

Application No. R 86099 ALT

Permit No. R 14141

Certificate No. 93038

FEEES PAID

Date	Amount	Receipt No.
1-5-05	180.00	72130

Cert. Fee

FEEES REFUNDED

Date	Amount	Receipt No.

Name R-86099
 By DAN NELSON
HANS NELSON AND SONS NURSERY INC.
 Address 31020 SE WAYBILL RD
BORING OR 97009-9427

Priority _____
 County _____ WM# _____

RELATED FILES

ASSIGNMENTS

Date	To Whom	Address

DEVELOPMENT

Date

Completion _____

Extended to _____

Final Proof received 11/15/2005

Proposed Cert. Mailed 6.22.2018

REMARKS

MAP LOCATION

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-86099

Permit: R-14141

Certificate: 93838

Permit/Certificate Holder:

☒ DAN NELSON
dba HANS NELSON AND SONS NURSERY INC
31020 SE WAYBILL RD
BORING OR 97009

Copies Mailed	
by: _____	(STAFF)
on: <u>JUN 22 2018</u>	
(DATE)	

Copies of Final Certificate to be sent to:

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

Other persons to receive copies: (include map):

☒ EDWARD A CRANE, CWRE



Oregon
Kate Brown, Governor

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

DATE MAILED: JUNE 22, 2018

NOTICE OF CERTIFICATE ISSUANCE

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

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

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

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

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

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAN NELSON
dba HANS NELSON AND SONS NURSERY INC
31020 SE WAYBILL RD
BORING OR 97009

confirms the right to store water perfected under the terms of Permit R-14141. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-86099

SOURCE: SPRINGS, TRIBUTARY TO SANDY RIVER

STORAGE FACILITY: RESERVOIR #1

PURPOSE OR USE: MULTI PURPOSE STORAGE

MAXIMUM STORAGE VOLUME: 5.1 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH END OF FEBRUARY OF EACH YEAR

DATE OF PRIORITY: JANUARY 5, 2005

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 E	WM	25	SW SW	1300 FEET NORTH AND 590 FEET EAST FROM SW CORNER, SECTION 25

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
1 S	4 E	WM	25	SW SW

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Measurement, recording and reporting conditions:

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

The storage of water allowed herein is subject to the maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The water user shall pass all live flow outside the storage season described below.

This right does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.


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

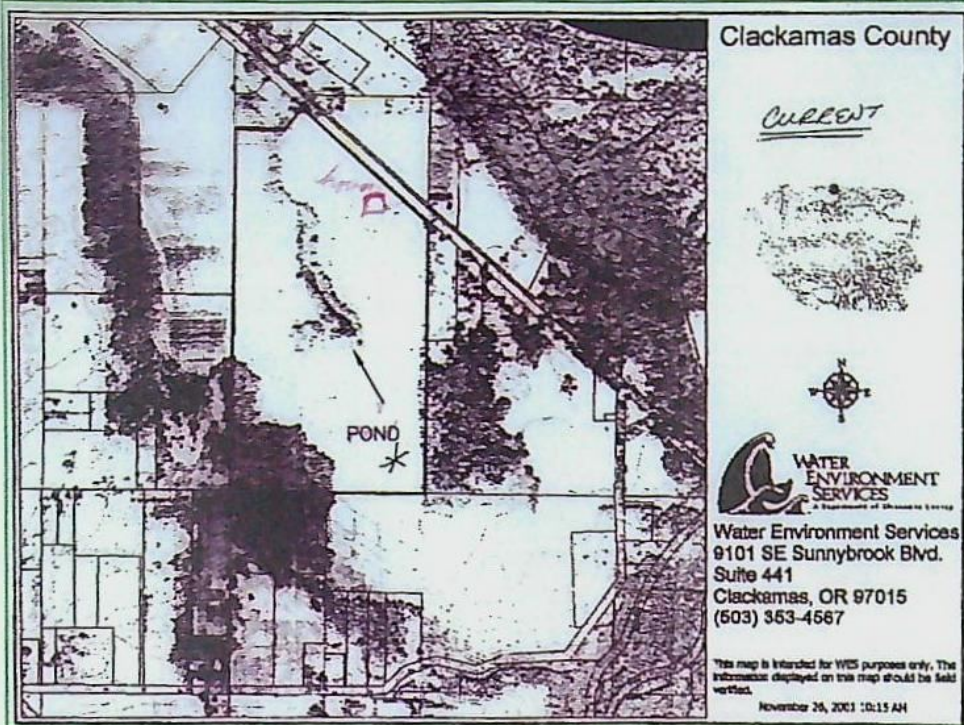
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

The storage 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 22 2018


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

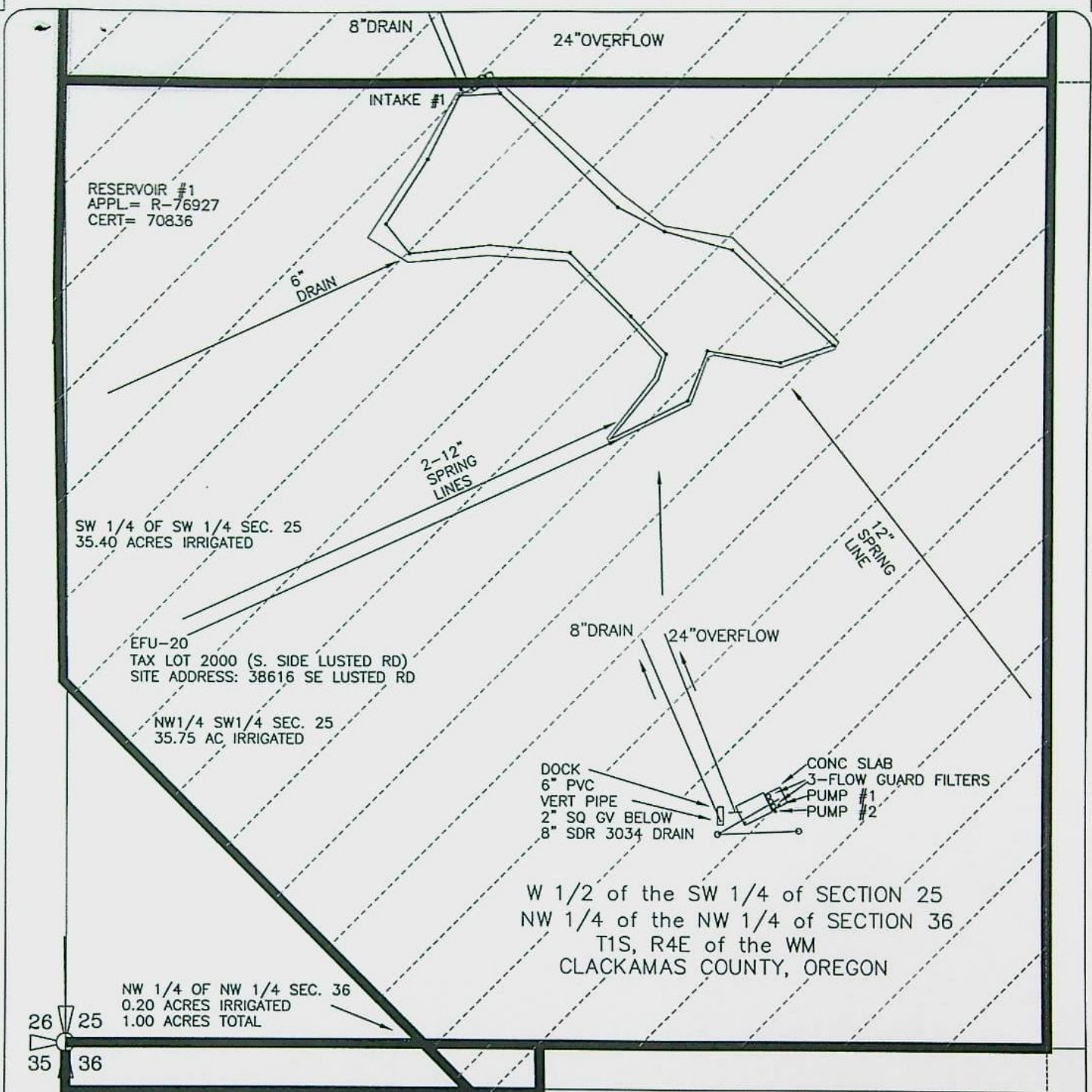


TRANSFER T-9210, S-85058
STORAGE RESERVOIR CERT. 70836
SURVEYED NOV. 07, 2005

D:\CRANE ENR & SURVEY\PROJECTS\347-007\34700701.DWG EAC 11/07/2005

FINAL PROOF SURVEY R-86099
TO CONSTRUCT A RESERVOIR
PREPARED BY EDWARD A. CRANE, CWRE

DATE NOV. 2005		CRANE ENGINEERING & SURVEYING, INC. 13755 SE 119TH DRIVE CLACKAMAS, OREGON 97015	APPLICATION FOR PERMIT NUMBER R-86099 PERMIT TO CONSTRUCT A RESERVOIR R-14141	SHEET 3/3
PROJECT NO. 347-007		OFFICE: 503-698-3890 FAX NO: 503-698-3861 CELL: 503-679-3253 E-MAIL: ec@verizon.net	DAN L. NELSON dba HANS NELSON & SONS NURSERY, INC. TEL: 503-663-3348 31020 SE WAYBILL RD., BORING, OR 97009	



Renewal 12/31/2005
Signed *11/07/05*

Certified Water Right Examiner
#156
Edward A. Crane
Edward A. Crane
May 17, 1988
STATE OF OREGON

SURVEYED NOV. 07, 2005

D:\CRANE ENGR & SURVEY\PROJECTS\347-007\34700701.DWG EAC 11/07/2005

PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

FINAL PROOF SURVEY R-86099 TO CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

DATE
NOV. 2005

PROJECT NO.
347-007



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& SURVEYING, INC.**
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APPLICATION FOR PERMIT NUMBER R-86099
PERMIT TO CONSTRUCT A RESERVOIR R-14141

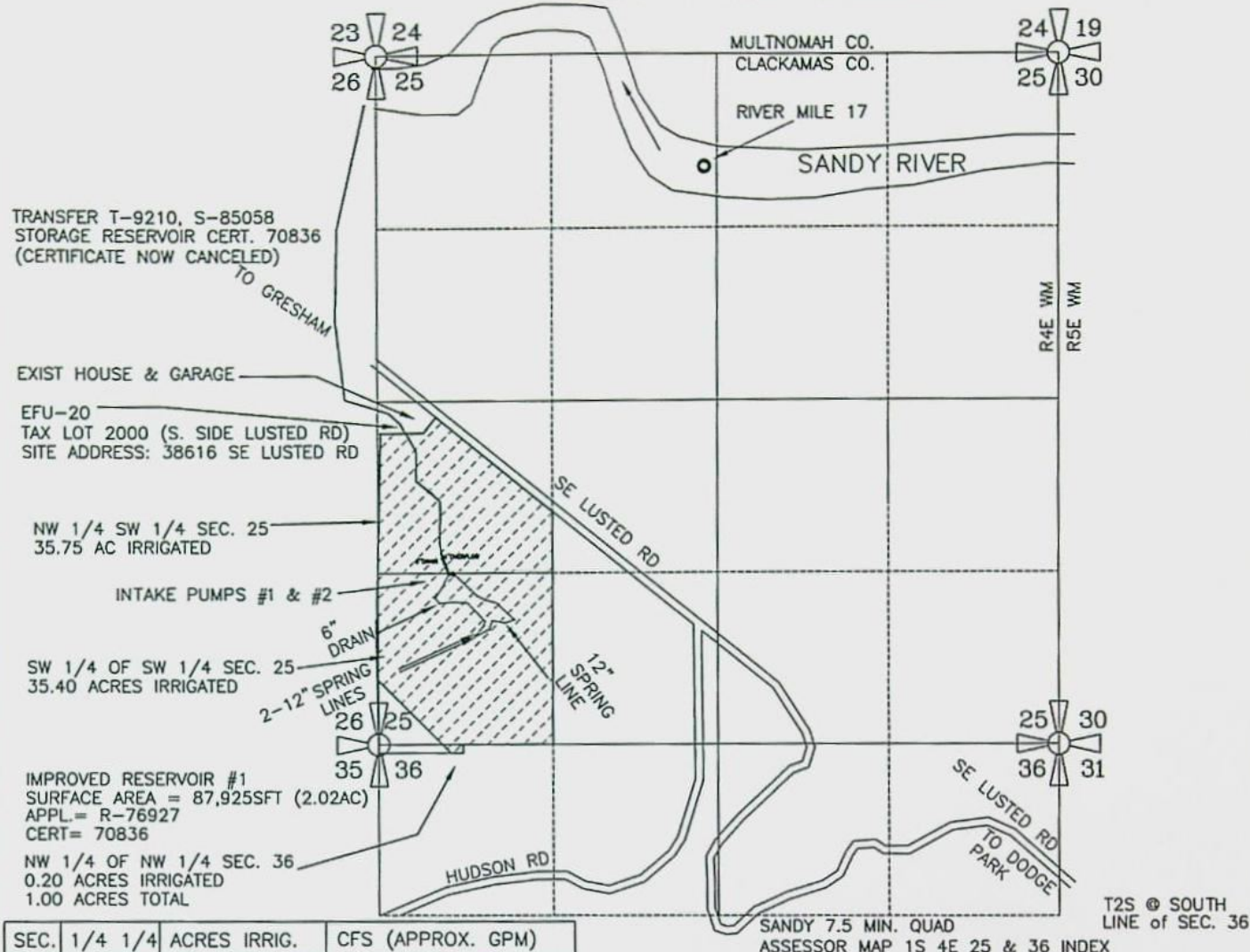
DAN L. NELSON dba HANS NELSON
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SHEET

