

Name Iseli Nursery
 By _____
 Address 30590 SE Kelso Road
Boring, OR 97009

Date filed June 30, 1987
 Priority June 30, 1987
 Action suspended until SUR
 Return to applicant _____
 Date of approval OCT 19 1987

CONSTRUCTION
 Date for beginning OCT 19 1988
 Date for completion OCT 1 1989
 Extended to _____
 Date for application of water OCT 1 1990
 Extended to _____

PROSECUTION OF WORK
 Form "A" filed _____
 Form "B" filed _____
 Form "C" filed 11/6/90

FINAL PROOF
 Blank mailed _____
 Proof received 9/29/2008
 Date certificate issued June 16, 2009

Application No. 69176
 Permit No. 50048
 Certificate No. 85573

Stream Index, Page No. 2-10Z1

SEE FILE R-69175

| FEES PAID | | |
|----------------|---------------|--------------|
| Date | Amount | Receipt No. |
| <u>6-30-87</u> | <u>450.00</u> | <u>52702</u> |
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| FEES REFUNDED | | |
| Date | Amount | Check No. |
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| ASSIGNMENTS | | | | |
|-------------|---------|---------|--------|------|
| Date | To Whom | Address | Volume | Page |
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REMARKS
 Card for B OCT 18 1989
 CARD FOR C OCT 25 1990
128 sent 11/15/90

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. 69176

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Isele Nursery, Inc., the holder of Permit No. 50048
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 1st day of July, 1990

Remarks: _____

IN WITNESS WHEREOF, I have hereunto set my hand this 5 day of November, 1990.

[Signature] VICE PRES Isele Nursery, Inc. 30590SE Kelso Rd. Beavering 97009
(Signature of Applicant) (Address)

RECEIVED

NOV 6 1990

WATER RESOURCES DEPT.
SALM, OREGON

OK
LHN



Oregon

Kate Brown, Governor

Water Resources Department

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

March 24, 2016

Iseli Nursery
30590 SE Kelso Road
Boring, OR 97009

8-69176

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: http://apps.wrd.state.or.us/apps/wr/wrinfo_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





Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

March 24, 2016

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

Registration of Reclaimed Municipal Water Use Acceptance Letter

Retain For Your Records



STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ISELI NURSERY INC.
30590 SE KELSO RD
BORING OR 97009

confirms the right to use the waters of RESERVOIR 4, constructed under Permit R-10837, a tributary of Tickle Creek, for CONTAINERIZED NURSERY STOCK on 200.96 acres.

This right was perfected under Permit 50048. The date of priority is JUNE 30, 1987. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 52.0 ACRE FEET annually of stored water only or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Measured Distances |
|-----|-----|-----|-----|-------|------|-----|---|
| 2 S | 4 E | WM | 8 | NW SW | | | 2140 FEET NORTH & 730 FEET EAST FROM SW CORNER, SECTION 8 |

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

| Twp | Rng | Mer | Sec | Q-Q | GLot | DLC | Acres |
|-----|-----|-----|-----|-------|------|-----|-------|
| 2 S | 4 E | WM | 8 | SW NE | | | 39.10 |
| 2 S | 4 E | WM | 8 | NE NW | | | 13.65 |
| 2 S | 4 E | WM | 8 | NW NW | | | 31.11 |
| 2 S | 4 E | WM | 8 | SW NW | | | 39.56 |
| 2 S | 4 E | WM | 8 | SE NW | | | 35.57 |
| 2 S | 4 E | WM | 8 | NE SW | | | 31.22 |
| 2 S | 4 E | WM | 8 | NW SW | | | 10.75 |

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.

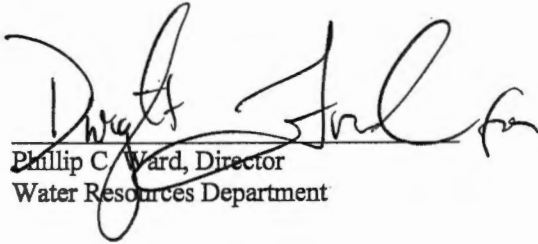
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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.

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 16 2009



Phillip C. Ward, Director
Water Resources Department



Oregon

Theodore R. Kulongoski, Governor

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

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-69176

Permit: 50048

Certificate: 85573

Permit/Certificate Holder:

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

| |
|--|
| <p>Copies Mailed</p> <p>by: <u>Connie Wana</u> (STAFF)</p> <p>on: <u>JUN 16 2009</u> (DATE)</p> |
|--|

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 ✓

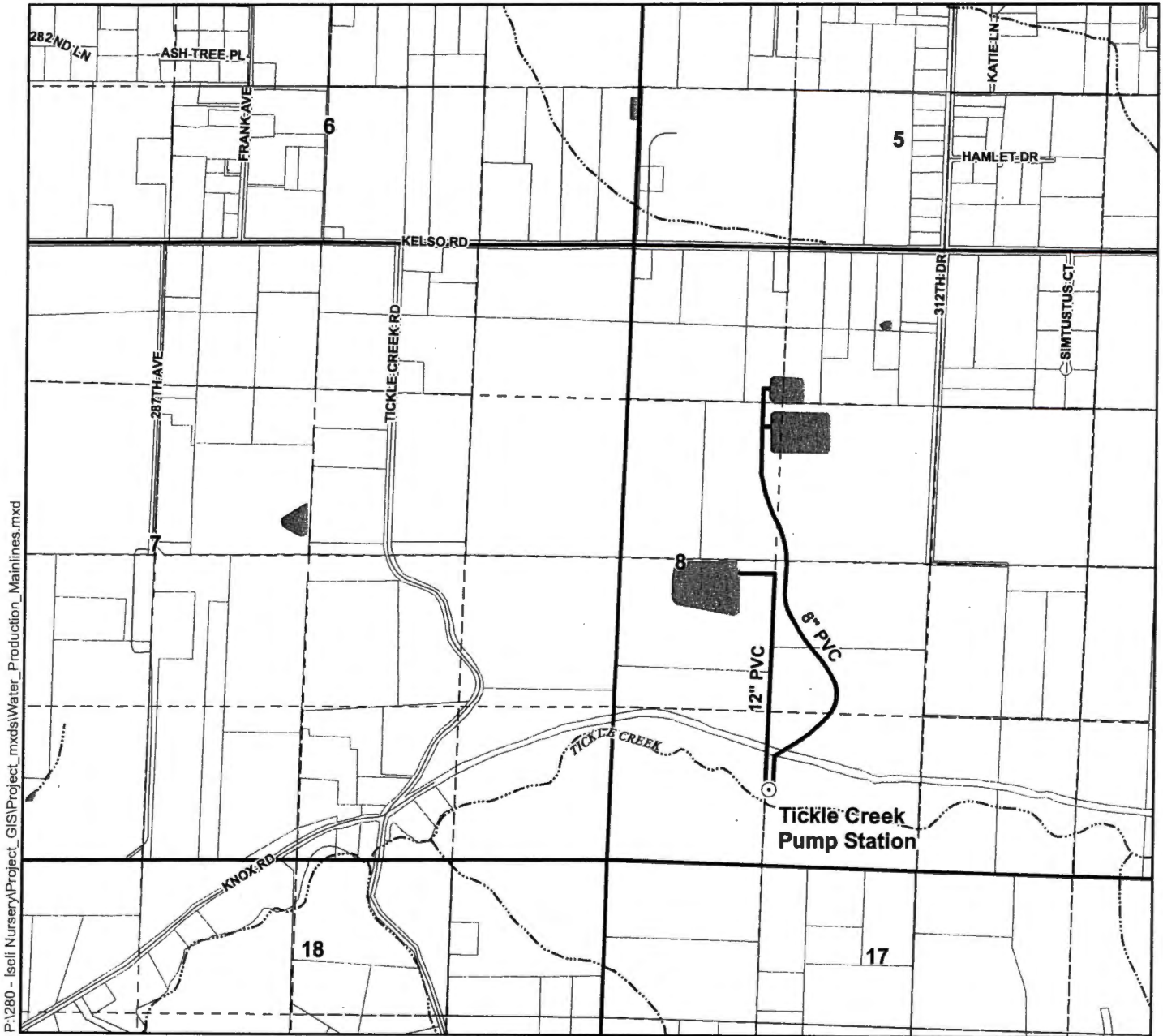
Other persons to receive copies: (include map):

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

Water Production Mainlines

Iseli Nursery, Inc.

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



P:\280 - Iseli Nursery\Project_GIS\Project_mxd\Water_Production_Mainlines.mxd

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.

Data Sources

Clackamas County GIS, Oregon Geospatial Data Clearinghouse

RECEIVED

SEP 29 2008

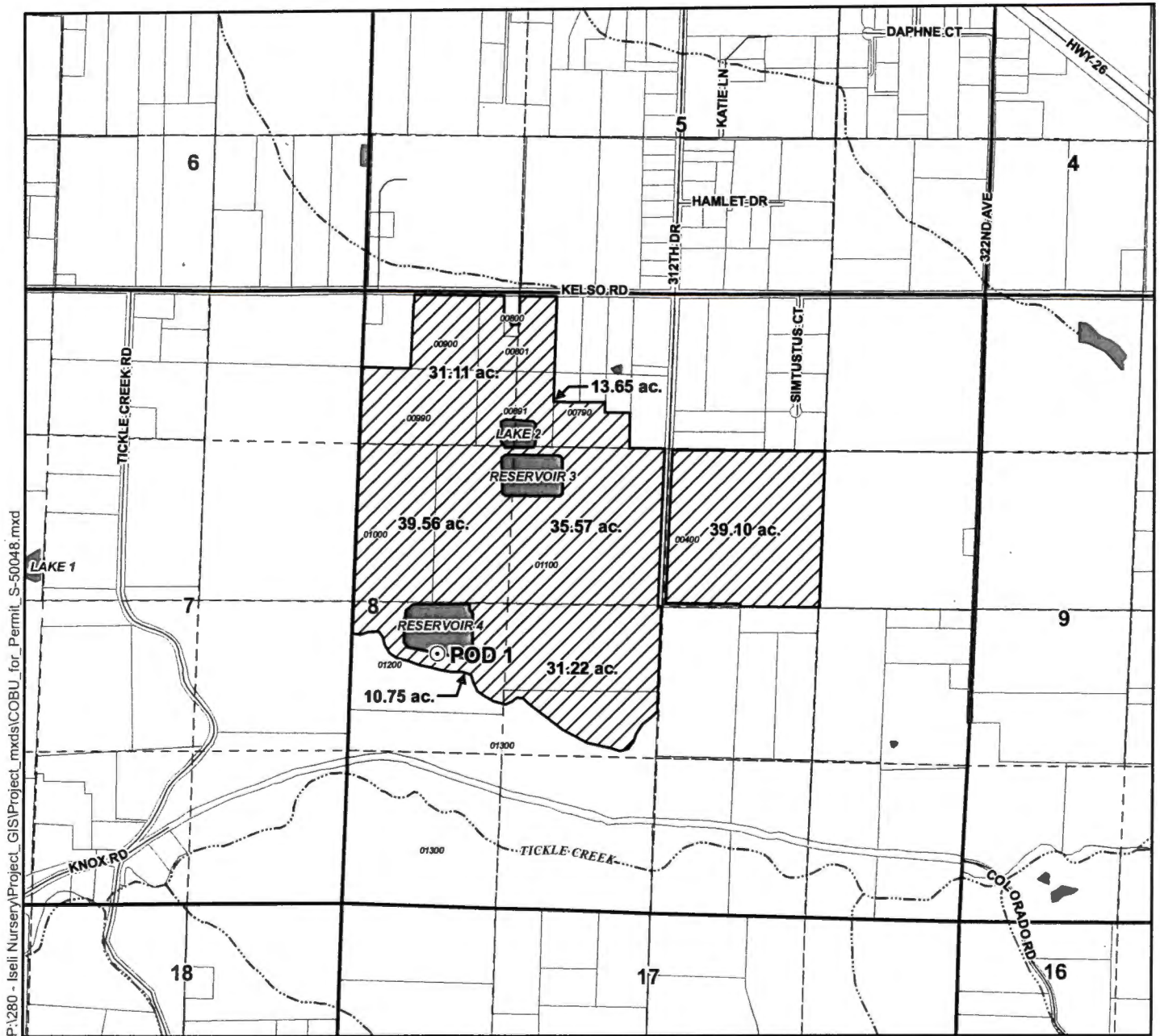
WATER RESOURCES DEPT
 SALEM, OREGON



Scale
 0 660 1,320
 1 inch equals 1,320 feet



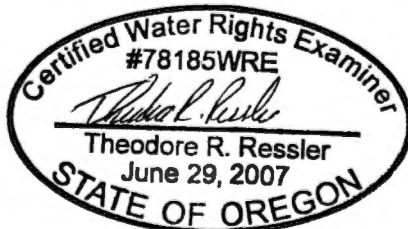
Claim of Beneficial Use Map
 Permit S-50048 (Application S-69176)
 Section 8, Township 2 South, Range 4 East (W.M.)



