CLAIM OF BENEFICIAL USE for Groundwater Permits claiming more than 0.1 cfs

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

A fee of $230 must accompany this form for permits with priority dates of July 9, 1987, or later.

This COBU is for a permit with a priority date of May 8, 2001; the referenced $230 fee is applicable and is included

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: https://www.oregon.gov/OWRD/Forms/Pages/default.aspx
The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx

Received
APR 29 2024
OWRD

SECTION 1

GENERAL INFORMATION

1. **File Information:**

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
G-15498	G-15211	T-

2. Property Owner (current owner information):

Applicant/Business Name	Phone No.	Additional Contact No.
Surface Nursery, Inc.; Attn: Shawn Nerison	503-663-5224	

Address			
33740 SE Lusted Road			
City	State	Zip	E-Mail
Gresham	OR	97080	shawn@surfacenursery.com

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each*** *permit holder of record must sign this form.*

3. Permit holder of record (this may, or may not, be the current property owner):

Permit Holder of Record		
Surface Nursery, Inc.		
Address		
33740 SE Lusted Road		
City	State	Zip
Gresham	OR	97080

Additional Permit Holder of Record		
N/A		
Address		
City	State	Zip

4. Date of Site Inspection:

2/28/2024

5. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the Project
Shawn Nerison	2/28/2024	Vice President & Production Manager, Surface Nursery
Tim Brown	2/28/2024	Agricultural Equipment Technician, Surface Nursery

6. County:

Multnomah

7. If any property described in the place of use of the permit is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

Owner of Record		
N/A		
Address		
City	State	Zip

Add additional tables for owners of record as needed

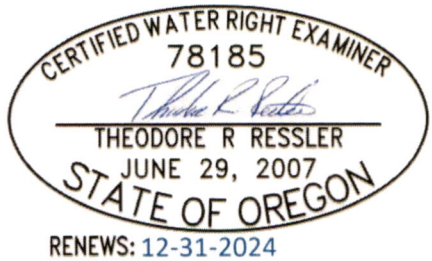
SECTION 2

SIGNATURES

CWRE Statement, Seal and Signature

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

Seal and Signature



CWRE Name		Phone No.	Additional Contact No.
Theodore R Ressler		**503-701-4535**	
Address **Summit Water Resources, LLC**			
City **Portland**	State **OR**	Zip **97217**	E-Mail **tressler@summitwr.com**

Permit Holder of Record Signature or Acknowledgement

Each *permit holder of record must sign this form in the space provided below.*

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

Signature	Print or Type Name	Title	Date
	Shawn Nerison	VP	4/18/2024

Received
APR 29 2024
OWRD

SECTION 3

CLAIM DESCRIPTION

1. Point of appropriation name or number:

Point of Appropriation (POA) Name or Number (correspond to map)	Well Log ID # For All Work Performed on the Well (if applicable)	Well Tag # (if applicable)
Well 1	**CLAC 57578**	**L-52975**

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

2. Point of appropriation source, if indicated on permit:

POA Name or Number	Source Basin Located Within	Tributary
Well 1	**Beaver Creek Basin**	

3. Developed use(s), period of use, and rate for each use:

POA Name or Number	Uses	If Irrigation, List Crop Type	Season or Months When Water was Used	Actual Rate or Volume Used (CFS, GPM, or AF)
Well 1	**NU**	**Nursery stock**	**Year-round**	**0.356 cfs (160 gpm)**
Total Quantity of Water Used				**0.356 cfs (160 gpm)**

4. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of appropriation to the place of use:

Groundwater is appropriated from Well 1 using a submersible pump and conveyed by a closed pipe system to the location of use at nursery, or to Reservoir 1 (Certificate 58421) adjacent to the well. Reservoir 1 is used as a system bulge for groundwater appropriated from Well 1. Groundwater from Reservoir 1 is rediverted by a centrifugal pump (Main Irrigation Pump Station) and conveyed by closed pipe system to the location of use.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below. **YES**

(e.g. *"The permit allowed three points of appropriation. The water user only developed one of the points."* or *"The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres."*)

Point of Appropriation. Only one of the two POAs authorized under the permit has been constructed, Well 1 (CLAC 57578). The location of the POA has been re-described slightly from that stated on the permit to more accurately locate the well.

