriation Descriptions:**

Well 1 (CLACK 8800) is 234 feet deep with a 6-inch steel casing. The well is perforated from 144 ft to 236 feet. Well 2 (CLACK 8792) is 264 feet deep with 16 inch steel casing. The well is perforated from 207 to 249 ft. The irrigation water is captured and diverted to a water re-use detention area and is included in the claim of beneficial use. Water from the detention ponds is mixed with water from the wells for continuing beneficial use.

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**Irrigation System:**

WATER RESOURCES DEPT.  
SALEM, OREGON

|               |                    |             |          |          |
|---------------|--------------------|-------------|----------|----------|
| <b>Motor:</b> | Brand:             |             |          |          |
|               | Model:             |             |          |          |
|               | Horsepower:        | 7.5 Hp      | 50 Hp    | 60 Hp    |
|               | Max RPM:           |             |          |          |
|               | Voltage:           |             |          |          |
| <b>Pump:</b>  | Brand:             | Well 1      | Well1    | Well 2   |
|               | Model:             | Grundfos    | Ingersol | Peabody  |
|               | Type:              | 60S 75-13   |          | DKM      |
|               | Intake/Discharge:  | Submersible | Turbine  | Turbine  |
|               | Performance Curve: | 147 feet    | 160 feet | 200 feet |
|               | Impeller:          |             |          |          |

**Pipe:** Mainline: There is 3,900 feet of 6 inch, 2,300 feet of 4-inch, and 1,600 feet of 2-inch main line.

Handlines: There is 27,738 linear feet of 2-inch and 3-inch lateral lines at a spacing of 30 to 50 feet in the container areas. There is 4,080 linear feet of 2-inch lateral line at a spacing of 6 to 20 feet in the greenhouses.

**Sprinkler Heads:** Make and model: Rainbird type  
Size: **11/64** is most common size  
Maximum number operating at one time: **252 heads**  
Pressure of operating system: **Well 1 50 psi and Well 2 45psi.**

**Lift:** Well 1, 19.1 feet plus 1.3 feet and Well 2, 87 feet plus 2.5 feet, calculated from drawdown during pumping tests.

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SALEM, OREGON

## **System Capacity:**

### **Rate for Pump**

#### **Well 1**

$$Q_{\text{pump}} = \frac{(7.5 \text{ Hp})(7.04 \text{ ft cfs/Hp})}{(19.1 \text{ ft} + 1.3 \text{ ft} + 127.0 \text{ ft})} = 0.36 \text{ cfs} \quad \text{Submersible Pump}$$

$$Q_{\text{pump}} = \frac{(50 \text{ Hp})(7.04 \text{ ft cfs/Hp})}{(19.1 \text{ ft} + 1.3 \text{ ft} + 127.0 \text{ ft})} = 2.39 \text{ cfs} \quad \text{Turbine Pump}$$

*Note: Drawdown estimated from Well 1 pumping test using turbine pump at a rate of 450 gpm, and efficiencies have been assumed to be 80% for turbine and submersible pumps. Drawdown not known for submersible pump. Submersible pump is used all the time to supply water to office, greenhouses, loading dock, and other irrigation needs when turbine pumps are not being used.*

#### **Well 2**

$$Q_{\text{pump}} = \frac{(60 \text{ Hp})(7.04 \text{ ft cfs/Hp})}{(87 \text{ ft} + 2.5 \text{ ft} + 114.3 \text{ ft})} = 2.07 \text{ cfs}$$

*Note: Drawdown estimated from Well 2 pumping test at a rate of 900 to 853 gpm.*

### **Rate for Sprinklers**

$$Q_{\text{sprinklers}} = \frac{(252 \text{ nozzels})(6.0 \text{ gpm})}{449 \text{ gpm/cfs}} = 3.37 \text{ cfs at 50 psi.}$$

$$Q_{\text{sprinklers}} = \frac{(252 \text{ nozzels})(5.7 \text{ gpm})}{449 \text{ gpm/cfs}} = 3.12 \text{ cfs at 45 psi.}$$

### **Rate from Permit**

$$Q_{\text{acres}} = (47.5 \text{ acres of nursery}) (0.15 \text{ cfs/acre}) = 7.13 \text{ cfs}$$

$$Q_{\text{acres}} = (47.5 \text{ acres of container stock}) (0.025 \text{ cfs/acre}) = 1.19 \text{ cfs}$$

$$Q_{\text{acres}} = (47.5 \text{ acres of in-ground}) (0.0125 \text{ cfs/acre}) = 0.59 \text{ cfs}$$

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SALEM, OREGON

**Permit and System Rates**

Rate allowed by permit: Nursery (7.37 cfs), Container (1.19 cfs), and In-ground (0.59 cfs).

Rate calculated based on system: Well 1 (0.36 and 2.39 cfs), Well 2 (2.07 cfs), and Sprinklers (3.37 and 3.12 cfs).

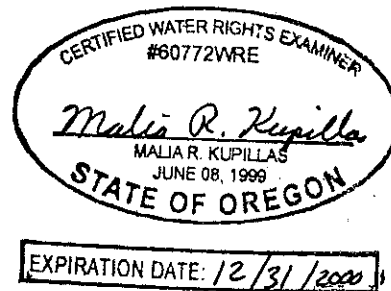
Rate of beneficial use measured: System not in use at time of site visit.

Allowed Diversion Rate: Nursery (7.37 cfs), Container (1.19 cfs), and In-ground (0.59 cfs).

**Claim of Beneficial Use:**

The final proof survey and inspection of the use as found to be completed under the terms and conditions of **Application No. G-13693** and **Permit No. G-12333** was completed by me on October 20, 1999, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

Malia R. Kupillas  
Malia Rosner Kupillas,  
Water Rights Examiner, 60772WR



I, James Farley, agree to the findings of the Water Rights Examiner and do submit this report and map as our Claim of Beneficial Use of the water as provided under the terms and conditions of **Application No. G-13693** and **Permit No. G-12333**.

James Farley  
James Farley, Owner

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: PUMP TEST PROGRAM

DATE: August 29, 2000

FROM: TIMMIE BRANDT *TJB*

SUBJECT: PUMP TEST INFO

RE: File G-13693 / Permit G-12333

The attached pump test info was submitted as part of the claim of beneficial use. (A copy of these were placed in the file) The Certificates Section needs to know if it meets the requirements. Please send a copy of any correspondence in regard to this info to the Water Rights Section so it can be placed in the file. Thank you.

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Oregon Water Resources Department  
**PUMP TEST COVER SHEET**

WATER RESOURCES DEPT.  
SALEM, OREGON



**Well Owner:**

Name Countryside Nursery, Inc.  
Address 2380 NE Airport Rd.  
City, State, Zip Aurora, OR 97002  
County Multnomah

**Well Location:**

Township 35 (N or S), Range 1W (E or W)  
Section 36 1/4, 1/4, 1/4 SW SW  
Well Depth 264 ft Date Drilled 8/25/87  
Owner's Well No. (if any) Well No. 2  
POD-ID \_\_\_\_\_

**Water Right Information:**

Application No. G-13693 Permit No. G-12383 Certificate No. \_\_\_\_\_  
Is this well used for more than one water right? (Y/N) If Yes, fill out numbers below:  
App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_  
App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_

**Pump Test:**

Test conducted by Tim Wilson Well Owner? N (Y/N)  
Company Schneider Equipment, Inc.  
Address 21881 River Rd. NE Date of Test 6/5/96  
City, State, Zip St. Paul, OR 97137

Method of Discharge Measurement 8" Propeller Type Flowmeter w/ Totalizer  
Method of Water Level Measurement Electric Water Level Measuring Tape  
Depth of Air Line (if used) N/A  
Pump Type (Turbine, Submersible, etc.) Turbine, 60HP  
Was pump test conducted during normal use of the well N (Y/N)

Description of point from which water level was measured Top of Well Casing  
Is measuring point above or below ground level? Above  
Distance between measuring point and ground level (correction factor) 30 inches

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? N (Y/N) If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test \_\_\_\_\_

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? Y (Y/N)  
If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance 1/4 mile East (Calvin Creek)  
Approximate elevation difference 40 ft.  
Is well elevation above or below the surface water body? Above

**Static Water Level Measurements:** (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

|                       |                                                     |
|-----------------------|-----------------------------------------------------|
| Time: <u>10:00 am</u> | Depth to Water: <u>90.5 ft. from 6 1/2" (11/in)</u> |
| Time: <u>10:30 am</u> | Depth to Water: <u>91.0 ft. from 6 1/2" (11/in)</u> |
| Time: <u>10:40 am</u> | Depth to Water: <u>91.6 ft. from 6 1/2" (11/in)</u> |

**Discharge Measurements:** (A discharge measurement is required at the start of pumping and once an hour during the test):

|                       |                                  |
|-----------------------|----------------------------------|
| Time: <u>11:14 am</u> | Discharge Rate: <u>900</u> (gpm) |
| Time: <u>11:32 am</u> | Discharge Rate: <u>867</u> (gpm) |
| Time: <u>12:38 pm</u> | Discharge Rate: <u>858</u> (gpm) |
| Time: <u>1:32 pm</u>  | Discharge Rate: <u>867</u> (gpm) |
| Time: <u>2:35 pm</u>  | Discharge Rate: <u>853</u> (gpm) |

Pump turned on: Date: 6/5/96 Time: 1:00 am Pump turned off: Date: 6/9/96 Time: 3:02 pm  
Total pumping time: 4 hours, 2 minutes.

Note: Well must be idle for at least 16 hours prior to the test.

OWRD 11/90

May-17-00 02:46P

Page 1 of 1

P.O.D.-10

## RECOVERY DATA

WATER RESOURCES DEPT.  
SALEM, OREGON

Mar-17-00 02:47P

NORTH TIDE

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WATER RESOURCES DEPT  
SALEM, OREGON



Oregon Water Resources Department  
**PUMP TEST COVER SHEET**

**Well Owner:**

Name Countryside Nursery Inc.  
Address 23800 NE Airport Rd.  
City, State, Zip Aurora, OR 97002  
County MARION

**Well Location:**

Twnshp 35 (N or S), Range 110 (E or W)  
Section 36 1/4, 1/4, 1/4 NW SW  
Well Depth 234 feet Date Drilled 1/5/77  
Owner's Well No. (if any) Well No. 1  
POD-ID \_\_\_\_\_

**Water Right Information:**

Application No. A-13693 Permit No. C-12333 Certificate No. \_\_\_\_\_  
Is this well used for more than one water right? \_\_\_\_\_ (Y/N) If Yes, fill out numbers below:  
App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_  
App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_

**Pump Test:**

Test conducted by Tim Wilson Well Owner? N (Y/N)  
Company Schneider Equipment, Inc.  
Address 2881 River Rd NE Date of Test 6/16/96  
City, State, Zip St. Paul, OR 97132

Method of Discharge Measurement 4" Propeller Type Flowmeter w/ totalizer  
Method of Water Level Measurement Electric Water Level Measuring Tape  
Depth of Air Line (if used) N/A  
Pump Type (Turbine, Submersible, etc.) Turbine, 50 HP  
Was pump test conducted during normal use of the well N (Y/N)

Description of point from which water level was measured Top of Well Casing  
Is measuring point above or below ground level? Above  
Distance between measuring point and ground level (correction factor) 1.3 ft.

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? N (Y/N) If yes, give approximate distances to each and approximate pumping rate of each. If, possible, indicate if they were turned on or off during the test \_\_\_\_\_

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? Y (Y/N)  
If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance 1/4 mile East (Calvin Creek)  
Approximate elevation difference 40 ft.  
Is well elevation above or below the surface water body? above

**Static Water Level Measurements:** (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

|                       |                                                  |
|-----------------------|--------------------------------------------------|
| Time: <u>11:00 AM</u> | Depth to Water: <u>69.9 ft. from G/L (11/in)</u> |
| Time: <u>11:40 AM</u> | Depth to Water: <u>69.9 ft. from G/L (11/in)</u> |
| Time: <u>12:00 PM</u> | Depth to Water: <u>69.9 ft. from G/L (11/in)</u> |

**Discharge Measurements:** (A discharge measurement is required at the start of pumping and once an hour during the test):

|                       |                                  |
|-----------------------|----------------------------------|
| Time: <u>12:44 PM</u> | Discharge Rate: <u>450</u> (gpm) |
| Time: <u>1:03 PM</u>  | Discharge Rate: <u>440</u> (gpm) |
| Time: <u>1:00 PM</u>  | Discharge Rate: <u>460</u> (gpm) |
| Time: <u>2:00 PM</u>  | Discharge Rate: <u>410</u> (gpm) |
| Time: <u>4:20 PM</u>  | Discharge Rate: <u>410</u> (gpm) |

Pump turned on: Date: 6/6/96 Time: 12:30 PM Pump turned off: Date: 6/6/96 Time: 4:37 PM  
Total pumping time: 4 hours, 2 minutes.

Note: Well must be idle for at least 16 hours prior to the test.

OWRD 11/90

Mar-17-00 02:46P

North Tribune

# STATE OF OREGON WATER RESOURCE DEPARTMENT

## PUMP TEST DATA SHEET

Page 1 of 1

| APPLICATION NO. <u>G-13143</u>                                                                                    |       |                                   |                                  |                   |                                  | PERMIT NO. <u>G-12333</u> |        | P.O.D.-ID |                                   |                                  |                   |                                  |                |
|-------------------------------------------------------------------------------------------------------------------|-------|-----------------------------------|----------------------------------|-------------------|----------------------------------|---------------------------|--------|-----------|-----------------------------------|----------------------------------|-------------------|----------------------------------|----------------|
| All water level measurements must either be in 1) feet and inches, or 2) feet and decimal fractions. (Circle one) |       |                                   |                                  |                   |                                  |                           |        |           |                                   |                                  |                   |                                  |                |
| DRAWDOWN DATA                                                                                                     |       |                                   |                                  |                   |                                  | RECOVERY DATA             |        |           |                                   |                                  |                   |                                  |                |
| DATE                                                                                                              | TIME  | TIME SINCE PUMP STARTED (minutes) | DEPTH TO WATER FROM MEASURING PT | CORRECTION FACTOR | DEPTH TO WATER FROM GROUND LEVEL | COMMENTS                  | DATE   | TIME      | TIME SINCE PUMP STOPPED (minutes) | DEPTH TO WATER FROM MEASURING PT | CORRECTION FACTOR | DEPTH TO WATER FROM GROUND LEVEL | COMMENTS       |
| 6/6/96                                                                                                            | 12:35 | 0                                 | 71.2                             | 1.3               | 69.9                             | Pump started              | 6/6/96 | 4:37      | 0                                 |                                  | 1.3               |                                  | Pump shut down |
|                                                                                                                   | 12:37 | 2                                 | 73.1                             | 1.3               | 71.8                             |                           |        | 4:39      | 2                                 | 88.2                             | 1.3               | 86.9                             |                |
|                                                                                                                   | 12:39 | 4                                 | 76.8                             | 1.3               | 74.5                             |                           |        | 4:41      | 4                                 | 88.1                             | 1.3               | 86.8                             |                |
|                                                                                                                   | 12:41 | 6                                 | 77.8                             | 1.3               | 76.5                             |                           |        | 4:43      | 6                                 | 88.0                             | 1.3               | 86.7                             |                |
|                                                                                                                   | 12:43 | 8                                 | 80.0                             | 1.3               | 78.7                             |                           |        | 4:45      | 8                                 | 87.6                             | 1.3               | 86.3                             |                |
|                                                                                                                   | 12:45 | 10                                | 80.1                             | 1.3               | 78.8                             |                           |        | 4:47      | 10                                | 87.2                             | 1.3               | 85.9                             |                |
|                                                                                                                   | 12:50 | 15                                | 83.4                             | 1.3               | 82.1                             |                           |        | 4:52      | 15                                | 86.0                             | 1.3               | 85.7                             |                |
|                                                                                                                   | 12:55 | 20                                | 83.5                             | 1.3               | 82.2                             |                           |        | 4:57      | 20                                | 85.2                             | 1.3               | 83.9                             |                |
|                                                                                                                   | 1:00  | 25                                | 83.8                             | 1.3               | 82.5                             |                           |        | 5:02      | 25                                | 82.9                             | 1.3               | 81.6                             |                |
|                                                                                                                   | 1:05  | 30                                | 83.9                             | 1.3               | 82.6                             |                           |        | 5:07      | 30                                | 80.3                             | 1.3               | 79.0                             |                |
|                                                                                                                   | 1:10  | 35                                | 84.1                             | 1.3               | 82.8                             |                           |        | 5:12      | 35                                | 77.1                             | 1.3               | 75.8                             |                |
|                                                                                                                   | 1:15  | 40                                | 84.8                             | 1.3               | 83.5                             |                           |        | 5:17      | 40                                | 73.4                             | 1.3               | 72.1                             |                |
|                                                                                                                   | 1:20  | 55                                | 85.2                             | 1.3               | 83.9                             |                           |        | 5:22      | 45                                | 72.6                             | 1.3               | 71.3                             |                |
|                                                                                                                   | 1:45  | 70                                | 86.1                             | 1.3               | 84.8                             |                           |        | 5:27      | 50                                | 72.2                             | 1.3               | 70.9                             |                |
|                                                                                                                   | 2:00  | 85                                | 87.3                             | 1.3               | 86.0                             |                           |        | 5:33      | 55                                | 71.8                             | 1.3               | 70.5                             |                |
|                                                                                                                   | 2:15  | 100                               | 87.6                             | 1.3               | 86.3                             |                           |        |           |                                   |                                  |                   |                                  |                |
|                                                                                                                   | 2:30  | 115                               | 90.1                             | 1.3               | 88.8                             |                           |        |           |                                   |                                  |                   |                                  |                |
|                                                                                                                   | 2:45  | 130                               | 90.3                             | 1.3               | 89.0                             |                           |        |           |                                   |                                  |                   |                                  |                |
|                                                                                                                   | 3:00  | 145                               | 90.4                             | 1.3               | 89.1                             |                           |        |           |                                   |                                  |                   |                                  |                |
|                                                                                                                   | 3:15  | 160                               | 90.5                             | 1.3               | 89.2                             |                           |        |           |                                   |                                  |                   |                                  |                |
|                                                                                                                   | 3:30  | 175                               | 89.8                             | 1.3               | 88.5                             |                           |        |           |                                   |                                  |                   |                                  |                |
|                                                                                                                   | 3:45  | 190                               | 89.9                             | 1.3               | 88.6                             |                           |        |           |                                   |                                  |                   |                                  |                |
|                                                                                                                   | 4:00  | 205                               | 89.9                             | 1.3               | 88.6                             |                           |        |           |                                   |                                  |                   |                                  |                |
|                                                                                                                   | 4:15  | 220                               | 90.2                             | 1.3               | 88.9                             |                           |        |           |                                   |                                  |                   |                                  |                |
|                                                                                                                   | 4:30  | 235                               | 90.3                             | 1.3               | 89.0                             |                           |        |           |                                   |                                  |                   |                                  |                |
|                                                                                                                   | 4:35  | 240                               | 90.3                             | 1.3               | 89.0                             |                           |        |           |                                   |                                  |                   |                                  |                |