P:\280 - Iseli Nursery\Project_GIS\Project_mxd\COBU_for_Permit_S-50048.mxd

Legend

- ⊙ Point of Diversion (POD)
- ▨ Place of Use (POU)
- ⊕ Tax Lots
- Roads
- ~ Watercourses
- ☪ Waterbodies



EXPIRES: 12-31-2008

Map Information

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

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Disclaimer

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

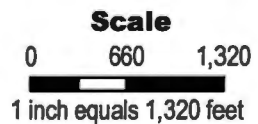
POD Location Description

POD 1
 Located 2,140 feet North and 730 feet East from the SW corner of Section 8, Township 2 South, Range 4 East (W.M.)

RECEIVED

SEP 29 2008

WATER RESOURCES DEPT
 SALEM OREGON



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 COUNTY OF CLACKAMAS
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PROPOSED

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 _____.

PROPOSED

Phillip C. Ward, Director
Water Resources Department



ISELI NURSERY, INC.

30590 SE Kelso Road, Boring, Oregon 97009, (503) 663-3822, (800) 777-6202, FAX: (503) 663-0202

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 09 2009

WATER RESOURCES DEPT
SALEM, OREGON

Mailing List for Certificate

Scheduled Mailing Date:

Application: S-69176

Permit: 50048

Certificate: *****

Permit/Certificate Holder:

I SELI NURSERY INC. ✓
30590 SE KELSO RD
BORING OR 97009

| |
|---|
| <p style="text-align: center;">Copies Mailed</p> <p>by: <u>Connie Vance</u> (STAFF)</p> <p>on: <u>APR 03 2009</u> (DATE)</p> |
|---|

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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 ✓
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Oregon

Theodore R. Kulongoski, Governor

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

MAILED: APR 03 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 proposed certificates 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.

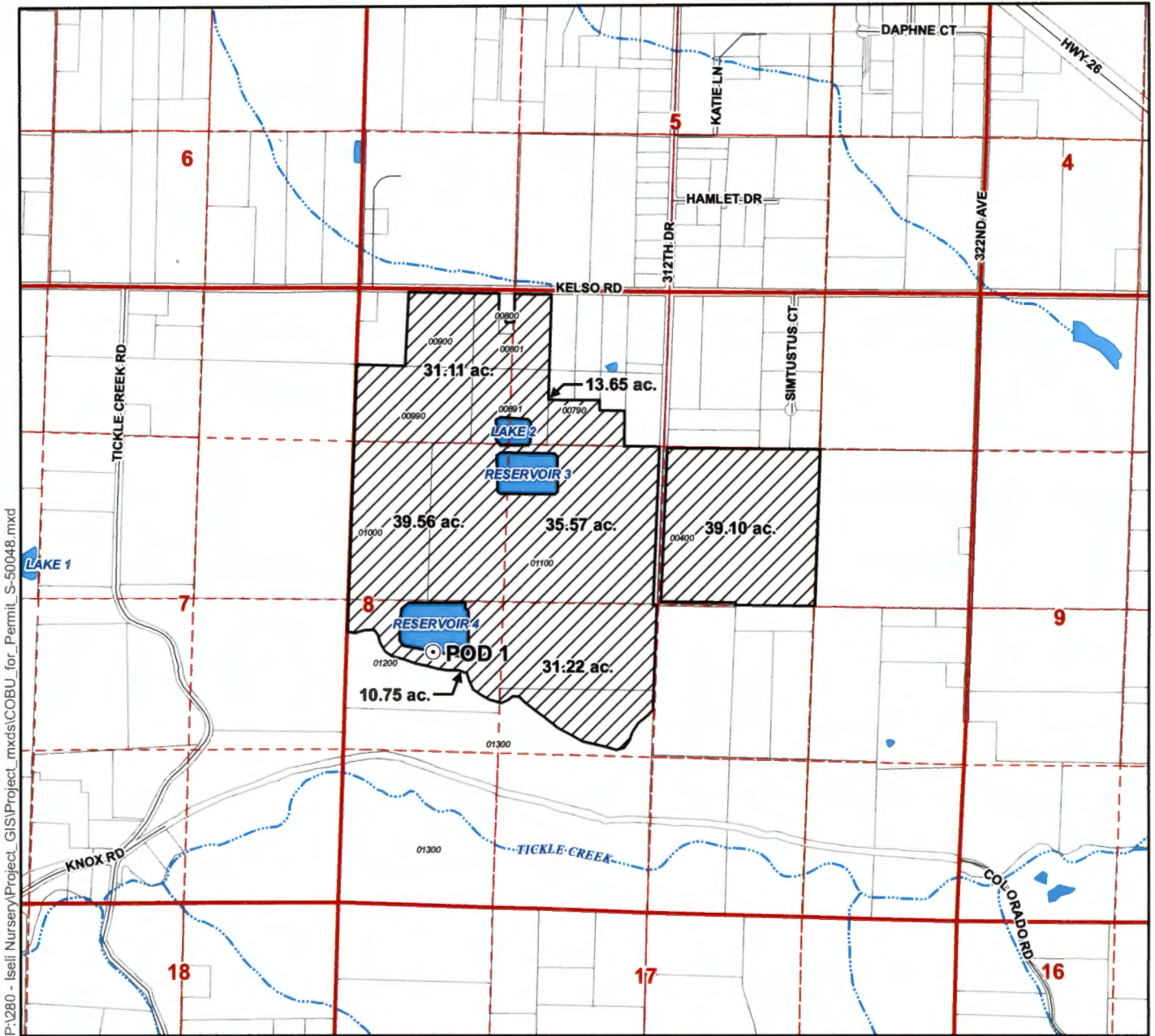
If you agree with the proposed certificates and maps, no response to this notice is required. Sometime after the 60 day period, the recorded certificates of water right will be mailed to the permittee.

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

Sincerely,

Dwight French
Administrator
Water Rights Division

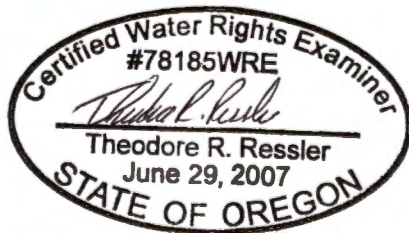
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 Permit S-50048 (Application S-69176)
 Section 8, Township 2 South, Range 4 East (W.M.)



P:\1280 - Iseli Nursery\Project_GIS\Project_mxd\COBU_for_Permit_S-50048.mxd

Legend

- ⊙ Point of Diversion (POD)
- ▨ Place of Use (POU)
- ⊕ Tax Lots
- Roads
- ~ Watercourses
- ☪ Waterbodies



EXPIRES: 12-31-2008

Map Information

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

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POD Location Description

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RECEIVED

SEP 29 2008

WATER RESOURCES DEPT



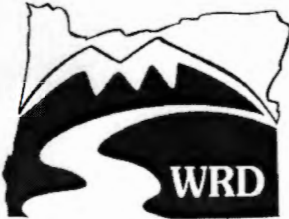
Scale

0 660 1,320
 1 inch equals 1,320 feet



Completion Checklist for CWRE Claims of Beneficial Use

Application # 69176
 Permit # 50048
 Transfer # _____
 Date 3-4-09
 Reviewer [Signature]



| | |
|--|------------------|
| Date Received | <u>9-29-08</u> |
| CWRE Name | <u>T REESLER</u> |
| Claim Logged | _____ |
| File Marked | _____ |
| Oversized Map # | _____ |
| Read the file and attach a copy of the permit or transfer final order. _____ | |

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" = 1320', 1" = 400', 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) *See diagrams*
- N/A* 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)
- System 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)

*See 'D' -
52 AF
See survey*

DEF = deficient
 N/A = Not Applicable

Certificate Issuance Processing Checklist

Map and COBU reviewed
 Conflict check (include copy of plat card printout) Any Conflicts? _____
 Check for ownership

Staff Recommendations:

_____ 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 or 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:

Proposed:

Final:



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,

A handwritten signature in black ink, appearing to read "Theodore Ressler".

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

Cc: Adam Sussman, GSI Water Solutions, Inc.

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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) |
| <i>S-69176</i> | <i>S-50048</i> |

2. Property owner (current owner information)

a. Individuals N/A

b. Businesses/Organizations

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

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 N/A

b. Businesses/Organizations

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

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 site inspections on 5/2/2008 and 6/12/2008. | Facilities-Construction Superintendent |

6. County:

7. Tax Lot Information:

| Tax map number | Tax lot number | |
|-----------------|----------------|-----------------------------|
| 02s04e08 | 900 | |
| 02s04e08 | 801 | |
| 02s04e08 | 800 | |
| 02s04e08 | 790 | |
| 02s04e08 | 990 | |
| 02s04e08 | 891 | |
| 02s04e08 | 1000 | RECEIVED |
| 02s04e08 | 1100 | SEP 29 2008 |
| 02s04e08 | 1200 | |
| 02s04e08 | 1300 | WATER RESOURCES DEPT |
| 02s04e08 | 400 | SALEM, OREGON |

8. 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)):

****Mark "NA" if there are no owners of property not included in this claim**

Permit S-50048 authorized nursery operations on 272.1 acres. Iseli Nursery, Inc. has developed 201 acres of the permitted Place of Use. The remaining 71.1 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.

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 4 is accomplished using three 40 horsepower centrifugal pumps and one 20 Hp centrifugal 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 1 – Reservoir 4 | 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 deepening)

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

| | |
|--------------------|---------------------|
| Source | Tributary to |
| Reservoir 4 | Tickle Creek |

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 |
| NW 1/4 SW 1/4 of Section 8, Township 2 South, Range 4 East (WM) | 2140 feet North and 730 feet East from SW 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 | Container nursery stock | Year round | 103 acre-feet annually |
| Total Quantity of Water | | | <u>103 acre-feet annually</u> |

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

| DLC | Gov lot | 1/4 1/4 | Section | Township | Range | Use | # of primary acres | # of supplemental acres |
|------------|------------|--------------|----------|------------|------------|-----------|--------------------|-------------------------|
| N/A | N/A | SW NE | 8 | 2 S | 4 E | NU | 39.10 | N/A |
| N/A | N/A | NE NW | 8 | 2 S | 4 E | NU | 13.65 | N/A |
| N/A | N/A | NW NW | 8 | 2 S | 4 E | NU | 31.11 | N/A |
| N/A | N/A | SW NW | 8 | 2 S | 4 E | NU | 39.56 | N/A |
| N/A | N/A | SE NW | 8 | 2 S | 4 E | NU | 35.57 | N/A |
| N/A | N/A | NE SW | 8 | 2 S | 4 E | NU | 31.22 | N/A |
| N/A | N/A | NW SW | 8 | 2 S | 4 E | NU | 10.75 | N/A |

Total Acres of Nursery Operations **201 acres**

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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 |
|--|---------------------------------|--------------------------------|
| <i>In-ground pond storage (Lake 1)</i> | <i>980,000 gal (3 ac-ft)</i> | <i>N/A – in ground storage</i> |
| <i>In-ground pond storage (Lake 2)</i> | <i>3,300,000 gal (10 ac-ft)</i> | <i>N/A – in ground storage</i> |

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.