2/3

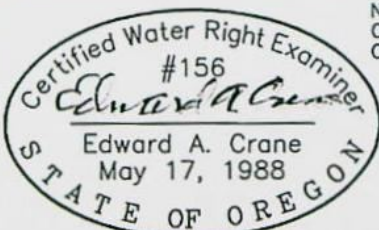
CORPORATE
BOUNDARY LINE _____
DONATION LAND
CLAIM (DLC #) - - - - -

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



SEC.	1/4 1/4	ACRES IRRIG.	CFS (APPROX. GPM)
25	NW SW	28.50 AC IRRIG	0.3563 CFS (160 GPM)
25	SW SW	35.40 AC IRRIG	0.4425 CFS (199 GPM)
36	NW NW	0.20 AC IRRIG	0.0025 CFS (1.12 GPM)
TOTAL IRRIG.		64.10 ACRES	0.8013 CFS (360 GPM)

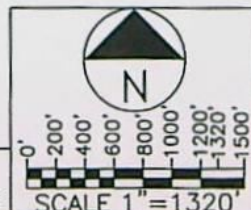
RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153)
WAS FOR WILDLIFE USES ONLY. TRANSFER APPLICATION ADDED
IRRIGATION USES (GENERAL NURSERY USES & AGRICULTURAL USES)
APPL. R-86099 INCREASES STORAGE FROM 5 AC-FT TO 19 AC-FT



Renewal 12/31/2005
Signed *11/07/05*

SURVEYED NOV. 07, 2005
BY EDWARD A. CRANE, CWRE

NO INCREASE IN DUTY
OR IRRIGATION AREAS
OR TYPES OF USES
SURFACE AREA WAS
FIELD SURVEYED ON
SEPTEMBER 22, 2004



RESERVOIR INTAKE #1 & #2 ARE LOCATED 1300 FEET NORTH & 590 FT
EAST FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 1
SOUTH, RANGE 4 EAST of the WM, CLACKAMAS COUNTY, OREGON

PREPARATION OF THIS MAP WAS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP LINES.

FINAL PROOF SURVEY R-86099 TO CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

DATE
NOV. 2005
PROJECT NO.
347-007



**CRANE ENGINEERING
& SURVEYING, INC.**
13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015
OFFICE: 503-698-3890
FAX NO: 503-698-3861
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E-MAIL: eces@verizon.net

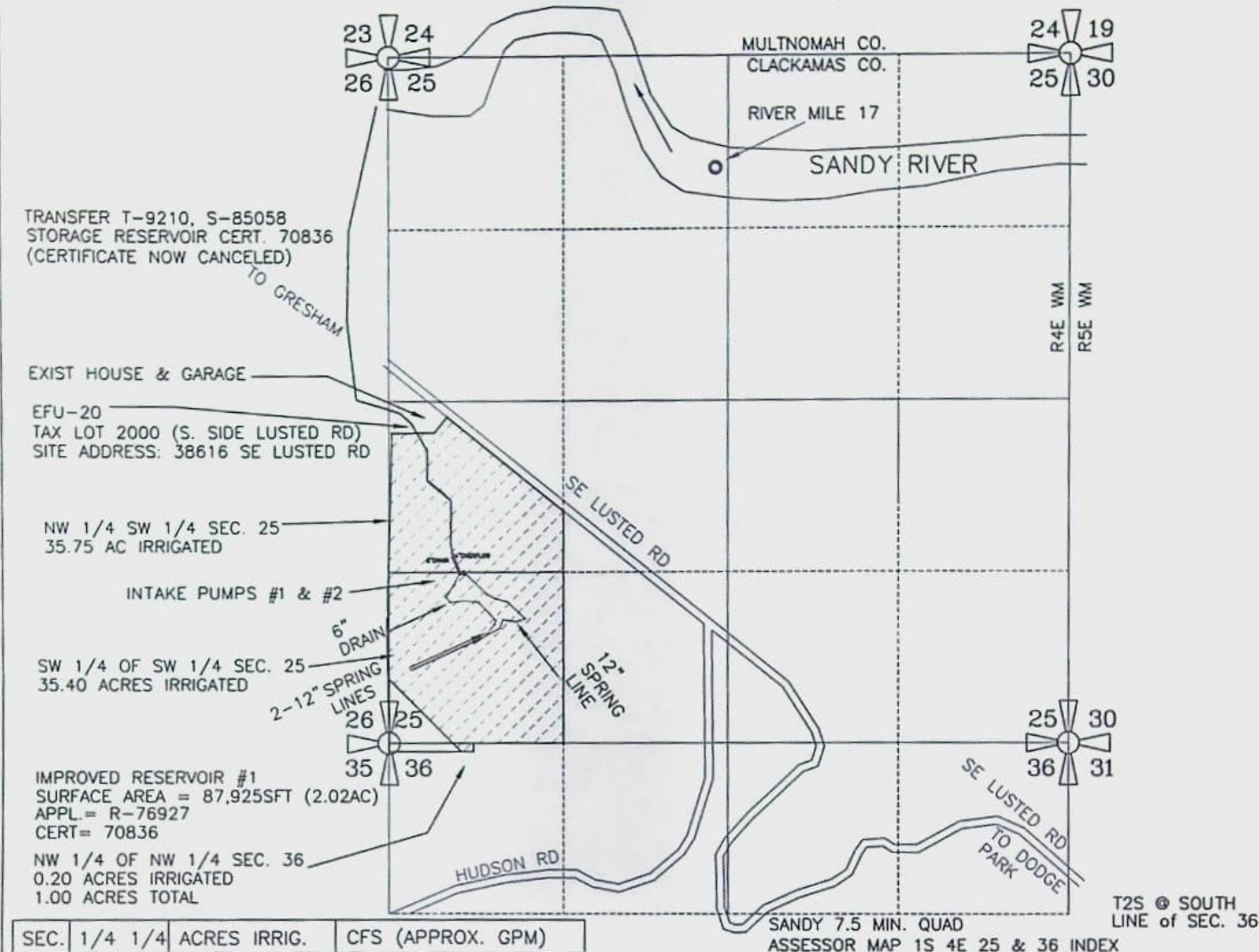
APPLICATION FOR PERMIT NUMBER R-86099
PERMIT TO CONSTRUCT A RESERVOIR R-14141

DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET
1/3

CORPORATE
BOUNDARY LINE _____
DONATION LAND
CLAIM (DLC #) - - - - -

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



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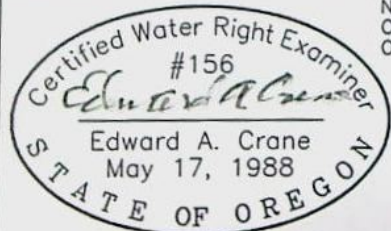
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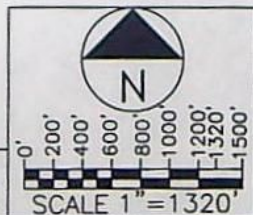


Renewal 12/31/2005
Signed *Edward A. Crane*

SURVEYED NOV. 07, 2005
BY EDWARD A. CRANE, CWRE

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NOV. 2005

PROJECT NO.

347-007



**CRANE ENGINEERING
& SURVEYING, INC.**

13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015

OFFICE: 503-698-3890
FAX NO: 503-698-3861
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E-MAIL: ecses@verizon.net

APPLICATION FOR PERMIT NUMBER R-86099

PERMIT TO CONSTRUCT A RESERVOIR R-14141

DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

1/3

RESERVOIR #1
APPL = R-76927
CERT = 70836

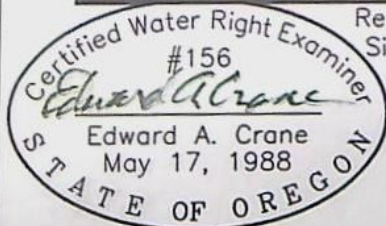
SW 1/4 OF SW 1/4 SEC. 25
35.40 ACRES IRRIGATED

EFU-20
TAX LOT 2000 (S. SIDE LUSTED RD)
SITE ADDRESS: 38616 SE LUSTED RD

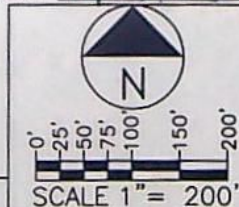
NW 1/4 SW 1/4 SEC. 25
35.75 AC IRRIGATED

NW 1/4 OF NW 1/4 SEC. 36
0.20 ACRES IRRIGATED
1.00 ACRES TOTAL

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T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



Renewal 12/31/2005
Signed 11/07/05




SURVEYED NOV. 07, 2005

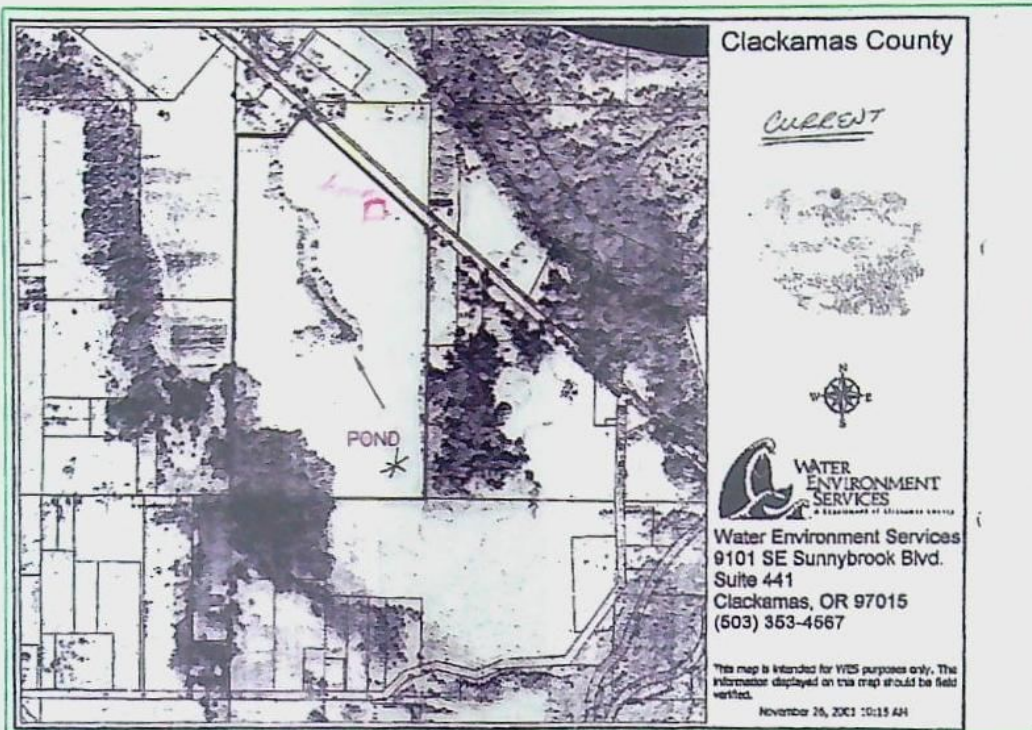
D:\CRANE ENGR & SURVEY\PROJECTS\347-007\34700701.DWG ENC 11/07/2005

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PREPARED BY EDWARD A. CRANE, CWRE

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PROJECT NO. 347-007			DAN L. NELSON dba HANS NELSON & SONS NURSERY, INC. TEL: 503-663-3348 31020 SE WAYBILL RD., BORING, OR 97009	2/3



TRANSFER T-9210, S-85058
STORAGE RESERVOIR CERT. 70836
SURVEYED NOV. 07, 2005

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31020 SE WAYBILL RD., BORING, OR 97009

SHEET

3/3

CLARK Gerald E * WRD

From: Property Tax Information <propertytaxinfo@co.clackamas.or.us>
Sent: Tuesday, June 12, 2018 11:00 AM
To: CLARK Gerald E * WRD
Subject: Re: Current Ownership Information Needed for a Property in Clackamas County

NELSON DAN L & LINDA B TRUSTEES 31020 SE WAYBILL RD, BORING, OR 97009

Clackamas County Dept. of Assessment & Taxation
Phone: 503.655.8671 Fax: 503.655.8313
propertytaxinfo@co.clackamas.or.us
150 Beavercreek Road
Oregon City, OR 97045

In keeping with the County's sustainability goals, the County Assessor and Tax Collector's office is open Monday thru Thursday, from 7:00 am to 6:00 pm, and is closed on Friday.

From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, June 12, 2018 10:08 AM
To: Property Tax Information
Subject: Current Ownership Information Needed for a Property in Clackamas County

Good Morning,

I am preparing to issue a water right certificate for the following property in Clackamas County:

Primary Address: 38616 SE Lusted Rd, Boring, 97009
Jurisdiction: Clackamas County
Map Number: 14E25
Taxlot Number: 14E25 02000
Parcel Number: 00149128
Document Number: 2002-018572
Census Tract: 023401

Our records currently identify the owner and mailing address as:

DAN NELSON
dba HANS NELSON AND SONS NURSERY INC
31020 SE WAYBILL RD
BORING OR 97009-9427

Could you please verify that this is the current owner? If it is not, could you please provide the current owner information including their mailing address?

