Action suspended until Date To Whom Address Volume Page  Return to applicant Date of approval JUL 3 0 1984  CONSTRUCTION Date for beginning Date for completion DCT 1 13366  Extended to 10-1-17  Date for application of water act 1 987  Extended to 10-1-17  PROSECUTION OF WORK Form "A" filed Storted Form "B" filed To 10 1987  FINAL PROOF  Blank mailed Proof received Action 10 1987  Entered  Date To Whom Address  Volume Page To Whom Address  Volume P	Name Iseli Nursery, Inc.  By	Certificate No	68024 48577 85587 Page No. 2-1071 8128 (res comp)		Date 3\5\84 1-2\084	Cert. Fee ES REFUND	Receipt No. 41756 43596
Date of approval  CONSTRUCTION  Date for beginning  JUL 30 1985  Date for beginning  Date for completion  Extended to 10-1-87  Date for application of water  Extended to 10-1-87  Date for application of water  Extended to 10-1-87  PROSECUTION OF WORK  Form "A" filed Storted  Form "B" filed Table 7, 1988  Form "C" filed Table 7, 1989  Entered Table 7, 1989		Date		ASSIGNMENTS	Address	Volur	ne Page
Date for beginning  Date for completion  Extended to [0-1-87]  Date for application of water  Extended to 10-1-87  Date for application of water  Extended to 10-1-87  PROSECUTION OF WORK  Form "A" filed Started  Form "B" filed Started  Form "C" filed Started  FINAL PROOF  Blank mailed  Proof received 1/24/2008  Proof received 1/24/2008  Entered for 6-11241  See Inter affile means in file 6-054 dates  Many 14-128-3 regarding meanter  Many 14-128-3 regarding meanter  Date for application of water  See Inter affile means in file 6-054 dates  Many 14-128-3 regarding meanter  Date for application of water  Card for 8 NOV 14 1936  CARD FOR BC OCT 13 1987  FORM 100 JUN 6 1938  FO	Return to applicant  JUL 3 0 1984						
Extended to 10-1.87  Date for application of water OCT 1 1987  Extended to 10-126 1  PROSECUTION OF WORK  Form "A" filed Started  Form "B" filed Tally 7, 1988  Form "C" filed Sar 21, 1987  FINAL PROOF  Blank mailed  Proof received 124 2008	Date for beginning	Sec alsoi A	G-1124)	REMARKS			
Date for application of water OCT 1 1987  Extended to CARD FOR BC OCT 1 3 1987  PROSECUTION OF WORK  Form "A" filed Started  Form "C" filed Tally 7, 1988  Form "C" filed Tally 7, 1988  Final Proof  Blank mailed  Proof received 1/29/2008  Proof received 1/29/2008	Extended to 0-1-87						
Form "A" filed Started torm 128 Sh UU 0 3 1989  Form "B" filed Tally 7, 1988  Form "C" filed W.R.1.S.  FINAL PROOF  Blank mailed Assembled 3-23-84 by G.  Proof received 9 29 2008  Entered by Verified	Date for application of water OCT 1 1987  Extended to	use progr	1986 1 3 1987				
Form "C" filed 21 1989  FINAL PROOF  Blank mailed Assembled 3-23-84 by  Proof received 9/29/2008	Form "A" filed started	FORM 100 JUN 6 Form 128 S	1988 T OCT 0 3 1989				
Blank mailed  Assembled 3-23-84 by  Proof received 9/29/2008  Assembled 3-23-84 by  Assembled 3-24-84 by  Asse	Form "C" filed 29 1989			1	W.F	₹.1.S.	
Date certificate issued \(\text{unv}\)	Blank mailed				Assembled 3- Entered Verified	-23-84 by	2 <i>i</i>

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. 60029
NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE
I, I Seli Nurserry, Inc., the holder of Permit No. 48577
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 27 day of 5ept. , 1989.
Remarks:
77 Sept 89
IN WITNESS WHEREOF, I have hereunto set my hand this
(Signature of Applicant)  (Signature of Applicant)  (Address)  (Address)
Form B (690—9-77) Application No. 68024
NOTICE OF COMPLETION OF CONSTRUCTION
1 S Iseli Nursery Inc. , the holder of Permit No. 48577
to appropriate the public waters of the state of Oregon, completed the construction of the works described
therein on the 28 day of September 1987.
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 6 day of July , 1986
Grandle VIVE PRES. 30590 SE Kelso Rd. BORING ORE 97009
(Signature of Applicant) (Address)
Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

Appl & Maps 10 pp



15241 S.E. Tickle Creek Road Boring, Oregon 97009 (503) 663-3822

> Jean Iseli HEAD GRUNT

> > 10



March 24, 2016

Iseli Nursery 30590 SE Kelso Road Boring, OR 97009 5.68024

# Water Resources Department

North Mall Office Building 725 Summer St NE, Suite A Salem, OR 97301 Phone (503) 986-0900 Fax (503) 986-0904 www.wrd.state.or.us

RE: Reclaimed Municipal Water Use Registration RM-207, related to NPDES Permit 102492

Dear Iseli Nursey management:

The Oregon Water Resources Department ("OWRD") received your Registration of Reclaimed Municipal Water Use form on October 30, 2015. The Registration form is complete, signed by all the appropriate parties, and meets the requirements of ORS 537.131 and 537.132. OWRD assigned record RM-207 to your Registration, which will be managed as a physical file in Salem and viewable online at: <a href="http://apps.wrd.state.or.us/apps/wr/wrinfo">http://apps.wrd.state.or.us/apps/wr/wrinfo</a> stage/ as an "RM" type Application.

This Registration allows the use of reclaimed municipal water under an exemption provided by ORS 537.132 rather than completing the process to obtain a formal water use permit. The Registered exempt use is allowed only while the corresponding Department of Environmental Quality (DEQ) facility discharge permit is in effect, which is currently pending renewal. This Registration must be renewed with OWRD when the DEQ facility discharge permit is renewed again in the future for the exempt use to continue.

If reclaimed municipal water use occurs instead of exercising existing water rights at the same location, ORS 540.610(2)(h) provides protection of those existing water rights from potential forfeiture due to extended non-use. It is prudent to document and maintain a record of your annual use of reclaimed municipal water.

Oregon's Integrated Water Resources Strategy encourages additional use of reclaimed municipal water to help keep our streams clean and reduce the demand on limited water supplies. Thank you for putting the strategy into action and using water wisely.

If you have questions regarding this Registration letter, please contact me directly at 503-986-0919, Steve.W.Parrett@wrd.state.or.us, or call 503-986-0900 and ask for the Water Reuse Coordinator.

Sincerely,

Steven W. Parrett

Water Reuse Coordinator
Water Right Services Division

CC:

Registration File RM-207

District 18 Watermaster, Jake Constans

City of Tigard, 39250 Pioneer Blvd. Sandy, OR 97005

Pat Heins, DEQ NW Region, 811 SW 6th Avenue, Portland, OR 97204-1390

Existing Water Right Certificate files 84209, 85571, 85587, 85573, 84209, 55073, and 42886



Water Resources Department

North Mall Office Building 725 Summer St NE, Suite A Salem, OR 97301 Phone (503) 986-0900 Fax (503) 986-0904 www.wrd.state.or.us

March 24, 2016

Iseli Nursery 30590 SE Kelso Road Boring, OR 97009

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Sincerely,

Steven W. Parrett

Water Reuse Coordinator Water Right Services Division

cc:

Registration File RM-207

District 18 Watermaster, Jake Constans

City of Tigard, 39250 Pioneer Blvd. Sandy, OR 97005

Pat Heins, DEQ NW Region, 811 SW 6<sup>th</sup> Avenue, Portland, OR 97204-1390

Existing Water Right Certificate files 84209, 85571, 85587, 85573, 84209, 55073, and 42886

### STATE OF OREGON

### COUNTY OF CLACKAMAS

### CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ISELI NURSERY INC. 30590 SE KELSO RD SANDY OR 97055

confirms the right to use the waters of TICKLE CREEK AND RESERVOIR 3, CONSTRUCTED UNDER PERMIT R-9901, tributaries of DEEP CREEK, for IRRIGATION, RELATED NURSERY USE AND CONTAINERIZED NURSERY STOCK.

This right was perfected under Permit 48577. The date of priority is MARCH 5, 1984. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.5 CUBIC FEET PER SECOND (CFS), being 0.60 CFS of water from Tickle Creek for irrigation, 0.16 CFS from Tickle Creek for related nursery use, and 5.5 CFS from Tickle Creek and Reservoir 3 for containerized nursery stock or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Source	Twp	Rng	Mer	Sec	Q-Q	Measured Distances	
Tickle 2 S 4 E WM 8 Creek		8	SE SW	645 FEET NORTH & 1345 FEET EAST FROM SY CORNER, SECTION 8			
Reservoir 3	2 S	4 E	WM	8	SE NW	1255 FEET NORTH & 1160 FEET WEST FROM C¼ CORNER, SECTION 8	

A description of the place of use to which this right is appurtenant is as follows:

	IRRIGATION											
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres					
2 S	4 E	WM	7	NW NE		38 10 10	23.49					
2 S	4 E	WM	7	NE NW		77 1-1	18.56					
2 S	4 E	WM	7	SE NW	-1-		6.26					

# NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. 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, 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Application S-68024.jwg

Source	Twp	Rng	Mer	Sec	Q-Q	Use
Tickle Creek	2 S	4 E	WM	7	NW NE	Related Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	SW NE	Container Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	NE NW	Container Nursery
Tickle Creek	2 S	4 E	WM	7	NE NW	Related Nursery
Tickle Creek	2 S	4 E	WM	7	SE NW	Related Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	SE NW	Container Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	NE SW	Container Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	SE SW	Container Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7 .	NW SE	Container Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	SW SE	Container Nursery
Reservoir 3	2 S	4 E	WM	8	SW NE	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NE NW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NW NW	Container Nursery
Reservoir 3	2 S	·4 E	.WM	8	SW NW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	SE NW	Container Nursery
Reservoir 3	2 S .	4 E	WM	8	NE SW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NW SW	Container Nursery

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH 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 2.5 acre-feet per acre from direct flow and storage from reservoir constructed under Permit R-9901, for each acre irrigated during the irrigation season of each year.

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued JUN 1 6 2009

Phillip C/Ward, Director
Water Resources Department



Water Resources Department

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

Date Mailed: June 16, 2009

# NOTICE OF CERTIFICATE ISSUANCE

Attached are certificates that confirm water rights established under the terms of permits issued by this Department. The water rights are now appurtenant to the specific place where the use was established as described by the certificates. The water rights are limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificates.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within 60 days of the mailing date stated above as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

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

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

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

# Mailing List for Certificate

Scheduled Mailing Date:

Application: S-68024

**Permit: 48577** 

Certificate: 85587

Permit/Certificate Holder:

ISELI NURSERY INC. 30590 SE KELSO RD **SANDY OR 97055** 

**Copies Mailed** 

(STAFF)

on: JUN 1 6 2009

(DATE)

# Copies of Final Certificate to be sent to:

- 1. Watermaster District 16, Mike L. McCord
- Data Center (include copy of map)
- 3. Water Availability  $\smile$
- 4. Vault
- 5. File /

# Other persons to receive copies: (include map):

- 1. Theodore Ressler, CWRE
- 2. Adam Sussman

# RECEIVED

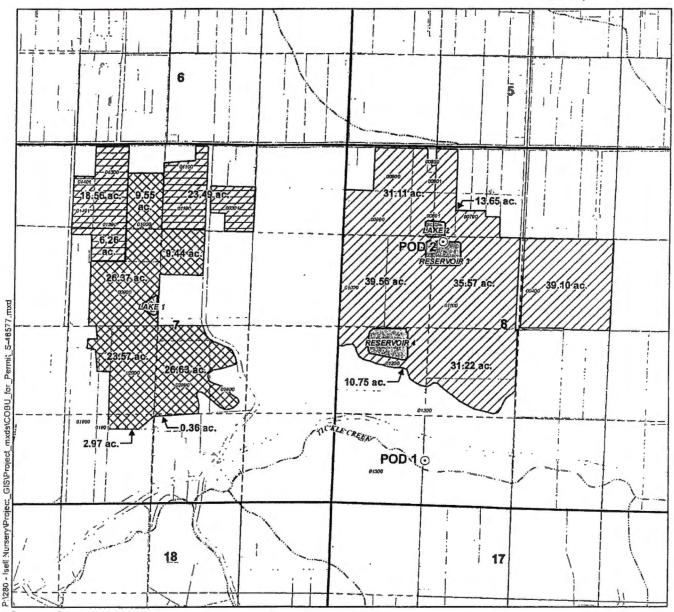
# Claim of Beneficial Use Map

SEP 29 2008

Permit S-48577 (Application S-68024)

WATER RESOURCES DEPT SALEM, OREGON

Sections 7 & 8, Township 2 South, Range 4 East (W.M.)



# Legend

Place of Use (POU)

Stored Water (Reservoir 3) for Containerized Nursery Stock

> Live Flow (Tickle Creek) and Stored Water (Reservoir 3) for Containerized

**Nursery Stock** 

## **POD Location Descriptions**

POD 1

Located 645 feet North and 1,345 feet East from the SW corner of Section 8, Township 2 South, Range 4 East (W.M.)

Located 1,255 feet North and 1,160 feet West from the Center corner of Section 8, Township 2 South, Range 4 East (W.M.)

Live Flow (Tickle Creek) for Irrigation and Related Nursery Use

Point of Diversion (POD)

Tax Lots

Watercourses

Waterbodies

artified Water Rights Eram Theodore R. Ressler June 29, 2007

# Map Information

Projection: Oregon State Plane North Zone Datum: North American Datum of 1983 Date: August 11, 2008

Prepared By: GSI Water Solutions, Inc.

Data Sources Clackamas County GIS, Oregon Geospatial Data Clearinghouse

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.

# Scale

660 1,320 1 inch equals 1,320 feet



EVDIDEC. 19 21 7M2

appel

	Source	Twp	Rng	Mer	Sec	Q-Q	Use	
	Tickle Creek	2 S	4 E	WM	7	NW NE	Related Nursery	7
Res3 &	Tickle Creek	2 S	4 E	WM	7	SW NE	Container Nursery	V
Res3 }	Tickle Creek	2 S	4 E	WM	7	NE NW V	Container Nursery	-
Same diviness of the Article Street September 19 and 19 an	Tickle Creek	2 S	4 E	WM	7	NE NW Y	Related Nursery	-
	Tickle Creek	2 S	4 E	WM	7	SE NW	Related Nursery	1
Res 3 2	Tickle Creek	2 S	4 E	WM	7	SE NW /	Container Nursery	١
Res3 \$	Tickle Creek	2 S	4 E	WM	7	NE SW /	Container Nursery	١,
Res3 &	Tickle Creek	2 S	4 E	WM	7	SE SW /	Container Nursery	~
Res 3 &	Tickle Creek	2 S	4 E	WM	7	NW SE	Container Nursery	V
Res 3 &	Tickle Creek	2 S	4 E	WM	7	SW SE /	Container Nursery	7
	Reservoir 3	2 S	4 E	WM	8	SW NE	Container Nursery	V
/	Reservoir 3	2 S	4 E	WM	8	NE NW	Container Nursery	7-
	Reservoir 3	2 S	4 E	WM	8	NW NW -	Container Nursery	1
	Reservoir 3	2 S	4 E	WM	8	SW NW -	Container Nursery	-
	Reservoir 3	2 S	4 E	WM	8	SE NW	Container Nursery	~
	Reservoir 3	2 S	4 E	WM	8	NE SW 🗸	Container Nursery	-
	Reservoir 3	2 S	4 E	WM	8	NW SW V	Container Nursery	4

Sapp TR = Tickle Cr.
Should be

Should be

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The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH 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 2.5 acre-feet per acre from direct flow and storage from reservoir constructed under Permit R-9901, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, for each acre irrigated during the irrigation season of each year.

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

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# PROPOSED

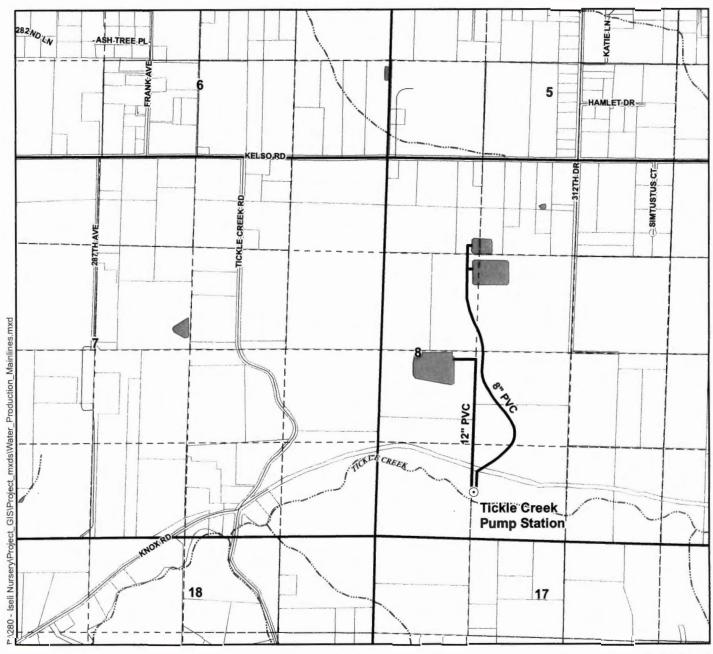
Issued \_\_\_\_\_

Phillip C. Ward, Director Water Resources Department

# **Water Production Mainlines**

Iseli Nursery, Inc.

Section 8, Township 2 South, Range 4 East (W.M.)



# Legend

- Water Production Mainline

**Pump Station** 

Tax Lots

Roads

Watercourses

Waterbodies

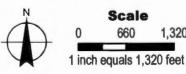
Map Information
Projection: Oregon State Plane North Zone Datum: North American Datum of 1983 Date: August 14, 2008 Prepared By: GSI Water Solutions, Inc.

