

Application No. G11241
Permit No. G11134 *G-18836*

Certificate No.

Stream Index, Page No. 2-183

See also A# 68024
G5054
G-2629

ASSIGNMENTS

Date _____

To Whom

Address

| Volume

Page

REMARKS

CARD FOR B OCT 12 1992

CONSTRUCTION

C card 10/18/92

128 sent 11-10-93, Field Form done
T-10751 v. 77p. 443

T-1075/ v.77p.443

W.R.I.S.

Assembled 3-23-84 by W/C

Entered _____ by _____

verified by

PROSECUTION OF WORK

Form "B" filed 11-8-93

Form "C" filed 11-8-93

FINAL PROOF

Blank mailed

Proof received

Date certificate issued _____

RECEIVED

NOV - 8 1993

WATER RESOURCES DEPARTMENT
SALEM, OREGON

Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make **final proof** to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the **final proof** inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. 6-11241

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, ISELI NURSERY, INC., the holder of Permit No. 6-11134 to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 24 day of SEPT, 1993.

Remarks: utilized all 1993 irrigation season & plan

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of SEPT, 1993.

Wayne Overcash
(Signature of Applicant)

30590 SE Kelso Rd Boring, Ore 97009
(Address)

RECEIVED

NOV - 8 1993

Form B (690-9-77)

NOTICE OF COMPLETION OF CONSTRUCTION

Application No. 6-11241

I, ISELI NURSERY, INC., the holder of Permit No. 6-11134 to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 16 day of August, 1993.

Remarks: If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop

ment, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of SEPT, 1993.

Wayne Overcash
(Signature of Applicant)

30590 SE Kelso Rd Boring, Ore
(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

ISELI NURSERY INC.
30590 SE KELSO RD.
BORING, OR 97009

TO

Water Resources Department
Mill Creek Office Park
555 13th Street NE
Salem, Oregon 97310

Attn: Wayne Overcash

Appl 5 map 848

all wells referred in application G-11241 appear to be developing
water from the same ground water reservoir. (64. 7/23/84)

G1

Mailing List for Extension FO Copies

FO Date: January 5, 2024

Copies Mailed

Application: G-11241

By: KMWF

Permit: G-18836

On: JAN 05 2024

Original mailed to permit holder

Iseli Nursery, Inc
30590 SE Kelso Road
Boring, OR 97009

Copies sent to:

1. WRD - App. File G-11241/ Permit G-18836
2. Agents or CWREs representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving notification via e-mail - FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 20, Amy Landvoigt

CASEWORKER: JDP

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time
for Permit G-18836, Water Right Application G-11241, in
the name of Iseli Nursery, Inc

)
)
)

FINAL
ORDER

Permit Information

Application:	G-11241
Permit:	G-18836
Basin:	2C – Lower Willamette / Watermaster District 20
Date of Priority:	March 5, 1984
Source of Water:	eight wells
Purpose or Use:	nursery operations on 416.5 acres
Maximum Rate:	1650.0 gallons per minute (gpm), being 100 gpm from Wells 1, 2, 3, 4, 5, 7, 8, 9, Well option A, Well Option B, and Well option C, 750 gpm from 1, 2, 3, 4, 5, 7, 8, 9, Well option A, Well Option B, and Well option C, 350 gpm from 1, 2, 3, 4, 5, 7, 8, 9, Well option A, Well Option B, and Well option C, and 100 gpm from 1, 2, 3, 4, 5, 7, 8, 9, Well option A, Well Option B, and Well option C

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or 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.

Application History

Permit G-11134 was issued by the Department on November 13, 1990. The permit specified actual construction of the well to begin by November 13, 1991, completion of construction by October 1, 1992 and complete application of water to beneficial use by October 1, 1993. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2023. Permit Amendment T-13802, was approved on May 17, 2023, resulting in issuance of Permit G-18836. On May 17, 2023, Iseli Nursery, Inc submitted an Application for Extension of Time for Permit G-18836. In accordance with OAR 690-315-

0050(2), on November 7, 2023, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2024, and the time to fully apply water to beneficial use to October 1, 2024. The protest period closed December 22, 2023, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated November 7, 2023.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following condition:

LIMITATIONS AND CONDITIONS

1. Last Extension Condition

This shall be the last extension authorized under this permit. Any future extension of time request will be denied. ORS 539.010(5); OAR 690-315-0040.

CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-11241, Permit G-18836, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2023, to October 1, 2024. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2023, to October 1, 2024.

DATED: January 5, 2024



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

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- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 979-3213.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension PFO Copies

PFO Date: November 7, 2023

Application: G-11241

Permit: G-18836

Copies Mailed

By: KMWF

On: NOV 07 2023

Original mailed to Applicant:

Iseli Nursery, Inc
30590 SE Kelso Road
Boring, OR 97009

Copies sent to:

1. WRD - App. File G-11241/ Permit G-18836
2. Agent or CWRE representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 20, Amy Landvoigt

CASEWORKER: JDP

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time	)	PROPOSED
for Permit G-18836, Water Right Application G-11241, in	)	FINAL
the name of Iseli Nursery, Inc	)	ORDER

Permit Information

Application:	G-11241
Permit:	G-18836
Basin:	2C – Lower Willamette / Watermaster District 20
Date of Priority:	March 5, 1984
Source of Water:	eight wells.
Purpose or Use:	nursery operations on 416.5 acres
Maximum Rate:	1650.0 gallons per minute (gpm), being 100 gpm from Wells 1, 2, 3, 4, 5, 7, 8, 9, Well option A, Well Option B, and Well option C, 750 gpm from 1, 2, 3, 4, 5, 7, 8, 9, Well option A, Well Option B, and Well option C, 350 gpm from 1, 2, 3, 4, 5, 7, 8, 9, Well option A, Well Option B, and Well option C, and 100 gpm from 1, 2, 3, 4, 5, 7, 8, 9, Well option A, Well Option B, and Well option C

Please read this Proposed Final Order in its entirety as it contains additional conditions not included in the original permit.

In Summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 2023, to October 1, 2024
- Grant an extension of time to apply water to full beneficial use from October 1, 2023, to October 1, 2024¹.
- Make the extension subject to certain conditions set forth below.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

¹Pursuant to ORS 537.630(5), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Department of Water Resources
FOF – Finding of Fact
PFO – Proposed Final Order
gpm - gallons per minute

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(2) provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

FINDINGS OF FACT

1. On November 13, 1990, Permit G-11134 was issued by the Department. The permit authorizes the use of up to 1650.0 gpm of water from five wells, being 100 gpm from Well 1, 350 gpm from Well 2, 750 gpm from Well 3, 350 gpm from Well 4, and 100 gpm from Well 5 for nursery operations on 416.5 acres. The permit specified actual construction of the well to begin by November 13, 1991, construction of the water system was to be completed by October 1, 1992, and complete application of water was to be made on or before October 1, 1993.
2. On May 17, 2023, the Department approved Permit Amendment T-13802 (Special Order Volume 128, Page 385) authorizing additional points of appropriation, and a change in

place of use under Permit G-11134 (modified by Permit Amendment T-13802). Superseding Permit G-18836 was issued by the Department on May 17, 2023, to reflect the changes.

3. Two prior permit extensions have been granted for Permit G-18836. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2013, to October 1, 2023.
4. On May 17, 2023, the permit holder, Iseli Nursery, Inc, submitted an "Application for Extension of Time" (Application) to the Department, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-18836 be extended from October 1, 2023, to October 1, 2024.
5. On May 23, 2023, notification of the Application for Permit G-18836 was published in the Department's Public Notice. No public comments were received regarding the Application.

Review Criteria [OAR 690-315-0040]

In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

6. On May 17, 2023, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

7. Actual construction of the well began prior to the November 13, 1991, deadline specified in the permit. According to the permit holder, construction of Well 5 began December 12, 1962.
8. According to the well log received by the Department on April 20, 1987, CLAC 5615 construction began June 1951. The Department has determined that the prosecution of the construction of the well began prior to permit issuance.

Based on Finding of Fact (FOF) 8, the Department has determined that the prosecution of the construction of the well began prior to November 13, 1991.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

Amount of Construction [OAR 690-315-0040(3)(a)]

The amount of construction completed within the time allowed in the permit or previous extension.²

9. During the most recent extension period, being from October 1, 2013, to October 1, 2023, the following was accomplished:

- flow meters were installed; and
- additional mainline was installed.

The Application provides evidence of progress of physical work made towards completion of the water system, enough to qualify as the minimum necessary for the Department to find good cause and reasonable diligence towards complete application of water to a beneficial use.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

The water right permit holder's conformance with the permit and previous extension conditions.

10. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

The Department has determined that the permit holder has demonstrated compliance with permit conditions as required by Permit G-18836.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

The amount of beneficial use made of the water during the permit time limits or previous extension conditions.

11. A maximum rate of 2,100 gpm of water has been appropriated from the wells for nursery operations on 381.5 acres. This exceeds the amount of water for irrigation use authorized under this permit. The authorized amount of water for irrigation use is 1650.0 cfs.

² "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

12. According to the Application, delay in full beneficial use was due, in part, to the need for Permit Amendment T-13802 to be completed.

Beneficial use of water has been demonstrated under this permit as all permit conditions were satisfied by October 1, 2023.

Financial Investments to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

13. An investment of approximately \$2,586,241, has been made which is about 88 percent of the total projected cost for complete development of this project. An additional \$360,000 investment is needed for the completion of this project.

The Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Application provides evidence that work has been accomplished towards completion of the water system; the permit holder has demonstrated compliance with permit conditions, a financial investment has been made, and; beneficial use of water has been demonstrated. The Department has determined the applicant has demonstrated reasonable diligence in previous performance under Permit G-18836.

The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

OAR 690-315-0040(4)(a)

The amount of water available to satisfy other affected water rights and scenic waterway flows.

14. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-18836; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

OAR 690-315-0040(4)(b)

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

15. The points of appropriation for Permit G-18836, located within the Tickle Creek Basin, is located within the Sandy-Boring Ground Water Limited Area.
16. Tickle Creek is located above Clackamas Scenic Waterway.
17. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

OAR 690-315-0040(4)(c)

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

18. Tickle Creek is located within an area ranked "highest" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

OAR 690-315-0040(4)(d)

Economic interests dependent on completion of the project.

19. An approximate total of \$2,586,241 has been invested in the project.

OAR 690-315-0040(4)(e)

Other economic interests dependent on completion of the project.

20. The Application does not identify any other economic interests directly dependent on the complete development of the permit.

OAR 690-315-0040(4)(f)

Other factors relevant to the determination of the market and present demand for water and power.

21. No other factors relevant to the determination of the market and present demand for water and power have been identified.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

22. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

23. The Application identifies the time to review Permit Amendment T-13802 as an additional government requirement which delayed the development of the permit.

Delays caused by the permit holders choice to submit a Permit Amendment is not additional government requirement. The submittal of a Permit Amendment is a business decision, and was not required.

Unforeseen Events [OAR 690-315-0040(2)(h)]

24. No unforeseen events were identified that contributed to the extended the length of time needed to fully develop and perfect Permit G-18836.

Denial of the Extension Will Result in Undue Hardship [OAR 690-315-0040(2)(i)]

25. A denial of the extension would not result in undue hardship.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

26. The Application provides evidence of good faith of the appropriator under Permit G-18836.

Based on FOF 7, 8, 9, 10, 11, 12, 13, and 19, the Department has determined that the applicant has shown the minimum necessary to find good faith and reasonable diligence.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

27. As of May 17, 2023, the remaining work to be completed consists of completing construction of the water system, meeting all permit conditions, and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2024, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-18836 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a

"good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

LIMITATIONS AND CONDITIONS

1. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence. The Department determined the need to place a "Last Extension Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 1 of the "Conditions" section of this PFO, was determined to be necessary due to the amount of time provided to develop the permit.

CONCLUSIONS OF LAW

1. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The applicant has complied with the construction timeline requirements to begin actual construction as required by ORS 537.630, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 7, through 26, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2024, as required by OAR 690-315-0040(1)(c).
4. The applicant can complete the project within the time period requested for the extension on the project but the extension is conditioned to ensure future diligence and is granted only for the reasonable time necessary to complete water development and apply water to beneficial use. OAR 690-315-0050(5).
5. The applicant has demonstrated good cause for the extension, but the extension must be conditioned to ensure this is the last extension granted in order to ensure future diligence; OAR 690-315-0050(5).

PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to complete construction of the water system under Permit G-18836 from October 1, 2023, to October 1, 2024. (omit if no B-Date)

Extend the time to apply water to beneficial use under Permit G-18836 from October 1, 2023, to October 1, 2024.

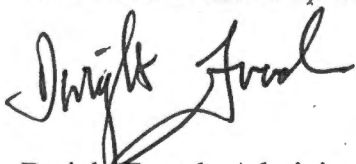
Subject to the following conditions:

LIMITATIONS AND CONDITIONS

1. Last Extension Condition

This shall be the last extension authorized under this permit. Any future extension of time request will be denied. ORS 539.010(5); OAR 690-315-0040.

DATED: November 7, 2023



Dwight French, Administrator,
Water Right Services Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Protests

Pursuant to OAR 690-315-0060(1), the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. Protests must be received by the Water Resources Department no later than **December 22, 2023**, at this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

Protests must be in writing and include all of the following:

- The name, address, and telephone number of the protestant
- A detailed description of the protestant's interest in the proposed final order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented
- A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency
- If the applicant protests, a statement of whether a hearing is requested
- Citation of legal authority supporting the protestant, if known

- Proof of service of the protest on the water right permit holder, if protestant is other than the water right permit holder, and
- If you are the applicant, the protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$950 required by ORS 536.050.

Within 60 days after the close of the period for requesting a contested case hearing, the Director shall either issue a final order on the extension request, or schedule a contested case hearing if a protest has been submitted, and, upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or, the applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests. The hearing will be conducted as provided in Oregon Revised Statutes (ORS) Chapter 183, and Oregon Administrative Rules (OAR) 137-003-0501 to 137-003-0700.

If the applicant does not request a hearing within 30 days after the close of the protest period, or if the request for a hearing is withdrawn, or the Department or the administrative law judge is notified that the protestant will not appear, or the protestant fails to appear, at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

A party may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-8260, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

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- If you have questions about statements contained in this document, please contact Jeffrey D. Pierceall at 503- 979-3213.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

<ul style="list-style-type: none"> • Address any correspondence to : 	Water Right Services Division 725 Summer St NE, Suite A Salem, OR 97301-1266
Fax: 503-986-0901	

V000600633

OREGON WATER RESOURCES DEPT

5/2/2023

INVOICE NO

DATE

AMOUNT

NET AMOUNT

Application Fee

04/26/2023

780.00

780.00

CHECK: 108540

CHECK TOTAL:

780.00

RECEIVED

MAY 17 2023

OWRD
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **140731**

INVOICE # _____

RECEIVED FROM: Early Morning LLC
BY: _____

APPLICATION	<u>6-11241</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 108540 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 780.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$ <u>780.00</u>

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT:

140731

DATED:

5/17/2023

BY:

Cesa D-Miner

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

G-18836

Application: G-11241 Permit: G-1134
Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit
Holder(s)

Iseli Nursery, Inc
30590 SE Kelso Road
Boring, OR 97009

Proposed Completion Date: 10-1-2024

☒ WRIG...Money Received on: 5-17-2023

☐ Extension Specialist ...

☐ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

☒ Kyler
Tonya Miller...

☐ Recent Assignment (Check WRIS for Update)

☒ Publish on Public Notice (initial 30-day comment): Date of
notice MAY 23 2023

☒ Update WRIS Database

☒ In the "PNotice Date" field... Enter the date the Extension Application
was published on the Public Notice.

☐ In the "Ext Filed" field... Enter the date the Extension Application was
received.

☒ Yes or ☐ No: Return file to Extension Specialist after PN MAY 23 2023

NOTES:

SEND ALSO TO
Ted Rosster
P.O. Box 11268
Portland, OR 97211



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

May 23, 2023

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-11241 (Permit G-18836)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 979-3213. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.



Oregon

Tina Kotek, Governor

G11241

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone 503 986-0900
Fax 503 986-0904

May 17, 2023

ISELI NURSERY INC.
30590 SE KELSO RD
BORING, OR 97009

REFERENCE: Permit Amendment Application T-13802

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Corey Courchane, by telephone at (503) 979-3511 or by e-mail at Corey.A.courchane@water.oregon.gov.

Sincerely,

Flor Pena
Water Rights Services Support
Transfers and Conservation Section

cc: Amy J. Landvoigt, Watermaster Dist. # 20 (via email)
Ted Ressler, Agent

Enclosure

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-13802, Clackamas County	)	APPROVING ADDITIONAL POINTS OF
	)	APPROPRIATION AND A CHANGE IN
	)	PLACE OF USE

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

ISELI NURSERY
ATTN: GREG ELWELL
30590 SE KELSO ROAD
BORING, OR 97009

Findings of Fact

1. On August 18, 2021, ISELI NURSERY, ATTN: GREG ELWELL filed an application for additional points of appropriation and to change the place of use under Permit G-11134. The Department assigned the application number T-13802.
2. On September 11, 2008, the Department approved an extension of time under Permit G-11134 for complete application of water to October 1, 2013.
3. On December 18, 2008, Iseli Nursery, Inc., filed an application for additional points of appropriation and to change a portion of the place of use under Permit G-11134. The Department assigned the application number T-10751.
4. On March 25, 2009, the Department issued a Final Order (Special Order Volume 77, Page 443), approving additional points of appropriation and a change in place of use under Permit G-11134.
5. On July 29, 2016, the Department approved an extension of time under Permit G-11134 for complete application of water to October 1, 2023.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 you may either petition for judicial review or 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.

6. Notice of the application for the permit amendment was published in the Department's weekly notice on September 7, 2021, and in the Sandy Post newspaper on March 22 and 29, 2023, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
7. On December 21, 2021, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of a deficiency in the application. The application did not include the correct amount of fees to process the application. The Department requested that the deficiencies be resolved by January 25, 2022.
8. On December 27, 2021, the Department received the additional fees requested, resolving the deficiency.
9. Permit Amendment Application T-13802 proposes additional points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NE	WELL OPTION B - 105 FEET SOUTH AND 640 FEET WEST FROM THE NE CORNER OF SECTION 7
2 S	4 E	WM	7	SE NE	WELL OPTION C - 1345 FEET SOUTH AND 640 FEET WEST FROM THE NE CORNER OF SECTION 7
2 S	4 E	WM	8	NW NW	WELL OPTION A - 85 FEET SOUTH AND 485 FEET EAST FROM THE NW CORNER OF SECTION 8

Approximate distance from authorized points of appropriation in miles (mi.)								
Wells	1	2	3	4	5	7	8	9
WELL OPTION A	0.7 mi.	0.7 mi.	0.3 mi.	0.3 mi.	0.6 mi.	0.6 mi.	0.5 mi.	0.1 mi.
WELL OPTION B	0.5 mi.	0.4 mi.	0.4 mi.	0.4 mi.	0.7 mi.	0.4 mi.	0.7 mi.	0.3 mi.
WELL OPTION C	0.5 mi.	0.5 mi.	0.4 mi.	0.4 mi.	0.6 mi.	0.5 mi.	0.7 mi.	0.4 mi.

10. Permit Amendment Application T-13802 also proposes to change the place of use of the permit to:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	7	NE NE	35.4
2 S	4 E	WM	7	NW NE	18.6
2 S	4 E	WM	7	SW NE	10.2
2 S	4 E	WM	7	SE NE	39.5
2 S	4 E	WM	7	NE NW	34.7
2 S	4 E	WM	7	SE NW	27.8
2 S	4 E	WM	7	NE SW	33.5
2 S	4 E	WM	7	SE SW	14.4
2 S	4 E	WM	7	NW SE	24.6
2 S	4 E	WM	7	SW SE	0.8
2 S	4 E	WM	8	NW NE	1.6
2 S	4 E	WM	8	SW NE	35.6

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	8	NE NW	16.3
2 S	4 E	WM	8	NW NW	26.6
2 S	4 E	WM	8	SW NW	35.3
2 S	4 E	WM	8	SE NW	29.6
2 S	4 E	WM	8	NE SW	28.4
2 S	4 E	WM	8	NW SW	3.6
Total					416.5

Permit Amendment Review Criteria

11. The changes would not result in injury to other water rights.
12. The proposed place of use is owned and/or controlled by the permit holder.
13. The changes do not enlarge the permit.
14. The changes do not alter any other terms of the permit.
15. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

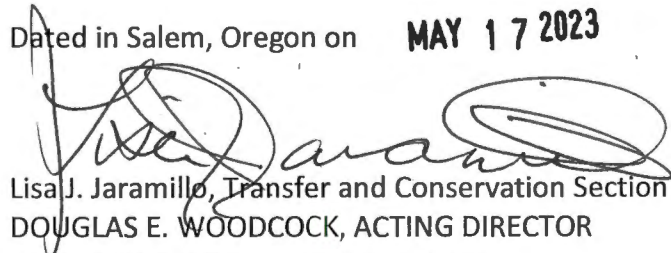
The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-13802 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-13802 are approved.
2. Permit G-18836, in the name of ISELI NURSERY, ATTN: GREG ELWELL, is issued to replace Permit G-11134, and incorporates the amendments approved by this order, and the extensions of time. Permit G-11134, in the name of ISELI NURSERY INC, GREG PILCHER is no longer of any force or effect.
3. The combined quantity of water diverted at the new additional points of appropriation (Well Options A, B, and C), together with that diverted at the old points of appropriation (Wells 1-5, and 7-9), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1-5, and 7-9).

4. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
5. Water shall be acquired from the same aquifer as the original points of appropriation.
6. The former place of use shall no longer be irrigated as part of this permit.
7. All other terms and conditions of Permit G-18836 remain the same.

Dated in Salem, Oregon on **MAY 17 2023**



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department

Mailing Date: **MAY 18 2023**

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ISELI NURSERY
ATTN: GREG ELWELL
30590 SE KELSO ROAD
BORING, OR 97009

This superseding permit is issued to describe an amendment for additional points of appropriation and a change in place of use proposed under Permit Amendment Application T-13802 and approved by Special Order Vol. 128, Page ~~385~~, entered May 17, 2023, an amendment for additional points of appropriation and a change in place of use proposed under Permit Amendment T-10751 and approved by Special Order Vol. 77, Page 443, entered March 25, 2009, and extension of time for complete application of water approved September 11, 2008, and July 29, 2016. This permit supersedes Permit G-11134.

to use the waters of EIGHT WELLS in the TICKLE CREEK BASIN for NURSERY OPERATIONS ON 416.5 ACRES.

This permit is issued approving Application G-11241. The date of priority is MARCH 5, 1984. The use is limited to not more than 1650.0 GALLONS PER MINUTE (GPM), BEING 100 GPM FROM WELLS 1, 2, 3, 4, 5, 7, 8, 9, WELL OPTION A, WELL OPTION B, AND WELL OPTION C, 350 GPM FROM 1, 2, 3, 4, 5, 7, 8, 9, WELL OPTION A, WELL OPTION B, AND WELL OPTION C, 750 GPM FROM 1, 2, 3, 4, 5, 7, 8, 9, WELL OPTION A, WELL OPTION B, AND WELL OPTION C, 350 GPM FROM 1, 2, 3, 4, 5, 7, 8, 9, WELL OPTION A, WELL OPTION B, AND WELL OPTION C, AND 100 GPM FROM 1, 2, 3, 4, 5, 7, 8, 9, WELL OPTION A, WELL OPTION B, AND WELL OPTION C, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NE	WELL OPTION B - 105 FEET SOUTH AND 640 FEET WEST FROM THE NE CORNER OF SECTION 7
2 S	4 E	WM	7	SE NE	WELL OPTION C - 1345 FEET SOUTH AND 640 FEET WEST FROM THE NE CORNER OF SECTION 7
2 S	4 E	WM	7	NE NW	WELL 1 - 525 FEET SOUTH AND 2165 FEET EAST FROM THE NW CORNER OF SECTION 7
2 S	4 E	WM	7	NE NW	WELL 2 - 535 FEET SOUTH AND 2335 FEET EAST FROM THE NW CORNER OF SECTION 7
2 S	4 E	WM	7	NE NW	WELL 3 - 810 FEET SOUTH AND 2610 FEET EAST FROM THE NW CORNER OF SECTION 7

2 S	4 E	WM	7	NE NW	WELL 7 – 60 FEET SOUTH AND 2600 FEET EAST FROM THE NW CORNER OF SECTION 7
2 S	4 E	WM	8	SW NE	WELL 8 - 1360 FEET SOUTH AND 2330 FEET WEST FROM THE NE CORNER OF SECTION 8
2 S	4 E	WM	8	NE NW	WELL 4 – 1050 FEET SOUTH AND 1460 FEET EAST FROM THE NW CORNER OF SECTION 8
2 S	4 E	WM	8	NW NW	WELL 9 – 85 FEET SOUTH AND 1015 FEET EAST FROM THE NW CORNER OF SECTION 8
2 S	4 E	WM	8	NW NW	WELL OPTION A – 85 FEET SOUTH AND 485 FEET EAST FROM THE NW CORNER OF SECTION 8
2 S	4 E	WM	8	SE NW	WELL 5 – 2600 FEET SOUTH AND 2350 FEET EAST FROM THE NW CORNER OF SECTION 8

The amount of water used for Nursery Operations (OAR 690) is limited to a diversion 0.15 cubic foot per second per acre and 5.0 acre feet per acre. For 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 at any time 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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under the permit is as follows:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	7	NE NE	35.4
2 S	4 E	WM	7	NW NE	18.6
2 S	4 E	WM	7	SW NE	10.2
2 S	4 E	WM	7	SE NE	39.5
2 S	4 E	WM	7	NE NW	34.7
2 S	4 E	WM	7	SE NW	27.8
2 S	4 E	WM	7	NE SW	33.5
2 S	4 E	WM	7	SE SW	14.4
2 S	4 E	WM	7	NW SE	24.6
2 S	4 E	WM	7	SW SE	0.8
2 S	4 E	WM	8	NW NE	1.6
2 S	4 E	WM	8	SW NE	35.6
2 S	4 E	WM	8	NE NW	16.3
2 S	4 E	WM	8	NW NW	26.6
2 S	4 E	WM	8	SW NW	35.3
2 S	4 E	WM	8	SE NW	29.6
2 S	4 E	WM	8	NE SW	28.4
2 S	4 E	WM	8	NW SW	3.6
Total					416.5

Permit Amendment T-13802 Conditions:

The combined quantity of water diverted at the new additional points of appropriation (Well Options A, B, and C), together with that diverted at the old points of appropriation (Wells 1-5, and 7-9), shall not exceed the quantity of water lawfully available at the original points of appropriation (Wells 1-5, and 7-9).

Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

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

The former place of use shall no longer be irrigated as part of this permit.

Permit Amendment T-10751 Conditions:

The combined quantity of water diverted at the new points of appropriation, together with that diverted at the authorized points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

Prior to water use from the additional wells, the water user shall install and maintain a headgate(s), in-line flow meter(s), weir(s), or other suitable device(s) and shall keep a complete record of the amount of groundwater withdrawn.

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

The former places of use shall no longer be irrigated as part of this permit.

Original Permit Conditions:

The well 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 elevations in the well at all times. When required by the Department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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 data every ten years thereafter.

The original permit was issued November 13, 1990. Completion of construction was to be made on or before October 1, 1992, and complete application of the water to the use was to be made on or before October 1, 1993. By Extension of Time Final Order dated July 29, 2016, the deadline for complete application of water to the use was extended to October 1, 2023.

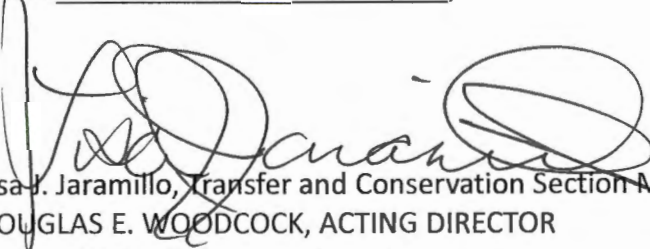
Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

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.

Issued **MAY 17 2023**;



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
DOUGLAS E. WOODCOCK, ACTING DIRECTOR
Oregon Water Resources Department



May 12, 2023

Mr. Jeffrey Pierceall
Extensions of Time
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Subject: Extension of Time Application for Permit G-11134

Mr. Pierceall,

On behalf of the applicant, Iseli Nursery, Inc., please find enclosed an extension of time application for Permit G-11134 (Application G-11241). Please also find enclosed a check in the amount of \$780 for payment of the required fee for the extension of time application.

Please send copies of all correspondence relating to this application to both the applicant and to my attention. If you have any questions regarding the enclosed application or the information contained therein, please feel free to call me at 503-701-4535.

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources, LLC

Enclosures:

Extension of Time Application for Permit G-11134
Check #108540 in the amount of \$780

Cc: Greg Elwell – Iseli Nursery, Inc.

RECEIVED

MAY 17 2023

**OWRD
SALEM, OREGON**

**Application for
Extension of Time
for a Water Right Permit
(NON-Municipal/ NON-Quasi-Municipal)**



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

Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) If required, a fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

RECEIVED

MAY 17 2023

**OWRD
SALEM, OREGON**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT
***A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).***

I, Iseli Nursery, Inc. Attn: Greg Elwell

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

30590 SE Kelso Road
ADDRESS

Boring
CITY

OR
STATE

97009
ZIP

503-663-3822
PHONE

gelwell@iselinursery.com
E-MAIL ADDRESS

the permit holder of: Application Number G-11241

Permit Number G-11134
[OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and
water put to full beneficial use, which time now expires on Month: October Day: 1 Year: 2023,
be extended to October 1, 2024, [OAR 690-315-0020(3)(i)]

I am the permit holder, and may apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

Greg Elwell
Signature

4-25-23
Date

Greg Elwell
Printed Name

General Manager
Title

The agent below is authorized to represent the applicant in all matters relating to THIS application.

Permit Holder Initials

Theodore Ressler
Summit Water Resources, LLC
Authorized Agent (Print Agent Name)

503-701-4535
tressler@summitwr.com
Agent contact

RECEIVED
MAY 17 2023
OWRD
SALEM, OREGON

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$780
- Signature page (Second page of this Application for Extension of Time).
- Letter granting an agent authority to act on behalf of the permit holder (*if applicable*)
- All supporting documentation and/or evidence referenced in the Application for Extension of Time. (ODFW Fish screen approval or waiver, contract for stored water, etc)

MAIL COMPLETED APPLICATION

along with the Supporting documents and/ or evidence and correct fee to:

Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301

RECEIVED
MAY 17 2023
OWRD
SALEM, OREGON

GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS.
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

- An Application for an Extension of Time will be reviewed for completeness. A response is required for each item contained in the application. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Previous Applications and Orders.** Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department's Website. **NOTE: If the document requested is not available on the Department's website, you may be required to submit a Public Record Request.**
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these items.

1. **Beginning Construction within required deadlines.** OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

☒ Yes ☐ No

Date construction began Month: 12 Day: 12 Year: 1962

Details of construction and attach documentation: See Previous Extension Documentation-

For Surface/Reservoir Permit NOT APPLICABLE

Has construction of the water system begun? ☐ Yes ☐ No

Date construction began Month: Day: Year:

Details of construction and attach documentation:

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OAR 690-315-0020(3)(A)(e)(A)

2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions included in the permit, or specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	10/1/2024
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Well ID tag assigned and installed:	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input checked="" type="checkbox"/>	Other (Specify): <u>Checkpoint condition for 10/1/2012</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2/23/2016
<input checked="" type="checkbox"/>	Other (Specify): <u>Checkpoint condition for 10/1/2021</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3/29/2022
Surface Water or Reservoir			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of annual water use report	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A

2b. If you have identified that you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

A flow meter has not yet been installed at Well 9 because the well has not been constructed.

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order. Itemize each work item, and do not combine multiple work actions in one area.* (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops *is not considered work in the development of the water system. Work accomplished under other water rights may not be considered work under this permit.*)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
12/12/1964 to 3/5/1984	Drilled Wells 1, 2, 3, 4, and 5 and connected to the irrigation system for the nursery	\$1,060,000
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
11/13/1990	Date the permit was signed - find date above signature on last page of permit.	
1990-2007	Began developing nursery use on the authorized place of use; 344.29 acres developed	\$640,185
2008	Replaced irrigation system pumps, and irrigation system improvements.	\$46,202.07
9/11/2008	Approved Extension of time to 10/1/2013.	--
12/18/2008	Submitted a permit amendment to add wells 7,8, and 9 (T-10751).	\$4,000
2009	Replaced irrigation system pump, and irrigation system improvements.	\$23,607.37
3/25/2009	Approval of permit amendment T-10751	--
2010	Replaced irrigation system pump, and irrigation system improvements.	\$32,707.91
2011	Replaced well pump and added additional flowmeters, and irrigation improvements.	\$34,375.44
2012	Rehabilitation of Well 3, including new well pump; drilled well #7, replaced irrigation system pump for well #2 and made irrigation system improvements.	\$130,127.87
2013	Installed pump in well #7, connected well #7 to mainline, repaired pump in well #2, replace pump in well #1	\$ 44,943.46
10/1/2013	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
7/29/2016	Approved extension of time to 10/1/2023	
Total Cost for Chart-B		\$2,016,149

* If exact cost is not known, you must provide your best estimate.

4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. *Use chronological order.*

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2013	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
2014	Replaced pump in well #6; new sand filters system 5	\$95,169.81
2015	Replaced nozzles and sprinklers on entire farm	\$77,454.34
2017	Purchase and installation of irrigation pump system	\$1,959.95
2018	Purchase and installation of two irrigation system pumps, piping, fittings, emitters, and electrical for water system pumps	\$63,902.67
2019	Purchase and installation of two irrigation system pumps, piping, fittings, emitters, and electrical for water system	\$47,437.90
2020	Purchase and installation of flow meters for irrigation system	\$5,188.00
2021	Purchase and installation of flow meter for irrigation system, purchase and installation of two irrigation system pumps	\$14,579.00
8/13/2021	Submitted a permit amendment to change the location for Well 9	\$4,000.00
2022	Constructed mainline to connect east and west sides of farm and expanded canyand nursery operations by 10 acres	\$260,400.00
10/1/2023	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost of Chart-C		\$570,092

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: **\$2,586,241**
(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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[OAR 690-315-0020(3)(e)(B)]

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit made to date.

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Maximum volume of stored water used to date = _____ AF or,

Maximum volume stored annually to date = _____ AF

7. For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
1	1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC5615 CLAC 5582		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	250 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
2	2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 5593 CLAC 5587		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	250 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
3	3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 5591 CLAC68982	106368	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	300 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
4	4	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 5619		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	300 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
5	5	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 5639		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	250 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744 Cet. 42886
7	7	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 68983	106364	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	500 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
8	8	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 5622		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	250 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
9	9	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
Total instantaneous rate from all wells utilized under this permit						2100 gpm		

8. Has a Permit Amendment Application been filed? Yes ☒ No ☐
If yes, identify Transfer No. T-10751 and T-13802

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9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit. 350 acres irrigated by 2008; 381.5 acres irrigated by 2013. The full acreage of the permit (416.5 acres) will be irrigated upon approval of permit amendment T-13802.

a) Total acres irrigated to date: 381.5

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres	Year	Acres
1991	243.8	1999	274.3	2007	344.29	2015	381.5
1992	252.3	2000	327.0	2008	350	2016	381.5
1993	258.7	2001	327.0	2009	350	2017	381.5
1994	258.7	2002	327.0	2010	350	2018	381.5
1995	259.3	2003	334.2	2011	350	2019	381.5
1996	262.3	2004	334.2	2012	350	2020	381.5
1997	267.3	2005	343.8	2013	381.5	2021	381.5
1998	267.8	2006	344.3	2014	381.5	2022	381.5

c) Provide a copy of the application map identifying the acres irrigated. Permit map identifying acres irrigated is included as Attachment 1.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA). All of the wells supply the same irrigation system, which is used to irrigate a total of 381.5 acres. Well 9 has not been drilled yet.

(PODs/POAs):

Well 1 : Acres 381.5

Well 3 : Acres 381.5

Well 5 : Acres 381.5

Well 8 : Acres 381.5

Well 2 Acres: 381.5

Well 4 Acres: 381.5

Well 7 Acres: 381.5

Well 9 Acres: Not Drilled Yet

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[OAR 690-315-0020(3)(i)(j)]

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2023	Expand canyard nursery operations by 10 acres	\$110,000
2023-2024	Drill and construction of Well 9, including pump station	\$250,000
2024-2025	Develop a claim of beneficial use	\$4,000
Year: 2024	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$364,000

[OAR 690-315-0020(3)(g)]

11. Estimated remaining cost to complete the project: \$364,000

(The total cost from CHART-E)

[OAR 690-315-0020(3)(j)]

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: (List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)

Development of the water use rate authorized under this permit has been completed; however, the permittee has not yet developed all of the acreage and has not constructed all of the wells authorized for use under the permit. The permittee submitted a permit amendment (T-13802) to OWRD on August 18, 2021, which requested a change in the place of use (to facilitate nursery use on the entire authorized acreage upon approval of the permit amendment) and a change in the authorized location of Well 9 (to match the intended location for the well). The permit holder has been waiting on OWRD to review and approve Permit Amendment T-13802 before initiating drilling of Well 9. As of April 2023, OWRD has not completed its review of T-13802, and as a result, there is no longer sufficient time for the permittee to drill Well 9 before the current completion date of 10/1/2023.

An additional 1 year of time is requested (i.e., 10/1/2024) to provide adequate time to drill and construct Well 9. All permit conditions have been satisfied except, except for the installation of a flow meter at Well 9, which will be satisfied when the well is constructed. Full beneficial use of water, at the entire rate of the permit and the entire acreage of the permit, will be completed upon approval of T-13802 and following construction of Well 9. Provided that OWRD completes its review of T-13802 in 2023, full beneficial use of water will be completed by 10/1/2024.

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[OAR 690-315-0020(3)(k)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

The permittee submitted a permit amendment (T-13802) to OWRD on August 18, 2021, which requested a change in the place of use (to facilitate nursery use on the entire authorized acreage upon approval of the permit amendment) and a change in the authorized location of Well 9 (to match the intended location for the well). The permittee has been waiting on OWRD to review and approve Permit Amendment T-13802 which will enable the permittee to complete development and beneficial use under the permit. It was anticipated that the review of T-13802 would have been completed by the end of 2022, which would have provided 10 months to drill and construct Well 9. As of April 2023, OWRD has not completed its review of T-13802. There is no longer sufficient time for the permit holder to drill Well 9 before the current completion date of 10/1/2023. An extension of the permit to October 1, 2024 is being requested to provide sufficient time to drill and construct Well 9.

[OAR 690-315--0020(3)(l)]

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)*

Yes. Significant investment has been made in developing the water use authorized under this permit- see Charts B and C. A denial of the extension would result in financial hardship to the nursery by the loss of the investment that has been made during the last extension period toward development of Well 9 and the construction of the infrastructure to use water on the proposed place of use included in Permit Amendment T-13802, as well as lost future revenue that would be generated under the modified permit.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail, consider other potential sources of water, and describe their feasibility)*

No reasonable alternatives exist for meeting the water needs of this project. Groundwater supply is needed by the nursery as a 'clean' source of water for certain nursery uses and for mixing with recovered irrigation water and the reclaimed municipal water that is also used by the nursery. The nursery is located in the Sand-Boring Groundwater Limited Area, which makes the opportunity to obtain a new authorization for the use of groundwater unlikely.

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[OAR 690-315-0020(3)(h)]

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.)

Yes. Well 9 was scheduled to be drilled and completed in 2023. The permittee submitted a permit amendment (T-13802) to OWRD on August 18, 2021, which requested a change in the place of use (to facilitate nursery use on the entire authorized acreage upon approval of the permit amendment) and a change in the authorized location of Well 9 (to match the intended location for the well). As of April 2023, OWRD has not completed its review of T-13802. The permittee has been waiting on OWRD to review and approve Permit Amendment T-13802 before initiating drilling of Well 9. Due to the delay in OWRD's review of Permit Amendment T-13802, additional time will be needed to drill and construct Well 9.

[OAR 690-315-0020(3)(h)]

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events)

The delay in completion of the project was not caused by any unforeseen events.

[OAR 690-315-0020(3)(h)]

17. Describe any additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

N/A

[OAR 690-315-0020(3)(m)(n)]

18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

N/A

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail)

This project is an integral part of the nursery's operations (see Question 14b). The investment made in the project is intended to increase the production from the nursery and generated increased income for the nursery, thereby providing a fair and reasonable return on investment.

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[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be affected and how?)

The nursery is intended to be a multi-generational business that provides a source of nursery plants that are distributed all over the country, providing benefits to the local and regional economy. Iseli Nursery supports local manufacturers, suppliers, and workers in the daily operations of the nursery. These increased production from the nursery as a result of this project will increase the local and regional benefits to the economy provided by the nursery.

Attach permit, and documentation to the application

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Attachment 1
Map

Place of Use Permit G-11134

Iseli Nursery
Clackamas County
Township 2 South, Range 3 and 4
East (W.M.)

LEGEND

- ⊙ Authorized Point of Appropriation (POA)
- ▨ POU, as amended by T-10751
- ▨ Nursery acreage developed, prior to T-13802
- ⊕ Tax Lot
- Major Road
- Watercourse
- Waterbody

POA LOCATION DESCRIPTIONS

Well 1 (CLAC 8618): Located 525 feet South and 2,165 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
Well 2 (CLAC 8593): Located 535 feet South and 2,335 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
Well 3 (CLAC 8591): Located 810 feet South and 2,610 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
Well 4 (CLAC 8618): Located 1,050 feet South and 1,490 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)
Well 5 (CLAC 8629): Located 2,000 feet South and 2,350 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)
Well 6 (CLAC 8623): Located 1,360 feet South and 2,330 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
Well 7 (CLAC 8622): Located 1,360 feet South and 2,330 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)
Well 8 (CLAC 8622): Located 1,360 feet South and 2,330 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)
Well 9 (Not constructed): Located 85 feet South and 1,015 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)

DISCLAIMER

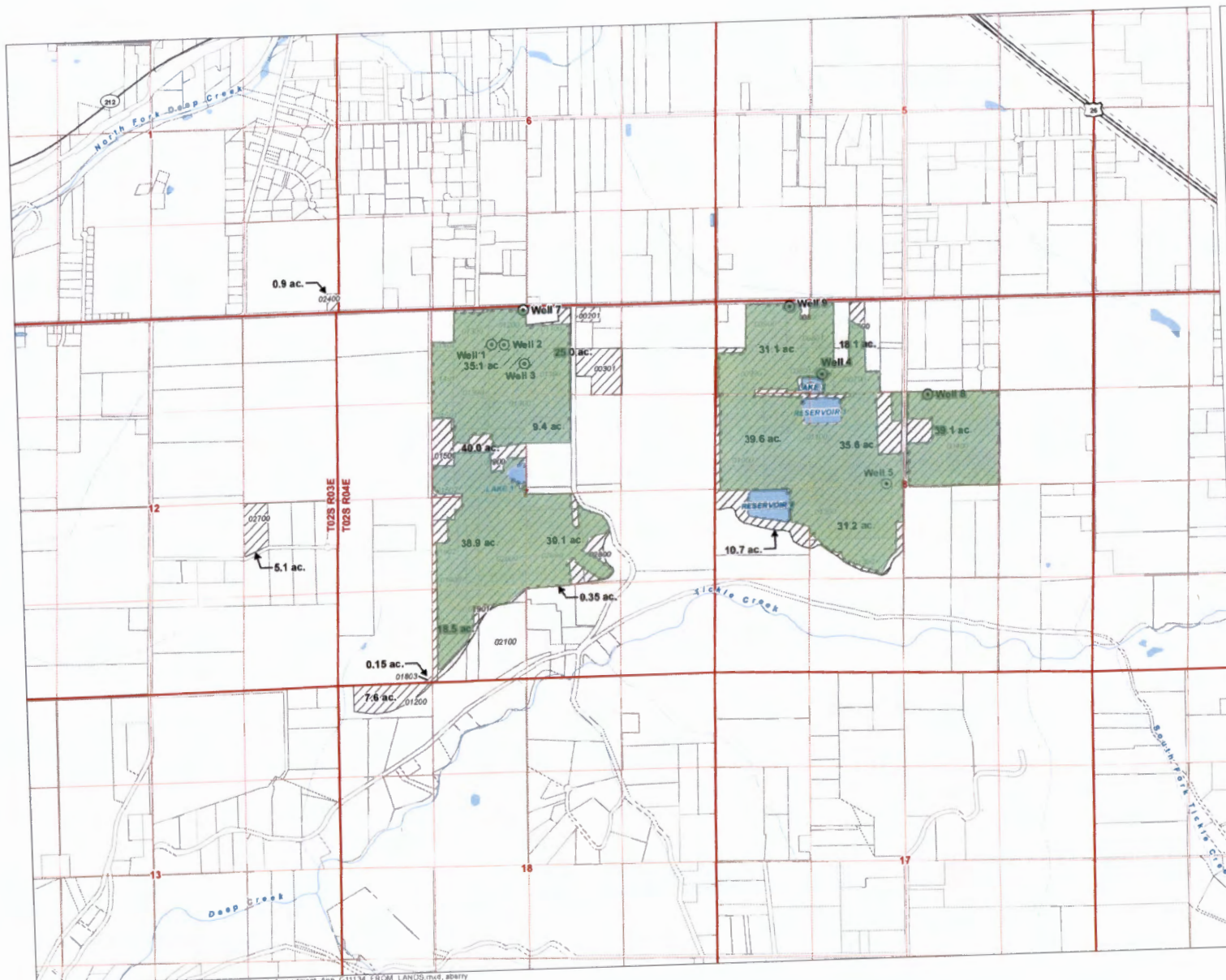
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.