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WATER RESOURCES DEPT.  
SALEM, OREGON

OWRP 10/90



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

August 4, 2000

**Countryside Nursery Inc.**  
**23800 NE Airport Road**  
**Aurora, OR. 97002**

With regard to the pump test requirements for the following well and its associated water rights:

**APP. #:G - 13693 PERMIT #: G - 12333 POD-ID: 32186 USER-ID: 27702**

The Water Resources Department has reviewed and **accepted the pump test results you have submitted.** The department requires no further testing of this well at this time. However, you will be required to submit a static water level measurement, or perform another pump test of the well on the ten-year anniversary of the test you conducted.

If your permit or certificate includes conditions requiring annual static water level measurements, and/or annual water use reporting, please continue to make and report these measurements unless otherwise instructed in writing by someone representing the Oregon Water Resources Department. **Failure to comply with these conditions could result in cancellation of your permit.**

We appreciate your cooperation with this program. If you have any questions, please contact me at (503) 378-8455 ext. 289 or Mike Zwart at ext. 207. The Departments toll-free number is 1-800-624-3199.

Sincerely,

R. Craig Kohanek  
Pump Test Coordinator

c: Water Rights Section



201  
15  
3  
STATUTORY SPECIAL WARRANTY DEED

COUNTRYSIDE NURSERY, INC., an Oregon corporation, and SUMMERSUN GREENHOUSE COMPANY, a Washington corporation, Grantors, convey and specially warrant to COUNTRYSIDE NURSERY, INC., an Oregon corporation, Grantee, all that real property situated in Clackamas County, Oregon, described on Exhibit A, attached hereto and incorporated herein, free of all encumbrances created or suffered by Grantors or either of them.

The true and actual consideration paid for this conveyance, stated in terms of dollars, is \$ -0- . However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

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

Until a change is requested, all tax statements are to be sent to the following address:

Countryside Nursery, Inc.  
13200 S.W. Wilsonville Road  
Wilsonville, OR 97070

DATED this 22<sup>nd</sup> day of December, 1993.

COUNTRYSIDE NURSERY, INC.

By: James A. Jolly  
President

SUMMERSUN GREENHOUSE COMPANY

By: Carl H. Gish  
President

After Recording, Return to:  
Southwell & Thompson  
2400 S.W. Fourth Avenue, Suite 210  
Portland, OR 97201

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WATER RESOURCES DEPT.  
SALEM, OREGON

94 00259

EXHIBIT A: Deed from Countryside Nursery, Inc. and Summersun Greenhouse Company to Countryside Nursery, Inc.

A tract of land situated in the Southwest one-quarter of Section 36, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

31W36 00801 (6606A)

Beginning at a 5/8" iron rod on the easterly right of way line of N.E. Airport Road (County Road No. 1233) which bears North 00 degrees 00'40" West 1631.53 feet and South 89 degrees 51'14" East 30.00 feet from the Southwest corner of said Section 36, Township 3 South, Range 1 West of the Willamette Meridian; thence North 00 degrees 00'40" West along said easterly right of way line of N.E. Airport Road, 986.09 feet to the intersection with the southerly right of way line of N.E. Country Side Road (County Road No. 395); thence North 89 degrees 58'24" East along said southerly right of way line, parallel with and 20.00 feet southerly of the north line of the South 1/2 of said Section 36, 1804.23 feet to the east line of that certain tract of land conveyed to George Samuel Oki and Lawrence R. Oki as described in Fee No. 85-22721, Clackamas County records; thence along the easterly line of said Oki tract the following courses and distances, South 26 degrees 00'56" West 507.74 feet; thence South 15 degrees 26'56" West 266.00 feet; thence South 54 degrees 35'04" East 311.80 feet; thence South 78 degrees 33'04" East 348.50 feet; thence South 25 degrees 53'04" East 59.00 feet; thence South 27 degrees 50'50" West 230.00 feet; thence South 30 degrees 00'36" West 185.76 feet; thence South 38 degrees 31'56" West 309.00 feet; thence South 53 degrees 12'56" West 66.30 feet; thence South 26 degrees 49'56" West 306.00 feet; thence South 78 degrees 57'56" West 232.30 feet; thence South 44 degrees 18'56" West 99.90 feet; thence South 46 degrees 01'56" West 199.30 feet; thence South 15 degrees 16'56" West 178.30 feet; thence South 40 degrees 41'56" West 78.70 feet; thence South 25 degrees 09'56" West 72.64 feet to a point on the northerly right of way line of N.E. Airport Road (County Road No. 619); thence along said right of way line, North 50 degrees 03'21" West 66.34 feet; thence South 82 degrees 17'00" West 131.60 feet to a 5/8" iron rod; thence leaving said right of way line, North 00 degrees 00'42" West 311.17 feet to a 5/8" iron rod at the northeast corner of a tract of land conveyed to M. Gary Meyer and Dianna M. Meyer as described in Fee No. 89-30168; thence North 89 degrees 54'37" East on the easterly extension of the north line of said Meyer tract, 27.59 feet to a 5/8" iron rod; thence North 00 degrees 00'40" West parallel with the west line of said Section 36 a distance of 107.07 feet to a 5/8" iron rod; thence North 89 degrees 59'20" East, 59.00 feet to a 5/8" iron rod; thence North 00 degrees 00'40" West 12.00 feet to a 5/8" iron rod; thence South 89 degrees 59'20" West 59.00 feet to a 5/8" iron rod; thence North 00 degrees 00'40" West parallel with said West line of Section 36 a distance of 107.07 feet to a 5/8" iron rod; thence North 89 degrees 51'14" West 72.16 feet to the Point of Beginning.

Containing 66.06 Acres

Exhibit A

AUG 03 2000

3 WATER RESOURCES DEPT.  
SALEM, OREGON

94 00259

PT. T.L. 80 (1033) TO T.L. 802  
& PT. T.L. 80 (1033) FROM T.L. 802  
& AC. ADJ. BY THIS DEED 194-00258  
ALSO BY 94-00258



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

November 23, 1999

COUNTRYSIDE NURSERY INC  
23800 NE AIRPORT RD  
AURORA OR 97002

REFERENCE: File G13693  
Permit G12333

We have received your notice that complete application of water has been made under your permit .

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **October 1, 2000**. A list of Certified Examiners is available upon request by calling the above number, extension 320.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In addition, before the Water Right Certificate is issued, you are required to submit a well pump test. This test must be done according to the instructions in the brochure. Forms and brochures are available upon request. This is not required if your priority date is before December 20, 1988.

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER  
Natural Resource Specialist 2

DM;jh

cc: Watermaster  
CWRE



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SEP 21 1999

WATER RESOURCES DEPT.  
SALEM, OREGON



**Countryside Nursery**

23800 North East Airport Road  
Aurora, Oregon 97002

---

Phone (503) 678-3248

Fax (503) 678-3258

Mr. Dallas Miller  
Water Rights Specialist  
Water Resources Department  
Commerce Building  
158 12<sup>th</sup> Street NE  
Salem, Oregon 97310-0210

September 17, 1999

File Number: G-13693

Dear Mr. Miller:

I have recently received your letter dated August 20, 1999 addressed to James Farley. I am responsible for the progress on this objective and am getting familiarized with the process. Yesterday I called your department and introduced myself to Mr. Herb Mosgar who reviewed the Countryside File and answered a few questions I had.

In brief we have the system in place and are currently using water for beneficial means. I am in the process of contacting a Certified Water Rights Examiner to review our application so that we can complete the process before the deadline for our application of October 1, 2000.

Should you have any questions or suggestions feel free to contact me at the above numbers.

Thank you for your assistance.

Respectfully,

Joe R. Kupillas  
General Manager

35/1W-36

(as required by ORS 537.765)

ΣΤΑΥΡΟΣ ΚΑΡΥΣ    ΔΙΕΚΤΕΛΕΤΑΙ

0A10

3872 0

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DEC -4 1987

"START CARD"

# NOTICE OF BEGINNING OF WELL CONSTRUCTION (as required by ORS 537.762)

WATER RESOURCES DEPT  
SALEM, OREGON

This form must be completed, signed by both the owner (or authorized agent) and constructor, and the origin delivered to the Water Resources Department prior to commencement of construction, alteration or abandonment of each well.

Owner's Name and  
Mailing Address

Oki Nursery Co.

PO Box 115

Aurora, OR 97002

Proposed Commencement Date

12/2/87

Proposed Well Depth

250

Diameter

8

and Use:

☐ Domestic

☐ Thermal

☐ Community

☐ Injection

☐ Industrial

☐ Other

☒ Irrigation

Proposed Well Location:

County

Clackamas

Township

3S

(N or S)

Range

1W

(E or W)

Section

36

At least 2  
of these  
must be  
provided

1. SUW 1/4 of SUW 1/4 of above section

2. street address of  
well location

23788 NE Airport Rd  
Aurora OR 97002

3. tax lot number of well location

4. attach approved map with location identified.  
(see reverse of this form for approved maps)

We hereby certify that we have read the back of this form, and that to the best of our knowledge the information provided herein is accurate and the well is being properly located from septic tanks and septic drain fields.

X

Owner's Signature

X

Bonded Water Well Constructor

Title

License No.

649

Company

Schneider Drilling Co

Note: This is not a Water Right application. The owner is responsible for obtaining a Water Right through the Water Resources Department if required.

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LLAC 8792 KCW

35/1W-E

SEP 14 1987

WATER RESOURCES DEPT  
SALEM, OREGON OKI Nursery  
Well Log

|     |     |                                                          |
|-----|-----|----------------------------------------------------------|
| 0   | 2   | Top soil                                                 |
| 2   | 16  | Clay, silty, brown, med                                  |
| 16  | 18  | Clay, brown, soft                                        |
| 18  | 42  | Sand, brown, coarse & pea gravel                         |
| 42  | 48  | Gravel 1/2" minus w/black sand, med-fine                 |
| 48  | 56  | Sand, black, med-fine                                    |
| 56  | 60  | Sand, brown, med-fine                                    |
| 60  | 62  | Clay, grey, med-soft                                     |
| 62  | 64  | Sand, grey, med-fine                                     |
| 64  | 70  | Clay, grey, med-soft                                     |
| 70  | 79  | Sand, black & brown, med                                 |
| 79  | 84  | Clay, grey, med-soft                                     |
| 84  | 92  | Clay, grey, med-soft, little silty                       |
| 92  | 96  | Sand, black, fine                                        |
| 96  | 110 | Clay, grey, soft, little silty                           |
| 110 | 112 | Clay, grey, sandy, little gravel 1"                      |
| 112 | 121 | Sand, multi-colored med, little pea gravel               |
| 121 | 129 | Gravel 1" minus, little sand, med                        |
| 129 | 140 | Gravel 2" minus, med, black sand, cemented               |
| 140 | 150 | Sand, black, med, little pea gravel                      |
| 150 | 155 | Clay, grey, sandy, med-soft                              |
| 155 | 158 | Clay, grey, med                                          |
| 158 | 167 | Clay, blue-green, med                                    |
| 167 | 169 | Clay, grey, little sand, med-soft                        |
| 169 | 179 | Sand, multi-colored, med                                 |
| 179 | 190 | Clay, silty, grey, med, little wood                      |
| 190 | 192 | Sand, multi-colored, med-fine                            |
| 192 | 197 | Clay, grey, sandy, med                                   |
| 197 | 200 | Sand, cemented, multi-colored                            |
| 200 | 202 | Clay, grey, med-soft                                     |
| 202 | 212 | Gravel 2" minus, multi-colored, med, sand                |
| 212 | 214 | Clay, grey, sandy, med-soft                              |
| 214 | 226 | Cemented gravel 1-1/2" minus, sand, med                  |
| 226 | 234 | Sand, multi-colored, med, little clay                    |
| 234 | 238 | Sand, multi-colored, med, clay & pea gravel, little wood |
| 238 | 241 | Sand, multi-colored, med-course & pea gravel             |
| 241 | 249 | Sand, cemented & gravel 3/4" minus, w/wood               |
| 249 | 264 | Clay, grey, med                                          |

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

COUNTRYSIDE NURSERY INC.  
13200 SW WILSONVILLE RD  
WILSONVILLE, OREGON 97070

PHONE: (503) 687-0511

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13693

SOURCE OF WATER: TWO WELLS IN PUDDING RIVER BASIN, WITHIN THE WILLAMETTE BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 47.5 ACRES

RATE OF USE: 3.0 CUBIC FOOT PER SECOND (CFS), BEING 1.0 CFS FROM WELL 1 AND 2.0 CFS FROM WELL 2

THE PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: MAY 20, 1994

POINT OF DIVERSION LOCATION:

WELL 1: NW 1/4 SW 1/4, SECTION 36, T3S, R1W, W.M.; 1785 FEET NORTH AND 895 FEET EAST FROM THE SW CORNER, SECTION 36

WELL 2: SW 1/4 SW 1/4, SECTION 36, T3S, R1W, W.M.; 320 FEET NORTH AND 1050 FEET EAST FROM THE SW CORNER, SECTION 36

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 47.5 ACRES  
SECTION 36

TOWNSHIP 3 SOUTH, RANGE 1 WEST, W.M.

Application G-13693 Water Resources Department

PERMIT G-12333

## Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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.

**STANDARD CONDITIONS**

The wells 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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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.

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 use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued MARCH 29, 1996

Water Resources Department  
Martha O. Pagel  
Director

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-13693

**Final Order**

*Application History*

On May 20, 1994, submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 14, 1995. The protest period closed December 29, 1995, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

**Order**

Upon payment of outstanding permit recording fees, Application G13693 will be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$276.00, and that said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G13693.