Thank you in advance for your help.

Gerry

Gerry Clark

Program Analyst, Certificate Section

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

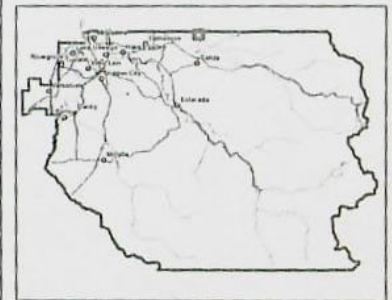


SECTION 25 T.1S. R.4E. W.M.
CLACKAMAS COUNTY
1" = 400'

Cancelled Taxlots

1001
200
300
400
500
600
700
800
900
1000
1100
1200
1300
1400
1500
1600
1700
1800
1900
2000
2100
2200
2300
2400

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



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

Mailing List for Certificate

Scheduled Mailing Date:

Application: R-86099

Permit: R-14141

Certificate: *****

Permit/Certificate Holder:

~~DAN NELSON~~
dba HANS NELSON AND SONS NURSERY INC
31020 SE WAYBILL RD
BORING OR 97009-9427

Copies Mailed

by: JH
(STAFF)

on: 5/22/15

(DATE)

Copies of Final Certificate to be sent to:

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

Other persons to receive copies: (include map):

- ~~1.~~ EDWARD A CRANE, CWRE

PROPOSED



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

DATE MAILED:

MAY 22 2015

NOTICE

Réference: Application R-86099 Permit R-14141

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

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

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

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

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

Sincerely,

Dwight French
Water Right Services Administrator

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAN NELSON
dba HANS NELSON AND SONS NURSERY INC
31020 SE WAYBILL RD
BORING OR 97009-9427

confirms the right to store water perfected under the terms of Permit R-14141. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

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SOURCE: SPRINGS, TRIBUTARY TO SANDY RIVER

STORAGE FACILITY: RESERVOIR #1

PURPOSE OR USE: MULTI PURPOSE STORAGE

MAXIMUM STORAGE VOLUME: 5.1 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1 THROUGH END OF FEBRUARY OF EACH YEAR

DATE OF PRIORITY: JANUARY 5, 2005

DAM LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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The area submerged by this reservoir is as follows:

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

Measurement, recording and reporting conditions:

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

The storage of water allowed herein is subject to the maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The water user shall pass all live flow outside the storage season described below.

This right does not provide for the appropriation of water of water for any out of reservoir uses, the maintenance of the the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

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

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

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

The storage 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.

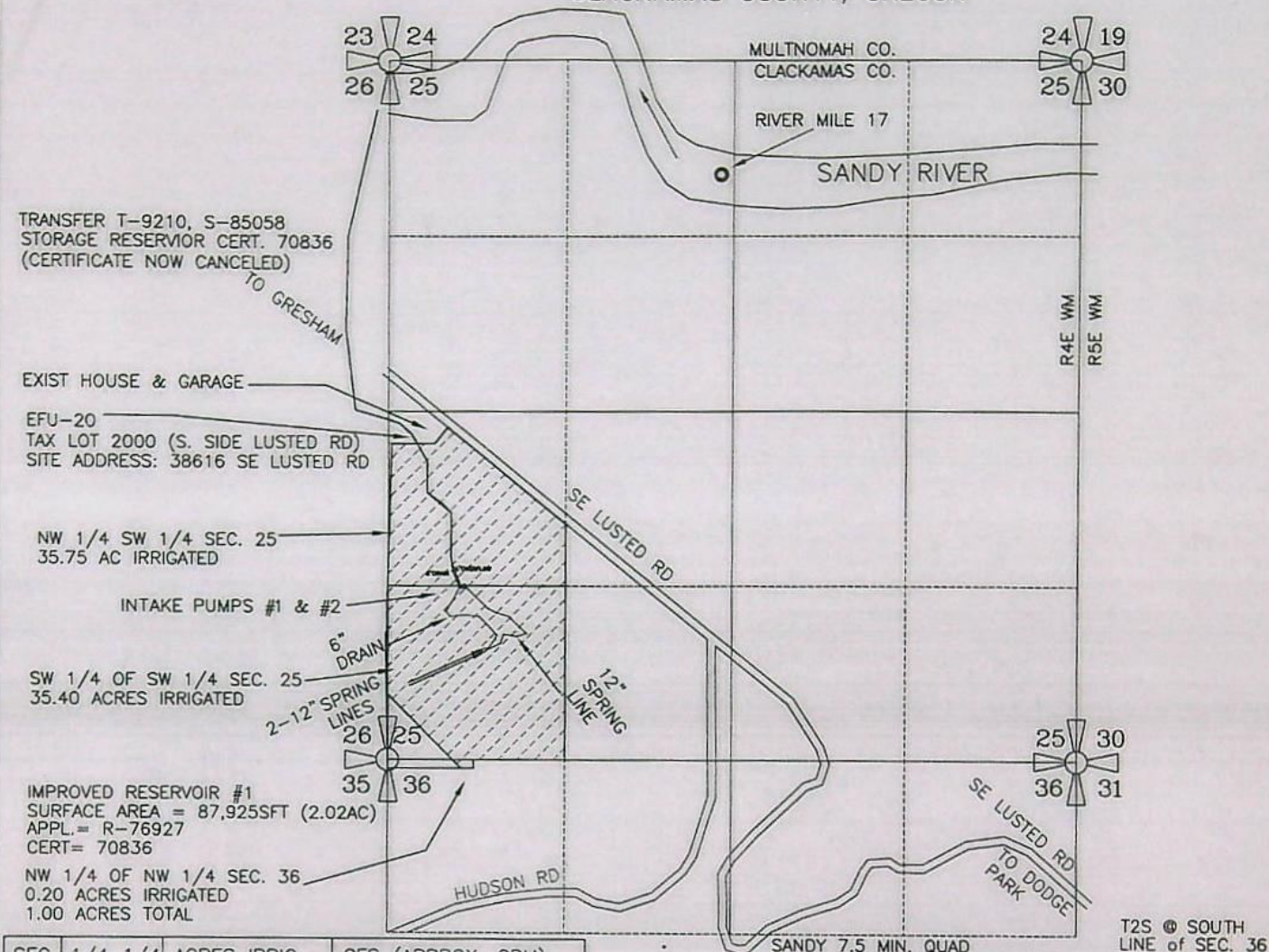
Issued _____

PROPOSED

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

CORPORATE
BOUNDARY LINE _____
DONATION LAND
CLAIM (DLC #) -----

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



SEC.	1/4 1/4	ACRES IRRIG.	CFS (APPROX. GPM)
25	NW SW	28.50 AC IRRIG	0.3563 CFS (160 GPM)
25	SW SW	35.40 AC IRRIG	0.4425 CFS (199 GPM)
36	NW NW	0.20 AC IRRIG	0.0025 CFS (1.12 GPM)
TOTAL IRRIG.		64.10 ACRES	0.8013 CFS (360 GPM)

RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153)
WAS FOR WILDLIFE USES ONLY. TRANSFER APPLICATION ADDED
IRRIGATION USES (GENERAL NURSERY USES & AGRICULTURAL USES)
THIS APPLICATION INCREASES STORAGE FROM 5 AC-FT TO 9 AC-FT

RESERVOIR INTAKE #1 & #2 ARE LOCATED 1300 FEET NORTH & 590 FT
EAST FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 1
SOUTH, RANGE 4 EAST of the WM, CLACKAMAS COUNTY, OREGON

PREPARATION OF THIS MAP WAS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP LINES.

GROUNDWATER PERMIT G-
CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

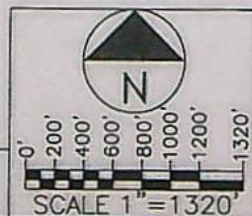
Certified Water Right Examiner
#156
Edward A. Crane
May 17, 1988
STATE OF OREGON

Renewal 12/31/2005
Signed _____

SURVEYED SEPT. 22, 2004
BY EDWARD A. CRANE, CWRE

NO INCREASE IN DUTY
OR IRRIGATION AREAS
OR TYPES OF USES

SURFACE AREA WAS
FIELD SURVEYED ON
SEPTEMBER 22, 2004



D:\CRANE ENGR & SURVEY\PROJECTS\347-006\34700601.DWG EAC 12/29/2004

DATE
DEC. 2004
PROJECT NO.
347-006



CRANE ENGINEERING
& SURVEYING, INC.
13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015
OFFICE: 503-698-3890
FAX NO: 503-698-3861
CELL: 503-679-3253
E-MAIL: eces@verizon.net

APPLICATION FOR PERMIT NUMBER R-
(ALTERNATE REVIEW), IN THE NAME OF:

DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

1/3

RESERVOIR #1
APPL = R-76927
CERT = 70836

SW 1/4 OF SW 1/4 SEC. 25
35.40 ACRES IRRIGATED

EFU-20
TAX LOT 2000 (S. SIDE LUSTED RD)
SITE ADDRESS: 38616 SE LUSTED RD

NW 1/4 SW 1/4 SEC. 25
35.75 AC IRRIGATED

NW 1/4 OF NW 1/4 SEC. 36
0.20 ACRES IRRIGATED
1.00 ACRES TOTAL

8" DRAIN

24" OVERFLOW

INTAKE #1

6" DRAIN

2-12" SPRING LINES

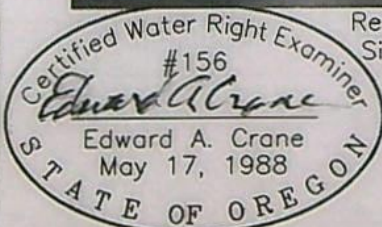
12" SPRING LINE

8" DRAIN

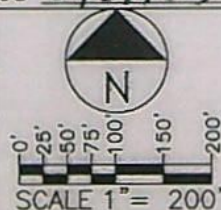
24" OVERFLOW

DOCK
6" PVC
VERT PIPE
2" SQ GV BELOW
8" SDR 3034 DRAIN
CONC SLAB
3-FLOW GUARD FILTERS
PUMP #1
PUMP #2

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



Renewal 12/31/2005
Signed 11/07/05



SURVEYED NOV. 07, 2005

D:\CRANE ENGR & SURVEY\PROJECTS\347-007\34700701.DWG ENC 11/07/2005

PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

FINAL PROOF SURVEY R-86099 TO CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

DATE
NOV. 2005

PROJECT NO.
347-007



**CRANE ENGINEERING
& SURVEYING, INC.**

13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015

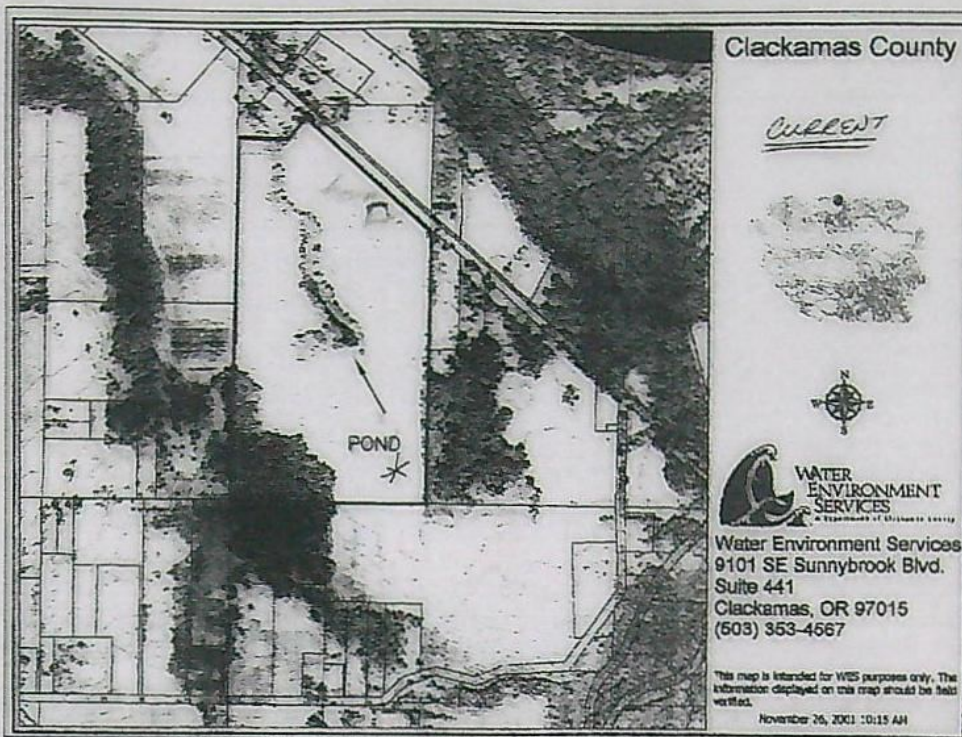
OFFICE: 503-698-3890
FAX NO: 503-698-3861
CELL: 503-679-3253
E-MAIL: eces@verizon.net

APPLICATION FOR PERMIT NUMBER R-86099
PERMIT TO CONSTRUCT A RESERVOIR R-14141

DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

2/3



SCALE 1"=1320'



TRANSFER T-9210, S-85058
STORAGE RESERVOIR CERT. 70836
SURVEYED NOV. 07, 2005

D:\CRANE ENGR. & SURVEY\PROJECTS\347-007\34700701.DWG EAC 11/07/2005

FINAL PROOF SURVEY R-86099
TO CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

DATE

NOV. 2005

PROJECT NO.