# RECEIVED

SEP 29 2008

**Data Sources** Clackamas County GIS, Oregon Geospatial Data Clearinghouse

WATER RESOURCES DEPT SALEM, OREGON





#### STATE OF OREGON

### COUNTY OF CLACKAMAS

### CERTIFICATE OF WATER RIGHT

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ISELI NURSERY INC. 30590 SE KELSO RD SANDY OR 97055

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2 S	4 E	WM	7	NW NE			23.49					
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Certificate \*\*\*\*\*\*
85587

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Tickle Creek	2 S	4 E	WM	7	NE NW	Related Nursery
Tickle Creek	2 S	4 E	WM	7	SE NW	Related Nursery
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Res 3 & Tickle Creek	2 S	4 E	WM	7	NE SW	Container Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	SE SW	Container Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	NW SE	Container Nursery
Res 3 & Tickle Creek	2 S	4 E	WM	7	SW SE	Container Nursery
Reservoir 3	2 S	4 E	WM	8	SW NE	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NE NW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NW NW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	SWNW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	SE NW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NE SW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NW SW	Container Nursery

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issue	d						
D	R	0	D	0	C	ORE .	

Phillip C. Ward, Director Water Resources Department



Water Resources Department

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

MAILED: MAY 0 8 2009

NOTICE

Reference: Permit R-9901

Application R-68128

Permit S-48577

Application S-68024

Enclosed are <u>proposed certificates</u> of water rights and maps which illustrate the location of the rights. The proposed certificates and maps represent the extent water was used within the terms of the permits based upon a survey and inspection.

The map has been modified by WRD certificate staff to reflect acreage in each quarter-quarter. This modification will provide ease of entering the data into the Department's water right information system.

If you do not agree with the proposed certificates or maps, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificates.

If you agree with the proposed certificates and maps, no response to this notice is required. Sometime after the 60 day period, the recorded certificates of water right will be mailed to the permittee.

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

Sincerely

Dwight French Administrator

Water Rights Division

# Mailing List for Certificate Scheduled Mailing Date:

Application: S-68024

**Permit: 48577** 

Certificate: \*\*\*\*\*\*

Permit/Certificate Holder:

ISELI NURSERY INC. 30590 SE KELSO RD SANDY OR 97055 **Copies Mailed** 

by MAY 0 8 2009

(STAFF)

on: Cornie Vance

(DATE)

# Copies of Final Certificate to be sent to:

- 1. Watermaster District 16, Mike L. McCord
- 2. Data Center (include copy of map)
- 3. Water Availability
- 4. Vault
- 5. File 🗸

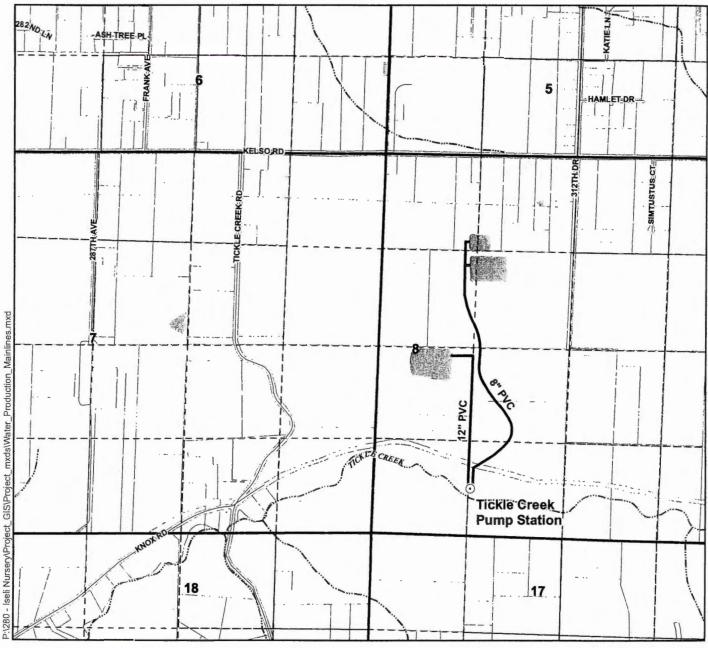
# Other persons to receive copies: (include map):

- 1. Theodore Ressler, CWRE
- 2. Adam Sussman

# **Water Production Mainlines**

Iseli Nursery, Inc.

Section 8, Township 2 South, Range 4 East (W.M.)



# Legend

Water Production Mainline

**Pump Station** 

€ Tax Lots

Roads

Watercourses

Waterbodies

# RECEIVED

SEP 29 2008

WATER RESOURCES DEPT SALEM, OREGON

<u>Map Information</u>
Projection: Oregon State Plane North Zone Datum: North American Datum of 1983 Date: August 14, 2008 Prepared By: GSI Water Solutions, Inc.

# **Data Sources**

Clackamas County GIS, Oregon Geospatial Data Clearinghouse



Scale 1,320 1 inch equals 1,320 feet



# RECEIVED

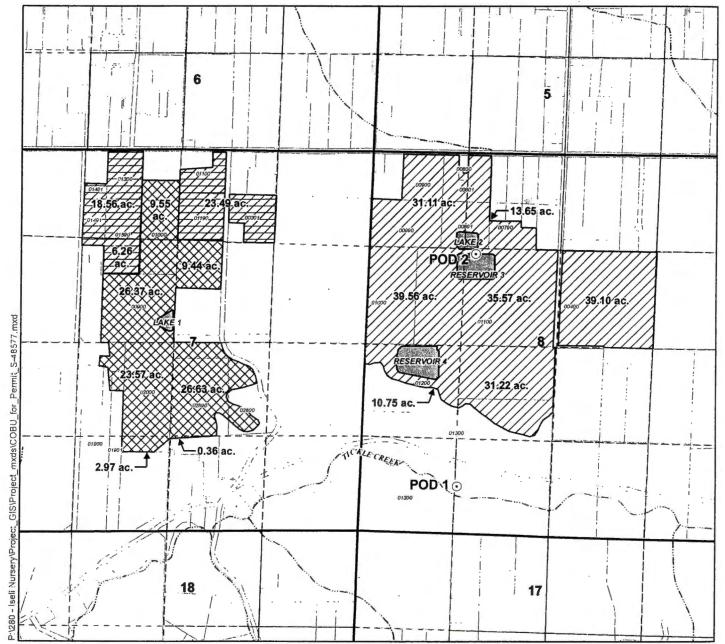
# Claim of Beneficial Use Map

SEP 2 9 2008

Permit S-48577 (Application S-68024)

WATER RESOURCES DEPT SALEM, OREGON

Sections 7 & 8, Township 2 South, Range 4 East (W.M.)



# Legend

# Place of Use (POU)

Stored Water (Reservoir 3) for Containerized Nursery Stock

Live Flow (Tickle Creek) and Stored

Water (Reservoir 3) for Containerized **Nursery Stock** 

# **POD Location Descriptions**

Located 645 feet North and 1,345 feet East from the SW corner of Section 8, Township 2 South, Range 4 East (W.M.)

Located 1,255 feet North and 1,160 feet West from the Center corner of Section 8, Township 2 South, Range 4 East (W.M.)

Live Flow (Tickle Creek) for Irrigation and Related Nursery Use

Point of Diversion (POD)

Tax Lots

Roads Watercourses

Waterbodies

# Water Rights Examine

Theodore R. Ressler June 29, 2007

# Map Information

Projection: Oregon State Plane North Zone Datum: North American Datum of 1983 Date: August 11, 2008 Prepared By: GSI Water Solutions, Inc.

# **Data Sources**

Clackamas County GIS, Oregon Geospatial Data Clearinghouse

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.

## Scale

660 1,320

1 inch equals 1,320 feet



EVDIDEC. 19 21.2M2

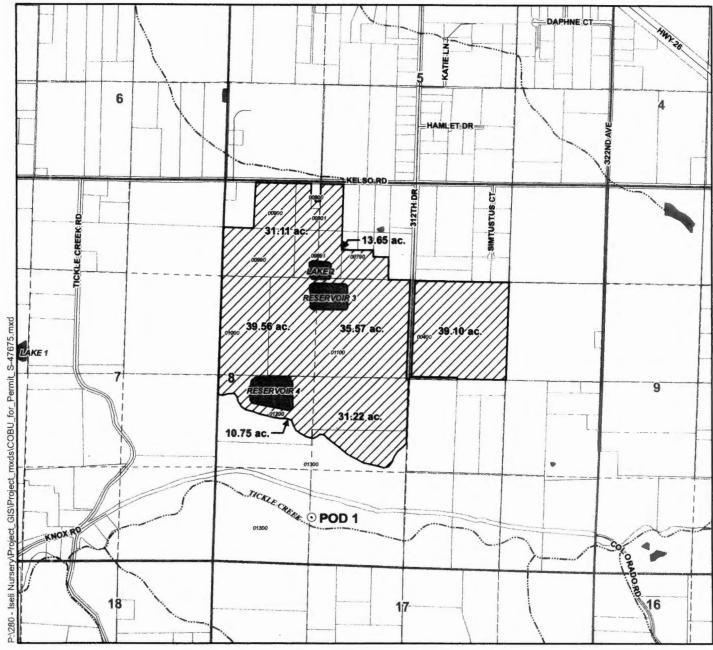
# SEP 29 7000

# Claim of Beneficial Use Map

Permit S-47675 (Application S-65054)

WINTER RESUMICES MEET SALEM CRESTIN

Section 8, Township 2 South, Range 4 East (W.M.)



# Legend

Point of Diversion (POD)

Place of Use (POU)

Tax Lots

✓ Roads

Watercourses

Waterbodies

# Water Rights Examine Theodore R. Ressier June 29, 2007 ATE OF OREG EXPIRES: 12-31-2008

# RELEIVED

# **POD Location Description**

Located 645 feet North and 1,345 feet East from the SW corner of Section 8, Township 2 South, Range 4 East (W.M.)

WATER 1657 RCES DEP "M REBON

Map Information
Projection: Oregon State Plane North Zone Datum: North American Datum of 1983 Date: August 11, 2008

Prepared By: GSI Water Solutions, Inc.

## **Data Sources**

Clackamas County GIS, Oregon Geospatial Data Clearinghouse

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Scale 660

1 inch equals; 1,320 feet

1,320



June 8, 2009

Gerry Clark Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301

RE: Proposed Certificates for water right permits S-47675, S-48577, S-50048, R-9901, and R-10837 in the name of Iseli Nursery

Mr. Clark:

This letter is provided as notification that Iseli Nursery has reviewed the Department's findings and Proposed Certificates for permits S-47675, S-48577, S-50048, R-9901, and R-10837 and agrees with their contents. Iseli Nursery respectfully requests that the Department issue the water right certificates.

I appreciate your efforts to move this forward.

Sincerely,

Greg Pilcher

President & General Manager

Iseli Nursery

CC: Theodore Ressler, CWRE - GSI Water Solutions, Inc.

RECEIVED

JUN 0 9 2009

WATER RESOURCES DEPT SALEM, OREGON

# **Gerry Clark**

From:

Ted Ressler [TRessler@GSIWaterSolutions.com]

Sent:

Thursday, April 09, 2009 2:14 PM

To:

Gerry Clark

Cc:

Adam Sussman

Subject:

questions about proposed certificates for permits R-9901 and S-68024

Attachments: PCert S48577.pdf

# Gerry

We received copies of the proposed certificates for each of the 5 COBUs submitted for Iseli Nursery's surface water and storage permits. Thank you for getting these out so quickly (and these aren't the simplest of COBUs either). I've reviewed the proposed certificates and have a few questions regarding those for permit R-9901 (storage in Reservoir 3) and permit S-68024 (use of stored water from Reservoir 3 and Tickle Creek). Given the complexity of these permits, I wanted to give written comments to you to review before I called to talk about them.

# Permit R-9901

1. The first paragraph of the proposed certificate describing the sources of water to stored in Reservoir 3 is taken directly from the language of the permit. However, as discussed under Variations in the COBU report and as shown on the COBU map, although the permit essentially described 5 different sources of water for storage, I documented only 3 sources described as POD 1 (corresponding to the center of the dam and representing surface water draining directly into the reservoir), POD 2 (the unnamed drainage way in the NWNW of Section 8 as described on the permit), and POD 3 Tickle Creek). Is there a reason why the proposed certificate does not incorporate this information?

2. Why are two dam locations are stated on the proposed certificate? As indicated above, POD 1 Same Priority dates corresponds to the center of the dam for Reservoir 3.

## **Permit S-48577**

1. Regarding the Supplemental Irrigation reference by the permit. As described under Variations in the COBU report, there is no Primary Irrigation water right associated with this land (the groundwater right originally intended to be the primary right was changed to nursery operations after Permit S-48577 had already been issued). Does the Department consider the underlying groundwater right for nursery operations (Permit G-11134) to be the primary right (including primary irrigation to which Permit S-48577 is supplemental)?

Supp to TR under Vursery OPS ?

Change to Primary IR?

2. Regarding the Source of water for Container Nursery. The permit states that the applicant can use 5.5 cfs from Tickle Creek and Reservoir 3 for container nursery stock, listed on the permit as occurring in both Section 7 and Section 8 of T2S R4E. I interpreted this to mean that anywhere the place of use listed container nursery operation, the applicant could use water from either source. Since the portion of the place of use for container nursery within Section 8 already receives water from Tickle Creek (under Permit S-47675) for nursery operations, I agree that the intent of Permit S-48577 was probably use of only stored water from Reservoir 3 on this land already receiving Tickle Creek water. However, the language of the permit seems to indicate that the applicant could use water from either Tickle Creek and Reservoir 3 on the portion of the place of use for container nursery within Section 7 (which is what I showed on the COBU map). See attached.

Feel free to give me a call with questions. I'll plan to give you a call next week to discuss.

Thanks Ted

Theodore R. Ressler, RG, CWRE Project Hydrogeologist

**GSI Water Solutions, Inc.** 

55 SW Yamhill Street, Suite 400 Portland, OR 97204 V: 503.239.8799

F: 503.239.8940 M: 503.701.4535

E: tressler@gsiwatersolutions.com
W: www.gsiwatersolutions.com

# Mailing List for Certificate Scheduled Mailing Date:

Application: S-68024

**Permit: 48577** 

Certificate: \*\*\*\*\*

Permit/Certificate Holder:

ISELI NURSERY INC. 30590 SE KELSO RD SANDY OR 97055

Copies Mailed

by: Connie Openie (STAFF)

on: APR 0 3 2009

(DATE)

# Copies of Final Certificate to be sent to:

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

# Other persons to receive copies: (include map):

- Theodore Ressler, CWRE
- 2. Adam Sussman

## STATE OF OREGON

## COUNTY OF CLACKAMAS

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ISELI NURSERY INC. 30590 SE KELSO RD SANDY OR 97055

confirms the right to use the waters of TICKLE CREEK AND RESERVOIR 3, CONSTRUCTED UNDER PERMIT R-9901, tributaries of DEEP CREEK, for SUPPLEMENTAL IRRIGATION, RELATED NURSERY USE AND CONTAINERIZED NURSERY STOCK.

This right was perfected under Permit 48577. The date of priority is MARCH 5, 1984. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.5 CUBIC FEET PER SECOND (CFS), being 0.60 CFS of water from Tickle Creek for supplemental irrigation, 0.16 CFS from Tickle Creek for related nursery use, and 5.5 CFS from Tickle Creek and Reservoir 3 for containerized nursery stock or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Source	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
Tickle Creek	2 S	4 E	WM	8	SE SW	645 FEET NORTH & 1345 FEET EAST FROM SW CORNER, SECTION 8
Reservoir 3	2 S	4 E	WM	8	SE NW	1255 FEET NORTH & 1160 FEET WEST FROM C¼ CORNER, SECTION 8

A description of the place of use to which this right is appurtenant is as follows:

	SUPPLEMENTAL IRRIGATION											
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres					
2 S	4 E	WM	7	NW NE			23.49					
2 S	4 E	WM	7	NE NW			18.56					
2 S	4 E	WM	7	SE NW			6.26					

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

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. 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, 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Source	Twp	Rng	Mer	Sec	Q-Q	Use
Tickle Creek	2 S	4 E	WM	7	NW NE	Related Nursery
Tickle Creek	2 S	4 E	WM	7	SW NE	Container Nursery
Tickle Creek	2 S	4 E	WM	7	NE NW	Container Nursery
Tickle Creek	2 S	4 E	WM	7	NE NW	Related Nursery
Tickle Creek	2 S	4 E	WM	7	SE NW	Related Nursery
Tickle Creek	2 S	4 E	WM	7	SE NW	Container Nursery
Tickle Creek	2 S	4 E	WM	7	NE SW	Container Nursery
Tickle Creek	2 S	4 E	WM	7	SE SW	Container Nursery
Tickle Creek	2 S	4 E	WM	7	NW SE	Container Nursery
Tickle Creek	2 S	4 E	WM	7	SW SE	Container Nursery
Reservoir 3	2 S	4 E	WM	8	SW NE	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NE NW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NWNW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	SW NW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	SE NW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NE SW	Container Nursery
Reservoir 3	2 S	4 E	WM	8	NW SW	Container Nursery

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH 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 2.5 acre-feet per acre from direct flow and storage from reservoir constructed under Permit R-9901, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, for each acre irrigated during the irrigation season of each year.

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

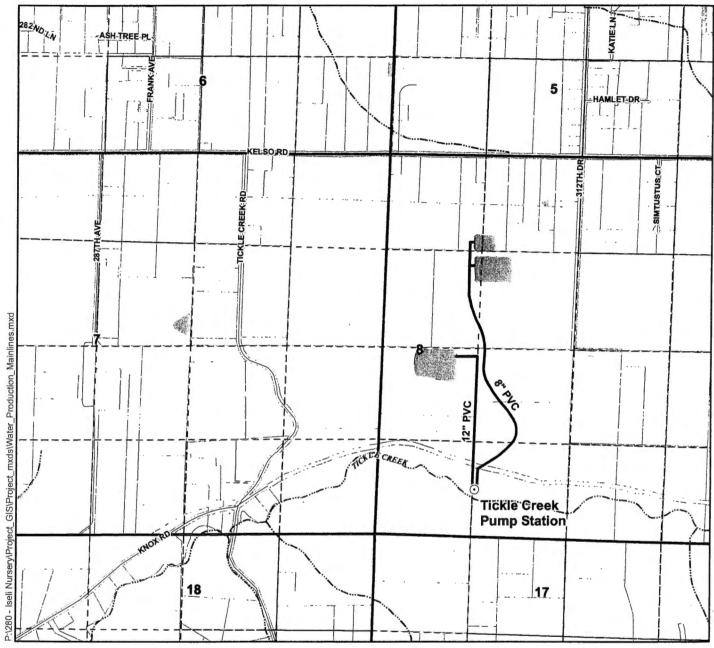
# PROPOSED Issued

Phillip C. Ward, Director Water Resources Department

# **Water Production Mainlines**

Iseli Nursery, Inc.

Section 8, Township 2 South, Range 4 East (W.M.)