Feb. 23, 1996  
Date

for Martha O. Pagel, Director

*Appeal Rights*

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON  
COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

COUNTRYSIDE NURSERY INC.  
13200 SW WILSONVILLE RD  
WILSONVILLE, OREGON 97070

PHONE: (503) 687-0511

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13693

SOURCE OF WATER: TWO WELLS IN PUDDING RIVER BASIN, WITHIN THE WILLAMETTE BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 47.5 ACRES

RATE OF USE: 3.0 CUBIC FOOT PER SECOND (CFS), BEING 1.0 CFS FROM WELL 1 AND 2.0 CFS FROM WELL 2

THE PERIOD OF ALLOWED USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: MAY 20, 1994

POINT OF DIVERSION LOCATION:

WELL 1: NW 1/4 SW 1/4, SECTION 36, T3S, R1W, W.M.; 1785 FEET NORTH AND 895 FEET EAST FROM THE SW CORNER, SECTION 36

WELL 2: SW 1/4 SW 1/4, SECTION 36, T3S, R1W, W.M.; 320 FEET NORTH AND 1050 FEET EAST FROM THE SW CORNER, SECTION 36

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 47.5 ACRES  
SECTION 36  
TOWNSHIP 3 SOUTH, RANGE 1 WEST, W.M.

## Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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.

**STANDARD CONDITIONS**

The wells 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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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.

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 use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued February , 1996

DRAFT

Water Resources Department  
Martha O. Pagel  
Director

# FO CHECKLIST

## PFO TO FO CONVERSION

FILE # 613693

REVIEW DATE: 2/2/96

INITIALS: SS

In preparing the FO, you should check the following:

1. ☒ Y ☒ N *see memo 1/6/96* Were comments or protests were received in response to the PFO?
2. ☒ List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
3. 276 Verify payment of recording fees (circle the appropriate option)  
(1) Issue FO w/permit if fees are paid *200 Exam*  
(2) Issue FO w/o permit if fees are lacking *100 29*  
(3) Prepare refund request for excess fees *100 10/12*  
*76 11/12*
4. ☒ Y ☒ N Has the applicant signed an oath of accuracy for the application? *476*
5. ☒ Y ☒ N Is further processing possible? If not state reason: \_\_\_\_\_

ACTION SUSPENSE DATE: \_\_\_\_\_

6. ☒ Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

DENIAL  
LARRY

☒ FO w/o PERMIT  
CORY

Route to: (circle one)

☐ FO & PERMIT  
JERRY

☐ COMMENTS  
DOUG

Modify FO as needed to:

7. ☒ Respond to significant comments, issues, or disputes related to the proposed use of water
8. ☒ Include or exclude permit conditions and management codes
9. ☒ Notify applicant of additional information or fees required prior to permit issuance
10. ☒ Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

11. ☒ Move WordPerfect document to M:\T\FO\SIGN
12. ☒ Print final draft of document and submit to team leader for review
13. ☒ Y ☒ N Team leader review completed

## MEMO

Jan 26, 1996

Application G- 13693

GW: Mark A Norton  
(Reviewer's Name)

**SUBJECT** Scenic Waterway Interference Evaluation

☐ Yes

**The source of appropriation is within or above a Scenic Waterway.**

☒ No

☐ Yes

**Use the Scenic Waterway condition (Condition 7J).**

☒ No

**PREPONDERANCE OF EVIDENCE FINDING:** (Check box)

PFO  
Done



At this time the Department is unable to find a preponderance of evidence that the proposed ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

**FLOW REDUCTION:** *(To be filled out only if Preponderance of Evidence box is not checked)*

Exercise of this permit is calculated to reduce monthly flows in \_\_\_\_\_ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

[illegible]

INTEROFFICE MEMORANDUM

TO: Steve Applegate

FM: Dwight French *DF*

Date: January 16, 1996

RE: Measuring and Reporting conditions for G13693

The pumps are already in place. The applicant received an estimate of \$2000 to install the meters.

Since there is no potential for substantial interference, I recommend that we include the small condition instead of the large condition.

If, at a later date, the Director feels we need more aggressive measuring and reporting, we could require the applicant to install meters within 30 days.

Please initial with an "OK" if you concur.

*Agreed S/A 1/16/96*

Joe 678 3248  
fax 678 3258

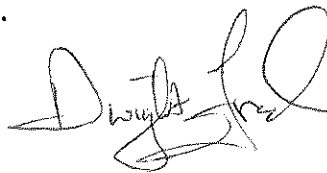
Here is the measuring and reporting condition that we will place on your permit.

SMALL

Measurement recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to submit alternative measuring procedures for review and approval.
- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

FAX



**FAXED**

Water Right Conditions  
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13693

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T3S/R1W-36

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Donna MILLER

G-13693

[illegible]

TO: Water Rights Section

12/13, 1994

FROM: Groundwater/Hydrology Section DONN MILLER

Reviewer's Name

SUBJECT: Application G- 13693

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. ~~PER THE~~ N/A Basin rules, one or more of the proposed POA's is/is not within        feet/mile of a surface water source (      ) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
- a.        will, or        have the potential for substantial interference with the nearest
  - ☒        will not surface water source, namely Cabala CK; or
  - c.        will if properly conditioned, adequately protect the surface water from interference:
    - i.        The permit should contain condition #(s)       ;
    - ii.        The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii.        The permit should be conditioned as indicated in item 4 below; or
  - d.        will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
- a.        will, or        likely be available in the amounts requested without injury to prior rights
  - b.        will not and/or within the capacity of the resource; or
  - ☒        will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
    - ☒        The permit should contain condition #(s) 4I;
    - ii.        The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii.        The permit should be conditioned as indicated in item 4 below; or
- 4.
- a.        THE PERMIT should allow groundwater production from no deeper than        ft. below land surface;
  - b.        The permit should allow groundwater production from no shallower than        ft. below land surface;
  - c.        The permit should allow groundwater production only from the        groundwater reservoir between approximately        ft. and        ft. below land surface;
  - d.        Well reconstruction is necessary to accomplish one or more of the above conditions.
  - e.        One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:         
        
        
        
        
        
      

(Well Construction Considerations on Reverse Side)

## WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files

Date 12/13/94FROM: DONN MILLERSUBJECT: Groundwater Application G- 13693Phone: 607-0511Name: Countryside NurseryApplicant(s) seek gpm 3.0 cfs from TWO well(s) in the Willamette R. basinProposed use: Nurserysub basin  
sub basin.

Pertinent 7.1/2 - minute quads

Sherwood  
CanbyWell # 1 WRD# T 35 R 1W S 36 QQ County Legal Description 1785'N + 895'E of SW Corner Section 36Well is > 1/4 ft from any surface source (river/stream)Well is  ft from  (river/stream)Well elevation 185 ft River/stream elevation  ft.Well elevation - river/stream elevation Well depth 244' SWL 60' on 1-5-77Sealed to 40 Depth first water found Cased to 244' Perforations/screens 144' - 236'Lined to  Perforations/screens Well tests and types Confined or unconfined?  Hydraulically connected? Potential to cause substantial interference? NOWell # 2 WRD# T 35 R 1W S 36 QQ CC County CLACKLegal Description 320'W. & 1050'E of SW Corner Section 36Well is 200' ft from Calvin CK. (river/stream)Well is  ft from  (river/stream)Well elevation 185 ft River/stream elevation 150' ± ft.Well elevation - river/stream elevation 35Well depth 264' \* SWL 102' on 8/4/87Sealed to 84' Depth first water found ?Cased to 207.5 Perforations/screens 207' - 249'Lined to 192' - 207' 249' - 264' Perforations/screens Well tests and types 650 gpm / 75' dd / 4 hrs pump testConfined or unconfined? semi-unconfined Hydraulically connected? Not w/ 1/4 mile perPotential to cause substantial interference? NO - head infoConditioned water rights in area: depth limit 700'Other nearby water rights of record: yesDensity of nearby wells of record: mod/high

Comments \* This numt doesn't make sense - too deep. 75' is better based on WSP-1833 photo 1.

The application talks about Calvin Creek. The USGS topo doesn't show it but does show contouring of a drainage. The steep slope on the drainage precludes interference at the nearby reach

References used: WSP-1833

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

|                          |   |          |
|--------------------------|---|----------|
| In the matter of         | ) | PROPOSED |
| Groundwater Application  | ) | FINAL    |
| G-13693 submitted by     | ) | ORDER    |
| COUNTRYSIDE NURSERY INC. |   |          |

**FINDINGS OF FACT**

*Water Use Request*

1. COUNTRYSIDE NURSERY INC. requested use of 3.0 CUBIC FEET PER SECOND (CFS) of water from TWO WELLS, BEING 1.0 CFS FROM WELL 1 AND 2.0 CFS FROM WELL 2, IN PUDDING RIVER BASIN, within the Willamette Basin, for NURSERY OPERATIONS ON 47.5 ACRES.
2. The area of proposed use is in Clackamas County within SECTION 36, TOWNSHIP 3 SOUTH, RANGE 1 WEST, W.M.
3. The water delivery system is described by the applicant as A 75 HORSEPOWER PUMP ON EACH WELL. THE WATER IS PUMPED THROUGH 4600 FEET OF 6 INCH PVC MAINLINE. THE CONTAINER YARD IS IRRIGATED WITH SPRINKLERS THROUGH 2 AND 3 INCH ABOVE GROUND LATERAL LINES.
4. The request was made in Application G-13693 which was received by the Water Resources Department on May 20, 1994.

*Affected Waters*

1. This proposed use of groundwater is not within or above a State Scenic Waterway.
2. There are no senior water rights from this point of appropriation.

*Department Actions*

1. The application was determined to be complete and not defective.
2. The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely CALVIN CREEK.
3. An Initial Review of the application was completed and a report of the results of that review was mailed to the applicant on SEPTEMBER 8, 1995.
4. The Initial Review determined:
  - a. NURSERY OPERATIONS ON 47.5 ACRES is allowed under the Willamette Basin Program.
  - b. The use is not prohibited by Statute.
  - c. Water for the proposed use is available in the amounts requested for the period ALL YEAR AROUND.

- d. The use would not injure existing water rights.
5. The report of Initial Review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.
6. The applicant did not notify the Department to stop processing this application within 14 days after the report was mailed as provided in ORS 537.150(5).
7. The Department proceeded with processing the application and on SEPTEMBER 26, 1995 published notice of the application in its weekly Public Notice of Water Rights.
8. At the close of the 30 day comment period provided in ORS 537.150(7), the Department had not received comments on the application.

#### Assessment

1. In proceeding with evaluation of Application G-13693, the following criteria were found to be relevant by the Department.
  - a. The Willamette Basin Program (OAR Chapter 690, Division 502)
  - b. The Clackamas County Comprehensive Plan and Zoning Ordinance
  - c. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
  - d. The established rate and duty for the proposed use
  - e. Pending, senior applications and existing water rights of record
  - f. Comments received

#### CONCLUSIONS OF LAW

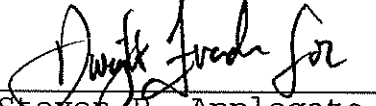
1. Based upon continued evaluation, the Department finds the determinations of the Initial Review remain valid.
2. The period of allowed use is JANUARY 1 THROUGH DECEMBER 31.
3. The Department finds that no more than 7.13 CFS would be necessary for the proposed use. The amount of water requested, 3.0 CUBIC FEET PER SECOND, BEING 1.0 CFS FROM WELL 1 AND 2.0 CFS FROM WELL 2, is allowed for the proposed use.
4. Clackamas County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Clackamas County Comprehensive Land Use Plan.
5. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
6. The proposed use complies with all other rules of the Commission.

7. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
8. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

**PROPOSED ORDER**

**IT IS PROPOSED** that Application G-13693 in the name of COUNTRYSIDE NURSERY INC. be approved for NURSERY OPERATIONS ON 47.5 ACRES as provided in the attached draft permit.

DATED November 14, 1995

  
Steven P. Applegate  
Administrator

Water Rights and Adjudications Division

**NOTICE:**

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

**Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on December 29, 1995.**

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

**DRAFT**  
STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

COUNTRYSIDE NURSERY INC.  
13200 SW WILSONVILLE RD  
WILSONVILLE, OREGON 97070

PHONE: (503) 687-0511

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13693

SOURCE OF WATER: TWO WELLS IN PUDDING RIVER BASIN, WITHIN THE  
WILLAMETTE BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 47.5 ACRES

RATE OF USE: 3.0 CUBIC FOOT PER SECOND (CFS), BEING 1.0 CFS FROM WELL  
1 AND 2.0 CFS FROM WELL 2

THE PERIOD OF ALLOWED USE: JANUARY 1 THROUGH DECEMBER 31

DATE OF PRIORITY: MAY 20, 1994

POINT OF DIVERSION LOCATION:

WELL 1: NW 1/4 SW 1/4, SECTION 36, T3S, R1W, W.M.; 1785 FEET  
NORTH AND 895 FEET EAST FROM THE SW CORNER, SECTION 36

WELL 2: SW 1/4 SW 1/4, SECTION 36, T3S, R1W, W.M.; 320 FEET NORTH  
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The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 47.5 ACRES  
SECTION 36  
TOWNSHIP 3 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, 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.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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.

#### STANDARD CONDITIONS

The wells 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.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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.

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 use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued \_\_\_\_\_, 199\_

**DRAFT**

Water Resources Department  
Martha O. Pagel  
Director

Application G-13693    Water Resources Department  
Basin 02                Volume 13 Pudding River & Misc.  
LKS                        MGMT.CODE

PERMIT DRAFT  
District 16

Land Use OK

# PFO CHECKLIST

Application #: 6 13693  
Basin: Williamette WAB: \_\_\_\_\_  
Township 35 Range 1W Section 36 1/4 1/4 \_\_\_\_\_

- ☒ 1. Is the file complete by the Completeness Checklist?
- ☒ 2. Check file for indicators that the process **should not** continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- ☒ 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
  - ☐ a. Is second groundwater review necessary? (objection, in or within a mile of a scenic waterway)
- ☒ 4. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. No
- ☒ 5. Is the Proposed Use located in or above a Scenic Waterway? No
- ☒ 6. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) No
- ☒ 7. Is the use allowed or limited by the Basin Program? Allowed
- ☒ 8. If source is groundwater, is the well located in a groundwater limited area? No
- ☒ 9. Basin Maps (metal cabinet) have been checked and River Mile (      ) has been identified
- ☒ 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- ☒ 11. Rate Varied - Nursery Operations Duty      Irrigation Season
- ☒ 12. Period of Allowed Use All year
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file?
- ☒ 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 18, 1994 or June 3, 1994) Water Quality?
- ☒ 15. Have conflicts been identified, verified and/or addressed? None identified by I.R.
- ☒ 16. Is the use Small ( $\leq 0.1$  cfs,  $\leq 9.2$  AF), Medium ( $> 0.1$  or  $< 1.5$  cfs,  $> 9.2$  or  $< 100$  AF) or Large ( $\geq 1.5$  cfs,  $\geq 100$  AF)? Large
- ☒ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
- ☒ 18. Check accuracy of information merged into the PFO report (674 dump, names, dates, period of allowed use, POD's, POU's, rates)
- ☒ 19. Spell Check Stuene Schweicher  
21881 River Rd NE  
St. Paul, OR 97137
- ☒ 20. Watermaster District #: 16
- ☒ 21. Regional Office (NWR, NCR, ER, SCR, or SWR): Tom Paul
- ☒ 22. Documents used in determination are attached and highlighted See I.R. info 47.5 ac x .15 cfs/acre = 7.125 cfs max
- ☒ 23. Fill out PFO CC List (a.k.a. the Check-Off Sheet)
- ☒ 24. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)
- ☒ 25. PFO has been saved and moved to m:\t\pfo\done\application # from m:\t\pfo\work\application #

Name: Laura Smedaker Date: 11-7-95  
V13 Pudding R & Misc

IR - R.N.  
9-26-95

SEPTEMBER 8, 1995

COUNTRYSIDE NURSERY INC  
13200 SW WILSONVILLE RD  
WILSONVILLE, OREGON 97070

Reference: File G-13693

Dear Applicant:

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for NURSERY OPERATIONS (AGRICULTURAL USE) ON 47.5 ACRES is allowed under OAR 502, the Willamette Basin Program.
4. The use of 3.0 CUBIC FEET PER SECOND, BEING 1.0 CFS FROM WELL 1 AND 2.0 CFS FROM WELL 2 for NURSERY USE ON 47.5 ACRES is available all year around.