347-007



**CRANE ENGINEERING
& SURVEYING, INC.**

13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015

OFFICE: 503-698-3890
FAX NO: 503-698-3861
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APPLICATION FOR PERMIT NUMBER R-86099

PERMIT TO CONSTRUCT A RESERVOIR R-14141

DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

3/3

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

Application #	R-86099	Permit #	R-14144	Transfer #	
WRD Reviewer	Jessica Joye	Date	5/6/15		
WRD Peer Reviewer	J Skautg	Date	5/12/15		

Research

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

Reviewing Claim

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

N/A Fish Conditions
N/A Meter/measuring device
N/A Water Use Reporting
N/A Pump Test (post December 19, 1988)
N/A Other Conditions _____
N/A SWL
____ C-Date 10/1/09

YES Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

T-9210 - Storage 5 A.F (A character of use)
S-86058 - IR 64.10 ac w/ 5 A.F from R-76527
R-86099 - Enlarges Res. by 14.0 A.F.

Determination

___ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

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

Reduced AF

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

Processing

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

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

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

___ Record marking: App _____ Permit _____ Cert _____
 App _____ Permit _____ Cert _____
 App _____ Permit _____ Cert _____
 App _____ Permit _____ Cert _____

NOTES:

R-86099



County:	Clackamas
Taxlot:	14E2S 02000
Owner1:	NELSON DAN L & LINDA B TRUSTEES
Owner2:	NULL
Owner Address:	31020 SE WAYBILL RD BORING OR 97009
Site Address:	38016 SE LUSTED RD BORING 97009
Acres:	68.4
TRISQ:	WM1 0054 00E2XXXX
Effective Date:	January 1, 2014

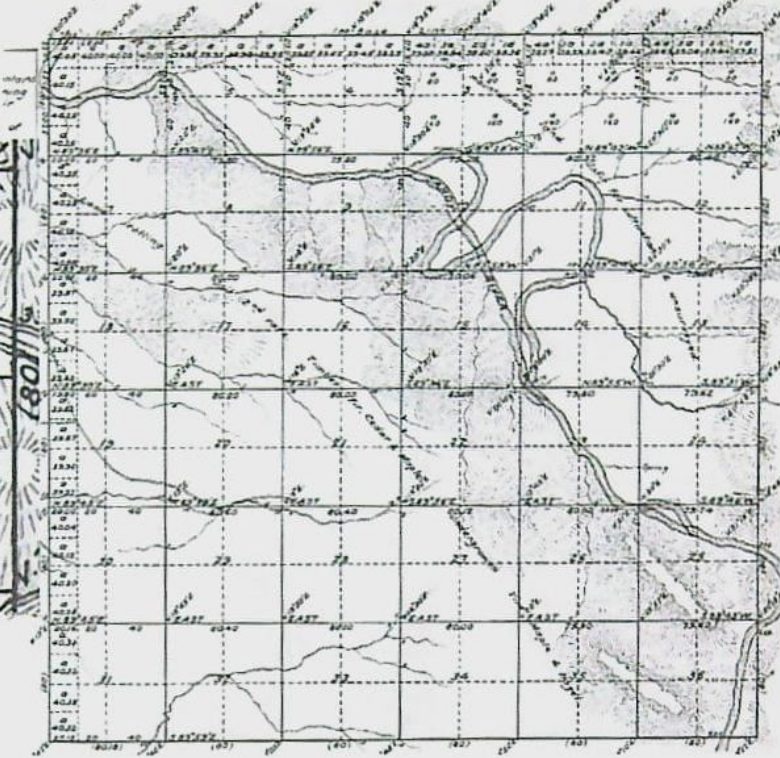
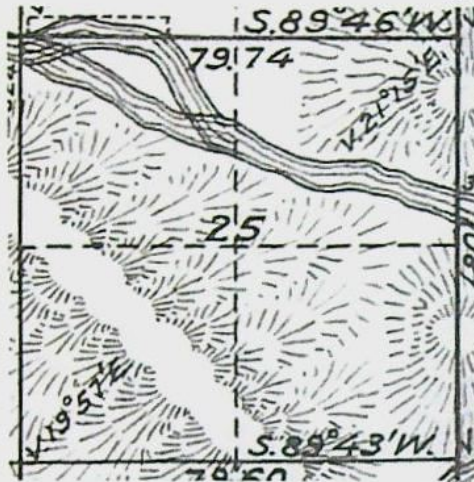
T-9210



S-85058

APP R-86099
P R-14141

Township N° 1 South, Range N° 4 East, Willamette Meridian, Orego



County:	Clackamas
Taxlot:	14E25 02000
Owner1:	NELSON DAN L & LINDA E TRUSTEES
Owner2:	NULL
Owner Address:	31020 SE WAYBILL RD BORING OR 97009
Site Address:	38816 SE LUSTED RD BORING 97009
Acres:	65.4
TR5QQ:	WM1 0054.00E25XXXX
Effective Date:	January 1, 2014

APP R-86099

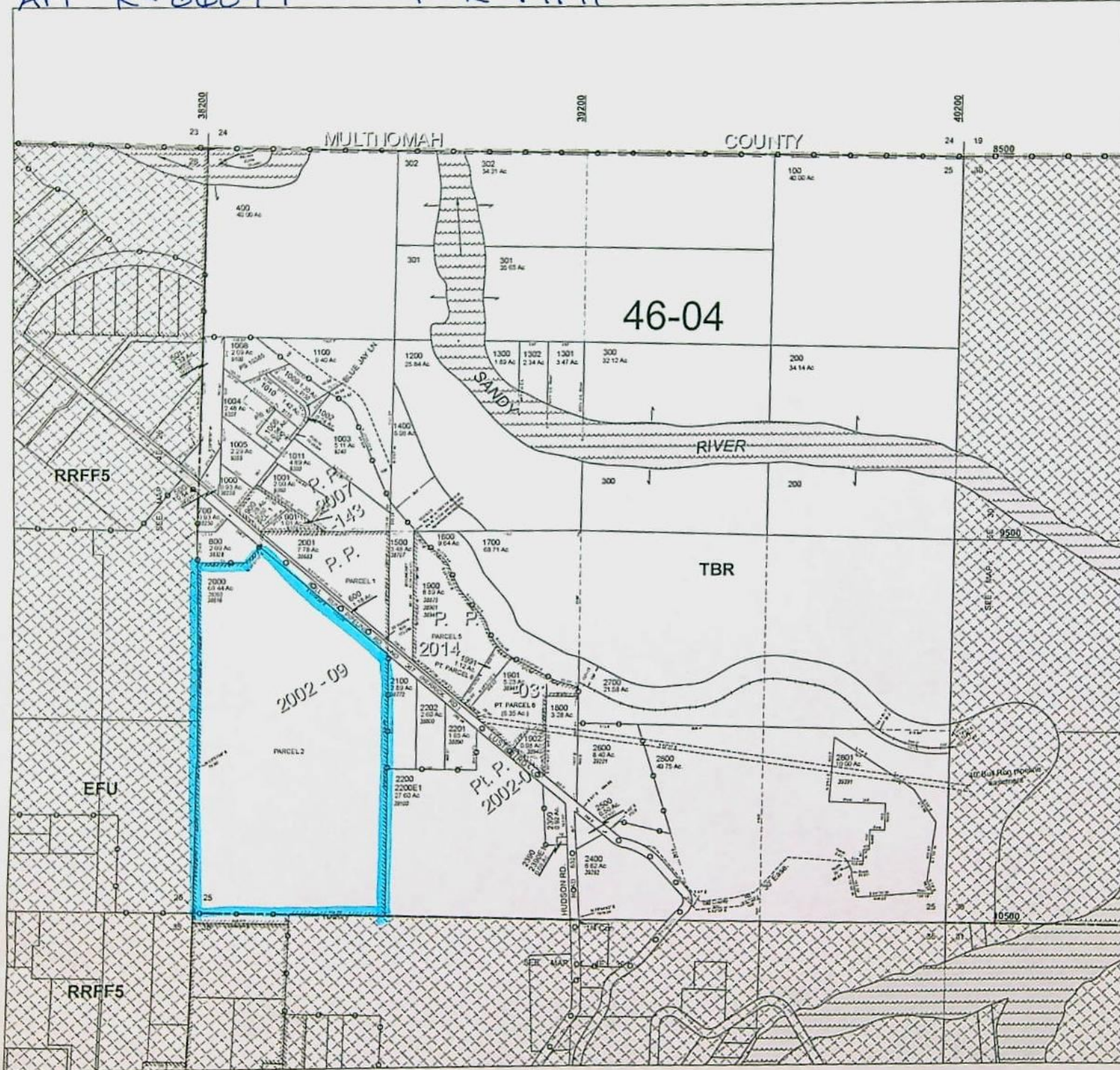
P R-14141

14 E 25

SECTION 25 T.1S. R.4E. W.M.
CLACKAMAS COUNTY
1" = 400'

Cancelled Taxlots

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JOYE Jessica L

From: Wyman, Jeanette <jeanettewym@co.clackamas.or.us>
Sent: Tuesday, May 05, 2015 10:14 AM
To: 'JOYE Jessica L'
Subject: RE: property ownership request

NELSON DAN L & LINDA B TRUSTEES
31020 SE WAYBILL RD
BORING, OR 97009

From: JOYE Jessica L [<mailto:jessica.l.joye@state.or.us>]
Sent: Tuesday, May 05, 2015 9:23 AM
To: Wyman, Jeanette
Subject: property ownership request

Good Morning-

Could you please provide me with the current property ownership and mailing address for the following taxlot:

14E25 02000

Thank you-

Jessica Joye
Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
503-986-0814 PH
Jessica.L.Joye@wrdd.state.or.us

Water Rights Platcard Report

 Meridian: Township: South East Records per Page: Search

 Platcards Maps!
[Learn about](#) * [View Map](#)

Water Right	Changing Date	Priority	Use	Use Status	DLC	Gov't Lot	Q(40)	Q(160)	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
Select Permit: G 13054 *		1/26/1996	AGRICULTURE USES																		
Additional Info: HOLLY MARTIN App: G14246 Permit: G13054																					
Select Permit: G 13411 CN		5/5/1997	DOMESTIC EXPANDED	CN																	
Additional Info: C/O BILLY TOSHEFF App: G14522 Permit: G13411																					
Select Permit: G 13054 *		1/26/1996	IRRIGATION																15		
Additional Info: HOLLY MARTIN App: G14246 Permit: G13054																					
Select Claim: GR 2131 *		7/1/1952	IRRIGATION																5	10	
Additional Info: AMY IRENE GEERTZ Claim: GR2131																					
Select Inchoate: T 9210 CF (REG) *		1/1/1993	MULTIPLE PURPOSE																	(*)	
Additional Info: DAN NELSON App: R76927																					
Select Permit: R 14141 *		1/5/2005	MULTIPLE PURPOSE																		
Additional Info: DAN NELSON App: R86099 Permit: R14141																					
Select Permit: S 34713 CN		10/6/1969	MUNICIPAL USES	CN																	
Additional Info: CORBETT WATER DISTRICT App: S46469 Permit: S34713																					
Select Permit: G 13411 CN		5/5/1997	NURSERY USES	CN																20.5	21
Additional Info: C/O BILLY TOSHEFF App: G14522 Permit: G13411																					
Select Permit: G 15436 *		2/15/2002	NURSERY USES																28.5	35.4	
Additional Info: DAN NELSON App: G15710 Permit: G15436																					
Select Permit: S 54192 *		2/15/2002	NURSERY USES																35.75	35.4	
Additional Info: HANS NELSON AND SONS NURSERY INC. App: S85058 Permit: S54192																					
Select Permit: S 54652 *		6/15/2006	NURSERY USES																28.5	35.4	
Additional Info: HANS NELSON AND SONS NURSERY INC. App: S86622 Permit: S54652																					

Acreage Legend: 12.25 Regular acreage 12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

* Area submerged per Aerial photo in Interactive mapper is in the NWSW & SWSW

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAN NELSON DBA HANS NELSON AND SONS NURSERY INC
31020 SE WAYBILL RD
BORING, OR 97009-9427

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

APPLICATION FILE NUMBER: R-86099

Res Cap per CBU =

SOURCE OF WATER: SPRINGS, TRIBUTARY TO SANDY RIVER

*2.02 * 5 = 10.1*

STORAGE FACILITY: RESERVOIR #1

10.1 - 5.0 AF = 5.1 AF

PURPOSE OR USE OF THE STORED WATER: MULTI PURPOSE STORAGE

MAXIMUM STORAGE VOLUME: *5.1* ~~19.0~~ ACRE FEET EACH YEAR (subtract *5.0 AF* 16927)
14.0 AF

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1
THROUGH END OF FEBRUARY OF EACH YEAR

DATE OF PRIORITY: JANUARY 5, 2005

DAM LOCATION: SW 1/4 SW 1/4 SECTION 25, T1S, R4E, W.M.; 1300 FEET NORTH
& 590 FEET EAST FROM SW CORNER, SECTION 25

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

$$V = (9.5') (2.02ac) = 19.19A.F$$

SW 1/4 SW 1/4
SECTION 25
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to

Application R-86099 Water Resources Department

PERMIT R-14141

submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.✓

The permittee shall pass all live flow outside the storage season described above.

This permit does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

STANDARD CONDITIONS

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

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

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water 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.