0 660 1,320 1,980

Date: July 7, 2021
Data Sources: BLM, EBRI, ODOT, USGS, METRO

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Attachment 2
Water Right Information

T-13082 (under Review)

Permit Amendment
Permit G-11134
(Application G-11241)
To Lands and Authorized and
Proposed Points of Appropriation
Iseli Nursery
Clackamas County
Township 2 South, Range 3 and 4
East (W.M.)

LEGEND

- Proposed APOA
- Authorized Point of Appropriation (POA)
- To Lands
- Tax Lot
- Major Road
- Watercourse
- Waterbody

POA LOCATION DESCRIPTIONS

Well 1 (CLAC 8618): Located 525 feet South and 2,165 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
 Well 2 (CLAC 8693): Located 535 feet South and 2,335 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
 Well 3 (CLAC 8691): Located 810 feet South and 2,810 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
 Well 4 (CLAC 8619): Located 1,050 feet South and 1,480 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)
 Well 7 (CLAC 8683): Located 80 feet South and 2,800 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
 Well 8 (CLAC 8622): Located 1,360 feet South and 2,330 feet West from the NE corner of Section 8, Township 2 South, Range 4 East (W.M.)
 Well 9 (Not constructed): Located 85 feet South and 1,015 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)
 Well Option A (Not constructed): Located 85 feet South and 485 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)
 Well Option B (Not constructed): Located 105 feet South and 640 feet West from the NE corner of Section 7, Township 2 South, Range 4 East (W.M.)
 Well Option C (Not constructed): Located 1345 feet South and 940 feet West from the NE corner of Section 7, Township 2 South, Range 4 East (W.M.)

DISCLAIMER

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

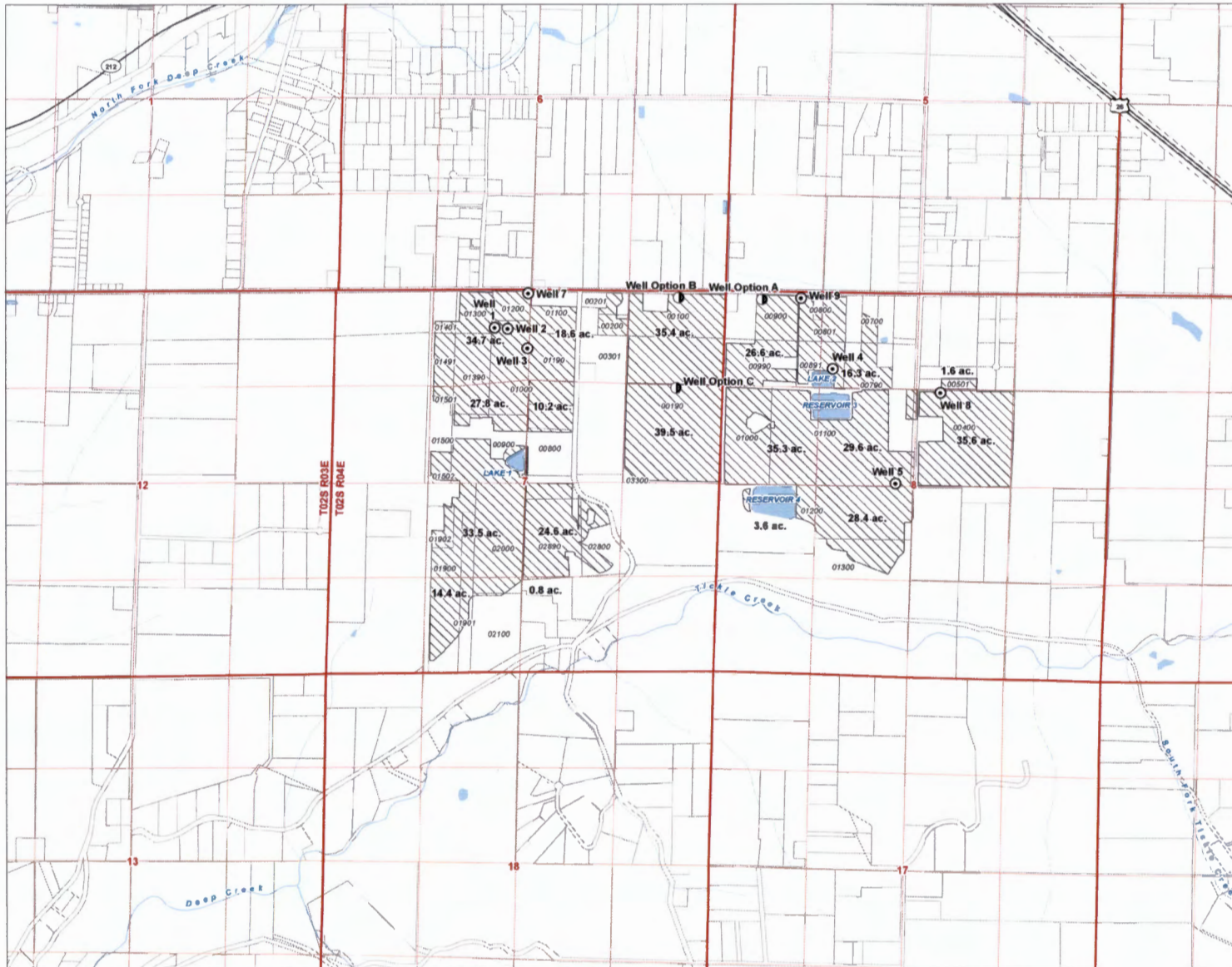


Date: July 7, 2021
 Data Sources: BLM, ESRI, ODOT, USBG, METRO

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OWRD
SALEM, OREGON



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

In the Matter of Permit Amendment	)	FINAL ORDER
T-10751, Clackamas County	)	APPROVING ADDITIONAL POINTS
	)	OF APPROPRIATION AND A
	)	CHANGE IN PLACE OF USE

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

Iseli Nursery, Inc.
Attn Greg Pilcher
30590 SE Kelso Road
Sandy, Oregon 97009

Findings of Fact

Background

1. On December 18, 2008, Iseli Nursery, Inc., filed an application for additional points of appropriation and to change a portion of the place of use under Permit G-11134. The Department assigned the application number T-10751.

2. The permit to be amended is as follows:

Permit:	G-11134 in the name of Iseli Nursery, Inc.
Use:	Nursery uses on 416.5 acres
Priority Date:	March 5, 1984
Quantity:	1650.0 gallons per minute (gpm); being 100 gpm from Well 1, 350 gpm from Well 2, 750 gpm from Well 3, 350 from Well 4, and 100 gpm Well 5
Rate/Duty:	The amount of water used for NURSERY OPERATIONS (OAR 690) 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

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. 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.

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 any time, 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.

Source: Five wells within the Tickle Creek Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 600 feet South and 850 feet East from the NW Corner of the NE¼ NW¼ of SECTION 7.
2 S	4 E	WM	7	NE NW	Well 2 - 600 feet South and 1000 feet East from the NW Corner of the NE¼ NW¼ of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 700 feet South and 1260 feet East from the NW Corner of the NE¼ NW¼ of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 175 feet East from the NW Corner of the NE¼ NW¼ of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 50 feet North and 300 feet West from the C¼ Corner of Section 8.

Authorized Place of Use:

NURSERY USES					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	7	NW NE	26.4
2 S	4 E	WM	7	SW NE	10.0
2 S	4 E	WM	7	NE NW	30.4
2 S	4 E	WM	7	SE NW	30.5
2 S	4 E	WM	7	NE SW	20.0
2 S	4 E	WM	7	SE SW	3.1
2 S	4 E	WM	7	NW SE	28.0
2 S	4 E	WM	8	SW NE	40.0
2 S	4 E	WM	8	NE NW	11.0
2 S	4 E	WM	8	NW NW	32.6
2 S	4 E	WM	8	SW NW	39.0
2 S	4 E	WM	8	SE NW	37.0
2 S	4 E	WM	8	NE SW	40.0
2 S	4 E	WM	8	NW SW	40.0
2 S	4 E	WM	8	SW SW	8.5
2 S	4 E	WM	8	SE SW	20.0

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3. The applicant has provided information that better describes the authorized points of appropriation as being located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.

4. Permit Amendment Application T-10751 proposes additional points of appropriation for the 100 gallons per minute (gpm) allotted to Well 1 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

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5. Permit Amendment Application T-10751 proposes additional points of appropriation for the 350 gpm allotted to Well 2 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

6. Permit Amendment Application T-10751 proposes additional points of appropriation for the 750 gpm allotted to Well 3 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

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7. Permit Amendment Application T-10751 proposes additional points of appropriation for the 350 gpm allotted to Well 4 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

8. Permit Amendment Application T-10751 proposes additional points of appropriation for the 100 gpm allotted to Well 5 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

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9. Permit Amendment Application T-10571 also proposes to change the place of use of the permit to:

NURSERY USES					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	3 E	WM	1	SE SE	0.90
2 S	3 E	WM	12	NE SE	5.10
2 S	4 E	WM	7	NW NE	25.00
2 S	4 E	WM	7	SW NE	9.40
2 S	4 E	WM	7	NE NW	35.10
2 S	4 E	WM	7	SE NW	40.00
2 S	4 E	WM	7	NE SW	38.90
2 S	4 E	WM	7	SW SW	0.15
2 S	4 E	WM	7	SE SW	18.50
2 S	4 E	WM	7	NW SE	30.10
2 S	4 E	WM	7	SW SE	0.35
2 S	4 E	WM	8	SW NE	39.10
2 S	4 E	WM	8	NE NW	18.10
2 S	4 E	WM	8	NW NW	31.10
2 S	4 E	WM	8	SW NW	39.60
2 S	4 E	WM	8	SE NW	35.60
2 S	4 E	WM	8	NE SW	31.20
2 S	4 E	WM	8	NW SW	10.70
2 S	4 E	WM	18	NW NW	7.60

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10. Notice of the application for the permit amendment was published in the Department's weekly notice on December 30, 2008, and in the Sandy Post newspaper on February 18, 25, and March 4, 2009, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

11. The changes would not result in injury to other water rights.
12. The proposed place of use is owned and/or controlled by the permit holder.
13. The changes do not enlarge the permit.
14. The changes do not alter any other terms of the permit.
15. The proposed place of use is contiguous in ownership to the authorized place of use.

Conclusions of Law

The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-10751 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The changes and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the authorized points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. Prior to water use from the additional wells, the water user shall install and maintain a headgate(s), in-line flow meter(s), weir(s), or other suitable device(s) and shall keep a complete record of the amount of groundwater withdrawn.
3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. The former places of use shall no longer be irrigated as part of this permit.
5. All other terms and conditions of Permit G-11134 remain the same.
6. Permit G-11134, in the name of Iseli Nursery, Inc, is amended as described herein.

Dated at Salem, Oregon this 25th day of March, 2009.

for William E. Freder
Phillip C. Ward, Director

Mailing Date: APR 08 2009

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STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ISELI NURSERY, INC.
30590 SE KELSO ROAD
SANDY, OREGON 97009

503-663-3822

to use the waters of FIVE WELLS in the TICKLE CREEK BASIN for NURSERY OPERATIONS ON 416.5 ACRES.

This Permit is issued approving Application G-11241. The date of priority is MARCH 5, 1984. The use is limited to not more than 1650.0 GALLONS PER MINUTE, BEING 100 GPM FROM WELL 1, 350 GPM FROM WELL 2, 750 GPM FROM WELL 3, 350 GPM FROM WELL 4, AND 100 GPM FROM WELL 5, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 7, T 2 S, R 4 E, W.M.; WELL 1 - 600 FEET SOUTH AND 850 FEET EAST; WELL 2 - 600 FEET SOUTH AND 1000 FEET EAST; WELL 3 - 700 FEET SOUTH AND 1260 FEET EAST, ALL FROM NW CORNER, NE 1/4 NW 1/4, SECTION 7.

NE 1/4 NW 1/4, SE 1/4 NW 1/4, SECTION 8, T 2 S, R 4 E, W.M.; WELL 4 - 1050 FEET SOUTH AND 175 FEET EAST FROM NW CORNER, NE 1/4 NW 1/4, SECTION 8; WELL 5 - 50 FEET NORTH AND 300 FEET WEST FROM C 1/4 CORNER, SECTION 8.

The amount of water used for Nursery Operations (OAR 690) 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 at any time 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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under the permit is as follows:

NW 1/4 NE 1/4	26.4 ACRES
SW 1/4 NE 1/4	10.0 ACRES
NE 1/4 NW 1/4	30.4 ACRES
SE 1/4 NW 1/4	30.5 ACRES
NE 1/4 SW 1/4	20.0 ACRES
SE 1/4 SW 1/4	3.1 ACRES
NW 1/4 SE 1/4	28.0 ACRES
SECTION 7	

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SW 1/4 NE 1/4 40.0 ACRES
NE 1/4 NW 1/4 11.0 ACRES
NW 1/4 NW 1/4 32.6 ACRES
SW 1/4 NW 1/4 39.0 ACRES
SE 1/4 NW 1/4 37.0 ACRES
NE 1/4 SW 1/4 40.0 ACRES
NW 1/4 SW 1/4 40.0 ACRES
SW 1/4 SW 1/4 8.5 ACRES
SE 1/4 SW 1/4 20.0 ACRES

SECTION 8

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

The well 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 elevations in the well at all times. When required by the Department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

Actual construction work shall begin on or before November 13, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, November 13, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

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SALEM, OREGON

Application G-11241 Water Resources Department
Basin 2 Volume 23A Tickle Creek & Misc. Wells
G-11241.WJO

PERMIT G-11134
District 16

COURCHANE Corey A

From: Ted Ressler <tressler@gsiws.com>
Sent: Tuesday, June 14, 2016 8:52 AM
To: 'corey.a.courchane@state.or.us'
Subject: Proposed final order, time extension for Permit G-11134

Hi Corey

We received the proposed final order for the extension of time for Permit G-11134. We have reviewed the PFO and are in agreement with the Department's findings. We did note a few minor scrivener's errors and/or omissions in the order:

1. Findings of Fact #1. The issuance date of Permit G-11134 is November 13, **1990**.
2. Findings of Fact #4. The General Manager of Iseli is **Gregory R. Elwell**.
3. Findings of Fact #13. During the last extension period, flow meters have been installed at two of the eight wells, Well 3 and **Well 7**.

I assume these corrections will just be incorporated into the final order (no revised proposed final order needed), correct?

Thank you for assistance with this time extension.

Ted

Theodore R. Ressler

RG, PG, CWRE

Hydrogeologist | GSI Water Solutions, Inc.

direct: 971-200-8509 | cell: 503-701-4535

55 SW Yamhill Street, Suite 300 | Portland, OR 97204

www.gsiws.com | tressler@gsiws.com

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)	
for Permit G-11134 (modified by Permit Amendment T-)	
10751), Water Right Application G-11241, in the name of	)	FINAL ORDER
Iseli Nursery, Inc.		

Permit Information

Application:	G-11241
Permit:	G-11134 (modified by Permit Amendment T-10751)
Basin:	3 – Sandy / Watermaster District 20
Date of Priority:	March 5, 1984
Source of Water:	Eight wells in the Tickle Creek Basin
Purpose of Use:	Nursery operations on 416.5 acres
Maximum Rate:	1,650 gallons per minute (gpm)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or 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.

Application History

Permit G-11134 was issued by the Department on November 13, 1990, and modified by Permit Amendment T-10751 on March 25, 2009. The permit called for actual construction of the well to begin by November 13, 1991, completion of construction by October 1, 1992 and complete application of water to beneficial use by October 1, 1993. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2013. On March 29, 2016, Iseli Nursery, Inc. submitted an Application for Extension of Time for Permit G-11134. In accordance with OAR 690-315-0050(2), on May 10, 2016, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2023, and the time to fully apply water to beneficial use to October 1, 2023. The

protest period closed June 24, 2016, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

Except as expressly stated herein, The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated May 10, 2016.

Finding of Fact 1, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "strikethrough" text):

Permit G-11134 was issued by the Department on November 13, ~~1991~~ 1990. The permit authorizes the use of up to 1,650 gpm of water, being 100 gpm from Well 1, 350 gpm from Well 2, 750 gpm from Well 3, 350 gpm from Well 4, and 100 gpm from Well 5 from five Wells in the Tickle Creek Basin for nursery operations on 416.5 acres. The permit specified actual construction of the well to begin by November 13, 1991, construction of the water system was to be completed by October 1, 1992, and complete application of water was to be made on or before October 1, 1993.

Finding of Fact 4, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "strikethrough" text):

On behalf of the permit holder, ~~Gary~~ Gregory R. Elwell, General Manager of Iseli Nursery, Inc., submitted an "Application for Extension of Time" to the Department on March 29, 2016, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-11134 be extended from October 1, 2013 to October 1, 2023.

Finding of Fact 13, as shown in the Proposed Final Order is corrected as follows (additions are shown in "underline" text, deletions are shown in "strikethrough" text):

Since October 1, 1993, the permit holder has installed a flow meter on Well 3 and Well 7.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2021. A form will be enclosed with your Final Order.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

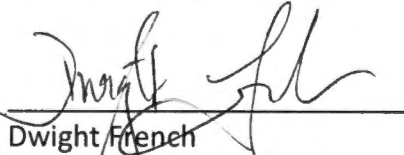
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-11241, Permit G-11134, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended from October 1, 2013 to October 1, 2023. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2013 to October 1, 2023.

DATED: July 29, 2016



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

-
- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0825.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

FO Date: July 29, 2016

Copies Mailed

Application: G-11241

By: SP

Permit: G-11134

On: 7-29-16

Original mailed to permit holder

Iseli Nursery, Inc.
30590 SE Kelso Road
Sandy, OR 97009

Copies sent to:

1. WRD - App. File G-11241/ Permit G-11134
2. GSI Water Solutions
Attention: Ted Ressler
55 SW Yamhill Street, Suite 300
Portland, OR 97204

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving notification via e-mail - FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 20, Amy Kim

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by CC Date 7-28-16

CASEWORKER: CAC

Application for Extension of Time

Permit Information

Please read this Proposed Final Order in its entirety as it contains additional conditions not included in the original permit.

- Grant an extension of time to complete construction of the water system from October 1, 2013 to October 1, 2023.
- Grant an extension of time to apply water to full beneficial use from October 1, 2013 to October 1, 2023¹.
- Make the extension subject to certain conditions set forth below.

¹Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

PFO – Proposed Final Order

gpm – gallons per minute

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit G-11134 was issued by the Department on November 13, 1991. The permit authorizes the use of up to 1,650 gpm of water, being 100 gpm from Well 1, 350 gpm from Well 2, 750 gpm from Well 3, 350 gpm from Well 4, and 100 gpm from Well 5 from five Wells in the Tickle Creek Basin for nursery operations on 416.5 acres. The permit specified actual construction of the well to begin by November 13, 1991, construction of the water system was to be completed by October 1, 1992, and complete application of water was to be made on or before October 1, 1993.

2. On March 25, 2009, the Department approved Permit Amendment T-10751 (Special Order Volume 77, Page 443) authorizing additional points of appropriation and a change in place of use under Permit G-11134 (modified by Permit Amendment T-10751), which is hereafter referred to simply as permit G-11134.
3. One prior permit extension has been granted for Permit G-11134. The most recent extension request resulted in the completion dates for construction being extended from October 1, 1992 to October 1, 2013, and full application of water being extended from October 1, 1993 to October 1, 2013.
4. On behalf of the permit holder, Gary R. Elwell, General Manager of Iseli Nursery, Inc., submitted an "Application for Extension of Time" to the Department on March 29, 2016, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-11134 be extended from October 1, 2013 to October 1, 2023.
5. Notification of the Application for Extension of Time for Permit G-11134 was published in the Department's Public Notice dated April 5, 2016. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230², 537.248³, 537.630⁴ and/or 539.010(5)⁵.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

6. On March 29, 2016, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

7. Actual construction of the well began prior to the November 13, 1991 deadline specified in the permit. According to the permit holder, construction of Well 5 began December 12, 1962.

According to the well log received by the Department on April 20, 1987, Well 1 (CLAC 5615) construction began June 1951. The Department has determined that the prosecution of the construction of the well began prior to permit issuance.

²ORS 537.230 applies to surface water permits only.

³ORS 537.248 applies to reservoir permits only.

⁴ORS 537.630 applies to ground water permits only.

⁵ORS 539.010(5) applies to surface water and ground water permits.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

8. As of March 29, 2016, the permit holder states the remaining work to be completed consists of completing construction of the water system, developing Well 9, meeting all permit conditions, and applying water to full beneficial use on the remaining 35 acres.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2023, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-11134 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

9. The application states, work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Actual construction of the wells began prior to the November 13, 1991 deadline specified in the permit. Construction of the Well 1, Well 2, Well 3, Well 4, Well 5 and Well 8 were completed prior to November 13, 1991.
 - b. Work was completed during the original development time frame under Permit G-11134.
 - d. During the most recent extension period, being from October 1, 1993, to October 1, 2013, the following was accomplished:
 - Completed construction of the Well 7;
 - Rehabilitated Well 3; and
 - Installed a pump, meter, and mainline pipes.

e. Since October 1, 2013, the applicant states the following was accomplished:

- Replaced pump in Well 6; and
- Replaced nozzles and sprinklers on entire irrigation system.

The Department has determined that work has been accomplished within the time allowed in the permit, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

10. The application states a maximum rate of 2,100 gpm of water has been appropriated from seven wells for irrigation of 381.5 acres. This exceeds the amount of water for nursery operations authorized under this permit. The authorized amount of water is 1,650 gpm. The wells authorized under this permit are also being utilized under T-10744, and Well 5 under certificate 42886. The permit holder states that the system is all tied together.
11. Beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 2013.
12. According to the permit holder, delay of full beneficial use of water under Permit G-11134 was due, in part, to the recession in 2008, compounded with the decreased demand for nursery stock, created financial hardship for the nursery that resulted in slower than expected development. The permit holder needs more time in which to complete development, and apply the water to beneficial use on the remaining 35 acres allowed under the permit.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

13. Since October 1, 1993, the permit holder has installed a flow meter on Well 3.
14. As required by OAR 690-315-0050(6), the Department, as specified in the "Conditions" section of the Final Order dated September 11, 2008 a progress checkpoint was due October 1, 2012. The Department received the written progress report on February 29, 2016. Receipt of the progress report was published on the Department's weekly Public Notice, dated March 8, 2016.
15. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that a flowmeter or other suitable measuring device has been installed on all wells authorized under this permit.

The Department has determined that this extension will allow the installation of flowmeters on all the wells under this permit after 2013 to satisfy compliance of the condition of “prior to water use from the additional wells, the water user shall install and maintain an inline flow meter”, in an effort to make proof of beneficial use of the water as required by Permit G-11134.

Failure to comply with permit conditions constitutes illegal use of water. Beneficial use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Financial Investments to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

16. The application states the permit holder has invested about \$1,544,588, which is approximately 83 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$310,000 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

17. The Department has found good faith of the appropriator under Permit G-11134.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department’s determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].

18. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-11134; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted. The points of appropriation for Permit G-11134, are located within the Trickle Creek Basin, which is located within Sandy-Boring Limited- Deep Troutdale limited groundwater area. North Fork Deep Creek is located above the Clackamas Scenic Waterway, however, it is located within an area ranked “highest” for stream flow

7

restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].

19. None have been identified.

Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].

20. None have been identified.

21. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

22. Use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

23. Delay in the development of this project was not caused by any other governmental requirements.

Unforeseen Events [OAR 690-315-0040(2)(h)]

24. None have been identified.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Based on Finding of Facts 7 through 17, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2023, as required by OAR 690-315-0040(1)(c).

5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 21 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-11134.

Continued on the following page

PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to complete construction of the water system under Permit G-11134 from October 1, 2013 to October 1, 2023.

Extend the time to apply water to beneficial use under Permit G-11134 from October 1, 2013 to October 1, 2023.

Subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2021. A form will be enclosed with your Final Order.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: June 7, 2016


Dwight W. French, Administrator,
Water Right Services Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than July 22, 2016, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

- If you have questions about statements contained in this document, please contact Corey A Courchane at (503)986-0825.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901

Mailing List for Extension PFO Copies

PFO Date: June 7, 2016

Copies Mailed

Application: G-11241

By: SP

Permit: G-11134

On: 6-7-16

Original mailed to Applicant:

Iseli Nursery, Inc.
30590 SE Kelso Road
Sandy, OR 97009

Copies sent to:

1. WRD - App. File G-11241/ Permit G-11134
2. GSI Water Solutions
Attention: Ted Ressler
55 SW Yamhill Street, Suite 300
Portland, OR 97204

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 20, Amy Kim

CASEWORKER: CAC

Application # G-11241 Permit # G-11134

Public Notice Route Slip ... New Application Extension of Time

per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**

Money Received on: 3-29-16

◆ **Extension Specialist...**

☐ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

◆ **Stacy Phillips...**

☒ Publish on Public Notice (initial 30-day comment): Date of notice 4-5-16

☒ Update WRIS Database

☒ In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

☒ In the "Ext Filed" field... Enter the date the Extension Application was received.

☐ Yes or ☐ No: Return file to Extension Specialist after PN Corey

GARDENS ALIVE!

187493

187493

ORE725

STATE OF OREGON WATER RESOURCES DEPARTM

3/24/2016

20160322

3/22/2016

575.00

0.00

575.00

RECEIVED BY OWRD

MAR 29 2016

SALEM, OR

575.00

0.00

575.00

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **119315**

INVOICE # _____

RECEIVED FROM: Gardens Alive!

BY: _____

APPLICATION	G-11241
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 187493 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 575.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	\$
_____	OTHER: (IDENTIFY) _____	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY) _____	\$
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$
0240	EXTENSION OF TIME	\$ <u>575.00</u>

WATER RIGHTS:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT:

119315

DATED:

3/29/16

BY:

Carlos O. Turner



Oregon
Kate Brown, Governor

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

April 1, 2016

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-11241 (Permit G-11134)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Corey Courchane at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

- ☒ 1. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? yes
If the permit has been cancelled, the Extension Application cannot be accepted.
- ☒ 2. Is the extension applicant's name and mailing address the permit holder of record? yes
If an Assignment has **not** yet occurred, and is **not** submitted with the Extension of Time Application, the application cannot be accepted.
- ☒ 3. Did Construction begin on or before the "A" date (Actual Construction date), If no "A" date then by the "C" date (Completion Date)? yes
IF NO, Return application, The Extension cannot be granted.
- ☒ 4. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
- ☒ 5. Is the appropriate Extension of Time Application used? yes
If the wrong application form is used, the Extension Application cannot be accepted.
• If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
• If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."
- ☒ 6. Are the requested date(s) for extension identified (Page 1)? yes
• Check the permit to see if it includes a "B-Date" and/or a "C-Date!"
"B-Date" = date by which construction of the water delivery system for the permit is to be completed.
"C-Date" = date by which full beneficial use of water under the permit is to be accomplished AND CONSTRUCTION MUST BEGIN by if no "A" DATE.
- ☒ 7. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? yes
(If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.)
If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.
- ☒ 8. Are all questions on the application answered? yes
(NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)
- ☒ 9. Has the \$575 fee been paid? yes
***If applicable, has the \$85 fee for the Assignment been paid?** _____
(As of July 1, 2013, the Extension of Time fee is \$575, and Request for Assignment fee is \$85)
If the fee has **NOT** been paid, the application cannot be accepted.
****NOTE:** If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within one week, hold the Extension Application, and explain to them that if it is not received the application will be returned (as we are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks).
- ☐ 10. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Non-Muni Extension Application to Machel Bamberger or Corey Courchane. For municipal application route to, Machel Bamberger. One will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter.

Reviewed by: Corey Date: 3-30-16

Extension PFO Checklist for Other than Muni or Quasi-Municipal Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

SO vol 77 p. 443

Application: 6-11241 Permit: 6-11134 Permit Amendment? No ☐ Yes ☒ T- 10751 ☐ pending
3-25-2009 ☒ approved
Permit Holder's Name: Iseli Nursery, Inc. APOL
APOA

Permit Holder's Mailing Address: 30590 SE Kelso Rd Sandy OR 97009 email: ge.lwell@iselinursery.com
Phone Number: 503-663-3822

Agent/CWRE Ted Ressler GSI

Drainage Basin: 2 County: Clackamas Watermaster District: 16 Watermaster: Joel Platin Amy Lim
MWR
M. McDonald
Lower Willamette

Date Permit was issued: November 13, 1990 Priority Date: March 5, 1984 Date of PN: 4-5-2016

Source: Eight wells in the Tickle Creek Basin

Use: Nursery operations on 46.5 acres

"Q": 1650 gpm - see notes on back

Orig "A" Date: Nov. 13, 1991 Orig "B" Date: 10/1/1992 Orig "C" Date: 10/1/1993

Extension request received: 3-29-16 Last Authorized "B" Date: 10/1/2013 Last Authorized "C" Date: 10/1/2013

Request Number (1, 2, 3...): 2 Proposed "B" Date: 10/1/2023 Proposed "C" Date: 10/1/2023

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
✓		Began Construction: <u>Well 1</u> <u>June 1991</u>
	✓	<u>Meter inline flow</u>

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- ☒ ☐ Work was accomplished within the time allowed in the permit or previous extension
- ☐ ☒ Water right permit holder conformed with the permit or previous extension conditions
- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 2100 cfs/gpm/af of the total permitted quantity of water on 380.5 acres

- ☒ ☐ Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$1,544,588 Estimated Remaining Cost: \$310,000

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes ☒ No ☐

GW REVIEW: Y ☒ Ce

MITIGATION REVIEW: Y ☒

only authorized 1650 — wells also utilized under T-10744 and Cert 42586. state All well art tied into one syste

Application _____ - _____ Permit _____ - _____ Township _____ Range _____ Section _____

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. ~~N. Fork Deep Creek~~ ^{surface water} Deep Creek

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

- ☒ ☐ above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map
- ☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- ☒ ☐ within a critical or limited Ground Water Area? Name of area Sandy-Boring Limited-Deep Troutdale
- ☒ ☐ within a sensitive, threatened or endangered species area source: "/>

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. ☒ Approval of Extension Request

No ... "Good Cause" cannot be found. ☐ Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes ☒ No ☐

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

☒ 5-year Progress Report Checkpoints (Years: 2021)

☒ Other: Last Extension was

LAST progress report show due diligence show - most of the \$ was maintenance

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

☐ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

☐ **COBU Requirement - Surface Water - post July 9, 1987**

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

☒ **COBU Requirement - Ground Water - post July 9, 1987**

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

1650 gpm, being 100 gpm from well 2,3,4,5,7,8,9; 350 gpm from 1,3,4,5,7,8,9;
750 gpm from well 1,2,4,5,7,8,9; 350 gpm from well 1,2,3,5,7,8,9;
100 gpm from well 1,2,3,4,7,8,9

same as 1,650 gpm Total - system is tied together

Extension "PFO" Dates

Mailing / Issuance Date: May 10 Protest Deadline Date: June FO Issuance Date: _____

Reviewer's Name: Corey Date: 3-30-16

**Application for Extension of Time for a Water Right Permit
(NON-Municipal/NON Quasi-Municipal water Use)**



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

Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

Instructions are in Attachment A.

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TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT
***A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).***

I, Iseli Nursery, Inc. Attn: Greg Elwell

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

30590 SE Kelso Road
ADDRESS

Sandy
CITY

OR
STATE

97009
ZIP

503-663-3822
PHONE

gelwell@iselinursery.com
E-MAIL ADDRESS

the permit holder of:

Application Number G-11241

Permit Number G-11134

[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month: October Day: 1 Year: 2013**, be extended to October 1, **2023**, [OAR 690-315-0020(3)(i)]

☐ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month: October Day: 1 Year: 2013**, be extended to October 1, **2023**. [OAR 690-315-0020(3)(i)]

I am the permit holder, or have written authorization from the permit holder (attached to this Application for Extension of Time), to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

<u>Greg R Elwell</u> Signature	<u>3-28-16</u> Date
<u>Gregory R Elwell</u> Printed Name	<u>3-28-16 General Manager</u> Title

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Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$575.
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION
along with the Supporting documents and/ or evidence

\$575 STATUTORY FEE TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301**



GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:
http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:
http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).

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- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these questions.

1. Beginning Construction within required deadlines. OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the well begun? ☒ Yes ☐ No

Date construction began Month: 12 Day: 12 Year: 1962

Details of construction and attach documentation: See Previous Extension Application

For Surface/Reservoir Permit - NOT APPLICABLE

Has construction of the water system begun? ☐ Yes ☐ No

Date construction began Month: Day: Year:

Details of construction and attach documentation: _____

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2. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	10/1/2023
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of initial static water level measurement	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	Non-Applicable
<input checked="" type="checkbox"/>	Other (Specify): Checkpoint condition for 10/1/2012	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2/29/2016
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
Surface Water or Reservoir			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A

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If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

Not all of the wells have flowmeters installed.

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
	See Previous Extension Application	
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
11/13/1990	Date the permit was signed - find date above signature on last page of permit.	
9/11/2008	Previous Extension Signed	
	See Previous Extension Application	
	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	Not applicable. This is not the first extension	
Total Cost for Chart-B		

* If exact cost is not known, you must provide your best estimate.

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4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. *Use chronological order.*

*Repair
RM = maintenance*

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/1993	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
2008	Replaced irrigation system pumps, and irrigation system improvements.	\$ 46,202.07
2009	Replaced irrigation system pump, and irrigation system improvements.	\$ 23,607.37
2010	Replaced irrigation system pump, and irrigation system improvements.	\$ 32,707.91
2011	Replaced well pump and added additional flowmeters, irrigation system improvements.	\$ 34,375.44
2012	Rehabilitation of Well 3, including new well pump; drilled well #7, replaced irrigation system pump for well #2 and made irrigation system improvements.	\$130,127.87
2013	Installed pump in well #7, connected well #7 to mainline, repaired pump in well #2, replace pump in well #1	\$ 44,943.46
10/1/2013	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
2014	Replaced pump in well #6; new sand filters system 5	\$ 95,169.81
2015	Replaced nozzles and sprinkles on entire farm	\$ 77,454.34
Total Cost of Chart-C		\$484,588.27

*RM
RM
RM
RM*

*RM
RM*

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. **Cost of project to date: \$ 484,588.27** since last extension.
(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

[OAR 690-315-0020(3)(e)(B)]

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

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6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX): NOT APPLICABLE

TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

7. For Ground Water Permit Extensions (e.g. G-11134):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 8 below)	Maximum instantaneous rate used to date from this well -- under <u>this permit</u> only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
1	1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 5615 CLAC 5582		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	250 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
2	2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 5593 CLAC 5587		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	250 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
3	3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 5591 CLAC 68982	106368	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	300 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
4	4	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 5619		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	300 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
5	5	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 5639		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	250 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744 Cet. 42886
7	7	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 68983	106364	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	500 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
8	8	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 5622		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	250 gpm	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
9	9	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	T-10744
Total instantaneous rate from all wells utilized under this permit						2100 gpm		

8. If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location.

Has or will a Permit Amendment Application been/be filed? Yes ☐ No ☐ N/A

If a Permit Amendment Application has been filed: Transfer No. T-_____

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Well # _____ Actual location: _____
 Well # _____ Actual location: _____

[OAR 690-315-0020(3)(e)(C)]

9. Provide the total number of acres irrigated to date under this permit (if applicable). List by year, the number of acres irrigated each year since permit issuance, and provide a copy of the application map identifying the acres irrigated. 350 acres irrigated by 2008 (date of last time extension); 381.5 acres irrigated by 2013.

Total acres irrigated to date: 381.5

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well 1 Acres 381.5 Well 2 Acres 381.5
 Well 3 Acres 381.5 Well 4 Acres 381.5
 Well 5 Acres 381.5 Well 7 Acres 381.5
 Well 8 Acres 381.5 Well 9 Acres Not Drilled Yet

[OAR 690-315-0020(3)(i)(j)]

10. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2017-2020	Drill and construction of Well 9, including pump station	\$ 175,000
2018-2023	Enlarge mainline and pump station to connect the two farms (east and west areas)	\$ 120,000
2016-2023	Add additional flow metering as required by T-10751	\$ 15,000
2020-2023	Develop a claim of beneficial use	\$ 4,000
Year: 2023	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$ 314,000

310,000

[OAR 690-315-0020(3)(g)]

11. Estimated remaining cost to complete the project: \$314,000 approximately
 (The total cost from CHART-E)

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[OAR 690-315-0020(3)(h)]

12. Describe the reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances. Include any additional unforeseen events and/or other governmental regulation or requirements.

The recession in 2008, compounded with the decreased demand for nursery stock, created financial hardship for the nursery that resulted in slower than expected development of this permit. As a result, additional time is needed to complete the development of this permit.

[OAR 690-315-0020(3)(k)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested: During the past extension period (since 2008), the nursery has continued its investment in the development (albeit slower than expected) of this large project, including drilling and construction of a new well (Well 7), upgrades and repairs to the irrigation system and existing wells, and the irrigation of additional acreage. The permittee is requesting an extension until 2023 to drill the remaining new well (Well 9; added by T-10751) and to ensure that all aspects of construction are completed and full beneficial use can be completed under this permit. Based on the financial investment required to complete the additional construction to enable the full beneficial use of water in accordance with the permit, the requested extension of time until 2023 is both reasonable and necessary.

[OAR 690-315-0020(3)(m)(n)]

14. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

Due to a misunderstanding of the metering condition added by T-10751, not all of the necessary metering has been installed. Based subsequent discussions with Department staff, the intent of the metering condition has been clarified and additional flow meters will be installed as required by the condition. Additional time is required to purchase and install the metering.

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Attach permit, and documentation to the application.

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Attachment 1
Water Use Permit
Time Extension for Permit G-11134

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

In the Matter of Permit Amendment)	FINAL ORDER
T-10751, Clackamas County	)	APPROVING ADDITIONAL POINTS
	)	OF APPROPRIATION AND A
	)	CHANGE IN PLACE OF USE

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

Iseli Nursery, Inc.
Attn Greg Pilcher
30590 SE Kelso Road
Sandy, Oregon 97009

Findings of Fact

Background

1. On December 18, 2008, Iseli Nursery, Inc., filed an application for additional points of appropriation and to change a portion of the place of use under Permit G-11134. The Department assigned the application number T-10751.
2. The permit to be amended is as follows:

Permit: G-11134 in the name of Iseli Nursery, Inc.

Use: Nursery uses on 416.5 acres

Priority Date: March 5, 1984

Quantity: 1650.0 gallons per minute (gpm); being 100 gpm from Well 1, 350 gpm from Well 2, 750 gpm from Well 3, 350 from Well 4, and 100 gpm Well 5

Rate/Duty: The amount of water used for NURSERY OPERATIONS (OAR 690) 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

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This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. 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.

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 any time, 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.

Source: Five wells within the Tickle Creek Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 600 feet South and 850 feet East from the NW Corner of the NE¼ NW¼ of SECTION 7.
2 S	4 E	WM	7	NE NW	Well 2 - 600 feet South and 1000 feet East from the NW Corner of the NE¼ NW¼ of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 700 feet South and 1260 feet East from the NW Corner of the NE¼ NW¼ of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 175 feet East from the NW Corner of the NE¼ NW¼ of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 50 feet North and 300 feet West from the C¼ Corner of Section 8.

Authorized Place of Use:

NURSERY USES					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	7	NW NE	26.4
2 S	4 E	WM	7	SW NE	10.0
2 S	4 E	WM	7	NE NW	30.4
2 S	4 E	WM	7	SE NW	30.5
2 S	4 E	WM	7	NE SW	20.0
2 S	4 E	WM	7	SE SW	3.1
2 S	4 E	WM	7	NW SE	28.0
2 S	4 E	WM	8	SW NE	40.0
2 S	4 E	WM	8	NE NW	11.0
2 S	4 E	WM	8	NW NW	32.6
2 S	4 E	WM	8	SW NW	39.0
2 S	4 E	WM	8	SE NW	37.0
2 S	4 E	WM	8	NE SW	40.0
2 S	4 E	WM	8	NW SW	40.0
2 S	4 E	WM	8	SW SW	8.5
2 S	4 E	WM	8	SE SW	20.0

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3. The applicant has provided information that better describes the authorized points of appropriation as being located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.

4. Permit Amendment Application T-10751 proposes additional points of appropriation for the 100 gallons per minute (gpm) allotted to Well 1 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

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5. Permit Amendment Application T-10751 proposes additional points of appropriation for the 350 gpm allotted to Well 2 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

6. Permit Amendment Application T-10751 proposes additional points of appropriation for the 750 gpm allotted to Well 3 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

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7. Permit Amendment Application T-10751 proposes additional points of appropriation for the 350 gpm allotted to Well 4 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

8. Permit Amendment Application T-10751 proposes additional points of appropriation for the 100 gpm allotted to Well 5 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

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9. Permit Amendment Application T-10571 also proposes to change the place of use of the permit to:

NURSERY USES					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	3 E	WM	1	SE SE	0.90
2 S	3 E	WM	12	NE SE	5.10
2 S	4 E	WM	7	NW NE	25.00
2 S	4 E	WM	7	SW NE	9.40
2 S	4 E	WM	7	NE NW	35.10
2 S	4 E	WM	7	SE NW	40.00
2 S	4 E	WM	7	NE SW	38.90
2 S	4 E	WM	7	SW SW	0.15
2 S	4 E	WM	7	SE SW	18.50
2 S	4 E	WM	7	NW SE	30.10
2 S	4 E	WM	7	SW SE	0.35
2 S	4 E	WM	8	SW NE	39.10
2 S	4 E	WM	8	NE NW	18.10
2 S	4 E	WM	8	NW NW	31.10
2 S	4 E	WM	8	SW NW	39.60
2 S	4 E	WM	8	SE NW	35.60
2 S	4 E	WM	8	NE SW	31.20
2 S	4 E	WM	8	NW SW	10.70
2 S	4 E	WM	18	NW NW	7.60

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10. Notice of the application for the permit amendment was published in the Department's weekly notice on December 30, 2008, and in the Sandy Post newspaper on February 18, 25, and March 4, 2009, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

11. The changes would not result in injury to other water rights.
12. The proposed place of use is owned and/or controlled by the permit holder.
13. The changes do not enlarge the permit.
14. The changes do not alter any other terms of the permit.
15. The proposed place of use is contiguous in ownership to the authorized place of use.

Conclusions of Law

The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-10751 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The changes and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the authorized points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. Prior to water use from the additional wells, the water user shall install and maintain a headgate(s), in-line flow meter(s), weir(s), or other suitable device(s) and shall keep a complete record of the amount of groundwater withdrawn.
3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. The former places of use shall no longer be irrigated as part of this permit.
5. All other terms and conditions of Permit G-11134 remain the same.
6. Permit G-11134, in the name of Iseli Nursery, Inc, is amended as described herein.

Dated at Salem, Oregon this 25th day of March, 2009.

William E. Fisher

for Phillip C. Ward, Director

Mailing Date: APR 08 2009

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STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ISELI NURSERY, INC.
30590 SE KELSO ROAD
SANDY, OREGON 97009

503-663-3822

to use the waters of FIVE WELLS in the TICKLE CREEK BASIN for NURSERY OPERATIONS ON 416.5 ACRES.

This Permit is issued approving Application G-11241. The date of priority is MARCH 5, 1984. The use is limited to not more than 1650.0 GALLONS PER MINUTE, BEING 100 GPM FROM WELL 1, 350 GPM FROM WELL 2, 750 GPM FROM WELL 3, 350 GPM FROM WELL 4, AND 100 GPM FROM WELL 5, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 7, T 2 S, R 4 E, W.M.; WELL 1 - 600 FEET SOUTH AND 850 FEET EAST; WELL 2 - 600 FEET SOUTH AND 1000 FEET EAST; WELL 3 - 700 FEET SOUTH AND 1260 FEET EAST, ALL FROM NW CORNER, NE 1/4 NW 1/4, SECTION 7.

NE 1/4 NW 1/4, SE 1/4 NW 1/4, SECTION 8, T 2 S, R 4 E, W.M.; WELL 4 - 1050 FEET SOUTH AND 175 FEET EAST FROM NW CORNER, NE 1/4 NW 1/4, SECTION 8; WELL 5 - 50 FEET NORTH AND 300 FEET WEST FROM C 1/4 CORNER, SECTION 8.

The amount of water used for Nursery Operations (OAR 690) 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 at any time 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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under the permit is as follows:

NW 1/4 NE 1/4	26.4 ACRES
SW 1/4 NE 1/4	10.0 ACRES
NE 1/4 NW 1/4	30.4 ACRES
SE 1/4 NW 1/4	30.5 ACRES
NE 1/4 SW 1/4	20.0 ACRES
SE 1/4 SW 1/4	3.1 ACRES
NW 1/4 SE 1/4	28.0 ACRES
SECTION 7	

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SW 1/4 NE 1/4 40.0 ACRES
 NE 1/4 NW 1/4 11.0 ACRES
 NW 1/4 NW 1/4 32.6 ACRES
 SW 1/4 NW 1/4 39.0 ACRES
 SE 1/4 NW 1/4 37.0 ACRES
 NE 1/4 SW 1/4 40.0 ACRES
 NW 1/4 SW 1/4 40.0 ACRES
 SW 1/4 SW 1/4 8.5 ACRES
 SE 1/4 SW 1/4 20.0 ACRES

SECTION 8
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

The well 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 elevations in the well at all times. When required by the Department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

Actual construction work shall begin on or before November 13, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Is: this date, November 13, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
 William H. Young
 Director

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Attachment 2
Previous Time Extension Application
Time Extension for Permit G-11134

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**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number G-11241

**Final Order
Extension of Time for Permit Number G-11134**

Appeal Rights

This is a final order in a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or 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.