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1. Pump information

**Reservoir 4 Pumps – used to divert water from Reservoir*

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| ID | Brand | Model | Serial Number | Type (centrifugal, turbine or submersible) | Intake size | Discharge size |
|-------------------|----------------|--------------------|------------------|--|-------------|----------------|
| <i>System 6-1</i> | <i>Cornell</i> | <i>2.5YHB-40-2</i> | <i>106110</i> | <i>Centrifugal</i> | <i>3"</i> | <i>2.5"</i> |
| <i>System 6-2</i> | <i>Cornell</i> | <i>2.5YHB-40-2</i> | <i>106112</i> | <i>Centrifugal</i> | <i>3"</i> | <i>2.5"</i> |
| <i>System 6-3</i> | <i>Cornell</i> | <i>2.5YHB-40-2</i> | <i>106111</i> | <i>Centrifugal</i> | <i>3"</i> | <i>2.5"</i> |
| <i>FPI</i> | <i>Goulds</i> | <i>No record</i> | <i>No record</i> | <i>Submersible</i> | <i>4"</i> | <i>4"</i> |

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

| ID | Brand | Model | Serial Number | Type (centrifugal, turbine or submersible) | Intake size | Discharge size |
|-------------------|----------------|----------------------------|--------------------|--|-------------|----------------|
| <i>System 1-1</i> | <i>PACO</i> | <i>10-30955-0A00011901</i> | <i>95B05159</i> | <i>Centrifugal</i> | <i>4"</i> | <i>3"</i> |
| <i>System 1-2</i> | <i>PACO</i> | <i>10-30955-0A00011901</i> | <i>95B05086</i> | <i>Centrifugal</i> | <i>4"</i> | <i>3"</i> |
| <i>System 1-3</i> | <i>PACO</i> | <i>10-30955-0A00011901</i> | <i>95B05085</i> | <i>Centrifugal</i> | <i>4"</i> | <i>3"</i> |
| <i>System 1-4</i> | <i>PACO</i> | <i>10-30955-0A00011901</i> | <i>96B005772</i> | <i>Centrifugal</i> | <i>4"</i> | <i>3"</i> |
| <i>System 1-5</i> | <i>Berkely</i> | <i>B1-1127PLS</i> | <i>M2331</i> | <i>Centrifugal</i> | <i>2"</i> | <i>1.5"</i> |
| <i>System 4-1</i> | <i>Cornell</i> | <i>2.5YHB-50-2</i> | <i>33603</i> | <i>Centrifugal</i> | <i>3"</i> | <i>2.5"</i> |
| <i>System 4-2</i> | <i>Cornell</i> | <i>2.5YHB-50-2</i> | <i>38479</i> | <i>Centrifugal</i> | <i>3"</i> | <i>2.5"</i> |
| <i>System 4-3</i> | <i>Cornell</i> | <i>2.5YNB-50-2</i> | <i>33769</i> | <i>Centrifugal</i> | <i>3"</i> | <i>2.5"</i> |
| <i>System 5-1</i> | <i>Cornell</i> | <i>2.5YHB-50-2</i> | <i>59984</i> | <i>Centrifugal</i> | <i>3"</i> | <i>2.5"</i> |
| <i>System 5-2</i> | <i>Cornell</i> | <i>2.5YHB-50-2</i> | <i>48832</i> | <i>Centrifugal</i> | <i>3"</i> | <i>2.5"</i> |
| <i>System 5-3</i> | <i>Cornell</i> | <i>2.5YHB-50-2</i> | <i>59983</i> | <i>Centrifugal</i> | <i>3"</i> | <i>2.5"</i> |
| <i>System 5-4</i> | <i>PACO</i> | <i>10259510300001851</i> | <i>BIERBP43596</i> | <i>Centrifugal</i> | <i>3"</i> | <i>2.5"</i> |

2. Motor information

**Reservoir 4 Pumps – used to divert water from Reservoir*

| ID | Brand | Model | Horsepower | Max RPM | Voltage |
|----|-------|-------|------------|---------|---------|
|----|-------|-------|------------|---------|---------|

| | | | | | |
|-------------------|----------------|-------------------|-----------|------------------|----------------|
| <i>System 6-1</i> | <i>Super E</i> | <i>A15045D-55</i> | <i>40</i> | <i>3525</i> | <i>230/460</i> |
| <i>System 6-2</i> | <i>Super E</i> | <i>A15045D-55</i> | <i>40</i> | <i>3525</i> | <i>230/460</i> |
| <i>System 6-3</i> | <i>Super E</i> | <i>A15045D-55</i> | <i>40</i> | <i>3525</i> | <i>230/460</i> |
| <i>FPI</i> | <i>Goulds</i> | <i>No record</i> | <i>20</i> | <i>No record</i> | <i>230/460</i> |

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

| ID | Brand | Model | Horsepower | Max RPM | Voltage |
|-------------------|--------------------|-------------------------|------------|-------------|----------------|
| <i>System 1-1</i> | <i>Century</i> | <i>6-323059-01</i> | <i>50</i> | <i>3540</i> | <i>230/460</i> |
| <i>System 1-2</i> | <i>Century</i> | <i>6-323059-01</i> | <i>50</i> | <i>3540</i> | <i>230/460</i> |
| <i>System 1-3</i> | <i>Century</i> | <i>6-323059-01</i> | <i>50</i> | <i>3540</i> | <i>230/460</i> |
| <i>System 1-4</i> | <i>Century</i> | <i>6-323059-01</i> | <i>50</i> | <i>3540</i> | <i>230/460</i> |
| <i>System 1-5</i> | <i>Baldor</i> | <i>JMM33HT</i> | <i>15</i> | <i>3450</i> | <i>230/460</i> |
| <i>System 4-1</i> | <i>Century</i> | <i>6-323059-01</i> | <i>50</i> | <i>3540</i> | <i>230/460</i> |
| <i>System 4-2</i> | <i>Marathon</i> | <i>MA324TTDR7611BNW</i> | <i>50</i> | <i>3550</i> | <i>230/460</i> |
| <i>System 4-3</i> | <i>Marathon</i> | <i>MA324TTDR7611BNW</i> | <i>50</i> | <i>3500</i> | <i>230/460</i> |
| <i>System 5-1</i> | <i>Baldor</i> | <i>42E96X61</i> | <i>50</i> | <i>3550</i> | <i>230/460</i> |
| <i>System 5-2</i> | <i>Marathon</i> | <i>RF324TTDR7611BPW</i> | <i>50</i> | <i>3550</i> | <i>230/460</i> |
| <i>System 5-3</i> | <i>Baldor</i> | <i>42E96X61</i> | <i>50</i> | <i>3550</i> | <i>230/460</i> |
| <i>System 5-4</i> | <i>US Electric</i> | <i>N/A</i> | <i>20</i> | <i>3500</i> | <i>230/460</i> |

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)

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6. Theoretical pump capacity

***Reservoir 4 Pumps – used to divert water from Reservoir 4**

| Pump/Motor | Horsepower | Operating psi | Lift from source to pump *If a well, the water level during pumping (see pump test results) | Lift from pump to place of use | Total pump output | |
|-------------------|------------|---------------|--|--------------------------------|-------------------|-----------------|
| | | | | | (cfs) | (gpm) |
| <i>System 6-1</i> | <i>40</i> | <i>70</i> | <i>0</i> | <i>135</i> | <i>0.89</i> | <i>400</i> |
| <i>System 6-2</i> | <i>40</i> | <i>70</i> | <i>0</i> | <i>135</i> | <i>0.89</i> | <i>400</i> |
| <i>System 6-3</i> | <i>40</i> | <i>70</i> | <i>0</i> | <i>135</i> | <i>0.89</i> | <i>400</i> |
| <i>FPI</i> | <i>20</i> | <i>70</i> | <i>0</i> | <i>135</i> | <i>0.47</i> | <i>213</i> |
| TOTAL | | | | | 3.14 cfs | 1413 gpm |

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

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

| | | | | | | |
|--------------|----|----|---|--------------|------------------|-----------------|
| 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 |
| | | | | TOTAL | 11.88 cfs | 5350 gpm |

* 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.

**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:

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

Conversion factor:

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

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

Reservoir 4 Pumps– used to divert water from Reservoir 4

System 6-1, System 6-2, and System 6-3 – 40 Hp pump:

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

FP1 – 20 Hp pump (submersible):

$$Q_{\text{pump}} = \frac{(20)(7.04)}{[135 + (70*2.31)]} = 0.47 \text{ cfs} = 213 \text{ gpm} *$$

System Pumps – used within the water conveyance and application system

For a 50 Hp pump/motor:

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

For a 40 Hp pump/motor:

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

For a 20 Hp pump/motor:

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

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For a 15 Hp pump/motor:

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

***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 |
|---------------|------------------|--------------|------------------------|--|
| 8-inch | 2371 feet | PVC | Buried | Conveys water from Reservoir 4 to Reservoir 3 or Pond 2 |
| 6-inch | 240 feet | PVC | Buried | Conveys water from Reservoir 4 to Reservoir 3 or Pond 2 |

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

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 for additional information****

10. Sprinkler information Make and model:

| Make | Model | Nozzle Size | Operating psi | Sprinkler output | Maximum number used | Total sprinkler output |
|------------------|---------------|-------------------|---------------|------------------|-----------------------|---|
| Rain Bird | 30 PSH | 1 3/8-inch | 50 | 8.5 gpm | Not determined | 23,285 gpm (total of all nursery beds) |
| K-Rain | KRK2P | #8 | 50 | 8.5 gpm | Not determined | |

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:

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:

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| | Dates from permit or transfer final order | Date accomplished | Description of actions taken by water user to comply with the time limits |
|-------------------------------|---|-------------------|---|
| Begin construction | <i>10/19/1988</i> | <i>10/12/1987</i> | <i>Form A submitted to Department on 11/2/1987</i> |
| Complete construction | <i>10/19/1989</i> | <i>8/1/1988</i> | <i>Date of final inspection of Reservoir 4 by OWRD</i> |
| Complete application of water | <i>10/1/1990</i> | <i>7/1/1990</i> | <i>Form C submitted to Department on 11/6/1990</i> |

2. Initial 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 a through e relating to this section can be deleted.**

- a. Was the water user required to submit an initial static water level measurement? N/A

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? N/A

4. Measurement, recording, and reporting conditions:

- a. Does the permit or transfer final order require the installation of a meter or approved measuring device?
NO

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

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

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 **RECEIVED**

Variations

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

- 1. Point of Diversion.** *The location of the authorized Point of Diversion is slightly different that that stated on the permit; the Point of Diversion is located in the same quarter-quarter, but the distances from the SW corner of Section 8 are slightly different. The location of the Point of Diversion stated in the COBU report and map is the center of the dam of Reservoir 4 as determined from an aerial photograph (2008 Tele Atlas Image).*
- 2. Place of Use.** *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 not exceed that authorized by the permit.*

Attachments

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

| Attachment name | Description |
|---------------------|---|
| Attachment A | Permit S-50048 |
| Attachment B | Claim of Beneficial Use Map |
| Attachment C | Layout of water system mainlines |
| Attachment D | As-built plans for reservoirs |

Permit and Transfer Final Order Rates and System Rates Comparisons:

| POD or POA name or # | Maximum rate allowed by permit or transfer final order | Calculated theoretical rate of water based on system | Actual amount of water measured (if measured) | Developed use | # of acres allowed by permit or transfer final order | # of acres developed |
|----------------------------|--|--|---|--------------------------------|--|-----------------------------|
| POD 1 – Reservoir 4 | 103 acre-feet annually | N/A | Not measured | Container nursery stock | Nursery on 260.1 acres | Nursery on 201 acres |

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.

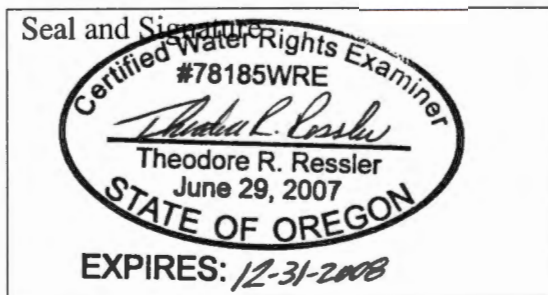
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CWRE Statement, Seal and Signature

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.

 Signature GREG PILCHERT PRES GEM/NURSERY INC Print or type name 8/18/08 Date

Signature Print or type name Date

Attachment A
Permit S-50048
Claim of Beneficial Use for Permit S-50048

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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 69176 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 of 30590 SE Kelso Road, Boring, Oregon 97009, phone 663-3822, for the use of stored water only from Reservoir 4 to be constructed under Application R-69175, Permit R-10837, a tributary of Tickle Creek, for the PURPOSE of Containerized Nursery stock

that the PRIORITY OF THE RIGHT dates from June 30, 1987,

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 100.0 acre-feet annually

The POINT OF DIVERSION is to be LOCATED: 2500 feet North and 1320 feet East from the Southwest corner of Section 8, being within the NE 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:

- Township 2 South, Range 4 East, WM Section 8 SW1/4 NE1/4 40.0 acres CONTAINERIZED NURSERY STOCK
- NE1/4 NW1/4 11.0 acres
- NW1/4 NW1/4 32.6 acres
- SW1/4 NW1/4 37.0 acres
- SE1/4 NW1/4 35.0 acres
- NE1/4 SW1/4 38.0 acres
- NW1/4 SW1/4 38.0 acres
- SW1/4 SW1/4 8.0 acres
- SE1/4 SW1/4 20.0 acres

Actual construction work shall begin on or before October 19, 1988 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 89.

Complete application of the water to the proposed use shall be made on or before October 1, 19 90.

Witness my hand this 19th day of October, 19 87.