Place of Use. The permittee has developed the entire acreage authorized by the permit; however, the distribution of acres on the quarter-quarters authorized under the permit differs slightly from that stated on the permit.

6. Claim Summary:

POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Well 1	1.39 cfs (624 gpm)	165 gpm (Well) 578 gpm (System)	160 gpm	NU	104.0	104.0

SECTION 4

SYSTEM DESCRIPTION

Are there multiple POAs? NO

If *"YES"* you will need to copy and complete a separate Section 4 for each POA.

POA Name or Number this section describes (only needed if there is more than one):

A. Place of Use

1. Is the right for municipal use? NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
1 S	4 E	WM	21	NENE			NU	33.0	30.9
1 S	4 E	WM	21	NWNE			NU	12.5	12.0
1 S	4 E	WM	21	SWNE			NU	19.5	18.2
1 S	4 E	WM	21	SENE			NU	20.0	18.9
1 S	4 E	WM	22	NWNW			NU	15.0	15.7
1 S	4 E	WM	22	SWNW			NU	4.0	8.3
Total Acres Irrigated								104.0	104.0

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLot), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLot, and QQ.

B. Groundwater Source Information (Well)

1. Is the appropriation from a well? YES

If "NO", items 2 through 4 relating to this section may be deleted.

2. Describe the access port (type and location) or other means to measure the water level in the well:

0.5-inch access port on east side of sanitary seal.

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

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Who the well was drilled for	Well drilled by
Well log provided in Attachment 3.						

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

C. Groundwater Source Information (Sump)

1. Is the appropriation from a dug well (sump)? NO

If "NO", items 2 through 4 relating to this section may be deleted.
Reminder: Construction standards for sumps can be found in OAR 690-210-0400.

D. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of appropriation to the place of use.

1. Is a pump used? YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information:

Pump	Manufacturer	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Well 1	Berkeley	6TS20-115	Not available	Submersible	--	3-inch
Main Irrigation Pump Station	Berkeley	B3ZPBH	M1005	Centrifugal	4-inch	3-inch

3. Motor Information:

Pump	Manufacturer	Horsepower
Well 1	Not available	20
Main Irrigation Pump Station	Baldor	40

4. Theoretical Pump Capacity:

Pump	Horsepower	Operating PSI	Lift from Source to Pump *If a well, the water level during pumping	Lift from Pump to Place of Use	Total Pump Output (in cfs)
Well 1	20	50 [A]	257.5 ft [B]	Component of measured pressure	0.37 cfs (165 gpm)
Main Irrigation Pump Station	40	80 [C]	2 ft	Component of measured pressure	1.29 cfs (578 gpm)

Notes
[A] Estimated pressure just downstream of wellhead when discharging to the holding pond.
[B] Estimated based on reported static water level (236.5 ft, 3/15/2006) and specific capacity per the well (8 gpm/ft).
[C] Operational pressure just downstream of pump discharge

5. Provide pump calculations:

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

Well 1 Pump

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

$$Q_{pump} = \frac{(20)(7.04)}{(257.5 + 50*2.54)} = \mathbf{0.37\ cfs\ (165\ gpm)}$$

Main Irrigation Pump Station

Conversion factor: Centrifugal Pump, 75% eff. $\frac{(550\ ft\ lb/sec/Hp)(0.75)}{(62.4\ lb/cu\ ft)} = 6.61\ ft4/sec/Hp$

$$Q_{pump} = \frac{(40)(6.61)}{(2 + 80*2.54)} = \mathbf{1.29\ cfs\ (578\ gpm)}$$

Note: minor frictional losses upstream of the pressure gauge (pump column, etc.) accounted for by the 2.54 ft H2O/psi conversion factor (versus 2.31 ft H2O/psi).