Application History

The Department issued Permit G-11134 on November 11, 1990. The permit called for completion of construction by October 1, 1992 and complete application of water to beneficial use by October 1, 1993. On June 2, 2008, Greg Pilcher, on behalf of Iseli Nursery, Inc, submitted to the Department an Application for Extension of Time for Permit G-11134. In accordance with OAR 690-315-0050(2), on July 15, 2008, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2013 and the time to fully apply water to beneficial use to October 1, 2013. The protest period closed August 29, 2008, in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by October 1, 2012. *A form is enclosed for your use.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the

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project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

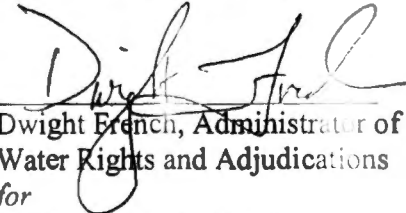
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application G-11241, Permit G-11134, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2013. The deadline for applying water to full beneficial use is extended to October 1, 2013.

DATED: September 11, 2008


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

-
- If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0827.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

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

Application for Extension of Time for a Water Right Permit

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this
application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, Greg Pilcher on behalf of Iseli Nursery, Inc. (Iseli)

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

30590 SE Kelso Rd.

ADDRESS

Sandy

CITY

OR

STATE

97009

ZIP

503-663-3822

PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number - G-11241

Permit Number - G-11134
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

- ☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 1992, be extended to October 1, 2013,

and/or the time in which to:

- ☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 1993, be extended to October 1, 2013.

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for a Water Right Permit

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Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$350.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$350 STATUTORY FEE TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301**



GENERAL TIPS:

- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

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- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

[OAR 690-315-0020(3)(d)]

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? [yes/no] Yes



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: December 12, 1962

Details of construction: Well construction began on December 12, 1962. Prior to filing application G-11241, Iseli had completed construction on the five wells. (See attached well logs.) Iseli has connected the wells into a combined irrigation system.

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2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? [yes/no] Yes

- A) Describe how you have complied with each condition contained in the original permit (and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time). Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	various	The wells are constructed in accordance with general well construction standards and have a usable access port.
2	1/21/1992	Well submitted and OWRD approved the results of a pump test for wells 3 and 6.
	1/21/1992	OWRD exempted wells 1 and 2 from requiring a pump test.
	10/12/1994	Pump tests for wells 4 and 5 submitted.

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

- B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

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3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

A) CHART-C (below) must be completed for all Application for Extension of Time requests. *Use chronological order.*

CHART-C

INSERT DATES	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued — eg. well drilled.</i>	COST*
12/12/1962-	Drilled wells, connected wells into a combined irrigation system.	\$ 1,060,000
3/5/1984		

INSERT DATES	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
	The permit was signed - find date above signature on last page of permit.	
11/13/1990	Permit signed.	
	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
11/13/1991	A-Date - wells already completed	
8/16/1993	Completed construction	
9/24/1993	Submitted form C	
10/1/1993	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

INSERT DATES	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
10/1/1993		
to current	going maintenance replacement of pumps and motors and distribution system.	
Total Cost to Date		\$ 1,060,000

* If exact cost is not known, you must provide your best estimate.

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- B) If this is **not** your 1st Application for Extension of Time request, fill out CHART-D below (in **addition** to CHART-C above). *Use chronological order.*

CHART-D

INSERT DATES	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/____	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
10/1/____	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
Total Cost to Date		

* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. Cost of project to date: \$1,000,000
(The total cost from CHART-C and CHART-D)

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[OAR 690-315-0020(3)(e)(B)]

5. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit and/or prior extensions of time, if any, made to date.



TIP: Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Maximum rate = _____ cfs (cubic feet per second) or,

Maximum rate = 1650 gpm (gallons per minute) or,

Acre Feet Stored = _____ AF

[OAR 690-315-0020(3)(e)(C)]

6. Provide the total number of acres irrigated to date under this permit.

Total acres irrigated to date: approximately 350

[OAR 690-315-0020(3)(j)]

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2008-2009	File a permit amendment to include additional wells to this permit.	\$4,000
2010-2011	Construction of new well /make full beneficial use	\$200,000
2012-2013	Develop a Claim of Beneficial Use	\$4,000
Year: by 2013	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$ 208,000

[OAR 690-315-0020(3)(g)]

8. Estimated remaining cost to complete the project: \$ 208,000
(The total cost from CHART-E)

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Application for Extension of Time/Page 7 of 9
for a Water Right Permit

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SALEM, OR

WATER RESOURCES DEPT
SALEM, OREGON

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances.

A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

At least one well has experienced decreased efficiency due primarily to well construction.

As a result, more time is needed to apply for a permit amendment to add additional points of

appropriation, make full beneficial use of the water and to develop and submit a Claim of

Beneficial Use.

B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

N/A

C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

N/A

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Application for Extension of Time/Page 8 of 9
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SALEM OREGON

- D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

N/A

[OAR 690-315-0020(3)(k)]

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2, 3-A, 3-B, 7 and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

At least one well under this permit has experienced decreased efficiency due primarily to well

construction. This permit extension will provide itself the time needed to obtain a permit

amendment to add additional points of appropriation, make full beneficial use of the water, and

develop a Claim of Beneficial Use.

11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.

I am the permit holder, or have authorization from the permit holder, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

Signature [Signature] Date 5/28/08

Last Revised 1/1/2007

Application for Extension of Time/Page 9 of 9
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SALEM, OREGON

Attachment A

Permit G-11134

**Application for Extension of Time for Iseli Nursery, Inc.
Permit G-11134**

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**WATER RESOURCES DEPT
SALEM, OREGON**

STATE OF OREGON
COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ISELI NURSERY, INC.
30590 SE KELSO ROAD
SANDY, OREGON 97009

503-663-3822

to use the waters of FIVE WELLS in the TICKLE CREEK BASIN for NURSERY OPERATIONS ON 416.5 ACRES.

This Permit is issued approving Application G-11241. The date of priority is MARCH 5, 1984. The use is limited to not more than 1650.0 GALLONS PER MINUTE, BEING 100 GPM FROM WELL 1, 350 GPM FROM WELL 2, 750 GPM FROM WELL 3, 350 GPM FROM WELL 4, AND 100 GPM FROM WELL 5, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 7, T 2 S, R 4 E, W.M.; WELL 1 - 600 FEET SOUTH AND 850 FEET EAST; WELL 2 - 600 FEET SOUTH AND 1000 FEET EAST; WELL 3 - 700 FEET SOUTH AND 1250 FEET EAST, ALL FROM NW CORNER, NE 1/4 NW 1/4, SECTION 7.

NE 1/4 NW 1/4, SE 1/4 NW 1/4, SECTION 8, T 2 S, R 4 E, W.M.; WELL 4 - 100 FEET SOUTH AND 175 FEET EAST FROM NW CORNER, NE 1/4 NW 1/4, SECTION 8; WELL 5 - 50 FEET NORTH AND 300 FEET WEST FROM C 1/4 CORNER, SECTION 8.

The amount of water used for Nursery Operations (OAR 690) is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of established nursery plants, the amount of water diverted is limited to ONE-EIGHTIETH 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 at any time 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 use shall conform to such reasonable rotation system as may be prescribed by the proper state officer.

A description of the proposed place of use under the permit is as follows:

NE 1/4 NW 1/4, 28.4 ACRES
SE 1/4 NW 1/4, 10.0 ACRES
NE 1/4 SE 1/4, 30.4 ACRES
SW 1/4 SE 1/4, 30.5 ACRES
NE 1/4 SW 1/4, 20.0 ACRES
SE 1/4 SW 1/4, 3.1 ACRES
SW 1/4 SE 1/4, 28.0 ACRES
SECTION 7

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WATER RESOURCES DEPT
SALEM, OREGON

Application G-11241 Water Resources Department

PERMIT G-11134

PAGE TWO

SW 1/4 NE 1/4 40.0 ACRES
NE 1/4 NW 1/4 11.0 ACRES
NW 1/4 SW 1/4 32.6 ACRES
SW 1/4 NW 1/4 39.0 ACRES
SE 1/4 NW 1/4 37.0 ACRES
NE 1/4 SW 1/4 40.0 ACRES
NW 1/4 SW 1/4 40.0 ACRES
SW 1/4 SW 1/4 8.5 ACRES
SE 1/4 SW 1/4 20.0 ACRES

SECTION 8

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

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The well 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 elevations in the well at all times. When required by the Department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn. ①

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 two years thereafter. ②

Well construction work shall begin on or before November 13, 1991, and shall be completed on or before October 1, 1992. Complete application for water shall be made on or before October 1, 1993.

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

Further, the land use associated with this water use must be in accordance with statewide land-use goals and any local acknowledged plans.

Use of water shall be limited when it interferes with any prior water ground water rights.

Witness my hand, this 17th day of March, 1990.

/s/ WILLIAM H. YOUNG

William H. Young
Director

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WATER RESOURCES DEPT
SALEM, OREGON

Section 5-11241 Water Resources Department
Volume 21A Tickle Creek & Misc. Wells

PERMIT G-11134
District 16

Attachment B

**Well logs for Authorized Points of Appropriation for
Permit G-11134**

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**Application for Extension of Time for Iseli Nursery, Inc.
Permit G-11134**

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**WATER RESOURCES DEPT
SALEM, OREGON**

STATE ENGINEER
Salem, Oregon

Well
7

Well Record

STATE WELL NO. 2/4-7C(1)
COUNTY Clackamas
APPLICATION NO. GR-245

OWNER: Glen T. Schaeffer

MAILING

ADDRESS: Route 3, Box 225A

LOCATION OF WELL: Owner's No. #1

CITY AND

STATE: Boring, Oregon

NE 1/4 NW 1/4 Sec. 7 T. 2 S. R. 4 E. W.M.

Bearing and distance from section or subdivision

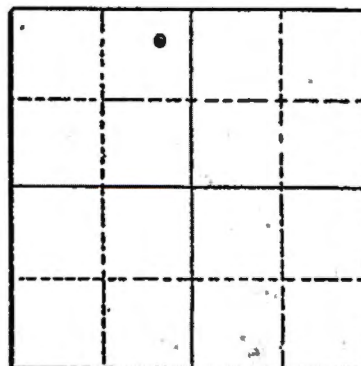
corner 2100' North & 510' West of center

of Section 7, T. 2 S., R. 4 E.

Altitude at well 600' Interpolated

TYPE OF WELL: Drilled Date Constructed June 51

Depth drilled 259' Depth cased 259'



Section 7

CASING RECORD:

12-inch casing set from 0 to 259 feet

FOOTING:

15 vibrations per foot (3/8" x 1 1/4") from 230 to 252 feet

AQUICLUDER:

Gravel from 227 to 258 feet

WATER LEVEL:

1' below land surface

PUMPING EQUIPMENT: Type Western Land Roller

H.P. 40

Capacity 100 G.P.M.

WELL TEST:

Flow on 8 hours 1500 G.P.M.

Flow on 8 hours 1500 G.P.M.

USE: Water Irrigation 206 acres Temp. 19 °F.

SOIL: Registration Statement GR-245

WATER LEVEL MEASUREMENTS: Chemical Analysis Aquifer Test

REMARKS:

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WATER RESOURCES DEPT.
SALEM, OREGON

STATE ENGINEER
Astoria, Oregon

State Well No. 2/4-7C(1)
County Clackamas
Application No. GB-245

Well Log

Glenn T. Schaeffer

Owner's No. #1

Date Drilled _____

[illegible]

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 67.182)

Deepen
Well #1

APR 20 1987

CLAC 05582

25/4E-7
Deep.

(1) OWNER:

Name ESCH NURSERY SALEM, OREGON
Address 3050 S.E. KELSO RD
City BARBER State ORE. Zip

(2) TYPE OF WELL:

☒ New Well ☐ Recondition ☐ Abandon

(3) DRILLING METHOD:

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Other

(5) BORE HOLE INFORMATION:

Special Construction ☐ Depth of Completed Well 260 ft.
Explosives used ☐ Amount

HOLE LOG:

Material From To Amount
DID NOT DISTURB 260
5 ft

How was seal placed:

☐ Other ☐ A ☐ B ☐ C ☐ D ☐ E

Backfill placed from:

Gravel placed from: Size of gravel:

(6) CASING LOG:

Diameter 8" Gauge 3/8" Plastic ☐ Welded ☒ Threaded ☐
Casing:
Liner:

Location of shoe:

(7) PERFORATION LOG:

☐ Perforation ☒ Screens
Material PERFORATIONS

From 228 To 360
Casing
Liner

(8) WELL TEST:

☐ Pump ☐ Flowing
Yield gal/min 100 Time 1 hr.

Temperature of water:

Was a water analysis?
Did any strata contain:
☐ Salty ☐ Muddy
Depth of strata:

LOCATION OF WELL by legal description:

County CLATSOP Latitude Longitude
Township 25 N or S, Range 4E E or W, WM.
Section 7 4 4
Tax Lot Lot Block Subdivision
Street Address of Well (or nearest address) 577ME

(10) STATIC WATER LEVEL:

228 ft. below land surface. Date 3-5-87
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

From	To	Estimated Flow Rate	SWL
260	357	200-300	228

(12) WELL LOG:

Material	From	To	SWL
0-260 All Ready Drilled			
SANDSTONE & GRAVEL	260	270	228
GRAVEL	270	280	
SAND & GRAVEL	280	305	
GRAVEL LOOSE/W/ SAND	305	357	
BLUE CLAY	357	364	228
DEEPEN NURSERY Well #1			
DID NOT DISTURB Seal OR			
12" CASING			
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JUN 02 2008			
WATER RESOURCES DEPT			
SALEM, OREGON			

Date started 2-13-87 Completed 3-16-87

(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 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 well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 616
Signed Ed W. Pullman Date 3-16-87

WHITE COPIES

YELLOW COPY - CONSTRUCTOR

PINK COPY - CUSTOMER

9809C 10/86

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MAR 29 2016

SALEM, OR

The original of this report filed

STATE ENGINEER OREGON #218
within 30 days
of well

WATER WELL REPORT SEP 1976

STATE OF OREGON WATER RESOURCES DEPT
(Please type or print)

(Do not write above this line)

State Well No.

State Permit No.

SALEM, OREGON

25/4E-7

(1) OWNER:

Name

Address

(2) TYPE OF

New Well ☒

If abandonment, date

(3) TYPE OF

Rotary ☐ Drive

Cable ☒ Jet

Dug ☐ Bore

(4) CASING

" Diam. ft.

" Diam. ft.

" Diam. ft.

(5) PERFORA

Size of perforation

156 pe

pe

pe

(6) SCREENS

Manufacturer's Name

Type

Diam. Slot

Diam. Slot

(8) WELL TEST

Was a pump test

Yield: 300

Ballast test

Artesian flow

Temperature of water

(9) CONSTRUCTION

Well seal—Material

Well sealed from

Diameter of well

Diameter of well

Number of sacks of

Number of sacks of

Brand name of ball

Number of pounds of

water

Is a drive shoe used

Did any strata

Type of water?

Method of sealing

Was well gravel packed

Gravel placed from

(10) LOCATION OF WELL:

County

Driller's well number

1/4

1/4 Section

7

T.

2-S

R.

4E

W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found

197

ft.

Static level

199

ft. below land surface. Date

8/28/76

Artesian pressure

lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing

0

Depth drilled

270

ft. Depth of completed well

270

ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Soil	0	2	0
CLAY Red	2	11	0
CLAY Yellow	11	74	0
Gravel Cemented	74	103	0
Boulders	103	105	0
CLAY & Cobbles	105	118	0
CLAY Light Yellow	118	144	0
CLAY Cobbed gravel	144	197	0
SANDSTONE Yellow W.B.	197	223	199
Gravel Cemented W.B.	223	270	199

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JUN 02 2008

WATER RESOURCES DEPT
SALEM, OREGON

Work started 8/14 1976 Completed 8/28 1976
Date well drilling machine moved off of well 8/31 1976

Drilling Machine Operator's Certification:

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

(Signed) [Signature] Date 8/28, 1976

(Drilling Machine Operator)

Drilling Machine Operator's License No. 246

Water Well Contractor's Certification:

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

Name LANZ WELL Drilling
(Person, firm or corporation) (Type or print)

Address 15702 S. Neilbur Rd. Oregon City

(Signed) [Signature]
(Water Well Contractor)

Contractor's License No. 565 Date 8-31, 1976

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MAR 29 2006

SALEM, OR

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

CLAG

5587

PLEASE TYPE OR PRINT IN INK
WATER RESOURCES DEPT
SALEM, OREGON

JAN 22 1985

well &
deepened

25/4E-7

Sup.

(for official use only)

(1) OWNER:

Name Iseli, Nursey
Address 30590 S.E. Kelso Rd.
City Boring State ORE

(2) TYPE OF WORK (check):

New Well ☐ Deepening ☒ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☐ Driven ☐ Domestic ☐ Industrial ☐ Municipal ☐
Rotary Mud ☐ Dug ☐ Irrigation ☒ Thermal ☐ Withdrawal ☐ Reinjection ☐
Cable ☒ Bored ☐ Other: ☐ Piezometric ☐ Grounding ☐ Test ☐

(4) PROPOSED USE (check):

CASING INSTALLED: Steel ☐ Plastic ☐
Threaded ☐ Welded ☐

" Diam. from ft. to ft. Gauge
" Diam. from ft. to ft. Gauge

LINER INSTALLED:

Steel ☐ Plastic ☐
Threaded ☐ Welded ☒
" Diam. from 240 ft. to 360 ft. Gauge 1.88

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No
Size of perforations 1/4 in. by 12 inch in.
480 perforations from 240 ft. to 360 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☐ No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? ☒ Yes ☐ No If yes, by whom? Ted
apx. 180 gal./min. with 30 ft. drawdown after 2 hrs.

Air test gal./min. with drill stem at ft. hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☐
Well seal—Material used
Well sealed from land surface to ft.
Diameter of well bore to bottom of seal in.
Diameter of well bore below seal in.
Amount of sealing material sacks ☐ pounds ☐
How was cement grout placed?

Was pump installed? yes Type Sub JP 40 Depth 315 ft.
Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☐ No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.

NOTICE TO WATER WELL CONSTRUCTOR
The original and first copy of this report
are to be filed with the

(10) LOCATION OF WELL by legal description:

County CLACK 1/4 1/4 of Section 7 of
Township 2S Range 4E WM.
(Township is North or South) (Range is East or West)

Tax Lot Lot Block Subdivision
MAILING ADDRESS OF WELL (or nearest address) 30590 S.E.
Kelso Rd., Boring ORE.
Well # 2.

(11) WATER LEVEL of COMPLETED WELL:

Depth at which water was first found 270 ft.
Static level 225 ft. below land surface. Date
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 8"
Depth drilled 275 ft. Depth of completed well 260 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Lightly Cemented	270		225
GRAVEL with large			
Boulders.		360	
Blue Clay & Sand	360	375	
Filled in with Pea GRAVEL			
375-360 FT			

Date work started 9-28-84 / completed 10-15-84
Date well drilling machine moved off of well 10-15-84

(unbonded) Water Well Constructor Certification (if applicable):

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

[Signed] Date, 19

(bonded) Water Well Constructor Certification:

Bond 2546611 Issued by: SAECO
(number) (Surety Company Name)
On behalf of Ted Pulliam Well Drilling
(type or print name of Water Well Constructor)

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

(Signed) Ted W Pulliam
(Water Well Constructor)

(Dated) 10-16-84

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

SP*46866-690

The original and two copies of this report are to be filed with the

WATER RESOURCES
SALEM, OREGON
within 30 days
of well

PARTMENT
7710
214-1226

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

JUN 13 1980

State Well No.

WATER RESOURCES DEPT.

State Permit No.

SALEM, OREGON

25/4E-7ba

(1) OWNER:

Name Isele
Address 15241
Boring

(2) TYPE OF

New Well ☒ Deepening ☐ Reconditioning ☐ Abandonment ☐

If abandonment, describe method and procedure in Item 12

(3) TYPE OF

Rotary ☒ Driven ☐
☐ Jetted ☐
☐ Bored ☐

(5) CASING

10" Diam. from 0 ft. to 300 ft. Gage 250-3

" Diam. from 300 ft. to 300 ft. Gage 250-3

" Diam. from 300 ft. to 300 ft. Gage 250-3

(6) PERFORATOR

Type of perforator tan Dr. Pen

Size of perforations 7/8" by 2" in

1300 perforations per foot

perforations per foot

perforations per foot

(7) SCREENS

Manufacturer's Name AM Janssen

Type slot Model No. 100

Diam. 10" Slot 1/8" ft. to 300 ft.

Diam. 10" Slot 1/8" ft. to 300 ft.

(8) WELL TEST

a pump test was run

Yield: 200 gpm

" 300 gpm

" 400 gpm

Water test

Artesian flow

Temperature of water

Temperature of water

(9) CONSTRUCTION

Well seal—Material 15' of seal

Well sealed from land

Diameter of well bore 15" in

Diameter of well bore 15" in

Number of sacks of 23 sacks

How was cement grout placed

75 ft (15 sacks)

drive shoe used

Did any strata contain

Type of water?

Method of sealing

Was well gravel packed

Gravel placed from

(10) LOCATION OF WELL:

County Clackamas

Driller's well number

NE 1/4 NW 1/4 Section 7 T. 2 S. R. 4 E W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 220 ft.

Static level 208 ft. below land surface. Date 6/12/80

Artesian pressure lbs. per square inch. Date

(12) WELL LOG: Diameter of well below casing 10"

Depth drilled 315 ft. Depth of completed well 300 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Hard sticky red-brown clay	0	14	
Light brown clay-occ. gravel-boulder	14	32	
Yellow brown clay-occ. gravel-boulder	32	38	
Hard brown clay-occ. gravel	38	70	
Brown cemented gravel-occ. cobble	70	95	
Gray-brown clay-occ. boulder	95	100	
Brown clay-occ. gravel-cobble	100	155	
Brown claystone-occ. sandstone streak	155	180	
Brown claystone & conglomerate	180	195	
Compact brown sand-occ. gravel	195	220	
Cemented brown sand & gravel-occ. loose	220	240	W.B.
Compact brown sand & gravel-occ. loose	240	270	W.B.
Clay loose brown sand and			

Work started 5/13/80 19 Completed 6/12/80 19

Date well drilling machine moved off of well 6/12/80 19

Drilling Machine Operator's Certification:

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

Signature AM Janssen Date 6/16/80 19

Drilling Machine Operator's License No. 523

Water Well Contractor's Certification:

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

Signature JANSEN WELL DRILLING CO., INC. (Type or print)

Address 1015 SW Tualatin Valley Hwy. Aloha, Or.

Signature John Janssen (Water Well Contractor)

Contractor's License No. 79 Date 6/17/80 19

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MAR 29 2016

SALEM, OR

Well 3
reconditioned

CLAC 68982
Westerberg Drilling, Inc.
36728 S. Kropf Rd.
Molalla, OR 97038

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

WELL I.D. # **L 106368**

START CARD # **208152**

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Well Number _____
Name **Isell Nursery**
Address **30590 Kelso Rd.**
City **Boring** State **OR** Zip **97009**

(2) TYPE OF WORK ☐ New Well
☐ Deepening ☒ Alteration (repair/recondition) ☐ Abandonment ☐ Conversion

(3) DRILL METHOD
☐ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Auger ☐ Cable Mud
☐ Other _____

(4) PROPOSED USE
☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other _____

(5) BORE HOLE CONSTRUCTION Special Construction: ☐ Yes ☒ No
Depth of Completed Well **300** ft.
Explosives used: ☐ Yes ☒ No Type _____ Amount _____

BORE HOLE			SEAL			Sacks or Pounds
Diameter	From	To	Material	From	To	
See	CLAC	05591				
No drilling	g perfor	med				

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E

☐ Other **Original Seal Not Disturbed**

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: See	CLAC	05591			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No Casing installed					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used ☐ Inside ☐ Outside ☐ None

Final location of shoe(s) **N/A**

(7) PERFORATIONS/SCREENS
☒ Perforations Method **Mills Knife**
☐ Screens Type _____ Material _____

From	To	Slot Size	Number	Diameter	Tele/pipe size	Casing	Liner
240'	295'	3/8x3	820			<input checked="" type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
☒ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
400	31		6.5 Hours
250	16		24 Hours

Temperature of water **52** Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL (legal description)

County **Clackamas**

Tax Lot **1000** Lot _____
Township **2** S Range **4** E WM
Section **7** NE 1/4 NW 1/4

Lat _____° _____' _____" or _____ (degrees or decimal)
Long _____° _____' _____" or _____ (degrees or decimal)

Street Address of Well (or nearest address) **29092 SE Kelso Rd.**
Boring, OR 97009

(10) STATIC WATER LEVEL

228 ft. below land surface. Date **06/29/2012**

_____ ft. below land surface. Date _____

Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES

Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
See CLAC 05591			

(12) WELL LOG

Ground Elevation _____

Material	From	To	SWL
No drilling performed.			
We pulled the pump & videoed the well. The perforations were very plugged so we re-perforated in the same location of the original perforations.			
Well was redeveloped and test pumped.			

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JUL 25 2012

SALEM, OR

Date Started **06/29/2012** Completed **07/06/2012**

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, 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 the best of my knowledge and belief.

WWC Number _____ Date _____

Signed _____

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, 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 **688** Date **07/16/2012**

Signed *Steven N. Stedeh*

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

State Well No.

25/4E-76E

State Permit No.

OWNER:

Iseli

Page 2

(10) LOCATION OF WELL:

County _____ Driller's well number _____

1/4 1/4 Section T. R. W.M.

Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found _____ ft.

Static level _____ ft. below land surface. Date _____

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG: Diameter of well below casing _____

Depth drilled _____ ft. Depth of completed well _____ ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
gravel-occ. cemented	270	305	W.B.
Cemented brown sand & gravel	305	310	
brown claystone	310	315	
Well completed to 300 ft.			

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JUN 13 1980

WATER RESOURCES DEPT
SALEM, OREGON

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JUN 02 2008

WATER RESOURCES DEPT
SALEM, OREGON

Work started _____ 19 _____ Completed _____ 19 _____

Date well drilling machine moved off of well _____ 19 _____

Drilling Machine Operator's Certification:

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

(Signed) _____ Date _____, 19____

(Drilling Machine Operator)

Drilling Machine Operator's License No. _____

Water Well Contractor's Certification:

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

Name _____ (Person, firm or corporation) (Type or print)

Address _____

(Signed) _____ (Water Well Contractor)

Contractor's License No. _____ Date _____, 19____

(2) TYPE OF WELL

New Well ☐ Deep

If abandonment, describe _____

(3) TYPE OF WELL

Rotary ☐ Driven ☐

Jetted ☐ Bored ☐

(5) CASING INFORMATION

Diam. from _____

Diam. from _____

Diam. from _____

(6) PERFORATION

Type of perforator used _____

Size of perforations _____

perfor. _____ ft. to _____ ft.

perfor. _____ ft. to _____ ft.

perfor. _____ ft. to _____ ft.

(7) SCREENS:

Manufacturer's Name _____

Type _____

Diam. _____ Slot size _____

Diam. _____ Slot size _____

(8) WELL TESTS

a pump test made _____

Yield: _____ gals.

_____ hrs.

_____ hrs.

_____ hrs.

_____ hrs.

_____ hrs.

(9) CONSTRUCTION

Well seal—Material used _____

Well sealed from land surface _____

Diameter of well bore _____

Diameter of well bore _____

Number of sacks of cement _____

How was cement grout _____

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SALEM, OR

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MAR 29 2016

SALEM, OR

WATER WELL REPORT
STATE OF OREGON

RECEIVED

OCT 25 1983

PLEASE RETURN TO
WATER RESOURCES DEPT #7K
SALEM, OREGON

State Well No.

25/4E 86c

State Permit No.

OWNER:

Name I. Selby Nursery
Address 1524 S. Tickle Creek
City Boring State OR

(2) TYPE OF WELL (check):

New Well ☒ Deepen ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☒ Driven
Rotary Mud ☐ Dug
Shoe ☐ Bored

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Other ☐
Normal: ☐ With Sewal ☐ ReInjection ☐

(5) CASING INS.

10" Diam. from top to 29.5 ft. Gauge 250
8" Diam. from 29.5 ft. to 33.5 ft. Gauge 140 PSI PVC

(6) PERFORATIONS:

Type of perforator used STAIR AND SAW
Size of perforations 1 1/4"
1300
120

SCREENS:

Manufacturer's Name ...
Type ...
Diam. ...
Diam. ...

(8) WELL TESTS:

Was a pump test made? Yes
Air test 300+
Boiler test ...
Artesian flow ...
Temperature of water ...

(9) CONSTRUCTION:

Well seal—Material used ...
Well sealed from land surface ...
Diameter of well bore to bottom ...
Diameter of well bore below ...
Number of sacks of cement ...
How was cement grout placed ...

Was pump installed? Yes
Was a drive shoe used? Yes
Any strata contain unconsolidated material? Yes

Type of Water? ...
Method of sealing strata ...
Was well gravel packed? Yes
Gravel placed from ...

(10) LOCATION OF WELL:

County CLATSOP Driller's well number ...
Section 8 T. 2S R. 4E W.M.
Tax Lot # ... Loc ... Blk ... Subdivision ...
Address at well location: ...

(11) WATER LEVEL: Completed well.

Depth at which water was first found 230 ft.
Static level 155 ft. below land surface, Date 8/8/83
Artesian pressure ... lbs. per square inch, Date ...

(12) WELL LOG:

Diameter of well below casing 10

Depth drilled 353 ft. Depth of completed well 337 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SOIL BROWN	0	2	
CLAY BROWN	2	18	
CEMENTED GRAVEL	18	150	
CLAY BROWN	150	158	
CLAY BROWN W/SOME FINE GRAVEL	158	205	
SAND COURSE W/SOME FINE GRAVEL	205	258	155
CEMENTED GRAVEL W/BOULDERS	258	292	155
SANDSOME BROWN HARD GRAVEL AND SAND	292	299	
SAND FINE BROWN & GRAY	299	338	155
	338	353	

Work done 7/20 19 83 Completed 8/8 19 83
Date well boring machine moved off of well 8/8 19 83

(unbonded) Water Well Constructor Certification (if applicable):

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
Signed ... Date 8/25, 1983

Bonded Water Well Constructor Certification:

Bond 2546611 Issued by: S.F.C.O.
Surety Company Name ...

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

Name Ted Williams well Drilling
(Person, firm or corporation) (Type or print)

Address 4245 W. Powell, Gresham
(Signed) Ted Williams
Water Well Constructor

Date Aug 27, 1983

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

CLAG 68983
Westerberg Drilling, Inc.
36728 S. Kropf Rd.
Molalla, OR 97038

WELL I.D. # L 106364

START CARD # 208144

well # 7

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER

Name Isell Nursery

Address 30590 SE Kelso Rd.

City Boring

State OR

Zip 97009

Well Number

(2) TYPE OF WORK

☒ New Well

☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment ☐ Conversion

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Auger ☐ Cable Mud

☐ Other

(4) PROPOSED USE

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation

☐ Thermal ☐ Injection ☐ Livestock ☐ Other

(5) BORE HOLE CONSTRUCTION

Special Construction: ☐ Yes ☒ No

Depth of Completed Well 394 ft.

Explosives used: ☐ Yes ☒ No Type Amount

BORE HOLE

Diameter	From	To	Material	From	To	Sacks or Pounds
20"	0	31'	Bentonite	0	4'	16 Sacks
19"	31'	176'	Cement	4'	195'	336 Sacks
16"	176'	200'				
12"	200'	394'				

SEAL

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E

☒ Other Bentonite Placed Dry

Backfill placed from ft. to ft. Material

Gravel placed from 246 ft. to 394 ft. Size of gravel 6/9 CSS

(6) CASING/LINER

Casing:	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
12"	+2'	268'	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Riser 8"	-244'	264'		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
w/8" shoe on top				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:	Tail 8"	384'	394'		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used ☐ Inside ☒ Outside ☐ None

Final location of shoe(s) 394' Cut Off

(7) PERFORATIONS/SCREENS

☐ Perforations

Method

☒ Screens

Type

V-Wire Wrpd Material S/S

From	To	Slot Size	Number	Diameter	Tele/pipe size	Casing	Liner
264'	269'	.060	Relief	8"	PS	<input type="checkbox"/>	<input type="checkbox"/>
269'	384'	.060		8"	PS	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

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

☒ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
600	31		24 Hrs

Temperature of water 52 Depth Artesian Flow Found

Was a water analysis done? ☐ Yes By whom

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other

Depth of strata:

(9) LOCATION OF WELL (legal description)

County Clackamas

Tax Lot 1200

Lot

Township 2

S

Range 4

E

WM

Section 7

NE

1/4 NW

1/4

Lat ° ' " or (degrees or decimal)

Long ° ' " or (degrees or decimal)

Street Address of Well (or nearest address) 29092 SE Kelso Rd.

Boring, OR 97009

(10) STATIC WATER LEVEL

203' 10.5" ft. below land surface.

Date 07/02/2012

ft. below land surface.

Date

Artesian pressure lb. per square inch

Date

(11) WATER BEARING ZONES

Depth at which water was first found 232'

From	To	Estimated Flow Rate	SWL
232'	384'	600+	203' 10.5"

(12) WELL LOG

Ground Elevation

Material	From	To	SWL
Gravel Fill	0	1	
Silty Clay Grey	1	3	
Silty Clay Tan	3	8	
Clay Yellow w/some Gravel	8	17	
Cobbles w/Clay Brown	17	22	
Boulders w/Clay Brown	22	24	
Cobbles & Gravel w/Clay Brown	24	41	
Hard Grey Brwn Variegated Clay	41	43	
Yellow Brn Soft Weathered Rock	43	45	
Boring Lava Grey some Red	45	66	
Clay Brown	66	68	
Gravel w/Clay	68	70	
Clay Tan	70	74	
Multicolored Gravel w/Tan Clay	74		
Course w/Cobbles		115	
Clay Tan	115	117	

Date Started 04/04/2012

Completed 07/06/2012

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, 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 the best of my knowledge and belief.

WWC Number

Date

JUL 25 2012

Signed

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, 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 688

Date 07/16/2012

Signed

Steven N. Stebbins

36728 S. Kropf Rd., Molalla, OR 97038 • Phone: (503) 829-2526 FAX (503) 829-7514

WELL ID#	OWNER/BUSINESS NAME	MAILING ADDRESS	CITY/STATE/ZIP
106364	Iseli Nursery	30590 SE Kelso Rd.	Boring, OR 97009

WELL ADDRESS	COUNTY	TOWNSHIP	RANGE	SECTION	1/4	1/4	TAX LOT
29092 SE Kelso Rd, Boring, OR 97009	Clackamas	2S	4E	7	NE	NW	1200

(12) WELL LOG INFO. CONTINUED FROM PREVIOUS PAGE:

[illegible]

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SALEM, OR

WATER WELL REPORT
STATE OF OREGON

CLAC
05622

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OCT 25 1983

PLEASE TYPE OR PRINT IN INK
WATER RESOURCES DEPT

State Well No.

State Permit No.

well #8
25/4E Sac

SALEM, OREGON

(1) OWNER:

Name Ronald Jones
Address 2547 Oak Creek Circle
City SANDY 84092 State UTAH

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☒ Driven ☐
Rotary Mud ☐ Dug ☐
☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐
Thermal: Withdrawal ☐ ReInjection ☐

(5) CASING INSTALLED:

Steel ☒ Plastic ☐
Threaded ☐ Welded ☒
10" Diam. from +2 ft. to 139 ft. Gauge 250
8" Diam. from 0 ft. to 308 ft. Gauge 277

LINER INSTALLED:

9" Diam. from 300 ft. to 400 ft. Gauge 200 PSI PVC

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No
Type of perforator used ROTARY STAR AND SAW
Size of perforations 1 1/4 x 1/4 in. 5 x 1/8 in.
900 perforations from 250 ft. to 285 ft.
350 perforations from 305 ft. to 390 ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No
Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot Size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot Size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☐ No If yes, by whom?
Id. _____ gal/min. with _____ ft. drawdown after _____ hrs.
Air test 300+ gal/min. with drill stem at 380 ft. 1 hrs.
Bailer test _____ gal/min. with _____ ft. drawdown after _____ hrs.
Artesian flow _____ g.p.m.
Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☒
Well seal—Material used CEMENT
Well sealed from land surface to 24 ft.
Diameter of well bore to bottom of seal 14 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 32 sacks
How was cement grout placed? PUMP
Was pump installed? _____ Type _____ HP _____ Depth _____ ft.
Was a drive shoe used? ☒ Yes ☐ No _____ Plugs _____ Size; location _____ ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of Water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? ☐ Yes ☒ No _____ Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County CLACKAMAS Driller's well number _____
SW 1/4 NE 1/4 Section 8 T. 25 R. 4E W.M.
Tax Lot # _____ Lot _____ Blk _____ Subdivision _____
Address at well location: _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 238 ft.
Static level 152 ft. below land surface. Date 7/14/83
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 8 ft.
Depth drilled 404 ft. Depth of completed well 400 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SOIL AND SAW DUST	0	3	
CLAY BROWN	3	19	
CEMENTED GRAVEL WITH LARGE BOULDERS	19	128	
CLAY GRAY	128	144	
CEMENTED GRAVEL	144	238	
SAND FINE	238	247	152
CEMENTED GRAVEL	247	298	152
SANDSTONE BROWN	298	337	152
CLAY BROWN	337	345	
CLAY BLUE	345	358	
SANDSTONE	358	374	152
CLAY GRAY	374	404	

Work started 6/20 19 83 Completed 7/18 19 83
Date well drilling machine moved off of well 7/18 19 83

(unbonded) Water Well Constructor Certification (if applicable):

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Daniel V. Powell Date 8/10, 19 83

Bonded Water Well Constructor Certification:

Bond 2436611 Issued by: SAECO Surety Company Name _____
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name T. D. Powell Well Drilling (Person, firm or corporation) (Type or print)
Address 4245 W. Powell
[Signed] T. D. Powell Water Well Constructor
Date 7/25, 19 83

NOTICE TO WATER WELL CONSTRUCTOR
The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

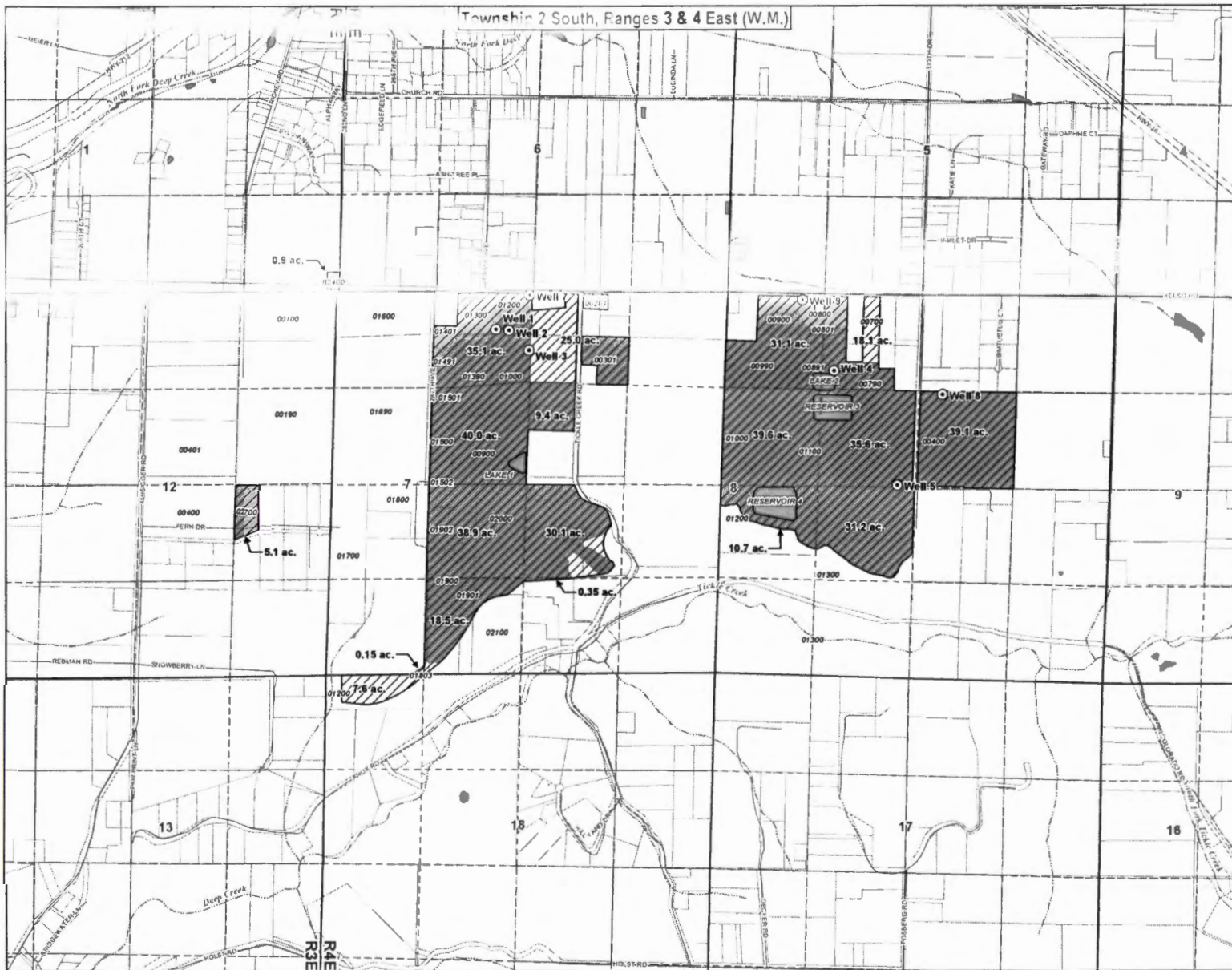
SP*45292-690

Attachment 3
Map Identifying the Acres Irrigated
Time Extension for Permit G-11134

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MAR 29 2016

SALEM, OR



Application for a Permit Amendment Permit G-11134 Iseli Nursery Clackamas County, Oregon

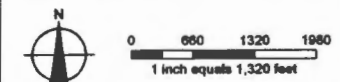
- ## LEGEND
- Existing and Proposed Additional Points of Appropriation (POA) for Permit G-11134
 - Proposed Place of Use (POU) for Permit G-11134
 - Irrigated Areas
 - Tax Lots (Tax lots owned by permit holder are labeled)
 - Roads
 - Watercourses
 - Waterbodies

POA LOCATION DESCRIPTIONS

Well 1 - Located 525 feet South and 2,165 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
 Well 2 - Located 535 feet South and 2,335 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
 Well 3 - Located 810 feet South and 2,610 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
 Well 4 - Located 1,050 feet South and 1,490 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)
 Well 5 - Located 2,600 feet South and 2,350 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)
 Well 6 - Located 60 feet South and 2,600 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
 Well 7 - Located 1,300 feet South and 2,330 feet East from the NE corner of Section 8, Township 2 South, Range 4 East (W.M.)
 Well 8 - Located 85 feet South and 1,015 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)

DISCLAIMER

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



MAP NOTES:
 Date: March 21, 2016
 Drawn by: [illegible]
 Checked by: [illegible]
 GSI

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MAR 29 2016

SALEM, OR



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 15, 2016

Iseli Nursery, Inc.
Attn: Greg Pilcher
30590 SE Kelso Road
Boring, OR 97009

REFERENCE: Application G-11241 / Permit G-11134

Dear Permit Holder:

The Water Right Services Division received your written 2012 progress report for Permit G-11134. Receipt of the progress report was published on the Department's weekly Public Notice, dated March 8, 2016. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2013.

If you have any questions, please feel free to contact me by telephone at (503) 986-0825.

Sincerely,

Corey Courchane
Adjudication & Extension Specialist

Enclosure

cc: Application G-11421
Watermaster District 20 – Amy Kim
Ted Ressler, CWRE, GSI Water Solutions, Inc.

File

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report was Due: 10/1/2012 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: 2/29/2016

Report Complete: ☒ YES

☐ NO – Send letter requesting missing information.

☐ letter mailed on: _____

2. Support Staff: Publish on the Department's Public Notice

☒ 315 ☐ 320 OAR Division under which Progress Report was required

☒ Publish on Public Notice Date: 3-8-2016

☒ Update workflow in WRIS

☐ (Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and

☐ add record for Checkpoint Public Notice ("EPR" or "EP2")

☒ Return file to Corey Courchane.

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: _____

☐ Update Progress Report Worksheet.xls

☐ Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster _____

File _____

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Iseli Nursery, Inc. Attn: Greg Pilcher

Application: G-11241

Permit: G-11134

County: Clackamas

Source: Seven wells in the Tickle Creek Basin

Use: Nursery operations on 416.5 acres



ISELI NURSERY, INC.