/s/WILLIAM H. YOUNG
WATER RESOURCES DIRECTOR

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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.

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Attachment B
Claim of Beneficial Use Map
Claim of Beneficial Use for Permit S-50048

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Claim of Beneficial Use Map

Permit S-50048 (Application S-69176)
Section 8, Township 2 South, Range 4 East (W.M.)

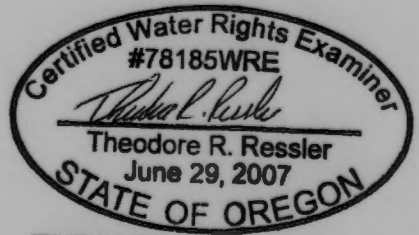


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P:\280 - Iseli Nursery\Project_GIS\Project_mxd\COBU_for_Permit_S-50048.mxd

Legend

- ⊙ Point of Diversion (POD)
- ▨ Place of Use (POU)
- ⊕ Tax Lots
- Roads
- ~ Watercourses
- ☪ Waterbodies



EXPIRES: 12-31-2008

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

Disclaimer

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

POD Location Description

POD 1
Located 2,140 feet North and 730 feet East from the SW corner of Section 8, Township 2 South, Range 4 East (W.M.)

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Scale

0 660 1,320
1 inch equals 1,320 feet



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Attachment C
Layout of Water System Mainlines
Claim of Beneficial Use for Permit S-50048

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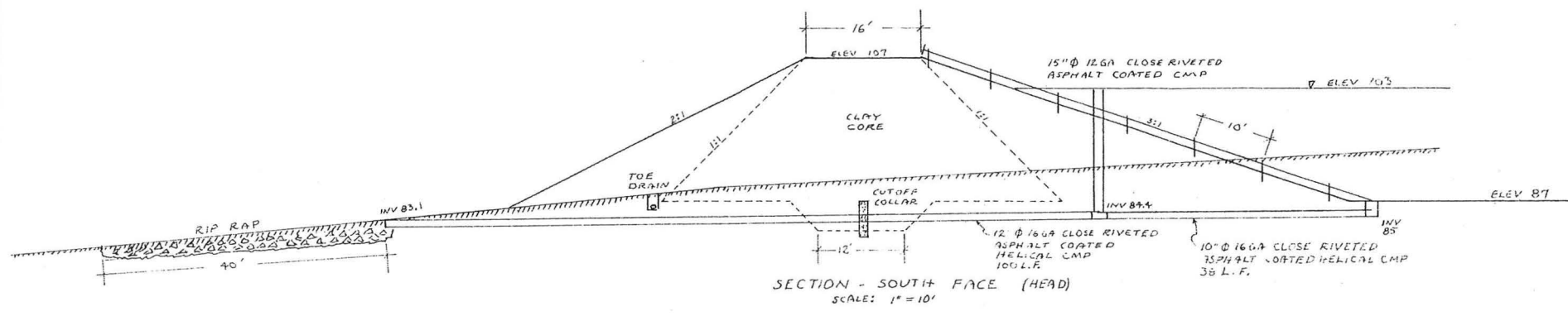
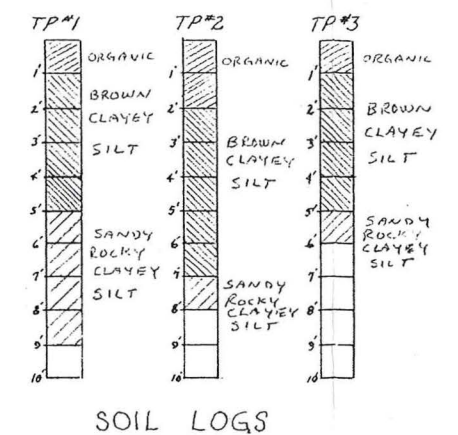
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Attachment D

As-built Plans for Reservoirs
Claim of Beneficial Use for Permit S-50048

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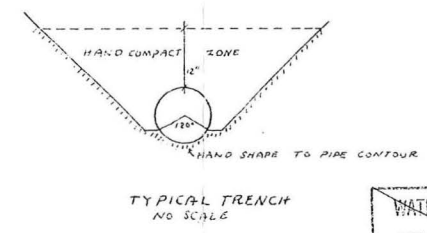
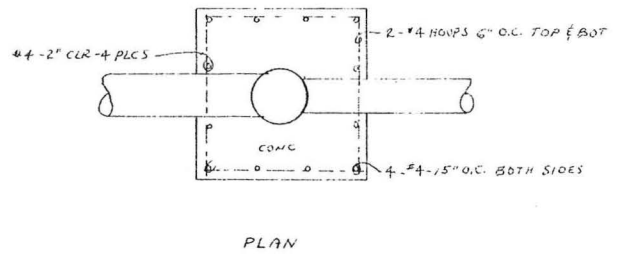
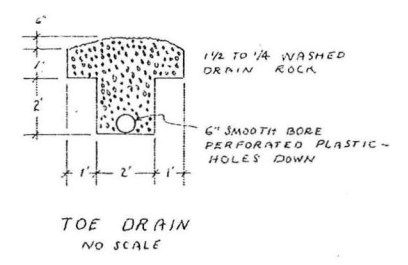
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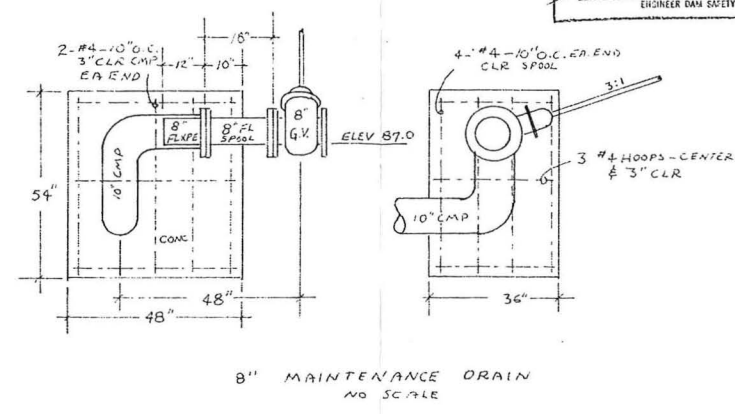
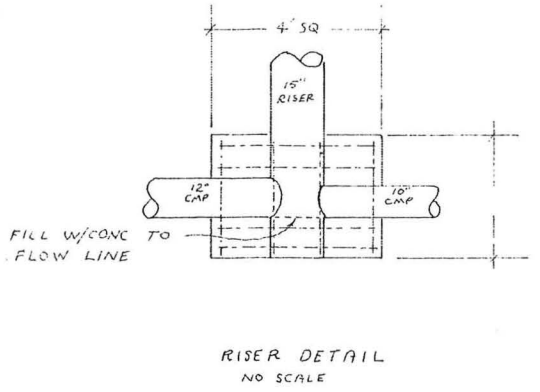
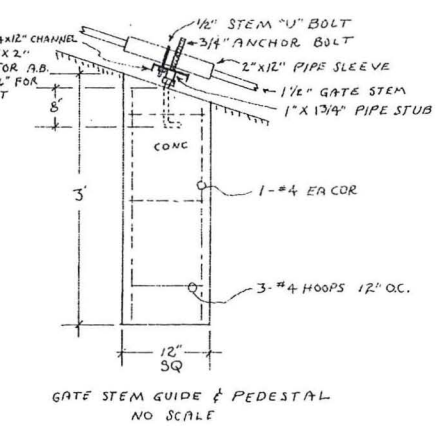
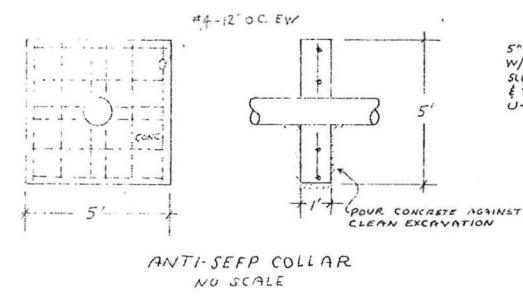
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WATER RESOURCES DEPARTMENT
APPROVED: 8/26 1987
William H. Young
DIRECTOR
Boris J. ...
ENGINEER DAM SAFETY DIVISION

DEPARTMENT OF
WATER RESOURCES
DO NOT SEND OUT



WATER RESOURCES DEPARTMENT
APPROVED: 19...
DIRECTOR
ENGINEER DAM SAFETY DIVISION



POND # 4

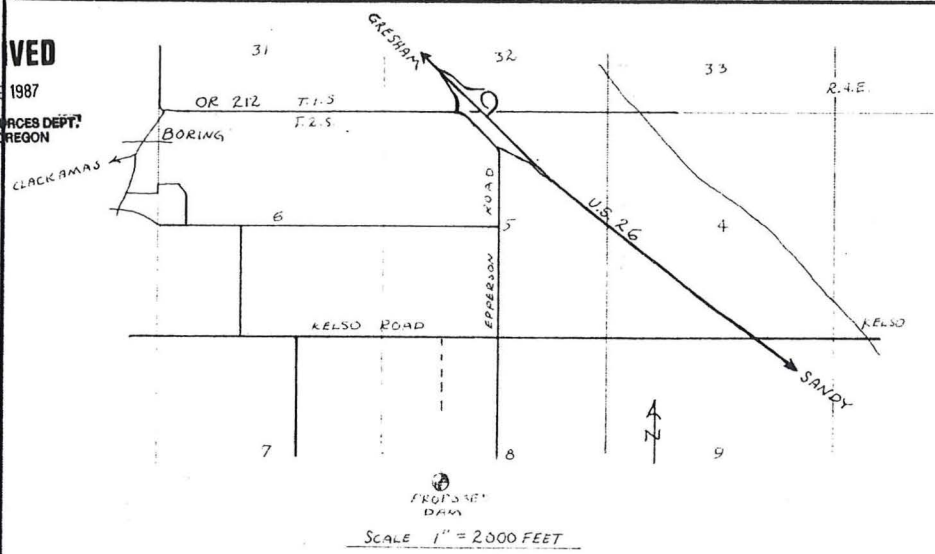
ISELI NURSERY
15241 SE TICKLE CREEK ROAD
BORING, OREGON 97009 (503) 663-3822

Date 1.5.87
Scale AS SHOWN
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Job
Sheet 2
Of 2 Sheets

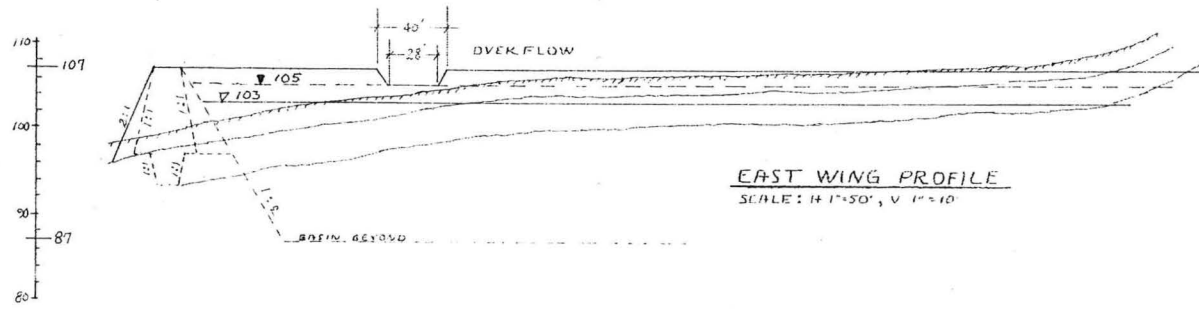


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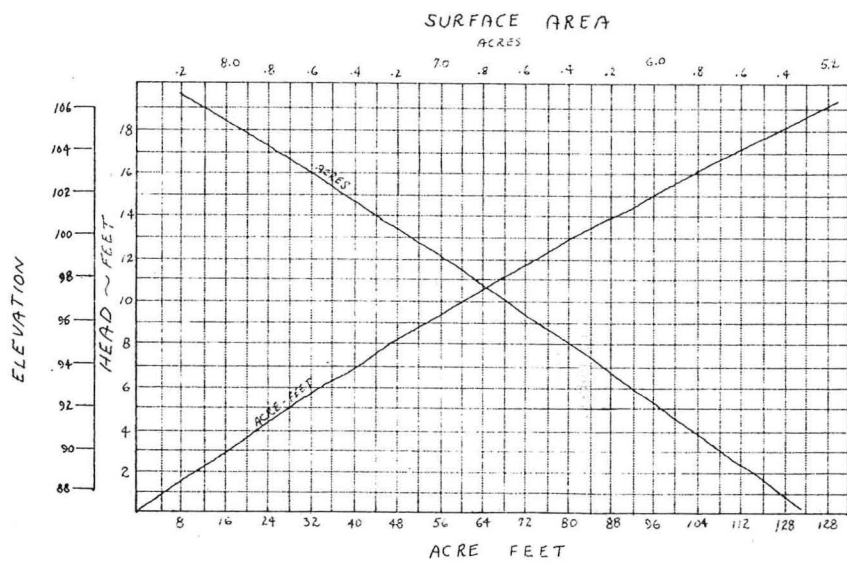
LOCATION MAP