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2009.

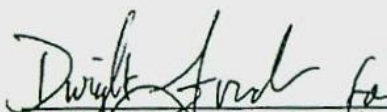
Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.

The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir stores 9.2 or more acre-feet of water.

If no secondary permit exists and the reservoir stores less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:

- (a) the dimensions of the reservoir;
- (b) the maximum capacity of the reservoir in acre-feet; and
- (c) a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued March 10, 2005


Phillip C. Ward, Director
Water Resources Department

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources

Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

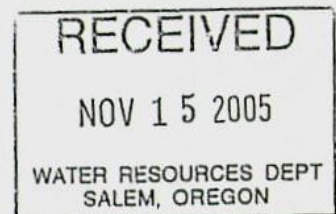
CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-010(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. Application Number: R-86099 S-85058
2. Permit Number: R-14141
3. County: CLACKAMAS
4. Tax Lot Information: (Shown on map 1 4E 25 & 36 INDEX)



Tax map number	Tax lot number
1 4E 25	2000 (68.70AC, #38360 & #38616)
1 4E 36	PART OF TL 2000 ABOVE (no separate TL number)

5. Date of Site Inspection: SEPTEMBER 22, 2004 WEDNESDAY
6. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
DAN L. NELSON	9/22/2004	PRESIDENT of HANS NELSON & SONS NURSERY, INC.

7. Permittee / Transferee of record (this may not be the current property owner)

a. Individuals

	Individual 1	Individual 2
Name	Please See below	
Mailing Address		
City/State/Zip		

b. Businesses/Organizations

Name	HANS NELSON & SONS NURSERY, INC.
------	----------------------------------

Contact Person and Title	DAN L. NELSON, PRESIDENT
Mailing Address	31020 SE WAYBILL ROAD
City/State/Zip	BORING, OR 97009

8. Property owner (current owner information)

c. Individuals

Name		
Mailing Address		
City/State/Zip		
Phone #		
Fax #		
e-mail address		

d. Businesses/Organizations

Name	HANS NELSON & SONS NURSERY, INC.
Contact Person and Title	DAN L. NELSON, PRESIDENT
Mailing Address	31020 SE WAYBILL ROAD
City/State/Zip	BORING, OR 97009-9427
Phone	503-663-3348 OFFICE 503-310-9708 CELL
Fax	503-663-0138
e-mail	dnelson@hansnelson.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.

9. If any property described in the permit or transfer final order is not included in 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

Name	NA
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

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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/appropriation.

1. 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)

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

2. Point of diversion/appropriation sources and tributary:

Source	Tributary to
INTAKE #1 & #2: RESERVOIR #1	SPRING, TRIBUTARY OF SANDY RIVER

3. 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
INTAKE #1 & #2: SW of SW Sec.25, 1S, 4E WM Clackamas County, OR	1300' N & 590' E of SW Corner Sec.25, 1S 4E WM

4. Use(s), period of use, and rate for each use:

Uses	When water is used	Rate for use
Multiple uses, including, not limited to: NURSERY USE	Not Stated, Transfer Appl. Asked for 64.10ac & normal irrigation season March 1 to Oct. 31st	0.8013cfs (360gpm)
AGRICULTURAL USES	Assumed "temperature control", Nov.1 to end Feb.	0.8013cfs (360gpm)

Total Quantity of Water 0.8013cfs (360gpm)

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5. 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
		NWSW	25	1S	4E	IRRIG	28.50	
		SWSW	25	1S	4E	IRRIG	35.40	
		NWNW	36	1S	4E	IRRIG	0.20	

Total Acres Irrigated 64.10ac

Groundwater Source Information (Well and Sump)

**If the appropriation is not from ground water (well or sump), this section, items 1-4, can be deleted.

1. Describe the access port or other means to measure the water level in the well in the box below:

N/A

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

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Well drilled for	Well drilled by
N/A						

In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

N/A

****If the appropriation is not from a sump, the following section, items 3-4, can be deleted.**

3. If the appropriation involves a **SUMP**, provide the following information for each **SUMP**:

Length	Width	Circumference	Maximum depth	Surface area (in acres)	Volume in acre feet
N/A					

4. Provide sump volume calculations in the box below:

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 1-6, can be deleted.**

1. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table below.

Maximum depth	Average depth	Surface area (in acres)	Volume in acre feet
9.5'	5'	2.02ac (I Surveyed)	19.0ac ft

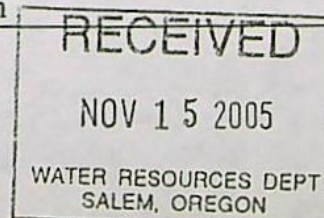
2. Provide reservoir volume calculations in the box below:

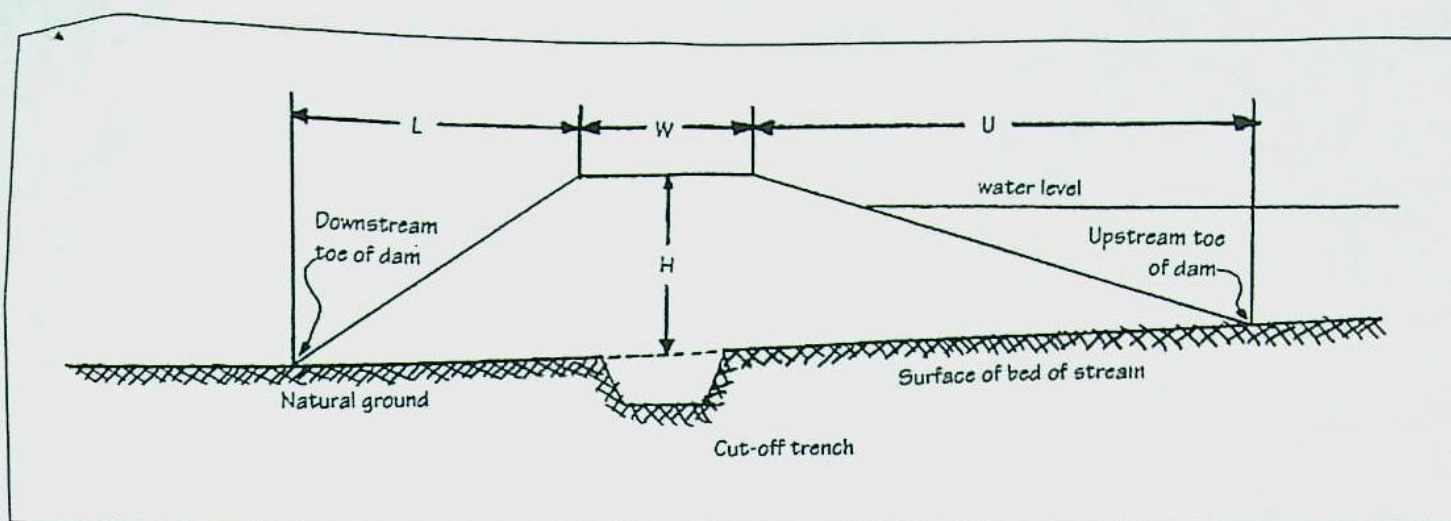
3. Provide the following information concerning the physical characteristics of the dam:

Crest width (W)	Dam height at centerline (H)	Distance from downstream top of dam to downstream toe (L)	Distance from upstream top of dam to upstream toe (U)	Water level at inspection	Downstream slope	Upstream slope
120' top slopes to north	9.5ft Excavated hole above dam by dragline. Sides were done with big hydraulic backhoe	About 100-ft, please see picture & scaled drawings.	About 20-ft	12" up batterboards		

(Has another 20ft of pipe under slope from dam top to culvert outlet)

Example Dam Profile ****This box can be deleted from the form**





4. In the box below, provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.

5A. Describe the outlet works (size and type of the outlet conduit and location) in the box below:

24" diameter corrugated pipe (first 20-ft), has 2"x 6" batter boards to control level of reservoir. (Dan bought 120-ft with tight / solid ABS pipe from Familian Northwest).

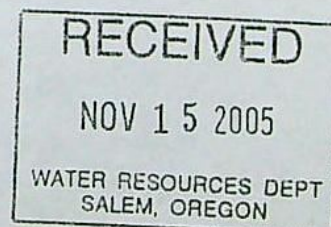
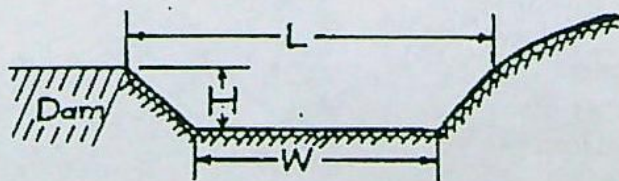
5B. Describe the DRAIN works (size and type of the outlet conduit and location) in the box below:

8"X 13' drain SDR35, 3034 PVC (first 13-ft), then ABS to outlet (bought from Familian Northwest). The 8" gate valve is an AFC 2508 with MJ by MJ connections. The 6" diameter white PVC pipe goes up to beneath the floor planks of the dock (lift off the loose 2"X 6" plank between the 2 dock upright supports).

6. Describe the emergency spillway (dimensions and location) in the box below:

Spillway location	Bottom width (W)	Top width (L)	Spillway depth (H)
West side dam, in natural ground, channel to creek.	Graded as a dip in ground, seems like 8' wide. Access road around reservoir crosses it.		Seems like 2-ft deep, is a graded channel with rounded / smoothed sides & is drivable.

Example Spillway Profile



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

**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.

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 volume
N/A	ALL PUMPED					

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2. Provide calculations in the box below:

N/A

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			

Attach measurements notes

Gravity flow canal or ditch (The Department typically uses Manning's formula for canals and ditches)

**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.

1. If the system involves a gravity canal or ditch, complete the table below.

Canal or ditch type (material)	Top width of canal or ditch	Bottom width of canal or ditch	Depth	"N" factor	Amount of fall	Length of canal/ditch	Slope	Computed volume
N/A, All pumped								

2. Provide calculations in the box below:

N/A

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

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water

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

Brand	Model	Serial Number	Type	Intake size	Discharge size	Impeller
Pump #1 Cornell	1.25W- CC PKG	133302 6.50 TC-07021	END SUCTION CENTRIFUGAL	1.5"	2"NPT	6.50"
Pump #2 Berkeley	B2-1/2 ZPL	M10481, BM B51626M	END SUCTION CENTRIFUGAL	3"?	2.5"?	7.25"

- If a performance curve is available, attach to the claim (ATTACHED)

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Pump #1 Baldor Electric	Spec. 366806Y242M2	7.5	3450 (3600 nom.)	480V-3 phase
Pump #2 Baldor	Cat JPM2514T, SPEC.39K0364663	20	3325 (3600 nominal)	480V-3 phase

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

Make	Serial #	Condition	Current meter reading	Notes
N/A				

4. Measurement device description

Device description	Condition	Notes
N/A		

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

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
N/A			

6. Theoretical pump capacity

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 See Pump Curve
Pump #1	65 to 75psi	Pump Curve 64gpm @175ft (75psi) and 120gpm @ 150ft (65psi) 0.14CFS - 0.27CFS	10-ft to 25-ft	64 to 120-gpm per curve
Pump #2		260gpm 200ft (112psi) and 200gpm @165ft (71psi) 0.58CFS - 0.45CFS		

* See S-85058 for pump calcs.

7. Provide pump calculations in the box below:

--

Because they are using drip irrigation with Pump #1, they installed 3 "Flow-Guard" Filtration Products FVC324A, 3-24" MEDCY filter station tanks.

8A. Mainline information (Constructed April 29, 2003)

Mainline size	Length	Type of pipe
125psi gasketed 5"	1020'	PVC
160psi gasketed 4"	340'	PVC
160psi gasketed 3"	660'	PVC
125psi gasketed 4"	160'	PVC
Schedule 40 2"	820'	PVC

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8B. Mainline information (Constructed March 25, 2004)

Mainline size	Length	Type of pipe
125psi gasketed 5"	3300'	PVC
200psi gasketed 5"	200'	PVC
160psi gasketed 4"	480'	PVC
Schedule 40 2"	1000'	PVC

9. Handline information

Handline size	Length	Type of pipe
4" x 30' Handset Alum. Piping	40 pieces	Aluminum
3" x 40' Hand-set Alum Piping	50 pieces	Aluminum 2,00ft total

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Rainbird 30	Rotating	11/32"	65psi -112-psi	__ gpm each	Lots	__ +/- gpm
		Orifice Nozzle	Pump #1 & Pump #2			

Refer to the chart of sprinkler output at various pressures for most nozzle sizes.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

11. Additional notes or comments related to the system:

Irrigates __ per set of __ Rainbird rotating __ gpm sprinklers on 3/4" galv riser.	<div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED NOV 15 2005 <small>WATER RESOURCES DEPT SALEM, OREGON</small> </div>
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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:

	Date	Explanation
Begin construction INTAKE #1 & #2	4/29/2003	Bought pipe & installed pumps
Complete construction INTAKE #1 & #2	3/25/2004	Bought rest of pipe, finished filters & pumps.

Complete application of water INTAKE #1	9/22/2004	Final Proof Survey - field inspection by me.
--	-----------	--

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 b through e relating to this section can be deleted.

- Was the water user required to submit an initial static water level measurement? NO
- What month was the initial measurement to be taken in? N/A
- Did the water user make the initial static water level measurement in the month required? NO
- If "YES", was the measurement submitted to the Department?
- If the initial measurement not been submitted, provide that measurement now if available:

Date of measurement	Who made measurement	Method	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.