30590 SE Kelso Road, Boring, Oregon 97009

PORTLAND
OR 970
25 FEB '16
PM 6 L

neopost

02/25/2016

US POSTAGE

FIRST-CLASS MAIL

\$000.48⁵



ZIP 97009
041M11271392

Corey Courchane
Oregon Water Resources Dept.
725 Summer Street NE
Stc. A
Salem, OR 97301

97301-126673





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

**Extension of Time
Progress Report Form
For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: **Iseli Nursery**

Application **G-11241**
Permit **G-11134**

Report Due no later than October 1, 2012

Progress Report Form for 2012

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-11134

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2008 and October 1, 2012	FINANCIAL INVESTMENT
2008	Replaced irrigation system pumps (e.g., well pumps and/or irrigation system pumps used to move water through the irrigation system to the place of use) and irrigation system improvements.	\$46,202.07
2009	Replaced irrigation system pumps (e.g., well pumps and/or irrigation system pumps used to move water through the irrigation system to the place of use) and irrigation system improvements.	\$23,607.37
2010	Replaced irrigation system pumps (e.g., well pumps and/or irrigation system pumps used to move water through the irrigation system to the place of use) and irrigation system improvements.	\$32,707.91
2011	Replaced well pump and added additional flow meters, irrigation system improvements	\$34,375.44
2012	Rehabilitation of Well 3, including new well pump.	\$19,000
2012	Drilled Well 7	\$90,000
2012	Replaced irrigation system pumps (e.g., well pumps and/or irrigation system pumps used to move water through the irrigation system to the place of use) and irrigation system improvements.	\$21,127.87

2. Compliance with terms and conditions of the permit and/or previous extension.

Original Permit Conditions:

The well shall be constructed in accordance with 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 elevations in the well at all times. **IN COMPLIANCE.** The wells are constructed in accordance with general well construction standards and have a usable access port.

RECEIVED BY OWRD

FEB 29 2016

For OWRD use only

SALEM, OR

Diligence Shown ☒ Yes ☐ No

Date Public Noticed: 3-8-16

Reviewed by: Corey C

Date: 3-1-16

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. **PARTIAL COMPLIANCE.** Department approved pump tests are on file for Well 3, Well 4, and Well 5. The Department exempted Wells 1 and Well 2 from additional pump testing. Additional pump tests or a multiple well pump test exemption will be sought for Wells 7, Well 8, and Well 9 prior to certification.

Conditions of Permit Amendment T-10751:

Prior to water use from the additional wells, the water user shall install and maintain a headgate(s), in-line flow meter(s), weirs(s), or other suitable devices(s) and shall keep a complete record of the amount of groundwater withdrawn. **PARTIAL COMPLIANCE.** A flow meter has been installed at Well 3. Well 7 has been drilled, but was not built out (e.g., well pump, connection to system, flow meter, etc.) as of 2012. Well 9 has not yet been drilled. Additional metering will be added to enable the measurement of the total amount of groundwater withdrawn.

3. Total number of acres irrigated to date= 381.5 (if applicable)
4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = _____ cfs (cubic feet per second), or

Maximum rate used to date = 1,650 gpm (gallons per minute), or

Acre Feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature

Gregory R. Elwell

Date

2-23-16

RECEIVED BY OWRD

FEB 29 2016

SALEM, OR

For OWRD use only

Diligence Shown ☒ Yes ☐ No

Date Public Noticed: 3-8-16

Reviewed by:

Corey C

Date:

3-1-16

PERMIT STATUS REVIEW BY Corey Courchane DATE 9-23-15 FILE # G-11241

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if : update appropriate db

no Extension pending _____

no Assignment is pending _____

no Cancellation has been requested _____

no Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)

Was **60 days notice** allowed? Y N If No, How Much Time ? _____

Was mail deliverable as addressed? Y N date _____

If mail returned, online/www check ? Y N date _____ successful ? Y N

Re-send Cert. Letter ? Y N date _____

Send cancellation order Y N

no Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received _____

2. IF NONE OF THE ABOVE APPLY

✓ Send **certified** "C" date notice packet to permit holder.

"C" DATE 10-1-13 BASIN NUMBER 2 WM # 20

CWRE or AGENT Adam Sussman, GSI

3. AOI Yes _____ NO ✓ If Yes, name of AOI _____

S:\groups\wr\PERMIT C jdlc-date-checklist.doc

Send letter
9-23-15
cc

6-11241

Search

Identify Non-Water Right Features

Tax Lots

Identify Tax Lots [OR Map](#)

☐ Off
 ☒ On

County: Clackamas
 Taxlot: 24E07 00900
 Owner1: EARLY MORNING LLC
 Owner2: NULL
 Owner Address: 5100 SHENLEY PL
 LAWRENCEBURG IN 47025
 Site Address: 15241 SE TICKLE CREEK RD
 BORING 97009
 Acres: 0
 TRSQQ: WM2.00S4.00E7XXXX
 Effective Date: January 1, 2014

Note: Tax lot information provided here is for general inquiry purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

 It is recommended to zoom to a detailed extent before inquiry.

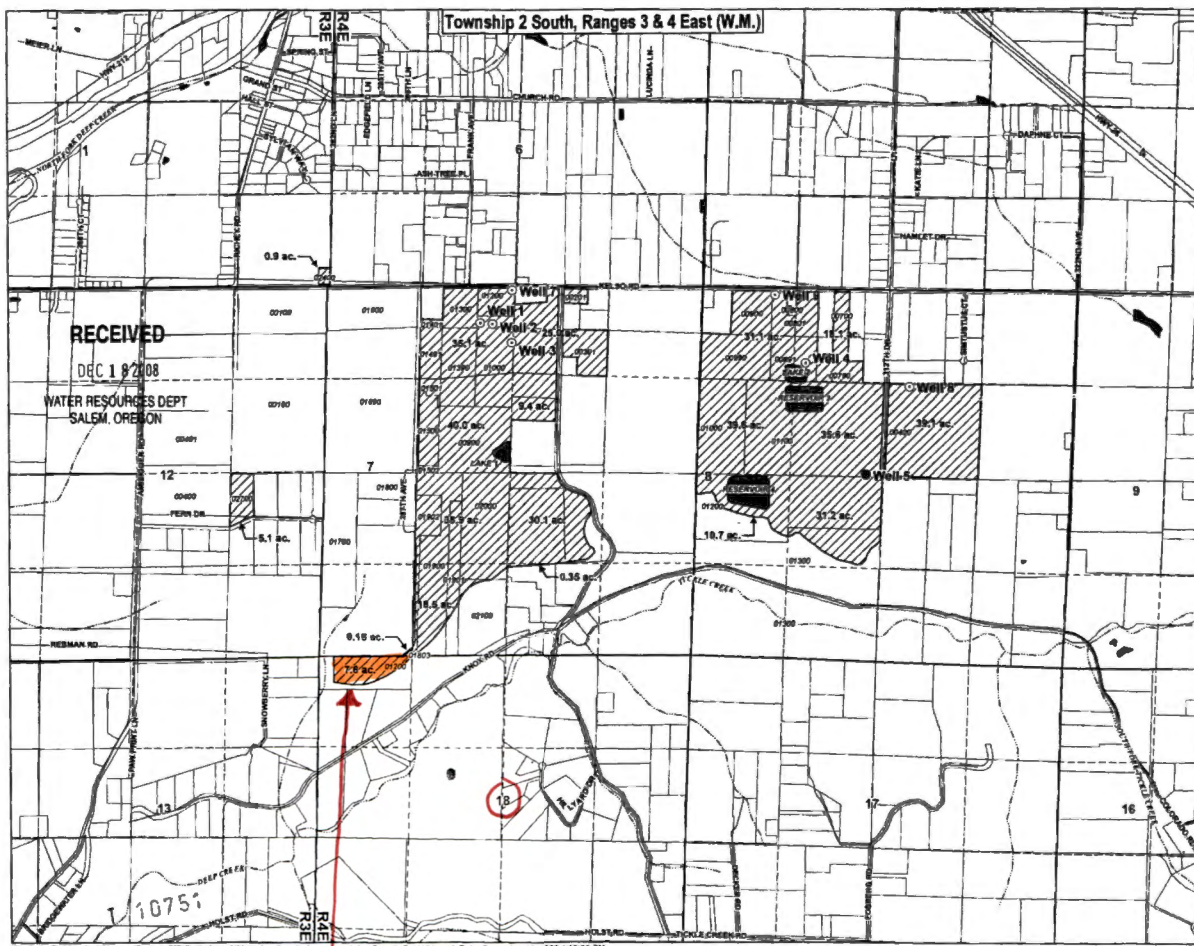
Tools

Layers

Print

Bookmarks

Switch Basemap
 Measurement



Application for a Permit Amendment
Permit G-11134
 Iseli Nursery
 Clackamas County, Oregon

- LEGEND**
- Existing and Proposed Additional Points of Appropriation (POA) for Permit G-11134
 - Proposed Place of Use (POU) for Permit G-11134
 - Tax Lots (Tax lots owned by permit holder are labeled)
 - Roads
 - Watercourses
 - Waterbodies

POA LOCATION DESCRIPTIONS

- Well 1 - Located 525 feet South and 2,165 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
- Well 2 - Located 535 feet South and 2,335 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
- Well 3 - Located 819 feet South and 2,816 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
- Well 4 - Located 1,609 feet South and 1,489 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)
- Well 5 - Located 2,809 feet South and 2,309 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)
- Well 6 - Located 89 feet South and 2,009 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)
- Well 8 - Located 1,393 feet South and 2,339 feet East from the NE corner of Section 6, Township 2 South, Range 4 East (W.M.)
- Well 9 - Located 85 feet South and 1,215 feet East from the NW corner of Section 6, Township 2 South, Range 4 East (W.M.)

DISCLAIMER

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

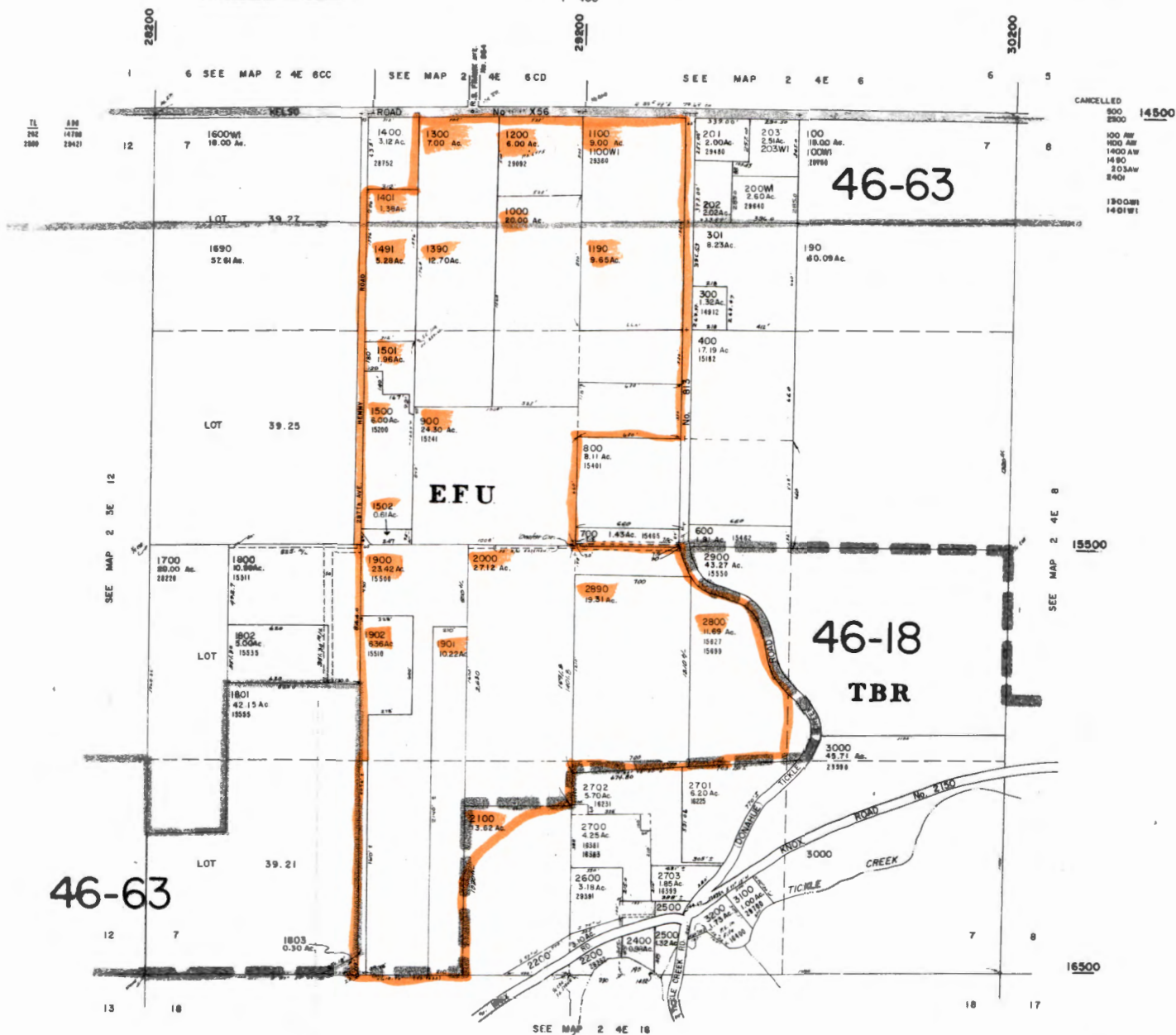


Scale
 1:15,840
 0 880 1320 1980 2640
 1 inch equals 1,320 feet

MAP NOTES:
 Prepared: Oregon State Plane North Zone
 Datum: North American Datum of 1983
 Date: December 12, 2008
 Data Source: Clackamas County GIS, Oregon Geospatial Data Clearinghouse



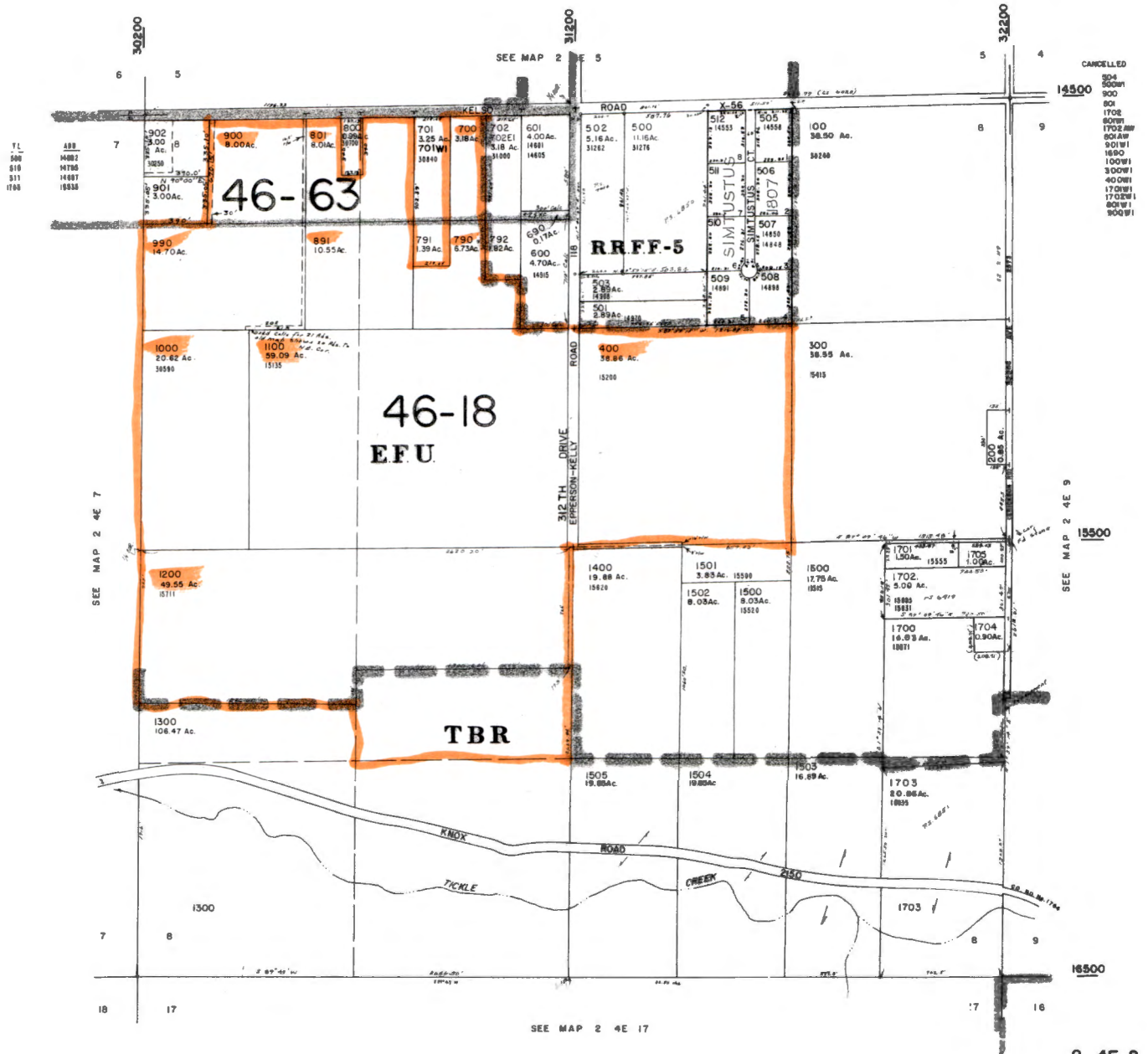
*Not authorized
 Not on permit*



This map was prepared for assessment purpose only.

SECTION 8 T.2S.R.4E.WM.
CLACKAMAS COUNTY
1" = 400'

2 4 E 8



2 4 E 8
BOOK 22

COURCHANE Corey A

From: Dunn, Linda <lindadun@co.clackamas.or.us>
Sent: Wednesday, April 08, 2015 5:01 PM
To: 'corey.a.courchane@state.or.us'
Subject: RE: Ownership verification

Your request for information has been forwarded to our customer service queue. All requests are completed on a first come, first served basis. Current volume in queue indicates you should receive the information before 5:00 Monday afternoon.

If you have any other questions, please do not hesitate to contact our office.

*Linda Dunn, Assessment & Taxation Supervisor
Clackamas County Assessor & Tax Collector
150 Beaver Creek Road – Oregon City, OR 97045
503/655-8671, x4220; FAX 503/655-8313*

In keeping with the County's sustainability goals, the County Assessor and Tax Collector's office is open Monday - Thursday, from 7:00 a.m. to 6:00 p.m., and is closed on Friday.

From: Wyman, Jeanette
Sent: Wednesday, April 08, 2015 1:58 PM
To: Dunn, Linda
Subject: FW: Ownership verification

From: COURCHANE Corey A [<mailto:corey.a.courchane@state.or.us>]
Sent: Wednesday, April 08, 2015 1:53 PM
To: Property Tax Information
Subject: Ownership verification

Good afternoon,

I'm trying to verify ownership of a large plot of land (416.5 acres) in order to complete a water right application. There are several tax lots involved, so there is no need to expedite. The current owner we have on record is Iseli Nursery, Inc. 30590 SE Kelso Rd Sandy, OR 97055.

2 4E 8
400, 700, 790, 801, 891, 900, 990, 1000, 1100, and 1200

2 4E 7
900, 1000, 1100, 1190, 1200, 1300, 1390, 1401, 1491, 1500, 1501, 1502, 1900, 1901, 1902, 2000, 2100, 2800, 2890

I am looking for current owner and mailing address.

Thank you for your time and assistance,

Corey A Courchane

COREY A COURCHANE | EXTENSION SPECIALIST

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0825 | Fax: 503 986-0901

Email: corey.a.courchane@wrд.state.or.us | Web: <http://www.wrd.state.or.us>

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

COURCHANE Corey A

From: Flynn, Gaylen <GaylenFly@co.clackamas.or.us>
Sent: Thursday, April 09, 2015 8:39 AM
To: 'corey.a.courchane@state.or.us'
Subject: ownership verification
Attachments: Courchane - State of OR.xlsx

Mr Courchane:

Attached you will find an excel spreadsheet listing requested account numbers and ownership information. If we may be of further assistance to you don't hesitate to call our office.

Have a wonderful day!!

Gaylen Flynn
A&T Clerk 1
Clackamas County
Assessment & Taxation
150 S Beavercreek Rd
Oregon City, OR 97045
503-655-8671 (ofc)
503-655-8313 (fax)

Acct #

Current owner

Address

24E08 00400	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E08 00700	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E08 00790	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E08 00801	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E08 00891	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E08 00990	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E08 01000	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	contract
	Liepold John J & Elsa M	no mailing address	buyer
24E08 01100	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	owner
24E08 01200	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	

24E07 00900	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E07 01000	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E07 01100	Karlen Janet R	29360 SE Kelso Rd, Boring, OR 97009	
	Hatch Karen A	no mailing address	
	Grossman Mary Lou	no mailing address	
24E07 01190	Karlen Janet R	29360 SE Kelso Rd, Boring, OR 97009	
	Hatch Karen A	no mailing address	
	Grossman Mary Lou	no mailing address	
24E07 01200	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E07 01300	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E07 01390	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E07 01401	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E07 01491	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E07 01500	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E07 01501	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E07 01900	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E07 01901	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E07 01902	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	
24E07 02000	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025	

24E07 02100	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025
24E07 02800	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025
24E07 02890	Early Morning LLC	5400 Shenley Pl, Lawrenceburg, IND 47025

G-11241

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-10751, Clackamas County	)	APPROVING ADDITIONAL POINTS
	)	OF APPROPRIATION AND A
	)	CHANGE IN PLACE OF USE

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

Iseli Nursery, Inc.
Attn Greg Pilcher
30590 SE Kelso Road
Sandy, Oregon 97009

Findings of Fact

Background

1. On December 18, 2008, Iseli Nursery, Inc., filed an application for additional points of appropriation and to change a portion of the place of use under Permit G-11134. The Department assigned the application number T-10751.
2. The permit to be amended is as follows:

Permit:	G-11134 in the name of Iseli Nursery, Inc.
Use:	Nursery uses on 416.5 acres
Priority Date:	March 5, 1984
Quantity:	1650.0 gallons per minute (gpm); being 100 gpm from Well 1, 350 gpm from Well 2, 750 gpm from Well 3, 350 from Well 4, and 100 gpm Well 5
Rate/Duty:	The amount of water used for NURSERY OPERATIONS (OAR 690) 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

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. 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.

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 any time, 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.

Source: Five wells within the Tickle Creek Basin

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 600 feet South and 850 feet East from the NW Corner of the NE¼ NW¼ of SECTION 7.
2 S	4 E	WM	7	NE NW	Well 2 - 600 feet South and 1000 feet East from the NW Corner of the NE¼ NW¼ of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 700 feet South and 1260 feet East from the NW Corner of the NE¼ NW¼ of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 175 feet East from the NW Corner of the NE¼ NW¼ of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 50 feet North and 300 feet West from the C¼ Corner of Section 8.

Authorized Place of Use:

NURSERY USES					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	4 E	WM	7	NW NE	26.4
2 S	4 E	WM	7	SW NE	10.0
2 S	4 E	WM	7	NE NW	30.4
2 S	4 E	WM	7	SE NW	30.5
2 S	4 E	WM	7	NE SW	20.0
2 S	4 E	WM	7	SE SW	3.1
2 S	4 E	WM	7	NW SE	28.0
2 S	4 E	WM	8	SW NE	40.0
2 S	4 E	WM	8	NE NW	11.0
2 S	4 E	WM	8	NW NW	32.6
2 S	4 E	WM	8	SW NW	39.0
2 S	4 E	WM	8	SE NW	37.0
2 S	4 E	WM	8	NE SW	40.0
2 S	4 E	WM	8	NW SW	40.0
2 S	4 E	WM	8	SW SW	8.5
2 S	4 E	WM	8	SE SW	20.0

3. The applicant has provided information that better describes the authorized points of appropriation as being located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.

4. Permit Amendment Application T-10751 proposes additional points of appropriation for the 100 gallons per minute (gpm) allotted to Well 1 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

5. Permit Amendment Application T-10751 proposes additional points of appropriation for the 350 gpm allotted to Well 2 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

6. Permit Amendment Application T-10751 proposes additional points of appropriation for the 750 gpm allotted to Well 3 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

7. Permit Amendment Application T-10751 proposes additional points of appropriation for the 350 gpm allotted to Well 4 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SE NW	Well 5 - 2600 feet South and 2350 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

8. Permit Amendment Application T-10751 proposes additional points of appropriation for the 100 gpm allotted to Well 5 under the permit. The additional points of appropriation are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	4 E	WM	7	NE NW	Well 1 - 525 feet South and 2165 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 2 - 535 feet South and 2335 feet East from the NW Corner of Section 7.
2 S	4 E	WM	7	NE NW	Well 3 - 810 feet South and 2610 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	NE NW	Well 4 - 1050 feet South and 1460 feet East from the NW Corner of Section 8.
2 S	4 E	WM	7	NE NW	Well 7 - 60 feet South and 2600 feet East from the NW Corner of Section 7.
2 S	4 E	WM	8	SW NE	Well 8 - 1360 feet South and 2330 feet West from the NE Corner of Section 8.
2 S	4 E	WM	8	NW NW	Well 9 - 85 feet South and 1015 feet East from the NW Corner of Section 8.

9. Permit Amendment Application T-10571 also proposes to change the place of use of the permit to:

NURSERY USES					
Twp	Rng	Mer	Sec	Q-Q	Acres
2 S	3 E	WM	1	SE SE	0.90
2 S	3 E	WM	12	NE SE	5.10
2 S	4 E	WM	7	NW NE	25.00
2 S	4 E	WM	7	SW NE	9.40
2 S	4 E	WM	7	NE NW	35.10
2 S	4 E	WM	7	SE NW	40.00
2 S	4 E	WM	7	NE SW	38.90
2 S	4 E	WM	7	SW SW	0.15
2 S	4 E	WM	7	SE SW	18.50
2 S	4 E	WM	7	NW SE	30.10
2 S	4 E	WM	7	SW SE	0.35
2 S	4 E	WM	8	SW NE	39.10
2 S	4 E	WM	8	NE NW	18.10
2 S	4 E	WM	8	NW NW	31.10
2 S	4 E	WM	8	SW NW	39.60
2 S	4 E	WM	8	SE NW	35.60
2 S	4 E	WM	8	NE SW	31.20
2 S	4 E	WM	8	NW SW	10.70
2 S	4 E	WM	18	NW NW	7.60

10. Notice of the application for the permit amendment was published in the Department's weekly notice on December 30, 2008, and in the Sandy Post newspaper on February 18, 25, and March 4, 2009, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

11. The changes would not result in injury to other water rights.
12. The proposed place of use is owned and/or controlled by the permit holder.
13. The changes do not enlarge the permit.
14. The changes do not alter any other terms of the permit.
15. The proposed place of use is contiguous in ownership to the authorized place of use.

Conclusions of Law

The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-10751 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The changes and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the authorized points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. Prior to water use from the additional wells, the water user shall install and maintain a headgate(s), in-line flow meter(s), weir(s), or other suitable device(s) and shall keep a complete record of the amount of groundwater withdrawn.
3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. The former places of use shall no longer be irrigated as part of this permit.
5. All other terms and conditions of Permit G-11134 remain the same.
6. Permit G-11134, in the name of Iseli Nursery, Inc, is amended as described herein.

Dated at Salem, Oregon this 25th day of March, 2009.



for Phillip C. Ward, Director

Mailing Date: APR 08 2009

Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: September 11, 2008

Copies Mailed

**Application G-11241
Permit G-11134**

By: OS
On: 9-11-08

Original mailed to permit holder

Iseli Nursery, Inc; C/O Greg Pilcher
30590 SE Kelso Rd
Sandy, OR 97009

Copies sent to:

1. WRD - App. File G-11241/ Permit G-11134
2. WRD - Watermaster District 20, Sabrina White-Scarver
3. GSI Solutions, Inc., Adam Sussman, 1600 Western Blvd, Suite 240, Corvallis, OR 97333
4. WRD - Support Staff, Salem...*Permit record update*

Fee paid as specified under ORS 536.050 to receive copy:

5. None

Receiving via e-mail (10 AM day of signature date)

6. None
7. NWR Manager – Bill Ferber(send denial FO's only -does not want to see approvals)

CASEWORKER: ALR



Water Solutions, Inc.

RECEIVED

SEP 02 2009

WATER RESOURCES DEPT
SALEM, OREGON

August 28, 2008

Ann Reece
Water Rights and Adjudication Division
Oregon Water Resources Division
725 NE Summer St., Suite A
Salem, OR 97301

RE: Extension Proposed Final Order - Permit G-11134, in the name of Iseli Nursery, Inc.

Dear Ms. Reece:

On behalf of Iseli Nursery, Inc. we would like to thank you for your efforts to develop the Proposed Final Order (PFO) for the extension of time for Permit G-11134. Upon review of the PFO we noticed the Diligence Progress Report is due in the very near future (October 1, 2009). Given that Iseli has just gone through the extension review process, we respectfully request that the checkpoint date be modified to October 1, 2012.

Please let me know if you have any questions or need additional information. I can be reached at 541-753-0745.

Sincerely,
GSI Water Solutions, Inc

A handwritten signature in blue ink, appearing to read "Adam Sussman", is written over a horizontal line.

Adam Sussman
Senior Water Resources Consultant

CC: Greg Pilcher, Iseli Nursery, Inc.

Ann Reece

File G-11241

From: Adam Sussman [ASussman@GSIWaterSolutions.com]
Sent: Thursday, August 28, 2008 3:07 PM
To: Ann Reece
Cc: gpilcher@iseli-nursery.com
Subject: Extension - Permit G-11134 (Iseli)
Attachments: G-11134 extension comment letter.pdf

Dear Ann:

Attached is a comment letter on the Proposed Final Order on Extension of Permit G-11134. Please confirm you have received this.

Let me know if you have any questions.

Sincerely,

Adam Sussman
Senior Water Resources Consultant
GSI Water Solutions
1600 Western Blvd., Suite 240
Corvallis, OR 97333

Phone: 541-753-0745 ex. 11
Cell: 541-602-5188

9/2/2008



August 28, 2008

Ann Reece
Water Rights and Adjudication Division
Oregon Water Resources Division
725 NE Summer St., Suite A
Salem, OR 97301

RE: Extension Proposed Final Order - Permit G-11134, in the name of Iseli Nursery, Inc.

Dear Ms. Reece:

On behalf of Iseli Nursery, Inc. we would like to thank you for your efforts to develop the Proposed Final Order (PFO) for the extension of time for Permit G-11134. Upon review of the PFO we noticed the Diligence Progress Report is due in the very near future (October 1, 2009). Given that Iseli has just gone through the extension review process, we respectfully request that the checkpoint date be modified to October 1, 2012.

Please let me know if you have any questions or need additional information. I can be reached at 541-753-0745.

Sincerely,
GSI Water Solutions, Inc

A handwritten signature in black ink, appearing to read "Adam Sussman", is written over a horizontal line.

Adam Sussman
Senior Water Resources Consultant

CC: Greg Pilcher, Iseli Nursery, Inc.

Mailing List for Extension PFO Copies

PFO Date: July 15, 2008

**Application G-11241
Permit G-11134**

Copies Mailed

By: La
On: 7-15-08

Original mailed to Applicant:

- ✓ Iseli Nursery, Inc; C/O Greg Pilcher
30590 SE Kelso Rd
Sandy, OR 97009

Copies sent to:

- ✓ 1. WRD - App. File G-11241/ Permit G-11134
- ✓ 2. WRD - Watermaster District 20, Sabrina White-Scarver
- ✓ 3. GSI Solutions, Inc., Adam Sussman, 1600 Western Blvd, Suite 240, Corvallis, OR 97333

Fee paid as specified under ORS 536.050 to receive copy:

- 4. None

Receiving via e-mail (10 AM Tuesday of signature date)

- 5. None

CASEWORKER: ALR

file

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-11134, Water Right Application G-11241)
in the name of Iseli Nursery, Inc) **PROPOSED FINAL ORDER**

Permit Information

Application File G-11241 Permit G-11134

Basin: 2 – Willamette River / Watermaster District 20

Date of Priority: March 5, 1984

Authorized Use of Water

Source of Water: Five Wells within the Tickle Creek Basin

Purpose of Use: Nursery Operations on 416.5 Acres

Maximum Rate: 1650 Gallons per Minute (gpm), being 100 gpm from
Well 1, 350 gpm from Well 2, 750 gpm from Well 3,
350 gpm from Well 4, and 100 gpm from Well 5

**This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315**

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit G-11134, water right Application G-11241.
A copy of Permit G-11134 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time for complete construction of the water system from October 1, 1992 to October 1, 2013.
- Grant an extension of time to apply water to full beneficial use from October 1, 1993 to October 1, 2013.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

gpm – gallons per minute

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit G-11134 was granted by the Department on November 11, 1990. The permit authorizes the use of up to 1650 gpm of water from five wells, being 100 gpm from Well 1, 350 gpm from Well 2, 750 gpm from Well 3, 350 gpm from Well 4, and 100 gpm from Well 5 for nursery operations on 416.5 acres. The permit specified construction of the water system was to be completed by October 1, 1992, and complete application of water was to be made on or before October 1, 1993.
2. Greg Pilcher, on behalf of Iseli Nursery, Inc., submitted an "Application for Extension of Time" to the Department on June 2, 2008 requesting the time to complete construction of the water system be extended from October 1, 1992 to October 1, 2013, and the time to apply water to full beneficial use under the terms and conditions of Permit G-11134 be extended from October 1, 1993 to October 1, 2013. This is the first permit extension requested for Permit G-11134.
3. Notification of the Application for Extension of Time for Permit G-11134 was published in the Department's Public Notice dated June 10, 2008. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

4. On June 2, 2008, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

5. Actual construction of the well began prior to the November 13, 1991 deadline specified in the permit.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

6. As of June 2, 2008, the remaining work to be completed consists applying to the Department for a permit amendment, constructing a new well, and completing construction of the water system and applying water to full beneficial use.
7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2013, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-11134 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

8. The following construction was completed within the time allowed in the permit or previous extension as follows:
 - a. Construction of the well and water system began prior to the November 13, 1991 deadline specified in the permit.
 - b. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame under Permit G-11134.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

9. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-11134 on November 11, 1990, a maximum rate of 1650 gpm of water has been appropriated from five wells for nursery operations on 350 acres.
 - b. Delay of full beneficial use of water under Permit G-11134 was due, in part, to insufficient yield of water from one or more of the permitted wells.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

10. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

11. Financial investments made toward developing the beneficial water use.
 - a. As of June 2, 2008, the permit holder has invested approximately \$1,060,000, which is approximately 84 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$208,000 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

12. As of June 2, 2008, the permit holder has invested approximately \$1,060,000 which is approximately 84 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$208,000 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

13. The Department has found good faith of the appropriator under Permit G-11134.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-11134; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-11134, located within the Tickle Creek Basin, are located within the

Sandy-Boring limited ground water area. Tickle Creek is located above a state scenic waterway. It is located within an area ranked "high" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Tickle Creek is listed by the Department of Environmental Quality as a water quality limited stream.

15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of June 2, 2008, the permit holder has invested approximately \$1,060,000.
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
18. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

19. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

20. Delay in the development of this project was not caused by any other governmental requirements.

Unforeseen Events [OAR 690-315-0040(2)(h)]

21. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-11134, in that insufficient yield of one or more of the wells restricted the permit holder's ability to complete development of the project in a timely manner.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified

in ORS 536.050, as required by OAR 690-315-0040(1)(a).

3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2013⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 18 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), a progress checkpoint in order to ensure future diligence is exercised in the development and perfection of Permit G-11134.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time for complete construction of the water system under Permit G-11134 from October 1, 1992 to October 1, 2013.

Extend the time to apply water to beneficial use under Permit G-11134 from October 1, 1993 to October 1, 2013.

Subject to the following conditions:

CONDITIONS

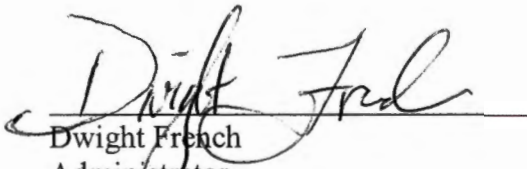
1. Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2009**. *A form will be enclosed with your Final Order.*

⁵Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: July 15, 2008


Dwight French
Administrator
Water Rights & Adjudications Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **August 29, 2008**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and

- g. The protest fee required under ORS 536.050, if petitioner is other than the water right permit holder.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
- a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have any questions about statements contained in this document, please contact Ann Reece at 503-986-0827.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0819.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Rights and Adjudications Division
725 Summer St NE, Suite A
Fax: 503-986-0901 Salem, OR 97301-1266
-

Extension PFO Checklist for
Other than Muni or Quasi-Municipal
Water Use Permits
(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 11241 Permit: G- 11134 Permit Amendment? No ☒ Yes ☐ T- _____

Permit Holder's Name: Iseli Nursery, Inc. c/o Greg Pilcher

Permit Holder's Mailing Address: 30590 SE Kelso Rd, Sandy, OR 97009

Phone Number: 503-663-3822

POD Location: Township 2S Range 4E Section 7-NENW; 8-NENW, SENW $\frac{1}{4}$ 1/4

Drainage Basin: 2 County: Clackamas Watermaster District: 20 Watermaster: Sabrina White-Scarver

Date Permit was issued: 11/13/1990

Priority Date: 3/5/1984

Date of PN: 6/10/2008

Source: Five Wells within Tickle Creek Basin

Use: Nursery Operations on 416.5 Acres

"Q": 1650 gpm, being 100 gpm from Well 1; 350 gpm from Well 2; 750 gpm from Well 3; 350 gpm from Well 4; and 100 gpm from Well 5

Orig "A" Date: 11/13/1991

Orig "B" Date: 10/1/1992

Orig "C" Date: 10/1/1993

Extension
request rec'd: 6/2/2008

Last Authorized
"B" Date: 10/1/1992

Last Authorized
"C" Date: 10/1/1993

Request Number (1, 2, 3...): 1st

Proposed
"B" Date: 10/1/2013

Proposed
C Date: 10/1/2013

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	must meet well construction standards
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A-date met - construction began 12/12/1962
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- ☒ ☐ Work was accomplished within the time allowed in the permit or previous extension
- ☒ ☐ Water right permit holder conformed with the permit or previous extension conditions
- ☒ ☐ Financial investments were made toward developing the beneficial water use.

• Amount Invested to date: \$1,060,000 Estimated Remaining Cost: \$208,000

- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially used 1650 ☐ cfs ☒ gpm ☐ af of the total permitted quantity of water on 350 acres

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes ☒ No ☐

*No GW review.
DWF 7/1/08*

Application: G- 11241 Permit: G- 11134 Township _____ Range _____ Section _____

Determination of the market and the present demand for water or power to be supplied:

Identify the closest surface water or localized water basin. Tickle Creek Basin
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

- Yes No
- ☒ ☐ above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map
- ☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- ☒ ☐ within a sensitive, threatened or endangered species area Source: "/>

Application # G-11241

Permit # G-11134

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

♦ **WRIG...**

Money Received on: 6/2/08

♦ **Kim French...**

☒ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

♦ **Jonnine Skaug...**

- ☒ Publish on Public Notice (initial 30-day comment): Date of notice 6/10/08 JS
- ☒ Update WRIS Database
- ☒ In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
- ☒ In the "Ext Filed" field... Enter the date the Extension Application was received.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **92720**

INVOICE # _____

RECEIVED FROM: **GSI WATER SOLUTIONS**

APPLICATION	6-11241
PERMIT	
TRANSFER	

BY: _____

CASH: ☐ CHECK: # **87021** OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ **350.00**

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ **350.00**

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **92720**

DATED: **6-2-08**

BY: **[Signature]**

GSI WATER SOLUTIONS, INC.

7021

Oregon Water Resources Dept.

5/28/2008

EXTENSION APPLICATION FEE

350.00



Key Bank

water right app

350.00



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

June 10, 2008

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE # G-11241 (PERMIT # G-11134)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Ann Reece at (503) 986-0827. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "**www.wrd.state.or.us**".



May 28, 2008

Ann Reece
Water Rights and Adjudication Division
Oregon Water Resources Division
725 NE Summer St., Suite A
Salem, OR 97301

RE: Extension Application - Permit G-11134, in the name of Iseli Nursery, Inc.

Dear Ms. Reece:

Enclosed please find an Application for Extension of Time for a Water Right Permit submitted on behalf of Iseli Nursery, Inc. (Iseli). The required fee of \$350.00 is also enclosed. As described in the application, Iseli is seeking more time to take actions necessary to make full beneficial use of permit G-11134.

Please let me know if you have any questions or need additional information. I can be reached at 541-753-0745.

Sincerely,
GSI Water Solutions, Inc

A handwritten signature in blue ink, appearing to read "Adam Sussman", is written over a horizontal line.

Adam Sussman
Senior Water Resources Consultant

CC: Greg Pilcher, Iseli Nursery, Inc.

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**WATER RESOURCES DEPT
SALEM, OREGON**



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

Application for Extension of Time for a Water Right Permit

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this
application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, Greg Pilcher on behalf of Iseli Nursery, Inc. (Iseli)

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

30590 SE Kelso Rd.

ADDRESS

Sandy

CITY

OR

STATE

97009

ZIP

503-663-3822

PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number - G-11241

Permit Number - G-11134

[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

- ☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 1992, be extended to October 1, 2013,

and/or the time in which to:

- ☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 1993, be extended to October 1, 2013.

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Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$350.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$350 STATUTORY FEE TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301**



GENERAL TIPS:

- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

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- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

[OAR 690-315-0020(3)(d)]

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? [yes/no] Yes _____



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: December 12, 1962

Details of construction: Well construction began on December 12, 1962. Prior to filing
application G-11241, Iseli had completed construction on the five wells. (See attached well
logs.) Iseli has connected the wells into a combined irrigation system.

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2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? [yes/no] Yes

- A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	various	The wells are constructed in accordance with general well construction standards and have a usable access port.
2	1/21/1992	Iseli submitted and OWRD approved the results of a pump test for wells 3 and 6.
	1/21/1992	OWRD exempted wells 1 and 2 from requiring a pump test.
	10/12/1994	Pump tests for wells 4 and 5 submitted.

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

- B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

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3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

A) CHART-C (below) must be completed for all Application for Extension of Time requests. *Use chronological order.*

CHART-C

INSERT DATES	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
12/12/1962-	Drilled wells, connected wells into a combined irrigation system.	\$ 1,060,000
3/5/1984		

INSERT DATES	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
	The permit was signed - find date above signature on last page of permit.	
11/13/1990	Permit signed.	
	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
11/13/1991	A-Date - wells already completed	
8/16/1993	Completed construction	
9/24/1993	Submitted form C	
10/1/1993	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

INSERT DATES	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
10/1/1993		
to current	on-going maintenance/replacement of pumps and motors and distribution system.	

Total Cost to Date		\$ 1,060,000
---------------------------	--	---------------------

* If exact cost is not known, you must provide your best estimate.

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- B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). *Use chronological order.*

CHART-D

INSERT DATES	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/____	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
10/1/____	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

INSERT DATES	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost to Date		

* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. Cost of project to date: \$1,060,000
(The total cost from CHART-C and CHART-D)

[OAR 690-315-0020(3)(e)(B)]

5. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit and/or prior extensions of time, if any, made to date.



TIP: Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Maximum rate = _____ cfs (cubic feet per second) or,

Maximum rate = 1650 gpm (gallons per minute) or,

Acre Feet Stored = _____ AF

[OAR 690-315-0020(3)(e)(C)]

6. Provide the total number of acres irrigated to date under this permit.

Total acres irrigated to date: approximately 350

[OAR 690-315-0020(3)(j)]

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2008-2009	File a permit amendment to include additional wells to this permit.	\$4,000
2010-2011	Construction of new well /make full beneficial use	\$200,000
2012-2013	Develop a Claim of Beneficial Use	\$4,000
Year: by 2013	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$ 208,000

[OAR 690-315-0020(3)(g)]

8. Estimated remaining cost to complete the project: \$ 208,000
(The total cost from CHART-E)

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SALEM, OREGON

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances.

A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

At least one well has experienced decreased efficiency due primarily to well construction.

As a result, more time is needed to apply for a permit amendment to add additional points of

appropriation, make full beneficial use of the water and to develop and submit a Claim of

Beneficial Use.

B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

N/A

C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

N/A

- D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

N/A

[OAR 690-315-0020(3)(k)]

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2, 3-A, 3-B, 7 and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

At least one well under this permit has experienced decreased efficiency due primarily to well

construction. This permit extension will provide itself the time needed to obtain a permit

amendment to add additional points of appropriation, make full beneficial use of the water, and

develop a Claim of Beneficial Use.

11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.

I am the permit holder, or have authorization from the permit holder, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

[Signature]
Signature Iseli Nunsey

5/28/08
Date

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Attachment A

Permit G-11134

Application for Extension of Time for Iseli Nursery, Inc.
Permit G-11134

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ISELI NURSERY, INC.
30590 SE KELSO ROAD
SANDY, OREGON 97009

503-663-3822

to use the waters of FIVE WELLS in the TICKLE CREEK BASIN for NURSERY OPERATIONS ON 416.5 ACRES.

This Permit is issued approving Application G-11241. The date of priority is MARCH 5, 1984. The use is limited to not more than 1650.0 GALLONS PER MINUTE, BEING 100 GPM FROM WELL 1, 350 GPM FROM WELL 2, 750 GPM FROM WELL 3, 350 GPM FROM WELL 4, AND 100 GPM FROM WELL 5, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 7, T 2 S, R 4 E, W.M.; WELL 1 - 600 FEET SOUTH AND 850 FEET EAST; WELL 2 - 600 FEET SOUTH AND 1000 FEET EAST; WELL 3 - 700 FEET SOUTH AND 1260 FEET EAST, ALL FROM NW CORNER, NE 1/4 NW 1/4, SECTION 7.

NE 1/4 NW 1/4, SE 1/4 NW 1/4, SECTION 8, T 2 S, R 4 E, W.M.; WELL 4 - 1050 FEET SOUTH AND 175 FEET EAST FROM NW CORNER, NE 1/4 NW 1/4, SECTION 8; WELL 5 - 50 FEET NORTH AND 300 FEET WEST FROM C 1/4 CORNER, SECTION 8.