# Legend

Water Production Mainline

**Pump Station** 

← Tax Lots

Roads

Watercourses

Waterbodies

# RECEIVED

SEP 29 2008

WATER RESOURCES DEPT SALEM, OREGON

Map Information
Projection: Oregon State Plane North Zone Datum: North American Datum of 1983 Date: August 14, 2008 Prepared By: GSI Water Solutions, Inc.

# **Data Sources**

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Scale 1,320

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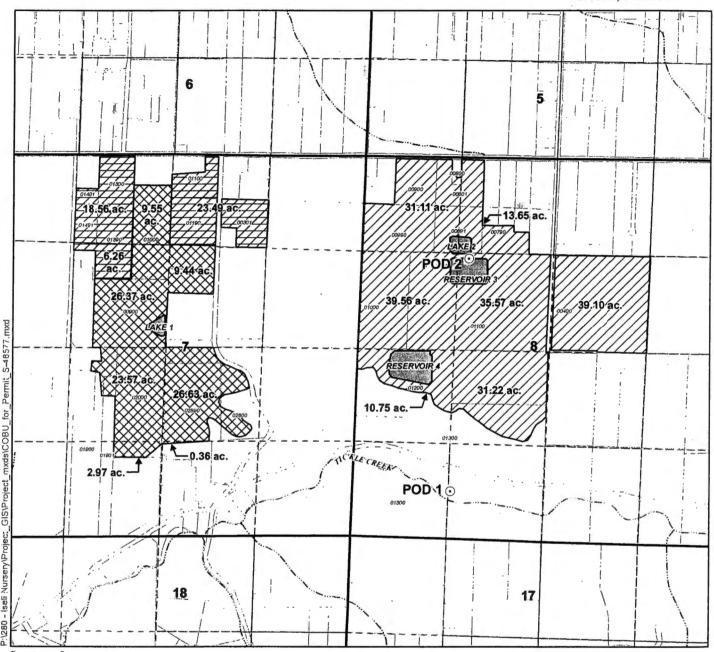
# Claim of Beneficial Use Map

SFP 2 9 2008

Permit S-48577 (Application S-68024)

WATER RESOURCES DEPT SALEM, OREGON

Sections 7 & 8, Township 2 South, Range 4 East (W.M.)



# Legend

# Place of Use (POU)

Stored Water (Reservoir 3) for Containerized Nursery Stock

Live Flow (Tickle Creek) and Stored

Water (Reservoir 3) for Containerized  $\otimes$ **Nursery Stock** 

# **POD Location Descriptions**

Located 645 feet North and 1,345 feet East from the SW corner of Section 8, Township 2 South, Range 4 East (W.M.)

Located 1,255 feet North and 1,160 feet West from the Center corner of Section 8, Township 2 South, Range 4 East (W.M.)

Live Flow (Tickle Creek) for Irrigation and Related Nursery Use

Point of Diversion (POD)

Tax Lots

Roads Watercourses

Waterbodies

# Water Rights Examine

EVDIDEC. 19 21.2MQ

Theodore R. Ressler June 29, 2007

# Map Information

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#### Scale

660 1,320

1 inch equals 1,320 feet





Water Resources Department

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

MAILED: APR 0 3 2009

# NOTICE

Reference: Permit S-47675 Application S-65054

Permit R-10837 Application R-69175
Permit S-50048 Application S-69176
Permit R-9901 Application R-68128
Permit S-48577 Application S-68024

Enclosed are <u>proposed certificates</u> of water rights and maps which illustrate the location of the rights. The proposed certificates and maps represent the extent water was used within the terms of the permits based upon a survey and inspection.

If you do not agree with the proposed certificates or maps, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificates.

If you agree with the proposed certificates and maps, no response to this notice is required. Sometime after the 60 day period, the recorded certificates of water right will be mailed to the permittee.

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

Sincerely

Dwight French Administrator

Water Rights Division



# STATE OF OREGON

County of CLACKAMAS

# PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 68024 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to Iseli Nursery, Inc. of 30590 SE Kelso, Sandy, Oregon 97009, phone 663-3822, for the use of the waters of Tickle Creek and Reservoir 3, a tributary of Deep Creek, to be constructed under Application R-68128, Permit R-9901, for the PURPOSE of supplemental irrigation, related nursery use and containerized nursery stock, being 0.65 cubic foot per second of water from Tickle Creek for supplemental irrigation, 0.16 cfs from Tickle Creek for related nursery use, and 5.5 cfs from Tickle\* that the PRIORITY OF THE RIGHT dates from March 5, 1984

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 5.5 Cubic feet per second

The POINT OF DIVERSION is to be LOCATED: Reservoir 3 - 1200 feet North and 1250 feet West from the Center Corner of Section 8; Tickle Creek - 600 feet North and 1580 feet East from the Southwest Corner of Section 8, both being within the SE 1/4 SW 1/4 of Section 8, Township 2 South, Range 4 East, WM, in the County of Clackamas.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

\* Creek and Reservoir 3 for containerized nursery stock

Township 2 South,	Range 4 East	WM Section 8 !	NE 1/4 NW 1/4	Container nursery
				operation
		1	NW 1/4 NW 1/4	Container nursery
		:	SW 1/4 NW 1/4	operation Container nursery
		= 5	SE 1/4 NW 1/4	operation Container nursery operation
			SW 1/4 NE 1/4	Container nursery operation
		1	NE 1/4 SW 1/4	Container nursery operation
		1	NW 1/4 SW 1/4	Container nursery
	,		SW 1/4 SW 1/4	operation Container nursery operation
		9	SE 1/4 SW 1/4	Container nursery operation

SEE NEXT PAGE

Township 2 South, Range 4 East, WM Section 7 NW 1/4 NE 1/4 26.4 acres Supplemental

irrigation NW 1/4 NE 1/4 Related nursery SW 1/4 NE 1/4 Container nursery operation NE 1/4 NW 1/4 Container nursery operation NE 1/4 NW 1/4 20.8 acres Supplemental irrigation NE 1/4 NW 1/4 Related nursery use SE 1/4 NW 1/4 4.7 acres Supplemental irrigation SE 1/4 NW 1/4 Related nursery use SE 1/4 NW 1/4 Container nursery operation NW 1/4 SE 1/4 Container nursery operation NE 1/4 SW 1/4 Container nursery operation SE 1/4 SW 1/4 Container nursery

operation
The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to 1/80 of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 2.5 from direct flow and storage from reservoir to be constructed under Permit R-9901, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Actual construction work shall begin on or before July 30, 1985, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1986. Extended to October 1987

Complete application of the water to the proposed use shall be made on or before October 1, 1987 extended to 10-1-89

Witness my hand this 30th day of July

, 19 84 .

# /s/ CHRIS L. WHEELER

DEPUTY DIRECTOR WATER RESOURCES DIRECTOR

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.

## 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 containerised 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 25.4 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

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 8.5 ACRES
SE 1/4 SW 1/4 20.0 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

Permit	48577	
26.4	NW NE	23.49
20.8	NE NW	18.56
4.7	SE NW	6.26
51.9	SEC 7	48.31

40 mg



September 24, 2008

Gerry Clark Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301

Subject:

Claim of Beneficial Use Reports for Iseli Nursery, Inc. Water Right Permits Awaiting

Final Proof Surveys by the Department

Permits S-47675, S-48577, S-50084, R-9901, and R-10837

# Dear Gerry:

Enclosed are five Claim of Beneficial Use (COBU) reports prepared for water right permits held by Iseli Nursery, Inc (Iseli). Iseli completed development of the water rights and provided the Department with notice to this effect in the late 1980's; however, to-date the Final Proof Surveys of the water rights not been completed. To facilitate certification of these water rights, we have prepared COBU reports documenting the use of water under these water rights.

The data and information contained in the COBU reports were collected during site inspections of the nursery completed on May 2, 2008 and June 12, 2008. Based on conversations with Iseli, it is my understanding that the water use and water diversion and conveyance system observed and documented during the site inspections accurately reflects what was present at the time notice of complete water use was provided to the Department. In other words, Iseli had the ability to operate the system and use water prior to the C-Date of the permits in the same fashion as demonstrated during the site inspections.

Please feel free to contact me with any questions regarding the content of the enclosed COBU reports.

Respectfully submitted,

Theodore Ressler, RG, CWRE GSI Water Solutions, Inc.

Cc: Adam Sussman, GSI Water Solutions, Inc.

RECEIVED

SEP 29 2008

WATER RESOURCES DEPT SALEM, OREGON

# Completion Checklist for CWRE Claims of Beneficial Use



Date Received 9   29   08  CWRE Name To RESELER
Claim Logged
Oversized Map #
Read the file and attach a copy of the permit or transfer final order.

Application # 68024
Permit # 48577
Transfer #
Date 3-4-09
Reviewer 1 Mg

Map Review:
Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b)
Application & permit #; or transfer # (OAR 690-014-0100(1)
Disclaimer (OAR 690-014-0170(5)
North arrow (OAR 690-310-0050(2)(c)
CWRE stamp and signature (OAR 690-014 & 310-0050)
Appropriate scale $(1^{\frac{n}{2}} = 1320^{\frac{n}{2}}, 1^{\frac{n}{2}} = 400^{\frac{n}{2}}, 1^{\frac{n}{2}} = 400^{\frac{n}{2}}, 1^{\frac{n}{2}} = 400^{\frac{n}{2}}$ or the original full-size scale of the county assessor map) (014 & 310)
Township, range, section, and tax lot numbers (OAR 690-310-0050(4)
Source illustrated if surface water (OAR 690-014-0170(3)
Point(s) of diversion or appropriation (illustrated) (OAR 690–014(4) & 690-310-0050)
Point(s) of diversion or appropriation (coordinates) (OAR 690–014(4) & 690-310-0050)
Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices,
and measuring devices required (OAR 690–014(4)
Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision;
if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-
6010)
Report Review:
On form or format provided by the Department (OAR 690-014-0100(1)
Application & permit #; or transfer # (OAR 690-014)
Ownership information (OAR 690-014)
Date of survey (OAR 690-014)
Person interviewed (OAR 690-014)
County (OAR 690-014)
Tax lot information (OAR 690-014)
Description of conveyances system (from POD to POU) (OAR 690-014-0100)
Source(s) of water (OAR 690-014-0100)
Point of diversion/appropriation location (OAR 690-014-0100)
Use, period of use, and rate for use (OAR 690-014-0100)
Place of use location (OAR 690-014-0100)
Type of use (OAR 690-014-0100)
Extent of use (OAR 690-014-0100)
Rate and Duty (OAR 690-014-0100)
Diversion rate for each use (OAR 690-014-0100)
Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
tSystem_capacity (OAR 690-014-0100)
Calculated capacity of system (required)
Measured amount of use (optional)
Permit/Transfer Final Order Conditions (OAR 690-014-0100)
Time limits
Initial water level measurements
Annual static water level measurements
Measurement, recording, and reporting
Meter/measuring device
Water use reporting
Fish screening and/or by-pass
Pump test (ground water)
Other conditions
CWRE stamp and signature (OAR 690-014-0100)
Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient N/A = Not Applicable

Certificate	Issuance Processing Checklist
Conflic	ad COBU reviewed  tt check (include copy of plat card printout)  Any Conflicts?  for ownership
Staff Recom	nmendations:
	Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
	Proof to the Satisfaction has been not been established to the full extent as described in the permit of transfer order and the right should be limited as follows:
	Proof to the Satisfaction has not been established for the following reasons:
	Proposed Actions: Send letter requesting the following items/information:
	Send letter recommending extension to cure deficiencies:
Can certificate	be processed further? _Yes
	If "Yes":  Proposed Final  Certificate #
Mailing list:	
Propos	ed:
Final:	

## **CLAIM OF BENEFICIAL USE**

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. A separate form shall be completed for each permit or transfer final order.

#### I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
S-68024	S-48577

- 2. Property owner (current owner information)
  - a. Individuals N/A

b. Businesses/Organizations

Name	Iseli Nursery, Inc.				
Contact Person and Title	Greg Pilcher				
Mailing Address	30590 SE Kelso Road				
City/State/Zip	Boring, OR 97009				
Phone	503-663-3822				
Fax	503-663-0202				
e-mail	gpilcher@iseli-nursery.com				

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department. The COBU must be signed by the permit/transfer holder of record.

- 3. Permittee / Transferee of record (this may, or may not, be the current property owner)
  - a. Individuals <u>N/A</u>

b. Businesses/Organizations

Name	Iseli Nursery, Inc.	
Contact Person and Title	N/A	
Mailing Address	30590 SE Kelso Road	
City/State/Zip	Boring, OR 97009	RECEIVED

4. Date of Site Inspection: May 2, 2008 and June 12, 2008

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

Name	Date	Association with the project
Greg Pilcher	Site inspection on 5/2/2008	President & General Manager
Fred Quayle	Email correspondence and	Facilities-Construction Superintendent
	site inspections on 5/2/2008	
	and 6/12/2008.	

6.	County:	Clackamas
		CittCitations

#### 7. Tax Lot Information:

ax Lot Information: Tax map number	Tax lot number				
02s04e07	1401				
02s04e07	1300				
02s04e07	1491				
02s04e07	1390				
02s04e07	1100				
02s04e07	1190				
02s04e07	301				
02s04e07	1000				
02s04e07	900				
02s04e07	1900				
02s04e07	1901				
02s04e07	2000				
02s04e07	2890				
02s04e07	2800				
02s04e08	900				
02s04e08	801				
02s04e08	800				
02s04e08	790				
02s04e08	990	RECEIVED			
02s04e08	891				
02s04e08	1000	SEP 2 9 2008			
02s04e08	1100	WATER RESOURCES DEP			
02s04e08	1200	SALEM, OREGON			
02s04e08	1300	· ···ssir, Unequiv			
02s04e08	400				

<sup>8.</sup> If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)):

Permit S-48577 does not specify a specific number of acres of nursery operations in the Place of Use; however, the application map does show a proposed footprint for the Place of Use. The Place of Use footprint of nursery operations developed by Iseli Nursery, Inc. under Permit S-48577 is slightly smaller than that shown on the application map. The portions of the permitted place of use for nursery operations that were not developed and excluded from this report are all located on property that is owned by Iseli Nursery, Inc.

Permit S-48577 also authorized supplemental irrigation and related nursery uses on 51.9 acres (please refer to "Variations" on page 16 of this report). Iseli Nursery, Inc. has developed 48.31 acres of the

<sup>\*\*</sup>Mark "NA" if there are no owners of property not included in this claim

permitted Place of Use. The remaining 3.59 acres not developed and excluded from this report are all located on property that is owned by Iseli Nursery, Inc.

## II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

## POD 1 - Tickle Creek Pump Station (Live Flow)

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

The diversion of water from Tickle Creek at the Point of the Diversion is accomplished using 3 centrifugal pumps (refer to pump specifications under "System Information" section below) which deliver water to the system for use in nursery operations. The nursery's water conveyance system includes two reservoirs (authorized storage under Permit R-9901 and Permit R-10837) and two ponds, which serve as bulges in the system to facilitate the movement and use of water within the nursery. A map showing the layout of the nursery and the water conveyance mainlines is provided in Attachment C.

A total of fifteen centrifugal pumps (housed at four separate pump stations: System 1, System 4, System 5, and System 6) are used to supply water to the nursery's water application system (refer to pump specifications under "System Information" section below). The application of water to the nursery stock is completed using a combination of sprinklers and drip emitters, and the water application is completed in phases according to a watering schedule developed by the nursery based on a number of factors including, but not limited to, the pumping capacity of the system, water needs of the nursery plants, and weather.

Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well Well tag #	
·	(if applicable)	
POD 1 – Tickle Creek Diversion	N/A	N/A

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

3. Point of diversion/appropriation source and, if from surface water, the tributary:

Source	Tributary to	
Tickle Creek	Deep Creek	

4. Point of diversion/appropriation location:

(DLC, Government Lot, ¼ ¼, Section, Township, Range)	Reference to a recognized public land survey corner
	by distance and bearing or by coordinates
SE'4SW'4 of Section 8, Township 2 South, Range	645 feet North and 1345 feet East from SW Corner
4 East (WM)	of Section 8

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5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
Irrigation	Nursery	Year round	0.65 cfs (292 gpm)
Related Nursery Use	Nursery	Year-round	0.16 cfs (72 gpm)
Nursery	Containerized nursery stock	Year-round	5.5 cfs (2469 gpm)

**Total Quantity of Water Allowed** 

6.31 cfs (2832 gpm)

6. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of	# of
							primary	supplemental acres
N/A	N/A	NW NE	7	2 S	4 E	irrigation	N/A	23.49
	1	111111111111111111111111111111111111111				related nursery use	23.49	N/A
N/A	N/A	SW NE	7	2 S	4 E	container nursery operation	N/A	N/A
N/A	N/A	NE NW	7	2 S	4 E	irrigation	N/A	18.56
						related nursery use	18.56	N/A
						container nursery operation	N/A	N/A
N/A	N/A	SE NW	7	2 S	4 E	irrigation	N/A	6.26
						related nursery use	6.26	N/A
						container nursery operation	N/A	N/A
N/A	N/A	NE SW	7	2 S	4 E	container nursery operation	N/A	N/A
N/A	N/A	SE SW	7	2 S	4 E	container nursery operation	N/A	N/A
N/A	N/A	NW SE	7	2 S	4 E	container nursery operation	N/A	N/A

**Total Acres Irrigated** 

48.31 acres irrigation and related nursery use

#### Reservoir Data

\*\*If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-7, can be deleted.

1. If the reservoir required the submittal of as-built plans and specifications, complete the table below:

ID	Have the documents been	When were the documents	Have they been approved by the
	submitted? yes or no	submitted	Department?
Reservoir 3	Yes	7/28/1984	Yes
Reservoir 4	Yes	3/19/1987	Yes

The water distribution system includes two (2) reservoirs, permitted under Permit R-9901 (Dam Safety File I-3) and Permit R-10837 (Dam Safety File I-14). As-built plans for the reservoirs, include storage capacity curves, are provided in Attachment D. For a more complete description of the reservoirs, please consult the Dam Safety Files and in the Claim of Beneficial Use reports submitted for these reservoir permits.