- Was the water user required to submit annual static water level measurements? NO
- In the box below, provide the month in which the static water level was to be made:

N/A

- Did the water user make the static water level measurements in the month required?
- If "YES", were those measurements submitted to the Department?

- If the annual measurements were not submitted, provide the measurements now in the box below:

Year	Month	Measurement made by	Measurement
N/A			

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4. Measurement, recording, and reporting conditions:

- Does the permit or transfer final order require the installation of a meter or approved measuring device?
XXX YES **If "NO", items b through g relating to this section can be deleted.

- Has a meter been installed? NO

- Provide the date the meter was installed:

N/A

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? N/A

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date
No Letter		

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

g. Have the reports been submitted? N/A

If the reports have not been submitted, attach a copy of the reports if available.

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

b. Has the fish screening been installed? NO N/A

c. When was the fish screening installed?

Date	By whom
N/A	

d. Is the **total** diversion rate of all rights at the point of diversion less than N/A YES NO

e. If the diversion rate is less than 0.5 cfs, the water user can self certify the fish screen.

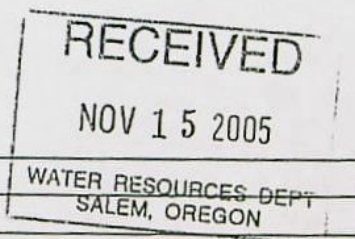
f. Has a self certification form been previously submitted to the Department? NO

g. If not, is the self certification form attached to this Claim? NO

h. Has the by-pass device been installed? NO

i. Describe the by-pass device:

When installed	By whom	Approved by ODFW	Description
N/A			



6. **Pump Test** (typically required for ground water uses prior to issuance of a certificate, but not a requirement of permit development)

a. Has a pump test been submitted and approved by the Department? N/A

b. If no, is the pump test attached to this Claim? NO

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

IV. Conclusions, Signatures

Permit and Transfer Final Order Rates and System Rates Comparisons:


POD or POA name or #	Rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	# of acres allowed by permit or transfer final order	# of acres developed
INTAKE #1 & #2	Not Stated 0.8013CFS		(told)	64.10 ac	64.10ac total

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.

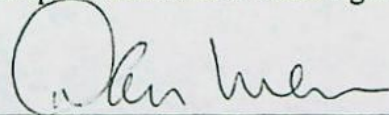
CWRE Statement, Seal and Signature

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

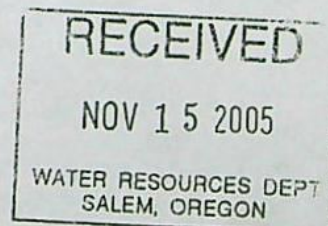
<p>Seal and Signature</p>  <p>Renewal: 12/31/2005 Signed: 11/07/2005</p>	<p>EDWARD A. CRANE, CWRE Crane Engineering & Surveying, Inc. 13755 SE 119th Drive Clackamas, OR 97015 Tel: 503-698-3890 Fax: 503-698-3861 Cell: 503-679-3253 E-Mail: eces@verizon.net</p>
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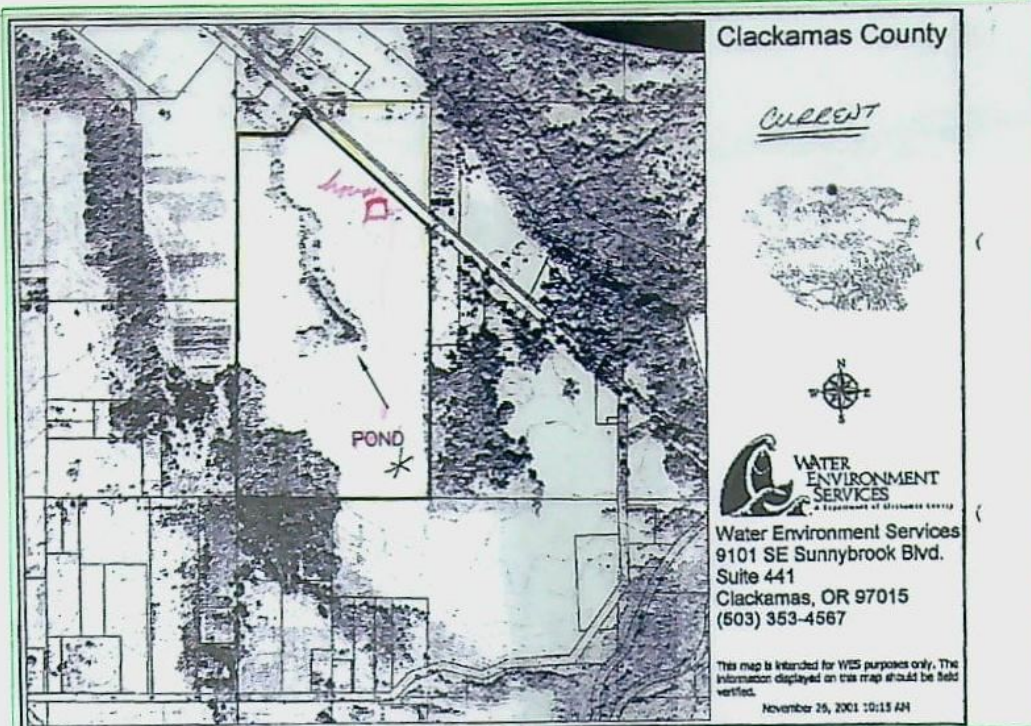
Land Owners Signature or Acknowledgement

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.

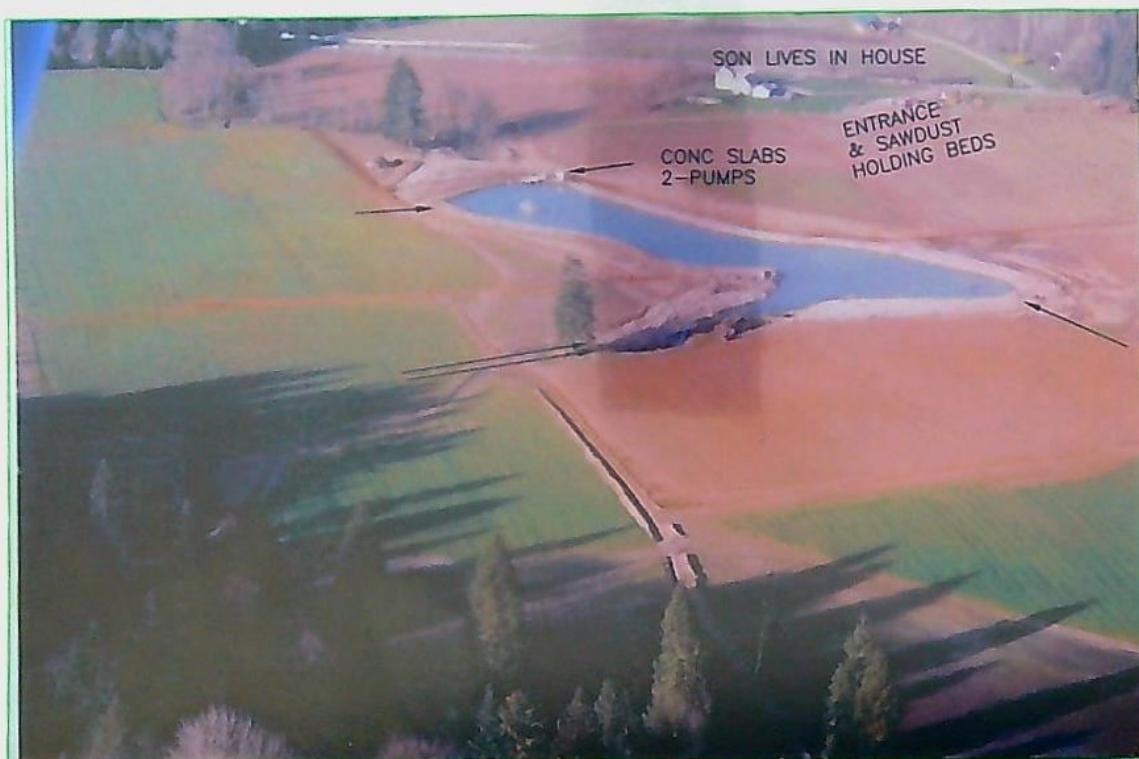

Signature DAN L. NELSON

11-9-05
Date





SCALE 1"=1320'



TRANSFER T-9210, S-85058
STORAGE RESERVIOR CERT. 70836
SURVEYED SEPT. 22, 2004

D:\CRANE ENGR & SURVEY\PROJECTS\347-006\34700601.DWG EAC 12/29/2004

GROUNDWATER PERMIT G-
CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

DATE

DEC. 2004

PROJECT NO.

347-006



**CRANE ENGINEERING
& SURVEYING, INC.**

13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015

OFFICE: 503-698-3890

FAX NO: 503-698-3861

CELL: 503-679-3253

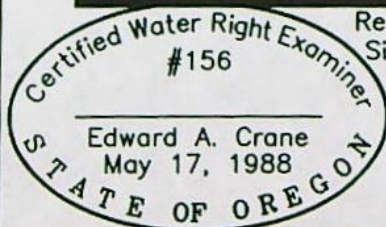
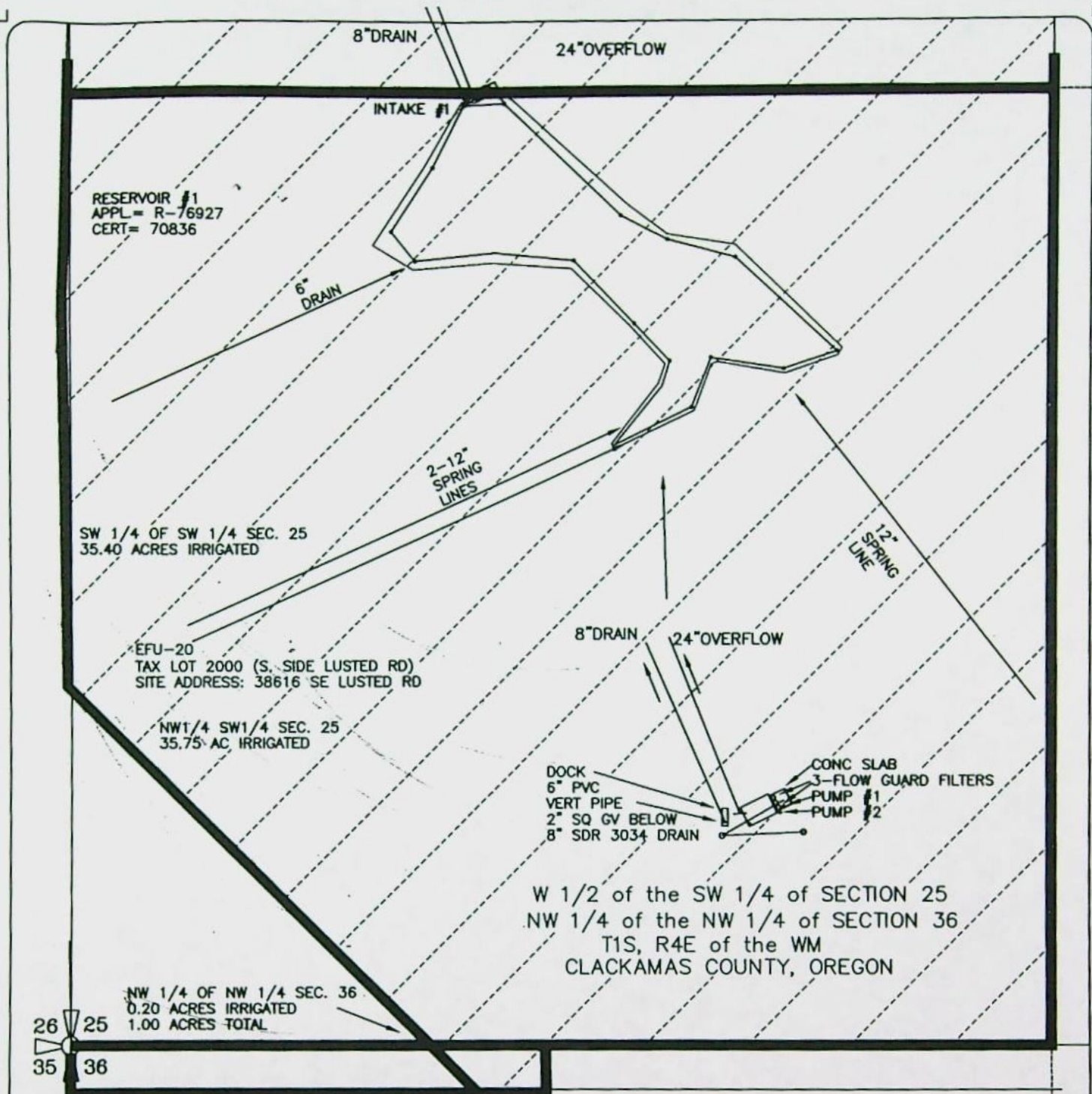
E-MAIL: eces@verizon.net

APPLICATION FOR PERMIT NUMBER R-
(ALTERNATE REVIEW), IN THE NAME OF:

DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

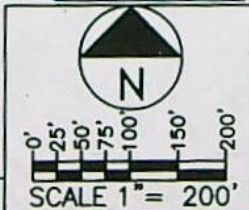
SHEET

3/3



SURVEYED SEPT. 22, 2004

Renewal 12/31/2005
Signed



PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

GROUNDWATER PERMIT G- CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

DATE
DEC. 2004
PROJECT NO.
347-006



**CRANE ENGINEERING
& SURVEYING, INC.**
13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015
OFFICE: 503-698-3890
FAX NO: 503-698-3861
CELL: 503-679-3253
E-MAIL: ec@verizon.net

APPLICATION FOR PERMIT NUMBER R-
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31020 SE WAYBILL RD., BORING, OR 97009

SHEET

2/3

ART RES *ACCEPTED*
Standard Application "Completeness" Checklist
Minimum Requirements (OAR 690-310-040)

Application _____	County: _____
Priority Date: _____	Township: _____
	Range: _____
Use(s): _____	Section: _____
	POD ¼ ¼: _____
Rate: _____	POU ¼ ¼: _____

☒ **Applicant/Organization Name, Mailing Address and Telephone Number.** If applicant is other than a private landowner, Organizations section must be completed.