The amount of water used for Nursery Operations (OAR 690) 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 at any time 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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under the permit is as follows:

NW 1/4 NE 1/4	26.4 ACRES
SW 1/4 NE 1/4	10.0 ACRES
NE 1/4 NW 1/4	30.4 ACRES
SE 1/4 NW 1/4	30.5 ACRES
NE 1/4 SW 1/4	20.0 ACRES
SE 1/4 SW 1/4	3.1 ACRES
NW 1/4 SE 1/4	28.0 ACRES
SECTION 7	

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SALEM, OREGON

SW 1/4 NE 1/4	40.0 ACRES
NE 1/4 NW 1/4	11.0 ACRES
NW 1/4 NW 1/4	32.6 ACRES
SW 1/4 NW 1/4	39.0 ACRES
SE 1/4 NW 1/4	37.0 ACRES
NE 1/4 SW 1/4	40.0 ACRES
NW 1/4 SW 1/4	40.0 ACRES
SW 1/4 SW 1/4	8.5 ACRES
SE 1/4 SW 1/4	20.0 ACRES

SECTION 8

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

The well 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 elevations in the well at all times. When required by the Department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

Actual construction work shall begin on or before November 13, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, November 13, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

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SALEM, OREGON

Application G-11241 Water Resources Department
Basin 2 Volume 23A Tickle Creek & Misc. Wells
G-11241.WJO

PERMIT G-11134
District 16

Attachment B

**Well logs for Authorized Points of Appropriation for
Permit G-11134**

**Application for Extension of Time for Iseli Nursery, Inc.
Permit G-11134**

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**WATER RESOURCES DEPT
SALEM, OREGON**

STATE ENGINEER
Salem, Oregon

well # 7
Well Record

STATE WELL NO. 2/4-7C(1)
COUNTY Clackamas
APPLICATION NO. GR-245

OWNER: Glen T. Schaeffer

MAILING

ADDRESS: Route 3, Box 225A

LOCATION OF WELL: Owner's No. #1

CITY AND

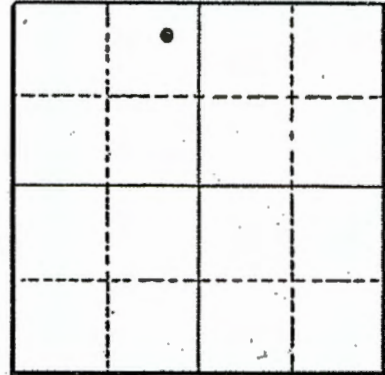
STATE: Boring, Oregon

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7 T. 2 S., R. 4 E., W.M.

Bearing and distance from section or subdivision

corner 2100' North & 510' West of center

of Section 7, T. 2 S., R. 4 E.



Section 7

Altitude at well 600' Interpolated

TYPE OF WELL: Drilled Date Constructed June 51

Depth drilled 259' Depth cased 259'

CASING RECORD:

12-inch casing set from 0 to 259 feet

FINISH:

16 perforations per foot (3/8" x 1/4") from 230 to 252 feet

AQUIFERS:

Gravels from 227 to 258 feet

WATER LEVEL:

170 feet below land surface

PUMPING EQUIPMENT: Type Western Land Roller H.P. 40
Capacity 800 G.P.M.

WELL TESTS:

Drawdown 8 ft. after 1500 hours 1500 G.P.M.

Drawdown 8 ft. after 1500 hours 1500 G.P.M.

USE OF WATER Irrigation 106 acres Temp. °F. 19

SOURCE OF INFORMATION Registration Statement GR-245

DRILLER or DIGGER

ADDITIONAL DATA:

Log yes Water Level Measurements Chemical Analysis Aquifer Test

REMARKS:

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**WATER RESOURCES DEPT
SALEM OREGON**

APR 20 1987

CLAC 65582

25/4E-7
Dep.

WATER RESOURCES DER9

LOCATION OF WELL by legal description:

Name ISEL NURSERY SALEM, OREGON
Address 30590 S.E. KELSO RD
City ROBIN State ORE Zip

County CLACK Latitude _____ Longitude _____
Township 25 N or S, Range 4E E or W, WM
Section 7 1/4 _____ 1/4 _____
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) same

☒ New Well ☒ Deepen ☐ Recondition ☐ Abandon

☒ Rotary Air ☐ Rotary Mud ☒ Cable
☐ Other _____

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ ^{Other}ermal ☐ Injection ☐ Other _____

Special Construction approval Yes No Depth of Completed Well _____ ft.
Explosives used Yes No Type _____ Amount _____

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	8"	228	310	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

location of shoe(s)

☐ Perforations Method AIR PERFORATIONS
☐ Screens Type _____ Material _____

[illegible]

☐ Pump ☐ Boiler ☒ Air ☐ Flowing Artesian

Field gal/min Drawdown Drill stem at Time

100		360	1 hr.

Temperature of water _____ Depth Artesian Flow Found _____
 Was a water analysis done? ☐ Yes By whom _____
 Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
 Depth of strata: _____

228 ft. below land surface. Date 3-5-87
Artesian pressure _____ lb. per square inch. Date _____

Depth at which water was first found 260

From	To	Estimated Flow Rate	SWL
260	357	200-300	228

Ground elevation*

Material	From	To	SWL
0-260 All Ready Drilled			
SANDSTONE GRAVEL	260	270	228
GRAVEL	270	280	1
SAND GRAVEL	280	305	1
GRAVEL LOOSE/W SAND	305	357	1
BLUE CLAY	357	364	228
Deeper NURSEY Well #1			
DID NOT DISTURB SEAL OR			
12" CASING			
RECEIVED			
JUN 02 2008			
WATER RESOURCES DEPT			
SALEM, OREGON			

Date started 2-13-87 Completed 13-16-87

(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 well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed _____ WWC Number _____
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 well construction standards. This report is true to the best of my knowledge and belief.

Signed W. H. Kullman WWC Number 416
Date 3-16-97

Well #2

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

WATER WELL REPORT

SEP 7 1976

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

STATE OF OREGON WATER RESOURCES
(Please type or print)

(Do not write above this line)

State Well No. 25/4E-7

State Permit No.

(1) OWNER:

Name ISELI NURSERY INC.
Address 15241 SE TICKLE GREEK RD.
BORING ORE Zip 97009

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
" Diam. from 0 ft. to 270 ft. Gage 250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

1. of perforator used TORCH

Size of perforations 1/4 in. by 8 in.
156 perforations from 190 ft. to 267 ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? LANZ WELL
Yield: 300 gal./min. with 31 ft. drawdown after 8 hrs.

" " " "
" " " "

Bailer test gal./min. with _____ ft. drawdown after _____ hrs.

Artesian flow g.p.m.

Temperature of water 52 Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement, Bentonite & Clay
Well sealed from land surface to 170 ft.
Diameter of well bore to bottom of seal 12 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 30 sacks
Number of sacks of bentonite used in well seal 2 sacks
Brand name of bentonite NATIMA
Number of pounds of bentonite per 100 gallons
water 65 lbs./100 gals.

Is a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 1/2

Gravel placed from 170 ft. to 270 ft.

(10) LOCATION OF WELL:

County CLACK Driller's well number _____
1/4 1/4 Section 7 T. 2-S R. 4-E W.M.

Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 197 ft.
Static level 199 ft. below land surface. Date 8/28/76
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 0
Depth drilled 270 ft. Depth of completed well 270 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Soil	0	2	0
Clay Red	2	11	0
Clay Yellow	11	74	0
Gravel Cemented	74	103	0
Boulders	103	105	0
Clay & Cobbles	105	118	0
Clay Light Yellow	118	144	0
Clay Embedded Gravel	144	197	0
Sandstone Yellow W.B.	197	223	199
Gravel Cemented W.B.	223	270	199

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JUN 02 2008

WATER RESOURCES DEPT
SALEM, OREGON

Work started 8/14 19 76 Completed 8/28 19 76
Date well drilling machine moved off of well 8/31 19 76

Drilling Machine Operator's Certification:

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

(Signed) Donna Brant Date 8/28 19 76
(Drilling Machine Operator)

Drilling Machine Operator's License No. 246

Water Well Contractor's Certification:

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

Name LANZ WELL Drilling
(Person, firm or corporation) (Type or print)

Address 15702 S. Neighbor Rd Oregon City

(Signed) Donald H. Lanz
(Water Well Contractor)

Contractor's License No. 565 Date 8-31 19 76

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

WATER RESOURCES DEPARTMENT.
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

JUN 13 1980

WATER RESOURCES DEPT
SALEM, OREGON

State Well No. 25/4E-7ba

State Permit No.

(1) OWNER:

Name Iseli Nursery
Address 15241 S. E. Tickle Creek Rd.
Boring, Oregon 97009

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
☐ Jetted ☐
☐ Bored ☐

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
10" Diam. from plus 1 ft. to 300 ft. Gage A53-B
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.
Type of perforator used Star Drive Down
Size of perforations 1/4 in. by 2 in.
1320 perforations from 240 ft. to 295 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
a pump test made? ☒ Yes ☐ No If yes, by whom? AMJanssen
Yield: 200 gal./min. with 5 ft. drawdown after 8 hrs.
" 300 " 6-7 " " "
" 400 " 8 " " "
Packer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.

Temperature of water 56° Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement grout plus 5% gel
Well sealed from land surface to 75 ft.
Diameter of well bore to bottom of seal 15 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 28 sacks
How was cement grout placed? Tremmed on o.d. of casing
@ 75 ft (15 sacks) & 25' to ground level (13 sacks)

drive shoe used? ☒ Yes ☐ No Plugs Size: location
Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Clackamas Driller's well number
NE 1/4 NW 1/4 Section 7 T. 2 S R. 4 E W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 220 ft.
Static level 208 ft. below land surface. Date 6/12/80
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 10"
Depth drilled 315 ft. Depth of completed well 300 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Hard sticky red-brown clay	0	14	
Light brown clay-occ.gravel-boulder	14	32	
Yellow brown clay-occ.gravel-boulder	32	38	
Hard brown clay-occ.gravel	38	70	
Brown cemented gravel-occ.cobble	70	95	
Gray-brpwn clay-occ.boulder	95	100	
Brown clay-occ.gravel-cobble	100	155	
Brown claystone-occ.sandstone streak	155	180	
Brown claystone & conglomerate	180	195	
Compact brown sand-occ.gravel	195	220	
Cemented brown sand & gravel-occ. loose	220	240	W.B.
Compact brown sand & gravel-occ. loose	240	270	W.B.
Clean loose brown sand and			

Work started 5/13/80 19 Completed 6/12/80 19
Date well drilling machine moved off of well 6/12/80 19

Drilling Machine Operator's Certification:

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

[Signed] A. M. Janssen Date 6/16/80 19
(Drilling Machine Operator)

Drilling Machine Operator's License No. 523

Water Well Contractor's Certification:

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

Name A. M. JANNSSEN WELL DRILLING CO., INC.

(Person, firm or corporation) (Type or print)
21075 SW Tualatin Valley Hwy. Aloha, Or.

[Signed] A. M. Janssen
(Water Well Contractor)

Contractor's License No. 79 Date 6/17/80 19

and first copy of this report
to be filed with the

RESOURCES DEPARTMENT.
LEWIS, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

State Well No. 25/4E-760

State Permit No. _____

OWNER:

Iseli Nursery Page 2

Address

2) TYPE OF WORK (check):

New Well ☐ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☐ Jetted ☐
☐ Bored ☐

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

Threaded ☐ Welded ☐

_____ " Diam. from _____ ft. to _____ ft. Gage _____
_____ " Diam. from _____ ft. to _____ ft. Gage _____
_____ " Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforated? ☐ Yes ☐ No.

Type of perforator used

Size of perforations _____ in. by _____ in.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☐ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

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

Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.
" " " " " "
" " " " " "

Puller test _____ gal./min. with _____ ft. drawdown after _____ hrs.
Artesian flow _____ g.p.m.

Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used _____
Well sealed from land surface to _____ ft.
Diameter of well bore to bottom of seal _____ in.
Diameter of well bore below seal _____ in.
Number of sacks of cement used in well seal _____ sacks
How was cement grout placed? _____

Was drive shoe used? ☐ Yes ☐ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☐ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☐ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

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

(11) WATER LEVEL: Completed well.

Depth at which water was first found _____ ft.
Static level _____ ft. below land surface. Date _____
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing _____

Depth drilled _____ ft. Depth of completed well _____ ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
gravel-occ. cemented	270	305	W.B.
Cemented brown sand & gravel	305	310	
Brown claystone	310	315	
Well completed to 300 ft.			

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JUN 13 1980

WATER RESOURCES DEPT
SALEM, OREGON

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JUN 02 2000

WATER RESOURCES DEPT
SALEM, OREGON

Work started _____ 19 _____ Completed _____ 19 _____

Date well drilling machine moved off of well _____ 19 _____

Drilling Machine Operator's Certification:

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

[Signed] _____ Date _____, 19____

(Drilling Machine Operator)

Drilling Machine Operator's License No. _____

Water Well Contractor's Certification:

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

Name _____
(Person, firm or corporation) (Type or print)

Address _____

[Signed] _____

(Water Well Contractor)

Contractor's License No. _____ Date _____, 19____

SP® 45292-690

Well #5

A# G-11241 says in
SE 4 NW 4File Original and
First Copy with the
S7 ENGINEER,
S1 OREGON

WATER WELL REPORT

STATE OF OREGON

State Well No. 2/4-8EState Permit No. G 2629

(1) OWNER:

Name Mr. Verner W. & Germaine IseliAddress 1610 N.E. 64thPortland 13 Oregon(2) LOCATION OF WELL: Epperson Rd.County Clatsop Owner's number, if any Boring OregonSo. W 1/4 No. W Section 8 T. 2 S. R. 4 E W.M.

Bearing and distance from section or subdivision corner

(SE 1/4 of NW 1/4 & East half of the
So. W. 1/4 N.W. 1/4 of Sec. 8

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

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

(5) TYPE OF WELL:

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

(6) CASING INSTALLED:

Threaded ☐ Welded ☒10 " Diam. from 0 ft. to 287 ft. Gage 330 " Diam. from ft. to ft. Gage " Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Perforated? ☒ Yes ☐ NoType of perforator used 4 way drive downSIZE of perforations 1 1/2 in. by 3/8 in.264 perforations from 270 ft. to 281 ft.280 perforations from 240 ft. to 260 ft.240 perforations from 95 ft. to 105 ft. perforations from ft. to ft. perforations from ft. to ft.

(8) SCREENS:

Well screen installed ☐ Yes ☒ NoManufacturer's Name Type Model No. Slot size Set from ft. to ft.Diam. Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel: Gravel placed from ft. to ft.Was a surface seal provided? ☒ Yes ☐ No To what depth? 27 ft.Material used in seal— Cement, Sand & GravelDid any strata contain unusable water? ☐ Yes ☒ NoType of water? Depth of strata Method of sealing strata off

WATER LEVELS:

Static level 180 ft. below land surface Date 2/14/63Artesian pressure lbs. per square inch Date Log Accepted by: [Signed] Date , 1963
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is
lowered below static levelWas a pump test made? ☒ Yes ☐ No If yes, by whom? Bottner Drilling Co.Yield: 150 gal./min. with 0 ft. drawdown after 15 hrs.300 " " 2 " 8 " " " " "Ballor test gal./min. with ft. drawdown after hrs.Artesian flow g.p.m. Date Temperature of water 52 Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well 10 inches.Depth drilled 367 ft. Depth of completed well ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	0	3
Fine sand & clay, brown	3	25
Gravel cemented	25	58
Boulders & coarse gravel	58	95
Gravel fine water br. approx. 25 g.	95	105
Clay sandy, brown	105	126
Sand, fine, brown	126	155
Gravel, cemented	155	170
Gravel, medium	170	190
Gravel, cemented	190	220
Gravel, cemented w/ water se	220	270
Gravel, medium, water bearing	270	276
Gravel, cemented	276	287
Basalt, black	287	298
Rock, gray, water bearing	298	315
Clay, blue	315	367

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JUN 02 2008

WATER RESOURCES DEPT
SALEM OREGON

(25)

Work started Dec. 12 1962 Completed Feb. 7 1963

(13) PUMP:

Manufacturer's Name Type: H.P.

Well Driller's Statement:

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

NAME Haakon Bottner Drilling Co.

(Person, firm, or corporation)

(Type or print)

Address 11544 N. E. GLISAN ST.Portland 20, OREGONDriller's well number [Signed] Haakon Bottner

(Well Driller)

License No. 109 Date March 10 1963

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ISELI NURSERY, INC.
30590 SE KELSO ROAD
SANDY, OREGON 97009

503-663-3822

to use the waters of FIVE WELLS in the TICKLE CREEK BASIN for NURSERY OPERATIONS ON 416.5 ACRES.

This Permit is issued approving Application G-11241. The date of priority is MARCH 5, 1984. The use is limited to not more than 1650.0 GALLONS PER MINUTE, BEING 100 GPM FROM WELL 1, 350 GPM FROM WELL 2, 750 GPM FROM WELL 3, 350 GPM FROM WELL 4, AND 100 GPM FROM WELL 5, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 7, T 2 S, R 4 E, W.M.; WELL 1 - 600 FEET SOUTH AND 850 FEET EAST; WELL 2 - 600 FEET SOUTH AND 1000 FEET EAST; WELL 3 - 700 FEET SOUTH AND 1260 FEET EAST, ALL FROM NW CORNER, NE 1/4 NW 1/4, SECTION 7.

NE 1/4 NW 1/4, SE 1/4 NW 1/4, SECTION 8, T 2 S, R 4 E, W.M.; WELL 4 - 1050 FEET SOUTH AND 175 FEET EAST FROM NW CORNER, NE 1/4 NW 1/4, SECTION 8; WELL 5 - 50 FEET NORTH AND 300 FEET WEST FROM C 1/4 CORNER, SECTION 8.

The amount of water used for Nursery Operations (OAR 690) 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 at any time 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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under the permit is as follows:

NW 1/4 NE 1/4 26.4 ACRES
SW 1/4 NE 1/4 10.0 ACRES
NE 1/4 NW 1/4 30.4 ACRES
SE 1/4 NW 1/4 30.5 ACRES
NE 1/4 SW 1/4 20.0 ACRES
SE 1/4 SW 1/4 3.1 ACRES
NW 1/4 SE 1/4 28.0 ACRES
SECTION 7

SW 1/4 NE 1/4	40.0 ACRES
NE 1/4 NW 1/4	11.0 ACRES
NW 1/4 NW 1/4	32.6 ACRES
SW 1/4 NW 1/4	39.0 ACRES
SE 1/4 NW 1/4	37.0 ACRES
NE 1/4 SW 1/4	40.0 ACRES
NW 1/4 SW 1/4	40.0 ACRES
SW 1/4 SW 1/4	8.5 ACRES
SE 1/4 SW 1/4	20.0 ACRES

SECTION 8

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

The well 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 elevations in the well at all times. When required by the Department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

Actual construction work shall begin on or before November 13, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, November 13, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

RECEIVED
AUG 3 1956
STATE ENGINEER
SALEM, OREGON

Registration Statement

OF CLAIMANT OF RIGHT TO APPROPRIATE GROUNDWATER NO. GP-245

(Under Chapter 702, Oregon Laws 1951) CERTIFICATE NO. GR-221

TO THE STATE ENGINEER OF OREGON:

I, GLEN T. SCHAEFFER ^{for} BERNICE B. SCHAEFFER
of RT. 3 Box 225A, BORING County of CLACKAMAS

State of OREGON, do hereby make application for a certificate of registration as evidence of a right to appropriate ground water.

1. Source from which water is withdrawn is PUMP WELL
(Flowing well, pump well, infiltration trench, or tunnel)

2. Location is: 1 MILE SE BORING
(Approximate distance and direction from nearest city or town)

and is more particularly described as follows:

(a) APPROX 2100' N ± 510' W OF CENTER OF SEC 7 254E
(Give distance and bearing to corner of section or other legal subdivision)
being within E 1/4 OF NW 1/4 of Sec. 7, Twp. 25, Rge. 4E WM
(Smallest legal subdivision) (N. or S.) (E. or W.)

or (b) within limits of recorded platted property, town or city:

in Lot _____, Block _____ of _____
(Name of plat or addition)

(If within city or town, give name) County of CLACKAMAS

3. Construction Work was begun on JUNE 1951; was completed on AUG. 1951
(Date) (Date)

and the ground water claimed was first used for the purposes set out below on AUG 25 1951
(Date)
since which time the water has been used CONTINUOUSLY (FOR IRRIGATION)
(Continuously or intermittently)
from SEPT 1 1951 to AUG 1956
(Date) (Date)

4. Quantity of water claimed and used is 800 gallons per minute; _____ acre feet per year.

5. Purpose or Purposes for which water is used IRRIGATION & DOMESTIC
(Domestic, irrigation, municipal, manufacturing, industrial, etc.)

6. Description of Well: Depth 258 feet. Type DRILLED
(Dig or drilled)
diameter 12" inches. Elevation of ground at well site 680' feet, mean sea level.
(As near as known)
Depth to water table 170 feet.

7. Capacity of Well: 1500 g.p.m. with 8' feet drawdown.
_____ g.p.m. with _____ feet drawdown.

Date of test AUG 1951

If Flowing Well: Measured discharge _____ g.p.m. on _____
(Date)

Shut-in pressure at ground surface _____ lbs. per sq. in. on _____
(Date)

Water is controlled by _____
(Check valve, etc.)

12" inch diameter from GROUND to 259' feet
 inch diameter from to feet
 inch diameter from to feet
 inch diameter from to feet

Describe and show depth of shoe, plug, adapter, liner or other details: SHOE AT 259'
PLUGGED IN BLACK SAND

16 PER FT. $\frac{3}{8} \times 1\frac{1}{4}$ from 230' to 252'

(Number per foot and size of perforations, or describe screen)

from to

from to

from to

from to

[illegible]

GR-221 A

11. Indicate the number of the correct answer.

Directions: Lay flat. Measure from the top of the head to the top of the shoulders. Depth: Measure from the top of the head to the top of the shoulders.

Section with _____ Page Date of Rec _____

12. Tunnel Type of Indicators

Disorders

Position of water bearing stratum with reference to portal of tunnel _____

Log of tunnel: (Preceding table for log of well may be used, if desired. Give footage from portal and character of materials in parenthesis.)

13. Pumping Equipment:

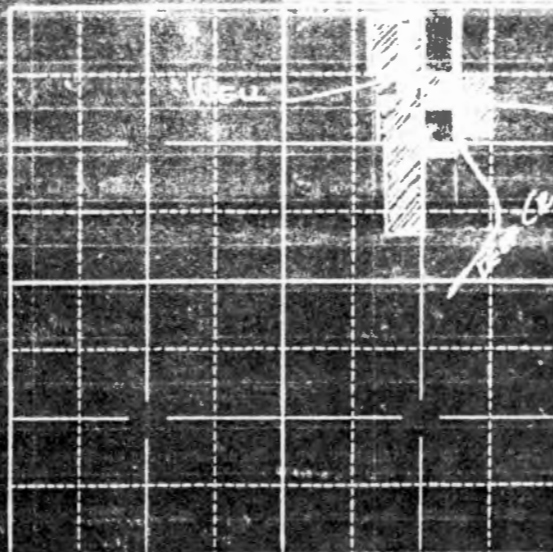
(a) Pump WESTERN LAND ROLLER Capacity 800 gpm

(b) Motor U.S. ELECTRIC 40 H.P.
(Type and horsepower)

14. Location of area irrigated or to be irrigated, or place of use if for purposes other than irrigation.

[illegible]

15. If the ground water supply is supplemental to an existing water supply, identification of any application for a permit, permit, certificate or adjudicated right to appropriate water made or held by the registrant.



Locate well and acreage of irrigated land on plat.

Scale: 2" = 1 Mile

STATE OF OREGON

County of Multnomah

I, Glenn T. Schaeffer, 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.

Glenn T. Schaeffer
(Signature of Registrant)

Subscribed and sworn to before me this 2nd day of August, 1956

My commission expires June 28, 1957

[Signature]
(Notary Public)

(SEAL)

CERTIFICATE OF REGISTRATION

STATE OF OREGON

County of Multnomah

This is to certify that the foregoing Registration Statement, was received in the office of the State Engineer on the 28th day of August, 1956, at 8 o'clock A. M. and has been duly recorded in said office in Book No. 2 of Registration Statements on page 68-271 C.

~~Some other thing to be completed by the registrant and the notary completely applicable~~

~~Some other thing to be completed by the registrant and the notary completely applicable~~

Witness my hand this 23rd day of November, 1956

[Signature]
(Notary Public)

By

68-271 C

DRAFT

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

RECEIVED

OCT 30 1990

WATER RESOURCES DEPT.
SALEM, OREGON

THIS PERMIT IS HEREBY ISSUED TO

ISELI NURSERY, INC.
30590 SE KELSO ROAD
SANDY, OREGON 97009

503-663-3822

to use the waters of FIVE WELLS in the TICKLE CREEK BASIN for NURSERY OPERATIONS ON 416.5 ACRES.

This Permit is issued approving Application G-11241. The date of priority is MARCH 5, 1984. The use is limited to not more than 1650.0 GALLONS PER MINUTE, BEING 100 GPM FROM WELL 1, 350 GPM FROM WELL 2, 750 GPM FROM WELL 3, 350 GPM FROM WELL 4, AND 100 GPM FROM WELL 5, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 7, T 2 S, R 4 E, W.M.; WELL 1 - 600 FEET SOUTH AND 850 FEET EAST; WELL 2 - 600 FEET SOUTH AND 1000 FEET EAST; WELL 3 - 700 FEET SOUTH AND 1260 FEET EAST, ALL FROM NW CORNER, NE 1/4 NW 1/4, SECTION 7.

NE 1/4 NW 1/4, SE 1/4 NW 1/4, SECTION 8, T 2 S, R 4 E, W.M.; WELL 4 - 1050 FEET SOUTH AND 175 FEET EAST FROM NW CORNER, NE 1/4 NW 1/4, SECTION 8; WELL 5 - 50 FEET NORTH AND 300 FEET WEST FROM C 1/4 CORNER, SECTION 8.

The amount of water used for Nursery Operations (OAR 690) 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 at any time 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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under the permit is as follows:

NW 1/4 NE 1/4	26.4 ACRES
SW 1/4 NE 1/4	10.0 ACRES
NE 1/4 NW 1/4	30.4 ACRES
SE 1/4 NW 1/4	30.5 ACRES
NE 1/4 SW 1/4	20.0 ACRES
SE 1/4 SW 1/4	3.1 ACRES
NW 1/4 SE 1/4	28.0 ACRES
SECTION 7	

DRAFT

DRAFT

PAGE TWO

SW 1/4 NE 1/4	40.0 ACRES
NE 1/4 NW 1/4	11.0 ACRES
NW 1/4 NW 1/4	32.6 ACRES
SW 1/4 NW 1/4	39.0 ACRES
SE 1/4 NW 1/4	37.0 ACRES
NE 1/4 SW 1/4	40.0 ACRES
NW 1/4 SW 1/4	40.0 ACRES
SW 1/4 SW 1/4	8.5 ACRES
SE 1/4 SW 1/4	20.0 ACRES

SECTION 8

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

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WATER RESOURCES DEPT.
SALEM, OREGON

The well 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 elevations in the well at all times. When required by the Department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, .

Water Resources Department
William H. Young
Director

I, GREG Pilcher, acting for Iseli Nursery, hereby understand and agree that this draft permit describes the full extent of water use that will be allowed approving Application G-11241. By signature below, I agree to the proposed terms and conditions for this draft permit.

Signature

VICE PRES.

10-29-90

Date

Title

Application G-11241 Water Resources Department
Basin 2 Volume 23A Tickle Creek & Misc. Wells
G-11241.WJO

PERMIT G-XXXXX
District 16

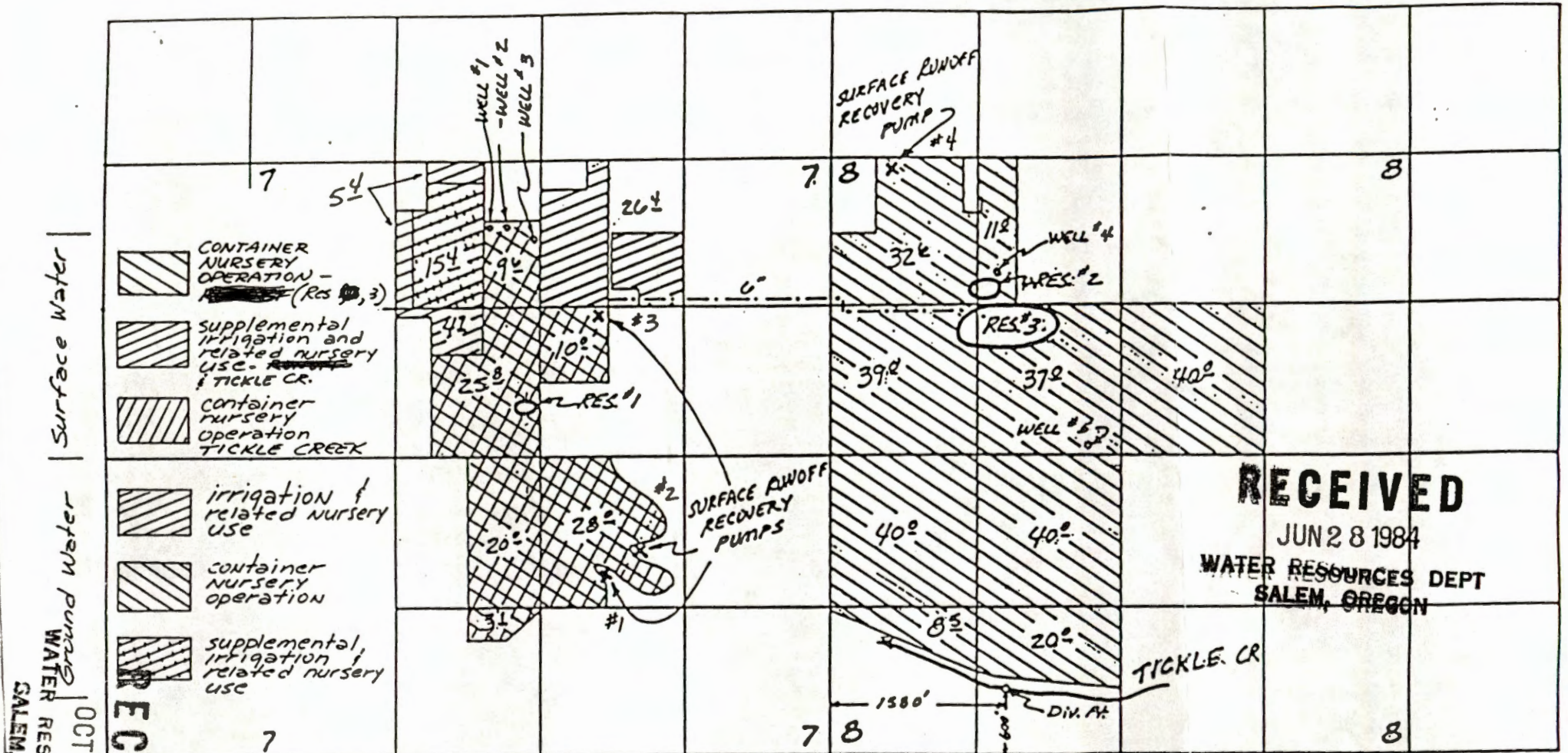
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T2S. R4E. W.M.
SCALE: 4" = 1 MILE



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SALEM, OREGON

WELL LOCATIONS - WELL #1, 600' S. & 850' E., WELL #2 600' S. & 1000' E., WELL #3 700' S. & 1260' E., ALL FROM THE N.W. COR. NE 1/4 NW 1/4 SEC. 7, T2S. R4E.
WELL #4 1050' S. & 175' E. FROM THE N.W. COR. NE 1/4 NW 1/4 SEC. 8, T2S. R4E.
WELL #5 50' N. & 300' W FROM THE CENTER SEC. 8, T2S. R4E.

DIV. PTS. LOCATIONS - TICKLE CR. 600' N. & 1580' E. FROM S.W. COR SEC. 8, T2S. R4E.

THIS MAP PREPARED BY:

C. King

ON INFORMATION FURNISHED BY:

DATE:

(4 Drainage ways)

#1 SURFACE RUNOFF - 1050' S., 550' E.
#2 SURFACE RUNOFF - 850' S., 900' E.
#3 SURFACE RUNOFF - 1250' N., 525' E.
#4 SURFACE RUNOFF - 100' S., 550' E. from N.W. COR. section 8, T2S, R4E.

All from center section 7, T2S, R4E

Application No. ~~R-68128 & 68024~~ G-11241
Permit No.

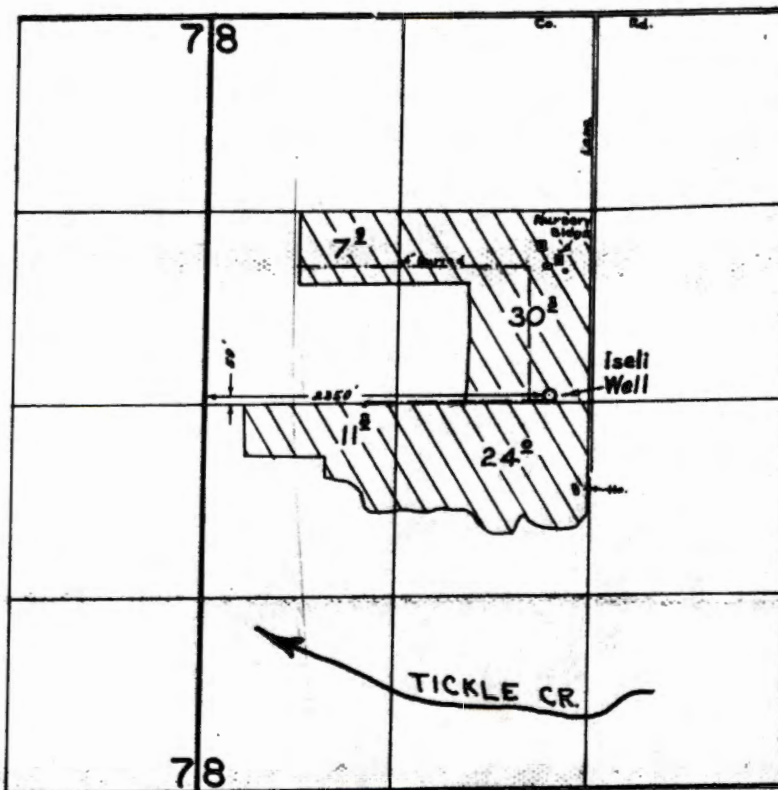
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SALEM, OREGON

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SALEM, OREGON

SEP 19 1985

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T.2S. R.4E. W.M.



FINAL PROOF SURVEY
UNDER

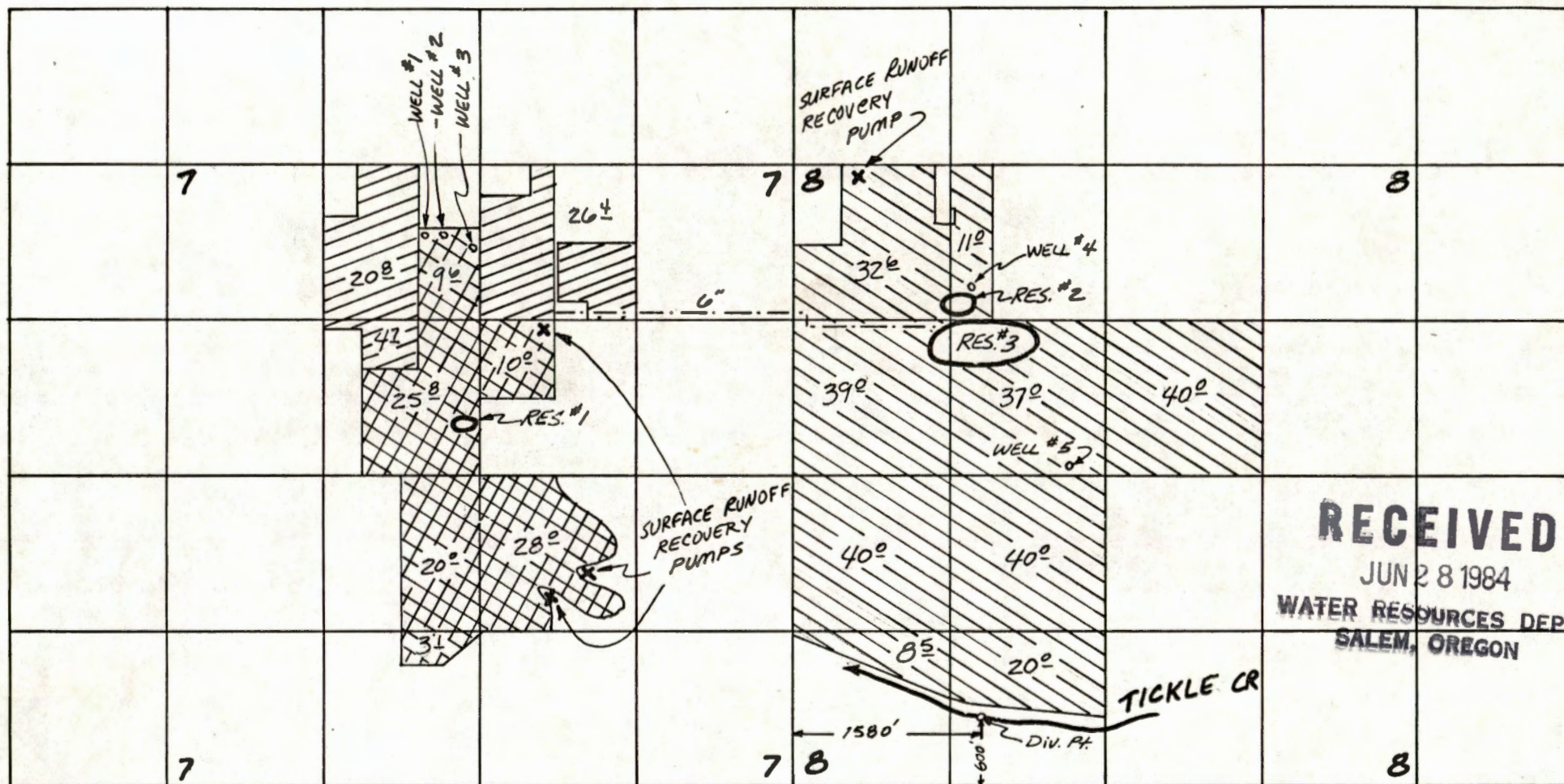
Application No. G-2629 Permit No. G-2439
IN NAME OF

WERNER W. & GERMAINE ISELI

Surveyed NOV. 8, 1974 by L. E. GOULD

T.2S. R.4E. W.M.

SCALE: 4" = 1 MILE



WELL LOCATIONS - WELL #1 600' S. & 850' E., WELL #2 600' S. & 1000' E., WELL #3 700' S. & 1260' E., ALL FROM THE N.W. COR. NE 1/4 NW 1/4 SEC. 7, T2S, R4E
 WELL #4 1050' S. & 175' E. FROM THE N.W. COR. NE 1/4 NW 1/4 SEC. 8, T2S, R4E.
 WELL #5 50' N. & 300' W FROM THE CENTER SEC. 8, T2S, R4E.

DIV. PTS. LOCATIONS - TICKLE CR. 600' N. & 1580' E. FROM S.W. COR. SEC. 8, T2S, R4E.
 SURFACE RUNOFF AND RES. #1 450' N. & 100' W. FROM CENTER SEC. 7, T2S, R4E.
 SURFACE RUNOFF AND RES. #2 1400' N. & 1250' W. FROM CENTER SEC. 8, T2S, R4E.
 SURFACE RUNOFF AND RES. #3 1200' N. & 1250' W. FROM CENTER SEC. 8, T2S, R4E.

THIS MAP PREPARED BY:

C.K. King

FROM INFORMATION FURNISHED BY THE APPLICANT

Application No. *G-11247*
 Permit No. *Superseded*

T.2S. R.4E. W.M.

SCALE: 4" = 1 MILE

Surface Water

Ground Water

OCT - 3 1985

MAP PREPARED BY:

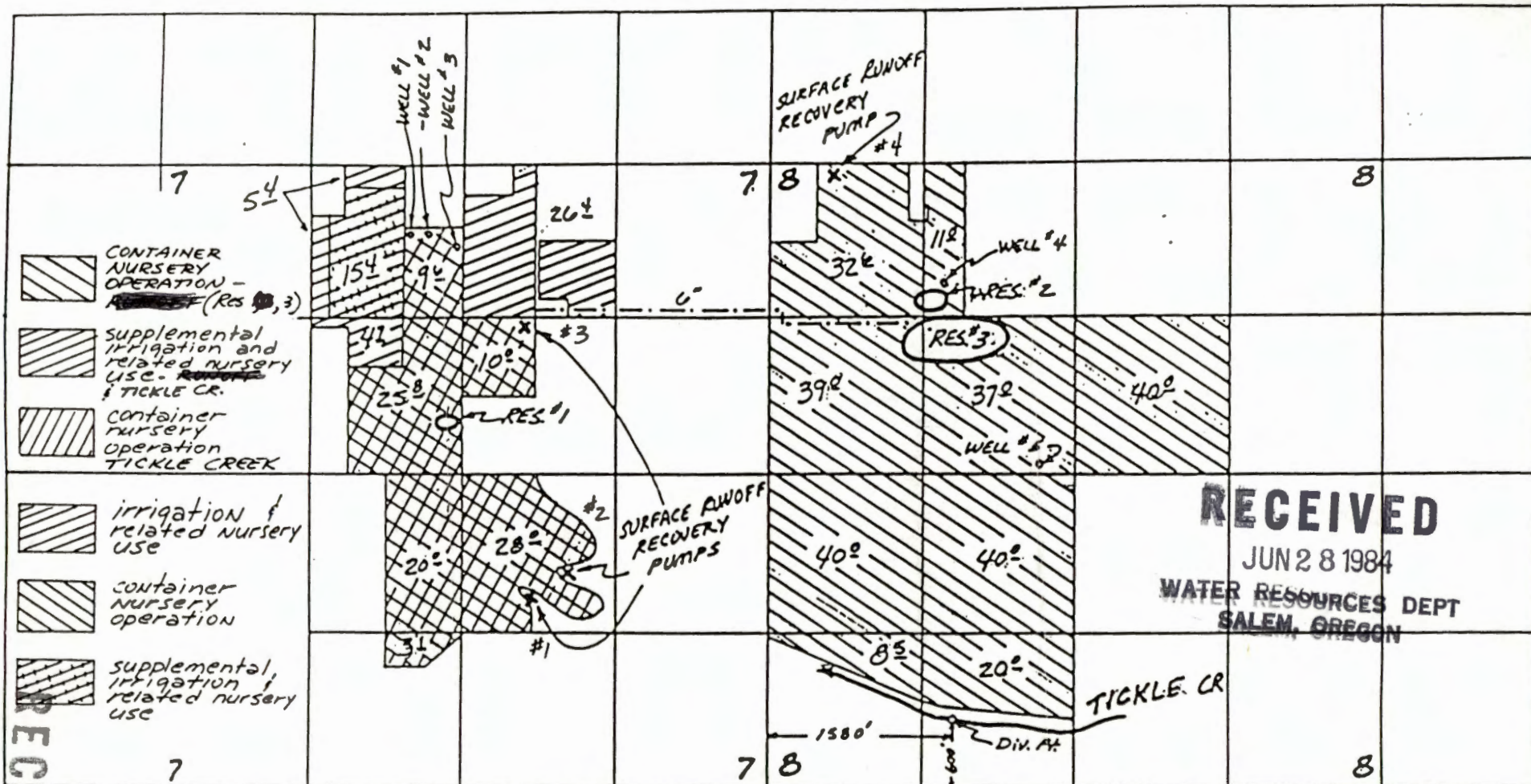
C.K. King

ON INFORMATION FURNISHED BY:

APP:

Application No. 2-11241

Permit No. G11134



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JUN 28 1984

WATER RESOURCES DEPT
SALEM, OREGON

TICKLE CR

DIV. Pt

WELL LOCATIONS - WELL #1, 600'S. / 850'E., WELL #2 600'S. / 1000'E., WELL #3 700'S. / 1260'E., ALL FROM THE N.W. COR. NE1/4 NW1/4 SEC 7, T2S, R4E
WELL #4 1050'S. / 175'E. FROM THE N.W. COR. NE1/4 NW1/4 SEC. 8, T2S, R4E.
WELL #5 50'N. / 300'W FROM THE CENTER SEC 8, T2S, R4E.

DIV. PTS LOCATIONS - TICKLE CR. 600'N. / 1580'E. FROM S.W. COR SEC. 8, T2S, R4E.

RES. #1 450'N. / 100'W. FROM CENTER SEC. 7, T2S, R4E.

RES. #2 1400'N. / 1250'W. FROM CENTER SEC. 8, T2S, R4E.

RES. #3 1200'N. / 1250'W. FROM CENTER SEC. 8, T2S, R4E.

#1 SURFACE RUNOFF - 1050'S., 550'E

#2 SURFACE RUNOFF - 850'S., 900'E

#3 SURFACE RUNOFF - 1250'N., 525'E

#4 SURFACE RUNOFF - 100'S., 550'E from N.W. COR. section 8, T2S, R4E.

All from center section 7, T2S, R4E

All from center section 8, T2S, R4E.

WATER R.
SALEM, OREGON
DEPT

SEP 19 1985

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T.2S. R.4E. W.M.