6. Measured Pump Capacity (using meter if meter was present and system was operating):

Pump	Initial Meter Reading	Ending Meter Reading	Duration of Time Observed	Total Pump Output (in cfs)
Well 1	**184352 x 10 gallons**	**184384 x 10 gallons**	**2 minutes**	**0.36 cfs (160 gpm)**

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped? **YES**

If "NO" items 8 through item 13 may be deleted.

8. Mainline Information:

Mainline Size	Length	Type of Pipe	Buried or Above Ground
6-inch	**2,655 ft**	**PVC**	**Buried**
6-inch	**1,635 ft**	**Aluminum**	**Above ground**

9. Lateral or Handline Information:

Lateral or Handline Size	Length	Type of Pipe	Buried or Above Ground
4-inch	**Varies**	**Aluminum**	**Above ground**

10. Sprinkler Information:

Size	Operating PSI	Sprinkler Output (GPM)	Total Number of Sprinklers	Maximum Number Used	Total Sprinkler Output (CFS)
Rainbird/Nelson 3/16" nozzle	**50**	**7.2**	**Varies by zone**	**75**	**1.2 cfs (540 gpm)**

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Drip Emitter Information:

Size	Operating PSI	Emitter Output (GPM)	Total Number of Emitters	Maximum Number Used	Total Emitter Output (CFS)
N/A – not used					

12. Drip Tape Information:

Dripper Spacing in Inches	GPM per 100 Feet	Total Length of Tape	Maximum length of Tape Used	Total Tape Output (CFS)	Additional Information
N/A – not used					

13. Pivot Information:

Manufacturer	Maximum Wetted Radius	Operating PSI	Total Pivot Output (GPM)	Total Pivot Output (CFS)
N/A – not used				

E. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)? **YES**

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank **YES**
Bulge in System / Reservoir **YES**

Complete appropriate table(s), unused table may be deleted.

2. Storage Tank:

Material (concrete, fiberglass, metal, etc.)	Capacity (in gallons)	Above Ground or Buried
Metal (pressure tank)	114	Above ground

3. Bulge in System / Reservoir:

Reservoir Name or Number (correspond to map)	Approximate Dam Height	Approximate Capacity (in acre feet)
Reservoir 1 (Certificate 58421)	10 ft*	2.5 AF

Notes
* According to permit application R-56139 (Certificate 58421)

F. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe? **NO**

If "NO", items 2 through 4 relating to this section may be deleted.

G. Gravity Flow Canal or Ditch

(The Department typically uses Manning's formula for canals and ditches)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? **NO**

If "NO", items 2 through 4 relating to this section may be deleted.

H. Additional notes or comments related to the system:

SECTION 5

CONDITIONS

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

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

	Date from Permit	Date Accomplished*	Description of Actions Taken by Water User to Comply with the Time Limits
Issuance Date	9/24/2002		
Begin construction (A)	Not specified	N/A	N/A
Complete construction (B)	Not specified	N/A	N/A
Complete application of water (C)	10/1/2006	2003	Completed construction and beneficial use of water from Well 1

* must be within period between permit, or any extension final order issuance and the date to completely apply water

2. Is there an extension final order(s)? NO

If "NO", items a and b relating to this section may be deleted.

3. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement? YES

If "NO", items b through d relating to this section may be deleted.

b. What month was the initial measurement to be taken in?