#### Storage tank data

\*\*If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

1. If the system involved a storage tank, complete the table below:

Material (concrete, fiberglass, metal, etc.)	Capacity in gallons	Above ground or buried
In-ground pond storage (Lake 1)	980,000 gal (3 ac-ft)	N/A – in ground storage
In-ground pond storage (Lake 2)	3,300,000 gal (10 ac-ft)	N/A - in ground storage

#### **System Information:**

COBU Version February 1, 2006

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Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

#### 1. Pump information

\*Tickle Creek Pump Station - used to divert water from Tickle Creek

ID	Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
1	Cornell Pump Company	5YB100-2	61674	Centrifugal	8"	5"
2	Cornell Pump Company	2.5YHB60-2	61734	Centrifugal	6"	2.5"
3	Cornell Pump Company	5YB100-2	61673	Centrifugal	8"	5"

ID	Brand	Model	Serial Number	Type (centrifugal,	Intake	Discharge
				turbine or submersible)	size	size
System 1-1	PACO	10-30955- 0A00011901	95B05159	Centrifugal	4"	3"
System 1-2	PACO	10-30955- 0A00011901	95B05086	Centrifugal	4"	3"
System 1-3	PACO	10-30955- 0A00011901	95B05085	Centrifugal	4"	3"
System 1-4	PACO	10-30955- 0A00011901	96B005772	Centrifugal	4"	3"
System 1-5	Berkely	B1-1127PLS	M2331	Centrifugal	2"	1.5"
System 4-1	Cornell	2.5YHB-50-2	33603	Centrifugal	3"	2.5"
System 4-2	Cornell	2.5YHB-50-2	38479	Centrifugal	3"	2.5"
System 4-3	Cornell	2.5YNB-50-2	33769	Centrifugal	3"	2.5"
System 5-1	Cornell	2.5YHB-50-2	59984	Centrifugal	3"	2.5"
System 5-2	Cornell	2.5YHB-50-2	48832	Centrifugal	3"	2.5"
System 5-3	Cornell	2.5YHB-50-2	59983	Centrifugal	3"	2.5"
System 5-4	PACO	1025951 0300001851	BIERBP43596	Centrifugal	3"	2.5"
System 6-1	Cornell	2.5YHB-40-2	106110	Centrifugal	3".	2.5"
System 6-2	Cornell	2.5YHB-40-2	106112	Centrifugal	3"	2.5"
System 6-3	Cornell	2.5YHB-40-2	106111	Centrifugal	3"	2.5"

#### 2. Motor information

\*Tickle Creek Pump Station - used to divert water from Tickle Creek

ID	Brand	Model	Horsepower	Max RPM	Voltage
1	Marathon Electric	A15049A-55	100	3550	230/460
2	Marathon Electric	A15047B-55	60	3545	230/460
3	Marathon Electric	A15049A-55	100	3550	230/460

\*System Pumps - used within the water conveyance and application system

ID	Brand	Model	Horsepower	Max RPM	Voltage
System 1-1	Century	6-323059-01	50	3540	230/460
System 1-2	Century	6-323059-01	50	3540	230/460
System 1-3	Century	6-323059-01	50	3540CEIV	E230/460

System 1-4	Century	6-323059-01	50	3540	230/460
System 1-5	Baldor	JMM33HT	15	3450	230/460
System 4-1	Century	6-323059-01	50	3540	230/460
System 4-2	Marathon	MA324TTDR7611BNW	50	3550	230/460
System 4-3	Marathon	MA324TTDR7611BNW	50	3500	230/460
System 5-1	Baldor	42E96X61	50	3550	230/460
System 5-2	Marathon	RF324TTDR7611BPW	50	3550	230/460
System 5-3	Baldor	42E96X61	50	3550	230/460
System 5-4	US Electric	N/A	20	3500	230/460
System 6-1	Super E	A15045D-55	40	3525	230/460
System 6-2	Super E	A15045D-55	40	3525	230/460
System 6-3	Super E	A15045D-55	40	3525	230/460

3. Meter information (if required in permit or transfer final order)

N/A

4. Measurement device description

N/A

5. Measured pump capacity (using meter if meter was present and system was operating)

N/A

The diversion pumps were operated at full capacity and water was delivered to the system during the site inspection on 5/2/2008 so that the operational pressure could be determined for the diversion pumps.

The measured operational pressure was used in conjunction with the pump specifications to determine the production capacity of the diversion (see Item #6 below).

6. Theoretical pump capacity

\*Tickle Creek Pump Station - used to divert water from Tickle Creek

Pump/Motor	Horsepower	Operating	Lift from source to pump	Lift from	Total pump output	
		psi	*If a well, the water level	pump		
			during pumping (see pump test results)	to place of use	(cfs)	(gpm)
1	100	93	10	0	2.68	1203
2	60	120	10	0	1.26	565
3	100	113	10	0	2.23	1001
		4		TOTAL.	6.17 cfs	2769 enm

\*System Pumps – used within the water conveyance and application system

Pump/Motor	Horsepower	Operating		Lift from pump	Total pump output	
		psi	*If a well, the water level during pumping (see pump test results)	to place of use*	(cfs)	(gpm)
System 1-1	50	70	0	135	1.11	500
System 1-2	50	70	0	135	1.11	500
System 1-3	50	70	0	135	1.11	500
System 1-4	50	70	0	135	1.11	500
System 1-5**	15	70	0	135	0.33	150
System 4-1	50	70	0	135	1.11	500
System 4-2	50	70	0	135	1.11	500
System 4-3	50	70	0	135	1.11	500
System 5-1	50	70	0	135	1.11	500
System 5-2	50	70	0	135	1.11	500
System 5-3	50	70	0	135	1.11	500
System 5-4**	20	70	0	135 RECE	VE0.45	200

System 6-1	40	70	0	135	0.89	400
System 6-2	40	70	0	135	0.89	400
System 6-3	40	70	0	135	0.89	400

TOTAL 14.61 cfs 6560 gpm

\*\*These smaller pumps are used to conserve power during the wetter winter months when less water needed by the nursery.

#### 7. Provide pump calculations in the box below:

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

Conversion factor:

Centrifugal Pump, 75% eff. 
$$(550 \text{ ft lb/sec/Hp})(.75) = 6.61 \text{ ft}^4/\text{sec/Hp}$$
  
(62.4 lb/cu ft)

#### Tickle Creek Pump Station - used to divert water from Tickle Creek

Pump/Motor 1 - 100 Hp pump:

$$Q_{pump} = \frac{(100)(6.61)}{[10 + (93*2.54)]} = 2.68 cfs = 1203 gpm*$$

Pump/Motor 2 - 60 Hp pump:

$$Q_{pump} = \frac{(60)(6.61)}{[10 + (120*2.54)]} = 1.26 \text{ cfs} = 565 \text{ gpm*}$$

Pump/Motor 3 - 100 Hp pump:

$$Q_{pump} = \frac{(100)(6.61)}{[10 + (113*2.54)]} = 2.23 cfs = 1001 gpm*$$

\*Assumed minor frictional losses accounted for by the 2.54 ft/psi conversion factor (versus 2.31 ft/psi).

## System Pumps - used within the water conveyance and application system

For a 50 Hp pump/motor:

$$Q_{pump} = \frac{(50)(6.61)}{[135 + (70*2.31)]} = 1.11 \text{ cfs} = 500 \text{ gpm}**$$

For a 40 Hp pump/motor:

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 $Q_{pump} = (40)(6.61) = 0.89 \text{ cfs} = 400 \text{ gpm}^{**}$ 

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<sup>\*</sup> The lift from the pump to the place of use includes head losses associated with the in-line sand filtering units in place within the conveyance system and friction losses in the system piping.

$$[135 + (70*2.31)]$$

For a 20 Hp pump/motor:

$$Q_{pump} = \frac{(20)(6.61)}{[135 + (70*2.31)]} = 0.45 \text{ cfs} = 200 \text{ gpm}**$$

For a 15 Hp pump/motor:

$$Q_{pump} = \frac{(15)(6.61)}{[135 + (70*2.31)]} = 0.33 \text{ cfs} = 150 \text{ gpm}**$$

\*\*Head losses associated with the in-line sand filtering units in place within the conveyance system and friction losses in the system piping are accounted for in the lift from the pump to the place of use.

#### 8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground	Notes
6-inch	3 feet	Steel	Above ground	Receives Pump 1 discharge
6-inch	3 feet	Steel	Above ground	Receives Pump 2 discharge
6-inch	3 feet	Steel	Above ground	Receives Pump 3 discharge
12-inch	10 feet	Steel	Above ground	Receives Pump 2 and 3 discharge
12-inch	1100 feet	PVC	Buried	Conveys Pump 2 and 3 discharge to system
8-inch	1300 feet	PVC	Buried	Conveys Pump 1 discharge to system

Refer to Attachment C for a map showing the mainlines within the irrigation system. All mainlines are PVC pipe.

#### 9. Lateral or handline information

ous PVC or steel	Above ground
ous Plastic and rub	ber Above ground

10. Sprinkler information Make and model:

Make	Model	Nozzle Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Rain Bird	30 PSH	13/64-inch	50	8.5 gpm	Not determined	23,285 gpm (total of
K-Rain	KRK2P	#8	50	8.5 gpm	Not determined	all nursery beds)

#### 11. Additional notes or comments related to the system:

The nursery's water application system is comprised of a combination of sprinklers and drip emitters. Each sprinkler is equipped with a pressure regulator to maintain a 50 psi operational pressure with an output of 8.5 gpm per sprinkler. Application of water to the nursery beds is completed in phases according to a watering schedule developed by the nursery based on the pumping capacity of the system, water needs of the nursery plants, weather, and other factors.

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## POD 2 - Reservoir 3 (stored water)

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

The diversion of water from Reservoir 3 is accomplished using one 6-inch gravity flow pipe (refer to "Gravity Flow Pipe" section below) and one 50 Hp dentrifugal pump (refer to pump specifications under "System Information" section below) which deliver water to the water conveyance system for use in nursery operations. The nursery's water conveyance system includes two reservoirs (authorized storage under Permit R-9901 and Permit R-10837) and two ponds, which serve as bulges in the system to facilitate the movement and use of water within the nursery. A map showing the layout of the nursery and the water conveyance mainlines is provided in Attachment C.

A total of fifteen centrifugal pumps (housed at four separate pump stations: System 1, System 4, System 5, and System 6) are used to supply water to the nursery's water application system (refer to pump specifications under "System Information" section below). The application of water to the nursery stock is completed using a combination of sprinklers and drip emitters, and the water application is completed in phases according to a watering schedule developed by the nursery based on a number of factors including, but not limited to, the pumping capacity of the system, water needs of the nursery plants, and weather.

2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
POD 2 – Reservoir 3	N/A	N/A

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

3. Point of diversion/appropriation source and, if from surface water, the tributary:

Source	Tributary to	SEP 2 9 2008
Reservoir 3	Tickle Creek	MATER STAGUES
		WATER RESOURCES DEP
4 D: (C1: /		SALEM, OREGON

4. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
SE'4NW'4 of Section 8, Township 2 South,	1255 feet North and 1160 feet West from the Center
Range 4 East (WM)	Corner of Section 8

5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
Nursery	Containerized nursery stock	Year-round	5.5 cfs (2469 gpm)
	T. 4.10	ALL CART A ATT	F F C /21/0

Total Quantity of Water Allowed

5.5 cfs (2469 gpm)

6. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of	# of
							primary	supplemental
							acres	acres
N/A	N/A	SW NE	8	2 S	4 E	container nursery operation	N/A	N/A
N/A	N/A	NE NW	8	2 S	4 E	container nursery operation	N/A	N/A
N/A	N/A	NW NW	8	2 S	4 E	container nursery operation	N/A	N/A
N/A	N/A	SWNW	8	2 S	4 E	container nursery operation	N/A	N/A
N/A	N/A	SE NW	8	2 S	4 E	container nursery operation	N/A	N/A

N/A	N/A	NE SW	8	25	4 E	container nursery operation	N/A	N/A
N/A	N/A	NWSW	8	2 S	4 E	container nursery operation	N/A	N/A
N/A	N/A	SW NE	7	25	4 E	container nursery operation	N/A	N/A
N/A	N/A	NE NW	7	2 S	4 E	container nursery operation	N/A	N/A
N/A	N/A	SE NW	7	2 S	4 E	container nursery operation	N/A	N/A
N/A	N/A	NE SW	7	2 S	4 E	container nursery operation	N/A	N/A
N/A	N/A	SE SW	7	2 S	4 E	container nursery operation	N/A	N/A
N/A	N/A	NW SE	7	2 S	4 E	container nursery operation	N/A	N/A
N/A	N/A	SW SE	7	25	4 E	container nursery operation	N/A	N/A

**Total Acres Irrigated** 

N/A

#### Reservoir Data

\*\*If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-7, can be deleted.

1. If the reservoir required the submittal of as-built plans and specifications, complete the table below:

ID	Have the documents been submitted? yes or no	When were the documents submitted	Have they been approved by the Department?
Reservoir 3	Yes	7/28/1984	Yes
Reservoir 4	Yes	3/19/1987	Yes

The water distribution system includes two (2) reservoirs, permitted under Permit R-9901 (Dam Safety File I-3) and Permit R-10837 (Dam Safety File I-14). As-built plans for the reservoirs, include storage capacity curves, are provided in Attachment D. For a more complete description of the reservoirs, please consult the Dam Safety Files and in the Claim of Beneficial Use reports submitted for these reservoir permits.

#### Storage tank data

\*\*If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

1. If the system involved a storage tank, complete the table below:

Material (concrete, fiberglass, metal, etc.)	Capacity in gallons	Above ground or buried
In-ground pond storage (Lake 1)	980,000 gal (3 ac-ft)	N/A - in ground storage
In-ground pond storage (Lake 2)	3,300,000 gal (10 ac-ft)	N/A - in ground storage

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

There is one 6-inch gravity flow pipe that diverts water from Reservoir 3 to Lake 2. The gravity flow pipe is equipped with a gate valve to control the rate of flow. In addition to the gravity flow pipe, there is a submersible pump which also diverts water from Reservoir 3 (see System Information section below).

1. If the system involves a gravity flow pipe, complete the table below.

Pipe size	Pipe type	"C" factor	Amount of fall	Length of pipe	Slope	Computed rate of water flow
6-inch	PVC	140*	8.5	85 feet (fall occurs over ~17 feet of distance)	0.5	6.71 cfs (3012 gpm)

<sup>\*</sup>Note: Hazen-Williams friction coefficient for plastic pipe from Hydraulic Engineering, 1995 by Roberson, Cassidy, and Chaudhry.

<sup>\*\*</sup>If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

#### 2. Provide calculations in the box below:

#### Hazen-Williams Formula

$$V = 1.318 \times C_h \times R^{0.63} \times S^{0.54}$$

V = velocity (ft/s)

Ch = Hazen-Williams friction coefficient

R = hydraulic radius (ft) = cross-sectional area of flow ÷ wetted permimeter

S = slope

Flow 
$$(Q) = V \times A$$

A = cross-sectional area of flow

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$$A = \pi \times (6/24)^2 = 0.196 \text{ ft}^2$$

$$R = 0.196 \div (\pi \times (6/12)) = 0.1254$$

$$O = (1.318 \times 140 \times 0.125^{0.63} \times 0.5^{0.54}) \times 0.196 = 6.71 \text{ cfs}$$

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3. If an actual measurement was taken, provide the following:

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water
N/A – no measurement			

Attach measurements notes

#### **System Information:**

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

#### 1. Pump information

\*Reservoir 3 Pump - used to divert water from Reservoir 3

ID	Brand	Model .	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
FP2	PACO	10-25957- 040001-1901	1971009051	Centrifugal	3"	2.5"

\*System Pumps – used wihtin the water convevance and application system

ID	Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
System 1-1	PACO	10-30955- 0A00011901	95B05159	Centrifugal	4"	3"
System 1-2	PACO	10-30955- 0A00011901	95B05086	Centrifugal	4"	3"
System 1-3	PACO	10-30955- 0A00011901	95B05085	Centrifugal	4"	3"
System 1-4	PACO	10-30955- 0A00011901	96B005772	Centrifugal	4"	3"
System 1-5	Berkely	B1-1127PLS	M2331	Centrifugal	2"	1.5"
System 4-1	Cornell	2.5YHB-50-2	33603	Centrifugal	3"	2.5"
System 4-2	Cornell	2.5YHB-50-2	38479	Centrifugal	3"	2.5"

System 4-3	Cornell	2.5YNB-50-2	33769	Centrifugal	3"	2.5"
System 5-1	Cornell	2.5YHB-50-2	59984	Centrifugal	3"	2.5"
System 5-2	Cornell	2.5YHB-50-2	48832	Centrifugal	3"	2.5"
System 5-3	Cornell	2.5YHB-50-2	59983	Centrifugal	3"	2.5"
System 5-4	PACO	1025951 0300001851	BIERBP43596	Centrifugal	3"	2.5"
System 6-1	Cornell	2.5YHB-40-2	106110	Centrifugal	3"	2.5"
System 6-2	Cornell	2.5YHB-40-2	106112	Centrifugal	3"	2.5"
System 6-3	Cornell	2.5YHB-40-2	106111	Centrifugal	3"	2.5"

#### 2. Motor information

\*Reservoir 3 Pump – used to divert water from Reservoir 3

ID	Brand	Model	Horsepower	Max RPM	Voltage
FP2	Baylor	JPM25427	50	3550	230/460

\*System Pumps - used wihtin the water conveyance and application system

ID	Brand	Model	Horsepower	Max RPM	Voltage
System 1-1	Century	6-323059-01	50	3540	230/460
System 1-2	Century	6-323059-01	50	3540	230/460
System 1-3	Century	6-323059-01	50	3540	230/460
System 1-4	Century	6-323059-01	50	3540	230/460
System 1-5	Baldor	JMM33HT	15	3450	230/460
System 4-1	Century	6-323059-01	50	3540	230/460
System 4-2	Marathon	MA324TTDR7611BNW	50	3550	230/460
System 4-3	Marathon	MA324TTDR7611BNW	50	3500	230/460
System 5-1	Baldor	42E96X61	50	3550	230/460
System 5-2	Marathon	RF324TTDR7611BPW	50	3550	230/460
System 5-3	Baldor	42E96X61	50	3550	230/460
System 5-4	US Electric	N/A	20	3500	230/460
System 6-1	Super E	A15045D-55	40	3525	230/460
System 6-2	Super E	A15045D-55	40	3525	230/460
System 6-3	Super E	A15045D-55	40	3525	230/460

3. Meter information (if required in permit or transfer final order)  $\underline{N/A}$ 

4. Measurement device description

N/A

5. Measured pump capacity (using meter if meter was present and system was operating)

N/A

6. Theoretical pump capacity

\*Reservoir 3 Pump – used to divert water from Reservoir 3

Pump/Motor	Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see	Lift from pump to place of use	Total pump output		
			pump test results)	1	(cfs)	(gpm)	
FP2	50	70	0	135	1.11	500	

\*System Pumps – used wihtin the water conveyance and application system

				7	
Pump/Motor	Horsepower	Operating	Lift from source to pump	Lift from pump	Total pump output
		psi	*If a well, the water level during pumping (see pump test results)	to place of use*	RECEIVED
	l		pump test results)		

					(cfs)	(gpm)
System 1-1	50	70	0	135	1.11	500
System 1-2	50	70	0	135	1.11	500
System 1-3	50	70	0	135	1.11	500
System 1-4	50	70	0	135	1.11	500
System 1-5**	15	70	0	135	0.33	150
System 4-1	50	70	0	135	1.11	500
System 4-2	50	70	0	135	1.11	500
System 4-3	50	70	0	135	1.11	500
System 5-1	50	70	0	135	1.11	500
System 5-2	50	70	0	135	1.11	500
System 5-3	50	70	0	135	1.11	500
System 5-4**	20	70	0	135	0.45	200
System 6-1	40	70	0	135	0.89	400
System 6-2	40	70	0	135	0.89	400
System 6-3	40	70	0	135	0.89	400
				TOTAL	11 (1 - C-	(5/0

TOTAL 14.61 cfs 6560 gpm

#### 7. Provide pump calculations in the box below:

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

Conversion factor:

Centrifugal Pump, 75% eff. 
$$(550 \text{ ft lb/sec/Hp})(.75) = 6.61 \text{ ft}^4/\text{sec/Hp}$$
  
(62.4 lb/cu ft)

Reservoir 3Pump - used to divert water from Reservoir 3

$$Q_{pump} = \frac{(50)(6.61)}{[135 + (70*2.34)]} = 1.11 \text{ cfs} = 500 \text{ gpm}*$$

System Pumps - used within the water conveyance and application system

For a 50 Hp pump/motor:

$$Q_{pump} = \frac{(50)(6.61)}{[135 + (70*2.31)]} = 1.11 \text{ cfs} = 500 \text{ gpm}*$$

For a 40 Hp pump/motor:

$$Q_{pump} = \frac{(40)(6.61)}{[135 + (70*2.31)]} = 0.89 \text{ cfs} = 400 \text{ gpm*}$$

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<sup>\*</sup> The lift from the pump to the place of use includes head losses associated with the in-line sand filtering units in place within the conveyance system and friction losses in the system piping.