SCALE: 4" = 1 MILE

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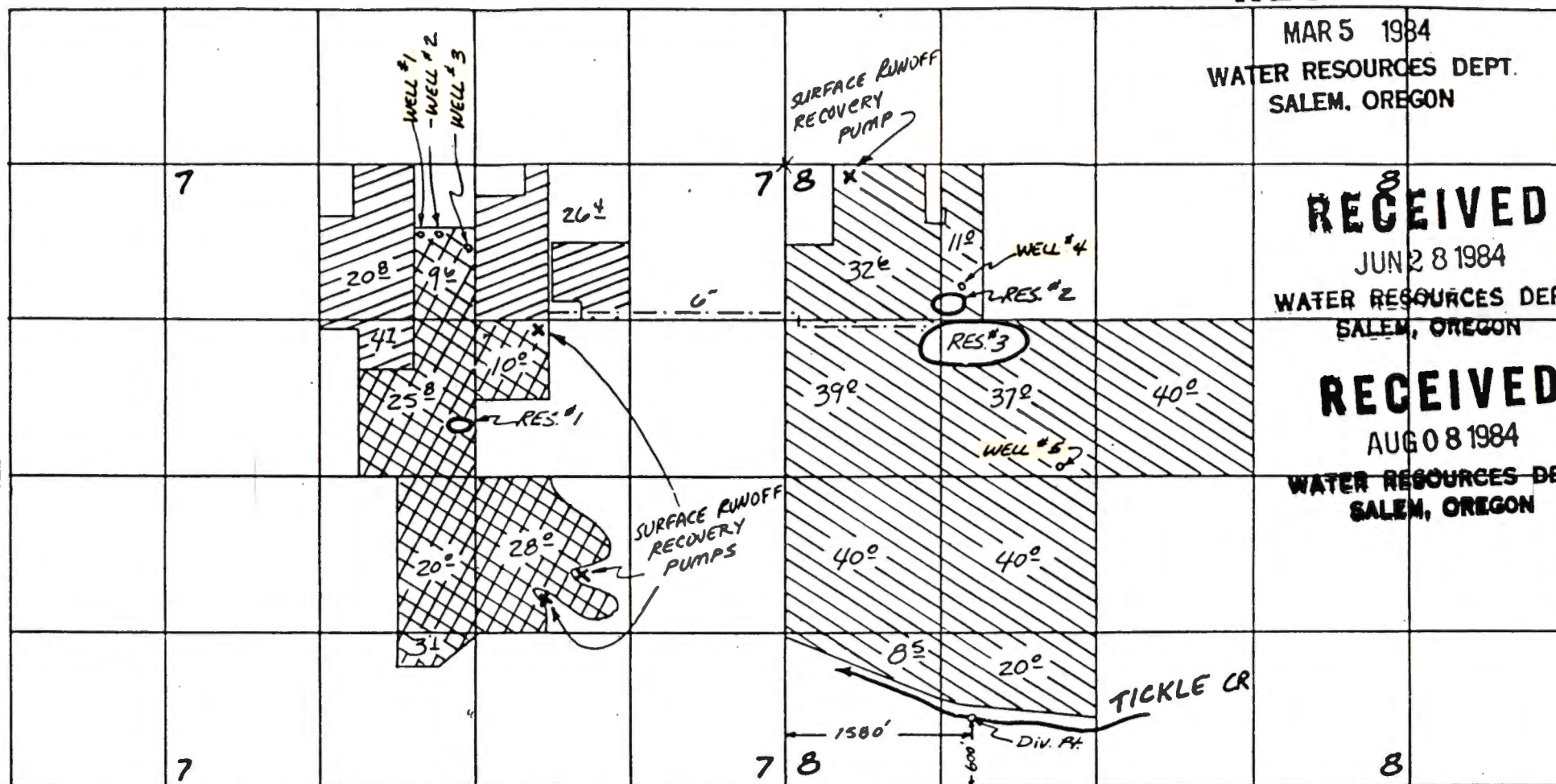
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JUN 28 1984
WATER RESOURCES DEPT.
SALEM, OREGON

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AUG 08 1984
WATER RESOURCES DEPT.
SALEM, OREGON



WELL LOCATIONS - WELL #1 600' S. & 850' E., WELL #2 600' S. & 1000' E., WELL #3 700' S. & 1260' E., ALL FROM THE N.W. COR. NE1/4 NW1/4 SEC 7, T2S. R4E
WELL #4 1050' S. & 175' E. FROM THE N.W. COR. NE1/4 NW1/4 SEC. 8, T2S. R4E.
WELL #5 50' N. & 300' W FROM THE CENTER SEC 8, T2S. R4E.

DIV. PTS. LOCATIONS - TICKLE CR. 600' N. & 1580' E. FROM S.W. COR. SEC. 8, T2S. R4E.
SURFACE RUNOFF AND RES. #1 450' N. & 100' W. FROM CENTER SEC. 7, T2S. R4E.
SURFACE RUNOFF AND RES. #2 1400' N. & 1250' W. FROM CENTER SEC. 8, T2S. R4E.
SURFACE RUNOFF AND RES. #3 1200' N & 1250' W. FROM CENTER SEC. 8, T2S. R4E.

THIS MAP PREPARED BY:

C.K. King

FOR INFORMATION FURNISHED BY
THE APPLICANT

Application No. 68724
Permit No.

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

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

WATER WELL REPORT

STATE OF OREGON
(Please type or print)

(Do not write above this line)

SEP 1 1976

State Well No.

25/4E-7

State Permit No.

SALEM, OREGON

(1) OWNER:

Name ISLEI NURSERY INC.
Address 15241 SE TICKLE GREEK RD.
BORING ORE Zip 97009

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
" Diam. from 0 ft. to 270 ft. Gage 250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used TORCH

Size of perforations 1/4 in. by 8 in.
156 perforations from 140 ft. to 267 ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? LANZ WELLS
Yield: 300 gal./min. with 31 ft. drawdown after 8 hrs.

Bailer test _____ gal./min. with _____ ft. drawdown after _____ hrs.
Artesian flow _____ g.p.m.

Temperature of water 52 Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement, Bentonite & Clay
Well sealed from land surface to 170 ft.
Diameter of well bore to bottom of seal 12 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 30 sacks
Number of sacks of bentonite used in well seal 2 sacks
Brand name of bentonite NATIMA
Number of pounds of bentonite per 100 gallons
of water 65 lbs./100 gals.
Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? ☒ Yes ☐ No Size of gravel: 1/2
Gravel placed from 170 ft. to 270 ft.

(10) LOCATION OF WELL:

County CLACK Driller's well number _____
1/4 1/4 Section 7 T. 2-S R. 4-E W.M. _____
Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 197 ft.
Static level 199 ft. below land surface. Date 8/28/76
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 0

Depth drilled 270 ft. Depth of completed well 270 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SOIL	0	2	0
CLAY RED	2	11	0
CLAY YELLOW	11	74	0
GRAVEL CEMENTED	74	103	0
BOULDERS	103	105	0
CLAY & COBBLES	105	118	0
CLAY LIGHT YELLOW	118	144	0
CLAY EMBEDDED GRAVEL	144	197	0
SANDSTONE YELLOW W.B.	197	223	199
GRAVEL CEMENTED W.B.	223	270	199

Work started 8/14 19 76 Completed 8/28 19 76
Date well drilling machine moved off of well 8/31 19 76

Drilling Machine Operator's Certification:

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

[Signed] Thom Brant Date 8/28, 19 76
(Drilling Machine Operator)

Drilling Machine Operator's License No. 246

Water Well Contractor's Certification:

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

Name LANZ WELL DRILLING
(Person, firm or corporation) (Type or print)

Address 15702 S. NEIBUR RD. OREGON CITY

[Signed] Arnold H. Lanz
(Water Well Contractor)

Contractor's License No. 565 Date 8-31, 19 76

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

WATER RESOURCES DEPARTMENT.
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

JUN 13 1980

State Well No.

WATER RESOURCES DEPT.

State Permit No.

SALEM, OREGON

25/4E-7ba

(1) OWNER:

Name Iseli Nursery
Address 15241 S. E. Tickle Creek Rd.
Boring, Oregon 97009

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
☐ Jetted ☐
☐ Bored ☐

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
10" Diam. from plus 1 ft. to 300 ft. Gage 250
A53-B
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Star Drive Down
Size of perforations 1/4 in. by 2 in.
1320 perforations from 240 ft. to 295 ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

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

Yield: 200 gal./min. with 5 ft. drawdown after 8 hrs.
" 300 " 6-7 " " " "
" 400 " 8 " " " "

Flow test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water 56° Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement grout plus 5% gel
Well sealed from land surface to 75 ft.
Diameter of well bore to bottom of seal 15 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 28 sacks
How was cement grout placed? Tremmed on o.d. of casing
@ 75 ft (15 sacks) & 25' to ground level (13
sacks)

Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Clackamas Driller's well number _____
NE 1/4 NW 1/4 Section 7 T. 2 S R. 4 E W.M. _____
Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 220 ft.
Static level 208 ft. below land surface. Date 6/12/80
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 10"
Depth drilled 315 ft. Depth of completed well 300 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Hard sticky red-brown clay	0	14	
Light brown clay-occ.gravel-boulder	14	32	
Yellow brown clay-occ.gravel-boulder	32	38	
Hard brown clay-occ.gravel	38	70	
Brown cemented gravel-occ.cobble	70	95	
Gray-brpwn clay-occ.boulder	95	100	
Brown clay-occ.gravel-cobble	100	155	
Brown claystone-occ.sandstone streak	155	180	
Brown claystone & conglomerate	180	195	
Compact brown sand-occ.gravel	195	220	
Cemented brown sand & gravel-occ. loose	220	240	W.B.
Compact brown sand & gravel-occ. loose	240	270	W.B.
Clean loose brown sand and			

Work started 5/13/80 19 Completed 6/12/80 19

Date well drilling machine moved off of well 6/12/80 19

Drilling Machine Operator's Certification:

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

(Signed) A. M. Jannsen Date 6/16/80 19
(Drilling Machine Operator)

Drilling Machine Operator's License No. 523

Water Well Contractor's Certification:

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

Name A. M. JANNSEN WELL DRILLING CO., INC.

(Person, firm or corporation) (Type or print)

Address 21075 SW Tualatin Valley Hwy. Aloha, Or.

(Signed) A. M. Jannsen
(Water Well Contractor)

Contractor's License No. 79 Date 6/17/80 19

WATER WELL REPORT
STATE OF OREGON

RECEIVED

OCT 26 1983

PLEASE TYPE PRINT IN INK
WATER RESOURCES DEPT
SALEM, OREGON

State Well No. 25/4E 8bc

State Permit No. _____

(1) OWNER:

Name Ise, Nursery
Address 15241 S.E. Tickle Creek
City Boring State ORE

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☒ Driven ☐ Domestic ☐ Industrial ☐ Municipal ☐
Rotary Mud ☐ Dug ☐ Irrigation ☒ Test Well ☐ Other ☐
Shale ☐ Bored ☐ Thermal: Withdrawal ☐ Reinjection ☐

(4) PROPOSED USE (check):

(5) CASING INSTALLED: Steel ☒ Plastic ☐
Threaded ☐ Welded ☒
10" Diam from +2 ft. to 295 ft. Gauge 250
" Diam from ft. to ft. Gauge

(6) LINER INSTALLED:

8" Diam from 290 ft. to 337 ft. Gauge 160 PSI PVC

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No

Type of perforator used ROTARY STAR AND SAW
Size of perforations 1 1/4 x 1 1/4 in. 5 x 1 1/8 in.
1300 perforations from 248 ft. to 292 ft.
120 perforations from 290 ft. to 335 ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot Size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot Size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

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

Id: _____ gal./min. with _____ ft. drawdown after _____ hrs.
Air test 300+ gal./min. with drill stem at 300 ft. 1 hrs.
Bailer test _____ gal./min. with _____ ft. drawdown after _____ hrs.
Artesian flow _____ g.p.m.

Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☒

Well seal—Material used CEMENT
Well sealed from land surface to 22 ft.
Diameter of well bore to bottom of seal 15 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 30 sacks
How was cement grout placed? PUMP

Was pump installed? Ted Type Sub HP 40 Depth 301 ft.
Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of Water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County CLATSOP Driller's well number _____
SW 1/4 NW 1/4 Section 8 T. 2S R. 4E W.M.
Tax Lot # _____ Lot _____ Blk _____ Subdivision _____
Address at well location: _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 230 ft.
Static level 155 ft. below land surface. Date 8/8/83
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 10

Depth drilled 353 ft. Depth of completed well 337 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SOIL BROWN	0	2	
CLAY BROWN	2	18	
CEMENTED GRAVEL	18	150	
CLAY BROWN	150	158	
CLAY BROWN W/SOME FINE GRAVEL	158	205	
SAND COURSE W/SOME FINE GRAVEL	205	258	155
CEMENTED GRAVEL W/BOULDERS	258	292	155
SANDSTONE BROWN HARD	292	299	
GRAVEL AND SAND	299	338	155
SAND FINE BROWN & GRAY	338	353	

Work started 7/20 19 83 Completed 8/8 19 83
Date well drilling machine moved off of well 8/8 19 83

(unbonded) Water Well Constructor Certification (if applicable):

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
(Signed) Daniel J. Webb Date 8/25, 19 83

Bonded Water Well Constructor Certification:

Bond 2546611 Issued by: SDFCO
(number) Surety Company Name

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

Name Ted Pulliam well Drilling
(Person, firm or corporation) (Type or print)
Address 4845 W. Powell, Gresham
(Signed) Ted W. Pulliam
Water Well Constructor
Date Aug 27, 19 83

(WATER WELL REPORT)
STATE OF OREGON

State Well No. 2/4-8E
State Permit No. G 2629

(1) OWNER:

Name Mr. Verner W. & Germaine Iseli
Address 1610 N.E. 64th
Portland 13 Oregon

(2) LOCATION OF WELL: Epperson Rd.

County Clatsop Owner's number, any
So. W 1/4 No. W Section 8 T. 2 S. R. 4 E W.M.
Bearing and distance from section or subdivision corner

(SE 1/4 of NW 1/4 & East half of the
So. W. 1/4 N.W. 1/4 of Sec. 8

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
Indonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

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

(5) TYPE OF WELL:

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

(6) CASING INSTALLED:

Threaded ☐ Welded ☒
10" Diam. from 0 ft. to 287 ft. Gage 330
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Perforated? ☒ Yes ☐ No
Type of perforator used 4 way drive down
SIZE of perforations 1 1/2 in. by 3/8 in.
264 perforations from 270 ft. to 281 ft.
280 perforations from 240 ft. to 260 ft.
240 perforations from 95 ft. to 105 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) SCREENS:

Well screen installed ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.
Was a surface seal provided? ☒ Yes ☐ No To what depth? 27 ft.
Material used in seal— Cement, Sand & Gravel
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? Depth of strata
Method of sealing strata off

(10) WATER LEVELS:

Static level 180 ft. below land surface Date 2/14/63
Artesian pressure lbs. per square inch Date

Log Accepted by:

[Signed] _____ Date _____, 19____
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is
lowered below static level Bottner
Was a pump test made? ☒ Yes ☐ No If yes, by whom? Drilling Co.

Yield: 150 gal./min. with 0 ft. drawdown after 15 hrs.
" 300 " 2 " 8 "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water 52 Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well 10 inches.

Depth drilled 367 ft. Depth of completed well ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	0	3
Fine sand & clay, brown	3	25
Gravel cemented	25	58
Boulders & coarse gravel	58	95
Gravel fine water br. approx.	95	105
Clay sandy, brown	105	126
Sand, fine, brown	126	155
Gravel, cemented	155	170
Gravel, medium	170	190
Gravel, cemented	190	220
Gravel, cemented w/ water se	220	270
Gravel, medium, water bearing	270	276
Gravel, cemented	276	287
Basalt, black	287	298
Rock, gray, water bearing	298	315
Clay, blue	315	367

(25)
Work started Dec. 12 19 62 Completed Feb. 7 19 63

(13) PUMP:

Manufacturer's Name
Type: H.P.

Well Driller's Statement:

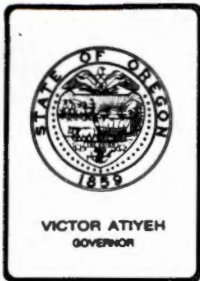
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Haakon Bottner Drilling Co.
(Person, firm, or corporation) (Type or print)

Address 11544 N. E. GLISAN ST.
Portland 20, OREGON
Driller's well number

[Signed] Haakon Bottner
(Well Driller)

License No. 109 Date March 10 19 63



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

July 3, 1984

Doug Foley
Bullivant, Houser and Bailey
Attorneys at Law
405 West 13th
Vancouver, Washington 98660

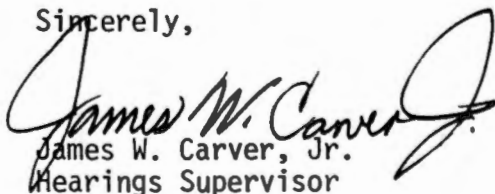
Dear Mr. Foley:

REFERENCE: Applications G-11241 and 68024

The materials pertaining to the filing of a protest against a pending application for a permit to appropriate water to beneficial use, and the information regarding pending Applications G-11241 and 68024 in the name of Iseli Nursery, Inc., as promised during our telephone conversation yesterday afternoon, are enclosed. The Attorney General's Administrative Law Manual and Model Rules of Procedure which includes division 137 of the Oregon Administrative Rules, is available from the Department of Justice, 100 Justice Building, Salem, OR 97310, for the cost of \$5.

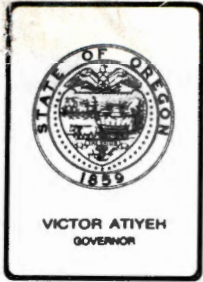
Applications G-11241 and 68024 will be held in pending status until July 30, 1984 to allow you opportunity to complete and file the proposed protest.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

cc: Clifton King, Watermaster

Jodi Nursey G-11241



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310
August 16, 1984

PHONE 378-8407

Douglas F. Foley
Bullivant, Wright, Leedy, Johnson, Pendergrass, & Hoffman
405 West 13th Street
Vancouver, Washington 98660

Dear Mr. Foley:

REFERENCE: App. G-11241

Enclosed are copies of Water Rights Information which you requested. Also enclosed is Water Resources Department Receipt 43756 for the \$10.50 in copying fees which you submitted.

While in most cases the rights will be valid as described by the certificates, you are cautioned that the rights or any part thereof may be forfeited by five successive years of non use. Our records will not show that a right has been lost until a cancellation proceeding has been initiated.

Sincerely,

W.A. CARR
Water Rights Examiner
Water Rights Division

WAC:cle
enclosures

RECEIVED

AUG 15 1984

WATER RESOURCES DEPT
SALEM, OREGON

BULLIVANT, HOUSER, BAILEY,
PENDERGRASS, HOFFMAN, O'CONNELL & GOYAK
ATTORNEYS AT LAW
1000 WILLAMETTE CENTER
121 S. W. SALMON STREET
PORTLAND, OREGON 97204-2997

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DOUGLAS R. ANDRES
JOHN R. ASHWORTH
RONALD E. BAILEY
JOHN A. BENNETT
DANFORD E. L. BICKMORE
ANNA J. BROWN
CHRISTINE P. BROWN‡
JOHN W. BUEHLER
R. R. BULLIVANT
MARK D. CLARKE
MARY T. DANFORD
JAMES G. DRISCOLL
STEPHEN F. ENGLISH
DIANNE K. ERICSSON
DOUGLAS F. FOLEY*
DAVID R. FOSTER
PAUL R. GARY

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NICK I. GOYAK†
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DOUGLAS G. HOUSER, P.C.
I. FRANKLIN HUNSAKER
J. ALAN JENSEN†
DARREL L. JOHNSON
R. ERICK JOHNSON
TED A. JOHNSON
JAMES L. KNOLL
SALLY C. LANDAUER
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DEBORAH J. LOY
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CHRYA A. MARTIN

(503) 228-6351

TELECOPIER (503) 228-6353

VANCOUVER OFFICE
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VANCOUVER, WASHINGTON 98660
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ROBERT F. RIEDE
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JOHN C. RUPPERT
JAMES B. RUYLE
MICHAEL R. SEIDL
J. MACK SHIVELY
RONALD G. STEPHENSON
SCOTT M. STICKNEY
JAMES T. WALTER
RICHARD J. WHITTEMORE
S. JOEL WILSON
CHARLES E. WRIGHT
JEREMY E. ZUCK

OF COUNSEL
ROGER L. KRAGE
ELIZABETH WELCH
GLEN R. KUYKENDALL†

OF COUNSEL
PETER A. CASCIATO*
MEDIA BUILDING
943 HOWARD STREET
SAN FRANCISCO, CA 94103
(415) 546-1677

V.V. PENDERGRASS (RETIRED)
HUGH L. BARZEE (RETIRED)

* OREGON AND WASHINGTON BARS
† OREGON AND CALIFORNIA BARS
‡ OREGON AND DISTRICT OF
COLUMBIA BARS
* OREGON, CALIFORNIA AND
DISTRICT OF COLUMBIA BARS

August 14, 1984

Mr. James W. Carver, Jr.
Hearings Supervisor
Water Resources Department
Mill Creek Office Park
555 13th Street N.E.
Salem, OR 97310

Reference: Application G-11241

Dear Mr. Carver:

Enclosed you will find my check in the amount of \$10.50 for one copy of the water well reports which the Water Resources received in connection with the construction of certain wells which are the subject of the above application. In particular, what I am interested in is the current permit water levels allowed for extraction of water from wells 1 through 5 on the above application of Iseli Nursery.

I understand you will be sending a copy of Application G-11241, with current maps; a copy of Certificate 42886 with map; a copy of Registration Statement GR-245; and one copy each of the water well reports received in connection with the construction of these wells. You will find enclosed my check for \$10.50.

What, of course, I am highly interested in is the current gallons per minute allowed out of these wells. I trust this information will be included within this request. Thank you very much for your assistance.

Very truly yours,

Douglas F. Foley

DFF/emp
Enclosure
cc: Mr. Laurence Janssen

RECEIVED

AUG 08 1984

**BULLIVANT, HOUSER, BAILEY,
PENDERGRASS, HOFFMAN, O'CONNELL & GOYAK
ATTORNEYS AT LAW
1000 WILLAMETTE CENTER
121 S. W. SALMON STREET
PORTLAND, OREGON 97204-2997**

**WATER RESOURCES DEPT
SALEM, OREGON**

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* OREGON, CALIFORNIA AND
DISTRICT OF COLUMBIA BARS

August 7, 1984

Mr. James W. Carver, Jr.
Hearings Supervisor
Water Resources Department
Mill Creek Office Park
555 13th Street N.E.
Salem, OR 97310

Re: Application G-11241

Dear Mr. Carver:

Enclosed you will find an Addendum to the Protest which was filed in the above-captioned matter.

Also, pursuant to our telephone conversation of today's date, I have enclosed the Section and Township Map requested showing well numbers 1 through 5 on the Iseli property. I request that the Department search to see if based upon prior permits issued to Iseli Nursery (1) if those are existing wells; and (2) if those are existing wells, whether the permit numbered above seeks to increase water consumption from those wells. I request copies of these previous permits.

Very truly yours,

Douglas F. Foley

DFF/emp
Enclosure

cc: Mr. Harold K. Olsen
Mr. & Mrs. Thomas R. Bateman
Mr. & Mrs. Lee K. King
Mr. Laurence R. Janssen
with enclosure

TOWNSHIP <u>25</u> RANGE <u>4E</u> W. M. SECTION <u>7</u>																APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE				NW				SW				SE						
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
25 ⁴	25 ²	28 ²		21 ²	21 ²			8 ²	3 ²							GR-245	GR-221	
14⁴		14⁴														G-5552	G-5519	
								18 ² 30								G-5559	G-5160	
												15 ²				G-10354	G-9426	
				15 ⁴												Supplemental G-11241		2
26 ⁴				5 ⁴				4 ²								G-11241		2
Rel. Nur.				Rel. Nur.				Rel. Nur.								G-11241		
								Container Nur.		Nur.						G-11241		
								25 ² 20 ²		3 ²						Supplemental 68024	48577	
26 ²				20 ²				4 ²								68024	48577	
Rel. Nur.				Rel. Nur.				Rel. Nur.								68024	48577	
								Container Nur.		Nur.						68024	48577	
								25 ² 20 ²		3 ²								

TOWNSHIP <u>25</u> RANGE <u>4E</u> W. M.																SECTION <u>8</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
						72	30 ³	24 ²	11 ²							G-2429	G-2439	142886
																G-5552	G-5319	
40 ⁻				11 ⁻	32 ⁻⁶	40 ⁻	40 ⁻	40 ⁻	40 ⁻	8 ²	20 ⁻					65054	47675	
				CONTAINER NURSERY														
40 ⁻				11 ²	32 ²	39 ²	37 ²	40 ⁻	40 ⁻	8 ²	20 ²					G-11241		
						Res	Res									R-68128	R-9901	-
40 ⁻				Container Nursery Stock														
				11 ²	32 ²	39 ²	37 ²	40 ²	40 ²	8 ²	20 ²					68024	48577	

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

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

WATER WELL REPORT

STATE OF OREGON
(Please type or print)

(Do not write above this line)

SEPT 1976

State Well No.

State Permit No.

25/4E-7

SALEM, OREGON

(1) OWNER:

Name ISELI NURSERY INC.
Address 15241 SE TICKLE GREEK RD.
BORING ORE ZIP 97009

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
" Diam. from 0 ft. to 270 ft. Gage 250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used TORCH

Size of perforations 1/4 in. by 8 in.
156 perforations from 190 ft. to 267 ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

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

Yield: 300 gal./min. with 31 ft. drawdown after 8 hrs.

" " " "

" " " "

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

Artesian flow g.p.m.

Temperature of water 52 Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement Bentonite & Clay

Well sealed from land surface to 170 ft.

Diameter of well bore to bottom of seal 12 in.

Diameter of well bore below seal 10 in.

Number of sacks of cement used in well seal 30 sacks

Number of sacks of bentonite used in well seal 2 sacks

Brand name of bentonite NATIMA

Number of pounds of bentonite per 100 gallons

of water 65 lbs./100 gals.

Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 1/2

Gravel placed from 170 ft. to 270 ft.

(10) LOCATION OF WELL:

County CLACK Driller's well number _____
1/4 1/4 Section 7 T. 2-S R. 4E W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 197 ft.

Static level 199 ft. below land surface. Date 8/28/76

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 0

Depth drilled 270 ft. Depth of completed well 270 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Soil	0	2	0
Chay Red	2	11	0
Chay Yellow	11	74	0
Gravel Cemented	74	103	0
Boulders	103	105	0
Chay & Cobbles	105	118	0
Chay Light Yellow	118	144	0
Chay Embedded Gravel	144	197	0
SANDSTONE YELLOW W.B.	197	223	199
GRAVEL Cemented W.B.	223	270	199

Work started 8/14 19 76 Completed 8/28 19 76

Date well drilling machine moved off of well 8/31 19 76

Drilling Machine Operator's Certification:

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

[Signed] Thom Brant Date 8/28, 19 76
(Drilling Machine Operator)

Drilling Machine Operator's License No. 246

Water Well Contractor's Certification:

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

Name LANZ WELL Drilling
(Person, firm or corporation) (Type or print)

Address 15702 S. Neighbor Rd Oregon City

[Signed] Donald H. Lanz
(Water Well Contractor)

Contractor's License No. 565 Date 8-31, 19 76

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

WATER RESOURCES DEPARTMENT.
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

JUN 13 1980

WATER RESOURCES DEPT.

SALEM, OREGON

State Well No. 25/4E-7ba

State Permit No.

(1) OWNER:

Name Iseli Nursery
Address 15241 S. E. Tickle Creek Rd.
Boring, Oregon 97009

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☒ Driven ☐
☐ Jetted ☐
☐ Bored ☐

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

Threaded ☐ Welded ☒
10" Diam. from plus 1 ft. to 300 ft. Gage A53-B
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Star Drive Down
Size of perforations 1/4 in. by 2 in.
1320 perforations from 240 ft. to 295 ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

a pump test made? ☒ Yes ☐ No If yes, by whom? AMJannsen
Yield: 200 gal./min. with 5 ft. drawdown after 8 hrs.
" 300 " 6-7 " " "
" 400 " 8 " " "

Per test _____ gal./min. with _____ ft. drawdown after _____ hrs.

Artesian flow _____ g.p.m.

Temperature of water 56° Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement grout plus 5% gel
Well sealed from land surface to 75 ft.
Diameter of well bore to bottom of seal 15 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 28 sacks
How was cement grout placed? Tremmed on o.d. of casing
@ 75 ft (15 sacks) & 25' to ground level (13
sacks)

Was a drive shoe used? ☒ Yes ☐ No Plugs _____ Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Clackamas Driller's well number _____
NE 1/4 NW 1/4 Section 7 T. 2 S R. 4 E W.M.

Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 220 ft.

Static level 208 ft. below land surface. Date 6/12/80

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 10"

Depth drilled 315 ft. Depth of completed well 300 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Hard sticky red-brown clay	0	14	
Light brown clay-occ.gravel-			
boulder	14	32	
Yellow brown clay-occ.gravel-			
boulder	32	38	
Hard brown clay-occ.gravel	38	70	
Brown cemented gravel-occ.			
cobble	70	95	
Gray-brpwn clay-occ.boulder	95	100	
Brown clay-occ.gravel-cobble	100	155	
Brown claystone-occ.sandstone			
streak	155	180	
Brown claystone & conglomerate	180	195	
Compact brown sand-occ.gravel	195	220	
Cemented brown sand & gravel-			
occ. loose	220	240	W.B.
Compact brown sand & gravel-			
occ. loose	240	270	W.B.
Clean loose brown sand and			

Work started 5/13/80 19 Completed 6/12/80 19

Date well drilling machine moved off of well 6/12/80 19

Drilling Machine Operator's Certification:

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

[Signed] AMJannsen Date 6/16/80 19
(Drilling Machine Operator)

Drilling Machine Operator's License No. 523

Water Well Contractor's Certification:

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

Name A. M. JANNSEN WELL DRILLING CO., INC.
(Person, firm or corporation) (Type or print)

Address 21075 SW Tualatin Valley Hwy. Aloha, Or.

[Signed] Edna M. Jannsen
(Water Well Contractor)

Contractor's License No. 79 Date 6/17/80 19

WATER WELL REPORT

STATE OF OREGON

RECEIVED

OCT 25 1983

PLEASE TYPE PRINT INK
WATER RESOURCES DEPT.
SALEM, OREGON

State Well No.

25/4E 86c

State Permit No.

(1) OWNER:

Name Iseli Nursery
Address 15241 S.E. Tickle Creek
City Boring State ORE

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☒ Driven ☐
Rotary Mud ☐ Dug ☐
Shale ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐
Thermal: ☐ Withdrawal ☐ Reinjection ☐

(5) CASING INSTALLED:

Steel ☒ Plastic ☐
Threaded ☐ Welded ☒10" Diam. from +2 ft. to 295 ft. Gauge 250
" Diam. from ft. to ft. Gauge

LINER INSTALLED:

8" Diam. from 290 ft. to 337 ft. Gauge 160 PSI PVC

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ NoType of perforator used ROTARY STAR AND SAWSize of perforations 1 1/4 x 1 1/4 in. 5 x 1 1/8 in.1300 perforations from 248 ft. to 292 ft.
120 perforations from 290 ft. to 335 ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot Size Set from ft. to ft.

Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

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

Yld: gal/min. with ft. drawdown after hrs.

Air test 300+ gal/min. with drill stem at 300 ft. 1 hrs.

Bailer test gal/min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☒Well seal—Material used CEMENT

Well sealed from land surface to 22 ft.

Diameter of well bore to bottom of seal 15 in.

Diameter of well bore below seal 10 in.

Number of sacks of cement used in well seal 30 sacks

How was cement grout placed? PUMPWas pump installed? Ted Type Sub HP 40 Depth 301 ft.Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.Did any strata contain unusable water? ☐ Yes ☒ No

Type of Water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County CLATSOP Driller's well number
SW 1/4 NW 1/4 Section 8 T. 2S R. 4E W.M.
Tax Lot # Lot Blk Subdivision

Address at well location:

(11) WATER LEVEL: Completed well.

Depth at which water was first found 230 ft.Static level 155 ft. below land surface. Date 8/8/83

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 10Depth drilled 353 ft. Depth of completed well 337 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SOIL BROWN	0	2	
CLAY BROWN	2	18	
CEMENTED GRAVEL	18	150	
CLAY BROWN	150	158	
CLAY BROWN W/SOME FINE GRAVEL	158	205	
SAND COURSE W/SOME FINE GRAVEL	205	258	155
CEMENTED GRAVEL W/BOULDERS	258	292	155
SANDSTONE BROWN HARD	292	299	
GRAVEL AND SAND	299	338	155
SAND FINE BROWN & GRAY	338	353	

Work started 7/20 19 83 Completed 8/8 19 83Date well drilling machine moved off of well 8/8 19 83

(unbonded) Water Well Constructor Certification (if applicable):

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

[Signed] Daniel V. White Date 8/25, 19 83

Bonded Water Well Constructor Certification:

Bond 2546611 Issued by: SARECO
(number) Surety Company Name

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

Name Ted Pulliam well Drilling
(Person, firm or corporation) (Type or print)Address 4845 W. Powell, Gresham[Signed] Ted Pulliam
Water Well ConstructorDate Aug 27, 19 83

NOTICE TO WATER WELL CONSTRUCTOR

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

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310

within 30 days from the date of well completion

SP-45292-690

11/11 21

STATE OF OREGON
WATER WELL REPORT

State Well No. 2/4-8E
State Permit No. G 2629

(1) OWNER:

Name Mr. Verner W. & Germaine Iseli
Address 1610 N.E. 64th
Portland 13 Oregon

(2) LOCATION OF WELL: Epperson Rd.

County Clackamas Owner's number, Boring Oregon
So. W 1/4 No. W Section 8 T. 2 S. R. 4 E W.M.
Bearing and distance from section or subdivision corner
(SE 1/4 of NW 1/4 & East half of the
So. W. 1/4 N.W. 1/4 of Sec. 8

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
Underground, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

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

(5) TYPE OF WELL:

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

(6) CASING INSTALLED:

10 " Diam. from 0 ft. to 287 ft. Gage 330
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(7) PERFORATIONS:

Perforated? ☒ Yes ☐ No

Type of perforator used 1 way drive down
SIZE of perforations 1 1/4 in. by 3/8 in.
264 perforations from 270 ft. to 281 ft.
280 perforations from 240 ft. to 260 ft.
240 perforations from 95 ft. to 105 ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

(8) SCREENS:

Well screen installed ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(9) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.
Was a surface seal provided? ☒ Yes ☐ No To what depth? 27 ft.
Material used in seal— Cement, Sand & Gravel
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ Depth of strata _____
Method of sealing strata off _____

(10) WATER LEVELS:

Static level 180 ft. below land surface Date 2/14/63
Artesian pressure _____ lbs. per square inch Date _____

Log Accepted by:

[Signed] _____ Date _____, 19____
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Bottner Drilling Co.
Yield: 150 gal./min. with 0 ft. drawdown after 15 hrs.
" 300 " 2 " 8 "

Bailer test gal./min. with _____ ft. drawdown after _____ hrs.

Artesian flow _____ g.p.m. Date _____

Temperature of water 52 Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well 10 inches.

Depth drilled 367 ft. Depth of completed well _____ ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	0	3
Fine sand & clay, brown	3	25
Gravel cemented	25	58
Boulders & coarse gravel	58	95
Gravel fine water br. approx.	95	105
Clay sandy, brown	105	126
Sand, fine, brown	126	155
Gravel, cemented	155	170
Gravel, medium	170	190
Gravel, cemented	190	220
Gravel, cemented w/ water se	220	270
Gravel, medium, water bearing	270	276
Gravel, cemented	276	287
Basalt, black	287	298
Rock, gray, water bearing	298	315
Clay, blue	315	367

Work started Dec. 12 19 62 Completed Feb. 7 19 63

(13) PUMP:

Manufacturer's Name _____
Type: _____ H.P. _____

Well Driller's Statement:

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

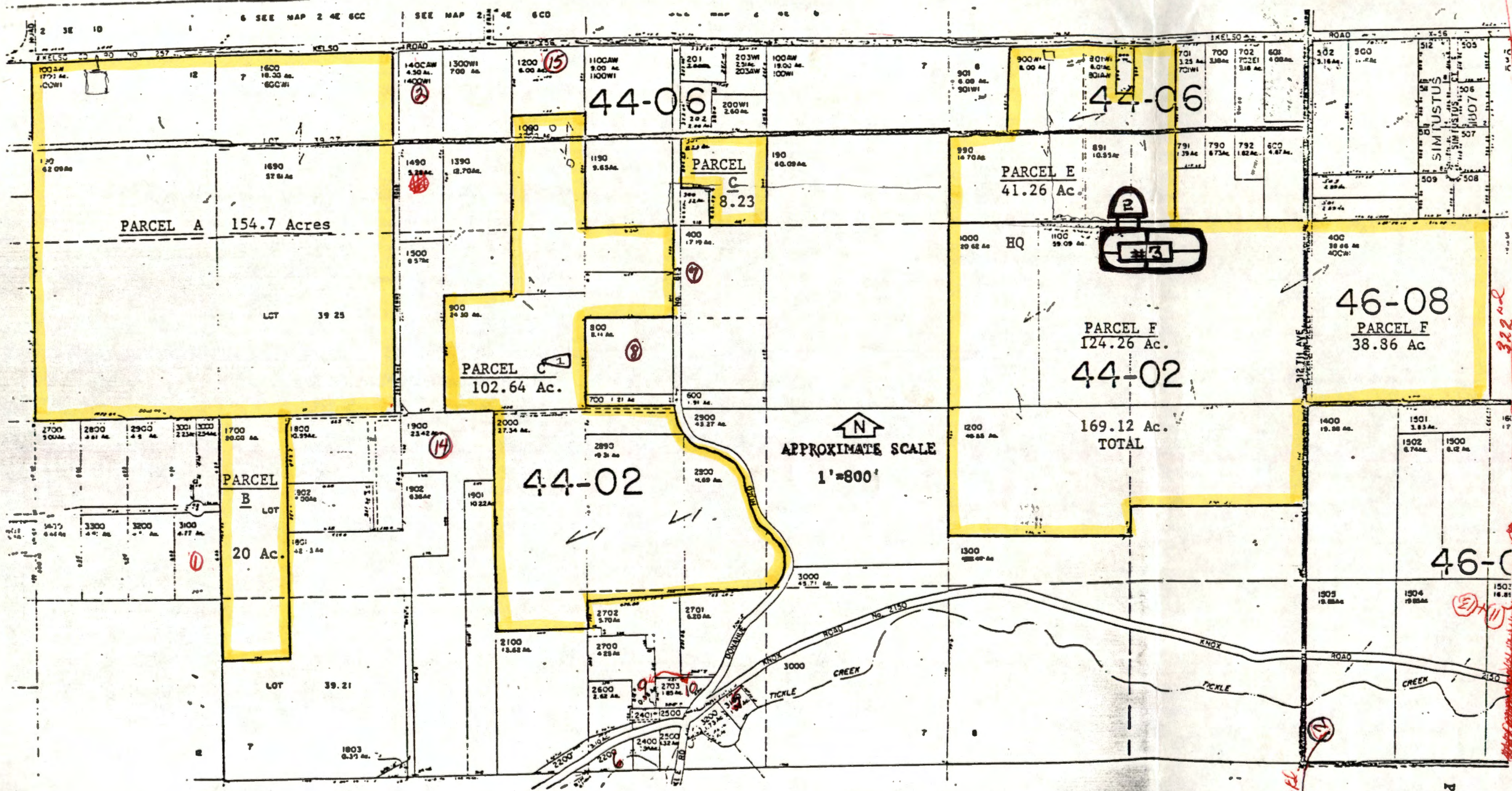
NAME Haakon Bottner Drilling Co.
(Person, firm, or corporation) (Type or print)

Address 11544 N. E. GLISAN ST.
Portland 20, OREGON

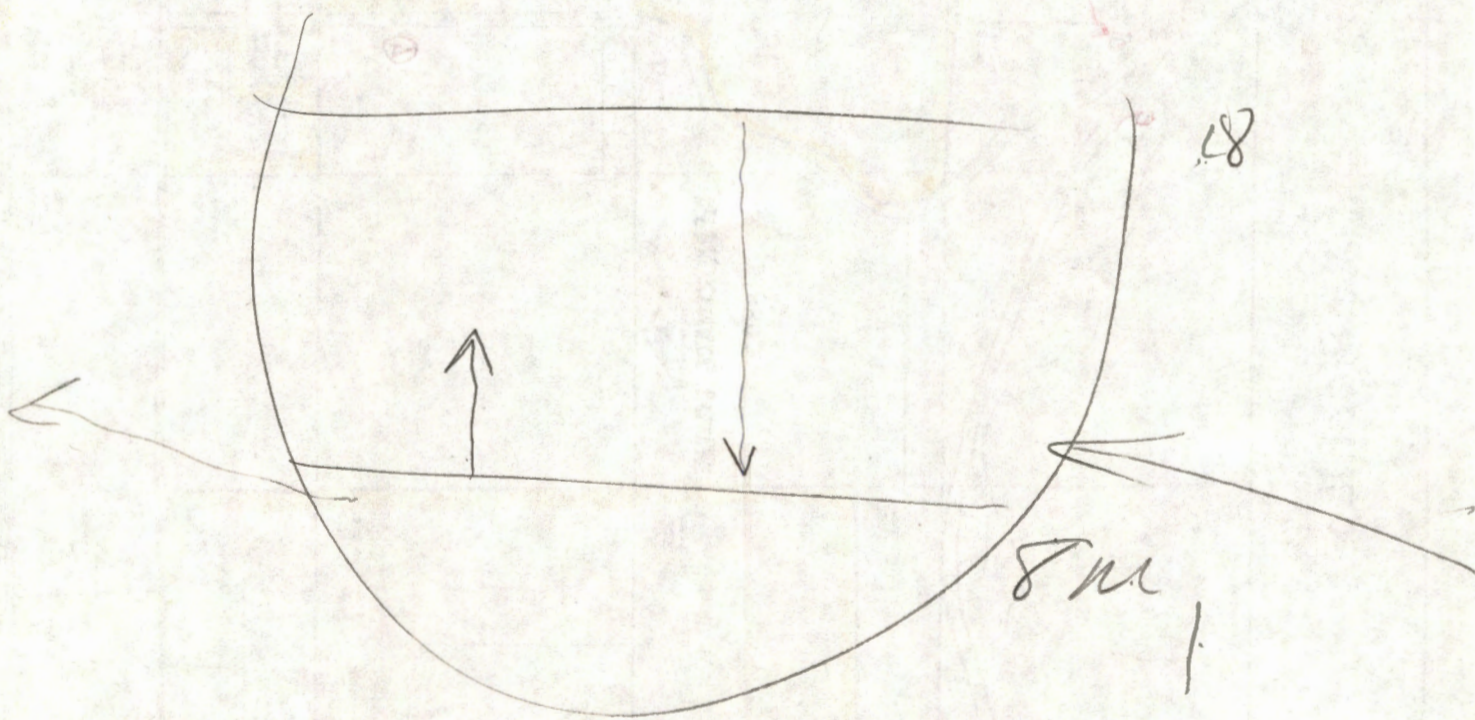
Driller's well number _____

[Signed] Haakon Bottner
(Well Driller)

License No. 109 Date March 10 19 63



Plat Map



July 26, 1984

Jean Isell
Isell Nursery, Inc.
30590 SE Kelso Road
Sandy, OR 97009

REFERENCE: Files G-11241, 68024 and R-68128

This is to acknowledge return of your Ground Water Application G-11241 describing the proposed use of 100.0 gallons per minute from Well 1, 350.0 gpm from Well 2, 750.0 gpm from Well 3, 350.0 gpm from Well 4, and 100.0 gpm from Well 5 for the supplemental irrigation of 15.4 acres, primary irrigation of 26.5 acres, related nursery use on 51.9 acres and container nursery operation on 364.6 acres. The print of the map to support this application was also received. This application was amended while you were in this office July 23, 1984, by noting that of the amounts of water to be used, 292.0 gpm will be used for irrigation, 70.0 gpm will be used for related nursery use and 1650.0 gpm will be used for container nursery stock.

This is also to acknowledge return of your Surface Water Application 68024 describing the proposed use of 0.65 cubic foot per second of water from Tickle Creek for supplemental irrigation of 51.9 acres, 1.6 cfs from Tickle Creek for related nursery use on 51.9 acres, and 3.30 cfs from Tickle Creek and Reservoirs 1, 2 and 3 for container nursery operation, being use from Tickle Creek with any deficiency to be made up from Reservoirs 1, 2 and 3 on 96.5 acres of container nursery stock and use from Reservoirs 1, 2 and 3 on 268.1 acres of container nursery stock. The print of the map to support this application was also received. This application was amended while you were in this office July 23, 1984, by deleting Reservoirs 1 and 2 as sources of water and noting that 0.16 cfs will be used for the related nursery use instead of the 1.6 cfs and that 5.55 cfs will be used for the container nursery operation instead of the 3.3 cfs. The addition of 2.25 cfs requested for the container nursery operation has received the date of priority of July 23, 1984, being the date the addition was made.

Isell Nursery, Inc.
July 26, 1984
page two

This is also to acknowledge your application for a permit to construct Reservoir 3 and to store therein 46.0 acre-feet of water from the unnamed drainageway in the reservoir area as the primary source with any deficiency in supply to be made up by diversion of water from drainageway in NW 1/4 NW 1/4 of Section 8, drainageway in SW 1/4 NE 1/4 of Section 7 and two drainageways in NE 1/4 SE 1/4 of Section 7, with any deficiency in supply in the drainageways to be made up by diversion of water from Tickle Creek for container nursery stock. The two copies of the specifications, a sepia print and regular prints of the plans and your request to waive the thirty-day waiting period were also received. Our Receipt 43567 covering the fees of \$300 credited to your Reservoir file was handed to you.