Not specified

c. Was the measurement submitted to the Department? YES

(See well log – Attachment 3)

Received
APR 29 2024
OWRD

d. If the initial measurement was not submitted, provide that measurement now, if available:

Date of Measurement	Measurement Made By	Method	Measurement

4. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements? YES

If "NO", items b through e relating to this section may be deleted.

b. Provide the month, or months, the static water level measurement(s) were to be made:
Between March 15 and April 15

c. Were the static water level measurements taken in the month(s) required? **YES**

d. If "YES", were those measurements submitted to the Department? **YES**

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

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT
See GWIS entry for CLAC 57578			

5. Pump Test:

a. Did the permit require the submittal of a pump test? **YES**

Ground water permits with priority dates on or after **December 20, 1988**, require the submittal of a pump test prior to issuance of a certificate. In some cases, the permit holder may qualify for a multiple well exemption or an unreasonable burden exemption.

For additional information regarding pump tests see:
https://www.oregon.gov/OWRD/programs/GWWL/GW/Pages/PumpTestProgram.aspx

If "NO", items b through e relating to this section may be deleted.

b. Has the pump test been previously submitted to the Department? **NO**

c. Is the pump test attached to this claim? **NO**

d. Has the pump test been approved by the Department? **NO**

e. Has a pump test exemption been approved by the Department? **NO**

**** Claims will not be reviewed until a pump test or exemption has been approved by the Department**

6. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device? **YES**

If "NO", items b through f relating to this section may be deleted.
Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed? **YES**

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well 1	**McCrometer**	**02-01862**	**Working**	**184352 x 10 gallons**	**2002**

If a meter has been installed, items d through f relating to this section may be deleted.

7. Recording and reporting conditions:

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

If "NO", item b relating to this section may be deleted.

8. Other conditions required by permit, permit amendment final order, or extension final order:

a. Were there special well construction standards? **YES**

b. Was submittal of a ground water monitoring plan required? **NO**

c. Was submittal of a water management and conservation plan required? **NO**

d. Was a Well Identification Number (Well ID tag) assigned and attached to the well? **Although not required by the permit, a well tag has been attached**

WELL ID #	DATE ATTACHED TO WELL
L-52975	**At construction**

e. Other conditions? **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

8(a) *The well(s) shall produce groundwater form the deep Troutdale groundwater reservoir between approximately 200 and 600 below land surface.* **IN COMPLIANCE. The well was drilled and completed to a depth of 500 feet, within the authorized aquifer.**

SECTION 6

ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Attachment 1	**Maps**
Attachment 2	**Water Right Information**
Attachment 3	**State Water Well Report**
Attachment 4	**Supporting Documentation of Beneficial Use**

SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The point of appropriation and visible system components were visited during the site inspection. The location of the point of appropriation was obtained from a field survey completed during the site inspection and aerial imagery of the property (City of Portland, Summer of 2006). The map was created using Geographic Information System (GIS) software and spatial datasets obtained from Bureau of Land Management (BLM), Oregon Geospatial Enterprise Office (OGEO), United States Geological Survey (USGS), Oregon Water Resources Department (OWRD), Metro, and Multnomah County. Additional data and information specific to the use water of under the water right described in this Claim of Beneficial Use report were obtained from the water user.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- **N/A** Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- **N/A** Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

Attachment 1
Maps

April 24, 2024

Mr. Gerry Clark
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Claim of Beneficial Use for Permit G-15211 (Application G-15498)

Mr. Clark:

On behalf of the permittee, please find enclosed Claim of Beneficial Use (COBU) report for Permit G-15211 accompanied by a check in the amount of $230 for payment of the COBU submittal fee. Please do not hesitate to contact me at 503-701-4535 with questions about the enclosed COBU.