<sup>\*\*</sup>These smaller pumps are used to conserve power during the wetter winter months when less water needed by the nursery.

For a 20 Hp pump/motor:

$$Q_{pump} = \frac{(20)(6.61)}{[135 + (70*2.31)]} = 0.45 \text{ cfs} = 200 \text{ gpm}*$$

For a 15 Hp pump/motor:

$$Q_{pump} = \frac{(15)(6.61)}{[135 + (70*2.31)]} = 0.33 \text{ cfs} = 150 \text{ gpm}*$$

\*Head losses associated with the in-line sand filtering units in place within the conveyance system and friction losses in the system piping are accounted for in the lift from the pump to the place of use.

#### 8. Mainline information

Length	Type of pipe	Buried or above ground	Notes
5637	PVC	Buried	Conveys water from Reservoir 3 to Pond 1
55	PVC	Buried	Conveys water from Reservoir 3 to Pond 2
5	637	637 PVC 5 PVC	637 PVC Buried

#### 9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground
3/4-inch (for sprinklers)	Various	PVC or steel	Above ground
Drip irrigation lines	Various	Plastic and rubber	Above ground
**Refer to Item #11 below			12000 8.00.00

10. Sprinkler information Make and model:

Make	Model	Nozzle Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Rain Bird	30 PSH	13/64-inch	50	8.5 gpm	Not determined	23,285 gpm (total of
K-Rain	KRK2P	#8	50	8.5 gpm	Not determined	all nursery beds)

#### 11. Additional notes or comments related to the system:

The nursery's water application system is comprised of a combination of sprinklers and drip emitters. Each sprinkler is equipped with a pressure regulator to maintain a 50 psi operational pressure with an output of 8.5 gpm per sprinkler. Application of water to the nursery beds is completed in phases according to a watering schedule developed by the nursery based on the pumping capacity of the system, water needs of the nursery plants, weather, and other factors.

#### III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

#### 1. Time Limits:

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a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in

the permit or transfer final order: Description of actions taken by water user to comply with the Date accomplished Dates from permit or time limits transfer final order Begin construction 6/30/1985 Prior to 6/30/1985 Began construction Complete construction 9/28/1987 Form B submitted to Department on 7/7/1988 10/1/1987 Complete application 10/1/1989 9/27/1989 Form C submitted to Department on 9/29/1989

#### 2. Initial Water Level Measurements:

of water

- \*\*If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items a through e relating to this section can be deleted.
- a. Was the water user required to submit an initial static water level measurement?

#### 3. Annual Static Water Level Measurements:

- \*\*If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.
- a. Was the water user required to submit annual static water level measurements?
- 4. Measurement, recording, and reporting conditions:
- a. Does the permit or transfer final order require the installation of a meter or approved measuring device?

  <u>NO</u>

If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

\*\*If "NO", items b through g relating to this section can be deleted.

### 5. Fish Screening and/or By-pass Devices

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion?

NO (however, the diversion intakes for the Tickle Creek Pump Station are equipped with fish screens)

If fish screening and/or by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

\*\*If "NO", items b through i relating to this section can be deleted

- 6. Pump Test (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)
- a. Did the permit require the submittal of a pump test?

N/A

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7. Other Permit Conditions (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

N/A

#### IV. Variations, Attachments, Conclusions, Map and Signatures

#### **Variations**

Include a description of variations from the permit or transfer final order

- 1. <u>Point of Diversions</u>. The locations of the authorized Point of Diversions are slightly different that that stated on the permit; the Point of Diversions are located in the same quarter-quarter, but the distances from the referenced survey corner are slightly different. The location of POD 1 (Tickle Creek Pump Station) stated in the COBU report and map is based on a GPS location obtained during the site inspection, and the location of POD 2 (Reservoir 3) stated in the COBU report and map is the center of the dam of Reservoir 3 as determined from an aerial photograph (2008 Tele Atlas Image).
- 2. <u>Place of Use</u>. The distribution of acres by quarter-quarter differs slightly from that stated on the permit; however, all of the acres are either within the tax lots specified in the permit application or in adjoining taxlots owned by Iseli Nursery, Inc. The total number of acres developed does <u>not</u> exceed that authorized by the permit.
- 2. <u>Supplemental Irrigation Acreage</u>. The acres of supplemental irrigation acreage under this water right (Permit S-48557) appear to have been intended to be supplemental to primary irrigation acreage originally described in Application G-11241 (Permit G-11134), based on information contained in the Department's files for these water rights. Water right Application S-68024 (Permit S-48577) and Application G-11241 (Permit G-11134) were originally submitted to the Department together on March 5, 1984; however, a protest of Application G-11241 was filed with the Department which delayed the Department's processing of Application G-11241. The Department did continue processing Application S-68024 and issued Permit S-48557 on July 30, 1984. It appears that Application G-11241 was modified after submission and prior to permit issuance to request nursery operations only (i.e., the primary irrigation acreage intended to be associated with the supplemental irrigation acreage under Permit S-48557 were changed to nursery operations). The Department approved the modified version of Application G-11241 and issued Permit G-1134 on November 13, 1990. In summary, there appears to be no primary irrigation acres associated with the supplemental irrigation acres under Permit S-48557. As a result, the acres of irrigation and related nursery use developed under Permit S-48577 appear to be primary water rights instead of supplemental water rights.

#### Attachments

If you are attaching any documents to this report, provide a list below:

Attachment name	Description	RECEIVED
Attachment A	Permit S-48577	
Attachment B	Claim of Beneficial Use Map	SEP 2 9 2008
Attachment C	Layout of water system mainlines	WATER RESOURCES DEPT
Attachment D	As-built plans for reservoirs	SALEM, OREGON

Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA	Maximum rate	Calculated	Actual amount	Developed use	# of acres	# of acres
name or #	allowed by	theoretical rate			allowed by	developed
	permit or	of water based	measured (if		permit or	
	transfer final	on system	measured)		transfer final	
	order				order	

POD 1 – Tickle Creek Pump Station	6.31 cfs (2832 gpm)	6.17 cfs (2769 gpm)	Not measured	irrigation related nursery use container nursery operation	51.9 ac 51.9 ac N/A	48.31 ac 48.31 ac N/A
POD 2 – Reservoir 3	5.5 cfs (2468 gpm)	7.82 cfs (3510 gpm)	Not measured	container nursery operation	N/A	N/A

#### Claim of Beneficial Use Map

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

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

The authorized Point of Appropriation and visible system components were visited during the site inspection. The location of the Point of Appropriation and the extent of the Place of Use were located using an aerial photograph (2008 Tele Atlas Image) and a field survey completed during the site inspection. The map was created using Geographic Information System (GIS) software and spatial datasets obtained from Oregon Water Resources Department (OWRD), Oregon Geospatial Enterprise Office (GEO), and Clackamas County. Additional data and information specific to the water right holder's property and the use water of under the water right described in this Claim of Beneficial Use report were obtained from the water right holder, Iseli Nursery, Inc.

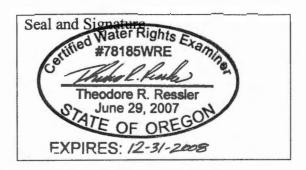
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#### CWRE Statement, Seal and Signature

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



#### Permit or Transfer Holders Signature or Acknowledgement

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

Gregel Go	PROPLETTOR PORS GEL NEW ISFLI	NURSERVEY F/18/08
Signature	Print or type name	Date
Signature	Print or type name	Date

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Attachment A
Permit S-48577
Claim of Beneficial Use for Permit S-48577

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#### STATE OF OREGON

County of CLACKAMAS

#### PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 68024 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to Iseli Nursery, Inc. of 30590 SE Kelso, Sandy, Oregon 97009, phone 663-3822, for the use of the waters of Tickle Creek and Reservoir 3, a tributary of Deep Creek, to be constructed under Application R-68128, Permit R-9901, for the PURPOSE of supplemental irrigation, related nursery use and containerized nursery stock, being 0.65 cubic foot per second of water from Tickle Creek for supplemental irrigation, 0.16 cfs from Tickle Creek for related nursery use, and 5.5 cfs from Tickle\* that the PRIORITY OF THE RIGHT dates from March 5, 1984

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 5.5 cubic feet per second

The POINT OF DIVERSION is to be LOCATED: Reservoir 3 - 1200 feet North and 1250 feet West from the Center Corner of Section 8; Tickle Creek - 600 feet North and 1580 feet East from the Southwest Corner of Section 8, both being within the SE 1/4 SW 1/4 of Section 8, Township 2 South, Range 4 East, WM, in the County of Clackamas.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

\* Creek and Reservoir 3 for containerized nursery stock

Township	2	South,	Range	4	East,	WM	Section	8	NE	1/4	NW	1/4	Container nursery operation
									NW	1/4	NW	1/4	Container nursery operation
									SW	1/4	NW	1/4	Container nursery operation
									SE	1/4	NW	1/4	Container nursery operation
									SW	1/4	NE	1/4	Container nursery operation
							•		NE	1/4	SW	1/4	Container nursery operation
									NW	1/4	SW	1/4	Container nursery operation
							`		SW	1/4	SW	1/4	Container nursery operation
									SE	1/4	SW	1/4	Container nursery operation

SEE NEXT PAGE

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WATER RESOURCES DEPT SALEM, OREGON

48577

page two

Township	2	South,	Range	4	East,	WM	Section	7	NW	1/4	NE	1/4	26.4	acres	Supplemental irrigation
									NW	1/4	NE	1/4			Related nursery
									SW	1/4	NE	1/4			Container nursery operation
									NE	1/4	NW	1/4			Container nursery operation
									NE	1/4	NW	1/4	20.8	acres	Supplemental irrigation
									NE	1/4	NW	1/4			Related nursery use
									SE	1/4	NW	1/4	4.7	acres	Supplemental irrigation
												1/4			Related nursery use
												1/4			Container nursery operation
												1/4			Container nursery operation
												1/4			Container nursery operation
									SE	1/4	SW	1/4			Container nursery operation

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to 1/80 of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 2.5 from direct flow and storage from reservoir to be constructed under Permit R-9901, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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Actual construction work shall begin on or before July 30, 1985 , and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1986 . Extended to October 1987

Complete application of the water to the proposed use shall be made on or before October 1, 1987 2x+en del 15 10-1-8-9

Witness my hand this 30th day of July

, 19 84 .

#### /s/ CHRIS L. WHEELER

DEPUTY DIRECTOR WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compilance 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.

PERMIT

48577

# Attachment B Claim of Beneficial Use Map Claim of Beneficial Use for Permit S-48577

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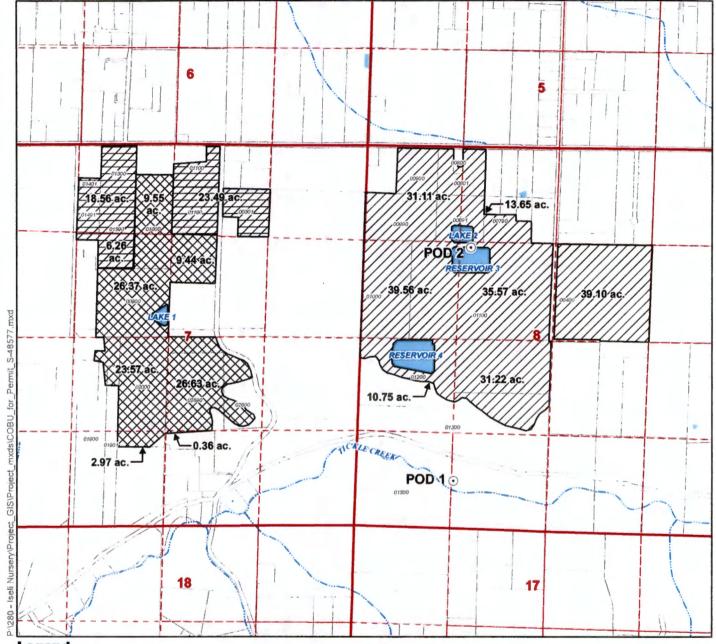
#### Claim of Beneficial Use Map

SEP 29 2008

Permit S-48577 (Application S-68024)

Sections 7 & 8, Township 2 South, Range 4 East (W.M.)

WATER RESOURCES DEPT SALEM, OREGON



#### Legend

#### Place of Use (POU)

Stored Water (Reservoir 3) for Containerized Nursery Stock

Live Flow (Tickle Creek) and Stored

Water (Reservoir 3) for Containerized **Nursery Stock** 

#### **POD Location Descriptions**

#### POD 1 Located 645 feet North and 1,345 feet East from the SW corner

of Section 8, Township 2 South, Range 4 East (W.M.)

#### POD 2

Located 1,255 feet North and 1,160 feet West from the Center corner of Section 8, Township 2 South, Range 4 East (W.M.)

Live Flow (Tickle Creek) for Irrigation and Related Nursery Use

Point of Diversion (POD)

Tax Lots

Roads Watercourses

## Waterbodies

## Water Rights Examina

Theodore R. Ressler June 29, 2007

#### Map Information

Projection: Oregon State Plane North Zone Datum: North American Datum of 1983 Date: August 11, 2008 Prepared By: GSI Water Solutions, Inc.

Clackamas County GIS, Oregon Geospatial Data Clearinghouse

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.

#### Scale

660 1,320

1 inch equals 1,320 feet



# Attachment C Layout of Water System Mainlines Claim of Beneficial Use for Permit S-48577

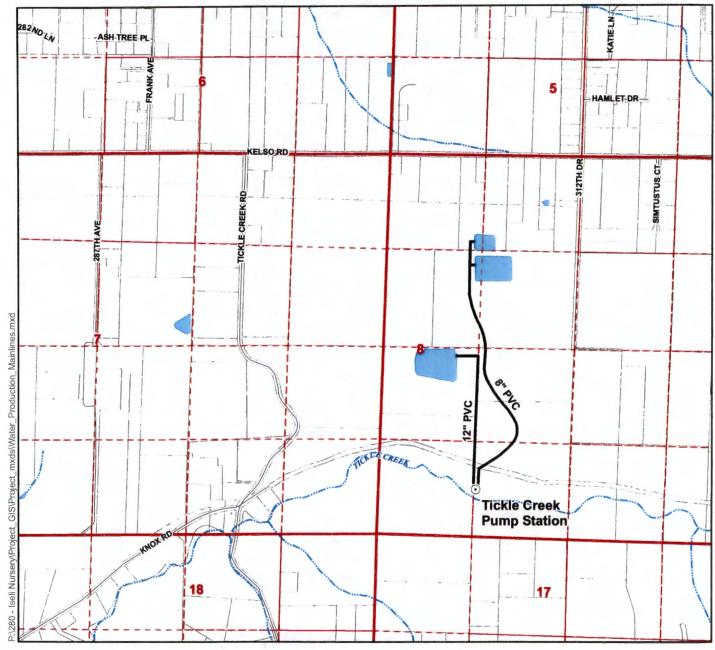
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#### **Water Production Mainlines**

Iseli Nursery, Inc.

Section 8, Township 2 South, Range 4 East (W.M.)



#### Legend

Water Production Mainline

**Pump Station** 

Tax Lots

Roads

Watercourses

Waterbodies

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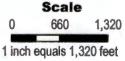
<u>Map Information</u>
Projection: Oregon State Plane North Zone Datum: North American Datum of 1983 Date: August 14, 2008 Prepared By: GSI Water Solutions, Inc.