Our Receipts 43591 and 43592 covering the additional fees of \$208 received today of which \$54 has been credited to your File G-11241 and \$154 credited to your File 68024 are enclosed.

Your three applications are now in satisfactory form and providing we do not receive a protest against their approval they will be considered for approval as discussed while you were in this office.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJOwpc

enclosures

cc: Cliff King, Watermaster District 16

3737C

May 2, 1984

Iseli Nursery, Inc.
30590 SE Kelso Road
Sandy, OR 97009

REFERENCE: Files G-11241 and 68024

Your Groundwater Application G-11241, together with the 3 separate sheets and print of the supporting map, describing the proposed use of 100 gallons per minute from Well 1, 750 gpm from Well 3, 350 gpm from Well 4, 100 gpm from Well 5, and an unspecified amount of water from Well 2 for the irrigation of 51.9 acres, related nursery use on an unspecified acreage, and container nursery operation on 364.6 acres, has been reviewed.

Also, your Surface Water Application 68024, together with the 3 separate sheets and print of the supporting map, describing the proposed use of 5.55 cubic feet per second, being 0.65 cfs from surface runoff with any deficiency to be made up from Tickle Creek with any deficiency to be made up from Reservoirs numbered 1, 2, and 3 for the supplemental irrigation of 51.9 acres and 4.9 cfs from surface runoff with any deficiency to be made up from Tickle Creek with any deficiency to be made up from Reservoirs numbered 1, 2, and 3 for container nursery operation on 364.6 acres and related nursery use on an unspecified acreage, has been reviewed.

It will be necessary for you to supply additional information and make certain amendments to your applications and maps before the applications can be considered for approval. I have discussed these matters briefly with Cliff King, our representative for your area. Mr. King will try to contact you and set a date for reviewing the matters that need your attention. These matters that need your attention are as follows:

Item 6 on the groundwater application will need to be further completed by stating the amount of water you wish to appropriate from Well 2. Item 7 will then need to be completed by stating the amount of water you wish to appropriate from each well for each of the 3 uses listed.

If separate wells will serve separate uses or areas, this will need to be further explained on the attachment sheet for Item 3. However, if a common system will be utilized from all 5 wells to serve all the areas, this may be noted in Item 10 of the application.

Iseli Nursery, Inc.

May 2, 1984

page two

Part of the acreage you have listed to receive water for irrigation purposes in the NE 1/4 NW 1/4 of Section 7 is presently covered by an earlier groundwater registration claim. It will be necessary for you to advise us of your intentions in regards to this matter.

The attached sheet for Item 2 of your Application 68024 will need to be further completed by locating each point you intend to take control of the surface runoff. This would appear to be the surface runoff recovery pump locations.

You will need to further note the amount of surface runoff water to be appropriated for each of the 3 uses listed from each of the 2 separate drainage areas. The drainage flowing towards Northfork Deep Creek would be considered one of the drainage areas and the drainage flowing towards Tickle Creek would be considered the other drainage area.

A legend should be placed on the map to indicate the type of use proposed and sources involved.

Application 68024 makes reference to 3 reservoirs as sources of water. If it is intended to store surface waters for some beneficial purpose, it is necessary for you to file the appropriate reservoir application.

The name and title of the person signing the applications should be typed or printed below the signature on the 3rd page of each application.

It will be necessary to further complete the attachment sheets for each application to clearly state the acreage to receive water for the related nursery use.

I am returning both of your applications along with the separate sheets and prints of the supporting map for correction and completion. The applications are endorsed so that in order to retain their priority date they must be received in this office on or before June 30, 1984.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
cc: Cliff King, Watermaster, District 16
2167C



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

March 13, 1984

Isell Nursery, Incorporated
30590 Southeast Kelso Road
Sandy, OR 97009

REFERENCE: File G-11241

We have received your application for use of water for irrigation, related nursery use and container nursery operation along with supporting data and fees. Our Receipt 41757 is enclosed. Your application has been filed and assigned number G-11241.

Applications which are received in proper form for a permit, including maps, supporting data and fees, will receive a permit shortly after the mandatory 30-day waiting period. Applications which are defective, conflict with existing rights or require additional information will be reviewed in detail and will be returned for completion or correction within 45 days.

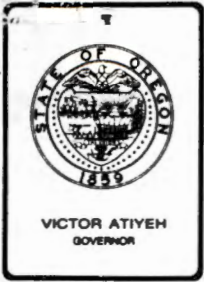
If your application is approved, the permit authorizing the project described in the application would be subject to prior rights and require that the well be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The permit would also require that a well, meter, or other suitable measuring device be installed, if required by the Watermaster, and a log be kept recording the amount of ground water withdrawals. If you have any questions regarding these provisions or the Well Standards, please contact this office.

Sincerely,

RALPH H. JACKSON, Supervisor
Application/Permit Section

RHJ:wpc

enclosure
0003/X
1251C



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE

August 21, 1984

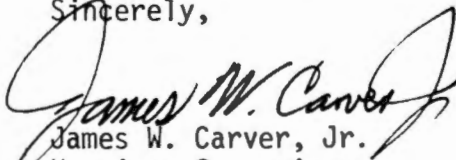
Douglas F. Foley
Bullivant, Houser, Bailey, Pendergrass,
Hoffman, O'Connell and Goyak
405 West 13th Street
Vancouver, Washington, 98660

Dear Mr. Foley:

REFERENCE: Application G-11241

This will acknowledge receipt of your letter dated August 15, 1984, transmitting a Second Addendum to the protest against approval of pending Application G-11241 in the name of Iseli Nursery, Inc., and proof of service of a copy of the Addendum on Laurence F. Janssen, attorney for the applicant.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

cc: Clifton King, Watermaster, District 16

RECEIVED

AUG 16 1984

WATER RESOURCES DEPT
SALEM, OREGON

PROOF OF SERVICE

I, DOUGLAS F. FOLEY, being first duly sworn, depose and say that on the date of August 15, 1984, I did mail a copy of the attached SECOND ADDENDUM TO PETITIONER'S PROTEST to the applicant by regular mail by placing it in an envelope addressed to:

Mr. Laurence F. Janssen
Attorney at Law.
800 Pacific Building
520 S.W. Yamhill Street
Portland, OR 97204

and depositing it in the United States Mail with sufficient postage prepaid thereon.

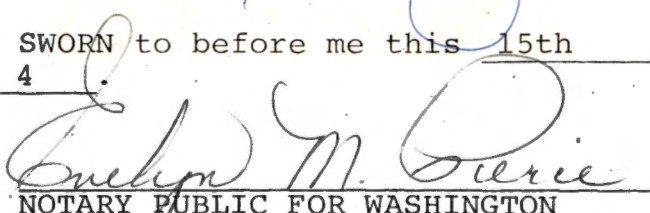
IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of August, 1984.



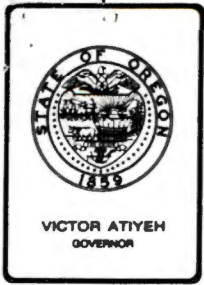
Douglas F. Foley

SUBSCRIBED AND SWORN to before me this 15th day of August, 1984.

(SEAL)



NOTARY PUBLIC FOR WASHINGTON
Residing at Vancouver
My commission expires 12-8-87



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

August 9, 1984

Douglas F. Foley
Bullivant, Houser, Bailey, Pendergrass,
Hoffman, O'Connell & Goyak
Attorneys at Law
405 West 13th Street
Vancouver, Washington 98660

Dear Mr. Foley:

REFERENCE: Application G-11241

This will acknowledge your letter of August 7th transmitting an Addendum to the protest filed on July 30, 1984 against approval of Application G-11241 in the name of Iseli Nursery, Inc., to add the signatures of six additional persons. Has a copy of the Addendum been served on the applicant?

You have asked whether the five wells described as the sources of the appropriation of ground water proposed by Application G-11241 are now existing wells, and whether there are water rights of record for use of water from the wells.

As to construction of the wells, the records show the following:

<u>Well</u>	<u>Constructed by</u>	<u>Completion date</u>
#1	?	August 1951
#2	Lanz Well Drilling	August 31, 1976
#3	A.M. Jannsen Well Drilling	June 12, 1980
#4	Ted Pulliam Well Drilling	August 8, 1983
#5	Haakon Bottner Drilling Co.	February 25, 1963

Registration Statement GR-245 filed on August 3, 1956 in the names of Glen T. Schaeffer and/or Bernice B. Schaeffer and acknowledge by registration certificate GR-221, claims an appropriation was initiated in 1951 for use of water from what is now designated as Well #1, for irrigation of a certain 106 acres of land within the E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 2 South, Range 4 East. The claim will have to be determined at some future date in a general adjudication proceeding for the subject ground water reservoir.

The other right of record is for the appropriation of not to exceed 0.93 cubic foot per second of water from Well #5, under a priority

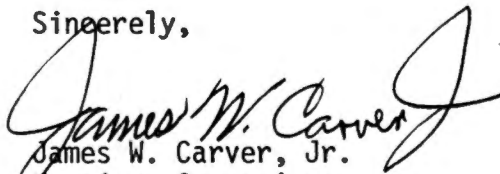
Douglas F. Foley
August 9, 1984
Page two

date of June 11, 1963, for irrigation of a certain 74.0 acres of land within the S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 8, Township 2 South, Range 4 East, WM, and is described by the certificate issued to Werner W. and Germaine Iseli and recorded at page 42886, Volume 34, State Record of Water Right Certificates.

It appears that the appropriation of ground water proposed by pending Application G-11241 would be in addition to the above noted uses.

A copy of Application G-11241, with current map; a copy of Certificate 42886, with map; a copy of Registration Statement GR-245; and one copy each of the water well reports received in connection with the construction of wells #2, #3, #4 and #5 will be furnished to you upon payment of the copying fees in the total amount of \$10.50.

Sincerely,



James W. Carver, Jr.
Hearings Supervisor

cc: Clifton R. King, Watermaster, District 16

RECEIVED

AUG 08 1984

**WATER RESOURCES DEPT
SALEM, OREGON**

**BULLIVANT, HOUSER, BAILEY,
PENDERGRASS, HOFFMAN, O'CONNELL & GOYAK
ATTORNEYS AT LAW
1000 WILLAMETTE CENTER
121 S. W. SALMON STREET
PORTLAND, OREGON 97204-2997**

JAMES F. AMBROSE†
DOUGLAS R. ANDRES
JOHN P. ASHWORTH
RONALD E. BAILEY
JOHN A. BENNETT
DANFORD E. L. BICKMORE
ANNA J. BROWN
CHRISTINE P. BROWN‡
JOHN W. BUEHLER
R. R. BULLIVANT
MARK D. CLARKE
MARY T. DANFORD
JAMES G. DRISCOLL
STEPHEN F. ENGLISH
DIANNE K. ERICSSON
DOUGLAS F. FOLEY*
DAVID R. FOSTER
PAUL R. GARY

PETER H. GLADE
THOMAS A. GORDON
NICK I. GOYAK†
DOUGLASS M. HAMILTON
JAMES D. HIBBARD
JACK L. HOFFMAN
DOUGLAS G. HOUSER, P.C.
I. FRANKLIN HUNSAKER
J. ALAN JENSEN†
DARREL L. JOHNSON
R. ERICK JOHNSON
TED A. JOHNSON
JAMES L. KNOLL
SALLY C. LANDAUER
ROBERT A. LEEDY
DEBORAH J. LOY
DAVID R. LUDWIG
CHRYS A. MARTIN

(503) 228-6351

TELECOPIER (503) 228-6353

VANCOUVER OFFICE
406 WEST 13TH STREET
VANCOUVER, WASHINGTON 98660
(206) 693-2424
(503) 225-1100

STANLEY E. MARTINSON
DONALD E. MURRAY
KEVIN P. O'CONNELL
WALTER H. PENDERGRASS
ROBERT F. RIEDE
STEVEN V. RIZZO
JOHN C. RUPPERT
JAMES B. RUYLE
MICHAEL R. SEIDL
J. MACK SHIVELY
RONALD G. STEPHENSON
SCOTT M. STICKNEY
JAMES T. WALTER
RICHARD J. WHITTEMORE
S. JOEL WILSON
CHARLES E. WRIGHT
JEREMY E. ZUCK

OF COUNSEL
ROGER L. KRAGE
ELIZABETH WELCH
GLEN R. KUYKENDALL†

OF COUNSEL
PETER A. CASCIATO*
MEDIA BUILDING
943 HOWARD STREET
SAN FRANCISCO, CA 94103
(415) 546-1677

V. V. PENDERGRASS (RETIRED)
HUGH L. BARZEE (RETIRED)

* OREGON AND WASHINGTON BARS
† OREGON AND CALIFORNIA BARS
‡ OREGON AND DISTRICT OF
COLUMBIA BARS
* OREGON, CALIFORNIA AND
DISTRICT OF COLUMBIA BARS

August 7, 1984

Mr. James W. Carver, Jr.
Hearings Supervisor
Water Resources Department
Mill Creek Office Park
555 13th Street N.E.
Salem, OR 97310

Re: Application G-11241

Dear Mr. Carver:

Enclosed you will find an Addendum to the Protest which was filed in the above-captioned matter.

Also, pursuant to our telephone conversation of today's date, I have enclosed the Section and Township Map requested showing well numbers 1 through 5 on the Iseli property. I request that the Department search to see if based upon prior permits issued to Iseli Nursery (1) if those are existing wells; and (2) if those are existing wells, whether the permit numbered above seeks to increase water consumption from those wells. I request copies of these previous permits.

Very truly yours,


Douglas F. Foley

DFF/emp
Enclosure

cc: Mr. Harold K. Olsen
Mr. & Mrs. Thomas R. Bateman
Mr. & Mrs. Lee K. King
Mr. Laurence R. Janssen
with enclosure

Harold K Olsen

Harold K Olsen

32252 SE Kelso Rd
Boring Ore 97009

SANDRA R. Bateman

Sandra R. Bateman

THOMAS R. BATEMAN

Thomas R. Bateman

31855 SE. Daphne Ct.

Boring, OR 97009

31855 SE. DAPHNE CT.

BORING, ORE. 97009

Helen King

Helen King

LEE K. KING

Lee King

{ 15415 S.E. 322 Av.

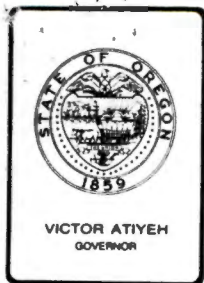
{ Boring, Or. 97009

{ 15415 SE 322 AV
BORING, OR 97009

RECEIVED

AUG 08 1984

WATER RESOURCES DEPT
SALEM, OREGON



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

July 30, 1984

Douglas F. Foley
Bullivant, Houser, Bailey, Pendergrass,
Hoffman, O'Connell & Goyak
Attorneys at Law
405 West 13th Street
Vancouver, Washington 98660

Dear Mr. Foley:

REFERENCE: Application G-11241

We have your letter of July 25, 1984 transmitting a protest by Carl Aschoff and others against approval of pending water right applications in the name of Iseli Nursery, Inc., together with proof of service on the applicant. These items were received on July 26, 1984.

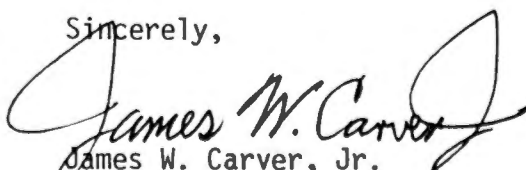
We also have your letter of July 27, 1984, transmitting your firm's check in the amount of twenty-five dollars, in payment of the statutory protest filing fee. The check was received today, as noted on the enclosed receipt.

The protest document cites Applications G-11241 and 68024, both in the name of Iseli Nursery, Inc., and alleges that the proposed appropriations would interfere with the protestants' continued uses of ground water for their residential needs. Only Application G-11241 pertains to development and use of ground water. Application 68024 proposes to appropriate water from Tickle Creek and a proposed reservoir to be filled from several surface water sources.

Therefore, as discussed with you during our telephone conversation this morning, the protest is being accepted and filed as a formal protest against approval of the pending Application G-11241, only.

Application G-11241 and the protest against it will be held without action for a reasonable time to allow opportunity for the parties to discuss and, perhaps, arrive at an agreement on the issues raised by the protest. If it is determined that the matter cannot be settled by an agreement between the parties, it will be set for hearing as a contested case under the provisions of ORS chapter 183, at the request of the applicant.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

cc: Clifton R. King, Watermaster
Iseli Nursery, Inc., Applicant.

RECEIVED

JUL 26 1984

WATER RESOURCES DEPT
SALEM, OREGON

P R O T E S T

I (We), SEE ATTACHED
name(s)

mailing address

city, state Zip, telephone

do hereby protest the approval of pending application numbered G-112418 and 68024
in the name(s) of Iseli Nursery, Inc.

pertaining to use of water from (ground water)
name of river, creek, etc.

My (Our) water rights which would be adversely affected by the proposed use of
water are: residential wells
(identify by permit or certificate number and priority date)

My (Our) water rights would be adversely affected in the following way(s):
wells have been decreasing in static level

Therefore, I (we) request the Water Resources Director to deny the
above-numbered permits
(the action you want the director to take in this matter)

I (We) recognize that it may be necessary to present testimony and evidence in
an administrative hearing before the Water Resources Director, in support of the
allegations made in this protest.

Proof of service of a copy of this protest on the applicant is attached.

Dated and signed this 25th day of July, 19 84.

Filed this 30th day of July 19 84

James W. Carver

\$25-fee paid - Rec.#

SEE ATTACHED
signature

P R O O F O F S E R V I C E

I, DOUGLAS F. FOLEY, being first duly sworn,
depose and say that on the date of July 25 ____, 1984, I did
mail a copy of the attached protest to the applicant by regular mail
by placing it in an envelope addressed to:

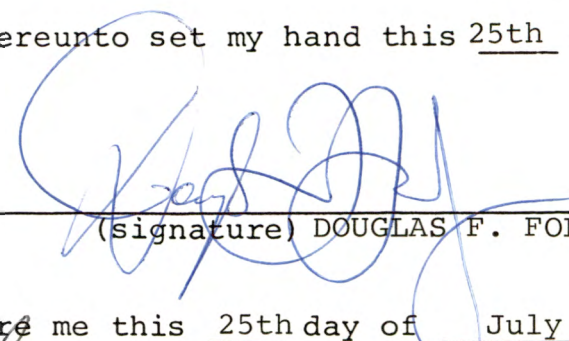
Larry Janssen as Attorney for Iseli Nursery, Inc.
(name)

800 Pacific Building, 520 S.W. Yamhill
(address)

Portland, Oregon 97204
(city) (state) (zip)

and depositing it in the United States Mail with sufficient postage
prepaid thereon.

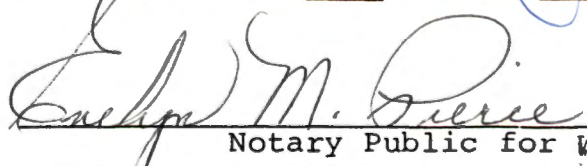
In Witness Whereof, I have hereunto set my hand this 25th day
of July, 19 84.



(signature) DOUGLAS F. FOLEY

Subscribed and sworn to before me this 25th day of July
19 84.

(Notarial Seal)



Notary Public for WASHINGTON
Residing at Vancouver, Washington
My commission expires 12/8/87

RECEIVED

JUL 30 1984

WATER RESOURCES DEPT
SALEM, OREGON

BULLIVANT, HOUSER, BAILEY,
PENDERGRASS, HOFFMAN, O'CONNELL & GOYAK
ATTORNEYS AT LAW
1000 WILLAMETTE CENTER
121 S. W. SALMON STREET
PORTLAND, OREGON 97204-2997

JAMES F. AMBROSE†
DOUGLAS R. ANDRES
JOHN P. ASHWORTH
RONALD E. BAILEY
JOHN A. BENNETT
DANFORD E. L. BICKMORE
ANNA J. BROWN
CHRISTINE P. BROWN‡
JOHN W. BUEHLER
R. R. BULLIVANT
MARK D. CLARKE
MARY T. DANFORD
JAMES G. DRISCOLL
STEPHEN F. ENGLISH
DIANNE K. ERICSSON
DOUGLAS F. FOLEY*
DAVID R. FOSTER
PAUL R. GARY

PETER H. GLADE
THOMAS A. GORDON
NICK I. GOYAK†
DOUGLASS M. HAMILTON
JAMES D. HIBBARD
JACK L. HOFFMAN
DOUGLAS G. HOUSER, P.C.
I. FRANKLIN HUNSAKER
J. ALAN JENSEN†
DARREL L. JOHNSON
R. ERICK JOHNSON
TED A. JOHNSON
JAMES L. KNOLL
SALLY C. LANDAUER
ROBERT A. LEEDY
DEBORAH J. LOY
DAVID R. LUDWIG
CHRYA A. MARTIN

(503) 228-6351

TELECOPIER (503) 228-6353

VANCOUVER OFFICE
405 WEST 13TH STREET
VANCOUVER, WASHINGTON 98660
(206) 693-2424
(503) 225-1100

STANLEY E. MARTINSON
DONALD E. MURRAY
KEVIN P. O'CONNELL
WALTER H. PENDERGRASS
ROBERT F. RIEDE
STEVEN V. RIZZO
JOHN C. RUPPERT
JAMES B. RUYLE
MICHAEL R. SEIDL
J. MACK SHIVELY
RONALD G. STEPHENSON
SCOTT M. STICKNEY
JAMES T. WALTER
RICHARD J. WHITTEMORE
S. JOEL WILSON
CHARLES E. WRIGHT
JEREMY E. ZUCK

OF COUNSEL
ROGER L. KRAGE
ELIZABETH WELCH
GLEN R. KUYKENDALL†

OF COUNSEL
PETER A. CASCIATO*
MEDIA BUILDING
943 HOWARD STREET
SAN FRANCISCO, CA 94103
(415) 546-1677

V. V. PENDERGRASS (RETIRED)
HUGH L. BARZEE (RETIRED)

* OREGON AND WASHINGTON BARS
† OREGON AND CALIFORNIA BARS
‡ OREGON AND DISTRICT OF
COLUMBIA BARS
• OREGON, CALIFORNIA AND
DISTRICT OF COLUMBIA BARS

July 27, 1984

Mr. James W. Carver, Jr.
Hearings Supervisor
Water Resources Department
555 13th Street N.E.
Salem, OR 97310

Re: Applications G-11241 and 68024

Dear Mr. Carver:

Pursuant to the telephone conversation with Mr. Larry DuBousek of July 26, 1984, I herewith enclose a check for \$25.00 which was to have been submitted with the Petitioners' Protest which was filed on July 25, 1984 in the above-referenced matter.

Thank you for your assistance in this matter.

Very truly yours,

Douglas F. Foley
Douglas F. Foley

DFE/emp
Enclosure

RECEIVED

JUL 26 1984

WATER RESOURCES DEPT
SALEM, OREGON

BULLIVANT, HOUSER, BAILEY,
PENDERGRASS, HOFFMAN, O'CONNELL & GOYAK
ATTORNEYS AT LAW
1000 WILLAMETTE CENTER
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V. V. PENDERGRASS (RETIRED)
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† OREGON AND CALIFORNIA BARS
‡ OREGON AND DISTRICT OF
COLUMBIA BARS
• OREGON, CALIFORNIA AND
DISTRICT OF COLUMBIA BARS

July 25, 1984

Mr. James W. Carver, Jr.
Hearings Supervisor
Water Resources Department
Mill Creek Office Park
555 13th Street N.E.
Salem, Oregon 97310

Re: Applications G-11241 and 68024

Dear Mr. Carver:

Enclosed you will find the Petitioners' Protest on behalf of the individuals enumerated in the attachment to the Protest in the above-referenced matter. I am informed that there are several more individuals who wish to sign the protest but who are currently away on vacation. We would like to reserve the right to amend the Protest to include those individuals when they arrive back from their vacations.

Very truly yours,


Douglas F. Foley

DFF/emp
Enclosure

cc: Mr. & Mrs. Carl Ashoff
Ms. Eva Kociemba
Ms. Irene I. Erickson
Ms. Donna N. Olsen
Ms. Lois Whitford
Ms. Louise Chianello
Mr. & Mrs. Irvin N. Weihe
Mr. & Mrs. Quinton Fadness
Mr. & Mrs. Thomas A. Perisich
Mr. & Mrs. Frank J. Mazil

Mr. James W. Carver, Jr.

July 25, 1984

Page Two

Ms. Debbie Bernhardt

Ms. Joan Stone

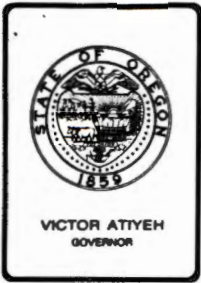
Mr. David R. Bernhardt

Mr. & Mrs. Fredrick W. Foley

Mrs. Genevieve Carr

Mr. Laurence Janssen

with enclosure



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

July 3, 1984

Doug Foley
Bullivant, Houser and Bailey
Attorneys at Law
405 West 13th
Vancouver, Washington 98660

PH 225-1100

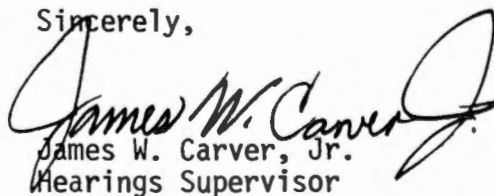
Dear Mr. Foley:

REFERENCE: Applications G-11241 and 68024

The materials pertaining to the filing of a protest against a pending application for a permit to appropriate water to beneficial use, and the information regarding pending Applications G-11241 and 68024 in the name of Iseli Nursery, Inc., as promised during our telephone conversation yesterday afternoon, are enclosed. The Attorney General's Administrative Law Manual and Model Rules of Procedure which includes division 137 of the Oregon Administrative Rules, is available from the Department of Justice, 100 Justice Building, Salem, OR 97310, for the cost of \$5.

Applications G-11241 and 68024 will be held in pending status until July 30, 1984 to allow you opportunity to complete and file the proposed protest.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

cc: Clifton King, Watermaster

MEMORANDUM

DATE: 11-14-89

TO: Application/ Permit Section

FROM: Groundwater Section by K. Lite
(signature)

SUBJECT: Application # G- 11241

The application referenced above and available data has been reviewed under the guidelines of the Director's policy memo of October 19, 1989.

We find that the proposed groundwater use falls within the following category:

_____ CATEGORY 1A - The proposed well will be located less than 1/4 mile from the nearest stream, and significant surface water interference will exist.

well #4 ✓ CATEGORY 1B - The proposed well will be located less than 1/4 mile from the nearest stream, but significant surface water interference will not exist.

well #1
well #2
well #3
well #5 ✓ CATEGORY 2A - The proposed well will be located more than 1/4 mile from the nearest stream, and significant surface water interference will not exist.

_____ CATEGORY 2B - The proposed well will be located more than 1/4 mile from the nearest stream, but significant surface water interference will exist at the nearest point on the stream.

REMARKS: _____



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

November 14, 1989

Greg Pilcher
Iseli Nursery
30590 SE Kelso Rd.
Boring, OR 97009

Laurence Jansenn
800 Pacific Building
520 SW Yamhill St.
Portland, OR 97204

Douglas Foley
Bullivant, Houser, Bailey et al.
1400 Pacwest Center
1211 SW 5th Avenue
Portland, OR 97204

Marilyn Hanson
30971 SE Kelson Rd.
Boring, OR 97009

RE: Protested applications G11241 and G11840

Gentlemen and Ms. Hanson:

I am in the process of determining what issues remain and what next steps should be regarding the above-referenced protested applications. In order to do this I will need some answers and assistance from you.

Mr. Foley represents the 40 protestants (married folks considered as one protestant) against application G11241, or it at least appears that he did through August 1984, the date of our last communication with him. Mr. Jansenn likewise represented the applicant at that time. Messrs. Foley and Jansenn, please let me know whether you are still counsel for these parties.

Secondly, in April of this year, Mr. Pilcher informed Jerry Grondin of the Department that Iseli Nursery had reached an agreement with the protestants against G11241, and that he would be contacting Mr. Foley to close this protest. We have nothing in our files to indicate that such an agreement was reached or that the protest was withdrawn. Please indicate the status of this matter.

Thirdly, I enclose lists of the protestants on G11241 and G11840. I note that many of these protestants are the same on both protests. Assuming the protest against G11241 is withdrawn, will Ms. Hanson continue to represent all the protestants against G11840? Additionally, I find one letter in December 1988 to a Ms. Jean DeFond, also of Spears, Lubersky et al, transmitting a copy of application G11840 and the multiparty protest. Has Ms. DeFond replaced Mr. Jansenn in this matter?

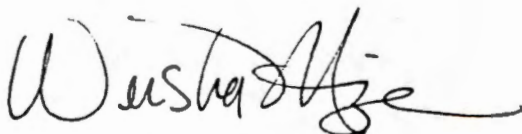
Fourth, I enclose for Messrs. Foley and Janssen copies of the aquifer test results involving the well under G11840 and the surrounding wells of the protestants. As noted in our letter to

Ms. Hansen and Iseli Nursery, there was no response measured in wells completed in the shallow water bearing zone. As there is a substantial overlap of protestants involved in these two protests, I will ask Mr. Foley the same question put to Ms. Hansen: based on a review of the aquifer pump test results, do any of the protestants still wish to pursue their protest? As I have not yet had a response from Ms. Hansen regarding this inquiry, I cannot say what the protestants on G11840 wish to do.

Lastly, I would certainly appreciate if Ms. Hansen could indicate, beyond those assumptions I have made, which protestants are married and/or in the same household, as I notice a number of protestants with the same address and last name but not shown together, and if she will correct names that are unclear.

I recognize that this is a complex matter, particularly given the six wells and number of protestants involved. I do appreciate your attention to these questions and your anticipated response to them no later than December 1st. Thanks again.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Weisha Mize', written in dark ink.

Weisha Mize
Hearings Referee

encl.

cc: Ken Lite, WRD
Applications and Permits Section
File

Protestants against G11241

Mr. and Mrs. Carl Aschoff
Irene Erickson
Lois Whitford
Mr. & Mrs. Irvin Weihe
Mr. & Mrs. Thomas Perisich
Debbie Bernhardt
David Bernhardt
Genevieve Carr
Mr. & Mrs. Thomas Bateman
Marilyn Hansen
William Hoffmeister
Connie Paulsen
Paul Venable
John Boyles
Marilyn Ponting
Dick Nakvasil
Mr. & Mrs. Bill Posey
Mr. & Mrs. Mike Taylor
Mr. & Mrs. Jack Long
Eugene Wilson

Eva Kociemba
Donna Olsen
Louise Chianello
Mr. and Mrs. Quinton Fadness
Mr. & Mrs. Frank Mazil
Joan Stone
Mr. & Mrs. Frederick Foley
Harold Olsen
Mr. and Mrs. Lee King
Donald Leedy
Harold Schrock
Thomas Young
Karen Compton
Duane Witt
Pat Haley
Janis Turner
Mr. & Mrs. Don Juhr
Mr. & Mrs. Jack Kane
Mr. & Mrs. Neil Hopkins
William Shaw

Protestants on G11840

Kathleen Nakvasil
Lynn Marie Nakvasil
Dick Nakvasil
Eva Kociemba
Frederick Foley
Mildred Foley
Cathy Foley
Margaret Aschoff
Carl Aschoff
Willard Boring
Frances Boring
Mary Bil??
Vicki O'Quinn
Quinton and Dorothy Fadness
Irvin and Leotta Weihe
Gene and Lorie King
Janis Turner
Fred and Betty Baillie
Richard Sleetman
Carol Riser
Marilyn Hansen
Connie Paulsen
George and Marilyn Layng
Susan Abelein
John and Nancy Boyles
Sunnie Johnson
James Gordon
Shirley Ga???
Thomas, Carol and Wendy Maes
Leo Biaser
Dennis and Janet Prescott
Kim Bertram
Irene Erickson
Gloria Carey
Harold Enz
Lee and Helen King
Jim Merrill
Kathy Schaffer
Ronald Fischer
Victor Tallon
B. She??? Sherman? Shaw?
Karen Anderson
Rankin Williamson
Mary Bernhardt
D. Bernhardt
D. Pastor

Steven Williamson
Kevan Hamany??
Karen St. John
Marilyn & Jerry Ponting
Hubert Davis
Morris Tu????
Duane and Carole Witt
Ron Tiltman
Kris Fylan
Robert Paul
Alan Morser
U.E. and Reba Jo Davies
Bryon Jackson
Jack Mitchell
Karen Compton
Ruth and Lester Parris
Diana Schrock
Ruth Hayes
Mark Bertram
Patti Campbell
Sandra Bateman
Lenard Olsen
Shirley and Gloria Lamon
Mike Hershberger
Deborah and Eugene Cissna



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

July 21, 1989

ISELI NURSERY, INC.
30590 SE KLESO ROAD
SANDY, OR 97009

File: G-11241

You are receiving this notice because you have a water right application pending with the Water Resources Department. Your proposed water development project is located within or upstream from a state scenic waterway. A recent Oregon Supreme Court decision (Diack) requires the Water Resources Commission to make certain findings about applications in these locations.

The Commission has directed the Department to postpone further processing of applications in these locations until the streamflows necessary for recreation and fish and wildlife uses within the scenic waterway have been determined. We are working with the State Parks Division and the Departments of Fish & Wildlife and Environmental Quality to make these determinations as quickly as possible.

We expect the scenic waterway flows will be determined by December 1990 for your area.

Even though your application is within or above a scenic waterway, we will process your application in the normal manner if it fits any one of the criteria listed below:

- A. You propose to use groundwater that is not hydraulically connected to the stream located within or tributary to the state scenic waterway. Usually this means that your well would need to be at least one mile away from the nearest stream.
- B. Your proposed use of water is nonconsumptive. It would pass through your project and return in equal amounts at a location upstream from the scenic waterway.
- C. You propose to contract for stored water as either your primary or supplemental source of supply and the owner of the stored water is willing to give you a contract.
- D. You propose to transfer an existing water right certificate by moving either the point of diversion or the place of use. You believe that such a move will not change the amount of water in the stream from your current practices.

If your project does not fit into one of the above categories (A-D), you may want to modify your application so that it does. Submit those modifications to us.

If you can not modify your application to fit one of the above categories, you may want to consider one of the options below:

1. Leave your current application pending with us to hold your tentative priority date. After the flows are quantified, we will resume processing your application. If it turns out that not enough water is available to meet the recreational demands for the scenic waterway, we may have to deny your request. The examination fees will not be refunded, but any recording fees you submitted will be refunded.
2. Withdraw your application. The examination fee is non-refundable, but any recording fees which were submitted will be refunded. If after flows needed for the scenic waterway are quantified you believe that there is enough water left for your proposed use, file a new application with the appropriate fees to establish a new priority date. Your new application will then be processed using more definite information regarding the availability of water for your proposed use.
3. Conduct sufficient flow studies of your own using methods approved by the Parks Division and Fish & Wildlife. Then, submit information demonstrating that your proposed use of water will not impair the flows needed for the scenic waterway.

We advise you to avoid committing any resources toward your project on the assumption that your permit will be issued. Use of water cannot legally be made without the permit, and the outcome of the scenic waterway study is not predictable at this time. Some streams are likely to have no water available except during high flow periods. It is possible that there will not be enough water left for your proposal after the studies are done.

If you want to wait for the results of the flow studies, you do not need to contact us. We will assume that you want to leave your application pending (alternative #1, above).

If your choice is either alternative #2 or #3, please return this letter with your comments.

If you have any questions not answered by this letter, please contact the Applications and Permits Section at 378-3739.

Sincerely,

William H. Young by *John E. Borden*

William H. Young
Director

TO: Jim Carver

9 February 1989

FR: Jerry Grondin *js*

RE: Iseli Nursury: Ground Water Applications G11241 and G11840

The neighbors of Iseli Nursery have protested two ground water applications (G11241 and G11840) submitted by the nursery in 1984 and 1988 respectively. Application G11840 proposes withdrawing additional ground water from a new well drilled for Greg Pelcher in 1987.

Ken Lite and I are completing our ground water resource assessment field work in the Sandy/Boring area this Spring. We should have enough information to contribute to both protest processes by May.

We plan to meet with Iseli Nursery management this month to share data, analyses and interpretations we have or have not completed to date. We need more information to determine whether Pumping the Pelcher well interferes with water levels in shallower wells in an apparently different aquifer. We will ask permission to conduct an aquifer test in March using the Pelcher well.

2-7-89

*Do we have sufficient data and
conclusion to complete this
matter yet?*

Jim C.

TO: Jim Carver

9 February 1989

FR: Jerry Grondin *JS*

RE: Iseli Nursury: Ground Water Applications G11241 and G11840

The neighbors of Iseli Nursery have protested two ground water applications (G11241 and G11840) submitted by the nursery in 1984 and 1988 respectively. Application G11840 proposes withdrawing additional ground water from a new well drilled for Greg Pelcher in 1987.

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STATE OF OREGON

INTEROFFICE MEMO

TO: ISELI NURSERY FILE (APPLICATION G-11241) DATE: DECEMBER 4, 1987

FROM: JERRY GRONDIN *JG*

SUBJECT: Update of Evaluating Interference Between The Nursery's Well and Protestants Wells

The Boring-Sandy area study is in progress. Study results that will help address the interference question should be available in October 1988. Iseli Nursery appears to remain cooperative.

JG:wpc
2455E



STATE OF OREGON

INTEROFFICE MEMO

TO: ISELI NURSERY FILE (Application G-11241)

DATE: March 2, 1987

FROM: JERRY GRONDIN *JG*

SUBJECT: STATUS OF EVALUATING INTERFERENCE BETWEEN THE NURSERY'S WELL
AND WELLS OF PROTESTANTS

A larger study in the Boring-Sandy area has been initiated. A response to the question of interference will best be answered as we collect data for the study.

I measure three wells at Iseli Nursery monthly. A nursery representative, Mark Mitro, usually witnesses each measurement, and I inform him of the status of our work in the area each time we meet. To date, Mark Mitro and Mr. Iseli have expressed cooperation with our approach.

9081D

12-3-87

FRED

Anything new on
this that would
prompt setting
a hearing?

Jim C.



STATE OF OREGON

INTEROFFICE MEMO

TO: ISELI NURSERY FILE (Application G-11241)

DATE: March 2, 1987

FROM: JERRY GRONDIN *JD*

SUBJECT: STATUS OF EVALUATING INTERFERENCE BETWEEN THE NURSERY'S WELL
AND WELLS OF PROTESTANTS

A larger study in the Boring-Sandy area has been initiated. A response to the question of interference will best be answered as we collect data for the study.

I measure three wells at Iseli Nursery monthly. A nursery representative, Mark Mitro, usually witnesses each measurement, and I inform him of the status of our work in the area each time we meet. To date, Mark Mitro and Mr. Iseli have expressed cooperation with our approach.

9081D

MEMO TO: Fred Lissner

DATE: January 28, 1986

FROM: Jim Carver

SUBJECT: Application G-11241, Iseli Nursery, Inc., Sandy, OR

About the first of November, 1985, Application File G-11241 was forwarded to the Ground Water Division for evaluation of a received report regarding interference between the applicant's well and the wells of certain protestants.

What is the current status of the evaluation?

10/9/85

Fred,

What action do you recommend
under ORS 537.620(3) ?

Jim C.



30590 S.E. Kelso Road
Boring, Oregon 97009
(503) 663-3822

October 1, 1985

RECEIVED
OCT - 3 1985
WATER RESOURCES DEPT
SALEM, OREGON

James W. Carver, Jr.
Hearings Supervisor
Water Resources Department
Mill Creek Office Park
555 13th Street, N. E.
Salem, Oregon 97310

Dear Mr. Carver:

Pursuant to your letter of 10 September, enclosed find our application G-11241 which is being returned for processing.

Iseli Nursery, Inc. applied to acquire an over-all right so that water from any given well could be applied anywhere on the total nursery. As you are probably aware, we have three ponds in place and operable which are fed both from recaptured water that is either applied on our nursery or supplied by nature. The nursery currently has five recovery stations which pick up water at strategic points on the nursery where drainage is diverted and returns this water to the ponds for re-use. During the summer months, the water derived in this fashion is insufficient and the wells are employed to augment this source.

Although the nursery is roughly twice as large today as it was three years ago, our use of water from the wells has declined overall by a significant amount as a consequence of this water conservation system. This system was developed as it became apparent that the water tables in this area have been in decline.

All wells addressed in the application were in existence at the time application was made. Two ponds, likewise were in existence and the third pond has now been completed. All necessary "piping" to move water from one location to another is also in place and operable. With this system, we can now divert recaptured water from any pond and/or recovery station to any other pond for use on the nursery. Thus, except for potable water requirements, this system enables us to minimize use of well water except in cases of extreme heat and lack of rainfall, generally in the June through September time frame.

In addition to the recapture stations, the newer nursery development on our eastern-most property, drains completely into the newest pond (#3). Recent experience has shown that any rainfall results in significant water recapture and the reservoirs/ponds are able to maintain themselves nicely without needing to draw water from the wells. The wells are only needed to supplement during dry periods as in the June to September months.

James W. Carver, Jr.
Water Resources Department
Page 2

To further augment this sytem, we have made application to draw water from Tickle Creek and we hope to have this phase of our development operable during the forthcoming year. Further downstream we envision one more reservoir as added protection.

As you can see from our application and the above, Iseli Nursery, Inc. has made every attempt to be an intelligent user of the precious resource, water, and has implemented a water conservation system of major proportions. The nursery provides gainful employment for approximately 150 people currently and provides significant income to the state by virtue of the fact that our products are sold on the East Coast and in Canada.

Thank you for your consideration.

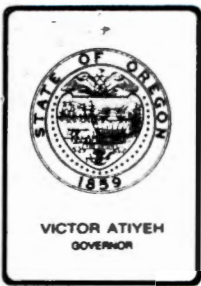
Respectfully,

Jean Iseli

Jean Iseli
President

Encl: Application G-11241

Jl:cb



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

September 10, 1985

Iseli Nursery
30590 SE Kelso Road
Sandy, OR 97009

Gentlemen:

REFERENCE: Application G-11241

Application G-11241 in the name of Iseli Nursery was filed in this office on March 5, 1984 for a permit to appropriate 1,650 gallons of water per minute from a certain ground water reservoir, by means of five wells, for irrigation purposes, related nursery use, and container nursery operation within Sections 7 and 8 of Township 2 South, Range 4 East, WM, Clackamas County, Oregon.

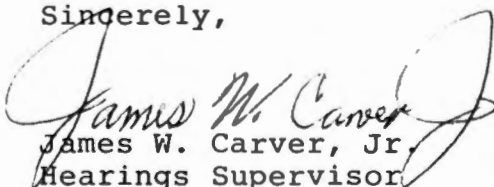
On July 30, 1984, a protest in the name of several persons was filed against approval of the pending application. A copy of the protest and subsequent amendments to the protest were furnished to you with our letter of December 7, 1984.

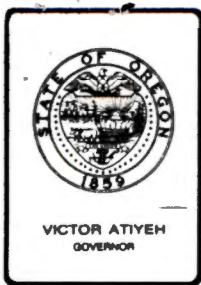
We have been holding the pending Application G-11241 and the protest against it, without action to allow opportunity for the parties to discuss and, perhaps, arrive at some agreement on the issues raised by the protest. You have not responded to our inquiries as to the present status of this matter.

Your Application G-11242 is enclosed, endorsed so that in order to retain the present tentative date of priority the application must be returned to this office on or before October 10, 1985, accompanied by a statement of your intent and ability to carry out the proposed appropriation, except for the protest.

If it your purpose to carry out the appropriation described by the application, and the issues raised by the protest cannot be settled by agreement between the parties, the matter will be set for hearing at an early date.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

December 7, 1984

Iseli Nursery, Inc.
30590 SE Kelso Road
Sandy, Oregon 97009

Gentlemen:

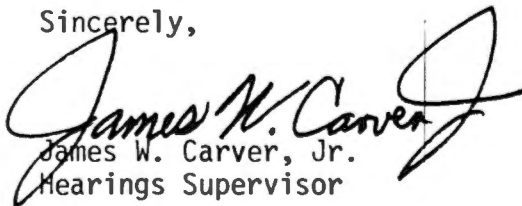
REFERENCE: Application G-11241

Enclosed are copies of the protest filed through Douglas F. Foley, Attorney at Law, and suscribed to by Carl Aschoff and many other persons, two addendums to the protest, and associated correspondence.

As noted in the last paragraph of my letter dated July 30, 1984, we are holding your Application G-11241 and the protest against approval of it, without action to allow opportunity for the parties to discuss and, perhaps, arrive at an agreement on the issues raised by the protest. Also, as noted, if you determine that an agreement cannot be reached, the matter will be set for an administrative hearing at your request.

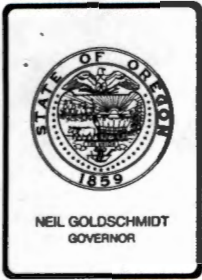
What is the present status of this matter?

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

cc: Douglas F. Foley
Clifton R. King, Watermaster for District 16

MAILED AGAIN ON JULY 9, 1985



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

April 23, 1990

Kathy Nakvasil
30840 SE Kelso Rd.
Boring, OR 97009

RE: Protests on Applications G11840, G11241

Dear Ms. Nakvasil:

I have made two inquiries, the first on December 1, 1989 and the second on February 9, 1990, regarding whom among the many protestants against the above applications intended to go forward with their protest, on which application, and a request that you provide addresses and complete names for some of the protestants.

You have made no response to either of these inquiries.