☒ **Source listed**

☒ **Property ownership indicated?** If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: Lands, not owned by applicant, upon which the source is locatedor..... any Lands, not owned by applicant, which are crossed by the diversion works.) **NOTE:** An easement or agreement **DOES NOT** need to be submitted at this time, however a statement declaring the existence of written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work is required at this time. Easement or agreement will be required before a permit will be issued.

☐ **If a groundwater application...** Is the groundwater-development section completed, including copies of well logs?

☒ **Proposed Use of the water....** Is each proposed use identified?

☐ **Has the appropriate "Supplemental Form" for each proposed use been completed, if applicable?**

☒ **Form I** (Irrigation)

☒ **Form M** (Municipal or Quasi-Municipal)

☒ **Form R** (Mining)

☒ **Form Q** (Commercial or Industrial)

☐ **Spring Description Sheet** (if source is a Spring)

☒ **Amount of water from each source listed in GPM, CFS or AF?**

☐ **Acreage being proposed, if applicable.**

☒ Season being requested by applicant.

☒ Water management section has been completed? If system has not been designed, the applicant may estimate this information.

☒ Resource protection system completed on Surface Water application?

☒ Are the dates of construction indicated? Proposed dates for the Beginning of construction, completion of construction, and complete application of water to the proposed use(s) If system already completed, applicant should indicate existing. Applicant may indicate in other than dates, these timelines.

☒ Is the application signed in ink by the applicant? If the application is in the name of an organization or corporation, the authorized agent with title or authority, must sign the application. If more than one applicant named, both/all must sign or application is incomplete.

☒ Legal description included? A copy of the deed, land sales contract or title insurance policy can provide this information. We cannot accept a copy of the tax bill. *N/R*

☒ A completed Land-Use Form or receipt signed by the appropriate planning department officials enclosed? Does the use on land-use form match the proposed use on the application? Date should be within 6 months.

☒ Does the map meet map requirements of OAR 690-310-050? *YES*

☒ Town, Range, Sec, 1/4 1/4 and Tax Lot #

☒ Scale of the Map, not less than 4" = 1 mile

☒ Reference corner on map

☒ North Directional Symbol (not fatal if omitted)

☒ 1/4 1/4's clearly identified

☒ Location of each diversion point, well or dam

☐ POU clearly identified
location of place of use where water is to be used, i.e. domestic, industrial stock, irr, etc.

☒ Location Coordinates for each POD by reference to a recognized public land survey corner

☐ Number of acres per 1/4 1/4, if Irrigation

☐ Other

☐ fees enclosed?

Base Fee \$ _____

Total Paid \$ 180

plus \$ _____

Total Amount of
Water Requested: _____

plus \$ _____

Total Exam Fee \$ _____

Total Exam Fee \$ 180

Recording Fee \$ _____

Completeness Check by: *JLM*

Date: *JAN. 5, 2005*

S:\groups\wr\WRIG DOCUMENTS\application related\COMPLETENESSCHECKLIST04.wpd

app # *R-86099*

*REVIEWED WITH JERRY SAUTER
JAN. 6, 2005
USE LOCATION OF INTAKES AS
MET POND COORDINATES*

ORS 537.409 ALTERNATE RESERVOIR WORKSHEET

FILE #: R-86099

WM DIST: 20

REGION: NWR

PUBLIC NOTICE: 01/11/2005

WID #: 3 - 72145

Land Use complete? Y / N / NA

Appropriate Fees (\$40 base & \$10 per af w/ max of \$250 for Q) Y / N

Secondary app necessary? Y / N Secondary file number S 85098

Is stream withdrawn? Y / N but st allowed 12/1 - 6/1

SWW In (may not be allowed) Out or Above

Mail forms to appropriate Interagency Review Team members. Mailed on

ODFW Contact: Danette Ehlers

DEQ Contact: Andy Schaedel

Watermaster: Mike McCord

If in Umatilla: Confederated Tribes of the Umatilla Indian Reservation, PO Box 6

SWW -
in or above
not sure...

Water available: Dec - Feb

Allowed season: JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Measurement Conditions: Small (≤ 9.2 af) | Medium (> 9.2 , but < 100 af) | Large (≥ 100 af or govt. entity, 537.099)

Other Conditions: B51A per ODFW

Assign permit number R- 14141

Save in S:\GROUPS\WR\FO\WEEK

Remarks: 14.0 af (12/30/04 letter from ed crane has typo - stating 4.0 af)
per watermaster, total capacity is 24 AF between two
permits. Make this one for 14 AF as addition to
15 AF only. Issue permit for 14.0 AF
per ed crane letter.

Completed by Jeanne Eastman on 1/12/2005

ORS 537.409 ALTERNATE RESERVOIR WORKSHEET

FILE # : R-86099

WM DIST: 20

REGION: NWR

PUBLIC NOTICE: 01/11/2005

WID #: 3 - 72145

Land Use complete? Y / N / NA

Appropriate Fees (\$40 base & \$10 per af w/ max of \$250 for Q) Y / N

Secondary app necessary? Y / N Secondary file number S 85098

Is stream withdrawn? Y / N but st allowed 12/1 - 6/1

SWW In (may not be allowed) Out or Above

Mail forms to appropriate Interagency Review Team members. Mailed on

ODFW Contact: Danette Ehlers

DEQ Contact: Andy Schaedel

Watermaster: Mike McCord

If in Umatilla: Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, Pendleton, Oregon 97801

Water available: Dec - Feb

Allowed season: JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Measurement Conditions: Small (≤ 9.2 af) | Medium (> 9.2 , but < 100 af) | Large (≥ 100 af or govt. entity, 537.099)

Other Conditions: B51A per ODFW

Assign permit number R- 14141

Save in S:\GROUPS\WR\FO\WEEK

Remarks: 14.0 af (12/30/04 letter from ed crane has typo - stating 4.0 af)
per watermaster. total capacity is 24 AF between two
permits. Make this one for 19 AF as ~~adding~~ for
5-~~AF~~ my issue permit for 14.0 AF
per ed crane letter.

Completed by Jeana Eastman on 1/12/2005

Base - 40

$$19(10) = \frac{190}{\$230 \text{ total fee due.}}$$

Submitted \$180 total
for 40-base

$$14(10) \quad \frac{140}{280.}$$

Analysis for Application: R86099

Location: 1S-4E-25-SWSW

Uses: ST P

Basins

BASIN_NUM	BASIN_NAME
3	Sandy

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	WMASTER	ADDRESS	CITY	ZIP	PHONE	EXT	FAX
20	NW	Mike McCord	1678 S. Beaver Creek Rd., Suite L	Oregon City	97045	503-722-1410		503-722-5926

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
72145	3	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

County

COUNTY	FIPS
Clackamas	41005

Records Found: 1

Groundwater Restricted

NAME1	NAME2	SUB_AREA	STATUS	SQ_MI
SANDY-BORING			LIMI	15.34

Records Found: 1

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

WATER AVAILABILITY TABLE

Water Availability as of 1/12/2005 for
SANDY R > COLUMBIA R - AB UNN STR

Watershed ID #: 72145 Basin: SANDY Exceedance Level: 50
Time: 09:59 Date: 01/12/2005

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	71480	YES	YES	NO	NO	NO	NO	NO	YES	NO	NO	NO	YES	YES
2	72145	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES

STREAM NAMES

Water Availability as of 1/12/2005 for
SANDY R > COLUMBIA R - AB UNN STR

Watershed ID #: 72145 Basin: SANDY Exceedance Level: 50
Time: 09:59 Date: 01/12/2005

Item Watershed ID Stream Name

1	71480	SANDY R > COLUMBIA R - AT MOUTH
2	72145	SANDY R > COLUMBIA R - AB UNN STR

LIMITING WATERSHEDS

Water Availability as of 1/12/2005 for
SANDY R > COLUMBIA R - AB UNN STR

Watershed ID #: 72145 Basin: SANDY Exceedance Level: 50
Time: 09:59 Date: 01/12/2005

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	72145	SANDY R > COLUMBIA R - AB UNN STR	YES	135.0
2	72145	SANDY R > COLUMBIA R - AB UNN STR	YES	106.0
3	72145	SANDY R > COLUMBIA R - AB UNN STR	NO	-274.0
4	72145	SANDY R > COLUMBIA R - AB UNN STR	NO	-64.4
5	72145	SANDY R > COLUMBIA R - AB UNN STR	NO	-284.0
6	72145	SANDY R > COLUMBIA R - AB UNN STR	NO	-614.0
7	72145	SANDY R > COLUMBIA R - AB UNN STR	NO	-108.0
8	72145	SANDY R > COLUMBIA R - AB UNN STR	NO	-83.3
9	72145	SANDY R > COLUMBIA R - AB UNN STR	NO	-90.7
10	72145	SANDY R > COLUMBIA R - AB UNN STR	NO	-216.0
11	72145	SANDY R > COLUMBIA R - AB UNN STR	NO	-470.0
12	72145	SANDY R > COLUMBIA R - AB UNN STR	YES	345.0
Stor	72145	SANDY R > COLUMBIA R - AB UNN STR	YES	35500.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 1/12/2005 for

SANDY R > COLUMBIA R - AT MOUTH

Watershed ID #: 71480

Basin: SANDY

Exceedance Level: 50

Time: 09:59

Date: 01/12/2005

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	3190.00	1080.00	0.46	2110.00	0.00	1900.00	213.00
2	3130.00	1060.00	0.39	2070.00	0.00	1900.00	173.00
3	2760.00	966.00	0.21	1790.00	0.00	2000.00	-206.00
4	3120.00	1130.00	0.26	1990.00	0.00	2000.00	-6.19
5	2740.00	986.00	0.65	1750.00	0.00	2000.00	-247.00
6	1620.00	507.00	0.88	1110.00	0.00	1400.00	-287.00
7	950.00	241.00	1.63	707.00	0.00	800.00	-92.80
8	633.00	156.00	1.45	475.00	0.00	400.00	75.10
9	682.00	205.00	0.61	477.00	0.00	500.00	-23.30
10	843.00	333.00	0.11	510.00	0.00	650.00	-140.00
11	2210.00	952.00	0.18	1260.00	0.00	1500.00	-242.00
12	3230.00	1110.00	0.58	2120.00	0.00	1500.00	623.00
Stor	1510000	524000	450	987000	0	997000	65700

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 1/12/2005 for

SANDY R > COLUMBIA R - AT MOUTH

Watershed ID #: 71480

Basin: SANDY

Exceedance Level: 50

Time: 09:59

Date: 01/12/2005

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	0.94	0.00	1070.00	1.38	0.00	5.25	0.04	0.00	1080.00
2	0.86	0.00	1050.00	1.38	0.00	5.25	0.04	0.00	1060.00
3	0.13	0.04	959.00	1.38	0.00	5.25	0.04	0.00	966.00
4	0.15	0.16	1120.00	1.38	0.00	5.25	0.04	0.00	1130.00
5	0.13	1.57	978.00	1.38	0.00	5.25	0.04	0.00	986.00
6	0.06	2.51	498.00	1.38	0.00	5.25	0.04	0.00	507.00
7	0.00	4.77	231.00	1.38	0.00	5.25	0.04	0.00	242.00
8	0.00	3.79	147.00	1.38	0.00	5.35	0.04	0.00	158.00
9	0.00	1.29	197.00	1.38	0.00	5.25	0.04	0.00	205.00
10	0.00	0.16	326.00	1.38	0.00	5.25	0.04	0.00	333.00
11	0.50	0.00	945.00	1.38	0.00	5.25	0.04	0.00	952.00
12	1.07	0.00	1100.00	1.38	0.00	5.25	0.04	0.00	1110.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 1/12/2005 for

SANDY R > COLUMBIA R - AT MOUTH

Watershed ID #: 71480

Basin: SANDY

Exceedance Level: 50

Time: 09:59

Date: 01/12/2005

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 1/12/2005 for

SANDY R > COLUMBIA R - AT MOUTH

Watershed ID #: 71480

Basin: SANDY

Exceedance Level: 50

Time: 09:59

Date: 01/12/2005

-----ISWRs-----								
APP #	71480A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1900.00	0.00	0.00	0.00	0.00	0.00	0.00	1900.00
2	1900.00	0.00	0.00	0.00	0.00	0.00	0.00	1900.00
3	2000.00	0.00	0.00	0.00	0.00	0.00	0.00	2000.00
4	2000.00	0.00	0.00	0.00	0.00	0.00	0.00	2000.00
5	2000.00	0.00	0.00	0.00	0.00	0.00	0.00	2000.00
6	1400.00	0.00	0.00	0.00	0.00	0.00	0.00	1400.00
7	800.00	0.00	0.00	0.00	0.00	0.00	0.00	800.00
8	400.00	0.00	0.00	0.00	0.00	0.00	0.00	400.00
9	500.00	0.00	0.00	0.00	0.00	0.00	0.00	500.00
10	650.00	0.00	0.00	0.00	0.00	0.00	0.00	650.00
11	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
12	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 1/12/2005 for