Respectfully submitted,

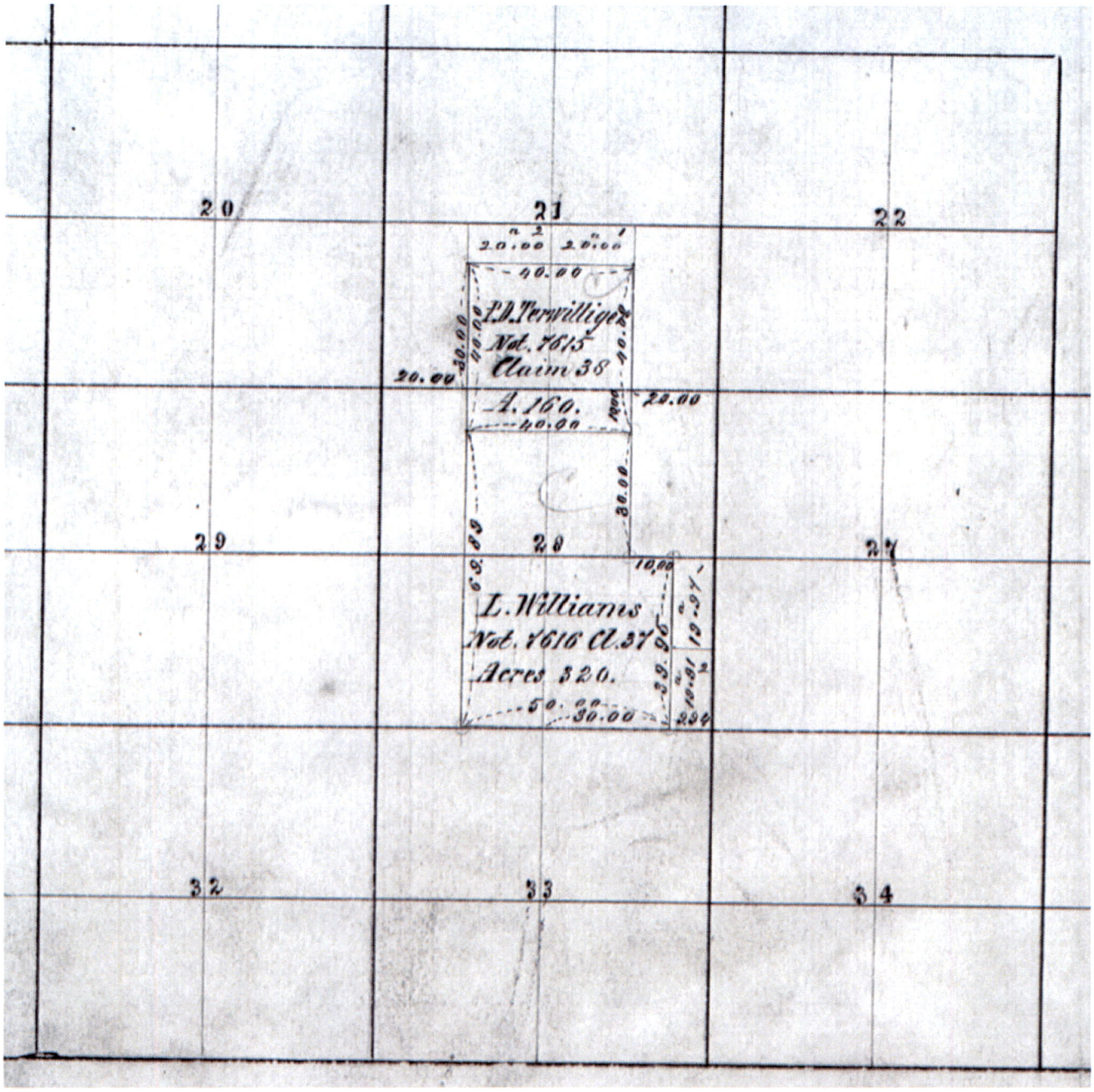
Theodore Ressler, RG, CWRE
Summit Water Resources LLC.