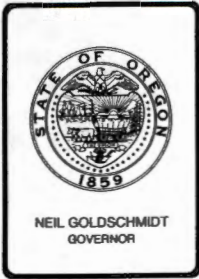
I have also provided you with information regarding well interference between some of the protestants wells (those on which the Department had information) and the wells under the protested applications. The data appears to indicate that there is no potential for interference between protestants' wells and those of the applicant, as they are in different aquifers. The decline of static level originally complained about appears to be, from the data collected by the Department, a long-term trend resulting from use and potential overdraft in the shallow aquifer, due to the number of users.

Since you have failed to respond to my inquiries, and as the wells applied for appear to present no opportunity for harm to the protestants well, based on information available, I intend to dismiss the protests and direct approval of the above applications. An order dismissing the protests will be entered unless the information requested is provided no later than May 1, 1990.

Sincerely,

Weisha Mize
Hearings Referee

cc: Becky Kreag
Ken Lite
Steve Applegate
Jean DeFond



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

October 11, 1990

Iseli Nursery, Inc.
30590 S.E. Kelso Rd.
Sandy, OR 97009

REFERENCE: File G-11241 & G-11840

Your Applications G-11241 and G-11840 for permits to use the public waters together with the supporting maps have again been reviewed. We can proceed towards considering approval of the applications. Based on the information supplied on the applications and supporting maps, we have prepared "draft" permits.

These "draft" permits are enclosed for your consideration. In their preparation, our staff has considered any public or agency comments received, as well as all pertinent Oregon laws, administrative rules and Commission policies.

We are now ready to issue permits approving your request to use water. The draft permits enclosed contains all of the conditions and limitations that would appear on your permits, if issued.

Please review the draft permits carefully. If you are satisfied that the drafts adequately describe your proposed use of water, and the terms are acceptable to you, please sign the draft copies in the spaces provided and return them to us within 30 days. When we receive your signed drafts, we will issue the permits as quickly as possible.

If you do not agree with, or cannot accept one or more of the terms or conditions as stated in the enclosed drafts, you should advise us immediately. In this event, we will then advise you of any options which may be available to you.

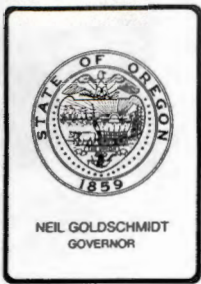
If you have any questions, please contact the Applications & Permits Section at 378-3066.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Specialist

WJO

Enclosures



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 503-378-3066

511241

PLEASE READ THE FOLLOWING INSTRUCTIONS VERY CAREFULLY

Your permit has been recorded in this office, but you should hold the original permit as evidence of your right to the use of water. If the property is sold and you convey all interest in the property, the water right must be assigned to the new owner and must be recorded in this office. Assignment blanks will be furnished upon request.

Time limits are fixed in the permit for beginning of construction, completion of construction and complete application of water to beneficial use. The law requires that you begin actual construction within one year from the date of issuance of the permit or your right will be lost. The Water Resources Director may extend the time for completion of construction and time for complete application of water provided work is begun within one year after issuance of the permit and reasonable diligence is shown in the prosecution of work. The Water Resources Director has no authority to extend the time limit for beginning of construction. Forms to file for an extension of time will be furnished upon request.

The appropriate forms are attached to the permit for submitting (A) Notice of Beginning of Construction Form, (B) Notice of Completion of Construction Form and (C) Notice of Complete Application of Water Form. If your application stated that construction has already been started, or that construction work is completed, or that complete application of water has been made, only the forms needed are attached.

The start of the drilling operation or other means of constructing the well will be considered as beginning of construction. If no canal system or other permanent type of distribution works is employed, the acquisition and installation of all the machinery or equipment necessary for the project will be considered as completion of construction.

When complete application of water has been made, Form C should be submitted as the first step in proof of appropriation. When permits are issued with a filing date after July 9, 1987, the final proof map and site report must be submitted by a Certified Water Rights Examiner (CWRE). This submission must include a claim of beneficial use from the permittee. These items must be submitted within one year of the reported completion of the project.

For permits issued with a filing date after December 20, 1988, the results of a pumping test of the well must be submitted to the Water Resources Department before a certificate of water right will be issued. The pumping test must meet certain requirements. A description of the pump test requirements can be obtained from the Water Resources Department. When proof satisfactory to the Water Resources Director has been made, the right will be confirmed by issuance of a certificate of water right. The certificate will limit the right to the extent that water has been applied to beneficial use in accordance with the terms of the permit.

The permit requires that an access port or other installation be provided to allow measurement of the water level within the well at any time. Sketches of suggested methods of installation are attached.

Finally, the watermaster may require the installation of flow meters in order to record water use. Any well constructed should allow for the flow meter.

GW P.S. A refund check in the amount of \$184 will be sent to you as soon as our bookkeeper can prepare it.

DRAFT

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ISELI NURSERY, INC.
30590 SE KELSO ROAD
SANDY, OREGON 97009

503-663-3822

to use the waters of FIVE WELLS in the TICKLE CREEK BASIN for NURSERY OPERATIONS ON 416.5 ACRES.

This Permit is issued approving Application G-11241. The date of priority is MARCH 5, 1984. The use is limited to not more than 1650.0 GALLONS PER MINUTE, BEING 100 GPM FROM WELL 1, 350 GPM FROM WELL 2, 750 GPM FROM WELL 3, 350 GPM FROM WELL 4, AND 100 GPM FROM WELL 5, or its equivalent in case of rotation, measured at the wells.

The wells are located as follows:

NE 1/4 NW 1/4, SECTION 7, T 2 S, R 4 E, W.M.; WELL 1 - 600 FEET SOUTH AND 850 FEET EAST; WELL 2 - 600 FEET SOUTH AND 1000 FEET EAST; WELL 3 - 700 FEET SOUTH AND 1260 FEET EAST, ALL FROM NW CORNER, NE 1/4 NW 1/4, SECTION 7.

NE 1/4 NW 1/4, SE 1/4 NW 1/4, SECTION 8, T 2 S, R 4 E, W.M.; WELL 4 - 1050 FEET SOUTH AND 175 FEET EAST FROM NW CORNER, NE 1/4 NW 1/4, SECTION 8; WELL 5 - 50 FEET NORTH AND 300 FEET WEST FROM C 1/4 CORNER, SECTION 8.

The amount of water used for Nursery Operations (OAR 690) 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 at any time 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 use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under the permit is as follows:

NW 1/4 NE 1/4	26.4 ACRES
SW 1/4 NE 1/4	10.0 ACRES
NE 1/4 NW 1/4	30.4 ACRES
SE 1/4 NW 1/4	30.5 ACRES
NE 1/4 SW 1/4	20.0 ACRES
SE 1/4 SW 1/4	3.1 ACRES
NW 1/4 SE 1/4	28.0 ACRES
SECTION 7	

DRAFT

DRAFT

PAGE TWO

SW 1/4 NE 1/4 40.0 ACRES
NE 1/4 NW 1/4 11.0 ACRES
NW 1/4 NW 1/4 32.6 ACRES
SW 1/4 NW 1/4 39.0 ACRES
SE 1/4 NW 1/4 37.0 ACRES
NE 1/4 SW 1/4 40.0 ACRES
NW 1/4 SW 1/4 40.0 ACRES
SW 1/4 SW 1/4 8.5 ACRES
SE 1/4 SW 1/4 20.0 ACRES

SECTION 8

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

The well 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 elevations in the well at all times. When required by the Department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

Actual construction work shall begin on or before , and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, .

Water Resources Department
William H. Young
Director

I, _____, acting for Iseli Nursery, hereby understand and agree that this draft permit describes the full extent of water use that will be allowed approving Application G-11241. By signature below, I agree to the proposed terms and conditions for this draft permit.

Signature

Date

Title

Application G-11241 Water Resources Department
Basin 2 Volume 23A Tickle Creek & Misc. Wells
G-11241.WJO

PERMIT G-XXXXX
District 16

DRAFT

ORIGINAL

ACTION
CODE

B

03-00-0

184.00

003990

AGENCY VOUCHER NO.

01-14-91

A69000

DATE

VENDOR NUMBER

PAYEE AND ADDRESS

ISELI NURSERY INC.

AUDITED BY

WATER RESOURCES
3850 PORTLAND RD NE
SALEM OR 97310

TOTAL

\$184.00

PAYMENT OF: INVOICE 0000000000 REFERENCE 003990 184.00
NET PAID \$184.00

MESSAGE: REFUND G 11241

ACCOUNT CODING: AGY 69000 BCH Q76 INV 0000000000 TC 40 TD 910114 REF 003990
DESCRIPTION PCD PROJECT FUND BI COST CENTER ACCOUNT AMOUNT
ISELI NURSERY INC. 032300 421 1 03 23 00 01 899900 184.00

-ck, mailed 1/17/91

-ICB

NOTICE TO VENDOR

REMITTANCE ADVICE

Enclosed is warrant in full payment of claim listed above. Please refer to Voucher Number indicated if you have any question regarding this payment.

By

FOR STATE AGENCY USE ONLY

This certifies that the materials, services, cash advanced, or expenses covered by this claim have been furnished, rendered or expended on behalf of the State of Oregon. The provision for payment is made by law and appropriation, the obligation or expenditure is authorized by law and the claim otherwise satisfies the requirements as provided by ORS 293.295. This claim has been approved for payment in the above amount.

By

INTEROFFICE MEMO

TO: FISCAL SECTION

DATE: 11/16/90

FROM: [Signature]
Authorized Examiner

SUBJECT: Request for transfer of fees or refund check

Please transfer \$ _____ Receipt _____ from file
_____ to file _____ for:
_____ Examination fee
_____ Permit Recording Fee

Please refund \$ 184- to Iseli Nursery, Inc
file G-11241, receipt's 417576 43591 These funds are
refunded due to:

_____ Application rejected
_____ Application withdrawn
☒ Excess fees collected for application/PON
_____ Payment of PON
_____ Protest Filing Fees
_____ Other: _____

NOV 26 1990

January 21, 1992

Greg Pilcher, Vice President
Iseli Nursery, Inc.
30590 SE Kelso Road
Boring OR 97009

USER-ID: 9648

WATER
RESOURCES
DEPARTMENT

Dear Mr. Pilcher,

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

POD-ID	Well	Application	Permit	Certificate	Status
23191	Well 3	G-11241	G-11134	0	Approved
23194	Well 6	G-11840	G-11135	0	Approved
23189	Well 1	G-11241	G-11134	0	Exempted
23190	Well 2	G-11241	G-11134	0	Exempted
23192	Well 4	G-11241	G-11134	0	Due 3/5/94
23193	Well 5	G-11241	G-11134	0	Due 3/5/94

The Water Resources Department has reviewed and accepted your request to substitute the pump test conducted in 1984 for Well 3 for the required test for Wells 1 and 2. Also, the pump test for Well 6 has been reviewed and accepted. The Department requires no further testing of these wells at this time. However, you will be required to submit static water level measurements of the wells on the ten-year anniversaries of the tests conducted on Wells 3 and 6.

There are enough local changes in the facies of the aquifer unit and the tectonic structures that the accepted tests do not reflect aquifer conditions at Well 4 and 5. Therefore, pump tests will be required for Wells 4 and 5.

We appreciate your cooperation in this program. If you have any questions, please contact Sam Allison or Bill Ferber at the address below or by calling 378-8455.

Sincerely,

Sam Allison

For FRED LISSNER, Manager
Groundwater/Hydrology Section

cc: Water Rights Section



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

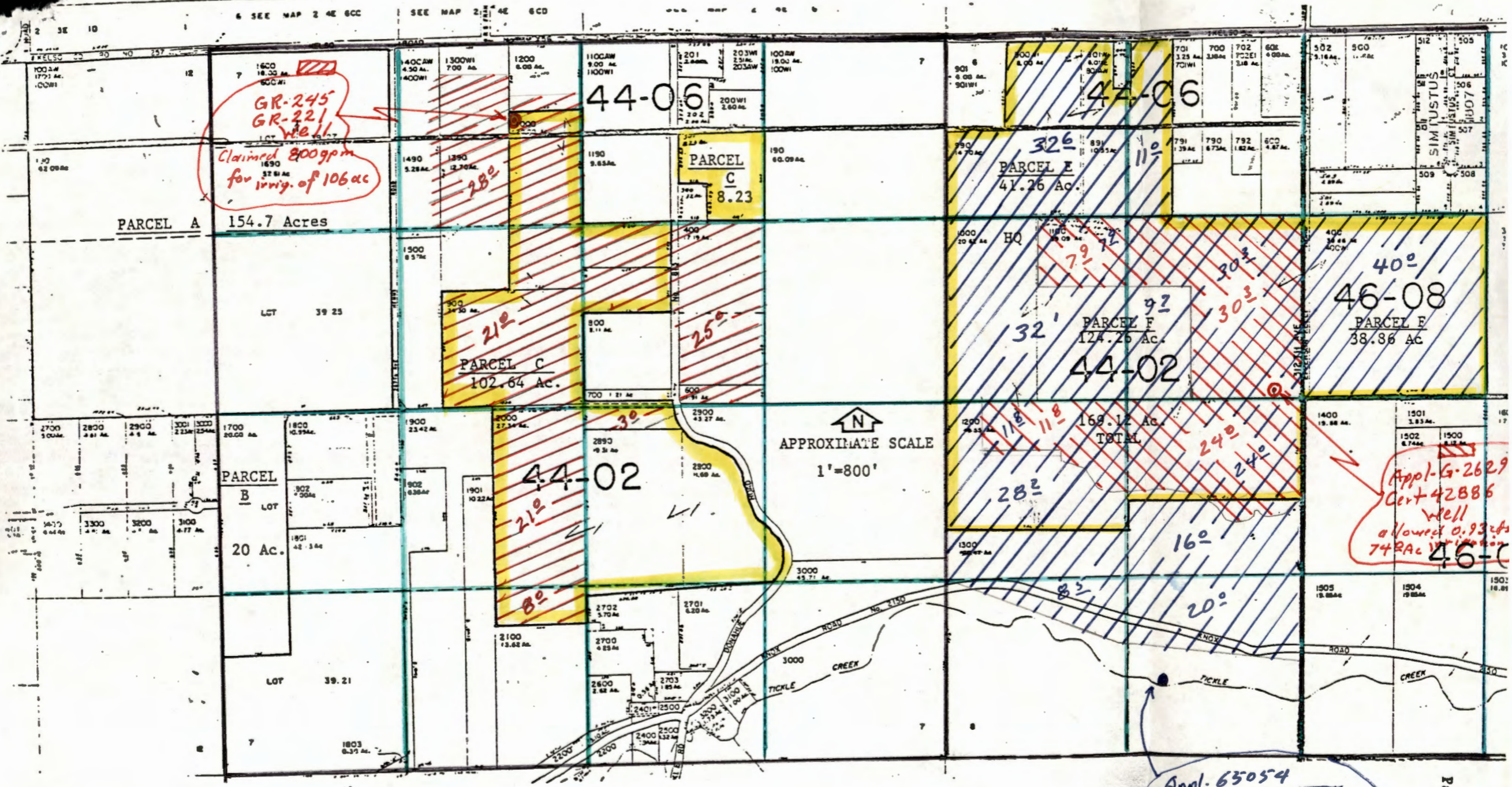
(Existing rights, claims & permit
on Iseli place)

GR-245 (claimed) (well #1) 800 gpm a well for irrigation of 106 acres
GR-221 priority 1951 (treaty)

Note: part of this claim is
outside of the boundaries of
the property being operated
by Iseli. (see map)

Appl- G-2629
Cert 42886 0.93 cfs (well #5) a well for irrigation of 74.0 acres
priority June 11, 1963 (see map)

Appl-65054 5.5 cfs Tickle Cr. for container nursery operation
on 271.5 acres see map



Plat Map

Appl. 65054
Permit 47675
Tickle Creek
5.5 cfs for use
on container nursery operation

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ISELI NURSERY, INC.
30590 SE KELSO ROAD
SANDY, OREGON 97009

503-663-3822

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NE 1/4 NW 1/4, SE 1/4 NW 1/4, SECTION 8, T 2 S, R 4 E, W.M.; WELL 4 - 1050 FEET SOUTH AND 175 FEET EAST FROM NW CORNER, NE 1/4 NW 1/4, SECTION 8; WELL 5 - 50 FEET NORTH AND 300 FEET WEST FROM C 1/4 CORNER, SECTION 8.

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

A description of the proposed place of use under the permit is as follows:

NW 1/4 NE 1/4	26.4 ACRES
SW 1/4 NE 1/4	10.0 ACRES
NE 1/4 NW 1/4	30.4 ACRES
SE 1/4 NW 1/4	30.5 ACRES
NE 1/4 SW 1/4	20.0 ACRES
SE 1/4 SW 1/4	3.1 ACRES
NW 1/4 SE 1/4	28.0 ACRES
SECTION 7	

SW 1/4 NE 1/4	40.0 ACRES
NE 1/4 NW 1/4	11.0 ACRES
NW 1/4 NW 1/4	32.6 ACRES
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SE 1/4 NW 1/4	37.0 ACRES
NE 1/4 SW 1/4	40.0 ACRES
NW 1/4 SW 1/4	40.0 ACRES
SW 1/4 SW 1/4	8.5 ACRES
SE 1/4 SW 1/4	20.0 ACRES

SECTION 8

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

The well 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 elevations in the well at all times. When required by the Department, the permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

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.

Actual construction work shall begin on or before November 13, 1991, and shall be completed on or before October 1, 1992. Complete application of the water shall be made on or before October 1, 1993.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, November 13, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

Application: G-11241 Water Resources Department
Basin 2 Volume 23A Tickle Creek & Misc. Wells
G-11241.WJO

PERMIT G-11134
District: 16

November 9, 1993

ISELI NURSERY INC
30590 SE KELSO RD
SANDY OR 97009

REFERENCE: File G-11241

We have received your notice that complete application of water has been made under Permit G-11134.

At a later date, a representative of this office will make an inspection and survey of your project.

You will then be mailed a proposed certificate of water right covering the actual use of water as found by our Inspector. Any use described in the permit that was not made will not be included in the certificate.

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

If you have any questions, please contact the Water Rights Section at 378-3739.

TES:jh



STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **WERNER W. AND GERMAINE ISELI**

of 38250 Burg's Lane, Sandy, State of Oregon, 97055, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a well

a tributary of Tickle Creek (Clackamas River) for the purpose of irrigation of 74.0 acres

under Permit No G-2639 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 11, 1963

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.93 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE 1/4 NW 1/4, Section 8, T. 2 S., R. 4 E., W. M., 50 feet North and 2350 feet East from NW Corner, Section 8.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited one-eightieth of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year;

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

7.9 acres SW 1/4 NW 1/4
30.3 acres SE 1/4 NW 1/4
24.0 acres NE 1/4 SW 1/4
11.8 acres NW 1/4 SW 1/4
Section 8
T. 2 S., R. 4 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date. April 21, 1976

James E. Sorenson
Water Resources Director

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Surface Water JUN 28 1984

MAR 5 1984

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SALEM, OREGON

2. The points of diversion are to be located...

- 1) Surface runoff and Reservoir #1 - 450' N & 100' W from the center of Sec. 7, T2S R 4 E being w/in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 7, T2S, R4E.
- 2) Surface runoff and Reservoir #2 - 1400' N & 1250' W from the center of Sec. 8, T2S, R4E being w/in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8, T2S R4E.
- 3) ~~Surface runoff~~ and Reservoir #3 - 1200' N & 1250' W from the center of Sec. 8, T2S, R4E being w/in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8, T2S, R4E.
- 4) Tickle Creek - 600' N & 1580' E from the SW corner of Sec. 8, T2S, R4E being w/in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T2S, R4E.

Item 2

- #1) Surface runoff - 1050'S, 550'E from the center of section 7, T2S, R4E, being w/in NE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec 7, T2S, R4E
- #2) Surface runoff - 850'S, 900'E from the center of Section 7, T2S, R4E, being w/in NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 7, T2S, R4E

Application No. 68024
Permit No.

Superseded (info supplied item 2)

- #3) Surface runoff - 1250' N, 525' E from the center of Section 7, T2S, R4E being w/in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T2S, R4E
- #4) Surface runoff - 100'S, 550'E from ~~the~~ NW. Corner Section 8, T2S, R4E being w/in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, T2S, R4E.

Ground Water

Application No. *B-11241*
Permit No.

3. Location of area

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T	R	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Use
2S	4E	7	NW/NE	<u>26.4</u> irrigation
			NW/NE	Related nursery use 26.4 Ac
			SW/NE	10.0 Container nursery operation
			NE/NW	9.6 " " "
			NE/NW	<u>5.4</u> irrigation
			NE/NW	<u>15.4</u> Supplemental irrigation
			NE/NW	Related nursery use 20.8 Ac
			SE/NW	<u>4.7</u> irrigation
			SE/NW	Related nursery use 4.7 Ac
			SE/NW	⁸ 25- Container nursery operation
			NW/SE	28 ⁰ " " "
			NE/SW	20 ⁰ " " "
			SE/SW	3 ¹ " " "
2S	4E	8	NE/NW	⁰ 11- Container nursery operation
			NW/NW	32 ⁶ " " "
			SW/NW	39 ⁰ " " "
			SE/NW	37 ⁰ " " "
			SW/NE	40 ⁰ " " "
			NE/SW	40 ⁰ " " "
			NW/SW	40 ⁰ " " "
			SW/SW	8 ⁵ " " "
			SE/SW	20 ⁰ " " "

265.1

irrig = 51.9

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Ground Water

Application No. *D-11241*
Permit No.

3. Location of area

T	R	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Use
2S	4E	7	{ NW/NE	26.4 irrigation
			{ NW/NE	Related nursery use <i>26.4 Ac</i>
			SW/NE	10.0 Container nursery operation
			NE/NW	9.6 " " "
			{ NE/NW	<i>5-4</i> 20⁸ irrigation
			{ NE/NW	<i>15-4</i> Supplemental irrigation
			{ NE/NW	Related nursery use <i>20⁸ AC</i>
			{ SE/NW	<i>4-7</i> irrigation
			{ SE/NW	Related nursery use <i>4⁷ Ac</i>
			SE/NW	<i>8</i> 25- Container nursery operation
			NW/SE	<i>0</i> 28- " " "
			NE/SW	<i>0</i> 20- " " "
			SE/SW	<i>1</i> 3- " " "
2S	4E	8	NE/NW	<i>10</i> 11- Container nursery operation
			NW/NW	<i>6</i> 32- " " "
			SW/NW	<i>0</i> 39- " " "
			SE/NW	<i>0</i> 37- " " "
			SW/NE	<i>0</i> 40- " " "
			NE/SW	<i>0</i> 40- " " "
			NW/SW	<i>0</i> 40- " " "
			SW/SW	<i>5</i> 8- " " "
			SE/SW	<i>0</i> 20- " " "

*268.1**irrig = 51.9*

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SECTION 7

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
		25 [±]		28 [±]				21 [±]	21 [±]			8 [±]		3 [±]		GR-245	GR-221	
Mur.				Mur.												G-5322	G-5319	
								18	30							G-5559	G-5160	
												15 [±]				G-10354	G-9426	
				15 ⁻⁴												Synplanmist G-11241		2
264				54				42								G-11241		2
R/L Mur.				R/L Mur.				R/L Mur. Countryside				Mur. & J 3-	Stock 28 [±]			G-11241		
								25 [±]	20 [±]							G-11241		
																Synplanmist 68024		
267				208				42								68024		
R/L Mur.				R/L Mur.				R/L Mur. Countryside				Mur. & J 3-	Stock 28 [±]			68024		
								25 [±]	20 [±]									

Not on Iseli

SECTION 8

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
						79° 30' 3"	240° 11'									G-2429	G-2439	142886
																G-5392	G-5319	
																65054	47615	
																G-11241		
																R-68128		
																68024		

Ground Water

2. The wells are located...

Well #1 - 600' S & 850' E

Well #2 - 600' S & 1000' E

Well #3 - 700' S & 1260' E

All from the NW corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T2S, R4E, all being w/in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, T2S, R4E.

Well #4 - 1050' S & 175' E from the NW corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8, T2S, R4E being w/in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8, T2S, R4E.

Well #5 - 50' N & 300' W from the center of Sec. 8, T2S, R4E, being w/in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8, T2S, R4E.

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Application No.
Permit No.

8-11241

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SALEM, OREGON

T.2S. R.4E. W.M.

SCALE: 4" = 1 MILE

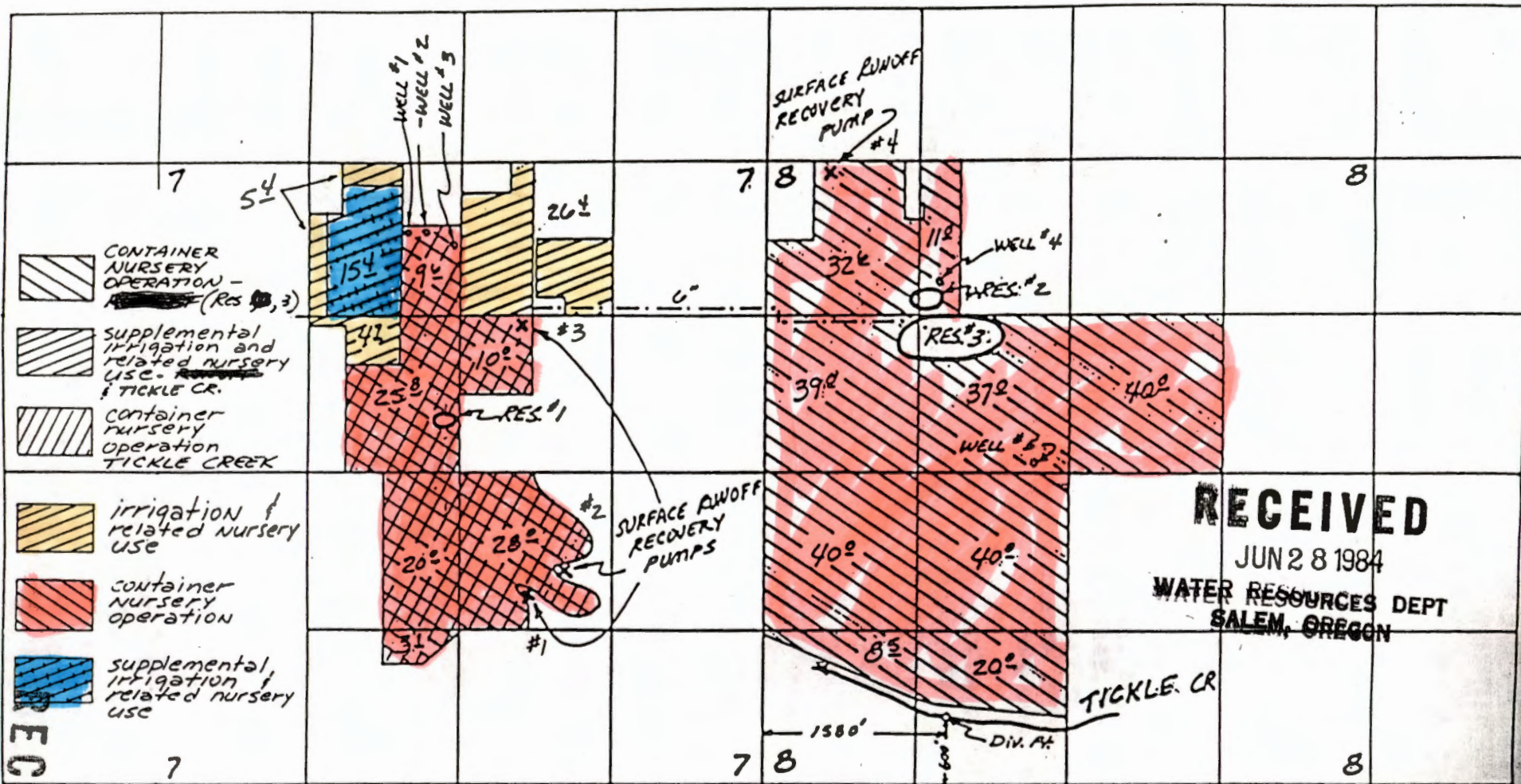
Surface Water

Water Pump

WATER RESOURCES DEPT

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JUN 28 1984

WATER RESOURCES DEPT
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WELL LOCATIONS - WELL #1, 600' S. & 850' E., WELL #2 600' S. & 1000' E., WELL #3 700' S. & 1260' E., ALL FROM THE N.W. COR. NE1/4 NW1/4 SEC 7, T2S, R4E
WELL #4 1050' S. & 175' E. FROM THE N.W. COR. NE1/4 NW1/4 SEC 8, T2S, R4E.
WELL #5 50' N. & 300' W FROM THE CENTER SEC 8, T2S, R4E.

DIV. PTS. LOCATIONS - TICKLE CR. 600' N. & 1580' E. FROM S.W. COR SEC 8, T2S, R4E.
RES. #1 450' N. & 100' W. FROM CENTER SEC 7, T2S, R4E.
RES. #2 1400' N. & 1250' W. FROM CENTER SEC 8, T2S, R4E.
RES. #3 1200' N. & 1250' W. FROM CENTER SEC 8, T2S, R4E.

(4 Drainage ways)
#1 SURFACE RUNOFF - 1050' S., 550' E.
#2 SURFACE RUNOFF - 850' S., 900' E.
#3 SURFACE RUNOFF - 1250' N., 525' E.
#4 SURFACE RUNOFF - 100' S., 550' E. from N.W. COR. section 8, T2S, R4E.

Application No. R-68128 & 68024
Permit No.

WATER RESOURCES DEPT
SALEM, OREGON

SL 1, 191985

10. Description of Works

Well #1 is 1893' of 6" PVC pipe, class 160. The pump; a 15 hp submersible, which open discharges into Reservoirs #1 or #2.

Well #2 has 1699' of class 160, 4" PVC pipe. It has a 40 hp submersible pump, which open discharges into a 4,000 gallon tank for drinking water, and into Reservoir #1 only.

Well #3 has 500' of 8", and 800' of 6" class 160 PVC pipe. It has a 75 hp submersible pump, which feeds overhead irrigation alone, and open discharges into Reservoir #1.

Well #4 is 60' of 4", class 160 PVC pipe. It has a 40 hp submersible pump, which open discharges into Reservoir #2 only.

Well #5 has 2000' of 6", class 160 PVC pipe. The pump is a hp turbine lineshaft, and will open discharge into Reservoir #2 soon.

All reservoirs have pumphouses which pump water to overhead irrigation for the container nursery.

All wells on Common System

Application No. D-11241
Permit No.

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SALEM, OREGON

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-11241

Final Order
Extension of Time for Permit Number G-11134

Appeal Rights

This is a final order in a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or 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.

Application History

The Department issued Permit G-11134 on November 11, 1990. The permit called for completion of construction by October 1, 1992 and complete application of water to beneficial use by October 1, 1993. On June 2, 2008, Greg Pilcher, on behalf of Iseli Nursery, Inc, submitted to the Department an Application for Extension of Time for Permit G-11134. In accordance with OAR 690-315-0050(2), on July 15, 2008, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2013 and the time to fully apply water to beneficial use to October 1, 2013. The protest period closed August 29, 2008, in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2012. A form is enclosed for your use.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the

project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

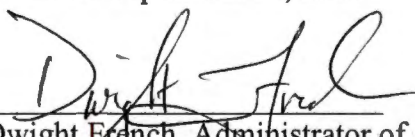
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application G-11241, Permit G-11134, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2013. The deadline for applying water to full beneficial use is extended to October 1, 2013.

DATED: September 11, 2008


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

-
- If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0827.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

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AUG 16 1984

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1000 WILLAMETTE CENTER
121 S. W. SALMON STREET
PORTLAND, OREGON 97204-2997

WATER RESOURCES DEPT
SALEM, OREGON

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RONALD E. BAILEY
JOHN A. BENNETT
DANFORD E. L. BICKMORE
ANNA J. BROWN
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JOHN W. BUEHLER
R. R. BULLIVANT
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MARY T. DANFORD
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STEPHEN F. ENGLISH
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I. FRANKLIN HUNSAKER
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HUGH L. BARZEE (RETIRED)

* OREGON AND WASHINGTON BARS
† OREGON AND CALIFORNIA BARS
‡ OREGON AND DISTRICT OF
COLUMBIA BARS
* OREGON, CALIFORNIA AND
DISTRICT OF COLUMBIA BARS

August 15, 1984

Mr. James W. Carver, Jr.
Hearings Supervisor
Water Resources Department
Mill Creek Office Park
555 13th Street N.E.
Salem, OR 97310

Reference: Application G-11241

Dear Mr. Carver:

Enclosed you will find the Second Addendum re-
garding the Application of Iseli Nursery, Inc., in the
above-captioned matter and our true copy of service on
Laurence F. Janssen, attorney for Jean Iseli.

Very truly yours,

Douglas F. Foley

DFF/emp
Enclosure

cc: Mr. & Mrs. Carl Aschoff
Ms. Eva Kociemba
Ms. Irene I. Erickson
Ms. Donna N. Olsen
Ms. Lois Whitford
Ms. Louise Chianello
Mr. & Mrs. Irvin N. Weihe
Mr. & Mrs. Quinton Fadness
Mr. & Mrs. Thomas A. Perisich
Mr. & Mrs. Frank J. Mazil

Mr. James W. Carver, Jr.

August 15, 1984

Page Two

Ms. Debbie Bernhardt
Ms. Joan Stone
Mr. David R. Bernhardt
Mr. & Mrs. Fredrick W. Foley
Mrs. Genevieve Carr
Mr. Harold K. Olsen
Mr. & Mrs. Thomas R. Bateman
Mr. & Mrs. Lee K. King
Ms. Marilyn Hansen
Mr. Donald L. Leedy
Mr. William E. Hoffmeister
Mr. Harold A. Schrock
Ms. Connie Paulsen
Mr. Thomas Young
Mr. Paul L. Venable
Ms. Karen L. Compton
Mr. John E. Boyles
Mr. Duane E. Witt
Mr. Marilyn Ponting
Pat Haley
Mr. Dick Nakvasil
Ms. Janis A. Turner
Mr. & Mrs. Bill Posey
Mr. & Mrs. Don Juhr
Mr. & Mrs. Mike Taylor
Mr. & Mrs. Jack Kane
Mr. Eugene W. Wilson
Mr. & Mrs. Jack Long
Mr. William J. Shaw
Mr. & Mrs. Neil Hopkins
Mr. Laurence F. Janssen
with enclosure

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WATER RESOURCES DEPT
SALEM, OREGON

WE THE UNDERSIGNED DO HEREBY PROTEST THE APPROVAL OF APPLICATION NUMBER G-11241 IN THE NAME OF ISELI NURSERY, INC TO USE OF WATER FROM GROUNDWATER OUR WATER RIGHTS WOULD BE ADVERSELY AFFECTED. THEREFORE, WE REQUEST THE WATER RESOURCES DIRECTOR TO DENY APPROVAL OF APPLICATION # G-11241. WE RECOGNIZE THAT IT MAY BE NECESSARY TO PRESENT TESTIMONY AND EVIDENCE IN AN ADMINISTRATIVE HEARING BEFORE THE WATER RESOURCES DIRECTOR, IN SUPPORT OF THE ALLIEGATIONS MADE IN THIS PROTEST.

DATE	NAME	SIGNATURE	ADDRESS	TELEPHONE
8/9/84	MARILYN HANSEN	M.J. Hansen	Boring Ore 97009 30971 SE Kelso Rd	668-63
8-9-84	Donald L. Leedy	DONALD L. LEEDY	14424 SE 312 AVE BORING 97009 ORE	668-832
8-9-84	William E. Hoffmeister	William E Hoffmeister	14330 SE 312th Boring Ore 97009	668-468
8-9-84	Harold A. Schrock	Harold Schrock	3126 SE Kelso Rd Boring, Ore 97009	668-628
8-10-84	CONNIE PAULSEN	Connie Paulsen	14025 SE 312 Boring 97009	668-673
8-11-84	THOMAS YOUNG	Thomas Young	14303 SE 312 Boring 97009	668-774
8-11-84	PAUL L VENABLE	Paul L Venable	13700 SE 312 ave Boring	668-434
8-11-84	Karen L. Compton	KAREN L. Compton	14020 SE 312 Boring Ore 97009	668-596
8-11-84	John E. Boyles	John E Boyles	14065 SE 312 Boring Ore 97009	668-85
8-11-84	Duane E. Witt	Duane E Witt	14363 SE 312 Boring Or 97009	668-490
8-11-84	MARILYN PONTING	Marilyn Ponting	31400 SE Harlet Dr. Boring	668-838
8-13-84	Pat Haley	Pat Haley	31803 S.E. Daphne Ct. "	668-726
8-13-84	DICK NAKVASIL	Dick Nakvaal	30840 SE KELSO RD, 97009	668-534
8/13/84	Janis Turner	Janis A. Turner	31151 SE Kelso Rd. Boring Ore 97009	668-632

PROTESTORS

1. Carl Aschoff 15555 SE, 287 ave
Carl Aschoff Boring, Oregon 97009
503-663-5522
2. Margaret Aschoff "
Margaret Aschoff
3. Eva Kociemba 28752 S.E. Kelso Rd.
Eva Kociemba Boring, Or 97009
663. 3194
4. IRENE I. ERICKSON 15342 S.E. 322nd Ave
Irene I. Erickson Boring, Oregon 97009
668-6237
5. Donna N. Olsen 32252 SE Kelso Rd
Donna N. Olsen Boring, OR 97009
668-6306

PROTESTORS

6. LOIS WHITFORD
Lois Whitford
16400 SE Tickle Creek Rd.
Boring OR 97009
663-4359
7. LOUISE CHIANELLO
Louise Chianello
29202 S.E. Knox Rd.,
Boring, Or. 97009
663-1206
8. Leota Weihe
Leota Weihe
IRVIN W WEIHE
Irvin W Weihe
15182 S.E. Tickle Cr. Rd.
Boring, Or. 97009
15182 S.E. TICKLE CRK Rd
BORING OR 97009
663-3969
9. Dorothy Fadness
Dorothy Fadness
Quinton Fadness
15401 SE Tickle Cr Rd
Boring, Oregon 97009
" " "
10. SUSAN PERISICH
Susan J Perisich
THOMAS A PERISICH
16231 SE Tickle Crk. Rd.
Boring, Oregon 97009
663-6575

PROTESTORS

11. J. LOIS MAZIL
J. Lois Mazil
FRANK J. MAZIL
16225 S.E. Tickle Creek Rd.
Boring, Oreg. 97009
663-3139
12. Debbie Bernhardt
116035 SE 322
Boring, Oregon 97009 668-5048
13. Joan Stone
Joan Stone
17000 SE Fosberg
Boring, OR 97009
14. DAVID R. BERNHARDT
David R. Bernhardt
15871 SE 322nd Ave
BORING, OR 97009 668-6238
15. Frederick Wm Foley 15500 SE 287
Frederick Wm Foley Boring, OR 97009 663-3149
Mildred M Foley
Mildred M Foley 15500 SE 287th
Boring, Oregon 663-3149

PROTESTORS

16. This is to protest any more ^{irrigation} wells being drilled within $\frac{1}{2}$ mile of my property line: due to a drop in my water level with only one pump going during the wettest season in many years.
17. Mrs Genevieve Carr - 29092 SE Kelso Rd
Genevieve Carr 663-3049 Boring Oregon 97009

18.

19.

20.

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF PROTESTED APPLICATION)
G11241 IN THE NAME OF ISELI NURSERY FOR)
USE OF GROUND WATER FROM ISELI WELLS 1-5) ORDER DISMISSING
PROTEST

A protest against application G11241 was filed on July 26, 1984, by Douglas Foley, attorney at law, on behalf of 15 protestants. An additional 5 protestants were added to the existing protestants by Addendum received August 8, 1984, and a second Addendum adding an additional 14 protestants was received August 16, 1984.

An aquifer pump test was performed in 1984 on Iseli Well #3. While Application G11241 involves Iseli Wells #1 - #5, all located in the deep basalt aquifer and all of which were in place at the time the application was filed, well #3 was selected for this test because it appeared most centrally located in relation to the protestants' wells.

Long term water level monitoring in the Sandy-Boring area has been on-going since 1984, and has involved many of the protestants' wells. The monitoring shows that the decline in those protestants' wells known to be in the deep aquifer appears to be a general, long-term decline as a result of use by a number of users, some substantial irrigators other than the applicant, with wells in the deep aquifer.

Of the 34 protestants against this application, the Department has information on well depth and construction for only 12 of their wells. Without such information, there was no practical purpose in involving the remaining 22 well in the aquifer pump test, as there would be no way to determine if there was interference, or the degree of any possible interference, between applicant's wells and those of these protestants.

Of the 12 protestants' wells about which information was available, only 8 of these wells are located in the same deep aquifer as those of applicant. Of these 8 protestants, two, Lee King and Gene King, informed the Department that they wished to withdraw their protest.

Of the 6 remaining wells, 3 were involved in the aquifer pump test. One well showed no effect from the aquifer pump test, two showed some slight effect but not of a level which could be considered remotely reaching the level of substantial interference. Long-term monitoring in the Sandy-Boring area showed long term decline in all 6 wells.

Little activity took place concerning this application until 1989. On reactivation of the matter, Mr. Foley informed the

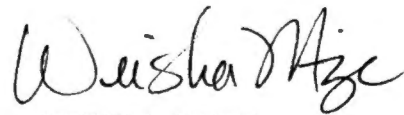
Department by letter of November 22 that he did not now, and had at no time, represented the protestants in this matter.

The 12 protestants were notified of the findings of the Department regarding the aquifer pump test and the long-term monitoring. All were provided with a copy of the Department's Division 8 rules regarding substantial interference. Inquiry was made as to whether any of these protestants wished to continue pursuing their protest, and a response was to be filed no later than July 2, 1990.

No response was received from any of these protestants.

Based on the results of the aquifer pump test performed on Well #3, and based further on the protestants failure to actively pursue the matter or indicate any intent to further pursue the protest, the protests against application G11241 are hereby DISMISSED.

DATED this 18 day of July, 1990.

A handwritten signature in cursive script, appearing to read 'Weisha Mize', is written in dark ink.

WEISHA MIZE
Hearings Referee

6. The amount of water which the applicant intends to apply to beneficial use is cubic feet
#1) 100 #3) 150 #4) 350 #5) 100
per second or #2) 350... gallons per minute.

7. The use to which the water is to be applied is
Supplemental irrigation
Irrigation, related nursery
use and container nursery operation
292 gpm for irrigation / 70 gpm related nursery stock / 1650 gpm container stock

8. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

9. If the location of the well, or other development work is less than one-fourth mile from a natural stream channel, give the distance to the channel and the difference in elevation between the stream bed and the ground surface at the source of development.

10.

DESCRIPTION OF WORKS

Include length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

See attachment

11. Construction work will begin on or before..... has begun

12. Construction work will be completed on or before..... March 1, 1984

13. The water will be completely applied to the proposed use on or before..... March 1, 1985

14. If the ground water supply is supplemental to an existing supply, identify the supply and existing water right.

Application No. D-11241

Permit No.

RECEIVED

Remarks:

All wells are tied together into one system. Amount of water for irrigation will total 0.65 cubic feet second with the remainder to be used for container nursery operation and related nursery use. JLL

This permit, when issued, is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Signature of Applicant

PRESIDENT

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for ~~correction and completion~~ statement of intent toward completion of the appropriation described above.

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before ~~June 30~~ October 10, 1985, ~~1984~~

WITNESS my hand this ~~2nd~~ 10th day of ~~May~~ September, ~~1984~~ 1985

William H. Young, Water Resources Director

By James W. Carver, Jr.

By Wayne J. Overcash

WAYNE J. OVERCASH

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 5th day of March, 1984, at 8:00 o'clock A.M.

Application No. 9-11241

Permit No.

Application No. 2-11241

Permit No.

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 1650 gallons per minute cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from five wells

being 100 gpm from Well #1, 350 gpm from Well #2, 750 gpm from Well #3, 350 gpm from Well #4, and 100 gpm from Well #5

The use to which this water is to be applied is irrigation, supplemental irrigation, related nursery use, and containerized nursery stock, being 292 gpm for irrigation, supplemental irrigation, 70 gpm for related nursery uses, and 1650 gpm for containerized nursery stock

If for irrigation, this appropriation shall be limited to 1/80 of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year;

GL (S) supplemental irrigation

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is March 5, 1984

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19

Complete application of the water to the proposed use shall be made on or before October 1, 19

WITNESS my hand this day of, 19



While You Were Out

To

Larry
7/30

Date

Time

11:18

of

John Aseli

called

Phone

663-3822



Telephoned



In person



Please call



Wants to see you



Will call again



Returned your call

Message

Gregg Pilcher

585-6672

Taken by

Tim



Call Foley

7-26-84

2:57 PM

\$25 protest fee missing
secfy said will mail
tomorrow morning.

LWS

Out

2:47

called

you
call

Call Foley
7-26-84
2:57 PM
\$25 protest fee missing
secfy said will mail
tomorrow morning.

SWJ

 **While You Were Out**

To Larry J.
Date 7/26 Time 2:47

John Iseli called
of Bresham
Phone 663-3822

☒ Telephoned ☐ In person
☒ Please call ☐ Wants to see you
☐ Will call again ☐ Returned your call

Message 2nd call; 1st call
he didn't leave a
message & it was while
you were gone to
Larry Thompson's

Taken by Tim

Sub

~~PROTECTED~~

G11241

Application No.

3/5/84

Permit No. **G11134**

Name Iseli Nursery, Inc.

Address 30590 S.E. Kelso Road, Sandy, OR 97009

Assigned

Address

Beginning construction **NOV 13 1991**

Completion of construction **OCT 01 1992**

Extended to

Complete application of water **OCT 01 1993**

Extended to