**Summary of Allowable Water Use**

**The use of 3.0 cfs, being 1.0 cfs from Well 1 and 2.0 cfs from Well 2 for nursery use all year around.**

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.



---

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **SEPTEMBER 22, 1995**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. 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.
3. You will be required to comply with state and federal water quality standards.

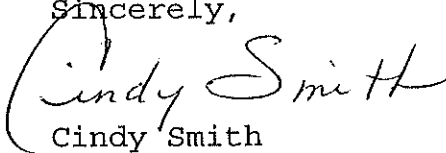
COUNTRYSIDE NURSERY INC  
September 8, 1995  
Page 3

G-13693

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 227 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Smith". The signature is written in dark ink and is positioned to the left of the typed name.

Cindy Smith  
Initial Reviewer

cc: Regional Manager, Watermaster, Water Availability  
Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form

wab 2-0104100  
pau 2-0104100  
gw - b

# INITIAL REVIEW CHECKLIST

APPLICATION # G 13693  
BASIN 2  
WAB # 01041000  
POU-WAB 01041000

☒ ITEMS HAVE BEEN VERIFIED ON COMPLETENESS CHECKLIST  
☒ BASIN NAME/NUMBER IS CORRECT

DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...

☒ BASIN PLAN  
☒ LEGISLATIVE WITHDRAWAL (ORS 538)  
☒ RULES  
☒ SCENIC WATERWAY (OTHER THAN WA ORS 390.826)  
☒ OTHER \_\_\_\_\_

N/A WATER AVAILABILITY (WA) CFS \_\_\_\_\_ MONTHS \_\_\_\_\_  
50 % BEFORE JULY 17, 1992; 80 % LIVE FLOW 50 % STORAGE  
AFTER JULY 17, 1992

☒ INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER  
AVAILABILITY SHEETS

☒ USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN  
THE FILE

☒ GROUND WATER REVIEW HAS BEEN EVALUATED FOR HYDRAULIC  
CONNECTION (USE WA DATABASE IF CONNECTED)  
REQUIRED CONDITIONS 41

DIVISION 33 HAS BEEN ADDRESSED...

N/A SEASON FOR DIRECT FLOW (ABOVE BONN ONLY) \_\_\_\_\_  
☒ WATER QUALITY PARAGRAPH  
N EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)

☒ PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP IS  
ATTACHED SHOWING THE CONFLICT WITH \_\_\_\_\_

N/A IRRIGATION SEASON \_\_\_\_\_ (DECREE, BASIN PLAN, PERMIT,  
GENERIC)

N/A RATE & DUTY \_\_\_\_\_ (DECREE, BASIN PLAN, PERMIT, GENERIC)  
GROUND WATER ALWAYS GENERIC FOR RATE AND DUTY  
# OF ACRES PRI \_\_\_\_\_ SUPP \_\_\_\_\_

☒ ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND  
HIGHLIGHTED AND PACKET IS STAPLED TOGETHER

☒ SPELL CHECK HAS BEEN COMPLETED

☒ WATERMASTER # 116

☒ REGNL MANGER - SEND COPY (SW, SC, E) DO NOT SEND COPY TO (NW, NC)

LETTER WAS SAVED FROM M:\T\IR\WORK TO M:\T\IR\SENT

NAME

Cindy Smith

DATE

9/6/95

**OREGON ADMINISTRATIVE RULES**  
**CHAPTER 690, DIVISION 502 — WATER RESOURCES DEPARTMENT**

the Olallie Lake Scenic Area at about river mile 82 downstream to the North Fork Reservoir and from River Mill Dam downstream to Carver Bridge, the North Fork Clackamas River from its headwaters downstream to North Fork Reservoir, and the South Fork Clackamas River from its confluence with an unnamed tributary near the western boundary of Section 7, Township 5 South, Range 5 East, downstream to its mouth, are designated state scenic waterways. The Clackamas River and tributaries from the headwaters to North Fork Dam near river mile 30 are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses.

(3) The Clackamas River main stem from North Fork Dam near river mile 30 downstream to the mouth is classified for domestic, livestock, municipal, irrigation, industrial, agricultural, commercial, power, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from November 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, municipal, livestock and public instream uses from July 1 through October 30.

(4) Except as provided in sections (1), (2) and (5) of this rule, the tributaries of the Clackamas River are classified for domestic, livestock, irrigation, municipal, power, fish life, wildlife, recreation, industrial, agricultural, commercial, pollution abatement, wetland enhancement and public instream uses from November 1 through May 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from June 1 through October 31.

(5) The following streams and tributaries are classified year-round for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses:

- (a) Fish Creek tributary to Clackamas River;
- (b) Foster Creek tributary to Clackamas River;
- (c) Wash Creek tributary to Fish Creek;
- (d) Eagle Creek tributary to Clackamas River;
- (e) Clear Creek tributary to Clackamas River;
- (f) Richardson Creek tributary to Clackamas River;
- (g) Rock Creek tributary to Clackamas River;
- (h) Deep Creek tributary to Clackamas River.

(6) The waters of natural lakes with surface elevations above 3,000 feet mean sea level are classified only for domestic, excluding irrigation of lawn and noncommercial garden, livestock and public instream uses. No storage shall be allowed on these lakes.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

#### **Columbia Subbasin**

**690-502-150** The Columbia Subbasin includes the Willamette River main stem below Willamette Falls near river mile 27 and its tributaries, and all other stream systems in the Willamette Basin except for the Tualatin River and Clackamas River Subbasins. It includes the Multnomah Channel and

Columbia Slough but does not include the main stem Columbia River. Surface water classification:

(1) The following streams and tributaries are withdrawn from further appropriation except storage:

(a) Johnson Creek and tributaries, except Crystal Springs Creek and tributaries for flows in excess of ten cubic feet per second measured at the mouth, are withdrawn, by act of the Legislature, from further appropriation except for protection of fish life therein and power development not to exceed 25 theoretical horsepower. Appropriation and storage are allowed on Johnson Creek tributaries, but not the main stem, from December 1 through June 1 of each year, ORS 538.170;

(b) Scappoose Creek is withdrawn, by act of the Legislature, from further appropriation, except for protecting fish life therein, domestic, livestock, municipal, fish culture, esthetic, recreation and public park purposes, ORS 538.251(5) and 538.260;

(c) McNulty Creek, tributary to Scappoose Bay, is withdrawn, by act of the Legislature, from further appropriation except for storage during the period November 1 through March 31 each year, ORS 538.280;

(d) Milton Creek is withdrawn by act of the Legislature from further appropriation except for domestic use year-round and storage during the period November 1 through April 30 each year, ORS 538.300;

(e) Little Creek and tributaries, being tributaries to Scappoose Creek, are withdrawn from further appropriation except for storage, by order of the State Engineer dated August 13, 1951;

(f) An unnamed stream, a tributary to the Columbia River flowing through Section 25, Township 1 North, Range 2 East, Willamette Meridian and Sections 19 and 20, Township 1 North, Range 3 East, Willamette Meridian is withdrawn from further appropriation by order of the State Engineer dated September 22, 1950.

(2) The Willamette River main stem below Willamette Falls is classified for domestic, livestock, municipal, industrial, commercial, agricultural, mining, power, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses.

(3) Multnomah Channel and drainage waters originating within drainage districts are classified for domestic, livestock, municipal, industrial, irrigation, commercial, agricultural, mining, power, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses.

(4) Except as specified in subsections (1)(a), (b) and (c) of this rule, all stream systems in the Columbia Subbasin and Columbia Slough are classified year-round only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses.

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

#### **Groundwater Classifications and Conditions**

**690-502-160** (1) Use of groundwater from the basalt aquifer within the Cooper-Bull Mountain Critical Groundwater Area shall be as described in the State Engineer's order designating the Cooper-Bull Mountain Critical Groundwater Area dated May 17, 1974.

**OREGON ADMINISTRATIVE RULES**  
**CHAPTER 690, DIVISION 502 — WATER RESOURCES DEPARTMENT**

(2) **Groundwater Classification:** The groundwater resources of the Willamette Basin are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and statutorily exempt groundwater uses with the following exceptions:

(a) Groundwater from the *shallow* Troutdale aquifer and the specially designated portion of the *deep* Troutdale aquifer in the Sandy-Boring area is classified for exempt uses only. The Sandy-Boring Groundwater Limited Area is as described and shown in Exhibit 1. Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed and shall contain the Special Permit Conditions specified in section (4) of this rule. Applications may be rejected if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications;

(b) Groundwater from the basalt aquifers in the Damascus, Gladdings, Kingston, Mt. Angel, Parrett Mountain, and Stayton-Sublimity areas, and the Troutdale aquifer in the Damascus area is classified for exempt uses only:

(A) The Damascus Groundwater Limited Area is as described and shown in Exhibit 2. The Gladdings Groundwater Limited Area is as described and shown in Exhibit 3. The Kingston Groundwater Limited Area is as described and shown in Exhibit 4. The Mt. Angel Groundwater Limited Area is as described and shown in Exhibit 5. The Parrett Mountain Groundwater Limited Area is as described and shown in Exhibit 9. The Stayton-Sublimity Groundwater Limited Area is as described and shown in Exhibit 7;

(B) Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in section (4) of this rule. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of permit issuance, the applicant shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long-term water supply.

(c)(A) Except as provided in paragraphs (B) and (C) of this subsection, groundwater from the basalt aquifers in the Sherwood-Damascus-Wilsonville Groundwater Limited Area as described and shown in Exhibit 6 is classified for exempt uses only;

(B) The unappropriated waters of the basalt groundwater sources in Sections 5, 7 and 8, Township 3 South, Range 1 West, Willamette Baseline and Meridian, which lie above 300 feet elevation above mean sea level are withdrawn from further appropriation for all uses, including those exempt under ORS 537.545;

(C) The unappropriated waters of the basalt groundwater sources in Sections 5, 7, and 8, Township 3 South, Range 1 West, Willamette Baseline and Meridian, which lie below 300 feet elevation above mean sea level are classified for exempt uses, domestic uses, and rural residential fire protection systems only;

(D) The withdrawal and classification established under paragraphs (B) and (C) of this subsection shall be in effect until November 13, 1994, and will be reviewed prior to that date by the Water Resources Commission.

(d) Groundwater in the basalt aquifers in the Chehalem Mountain, Eola Hills and South Salem Hills Groundwater Limited Areas is classified for exempt uses, irrigation and rural residential fire protection systems only. Permits may be issued, for a period not to exceed five years, for fire protection and for drip or equally efficient irrigation provided the Director finds the proposed use and amount do not pose a threat to the groundwater resource or existing permit holders. The amount of water used for irrigation shall be further limited to one acre-foot per acre per year. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08:

(A) The Chehalem Mountain Groundwater Limited Area is as described and shown in Exhibit 8. The Eola Hills Groundwater Limited Area is as described and shown in Exhibit 10. The South Salem Hills Groundwater Limited Area is as described and shown in Exhibit 11;

(B) Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in section (4) of this rule. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of permit issuance, the applicant shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long-term water supply;

(e) **Groundwater — Surface water hydraulic connection:** These rules are in addition to the requirements of OAR 690-09. Groundwater in unconfined alluvium within 1/4 mile of the banks of a stream or surface water source is presumed to be in hydraulic connection with the surface water source, unless the applicant or appropriator provides satisfactory information or demonstration to the contrary. This hydraulically connected groundwater shall be classified the same as the surface source. This section shall not apply to those groundwater uses exempted by ORS 537.545. Notwithstanding such classification, permits may be issued for the use of water from a well in an unconfined aquifer that is hydraulically connected to groundwater, within a quarter mile of a stream, provided that surface water impacts are mitigated through storage releases.

Summersun Greenhouse Co.  
4100 E. College Way  
Mt. Vernon, Washington 98273  
(360) 424-8553 • Fax (360) 424-8537



August 24, 1995

RECEIVED

AUG 30 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

Cory Engel  
Water Resources Department  
Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210

Dear Mr. Engel:

Enclosed please find a legal discription of the property as requested. Please let us know if you need any further assistance.

Cindy Anderson

A handwritten signature in cursive script that reads "Cindy Anderson".

Controller  
Summersun Greenhouse

ANDY PARIS & ASSOCIATES, INC.  
REG. PROFESSIONAL LAND SURVEYORS  
15962 S.W. BOONES FERRY ROAD  
LAKE OSWEGO, OREGON 97035-4351  
PH: 636-3341 FAX: 636-0477

RECEIVED

AUG 30 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

EXHIBIT "A"

PROPERTY DESCRIPTION: Part of Tax Lots B01 & B02- Map 3 1W 36

FOR: FAIRDALE NURSERY

DATE: NOVEMBER 2, 1993

LOCATION: AIRPORT ROAD

TRACT 2

FOR IDENTIFICATION PURPOSES ONLY

\*\*\*\*\*  
FOR USE ON LEGAL INSTRUMENT

A tract of land situated in the Southwest one-quarter of Section 36, Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Beginning at a 5/8" iron rod on the easterly right of way line of N.E. Airport Road (County Road No. 1233) which bears North 00 degrees 00'40" West 1631.53 feet and South 89 degrees 51'14" East 30.00 feet from the Southwest corner of said Section 36, Township 3 South, Range 1 West of the Willamette Meridian; thence leaving said easterly right of way line, South 89 degrees 51'14" East 972.16 feet to a 5/8" iron rod; thence South 00 degrees 00'40" East parallel with the West line of said Section 36 a distance of 1027.59 feet to a 5/8" iron rod; thence North 89 degrees 59'20" East 59.00 feet to a 5/8" iron rod; thence South 00 degrees 00'40" East 12.00 feet to a 5/8" iron rod; thence South 89 degrees 59'20" West 59.00 feet to a 5/8" iron rod; thence South 00 degrees 00'40" East parallel with the East line of said Section 36 a distance of 107.07 feet to a 5/8" iron rod on the easterly extension of the north line of that certain tract of land conveyed to H. Gary Meyer and Dianna H. Meyer as described in Fee No. 89-50168; thence South 89 degrees 54'37" West along said easterly extension and the north line of said Meyer tract, 700.23 feet to the northwest corner thereof; thence South 00 degrees 02'37" West along the west line of said Meyer tract, 430.83 feet to a point on the northerly right of way line of N.E. Arndt Road (County Road No. 619); thence South 89 degrees 55'33" West along said northerly right of way line, 271.52 feet to the intersection with the easterly right of way line of N.E. Airport Road; thence North 00 degrees 00'40" West along said easterly right of way line, parallel with and 30.00 feet easterly of the West line of said Section 36 a distance of 1581.42 feet to the Point of Beginning.

Containing 28.34 Acres.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JANUARY 15, 1987  
HAROLD P. SALO  
2264

# TECHNICAL REVIEW CHECKLIST

11/4/94

1. Application: G 13693
2. Review Date: 12/20/94

S indicates information was completed or adequately addressed.  
 U indicates information is needed, or incomplete, or inadequately addressed  
 N/A indicates Not Applicable

| SUMMARY          |                                                                                                            |
|------------------|------------------------------------------------------------------------------------------------------------|
| _____            | Land Use                                                                                                   |
| <u>NA/yes/no</u> | Substantial SW interference w/GW<br>(if yes, see results of surface water availability analysis)           |
| _____            | Conflicts                                                                                                  |
| _____            | Water Availability (_____)                                                                                 |
|                  | (Water Availability Sub-basin#)                                                                            |
| _____            | The application, map and supporting data are complete and free of defects                                  |
| <u>yes/NA</u>    | A TMDL letter has been received for this source or tributary. If yes, the period of use has been adjusted. |

3. S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge. An oath is required before a permit is issued regardless of the application's priority date.