EAST WING PROFILE
SCALE: H 1"=50', V 1"=10'

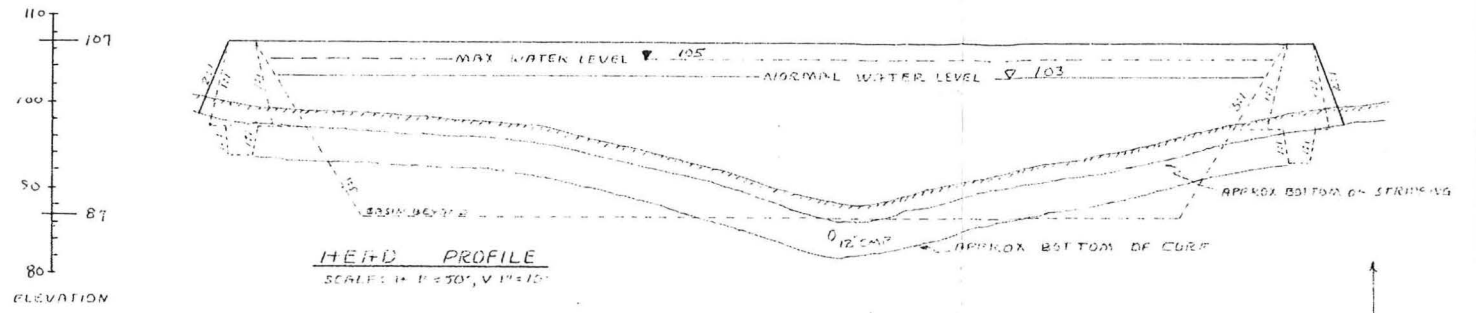


WEST WING PROFILE
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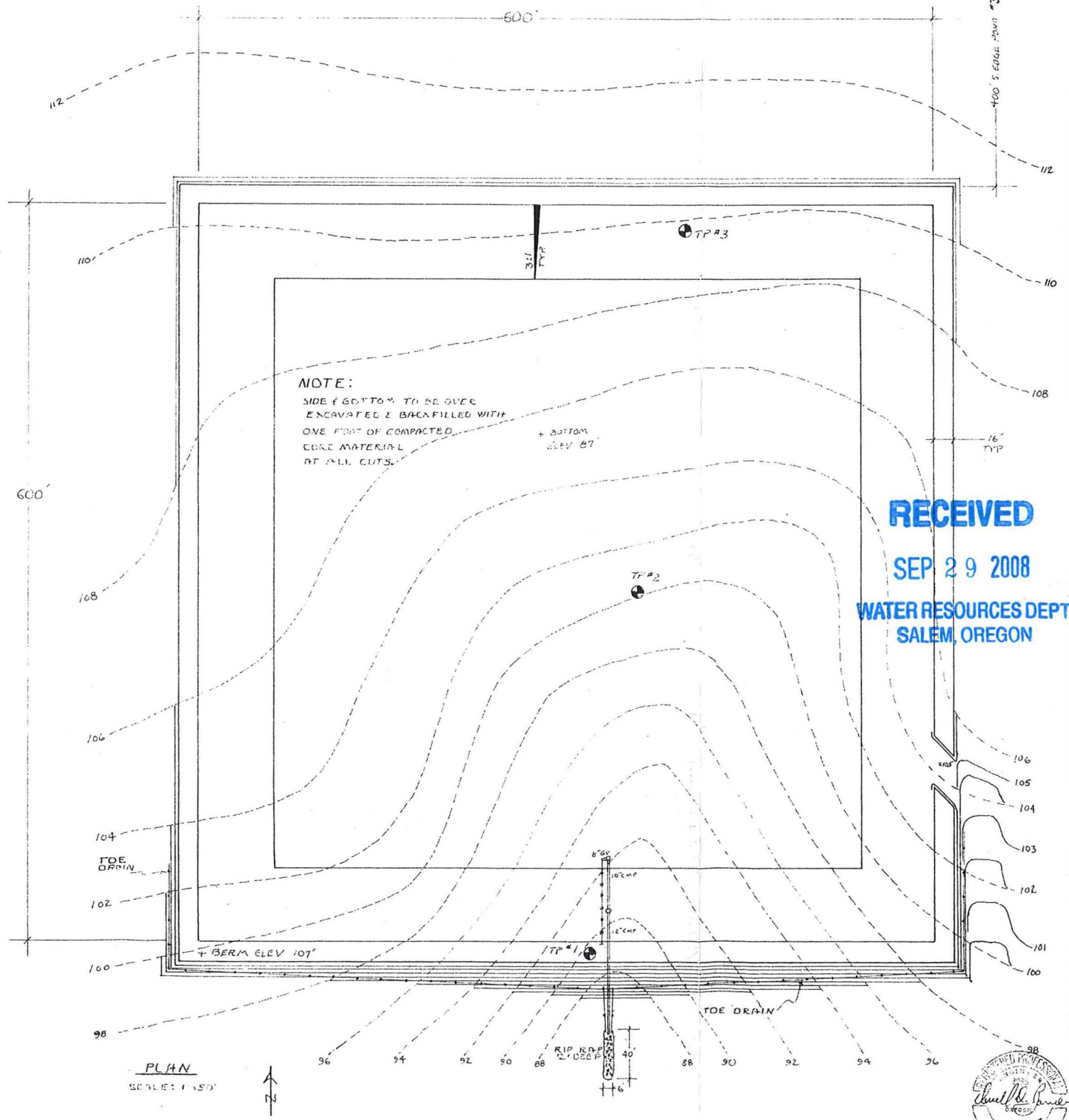


STORAGE CHART

WATER RESOURCES DEPARTMENT
APPROVED: 8/26 19 87
William H. [Signature]
DIRECTOR
ENGINEER DAM SAFETY DIVISION



HEAD PROFILE
SCALE: H 1"=50', V 1"=10'



PLAN
SCALE: H 1"=50'

NOTE:
SIDE & BOTTOM TO BE OVER
ENCAVATED & BACKFILLED WITH
ONE FOOT OF COMPACTED
CORE MATERIAL
AT ALL CUTS.

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SALEM, OREGON

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ISELLI NURSERY
15241 S.E. TICKLE CREEK ROAD
BORING, OREGON 97009 (503) 665-3822

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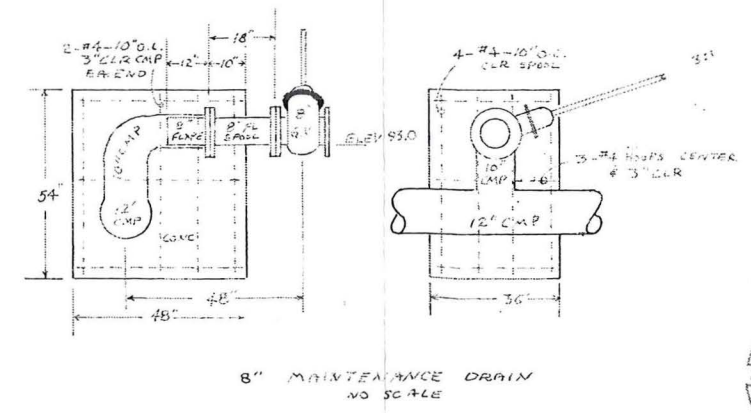
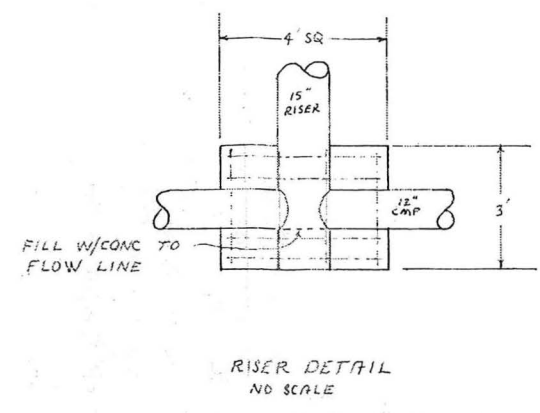
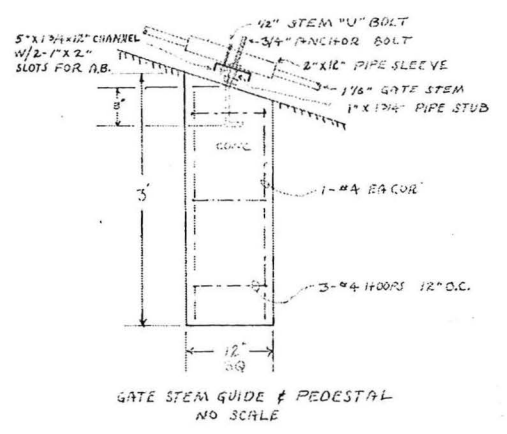
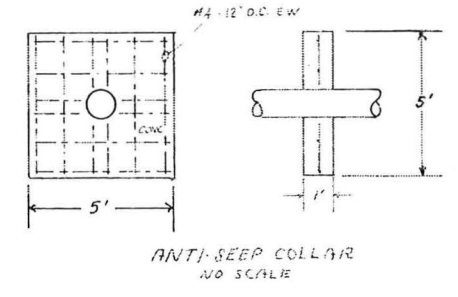
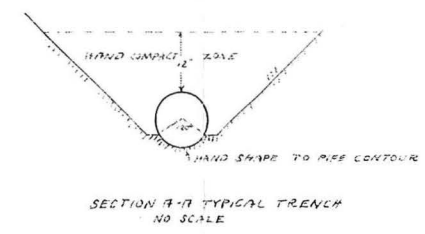
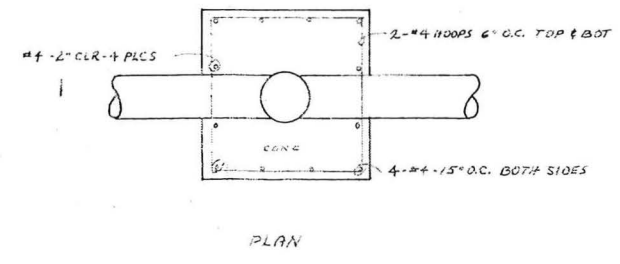
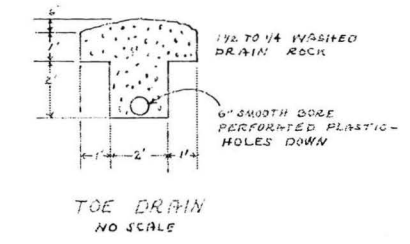
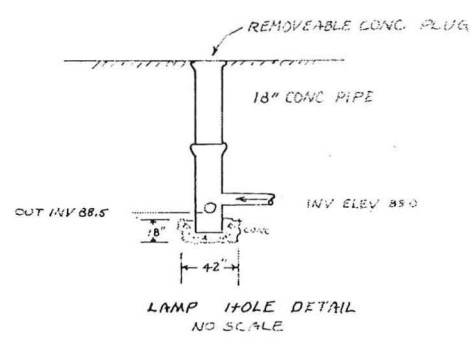
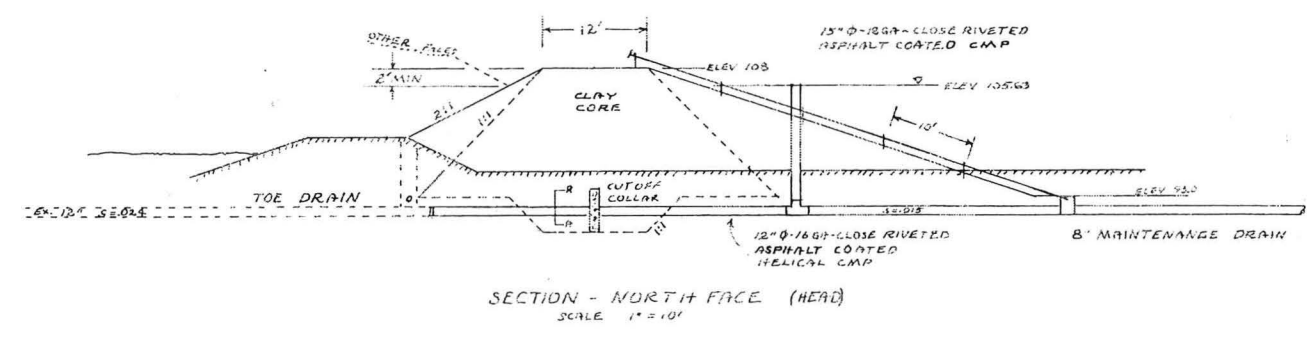
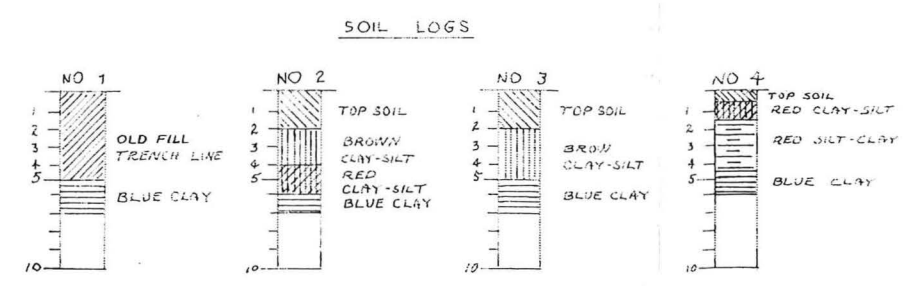
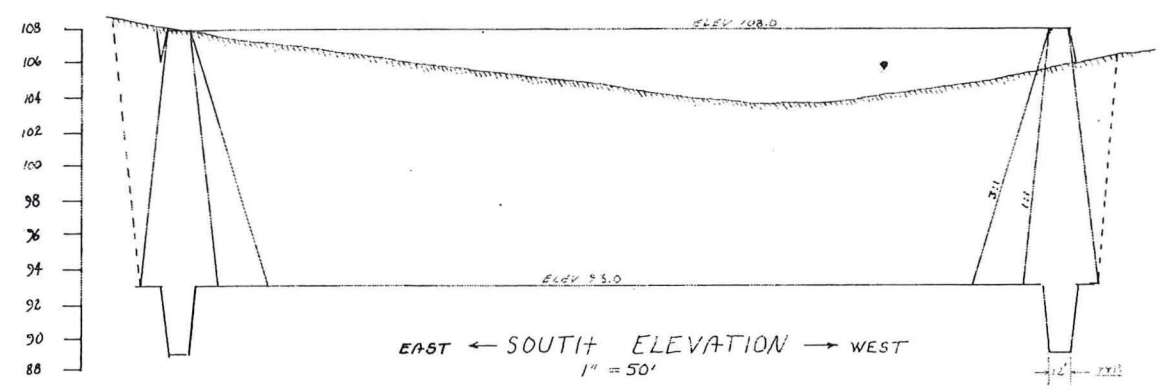
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ISELL NURSERY
 15241 S.E. TICKLE CREEK ROAD
 BORING, OREGON 97009 (503) 663-3822