#### **Data Sources**

Clackamas County GIS, Oregon Geospatial Data Clearinghouse

SALEM, OREGON







## RECEIVED

SEP 2 9 2008

WATER RESOURCES DEPT SALEM, OREGON

Attachment D
As-built Plans for Reservoirs
Claim of Beneficial Use for Permit S-48577

#### Jan DeVito

From: Jan DeVito [Janice.A.DEVITO@wrd.state.or.us]

Sent: Tuesday, March 12, 2002 4:27 PM

To: Jeana Eastman

Subject: Error Correction #39 -App 68024

Hi, Jeana. Dwight asked me to let you know that the Final Proof Survey is due on this one, so the legal description will be corrected when the certificate is issued. Thanks....jd

Janice A. DeVito, Water Rights/Adjudication Division Oregon Water Resources Department 158 12th Street NE, Salem OR 97301-4172 phone: 503-378-8455, extension 240

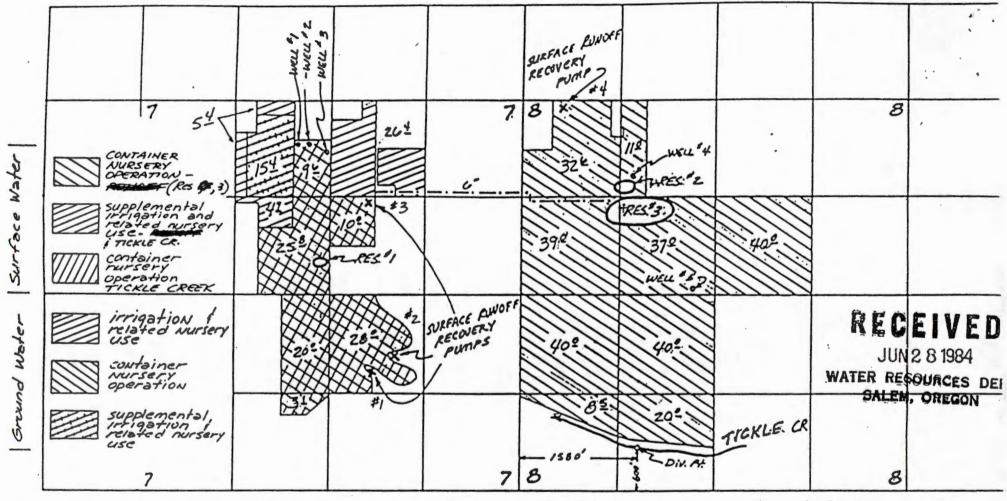
fax: 503-378-6203

no caseworker

Update Number: 07
Date: 4/13/01
To: Dwight
From: Amy Extension: 210
Application: 68024
Permit: 48577
Certificate:
Special Order Volume Page
Related Water Rights:
Perceived Problem/Issue/Question:
The legal description for Res 3 would place the
res in Q/a SENW as shown on map not
SESW as listed on permit
Just giving a heads, up, so things
could get checked out.
Your Solution:
see allached response to
Alaya Cant
New Court
,
PLEASE EMAIL YOUR SOLUTION TO DATA ENTRY, WITH A CC: TO <del>DWIGHT</del> (
San N.
Water Rights Staff Assigned To: During Trenes
Date Received: 3/12/02
Email Response Date: 3/12/02
Proposed Date of Completion:

PLEASE ATTATCH THIS FORM TO A COPY OF THE UPDATED WATER RIGHT DOCUMENT AND ROUTE TO DATA CENTER.

marletjm 01/09/01 updated m:\groups\ts\is\dataentr\wrerror.wpd



WELL LOCATIONS - WELL ! GOO'S. ! BSO'E., WELL "2 GOO'S ! 1000'E, WELL "3 700'S ! 1260'E., ALL FROM
THE 'N.W. COR. NEXY NWYY SEC 7. TZS. RYE

WELL "4 1050'S. ! 115'E. FROM THE N.W. COR. NEY NWYY SEC. B, TZS. RYE.

WELL "5 50'N. ! 300' W FROM THE CENTER SEC B, TZS. RYE. ....

DIV. PTS LOCATIONS. TICKLE CR. LOO' N. ! 1580' E. FROM S.W. COR SEC. B. TZS. RYE.

RES. "1 450° N. ! 100° W. FROM CENTER SEC. 7. TIS. RYE.

115 MAP FREFFARLU 51.

(4 Drainage ways) RES. "2 1400° N. ! 1250° W. FROM CENTER SEC. 8, TIS. RYE.

RES. "1 450° N. ! 1250° W. FROM CENTER SEC. 8, TIS. RYE.

RES. "3 1200° N ! 1250° W. FROM CENTER SEC. 8, TIS. RYE.

SURFACE RUNOFF - 1050'S., 550'E? NWSE?

ON INTERPORT SURFACE RUNOFF - 850'S, 900'E } "All-from center section 7, T25, R4E

3 SURFACE RUNOFF - 1250'N, 525 E) SWNE?

44 SURFACE RUNOFF - 100'S, 550'E from N.W. COT. Section 8, T25, R4E. NWNW 8

Application No. 2-68 128 4 68024

Permit No. R 9901 48577

GEN241



#### STATE OF OREGON

County of CLACKAMAS

#### PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 68024 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to Iseli Nursery, Inc. of 30590 SE Kelso, Sandy, Oregon 97009, phone 663-3822, for the use of the waters of Tickle Creek and Reservoir 3, a tributary of Deep Creek, to be constructed under Application R-68128, Permit R-9901, for the PURPOSE of Supplemental irrigation, related nursery use and containerized nursery stock, being 0.65 cubic foot per second of water from Tickle Creek for supplemental irrigation, 0.16 cfs from Tickle Creek for related nursery use, and 5.5 cfs from Tickle\* that the PRIORITY OF THE RIGHT dates from March 5, 1984

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 5.5 cubic feet per second

The POINT OF DIVERSION is to be LOCATED: Reservoir 3 - 1200 feet North and 1250 feet West from the Center Corner of Section 8; Tickle Creek - 600 feet North and 1580 feet East from the Southwest Corner of Section 8, both being within the SE 1/4 5W 1/4 of Section 8, Jownship 2 South, Range 4 East, WM, in the County of Clackamas.

description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as ictiows:

\* Creek and Reservoir 3 for containerized nursery stock

Township 2 5	South, Range	4 East.	WM Section	341 8	1/4 NW	1/4
--------------	--------------	---------	------------	-------	--------	-----

ery
ery
,

Container nursery

SEE NEXT PAGE

page two

Township 2 South, Range 4 East, WM Section 7 NW 1/4 NE 1/4 26.4 acres Supplemental ~ irrigation NW 1/4 NE 1/4 Related nursery SW 1/4 NE 1/4 Container nursery operation NE 1/4 NW 1/4 Container nursery operation NE 1/4 NW 1/4 20.8 acres Supplemental irrigation NE 1/4 NW 1/4 Related nursery use SE 1/4 NW 1/4 4.7 acres Supplemental ✓ irrigation SE 1/4. NW 1/4 Related nursery use SE 1/4 NW 1/4 Container nursery operation NW 1/4 SE 1/4 Container nursery operation NE 1/4 SW 1/4 Container nursery operation SE 1/4 SW 1/4 Container nursery operation

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to 1/80 of one cubic foot per and per acre, and shall be further limited to a diversion of not to exceed 2.5 from ct flow and storage from reservoir to be constructed under Permit R-9901, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Actual construction work shall begin on or before July 30, 1985 , and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1986 . Extended to October 1587

Complete application of the water to the proposed use shall be made on or before October 1, 1987 (2010) 1987 (2010) 1987 (2010) 1987

Witness my hand this 30th day of July

. 19 84 .

#### /s/ CHRIS L. WHEELER

DEPUTY DIRECTOR WATER RESOURCES DIRECTOR

it, 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



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8509

October 3, 1989

Iseli Nursery, Incorporated 30590 SE Kelso Rd., Boring, Oregon 97009

REFERENCE: File R-68128, 65054, and 68024

We have received your notice that complete application of water has been made under permit R--9901, 47675, and 48577

At a later date, a representative of this office will make an inspection and survey of your project.

You will 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 Survey/Certificate Section at 378-3739.

## STATE OF OREGON WATER RESOURCES DEPARTMENTE CEIVED

Application for Permit to Appropriate Surface Water MAR 5 1984

<i>I,</i>	Iseli No	raery, Inc.		WATER RESOURCE SALEM, OREC
	OSEK	elso Rd	(Name of Applicant)	Sandy (City)
	0	Mailing Address)		2 do hereby
				aters of the State of Oregon:
1. The s	ource of the pro	posed appropriation	on is San Assa	unal, Tickle Cr
				Creek
2 The n	esive iv	is to be located	200 # N	and 1250 ft. (4)
Com		See	(N. or 8.)	= 4 Nwz Sec 8
rom the	αα	orner of	(Public Land Su	rvey Corner)
	0		no point of diversion, each must be describ	
tickle	Cree	ek C	00'N \$	1580' E
From	the	540 0	orver of	Sec 8
T25	RUE L	eiua	being within the	= 4 of the SW 4 of
			lace of use if other than the List 1/4 % of Section	irrigation.  List use and/or number of acres to be irrigated
	(100)	F	The Carlotte of the Control	
	¥		To Mary Me	
		See Ot	tachment	
		عود ما	rachmen	An - Joseph Colonia
L *	-675			
1051200		C MSLWG A S	Company of the Company of State	white and the more of the
		1.57		7
		L	AND LOCAL DESIGNATION	
				A Park
		75 S L 10 C 10 E B 27 B		

Form 690-1-0-1-77

10000 3 inj 10000 3 inj 26000 3 Horry

4. The amo	ount of water which the applicant intends to apply to beneficial use is
auhie faat nar saco	nd (2500 CPM) See attachment
Guoic feet per secon	(If water is to be used from more than one source, give quantity from each)
	to which the water is to be applied is Supplemental irrigation,
related n	vrsery use, container nursery operation
6.	DESCRIPTION OF WORKS
	ns and type of construction of diversion dam and headgate, length and dimensions of supply size and type of pump and motor, type of irrigation system to adequately describe the proposed m.
	Sec attach ment
••••••	
***************************************	
	THE T MIT OUT OF STATE
***************************************	
	e state number of families to be supplied
	ction work will begin on or before
8. Construe	ction work will be completed on or before November 30 , 1986
	er will be completely applied to the proposed use on or before. None and the State of the state
o. The wate	WAR 2 1984
	1. OF OIL THE SAME OF THE SAME OF THE SAME
Application No	68024  Permit No.

## RECEIVED RECEIVED

JUN 2 8 1984

Surface WATER RESOURCES DEPT SALEM, OREGON

MAR 5 1984 WATER RESOURCES DEPT. SALEM, OREGON

From surface runoff, Res #1, Res #2, and Res #3

T	R	Sec	44			Use	
				0			
2 <b>S</b>	4E	8	NE/NW	11-0	Container	nursery	operation
			NW/NW	32 <del>6</del>	"	n n	u
			SW/NW	39-	п	11	II .
			SE/NW	37-	n		ii .
			SW/NE	400	п	u	н
			NE/SW	400	11	n	n
			NW/SW	400	11	11	n
			SW/SW	8 <u>5</u>	11	"	11
			SE/SW	200	п	n.	н

Application No. 68024 Permit No.

continued on next page ....

## RECEIVED

## JUN 2 8 1984

#### Surface Water

#### WATER RESOURCES DEPT SALEM, OREGON

3. From surface runoff, Res #1, Res #3, Res #3, and Tickle Creek

R	Sec	1/4 1/4	Use						
4E	7	NW/NE	26.4 Supplemental irrigation						
		NW/NE	Related nursery use 26.4AC						
		SW/NE	10.0 Container nursery operation						
		NE/NW	9.6 " " "						
		NE/NW	208 Supplemental irrigation						
		NE/NW	Related nursery use 208 AC						
		SE/NW	4 <sup>7</sup> Supplemental irrigation						
		SE/NW	Related nursery use 42 Ac						
		SE/NW	25 <sup>8</sup> Container nursery operation						
		NW/SE	280 " " "						
		NE/SW	200 " " "						
		SE/SW	31 " " "						
			4E 7 NW/NE NW/NE SW/NE NE/NW NE/NW NE/NW SE/NW SE/NW SE/NW NW/SE NE/SW						

Application No. 68024
Permit No.

Suppil 17/19 & 300

Exam = \$184

17/19 = \$196

### RECEIVED

#### Surface Water

JUN 2 8 1984

WATER RESOURCES DEPT SALEM, OREGON

#### 4. Amount of water

5.55 cfs - 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 Res #1, Res #2, and Res #3 for supplemental irrigation.

Being 4.9 cfs from surface runoff with any deficiency to be made up from Tickle Creek with any deficiency to be made up from Res #1, Res #2, and Res #3 for container nursery operation and related nursery use.

5.55 cfs

Being 0.65 cfs from Tickle Cr for S. irr

16 3 1244

Being TO cfs from tickle Cr for related nursery use

5.55 \$ 1244

Being 20 cfs from tickle Cr for container nursery operation with any

deficiency to be made up from res 3.

87.8 AF being 1.8 AF from Rest

17.2 AF from Res 2 and 68.8 AF from Res #3

Application No. 68024
Permit No.

( See res. application for )

#### Surface Water

RECEIVED

JUN 2 8 1984

WATER RESOURCES DEPT SALEM, OREGON

### 6. Description of works

Water starts at the reservoirs, pumped to the sprinklers, which distributes water over the plants. The runoff water from the plants drains into trenches. The trenches are filled with a drain tile and round rock. The water then moves down the drain tile to a wooden diversion box which directs the water to a recovery system.

Recovery System #1 has a 6000 gallon steel tank with two pumps; 100 gpm and 300 gpm. The recovered water leaves the system in a 6" line.

Recovery System #2 has an 8000 gallon steel tank with two pumps; 150 gpm and 200 gpm. The recovered water also exits in a 6" line. Recovery Systems #1 and #2 meet, and the two 6" lines become an 8" line that flows into Reservoir #1.

Recovery System #3 has a 6000 gallon steel tank with two pumps; 80 gpm and 200 gpm. The recovered water leaves in a 6" line and flows into Reservoir #1 or Reservoir #2.

Recovery System #4 has a 6000 gallon concrete tank with one 600 gpm pump. The water can flow into Reservoirs #1 or #2, and in the near future, into Reservoir #3.

The water in the reservoirs can again be pumped into the water lines and used for plant irrigation.

When the Tickle Creek Recovery System is done, we plan to use two 500 gpm pumps, and an 8" line to feed the water into and the series.

Application No. 68024
Permit No.

	and the second
••••••	
	ISELI MUTITRU INC DEA-ING
	Signature of Applicant
	PRESIDENT
This is to certify that I ha	ave examined the foregoing application, together with the accompanying
data, and return the same f	for correction and completion
	ority, this application must be returned to the Water Resources Directorune 30,
vections on or beforeJ	
vections on or beforeJ.  WITNESS my hand this.	une 30,, 19.84
witness my hand this.	une 30, , 19.84
vections on or beforeJ.  WITNESS my hand this.	une 30, , 19.84
vections on or beforeJ.  WITNESS my hand this.	une 30,
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vections on or beforeJ.  WITNESS my hand this.	une 30,
vections on or beforeJ.  WITNESS my hand this.	une 30,
vections on or beforeJ.  WITNESS my hand this.	une 30,
WITNESS my hand thisWilliam.HYoung.,	une 30,
witness my hand this.  William.HYoung.,	and day of May 19.84.  Water Resources Director  By MayNE J. OVERCASH

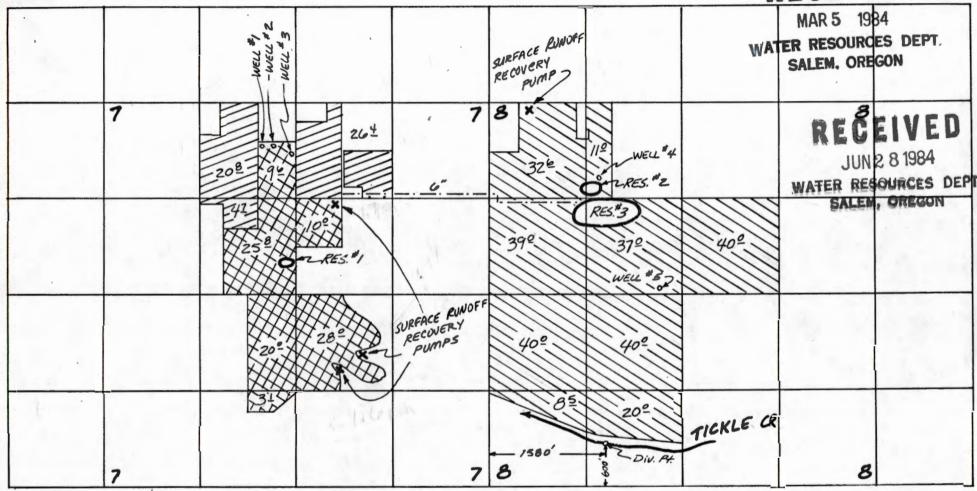
### Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

하시는 사람들이 많은 아이들이 한 가게 되었다. 그 사람들은 사람들이 되었다면 하는 것이 없는데 하는데 하는데 되었다.	
The right herein granted is limited to the amount of water which	h can be applied to beneficial use and
shall not exceed5.5	ured at the point of diversion from the
stream, or its equivalent in case of rotation with other water users, from	Tickle Greek and
Reservair *3 tabe canstructed unde	A. Application S. B. B. B. L. B.
The use to which this water is to be applied is Augalteant. The	Licigation, related murse-
"use and was towners red auxory & tout, being	19. O. 6.5 cfs from The kla Gree
for Suggestions at a like of super the super the super transfer to the super transfer transfer to the super transfer transfer transfer to the super transfer trans	for container seed nursers stock
	2/2 from direct flows
or its equivalent for each acre irrigated.  Gh. (5) Sugga lement . Living . Lina.	Storage Troms es
LAS ENTORN	
	MEN Sine - Ser- Meh
and shall be subject to such reasonable rotation system as may be or	
The priority date of this permit is	
Actual construction work shall begin on or before	and shall
thereafter be prosecuted with reasonable diligence and be completed or	n or before October 1, 19
Complete application of the water to the proposed use shall be made	le on or before October 1, 19
WITNESS my hand this day of	, 19

SCALE: 4" . / MILE

RECEIVED



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. NEX NW X SEC. 7. TZS. RYE

WELL # 4 1050'S. ! 175'E. FROM THE N.W. COR. NEX NW X SEC. 8, TZS. RYE.

WELL #5 50'N. ! 300' W FROM THE CENTER SEC. 8, TZS. RYE.

DIV. PTS. LOCATIONS -

TICKLE CR. 600' N. & 1580' E. FROM S.W. COR. SEC. B. TZS. RYE.

SURFACE RUNOFF AND RES. " 1 450' N. & 100' W. FROM CENTER SEC. 7, TZS, RYE. SURFACE RUNOFF AND RES. " 2 1400' N. & 1250' W. FROM CENTER SEC. 8, TZS, RYE.

SURFACE RUNOFF AND RES. \$ 3 1200'N & 1250' W. FROM CENTER SEC. 8, TZS, RUE.