5. U Application fees:
 

|                                        |          |
|----------------------------------------|----------|
| Examination fee:                       | \$ 200   |
| Recording fee:                         | \$ 376   |
| TOTAL REQUIRED                         | \$ 576   |
| TOTAL SUBMITTED                        | \$ 200   |
| AMOUNT DUE prior to issuance of permit | \$ 376   |
| AMOUNT OVERPAID                        |          |
| refund due applicant                   | \$ _____ |

*Nursery Operations*  
*47.5 Acres*

*3cfs.*

*Ag 3.0cfs*  
*100 1st 10*  
*100 2nd 10*  
*176 + 200*

6. S Proposed dates of beginning and completion of construction, and complete application of water.
7. U A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.)
8. U A written copy of the legal description of the property on which the water is to be used.

9. NA A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant. *owns land #7 yrs*
10. S No statement of ownership was required for applications filed before August, 1990.
11. S The proposed use is not restricted or prohibited by statute.
12. S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
13. S One or more of the use(s) are allowed under the basin program; OAR 690 - SOD 760 2.
- Uses applied for: Nursery - greenhouse initials  
 Discussion: WJ Jayase allowed - written  
sect 34/ T35 R1W - outside of  
Shoreward Dammed limited 6 Acres.

#### Water Quality Check

14. NA DEQ has provided notice to the WRD concerning limitations of appropriation from surface water sources designated as TMDL streams. This application does not propose to appropriate water from a source that has been identified by the DEQ as a TMDL stream.
15. NA This application proposes to appropriate water from a source that has been identified by the DEQ as a TMDL stream and has been limited to months when water quality will not be impaired.

**Land Use Compatibility:** As expressed by the Planning Department of Clackamas County

15. S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section \_\_\_\_\_).
16. NA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
17. NA The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

#### For reservoir applications:

18. NA Plans, specifications and supporting information for the dam and impoundment area must be approved by dam safety before a technical review is issued. Plans and specifications are not required for dams less than 10 feet in height and store less than 9.2 acre-feet. (OAR 690, Div 20) t:\chk6 11/4/94

TO: Water Rights Section 12/13, 1994  
FROM: Groundwater/Hydrology Section DONN MILLER  
SUBJECT: Application G- 13693 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. ~~PER THE~~ N/A Basin rules, one or more of the proposed POA's is/is not within        feet/mile of a surface water source (        ) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use  
a.        will, or        have the potential for substantial interference with the nearest  
(b) ✓ will not surface water source, namely Calvin CK; or  
c.        will if properly conditioned, adequately protect the surface water from interference:  
i.        The permit should contain condition #(s)       ;  
ii.        The permit should contain special condition(s) as indicated in "Remarks" below;  
iii.        The permit should be conditioned as indicated in item 4 below; or  
d.        will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use  
a.        will, or        likely be available in the amounts requested without injury to prior rights  
b.        will not and/or within the capacity of the resource; or  
(c) ✓ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:  
i. (i) ✓ The permit should contain condition #(s) 4I;  
ii.        The permit should contain special condition(s) as indicated in "Remarks" below;  
iii.        The permit should be conditioned as indicated in item 4 below; or
4. a.        THE PERMIT should allow groundwater production from no deeper than        ft. below land surface;  
b.        The permit should allow groundwater production from no shallower than        ft. below land surface;  
c.        The permit should allow groundwater production only from the        groundwater reservoir between approximately        ft. and        ft. below land surface;  
d.        Well reconstruction is necessary to accomplish one or more of the above conditions.  
e.        One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:         
        
        
        
        
      

(Well Construction Considerations on Reverse Side)

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
  - b. ☐ field inspection by \_\_\_\_\_;
  - c. ☐ report of CWRE \_\_\_\_\_;
  - d. ☐ other: (specify) \_\_\_\_\_
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
  - b. ☐ commingles water from more than one groundwater reservoir;
  - c. ☐ permits the loss of artesian head;
  - d. ☐ permits the de-watering of one or more groundwater reservoirs;
  - e. ☐ other: (specify) \_\_\_\_\_
7. THE WELL construction deficiency is described as follows: \_\_\_\_\_
8. THE WELL      a. ☐ was, or      constructed according to the standards in effect at the time of  
                         b. ☐ was not      original construction or most recent modification.  
                         c. ☐ I don't know if it met standards at the time of construction.

---

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**RECOMMENDATION:**

- A. ☐ I recommend including the following condition in the permit:  
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ REFER this review to Enforcement Section for concurrence.

---

---

**THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL**

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

\_\_\_\_\_, 199\_\_\_\_.  
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: \_\_\_\_\_

\_\_\_\_\_, 199\_\_\_\_.  
(Signature)

## WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files

Date 12/13/94FROM: DONN MILLERSUBJECT: Groundwater Application G- 13693Phone: 607-0511Name: Countryside NurseryApplicant(s) seek gpm 3.0 cfs from Two well(s) in theWillamette R. basinProposed use: Nursery

sub basin

sub basin.

Pertinent 7.1/2 - minute quads

SherwoodCanbyWell # 1 WRD# T 35 R 1W S 36 00 County Legal Description 1785' N + 895' E of SW Corner Section 36Well is > 1/4 ft from any surface source (river/stream)Well is  ft from  (river/stream)Well elevation 185 ft River/stream elevation  ft.Well elevation - river/stream elevation Well depth 244' SWL 60' on 1-5-77Sealed to 40 Depth first water found Cased to 244' Perforations/screens 144' - 236'Lined to  Perforations/screens Well tests and types Confined or unconfined?  Hydraulically connected? Potential to cause substantial interference? NOWell # 2 WRD# T 35 R 1W S 36 00 CC County CLACKLegal Description 320' N. & 1050' E of SW Corner Section 36Well is 200' ft from Calvin CK. (river/stream)Well is  ft from  (river/stream)Well elevation 185 ft River/stream elevation 150' ± ft.Well elevation - river/stream elevation 35Well depth 264' \*SWL 102' on 8/4/87Sealed to 84' Depth first water found ?Cased to 207.5 Perforations/screens 207' - 249'Lined to 192' - 207' 249' - 264' Perforations/screens Well tests and types 650 gpm / 75' dd / 4 hrs pump testConfined or unconfined? semi-unconfined Hydraulically connected? Not w/ 1/4 milePotential to cause substantial interference? NO - head infoConditioned water rights in area: depth limit 7100'Other nearby water rights of record: yesDensity of nearby wells of record: mod/highComments \* This ment doesn't make sense - too deep. 75' is better based on WSP-1833 photo 1.

The application talks about Calvin Creek. The USGS topo doesn't show it but does show contouring of a drainage. The steep slope on the drainage precludes interference at the nearby reach

References used: WSP-1833

REVIEW CHECKLIST

FOR G-13693

- ☒ Xerox appropriate parts of the stream index.
- ☒ Estimate number of wells within one mile radius and identify types.
- ☒ Verify that the well log is in application file. If not, provide one.
- ☒ List of state observation wells within five mile radius.
- ☒ List groundwater permits within five mile radius with extraordinary conditions.

Clackamas #2

WELLS:

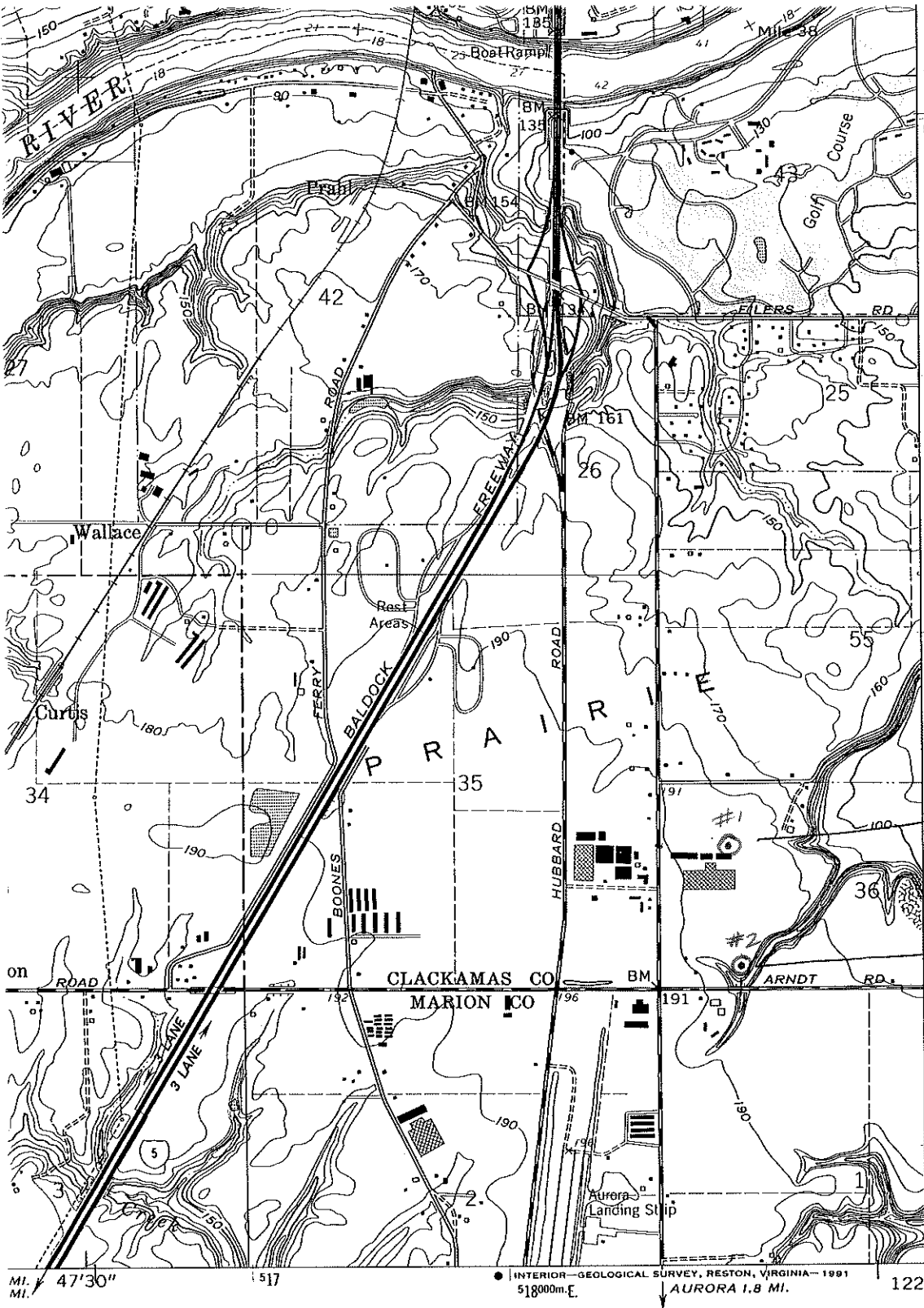
|                | DO | D | IR | MO | UN | MV  | MT  |
|----------------|----|---|----|----|----|-----|-----|
| #1 35 1W 36 SW | —  |   |    |    |    |     |     |
| #2 35 1W 36 SW | 9  | 2 | 12 | 2  | 1  |     | 26  |
| 35             | 5  |   | 12 | 2  | 3  | 2   | 24  |
| 45 1W 1        | 5  | 1 | 3  | 3  | 2  | 1   | 15  |
| 2              | 17 | 3 | 10 | 15 |    | 2   | 47  |
|                |    |   |    |    |    |     |     |
|                |    |   |    |    |    |     |     |
|                |    |   |    |    |    |     |     |
| Total          | 36 | 6 | 37 | 22 | 6  | 2/3 | 112 |

OBSERVATION WELLS:

#56 - stable

APPLICATIONS WITH PERMIT CONDITONS:

G-12520 - deeper than 100' developed



G-13693

estimated  
spring head  
per plate 1  
of WSP 1833

120'  
110'

1 MILE  
EET



ROAD CLASSIFICATION

Heavy-duty \_\_\_\_\_ Light-duty \_\_\_\_\_

Medium-duty \_\_\_\_\_ Unimproved dirt \_\_\_\_\_

○ Interstate Route ○ U. S. Route ○ State Route

SHERWOOD, OREG.

45122-C7-TF-024

IA 22092

Revisions shown in purple compiled from aerial  
photographs taken 1981 and other sources  
This information not field checked. Map edited 1985  
Purple tint indicates extensions of urban area

1961  
PHOTOREVISED 1985  
DMA 1474 IV SE-SERIES V892

516

Yamhill Co.

18

17

16

15

14

19

20

21

22

23

30

29

28

27

26

31

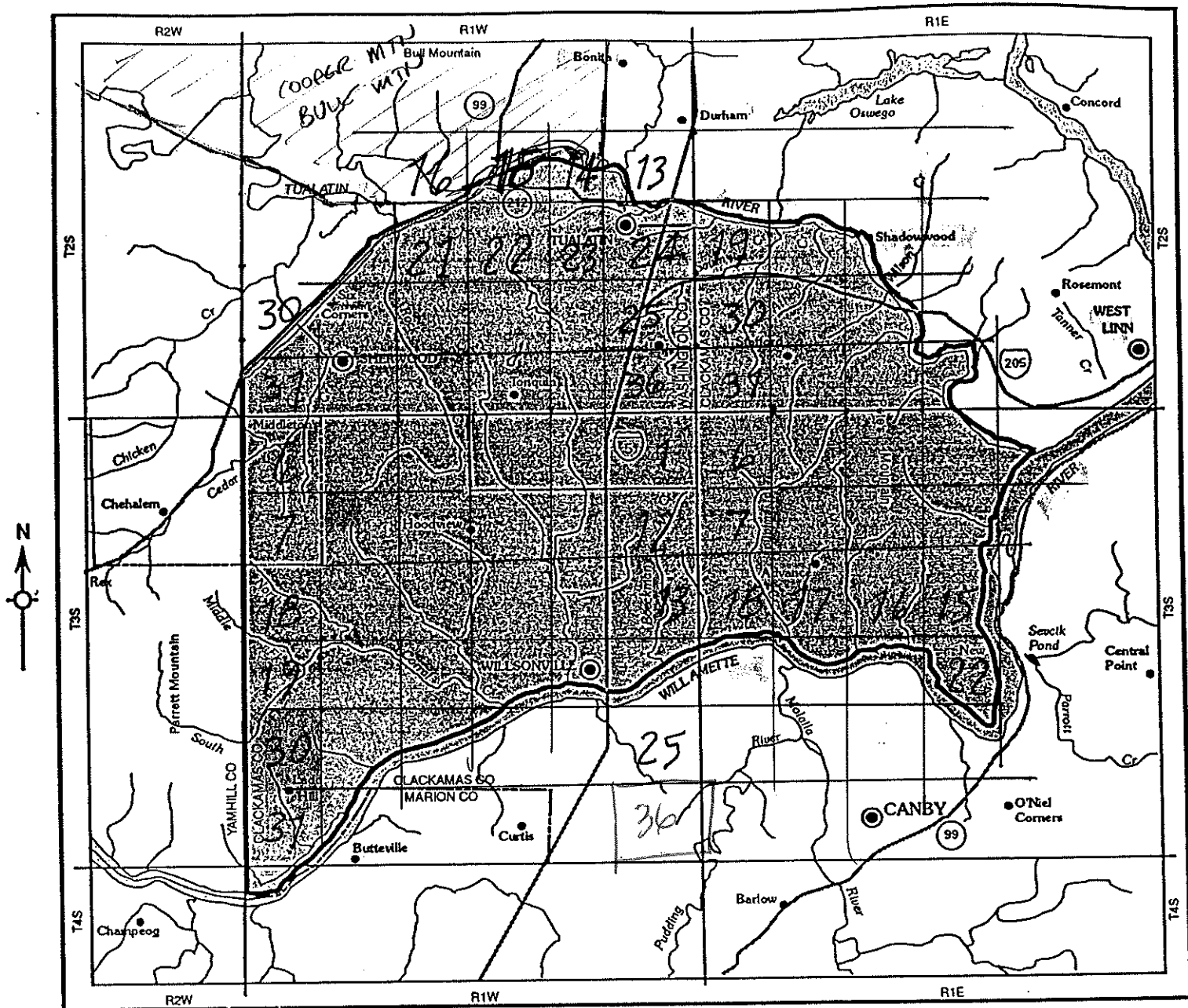
32

33

35

CORRAL CREEK AND  
TRIBUTARIES WITH DRAINAGE  
EXCEPT FOR STORAGE  
E-7-51

10/8/87  
notify: Mr. Paul Daily  
24345 Klupenger Rd., N.E.  
Aurora, OR., 97002  
of any filing by  
Klupenger Nursery in  
T3S., R.1W., Sec. 33, 34  
&  
T.4S., R.1W., Sec. 3, 4