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DATE 7-12-84
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 OF 2

ISELL NURSERY
 15241 S.E. TICKLE CREEK ROAD
 BORING, OREGON 97009 (503) 663-3822

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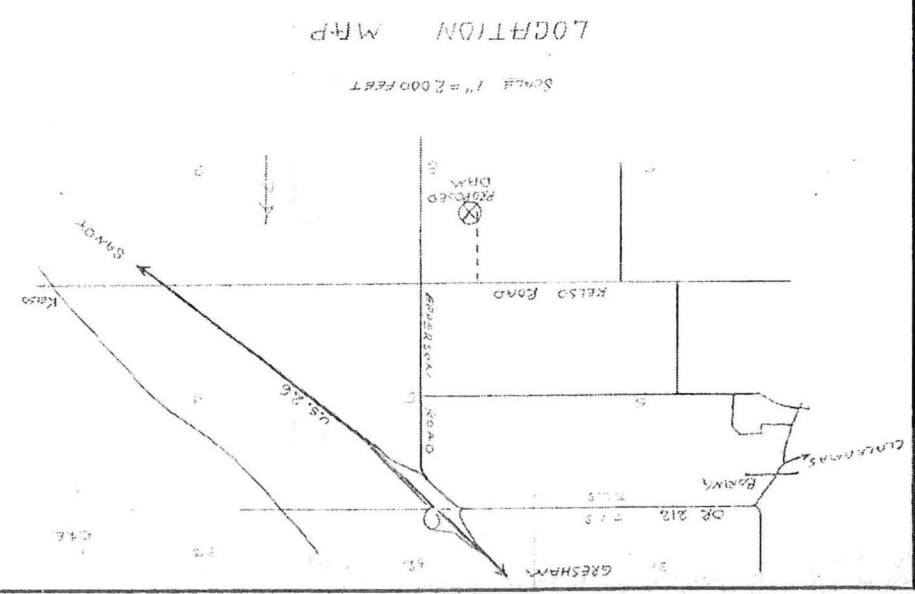
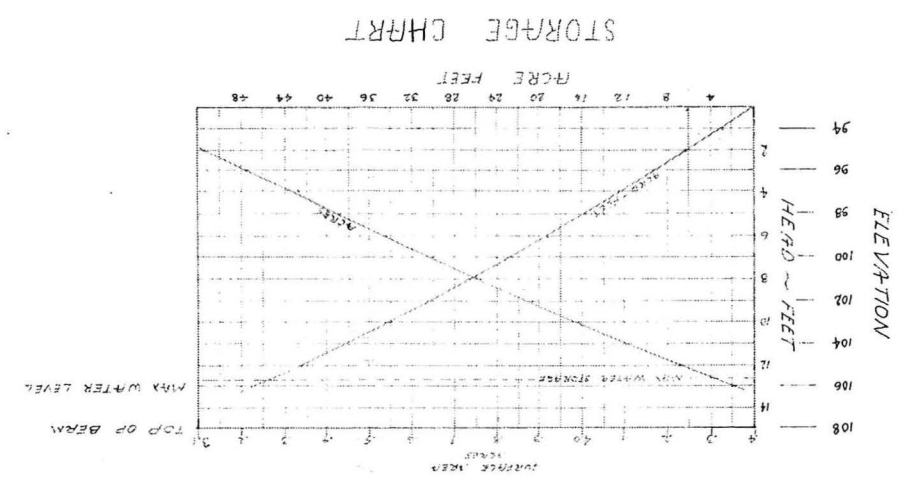
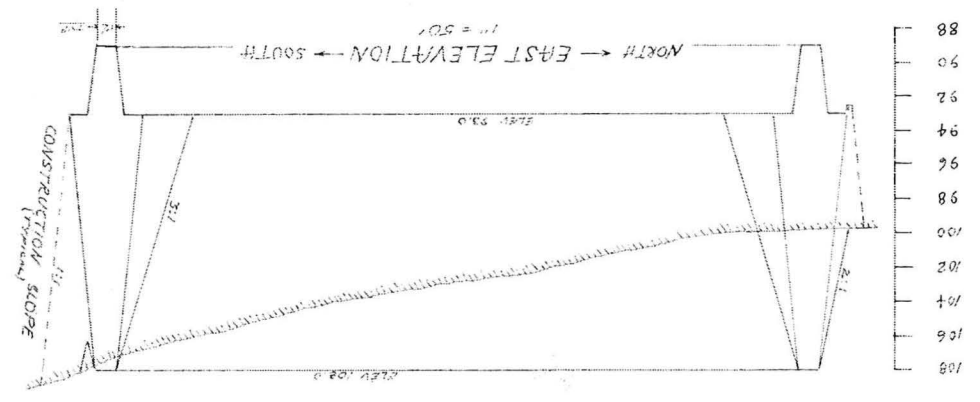
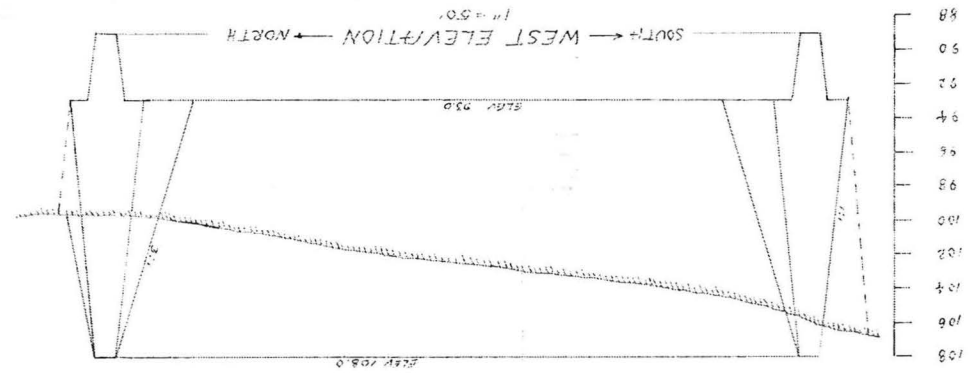
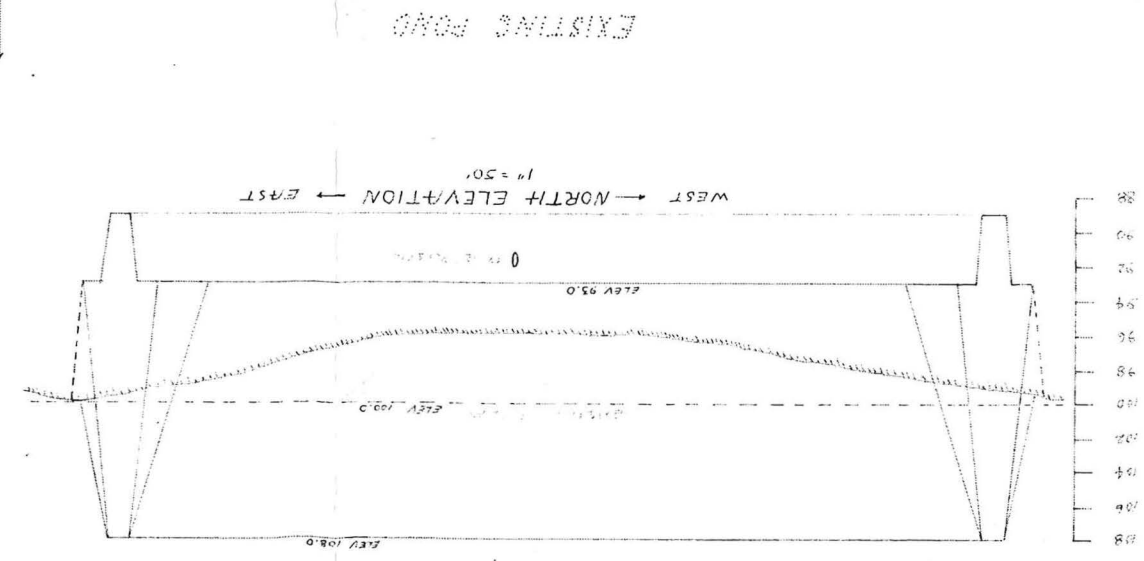
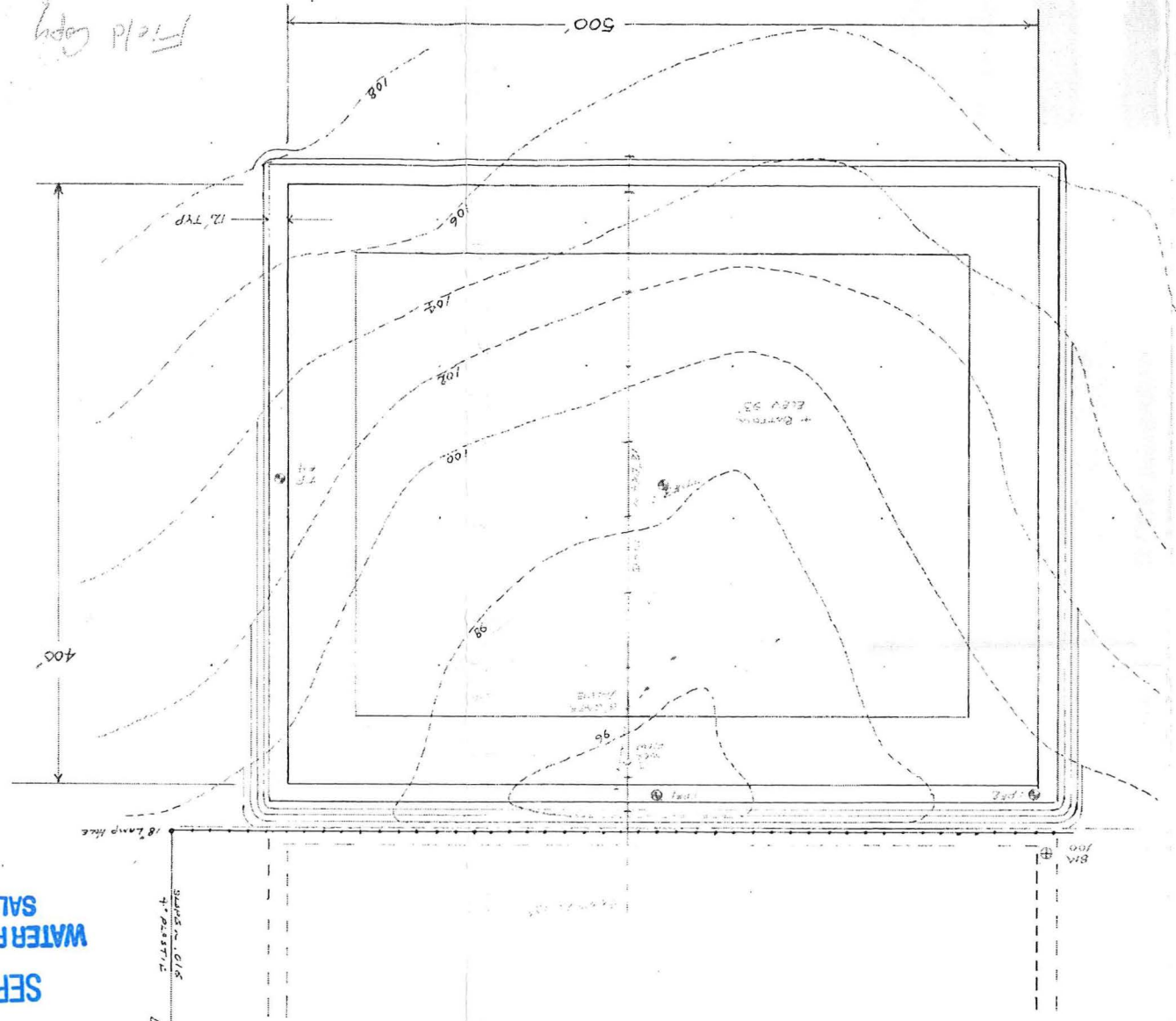
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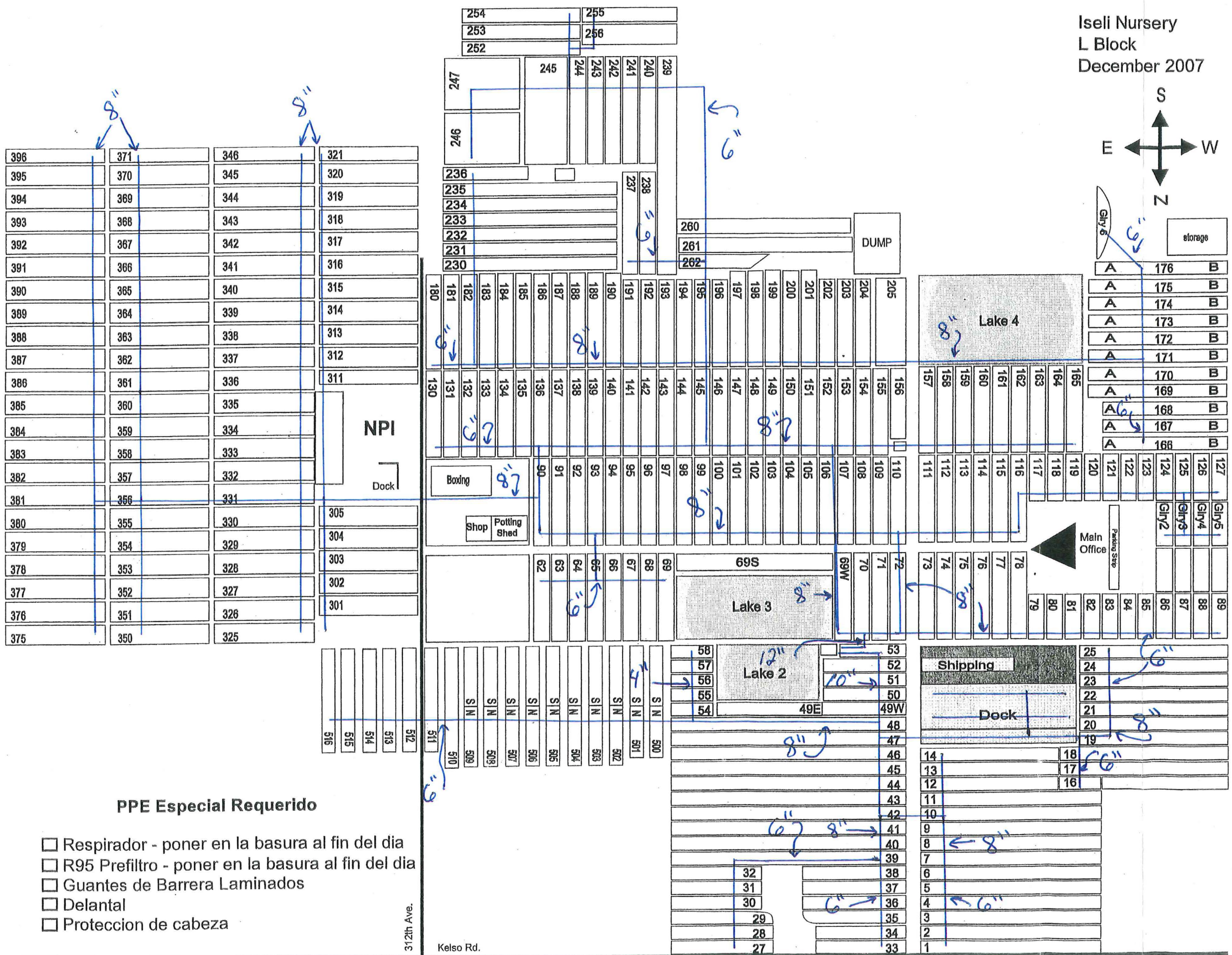
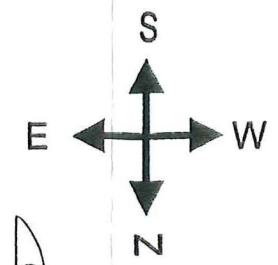