Enclosures:
Claim of Beneficial Use for Permit G-15211
Check #57116 in the amount of $230

Cc: Shawn Nerison – Surface Nursery

Received
APR 29 2024
OWRD

https://www.blm.gov/or/landrecords/survey/yPlatView1_2.php?path=POR&name=t010s040e_002.jpg



Received
APR 29 2024
OWRD

Claim of Beneficial Use, Permit G-15211 **Surface Nursery**

Received
APR 29 2024
OWRD

Attachment 2
Water Right Information

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

Received
APR 29 2024
OWRD

SURFACE NURSERY INC.
RICHARD M SURFACE
33740 SE LUSTED RD
GRESHAM, OREGON 97080

(503) 663-5224

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

APPLICATION FILE NUMBER: G-15498

SOURCE OF WATER: TWO WELLS IN BEAVER CREEK BASIN

PURPOSE OR USE: IRRIGATION (NURSERY USE AND AGRICULTURAL USE) ON 104.0 ACRES

MAXIMUM RATE: 1.39 CUBIC FEET PER SECOND

PERIOD OF USE: IRRIGATION (NURSERY USE) MARCH 1 THROUGH OCTOBER 31 AND IRRIGATION (AGRICULTURAL USE) NOVEMBER 1 THROUGH FEBRUARY 28

DATE OF PRIORITY: MAY 8, 2001

WELL LOCATIONS:

WELL #1: NE ¼ NE ¼, SECTION 21, T1S, R4E, W.M.; 640 FEET SOUTH & 1260 FEET WEST FROM NE CORNER, SECTION 21

WELL #2: NE ¼ NE ¼, SECTION 21, T1S, R4E, W.M.; 940 FEET SOUTH & 850 FEET WEST FROM NE CORNER, SECTION 21

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, during the period of allowed use specified above, 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:

NE ¼ NE ¼ 33.0 ACRES
NW ¼ NE ¼ 12.5 ACRES
SW ¼ NE ¼ 19.5 ACRES
SE ¼ NE ¼ 20.0 ACRES
SECTION 21
NW ¼ NW ¼ 15.0 ACRES
SW ¼ NW ¼ 4.0 ACRES
SECTION 22
TOWNSHIP 1 SOUTH, RANGE 4 EAST, 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.

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.

C. 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.

The well(s) shall produce groundwater from the deep Troutdale groundwater reservoir between approximately 200 feet and 600 feet below land surface.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation 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 in effect as of the priority date of the right or as those quantities may be subsequently reduced.

The use of water under terms of this permit or certificate is subject to regulation concurrent with or prior to regulation of a senior right

competing for water from the same source when regulation is the result of water level declines that exceed limits specified in the senior right.

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Proposed Final Order and Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

(1) Use of water from the well, as allowed herein, shall be regulated if the well displays:

(a) An average water level decline of three or more feet per year for five consecutive years; or

(b) A total water level decline of fifteen or more feet; or

(c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

(2) The permittee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.

(3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.

(a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.

(b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.

(c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator.

(d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.

(e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

STANDARD CONDITIONS

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

The 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.

Complete application of the water to the use shall be made on or before October 1, 2006. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued September 24, 2002

Dwight French for
Paul R. Cleary, Director
Water Resources Department

SEE NEXT PAGE

Received
APR 29 2024
OWRD

Attachment 3

State Water Well Report

CLAC 5/5/8

State of Oregon
WATER WELL REPORT (as required by ORS 537.765) Page 1 of 1

State Well ID L52975
Start Card # 140101

(1) OWNER: Well No. L52975
Name SURFACE NURSERY
Address 33740 SE LUSTED RD
City GRESHAM St OR Zip 97080

(2) TYPE OF WORK: NEW WELL

(3) DRILL METHOD: ROTARY AIR

(4) PROPOSED USE: IRRIGATION

(5) BORE HOLE CONSTRUCTION:
Special Construction Approval NO Depth of Compl. Well 500 ft
Explosives used NO Type _____ Amount _____

HOLE				SEAL		
Diam.	From	To	Material	From	To	Amount
14	0	65	CEMENT	0	65	42 SACKS
10	65	265	CEMENT	65	265	59 SACKS
8	265	500				

Seal placement method C
Backfill: from ___ ft to ___ ft Material
Gravel: from ___ ft to ___ ft Size _____

(6) CASING/LINER:

	Diam.	From	To	Gauge	Material	Connection
Casing	8	+1	265	.250	STEEL	WELDED
	6	0	500	.250	STEEL	WELDED
Liner						

Final Location of shoe(s) 500' 5 1/2" TUBEX

(7) PERFORATIONS/SCREENS:
[X] Perf. Method AIR KNIFE
[_] Screens Type _____ Material _____

From	To	Slot Size	Number	Diam.	Tele/pipe Size	Casing/liner
340	400	1/8X2	3000	6		CASING

(8) WELL TESTS: Minimum testing time is 1 hour
Test type PUMP

Yield GPM	Draw-down	Drill stem at	Time
160	21		1 hr.
160	21		4 hr

Temperature of water 52F Depth Artesian Flow Found ____
Was water analysis done? NO By whom _____
Reason for water not suitable for use _____
Depth of strata ___

(9) LOCATION OF WELL by legal description:
County CLACK Lat. ° ' " Long. ° ' "
Township 1 S Range 4 E WM.
Section 21 NE 1/4 NE 1/4
Tax Lot 700 Lot Block Subdivision
Street Address of Well (or nearest Address)
33740 SE LUSTED ROAD GRESHAM, OR 97080

(10) STATIC WATER LEVEL:
239 ft. below land surface. Date 12-27-01
Artesian pressure _____ lb per square in. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 24

From	To	Est Flow Rate	SWL
24	26	20+ GPM	6
120	140	10+ GPM	80
340	500	200+ GPM	239

(12) WELL LOG:
Ground elevation ___

Material	From	To	SWL
TOP SOIL	0	2	
BROWN CLAY	2	24	
LIGHTLY CEMENTED GRAVEL & BOULDERS	24	195	6/80
FINE BLACK CEMENTED GRAVEL WITH SEAMS	195		
OF YELLOW CLAY		340	
MULTI COLORED LIGHTLY CEMENTED GRAVEL	340		
WITH SEAMS OF YELLOW SAND		400	239
YELLOW SAND WITH SOME GRAVEL	400	480	239
YELLOW SAND WITH GRAVEL & YELLOW CLAY	480		
SEAMS		500	239

RECEIVED
DEC 1 4 2001
WATER RESOURCES DEPT
SALEM, OREGON

Date started 12-10-01 Completed 12-27-01

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.
WWC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
WWC Number 616
Signed _____ Date 12-27-01

ORIGINAL & FIRST COPY - WATER RESOURCES DEPTARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER 9809C 10/91

Received
APR 29 2024
OWRD

Attachment 4

Supporting Documentation of Beneficial Use

AFFIDAVIT ATTESTING TO USE OF WATER UNDER PERMIT G-15155, APPLICATION G-15349

State of Oregon)
) ss
County of Clackamas

I, Shawn Nerison, in my capacity as Vice President & Production Manager of Surface Nursery, Inc., mailing address 33740 SE Lusted Road, Gresham, Oregon 97080, telephone number 503-663-5224, being first duly sworn depose and say:

1. My knowledge of the use of the water under Permit G-15211 is based on personal observation and use of water from the water system associated with the permit.
2. The water system described in the Claim of Beneficial Use report is representative of the water system that was in place to supply water for the nursery operations associated with Permit G-15211 prior to October 1, 2006.
3. The water use described in the Claim of Beneficial Use report is representative of the water use that was occurring prior to October 1, 2006.
4. Water was used under Permit G-15211 for nursery use on the lands shown on Exhibit 1.

Signature of Affiant

4/18/24
Date

Signed and sworn to (or affirmed) before me this 18th day of April, 2024.

OFFICIAL STAMP
TAYLOR RENE COURTAIN
NOTARY PUBLIC - OREGON
COMMISSION NO. 1025373
MY COMMISSION EXPIRES JUNE 20, 2026

Taylor Rene Courtain
Notary Public for Oregon

My Commission Expires: June 20, 2026

Received
APR 29 2024
OWRD

Exhibit 1

Map Showing Extent of Water Use