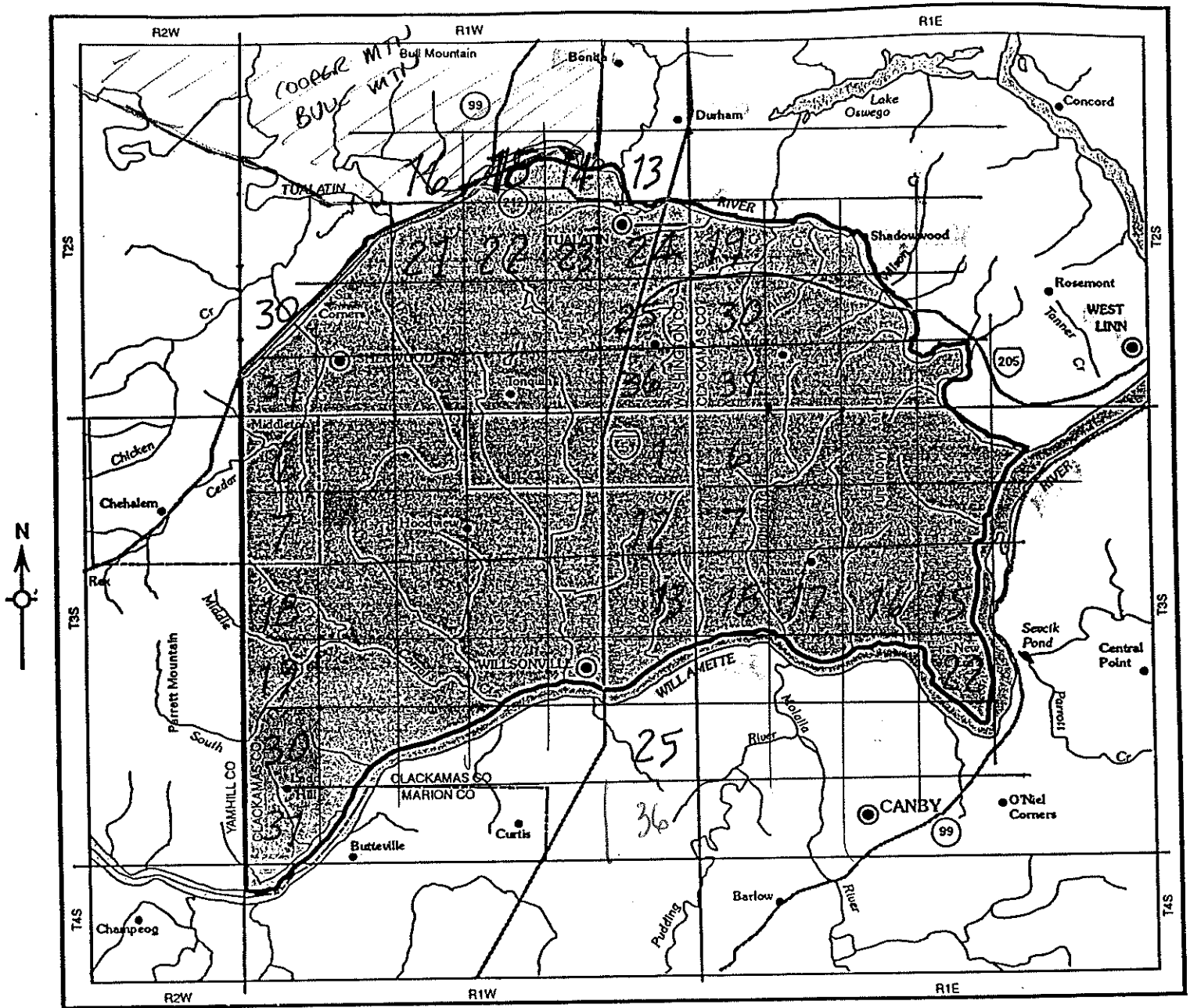
AD 1000000

6

0 1 2 3  
Miles

BASALT AQUIFER  
EXEMPT USES ONLY

SEE TABLE



6

0 1 2 3  
Miles  
BASALT AQUIFER  
EXEMPT USES ONLY

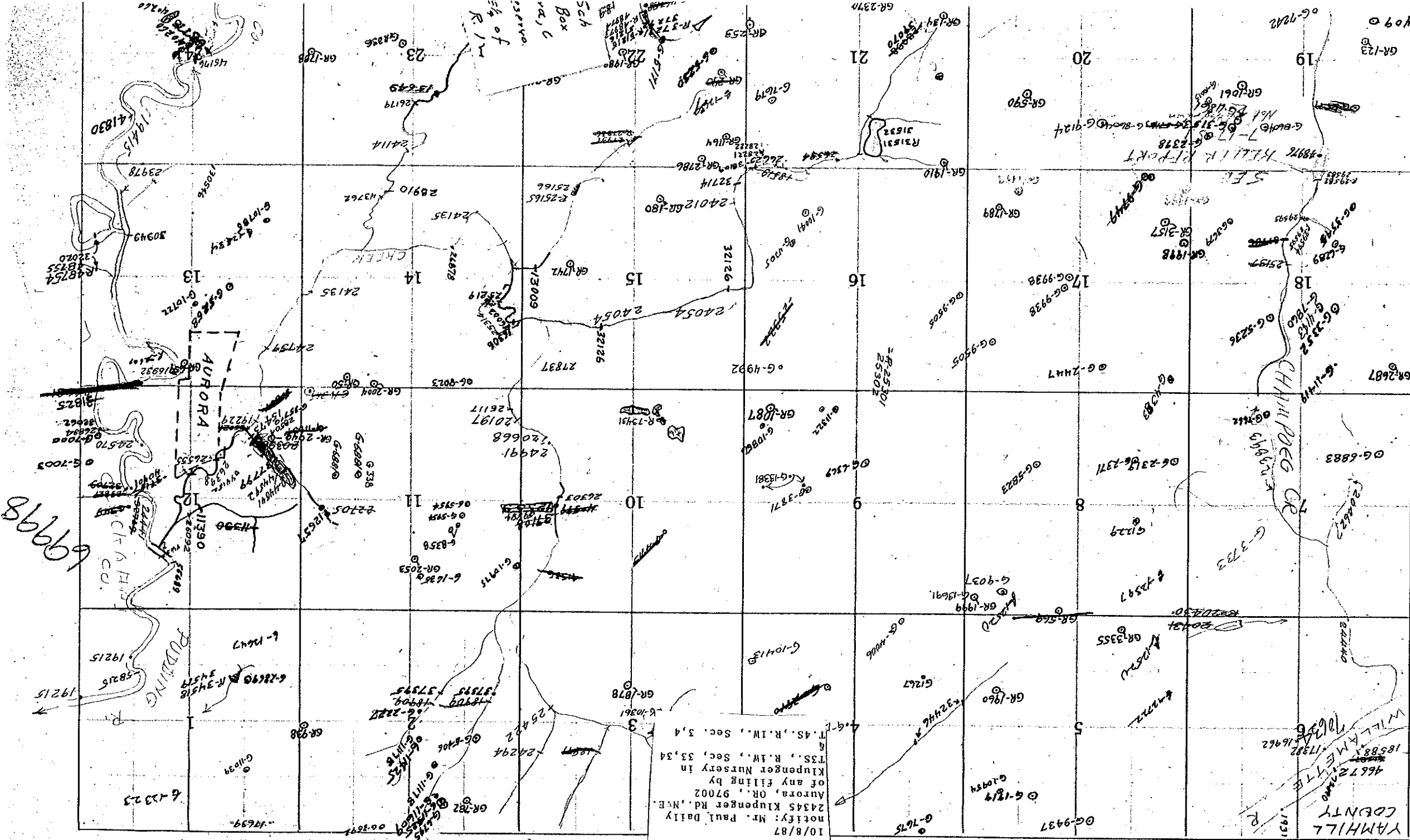
SEE TABLE

45, Range 1W

CLACKAMAS CO.

1933  
COUNTY  
1/14/1912  
46672000  
18588X  
WILKINSON  
17392  
29662

10/8/87  
 notify: Mr. Paul Daily  
 24345 Kimpenger Rd., NE  
 Aurora, OR, 97002  
 of any filing by  
 Kimpenger Nursery in  
 T3S., R.1W., Sec. 33, 34  
 T.4S., R.1W., Sec. 3, 4



36

SEE MAP 5

SW COR.  
JOHN ANDERSON  
C.L.C NO 47

SE. COR.  
D.L.C. NO. 55

$$\begin{array}{r} 20 \\ 60 \\ \hline 80 \end{array}$$

3500

7651 01 JAN 1999

60-68

G.A.D.

MARION COUNTY

200  
72.25Ac.  
24492  
2.00

400  
21 47,26.  
24370

**SECRET**

6.

CO

**UNITED STATES**

234Ac

1000000

1

1

3

—

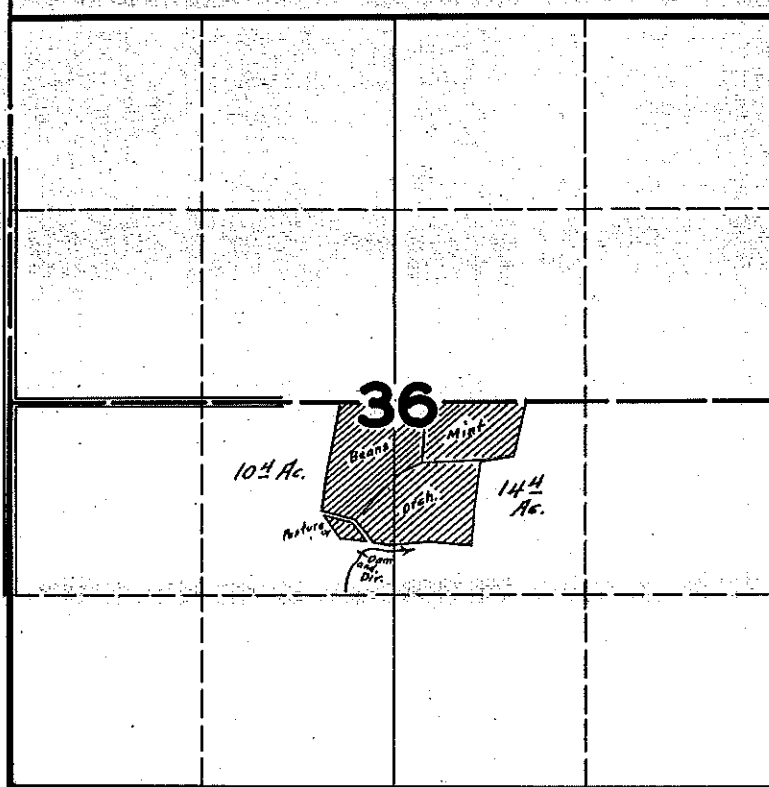
**TELKOMTEL**

135

SCALE 1:9600

RECEIVED  
FEB 08 1994  
DEPT. OF REVENUE STATE OF OREGON  
ASSESSMENT & APPEALS DIV.

T.3S. R.1W.W.M.



FINAL PROOF SURVEY

UNDER

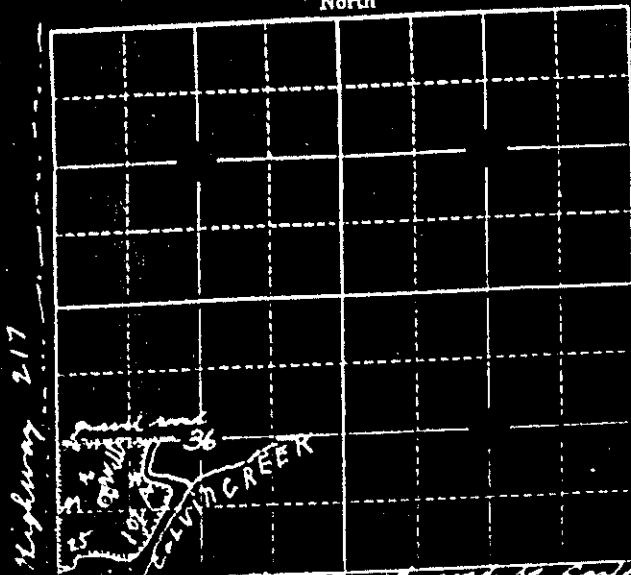
Application No. 18929 Permit No. 14538

IN NAME OF

H. L. COLVIN

Surveyed MAY 4, 1945, by *[Signature]*

Township 3-S Range 1-W, W.M.  
North



STATE OF OREGON

County of

Marion

I, Henry W.B. Colvin, being first duly sworn, do hereby certify that I have read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief

Henry W.B. Colvin  
(Signature of Registrant)

Subscribed and sworn to before me this 2nd day of July, 1958

My commission expires 12th June 1961

Wm. S. Baithman  
(Notary Public)

(SEAL)

### CERTIFICATE OF REGISTRATION

STATE OF OREGON

County of Marion

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the 30th day of July, 1958, at 9<sup>00</sup> o'clock A. M. and has been duly recorded in said office in Book No 12 of Registration Statements on page GR-2910

Witness my hand this 25th day of May, 1959

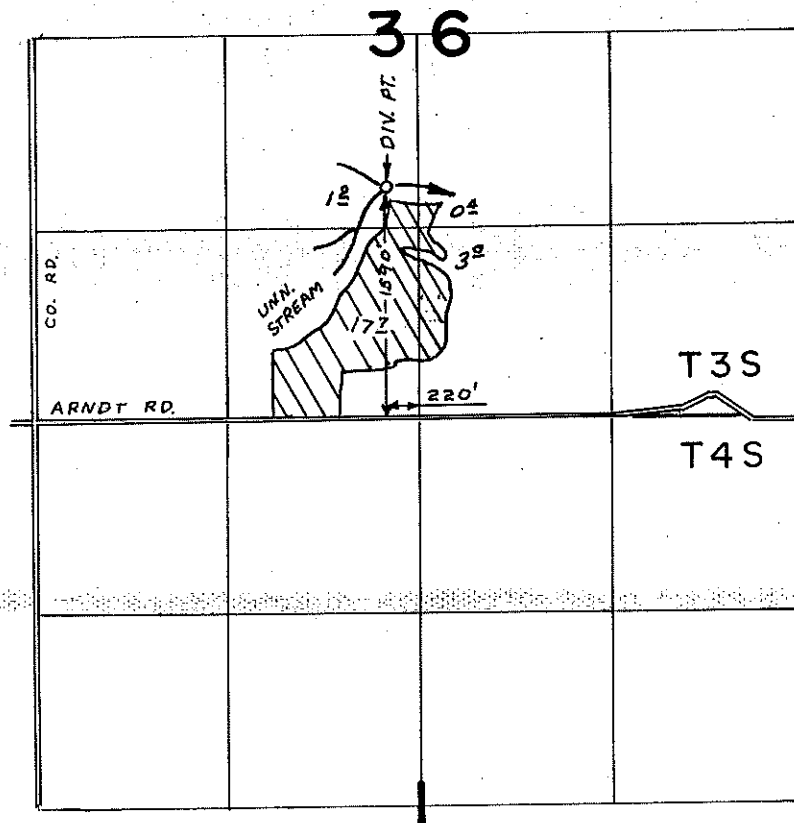
Henry J. Kinney  
(State Engineer)

By

(Deputy)

GR-2910

T.3S.R.1W.W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. 40370 Permit No. 30098  
IN NAME OF

Robert I. Colvin

Surveyed NOV 8 1974, by L H NUNN

COMMENT FORM

RECEIVED  
JUN - 8 1994  
WATER RESOURCES  
SALEM, OR

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s G13692 G13693 G13694 G13695 G13696 \_\_\_\_\_

Send to: Steve Schneider  
21881 River Road NE  
St. Paul, OR 97137

Please include specific comments or concerns. Use additional sheets if necessary.