ROM INFORMATION FURNISHED BY HE APPLICANT.

HIS MAP PREPARED BY:

P.K. Kino

Application No. 68024
Permit No. Superseded

		2, 73M - 2, 73M - 1, 74T 6		SIRFACE EUNOFF RECOVERY RECOVERY #4				:-
	CONTAINER NURSERY OPERATION - REPORT (RG \$,3)	151 91	2 0-	8 2	IIB WELL " 4	·	8	,
	Supplemental  Irrigation and related nursery Use: i TICKLE CR.  Container nursery Operation TICKLE CREEK	23 to 10 to	3	390	75 A STORY OF THE	405		
March Comment	irrigation of related nursery use container nursery operation	20-	SURFACE AWOF!  RECOVERY  PUMPS		\$		JUN WATER RE	EIVED 281984 SOURCES DE
DATE	supplemental, irrigation irrigated nursery use	#)\	7	85- 1580' — 8	20°	TICKLE CR		, OREGON

WELL LOCATIONS - WELL 1, 600'S. ! 850'E., WELL 2 600'S. 1 1000'E, WELL 3 700'S 1 1260'E., ALL FROM THE 'N.W. COR. NEX NWY SEC 7, TZS, RYE WELL " 4 1050'S. | 115'E. FROM THE MW. COR. NEW NWY SEC. B, TZS. RYE. WELL 'S SO'N. ! 300' W FROM THE CENTER SEC 8. TZS. RYE.

DIV. PTS LOCATIONS. TICKLE CR. 600' N. 1 1580' E. FROM S.W. COR SEC. 8, TZS. RYE.

RES. "1 450' N. I 100' W. FROM CENTER SEC. 7, TIS, RYE. 4 Draiwage ways RES. " Z 1400'N. ( 1250'W. FROM CENTER SEC. B. TZS, RYE. 115 MAP PHEPAREU OT. ·Kino

31 = 2 SURFACE RUNOFF - 1050'S., 550'E?

BY = 2 SURFACE RUNOFF - 850'S., 900'E } All-from center section 7, T25, R4

BY SURFACE RUNOFF - 1250'N, 525 E from N.W. Cor. Section 8, T25, R4E. All from center section 7, T25, R4E I AF ...

Permit No. R 9901



3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

March 10, 1989

Iseli Nursery, Inc. 30590 SE Kelso Rd., Boring, OR 97009

Reference Files: 65054 and 68024

Your applications for extension of the time limit to make complete application of water under the terms of your Permits 47675 and 48577 have been received. We also have your check for \$200.

The applications indicate reasonable diligence toward completion of the proposed projects; therefore, the time limit to make complete application of water is extended to October 1, 1989.

Sincerely,

Steven P. Applegate, Manager Survey/Mapping Section

receipt enclosed

### **Application for Extension of Time**

RECEIVED

TO THE WATER RESOURCES DIRECTOR OF OREGON

MAR 9 1989

I,	IS	ELI NURSERY, INC.	WATER RESOURCES DEPT SALEM, OREGON
	305	90 S.E. Kelso Road	SALEM, OREGOIV
	303	Mailing Address	
	Boring	Oregon	97009
	City	State	Zip
ecord owner of water pe	rmit No. <u>48577</u>	, do hereby re	equest that the time in which to:
complete the construction	ction of works and/or p	urchase and installation of	of the equipment necessary to
the use of water, wh	ich time now expires	on October 1, 19, be e	extended to October 1, 19;
and/or the time in which	ch to		
accomplish beneficial	use of water to the full exte	ent now intended under the	terms of said permit, which time
now expires on Octobe	er 1, 19, be extended to	October 1, 1989.	
I have accomplished	ed the following describ	ed works and/or purchase	and installation of equipment
ecessary to the use of wa			
		tation.which is pumpi	ng 750 gpm up to
	•		
		through a 8" supply	line which we have
	placed underground.		
2) prior to this past waar	clearing for supply	v line route	
) prior to this past year			
		+	
) and have accomplished	d beneficial use of water	to the extent of (IF FOR IRI	RIGATION, STATE HOW MANY
ACRES HAVE BEEN IN	RIGATED) periodical	ly utilized water to	extent available
mandated minimum	stream flow. Dive	rted water applied in	conjuction with
			*
permit # 65054 o		e is required, attach separate sheet)	
		- O.v	eal
	Greg P:	ilcher Vice Presiden	
		(If signing for a corporation please iden	tify your title)
		00 1000	
	Dated Septemb	per 29, 1988	

Water Resources Department 3850 Portland Road N.E. Salem, Oregon 97310

OF \$100.00 FOR EACH PERMIT TO:

MAIL COMPLETED APPLICATION AND STATUTORY FEE

388 Sal Or C to 39



3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

February 17, 1989

Iseli Nursery, Inc. 30590 S.E. Kelso Road Boring, Oregon 97009

Reference File: 65054 & 68024

Your application for extension of the time limit to complete construction on under the terms of your Permit 47675 &48577 has been received. We also have your checks for \$200.00. Receipts are enclosed.

The information given on the application is not sufficient to demonstrate that a reasonable effort has been made to complete the project as proposed. The request for additional time can be granted only if such dilligence is shown.

Your application is returned for additional information regarding the water system and/or the use of water within the time limits currently allowed. Please give specific information relative to use of water from Tickle Creek and Reservoir 3 on the lands involved in the permits.

Further action on your request will be withheld for 30 days pending your reply.

Sincerely,

Steven P. Applegate, Manager Survey/Mapping Section

receipt enclosed

### **Application for Extension of Time**

TO THE WATER RESOURCES DIRECTOR OF OREGON

I,	ISELI NURSERY, INC.	
30	0590 S.E. Kelso Road	
	Mailing Address	
Boring	, Oregon State	97009 Zip
record owner of water permit No. 48577	, do hereby	request that the time in which to
☐ complete the construction of works and/or	purchase and installation	of the equipment necessary to
the use of water, which time now expires	s on October 1, 19, be	extended to October 1, 19
and/or the time in which to		
accomplish beneficial use of water to the full e	extent now intended under th	e terms of said permit, which time
now expires on October 1, 19, be extended	l to October 1, 1989.	
I have accomplished the following descri	ribed works and/or purcha	se and installation of equipment
necessary to the use of water under said permit:		
(1) within the past year <u>installed</u> pumping	station, installed su	upply line from diversion
point to completed reservoir #3		
(2) prior to this past year <u>clearing</u> for supp	oly line route	
(3) and have accomplished beneficial use of wat		
ACRES HAVE BEEN IRRIGATED) periodica	ally utilized water to	extent available
mandated minimum stream flow. Div	verted water applied i	n conjuction with
permit # 65054 on 240 acres.		
	space is required, attach separate sheet)	
	- 0	neyl
Greg	Pilcher Vice Preside (If signing for a corporation please id	
DatedSepte	ember 29, 1988	
MAIL COMPLET	ED APPLICATION AND S	TATUTORY FEE

OF \$100.00 FOR EACH PERMIT TO:

Water Resources Department

Water Resources Department 3850 Portland Road N.E. Salem, Oregon 97310

\$1000



3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

September 26, 1988

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

Reference: Files 65054 and 68024

I recently received the Form B, Notice of Completion of Construction, for these two files. However, I did not receive the Form C, Notice of Complete Application of Water. In effect, what you have told us is that the construction of the water system is complete, but that you have not completely applied all of the water you intend to use. Under the terms of your permits, the date for the complete application of water was October 1, 1987.

If this is the case, you need to apply for an extension of time. A form will be supplied upon request.

If you have applied all of the water you intend to use, you need to submit the Form C, Notice of Complete Application of Water. Enclosed are forms for your use.

I will withhold action on these files for a reasonable length of time. However, if we do not hear from you, we will cancel these permits in accordance with the notices sent to you by certified mail on June 6, 1988.

Sincerely,

LARRY H. NUNN Water Rights Specialist



3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

June 6, 1988

Iseli Nursery Inc. 30590 SE Kelso Road Sandy OR 97009

REFERENCE: Files 65054 & 68024

According to the terms of your Permits 47675 and 48577, complete application of water was to have been made by October 1, 1987.

Complete application of water means the application of water to a beneficial use under the permit to the full extent intended. In the case of irrigation, it means beneficial irrigation of all the lands the permittee intends to cover under the terms of the permit. If the water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of October 13, 1987.

ORS 537.260 provides that: "Whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the Water Resources Director proof of completion of the appropriation as required by ORS 537.230 and 537.250, the Water Resources Director may, after 60 days notice by registered mail, order the cancellation of the permit."

In accordance with the provisions of ORS 537.260, you are hereby notified that unless proof of beneficial use is received within 60 days from the date of this letter, the permit may be canceled without further notice.

If you are no longer interested in the project described by the permit, we would appreciate being advised. If the property involved has been sold and any part of the project was completed, you should assign the permit to the new owner. An assignment form will be furnished upon request.

If additional information is needed, please contact Ves Garner, Manager, Survey/Certificate Section.

CERTIFIED - RETURN RECEIPT REQUESTED



3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8508

February 9, 1987

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

#### REFERENCE: File 68024

Your application for an extension of the time limit in which to complete construction under the terms of your Permit 48577 has been received. We also have your check in the amount of \$100.

The application indicates reasonable dlligence has been exercised toward completion of the proposed project; therefore, the time limit for completion of construction is being extended to October 1, 1987.

Sincerely,

BRUCE A. ESTES, Supervisor Survey-Certificate Section

BAE:wpc 5520D 8608D

File No. 68024

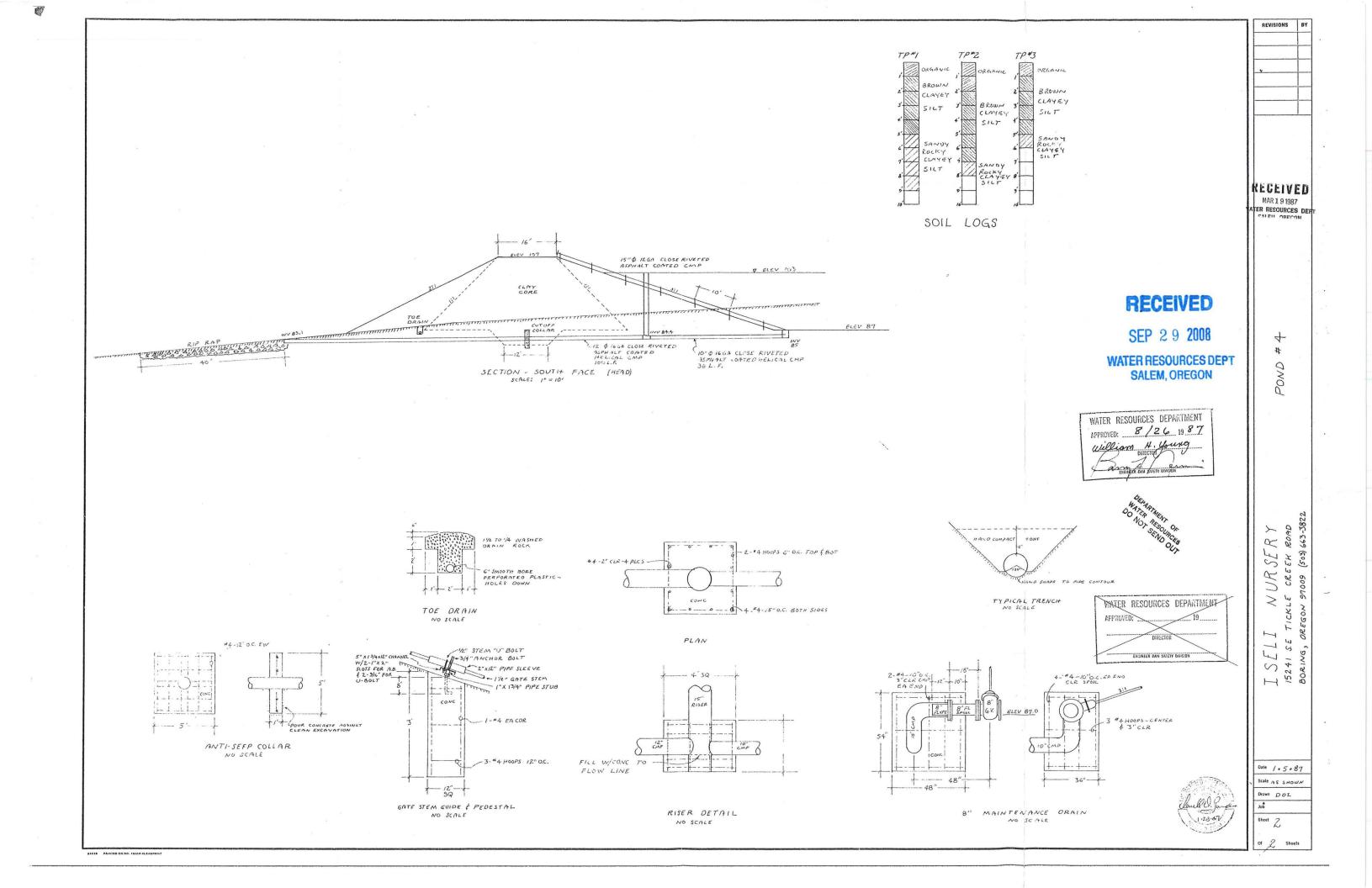
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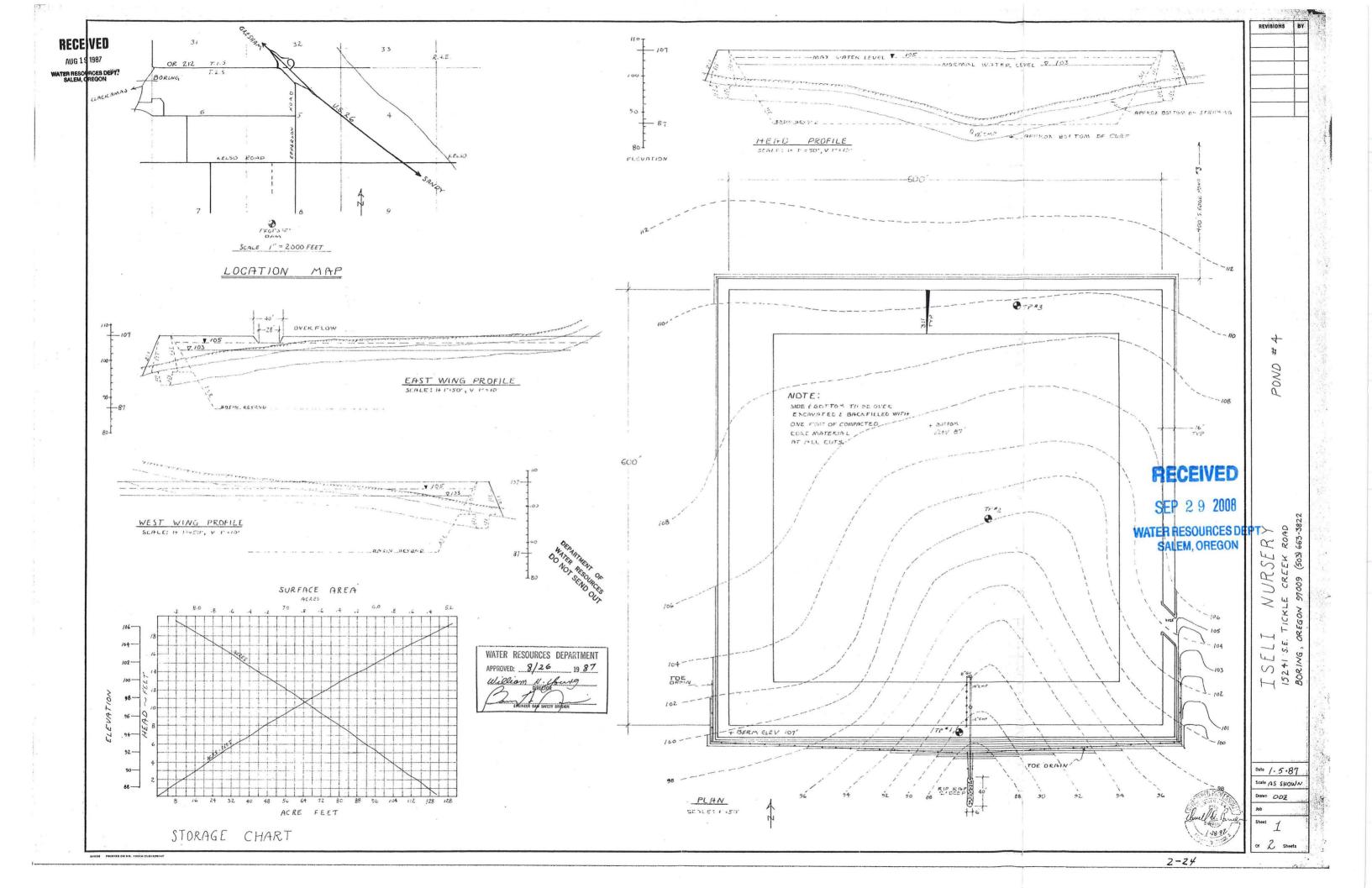
## **Application for Extension of Time**