Field Copy

PLAN
 SCALE 1" = 50'
 CONTOUR INTERVAL 2'



Iseli Nursery
L Block
December 2007



PPE Especial Requerido

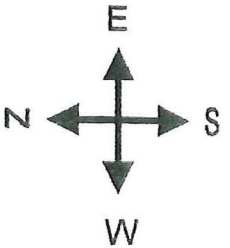
- Respirador - poner en la basura al fin del dia
- R95 Prefiltro - poner en la basura al fin del dia
- Guantes de Barrera Laminados
- Delantal
- Proteccion de cabeza

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312th Ave.

Kelso Rd.

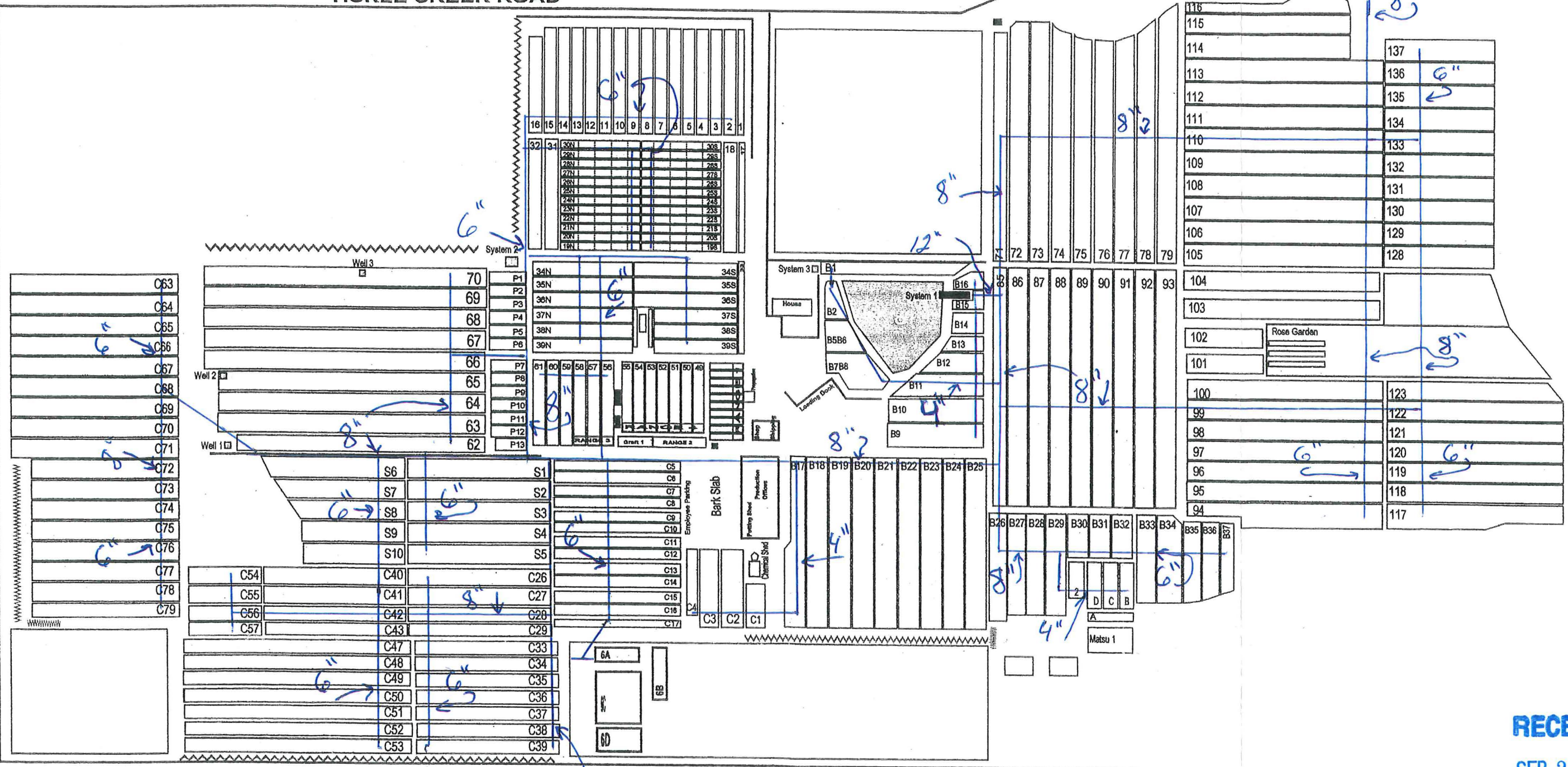
Iseli Nursery
 Tickle Creek Canyon
 February 2008



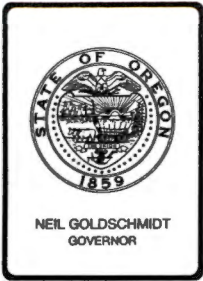
KELSO ROAD

TICKLE CREEK ROAD

287 TH



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Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

November 15, 1990

ISELI NURSERY
30590 SE KELSO ROAD
BORING OR 97009

Reference File: 69176

We have received your notice that complete application of water has been made under permit 50048.

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 Mapping Unit at 378-3739.

wcm

Application No. 69176

Permit No.

STATE OF OREGON WATER RESOURCES DEPARTMENT

Application for Permit to Appropriate Surface Water

RECEIVED

JUN 30 1987

I, Iseli Nursery

(Name of Applicant)

WATER RESOURCES DE
SALEM, OREGON

of 30590 SE Kelso RD, Boring

(Mailing Address)

(City)

State of Oregon Phone No. 663-3822

(Zip Code)

do hereby make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is unnamed Drainage

& Res # 4

a tributary of

Tickle Creek

2. The point of diversion is to be located 2300 ft. N and 1320 ft. E

~~1730~~

(N. or S.)

(E. or W.)

from the SW corner of Sec 8

(Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the NW 1/4 of the SW 1/4 of

Sec. 8 Tp. 2S R. 4E, W. M., in the county of Clackamas

(N. or S.)