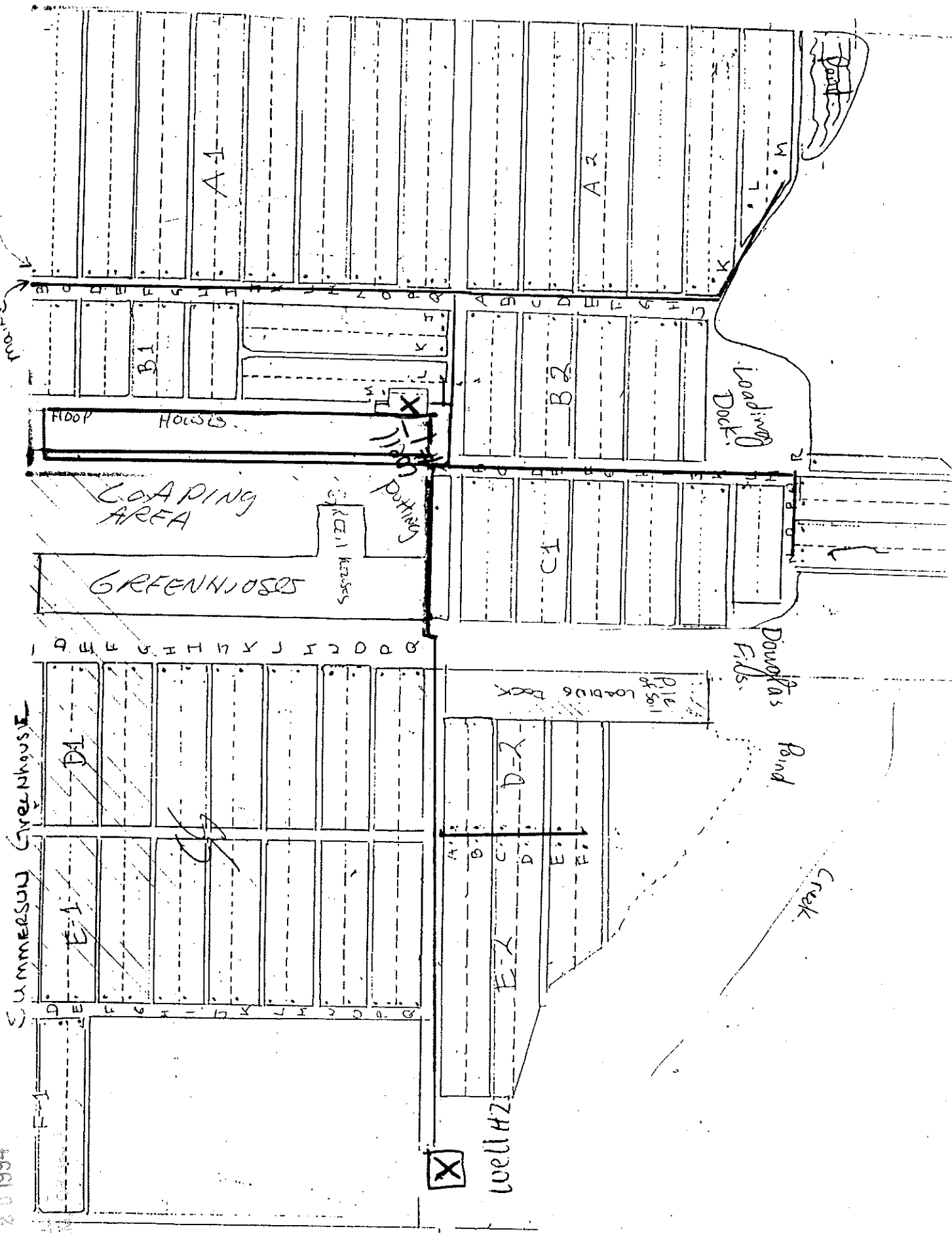
Return to:  
Oregon Water Resources Department  
158 12th ST NE  
Salem, Oregon 97310

This Comment corresponds to the JUN/ 1/1994 Public Notice.

RECEIVED

MAY 20 1994

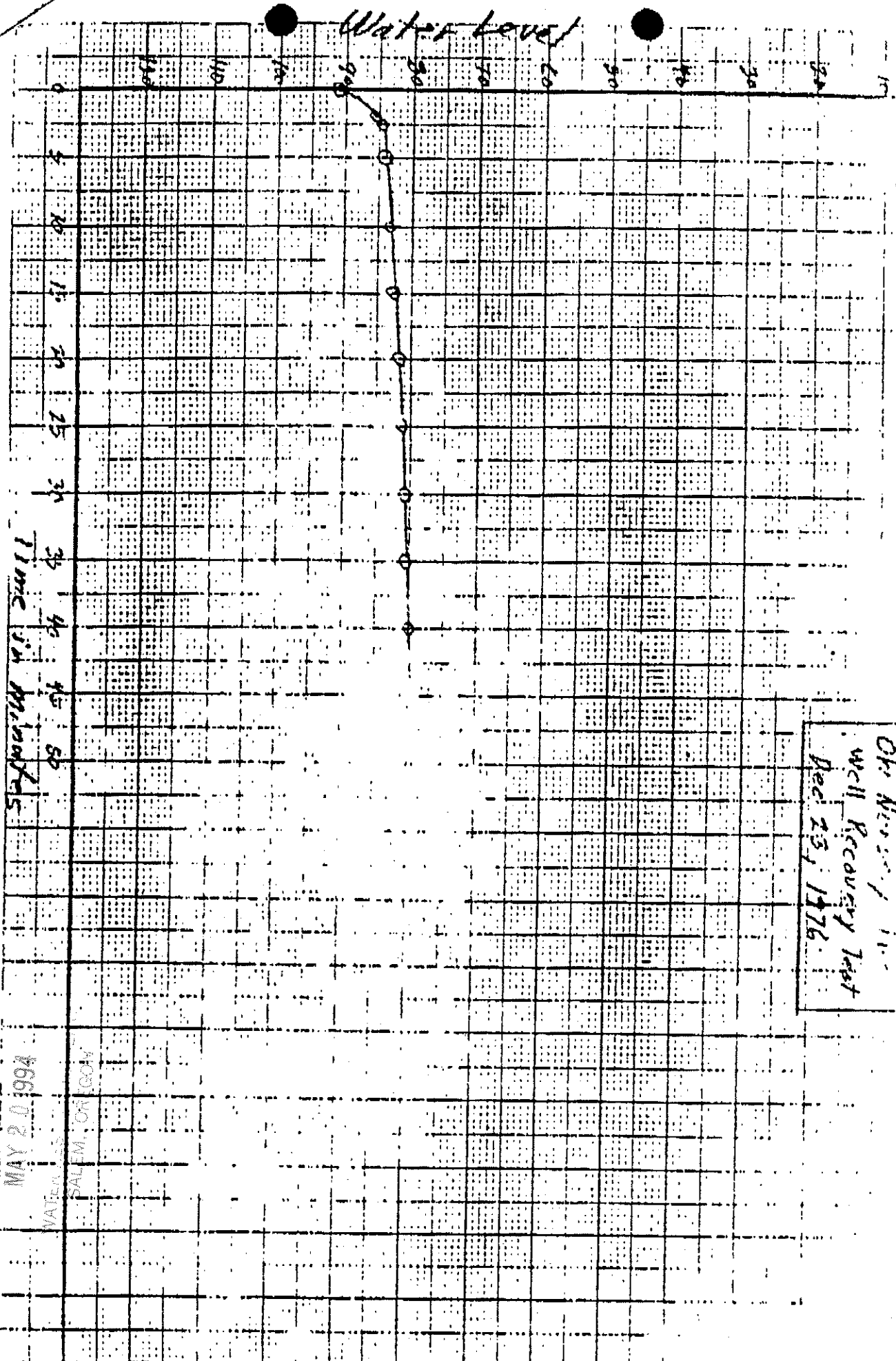
WATER  
SALE



Application No. C-13693  
Permit No.

Application No. G-13693  
 Permit No.

OK. New York  
 Well Recovery Test  
 Dec 23, 1976



RECEIVED

MAY 20 1994

WATER RESOURCES  
 SALEM, OR 97301

believe. Stephen Schneider WWC Number 649  
Signed Stephen Schneider Date 8/30/87

Oki Nursery  
Well Log

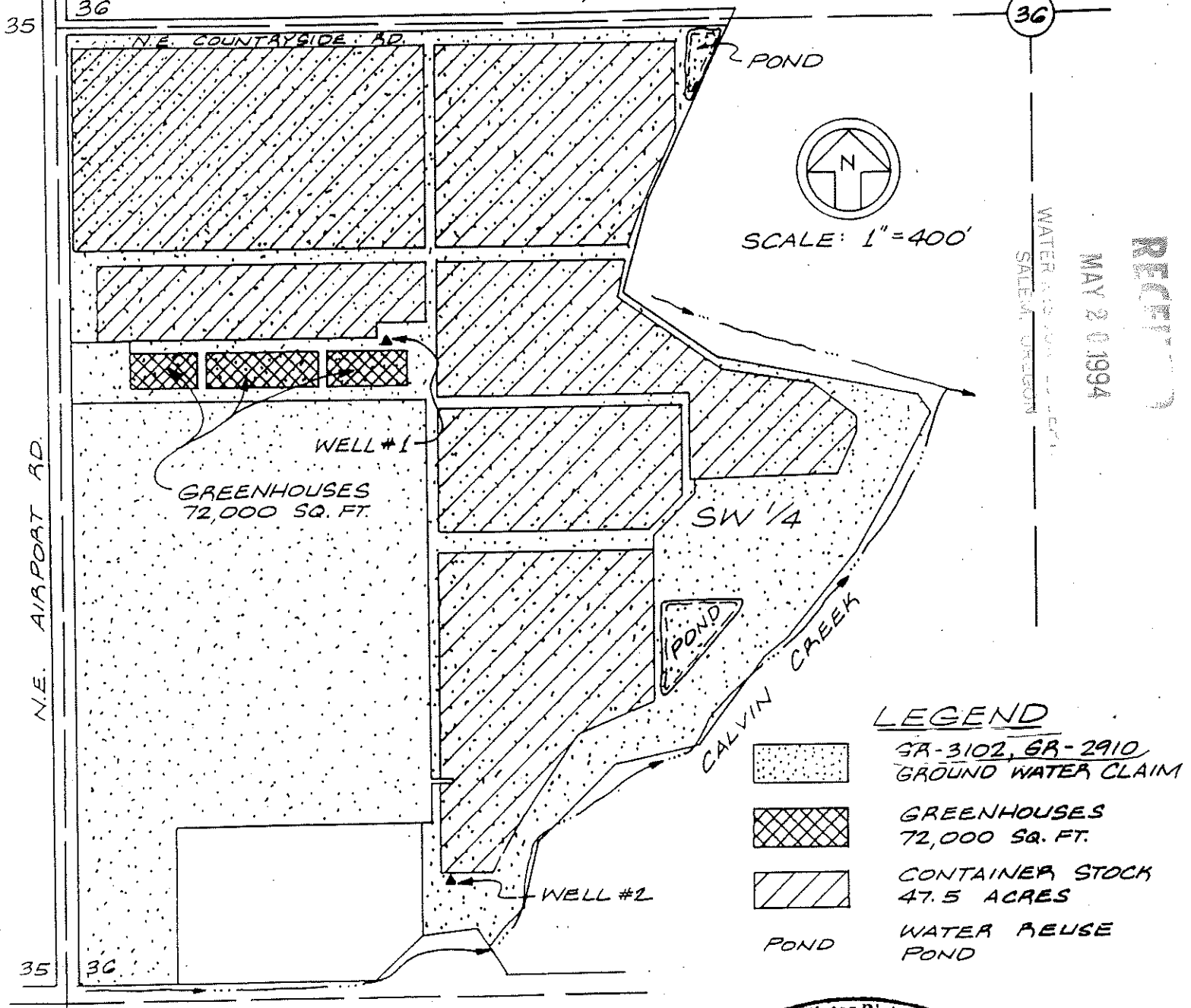
|     |     |                                                          |
|-----|-----|----------------------------------------------------------|
| 0   | 2   | Top soil                                                 |
| 2   | 16  | Clay, silty, brown, med                                  |
| 16  | 18  | Clay, brown, soft                                        |
| 18  | 42  | Sand, brown, coarse & pea gravel                         |
| 42  | 48  | Gravel 1/2" minus w/black sand, med-fine                 |
| 48  | 56  | Sand, black, med-fine                                    |
| 56  | 60  | Sand, brown, med-fine                                    |
| 60  | 62  | Clay, grey, med-soft                                     |
| 62  | 64  | Sand, grey, med-fine                                     |
| 64  | 70  | Clay, grey, med-soft                                     |
| 70  | 79  | Sand, black & brown, med                                 |
| 79  | 84  | Clay, grey, med-soft                                     |
| 84  | 92  | Clay, grey, med-soft, little silty                       |
| 92  | 96  | Sand, black, fine                                        |
| 96  | 110 | Clay, grey, soft, little silty                           |
| 110 | 112 | Clay, grey, sandy, little gravel 1"                      |
| 112 | 121 | Sand, multi-colored med, little pea gravel               |
| 121 | 129 | Gravel 1" minus, little sand, med                        |
| 129 | 140 | Gravel 2" minus, med, black sand, cemented               |
| 140 | 150 | Sand, black, med, little pea gravel                      |
| 150 | 155 | Clay, grey, sandy, med-soft                              |
| 155 | 158 | Clay, grey, med                                          |
| 158 | 167 | Clay, blue-green, med                                    |
| 167 | 169 | Clay, grey, little sand, med-soft                        |
| 169 | 179 | Sand, multi-colored, med                                 |
| 179 | 190 | Clay, silty, grey, med, little wood                      |
| 190 | 192 | Sand, multi-colored, med-fine                            |
| 192 | 197 | Clay, grey, sandy, med                                   |
| 197 | 200 | Sand, cemented, multi-colored                            |
| 200 | 202 | Clay, grey, med-soft                                     |
| 202 | 212 | Gravel 2" minus, multi-colored, med, sand                |
| 212 | 214 | Clay, grey, sandy, med-soft                              |
| 214 | 226 | Cemented gravel 1-1/2" minus, sand, med                  |
| 226 | 234 | Sand, multi-colored, med, little clay                    |
| 234 | 238 | Sand, multi-colored, med, clay & pea gravel, little wood |
| 238 | 241 | Sand, multi-colored, med-course & pea gravel             |
| 241 | 249 | Sand, cemented & gravel 3/4" minus, w/wood               |
| 249 | 264 | Clay, grey, med                                          |

RECEIVED

MAY 20 1994

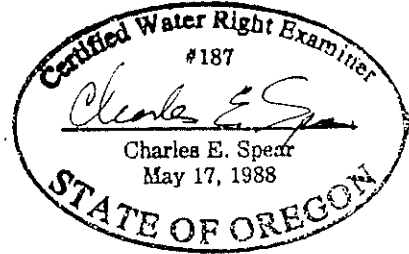
WATER  
SALEM, OREGON

MAP TO ACCOMPANY  
WATER RIGHT APPLICATION  
IN THE NAME OF COUNTRYSIDE NURSERY, INC.  
TO APPROPRIATE GROUND WATER  
IN THE SW 1/4 SECTION 36, T.3S., R.1W., W.M.  
CLACKAMAS COUNTY, OREGON



- LEGEND**
- GR-3102, GR-2910  
GROUND WATER CLAIM
  - GREENHOUSES  
72,000 SQ. FT.
  - CONTAINER STOCK  
47.5 ACRES
  - POND
  - WATER REUSE  
POND

- 2 1 N.E. ARNDT RD.
- WELL #1 1785' NORTH & 895' EAST OF  
S.W. CORNER SECTION 36
- WELL #2 320' NORTH & 1050' EAST OF  
S.W. CORNER SECTION 36