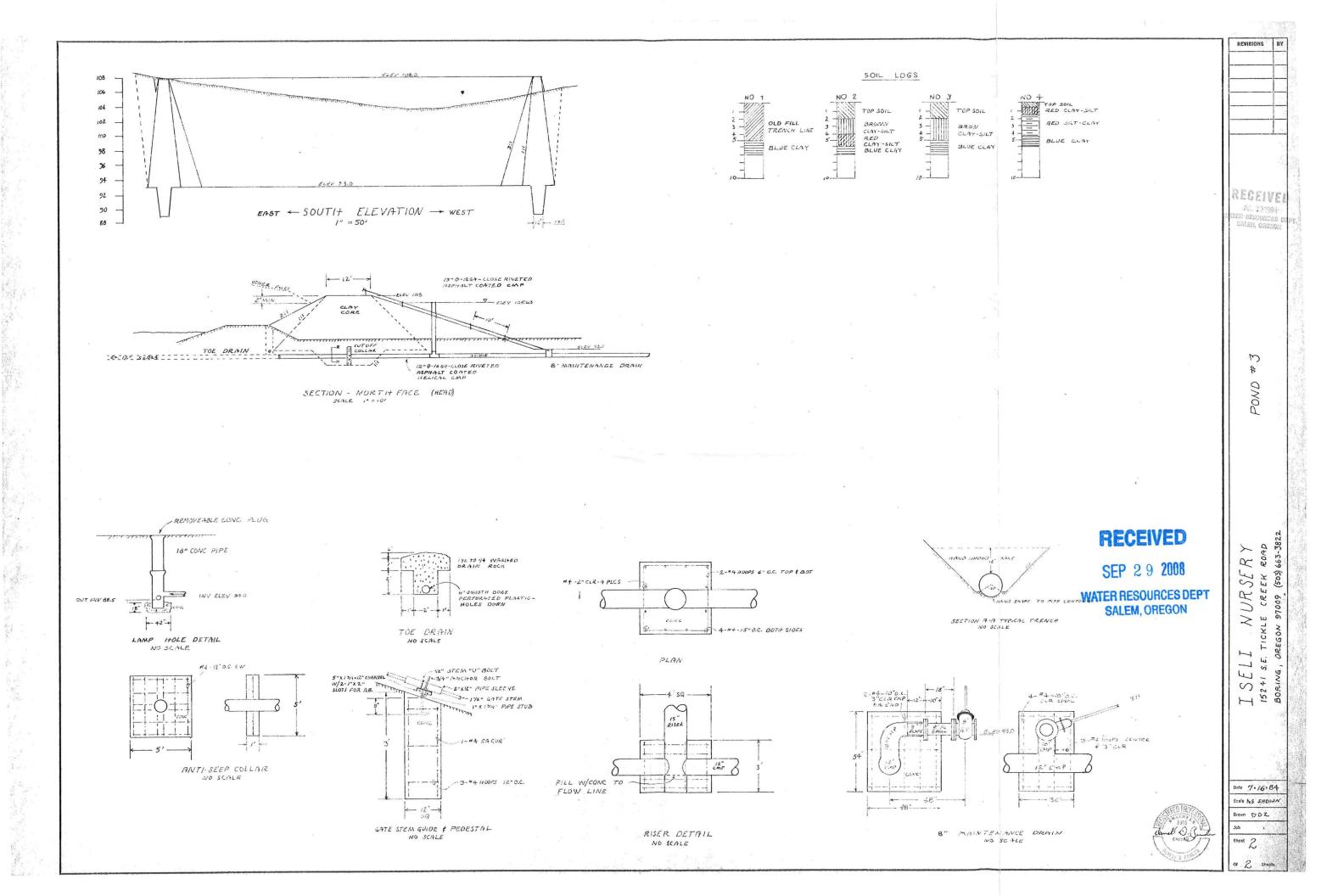
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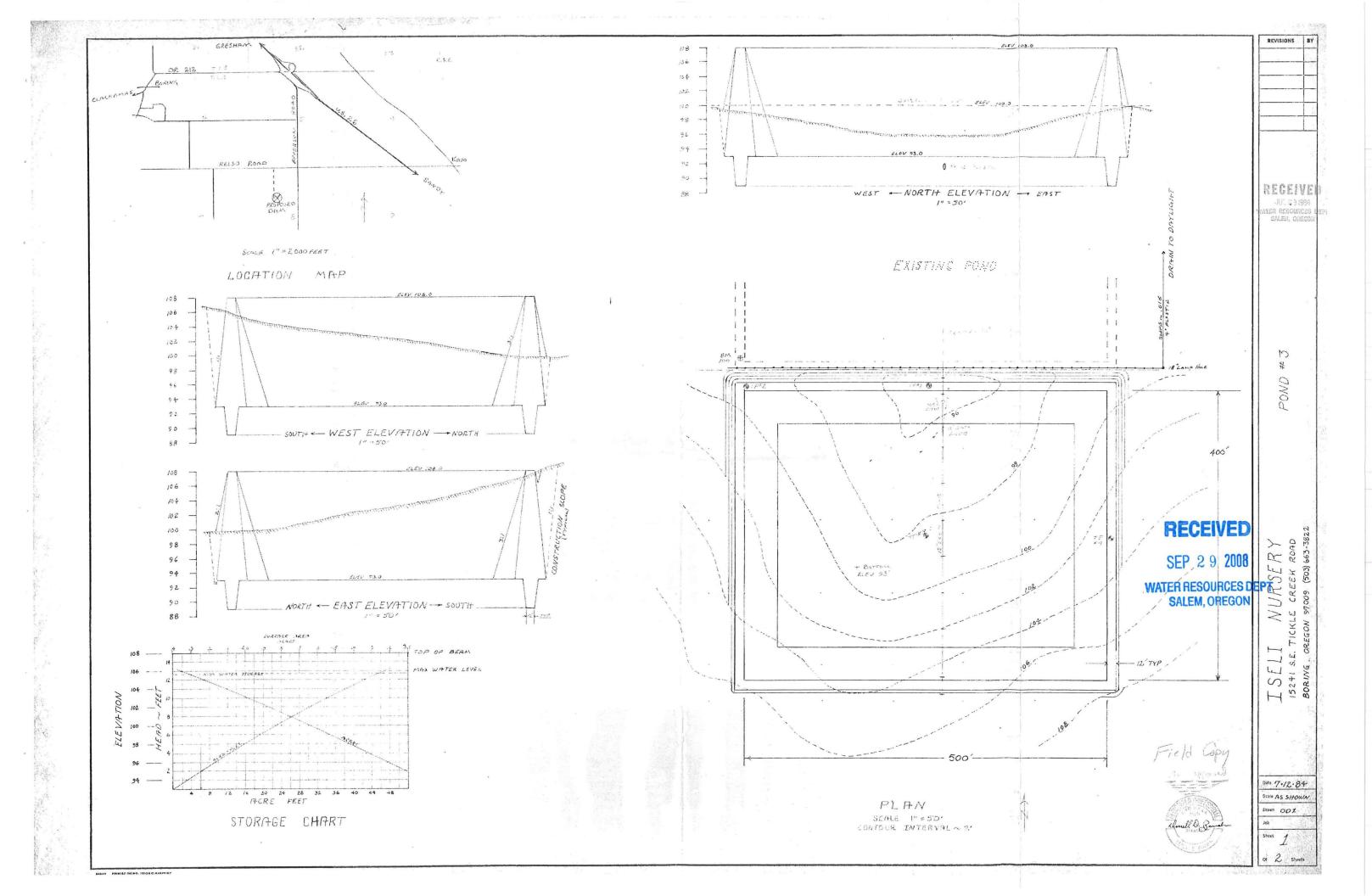
TO THE WATER RESOL	JRCES DIRECTOR OF OR	EGON	O'III O IO
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I, _15e11	Nursery Inc.		SALEM, OREGON
305	90 SE Kelso Re	4.	
LOS LOS PALA	Mailing Address		
San	dy , (	Dregon	97009
	112 - b b	O State	ДР
	No. 48577		
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	19 %, be extended to October 1	STATE OF THE PARTY	
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~213	(If signing to	or a corporation please identify	your title)
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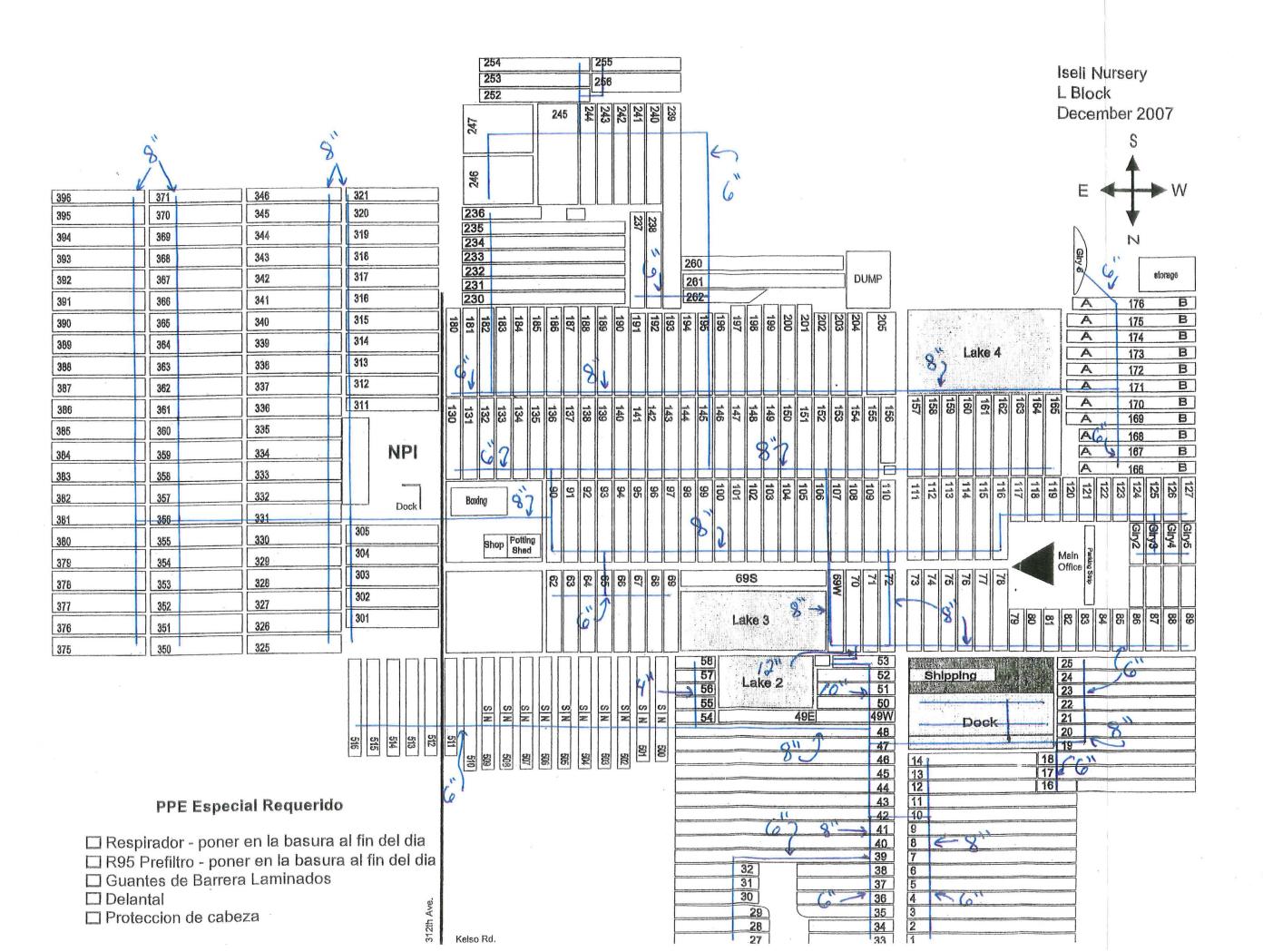
3850 Portland Road N.E. Salem, Oregon 97310







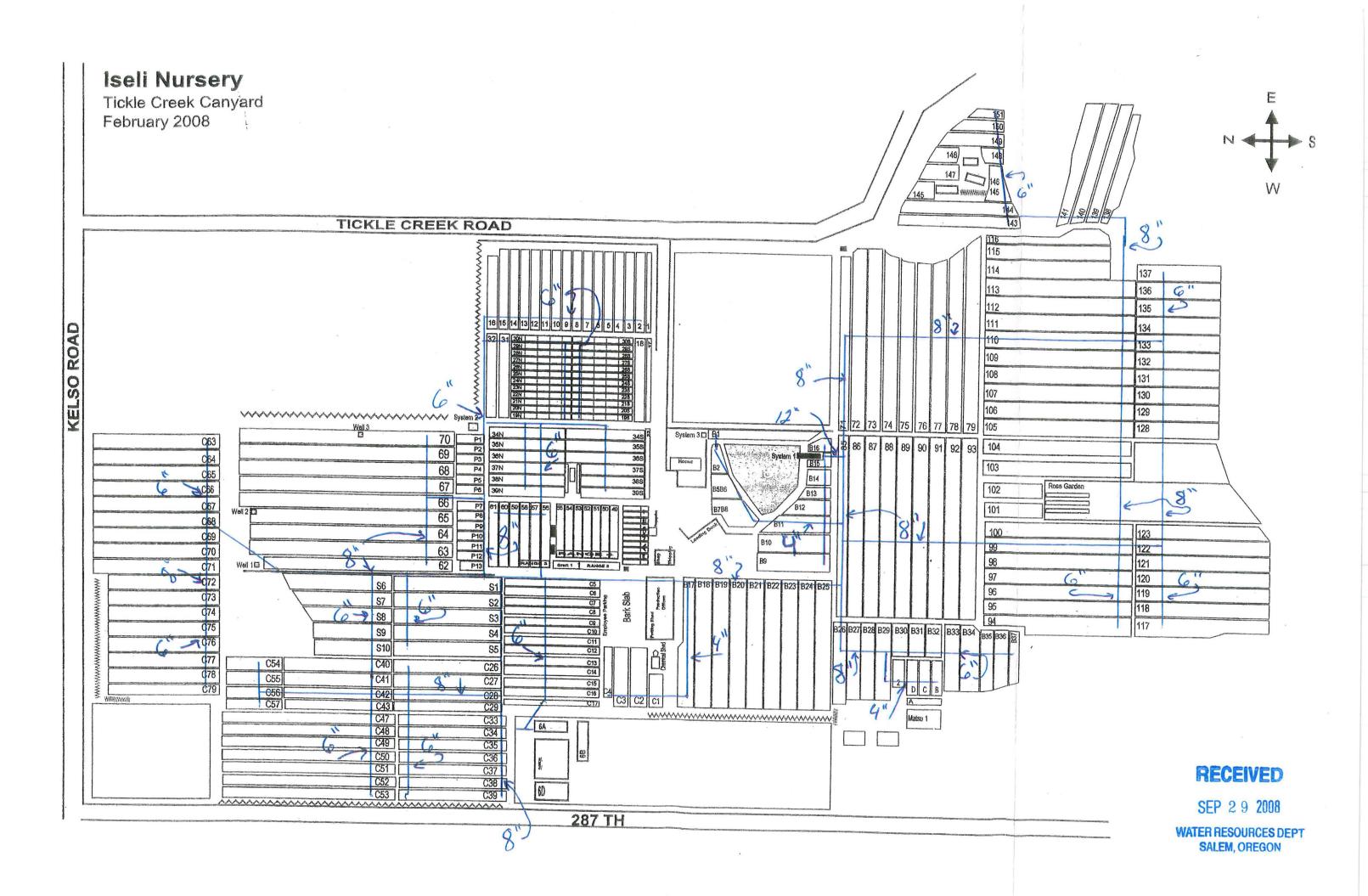




### RECEIVED

SEP 2 9 2008

WATER RESOURCES DEPT
SALEM, OREGON





MILL CREEK OFFICE PARK 555 13th STREET NE. SALEM, OREGON 97310

> Doug Foley Bullivant, Houser and Bailey Attorneys at Law 405 West 13th Vancouver, Washington 98660

ISELI NURSERY INC.

THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

#### DELUXE - FORM NWC-3 V-3

DATE	INVOICE	DESCRIPTION	AMBUNT	DEDUCT	IONS	NET AMOUNT
DATE	NUMBER	#735	AMOUNT	PARTICULARS	AMDUNT	1,160.00
		Application Permit N	No. 6	8024		
V-3						

Suk-3/5/84

Application No. ....

48577

Iseli Nursery, Inc. Address 30590 S.E. Kelso Road, Sandy, OR Assigned Address Beginning construction. Completion of construction OCT 1 Extended to 10-1-87 Complete application of water Extended to

RUN ON; 3/20/81 AT;

NAME: Iseli Nursery WATER RIGHT NO. ACOOG 8034 PERMIT NO. CERTIF. NO. ADDRESS: 30590 SE Kelso Rd SUPER. NO. ORIG. NO. CITY/STATE/ZIP/COUNTY; Sandy, OR97009 STREAM-ID 02 11400230 0130 050 YR.LAST USED----> NEXT ACTION DUE--> LAST TRANS. DATE --> LAST TRANS.TYPE--> PUT TO USE----> PRIORITY----> RECORDING FEE---> 380.00 EXAM. FEE----> 200.00 REPORTED FLAG---> CYCLE STATUS----> CONCURRENCE---> PERMIT ISSUE--> CORRES.INIT. ----> CORRES. DATE----> CERTIFIED----> CONSTR.STRT. --> POINT-OF-DIVERSION DATA; RIV.MI. 02114002360130050 POD 2: 1400' NX 1256'W 0.000 \*\* for Center, 58; Rod 3: 1200's 0.000 \*\* 41250'W fm Center 58; S OR P B .00 see attacked sheet

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#### MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

July 30, 1984

PHONE 378-3066

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.

Simperely,

James W. Carver, Jr. Hearings Supervisor

cc: Clifton R. King, Watermaster

JULY 31, 1984

Iseli Nursery, Inc. 15241 Tickle Creek Boring, OR 97009

68024 and R-68128

48577 and R-9901



### MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

July 3, 1984

PHONE 378-3066

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.

Simperely,

Hearings Supervisor

cc: Clifton King, Watermaster

July 26, 1984

Jean Iseli Iseli Nursery, Inc. 30590 SE Keiso 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 I 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.

Iseli 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

**WJO:wpc** 

enclosures

cc: Clif 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 5 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 Clif 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 seperate wells will serve seperate 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

WJOrwpc ca Clif 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

Iseli Nursery, Incorporated 30590 Southeast Kelso Road Sandy, OR 97009

REFERENCE: File 68024

We have received your application for use of water for supplemental irrigation, related nursery use and container nursery operation along with the supporting data and fees. Our Receipt 41756 is enclosed. Your application has been filed and assigned number 68024.

Applications which are received in proper form for a permit, including maps, supporting data and fees, will be considered for approval 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 project described in the application will be subject to the Water Policy Review Board's Basin Program statements, existing minimum flows and demands of prior rights during periods of low water.

Sincerely.

RALPH H. JACKSON, Supervisor Application/Permit Section

RHJrwpc

enclosure 0003/X 1251C

25 RANGE 4E W. M. SECTION -TOWNSHIP \_ NW s W NE NW SW SE NE NW SW SE NE NW SW SE NE NW SW SE APPLICATION NUMBER PERMIT NUMBER CERTIFICATE NUMBER 106 ac M GR-245 GR-221 2/2 2/2 82 32 tron 800 gpm 250 Mari 65302 05319 G-5559 G-5160 G-10354 G-9426 18 30 150 208 G-11241 irrigation 47 26± G-11241 Related nursery use 25 20° 100 96 3! 282 G-11241 Container nursery oper-208 68024 Suppl. irrig 68024 Related nursery use 264 47 28° 258 20° 68024 Contrine nursicy oper-10° 96 3-

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