(E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

| Township | Range | Section | List 1/4 1/4 of Section | List use and/or number of acres to be irrigated |
|-----------|-----------|----------|-------------------------|--|
| <u>25</u> | <u>4E</u> | <u>8</u> | <u>SW 1/4 NE 1/4</u> | <u>40⁰⁰ Contain. weeviled Nursery stock</u> |
| | | | <u>NE 1/4 NW 1/4</u> | <u>11⁰⁰ "</u> |
| | | | <u>NW 1/4 NW 1/4</u> | <u>32⁰⁰ "</u> |
| | | | <u>SW 1/4 NW 1/4</u> | <u>37⁰⁰ "</u> |
| | | | <u>SE 1/4 NW 1/4</u> | <u>35⁰⁰ "</u> |
| | | | <u>NE 1/4 SW 1/4</u> | <u>38⁰⁰ "</u> |
| | | | <u>NW 1/4 SW 1/4</u> | <u>8⁰⁰ "</u> |
| | | | <u>SW 1/4 SW 1/4</u> | <u>20⁰⁰ "</u> |
| | | | | <u>260.1</u> |

200⁰⁰
100⁰⁰
300⁰⁰

1947E

4. The amount of water which the applicant intends to apply to beneficial use is 100
cubic feet per second 103 ac. ft. stored water only ltr. 9-25-87
(If water is to be used from more than one source, give quantity from each) AWJ

5. The use to which the water is to be applied is Containerized Nursery
stock (supplemental to be made under
Permit # 49577)

6.

DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

50 hp pump to pump
water thru a 8" pipe 800'
From Res # 4 to Res # 3
to be applied to nursery
stock

If for domestic use state number of families to be supplied

7. Construction work will begin on or before 7-15-88

8. Construction work will be completed on or before 5-15-89

9. The water will be completely applied to the proposed use on or before June 1 1989

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES
DIVISION OF WATER RIGHTS
1989 JUN 1 1989
RECEIVED

Application No. 69176

Permit No.

Application No. 69176

Permit No.

Permit to appropriate the Public Waters of the State of Oregon

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

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 1.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from stored water only and Reservoir 4 to be constructed under Application R-69175 Permit

The use to which this water is to be applied is containerized nursery stock

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated.....

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is June 30, 1987

Actual construction work shall begin on or before..... and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

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

.....
Water Resources Director

Remarks:

all Land involved in application is owned by Iseli Nursery

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.

Fred Quayle
Signature of Applicant
Fred Quayle
Facilities Development
Mgr.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for.....

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before, 19.....

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

Water Resources Director

By

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the

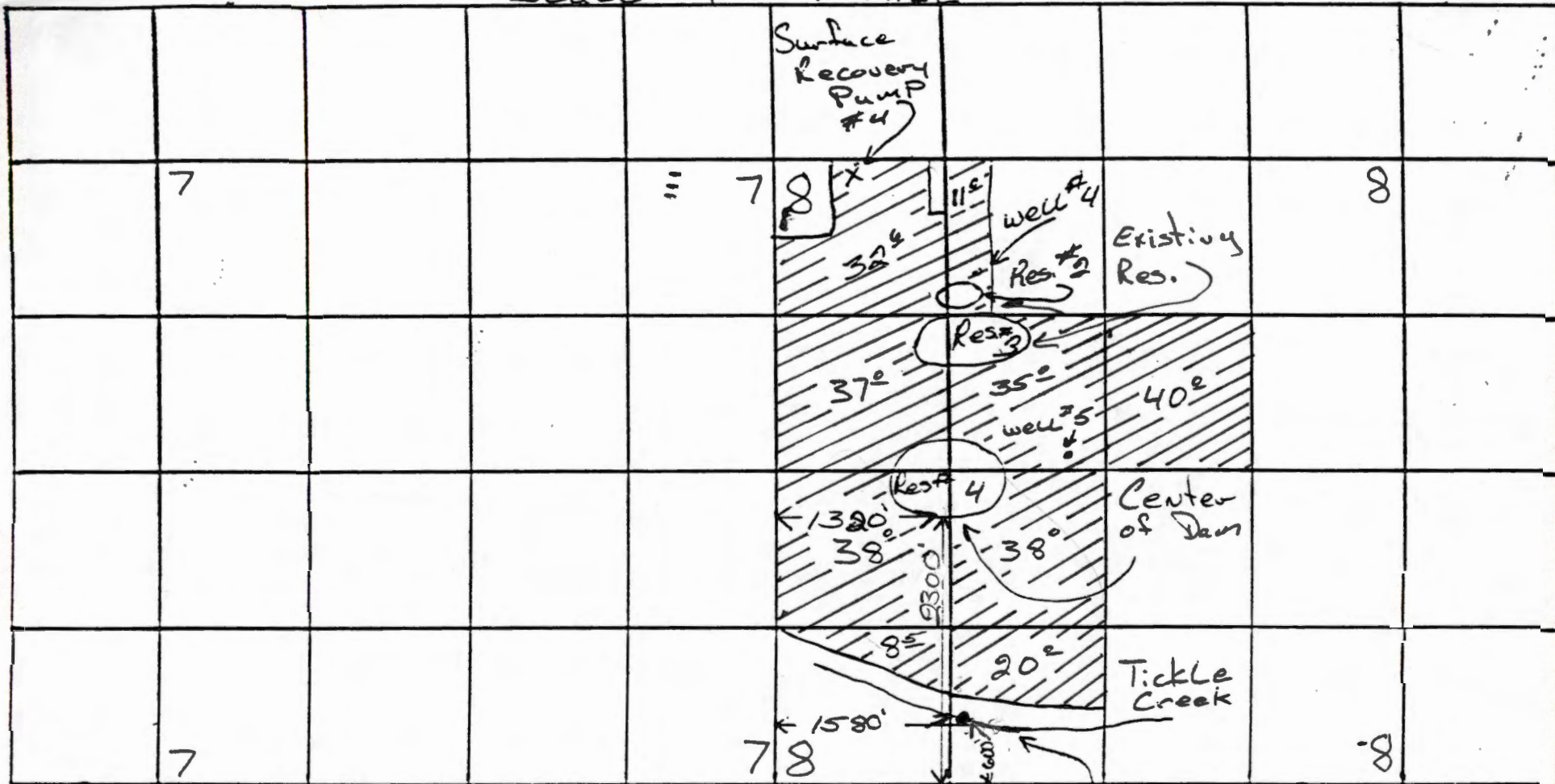
30th day of June, 19 87, at 1:02 o'clock

P.M.

Application No. 69176

Permit No.

1. 25. R. 4 E. W. 11 N.
 Scale 4" = 1 mile



Div. PT Tickle Creek

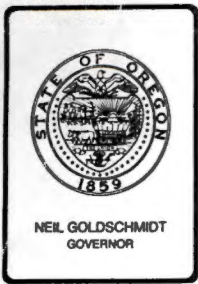
600' N & 1580' E. From S.W. Corner
 Sec. 2 T2E, R4E

Diversion Point

Application No. R-69175 & 69176

Permit No. R10837

50048



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

October 22, 1987

Iseli Nursery
30590 SE Kelso Road
Boring, OR 97009

REFERENCE: Files R-69175 and 69176

ENCLOSED: Permits R-10837 and 50048

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

Your permit has been recorded in this office, but you should hold the original permit as evidence of your water right. If the land is sold, an assignment to the new owner must be recorded in this office. Assignment blanks will be furnished upon request.

The permit fixes time limits for beginning of construction, completion of construction and complete application of water to beneficial use. The law requires that you begin actual construction within one year from the date of issuance of the permit or your right will be lost. The Water Resources Director is authorized to extend the time for completion of construction and for complete application of water upon proper showing, but has no authority to extend the time limit for beginning of construction.

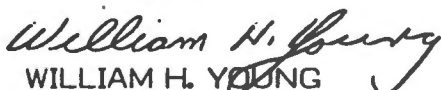
Forms A, B and C may be attached for submitting (A) Notice of Beginning of Construction, (B) Notice of Completion of Construction and (C) Notice of Complete Application of Water. If your application has stated that construction has already been started, or that construction work is completed, or that complete application of water has been made, only the required forms will be attached.

If your project will require only a portable pumping plant and pipelines, the acquisition of such equipment will be considered construction.

When complete application of water has been made, Form C should be submitted as the first step in proof of appropriation. When proof satisfactory to the Water Resources Director has been made, the right will be confirmed by issuance of a certificate. The certificate will limit the right to the extent that water has been applied to beneficial use in accordance with the terms of the permit.

The late summer flow in nearly all streams is required to satisfy existing rights. Your permit grants a right to use water only when there is a surplus in the source involved over and above that required to satisfy prior rights.

Sincerely,


WILLIAM H. YOUNG
Director

WHY:wpc
enclosures
0032B/2



30590 S.E. Kelso Road
Boring, Oregon 97009
(503) 663-3822

RECEIVED
SEP 25 1987
WATER RESOURCES DEPT
SALEM OREGON

September 24, 1987

Larry Jebusic
State of Oregon Water Resources Department
3850 Portland Road, N. E.
Salem, Oregon 97310


Re: Iseli Nursery, Inc.
Application #69176
for appropriation of water

Dear Mr. Jebusic:

Please revise our application, page 2 line #4 from 1 cfs to 103 acre feet
stored water only.

Sorry for the inconvenience.

Sincerely yours



Greg Pilcher
Vice President

GP:cb

INTRA-DEPARTMENT

DATE: 7/22/87
TO: Massey - Clackamas
FROM: Louis Fredd
SUBJECT: Water Right Application Number 69176

Please review the enclosed notice of applications for water appropriation permits. Advise me of any potential conflicts between the proposed use and fish and wildlife.

No Comments:

Comments: COUPLED WITH AN EXISTING WATER RIGHT (65054) OF 2.6 CFS, THIS APPLICANT COULD CERTAINLY VIOLATE MINIMUM STREAMFLOWS ON TICKLE CREEK. WE ARE CONCERNED ABOUT THE ADDITIONAL PUMPING (1.00 CFS) DURING LOW FLOW PERIODS. THESE PEOPLE HAVE THE CAPABILITY OF PUMPING AND STORING THE WATER. OUR PREFERENCE WOULD BE FOR THEM TO PUMP WATER PRIOR TO THE LOW FLOW PERIOD TO AVOID PROBLEMS. A 4 CFS IS THE MINIMUM PERENNIAL STREAMFLOW LISTED FOR TICKLE CREEK.

RECEIVED

AUG 03 1987

**OREGON FISH & WILDLIFE
HEADQUARTERS**





Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

July 14, 1987

Iseli Nursery
30590 SE Kelso Road
Boring OR 97009

REFERENCE: Files R-69175 and 69176

We have received your applications for use of water for containerized nursery stock along with the supporting data and fees. Your applications have been filed and assigned numbers R-69175 and 69176.

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 applications are approved, the projects described in the applications will be subject to the Water Resources Commission's Basin Program statements, existing minimum flows and demands of prior rights during periods of low water.

Sincerely,

RALPH H. JACKSON
Application/Permit Section

RHJrwp

0003/X
0709E



Water Resources Department

3850 PORTLAND ROAD NE
SALEM, OREGON 97310

ISELI NURSERY
30590 SE KELSO ROAD
BORING, OR 97709

NOTICE OF BEGINNING OF CONSTRUCTION

I, Iseli Nursery, the holder of Permit No. 50048

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 12th day of Oct., 1987.

Remarks: Digging Core trench - cut off trench,

The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as

TV emergency spill way - Filling in Core
trench with suitable material (over)
authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of Oct, 1987

fred Quagle (Iseli Nurs)
(Signature of Applicant)

30590 Kelso Boring
(Address)

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

RECEIVED

WATER RESOURCES DEPT
SALEM, OREGON
12 1987

OK
JPA

We are using (2) 12 yds scrapers
(1) grader (1) water truck and (1) sheeps foot

Denell D. Zanders, a registered engineer
is supervising construction plus Com-
paction tests - we also installed toe
drain

WATER RESOURCES DEPT.
3850 PORTLAND ROAD N.E.
SALEM, OREGON 97310

OCT 30 1990



RECEIVED

NOV - 6 1990

WATER RESOURCES DEPT.
SALEM, OREGON

Yeg

Iseli Nursery
30590 SE Kelso Road
Boring, Oregon 97009



C

STATE OF OREGON
Office of the Water Resources Director
Salem, Oregon 97310

According to the terms of Permit No. 50048, the water should have been completely applied to the proposed use on or before October 1, 1990. A blank (Form C) upon which to notify this office of the complete application of water to the proposed use is attached to your permit. If the water was so applied, or all you intend to develop, you should promptly fill out and file this notice. If all the water has not been applied and you intend to fully utilize the same, an application for extension of time should be made. If you have abandoned the development, notice to this effect with authority to cancel the permit would be greatly appreciated.

SWR

SEE R-69175

Application No. 69176
Permit No. 50048

6-30-87

Name Iseli Nursery

Address 30590 SE Kelso Rd., Boring, OR 97009

Assigned

Address

Beginning construction OCT 19 1988

Completion of construction OCT 1 1989

Extended to

Complete application of water OCT 1 1990

Extended to