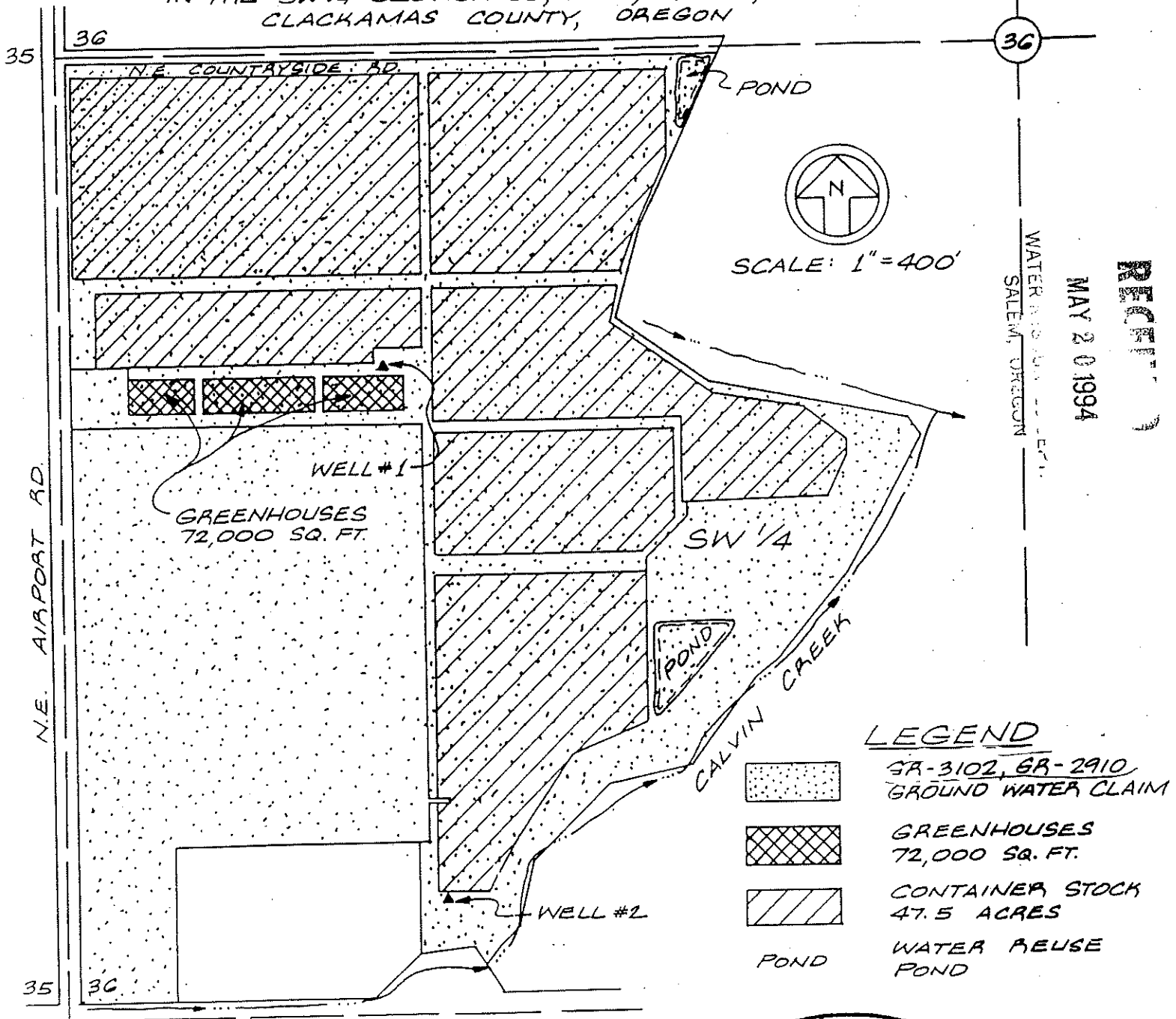
**NOTE:**  
THIS MAP DOES NOT INTEND TO  
PROVIDE DIMENSIONS FOR THE  
EXACT LOCATION OF PROPERTY  
OR BOUNDARY LINES.

SURVEYED JANUARY 22, 1994  
CHARLES E. SPEAR  
831 N.E. BIRCHAIRE LN.  
HILLSBORO, OREGON 97124

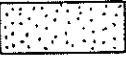
Application No G-13693 Permit # G12333

MAP TO ACCOMPANY  
WATER RIGHT APPLICATION  
IN THE NAME OF COUNTRYSIDE NURSERY, INC.

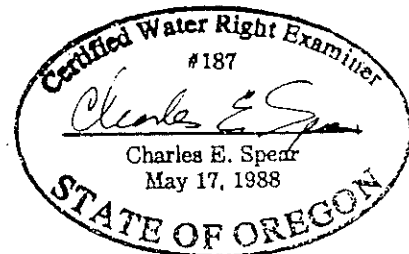
TO APPROPRIATE GROUND WATER  
IN THE SW 1/4 SECTION 36, T.3S., R.1W., W.M.  
CLACKAMAS COUNTY, OREGON



LEGEND

-  GR-3102, GR-2910  
GROUND WATER CLAIM
-  GREENHOUSES  
72,000 SQ. FT.
-  CONTAINER STOCK  
47.5 ACRES
-  WATER REUSE  
POND

- 2 1 N.E. ARNDT RD.
- WELL #1 1785' NORTH & 895' EAST OF  
S.W. CORNER SECTION 36
- WELL #2 320' NORTH & 1050' EAST OF  
S.W. CORNER SECTION 36



NOTE:  
THIS MAP DOES NOT INTEND TO  
PROVIDE DIMENSIONS FOR THE  
EXACT LOCATION OF PROPERTY  
OR BOUNDARY LINES.

SURVEYED JANUARY 22, 1994  
CHARLES E. SPEAR  
831 N.E. BIRCHAIRE LN.  
HILLSBORO, OREGON 97124

Location No G-13693

STOEL RIVES BOLEY  
JONES & GREY

ATTORNEYS AT LAW  
SUITE 2300  
STANDARD INSURANCE CENTER  
900 SW FIFTH AVENUE  
PORTLAND, OREGON 97204-1268

Telephone (503) 224-3380  
Telecopier (503) 220-2480  
Cable Lawport  
Telex 703455

Writer's Direct Dial Number

(503) 294-9181

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MAY 20 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

Application No. C-13693  
Permit No.

May 19, 1994

Oregon Water Resources Department  
Water Resources Division  
The Commerce Building  
158 12th Street NE  
Salem, OR 97310

Re: Water Rights Applications; Summer Sun Nursery  
Company and Countryside Nursery, Inc.

Dear Sir or Madam:

Enclosed for processing are two separate groundwater rights applications for Summer Sun Greenhouse Company ("Summer Sun") and Countryside Nursery, Inc. ("Countryside"). These applications concern adjacent parcels of property that formerly were owned by a single party. The respective owners are pursuing the process to partition the property into two parcels. For purposes of processing these applications, Summer Sun and Countryside request that you treat the parcels as separately owned.

You will note during your review that an old groundwater registration (Registration No. GR-3102, Registration Certificate No. GR-2910) exists that covers both parcels of property. Although the well subject to this right remains viable, the well is insufficient to meet existing needs of the respective parties. Therefore, the parties request that this right be made supplemental to the primary rights of both Summer Sun and Countryside. The parties further request that the applications now being submitted be considered applications for primary groundwater rights.

The applications are as follows:

Summer Sun Greenhouse Company

Summer Sun Greenhouse Company seeks a permit to install one new well with a capacity of 300 gallons per minute. The well will be installed on the west portion of the property. Contrary to the information on the map, a well will not be installed at the point on the map labelled "well #2." Water from the new well will be used exclusively for nursery operation use, including greenhouse use and container stock irrigation.

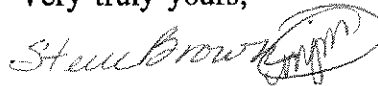
Water Resources Division  
May 19, 1994  
Page 2

Countryside Nursery, Inc.

Countryside Nursery, Inc. seeks a permit for two wells that already have been installed at the locations depicted on the map accompanying its application. The wells will withdraw 1 cfs and 2 respectively. Water from these wells also will be used exclusively for nursery operation use. Although one of the wells will be located with one-quarter mile of an intermittent surface stream, the enclosed letter from Schneider Equipment Inc. and Drilling Co. indicates the well will not affect surface water.

If you need any additional information to process these applications, please contact me or Gail Achterman at this office. You also may contact the applicants directly. The technical review reports should be sent to both us and to the applicants.

Very truly yours,



Stephen R. Brown

SRB:mjm  
Enclosures

cc: Mr. Carl Loeb  
Mr. Jim Farley  
Mr. Bruce Thompson  
Ms. Gail Achterman

**Application No. G13693**  
**Land Use Information Form, Permits, Hydroelectric Licenses, Water Uses in**  
**Addition to Classified Uses**

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. **DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.**

Applicant's Name: COUNTRYSIDE NURSERY, INC.  
 Address: 13200 S.W. Wilsonville Rd  
 City: Wilsonville State: OR Zip: 97070 Day Phone: 682-0511

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

| Tax Lot or Local I.D.# | Plan Designation/Zoning (e.g. Rural Residential/RR-5) | Check All That Apply |                |                                     |
|------------------------|-------------------------------------------------------|----------------------|----------------|-------------------------------------|
|                        |                                                       | Water Diverted       | Water Conveyed | Water Use                           |
| 31W36 P.O.             | AG/GAD                                                |                      |                | <input checked="" type="checkbox"/> |
| 8014 B02               |                                                       |                      |                |                                     |
|                        |                                                       |                      |                |                                     |

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. CLATSOP

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

**For Local Government Use Only**

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): \_\_\_\_\_ Go to section b) on reverse side.

RECEIVED

MAY 20 1994

WATER RES. DEPT.  
SALEM, OREGON

b) Please provide printed name and written signature.

Date: 4/22/94

Phone: 455-8521

**Signature:**

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

Additional Comments:

## Description of Water Use

**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Note to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: COUNTRYSIDE NURSERY, INC.  
 Address: 13200 S.W. Wilsonville Rd.  
Wilsonville, OREGON 97070  
 Phone: 682-0511

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): NURSERY & GREENHOUSE
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): \_\_\_\_\_
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_
- ☐ Institutional (i.e., school, library, etc.): \_\_\_\_\_
- ☐ Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_
- ☐ Recreation (park, campsite, pond, etc.): \_\_\_\_\_
- ☐ Fish and Wildlife (pond, hatchery, etc.): \_\_\_\_\_
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_
- ☐ Other (Name and list key characteristics): \_\_\_\_\_

| Indicate sources for the proposed water use below:                                 | Indicate the estimated quantity of water the use will require.               |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <input type="checkbox"/> Surface Water<br>Name sources:<br>_____<br>_____<br>_____ | _____ Cubic feet per second.<br>_____ Gallons per minute.<br>_____ Acre-Feet |
| <input type="checkbox"/> Reservoir or pond                                         |                                                                              |
| <input checked="" type="checkbox"/> Ground Water                                   |                                                                              |

RECEIVED  
 MAY 20 1994  
 WATER RES. DIV. CO. 100  
 SALEM, OR 97310



#7701

## Sacramento Nursery Growers

RECEIVED  
MAY 20 1934  
WATER RESOURCES  
SALEM, OREGON

| Material                                    | From    | To      |
|---------------------------------------------|---------|---------|
| Top soil                                    | 0       | 3       |
| Clay, brown silty                           | 3       | 16      |
| Sand, brown medium                          | 16      | 20      |
| Sand, brown packed                          | 20      | 34      |
| Sandstone, brown & pieces of petrified wood | 34      | 40      |
| Sandstone, brown & lots of petrified wood   | 40      | 47      |
| Sand, brown coarse                          | 47      | 48      |
| Clay, brown dry                             | 48      | 50      |
| Sand & sandstone, brown coarse              | 50      | 54      |
| Clay, brown                                 | 54      | 56      |
| Sand & silt, brown fine                     | 56      | 59      |
| Clay, brown                                 | 59      | 66      |
| Clay & sandstone, light brown               | 66      | 72      |
| Sand, dark brown packed                     | 72      | 74      |
| Sand, mixed light & medium brown            | 74      | 79      |
| Clay, gray dry                              | 79      | 81      |
| Sand, dark brown medium                     | 81      | 84      |
| Sand, dark brown fine                       | 84      | 86      |
| Clay, gray dry                              | 86      | 91      |
| Sand, blue gray fine                        | 91      | 94      |
| Sand, dark blue gray medium                 | 94      | 96      |
| Clay, gray hard                             | 96      | 99      |
| Sand, dark blue gray fine                   | 99      | 100     |
| Sand, gray fine hard                        | 100     | 115     |
| Clay, gray sandy                            | 115     | 118     |
| Sand & clay layers                          | 118     | 120     |
| Sand, fine silty                            | 120     | 130     |
| Gravel, 1½"                                 | 130     | 134½    |
| Clay, Gray soft                             | 134½    | 147     |
| Silt, sandy fine                            | 147     | 151     |
| Silt, sandy coarser                         | 151     | 152     |
| Sand, fine                                  | 152     | 154     |
| Gravel                                      | 154     | 154 3/4 |
| Sand, gray fine                             | 154 3/4 | 156     |
| Gravel, to 2½"                              | 156     | 162½    |
| Sand, medium                                | 162½    | 168     |
| Gravel, some small & sand mostly            | 168     | 174     |
| Gravel, to 3"                               | 174     | 181     |
| Clay, gray shot                             | 181     | 182     |
| Gravel                                      | 182     | 191     |
| Clay, gray                                  | 191     | 196     |
| Clay, brown                                 | 196     | 200     |
| Sand, brown fine                            | 200     | 228     |
| Clay, gray hard                             | 228     | 230     |
| Clay, brown hard sticky                     | 230     | 234     |



Application No. G13693

State of Oregon  
WATER RESOURCES DEPARTMENT

**Application for a Permit to Appropriate Groundwater**



Applicant(s) COUNTRYSIDE NURSERY, INC.  
(Please print or type - use dark ink)

Mailing Address: 13200 S.W. Wilsonville Road  
Wilsonville Oregon 97070 687-0511  
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.): Two Wells

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: Well #1 - 1400 feet; Well #2-200 feet

Elevation difference between streambed and development: Well #1 N/A; Well 2-50 feet

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

Diameter of well: \_\_\_\_\_ Depth in feet: \_\_\_\_\_

Type and size of well casing: \_\_\_\_\_ No. of feet: \_\_\_\_\_

Estimated depth to water: \_\_\_\_\_

Type of access port or measuring device: \_\_\_\_\_

Wells to be drilled by: \_\_\_\_\_

Address: \_\_\_\_\_

If the water well is flowing artesian, describe your water control and conservation works: \_\_\_\_\_

Please see attached well logs

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: \_\_\_\_\_ cubic feet per second, OR \_\_\_\_\_ gallons per minute. If water is to be used from more than one groundwater source, give the quantity of water from each: Well drilled in 1977 - 1 cfs (well #1). Well drilled in 1987 - 2.0 cfs (well #2)

3. **INTENDED USE(s) OF WATER:** Nursery operations use

*If for more than one use, give the quantity of water from each source for each use;* \_\_\_\_\_

*If for DOMESTIC use, state the number of households to be supplied;* \_\_\_\_\_

*If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)*

*If for MINING use, state the nature (gold, silver, etc.) of the mines to be served;* \_\_\_\_\_

*If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;*

Irrigation \_\_\_\_\_  
Other (describe) 47.5 Ac Nursery operation use

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** *Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).*

Water from each well will supply any portion of the property.  
Each well equipped with a 75 H.P. turbine pump. The water is pumped  
through 4600 feet of 6" PVC main line. The container yard is watered  
with sprinklers through 2" & 3" lateral lines. The sprinklers are  
impact Rainbird #30 with 1 1/64" nozzles. The lateral lines are 2" x 3"  
aluminum pipe located above ground at a spacing of 40' by 40'. There  
is approximately 28,500 feet of lateral line. See attached drawings.

5. **PROJECT SCHEDULE:** *(List month and year)*

*Proposed date construction work will begin* Completed

*Proposed date construction work will be completed* Completed

*Proposed date water use will be completed* Completed

**NOTE:** A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

Applicant      X CWRE      Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

X Applicant            CWRE            Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? Yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

*NOTE: Prior to receiving a certificate of water right, the permit holder must submit to the Water Resources Department the results of a pump test meeting the department's standards. The Director will require water level or pump test results every ten years thereafter.*

**REMARKS:** Existing Groundwater Registration Statements 2910 and Certificate 3102 should be supplemental to rights applied for in this application.

*I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:*     /     /     /

James A. Haley

e: 4/19/94  
Date

Date \_\_\_\_\_

*NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.*

*James A. Darling*  
Signature of Applicant

7/19/94  
Date

*Date*

Signature of Co-Applicant, if any

-----  
**FOR WATER RESOURCES DEPARTMENT USE ONLY**

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

\_\_\_\_\_

\_\_\_\_\_

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

\_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Water Resources Director*

By: \_\_\_\_\_

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 20th day of May, 1994, at 8:00 o'clock, A M.

APPLICATION NO: G-13693