SANDY R > COLUMBIA R - AB UNN STR

Watershed ID #: 72145

Basin: SANDY

Exceedance Level: 50

Time: 09:59

Date: 01/12/2005

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	3110.00	1070.00	0.33	2040.00	0.00	1900.00	135.00
2	3060.00	1050.00	0.29	2010.00	0.00	1900.00	106.00
3	2690.00	964.00	0.20	1730.00	0.00	2000.00	-274.00
4	3060.00	1120.00	0.23	1940.00	0.00	2000.00	-64.40
5	2700.00	983.00	0.35	1720.00	0.00	2000.00	-284.00
6	1590.00	503.00	0.41	1090.00	0.00	1700.00	-614.00
7	929.00	237.00	0.73	692.00	0.00	800.00	-108.00
8	620.00	153.00	0.73	467.00	0.00	550.00	-83.30
9	662.00	202.00	0.37	459.00	0.00	550.00	-90.70
10	815.00	331.00	0.08	484.00	0.00	700.00	-216.00
11	2180.00	950.00	0.18	1230.00	0.00	1700.00	-470.00
12	3150.00	1100.00	0.38	2050.00	0.00	1700.00	345.00
Stor	1480000	522000	259	956000	0	1050000	35500

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 1/12/2005 for

SANDY R > COLUMBIA R - AB UNN STR

Watershed ID #: 72145

Basin: SANDY

Exceedance Level: 50

Time: 09:59

Date: 01/12/2005

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	0.29	0.00	1070.00	0.35	0.00	4.67	0.04	0.00	1080.00
2	0.24	0.00	1050.00	0.35	0.00	4.67	0.02	0.00	1060.00
3	0.13	0.01	959.00	0.35	0.00	4.67	0.02	0.00	964.00
4	0.15	0.03	1120.00	0.35	0.00	4.67	0.02	0.00	1130.00
5	0.13	0.32	978.00	0.35	0.00	4.67	0.02	0.00	983.00
6	0.06	0.52	498.00	0.35	0.00	4.67	0.02	0.00	504.00
7	0.00	0.98	231.00	0.35	0.00	4.67	0.02	0.00	237.00
8	0.00	0.78	147.00	0.35	0.00	4.77	0.02	0.00	153.00
9	0.00	0.26	197.00	0.35	0.00	4.67	0.02	0.00	202.00
10	0.00	0.03	326.00	0.35	0.00	4.67	0.02	0.00	331.00
11	0.13	0.00	945.00	0.35	0.00	4.67	0.02	0.00	950.00
12	0.34	0.00	1100.00	0.35	0.00	4.67	0.02	0.00	1110.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 1/12/2005 for

SANDY R > COLUMBIA R - AB UNN STR

Watershed ID #: 72145

Basin: SANDY

Exceedance Level: 50

Time: 09:59

Date: 01/12/2005

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 1/12/2005 for

SANDY R > COLUMBIA R - AB UNN STR

Watershed ID #: 72145

Basin: SANDY

Exceedance Level: 50

Time: 09:59

Date: 01/12/2005

-----ISWRs-----								
APP #	-90301A	72145A	0	0	0	0	0	MAXIMUM
Status	SWW	Cert.						
1	1900.00	1900.00	0.00	0.00	0.00	0.00	0.00	1900.00
2	1900.00	1900.00	0.00	0.00	0.00	0.00	0.00	1900.00
3	2000.00	2000.00	0.00	0.00	0.00	0.00	0.00	2000.00
4	2000.00	2000.00	0.00	0.00	0.00	0.00	0.00	2000.00
5	2000.00	2000.00	0.00	0.00	0.00	0.00	0.00	2000.00
6	1700.00	1600.00	0.00	0.00	0.00	0.00	0.00	1700.00
7	800.00	800.00	0.00	0.00	0.00	0.00	0.00	800.00
8	550.00	550.00	0.00	0.00	0.00	0.00	0.00	550.00
9	550.00	550.00	0.00	0.00	0.00	0.00	0.00	550.00
10	700.00	700.00	0.00	0.00	0.00	0.00	0.00	700.00
11	1700.00	1700.00	0.00	0.00	0.00	0.00	0.00	1700.00
12	1700.00	1700.00	0.00	0.00	0.00	0.00	0.00	1700.00

STATE OF OREGON
WATER RESOURCES DEPARTMENT

FACSIMILE TRANSMITTAL SHEET

Date: 2 - 1 - 2005

TO:

Ante Huffman

RE:

R-86099

Fax No. _____

FROM:

Michael McCord, Dist. 20 Watermaster
1678 S. Beaver Creek Road, Suite L
Oregon City, 97045
(503) 722-1410 PHONE
(503) 722- 5926 FAX

This transmission has 2 pages (including the cover). If any of the pages are not received or unreadable please call for another copy.

Message: _____

RECEIVED

FEB 01 2005

WATER RESOURCES DEPT
SALEM, OREGON

WM # 20

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability; b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

REC'D JAN 19 2005

R-86099

DAN NELSON

HANS NELSON AND SONS NURSERY INC

31020 SE WAYBILL RD

BORING OR 97009-9427

Date: January 14, 2005

Please return to WRD before: February 18, 2005

Water is available: Dec - Feb

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO ☐ YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☒ NO ☐ YES

If YES, which conditions are recommended:

Note: Met with Mr. Nelson at the site on 1-31-05. The res was duped with a drag line. The dam height was not increased. The capacity is approx. 20 ac-ft. Inc. by one depth of 10'. Max allowed is 24 Ac-ft between the two water rights

3) Did you meet with staff from another agency to discuss this application?

NO / YES

Who: Steve Morrow

Agency: DSL

Date: 1-20-05

Who: Kris Homma

Agency: USDA NRCS

Date: 1-31-05

Watermaster signature:

Michael M. Cord

Date:

2-1
1-20-05

WRD Contact: Caseworker: Jeana Hoffman, Water Rights Division

503-986-0850 / Fax: 503-986-0901 / e-mail: Jeana.M.EASTMAN@wrdr.state.us

15

RECEIVED

FEB 01 2005

WATER RESOURCES DEPT
SALEM, OREGON

Revised 07/13/04

A-R-80008

ODFW ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Date: January 14, 2005
Please return to WRD before: February 18, 2005
Water is available: Dec - Feb

R-86099
DAN NELSON
HANS NELSON AND SONS NURSERY INC
31020 SE WAYBILL RD
BORING OR 97009-9427

1) Does the proposed reservoir have the potential to injure existing water rights?

NO / YES / DON'T KNOW

Explain: _____

2) Would the proposed reservoir pose a significant detrimental impact to an existing fishery resource? NO / YES Potential

Explain: (For example, list STE species or other existing fishery resources that would be negatively impacted.)

Several listed salmonids use the Sandy River for spawning, rearing + migration. Decreasing water to the Sandy, especially during the summer months could have a negative impact on steelhead, chinook + coho.

Please check either of the boxes below if appropriate:

☐ Any diversion into storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources.

☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area poses a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

3) Can conditions be applied to mitigate the detrimental impact to an existing fishery resource? NO YES

If YES, which conditions are recommended: (select from the Menu of Conditions listed on back)

651a Dec-Feb - only use when water is available

4) Did you meet with staff from another agency to discuss this application?

NO YES

Who: _____ Agency: _____ Date: _____
Who: _____ Agency: _____ Date: _____

ODFW Representative Signature: Janette Ehlers Date: 2-9-05

WRD Contact: Caseworker: Janette Ehlers, Water Rights Division
503-986-0839 / Fax: 503-986-0901 / e-mail: Jeana.M.EASTMAN@wr.d.or.state.us

DEQ ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

R-86099

DAN NELSON

HANS NELSON AND SONS NURSERY INC

31020 SE WAYBILL RD

BORING OR 97009-9427

Date: January 14, 2005
Please return to WRD before: February 18, 2005
Water is available: Dec - Feb

1) Does the proposed reservoir have the potential to injure existing water rights? NO / YES DON'T KNOW

Explain: _____

2) Would the proposed reservoir pose a significant detrimental impact to an existing fishery resource? NO YES

Explain: Possibly - the Sandy R. supports several
anadromous fish stages throughout the year. Preventing
flow from reaching the Sandy R. may contribute to
increasing temperatures.

3) Did you meet with staff from another agency to discuss this application? NO YES

Who: _____ Agency: _____ Date: _____
Who: _____ Agency: _____ Date: _____

DEQ Representative Signature: Karen F. Williams Date: Feb. 18, 2005

WRD Contact: Caseworker: Jeana Eastman Water Rights Division
503-986-0859 / Fax: 503-986-0901 / e-mail: Jeana.M.EASTMAN@wrdr.state.us

15

Revised: 07/13/04



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us



Application for a Permit to Store Water in a Reservoir (Alternate Review)

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

1. APPLICANT INFORMATION

Landowner: DAN L. NELSON dba HANS NELSON & SONS NURSERY, INC.
First Last
Mailing Address: 31020 SE WAYBILL ROAD
BORING OREGON 97009
City State Zip
Phone: 503-663-3348 CELL: 503-310-9708
Home Work Other
*Fax: 503-663-0138 *E-Mail Address: DNELSON@HANSNELSON.COM

*Optional Information

2. LOCATION AND SOURCE

A. Reservoir Name: RESERVOIR #1

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source: SPRINGS Tributary to: UN-NAMED CREEK TO SANDY RIVER

C. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
1S	4E	25	SW of SW	2000

D. County of use: CLACKAMAS COUNTY
less than

E. Dam: Maximum height of dam: 10 feet. If excavated, write "excavated" or "0 feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List quantity in Acre-Feet: 19.0 ACRE-FEET

App. No. R-86099

For Department Use

Permit No. _____ Date _____

3. WATER USE

Indicate the proposed use(s) of the stored water. NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement. If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water. THIS RESERVOIR HAD PERMIT R-76927 (HB-2153), S-85058 DONE T-9210 WHICH ADDED GENERAL NURSERY/AGR. USES TO EXISTING WILDLIFE USES.
THE RESERVOIR STORAGE VOLUME WAS INCREASED TO 9 ACRE-FEET (PERMIT 5.0AC-FT).

4. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (Skip to section 5)

☐ No (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or an easement permitting access to lands not under my ownership.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

5. ENVIRONMENTAL IMPACT

A. Channel: Is the reservoir in stream YES or off channel _____?

B. Wetland: Is the project in a wetland? ☐ Yes ☐ No ☒ Don't know

C. Existing: Is this an existing reservoir? ☒ Yes ☐ No
If yes, how long has it been in place? R-76927 years.

D. Fish Habitat: Is there fish habitat upstream of the proposed structure? ☐ Yes ☒ No ☐ Don't know
If yes, how much? _____ miles.

E. Partnerships: Have you been working with other agencies? ☒ Yes ☐ No

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

COMBINED CORPS OF ENGINEERS / STATE LANDS DURING THE CONSTRUCTION PERIOD.

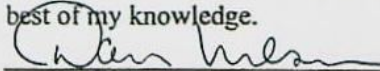
RECEIVED

JAN 5 2005

WATER RESOURCES DEPT
SALEM, OREGON

6. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.



Landowner Signature

Date

1-4-05

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$40. In addition, there is a fee of \$10 per acre-foot or fraction thereof, not to exceed \$250. The maximum fee is \$290. Example: 0.3 AF=\$50; 1.5 AF=\$60; 20.0 AF=\$240; 30.0 AF=\$290.



Crane Engineering & Surveying, Inc.

13755 S.E. 119th Drive
Clackamas, OR 97015
Office: (503) 698-3890
Cell: (503) 679-3253
FAX: (503) 698-3861
Email: eces@verizon.net



Manager Appl. & Permit Section
Oregon Water Resources Department
725 Summer Street NE Suite "A"
Salem, OR 97301-1271

December 30, 2004

SUBJECT: **Hans Nelson & Sons Nursery, Inc.**
"Alternative Review" Reservoir Application for an additional 4 ac-ft
(Existing Permit R-76927 [HB-2153], S-85058 for 5.0 acre-feet)
Reservoir: Tax Lot 2000, SW of SW of Sec. 25, T1S, R4E WM,
Clackamas County, Oregon (Vol./Use: Additional 14.0 acre-feet)

D:\PROJECTS\347-006\WORD\OWRD RES LETTER.DOC

Dear Sir/Madam:

Enclosed is the **"Alternative Review Reservoir Application" for an additional 4 ac-ft** of storage for **Hans Nelson & Sons Nursery, Inc.** Originally, R-76927 (Certificate 70836, now cancelled), was issued for storage of 5 acre-feet for wildlife uses only. Transfer Application (T-9210) and Surface application (S-85058) was made to allow for irrigation from this reservoir for General Nursery Irrigation Uses. The Final Proof Survey & Beneficial Site Report for T-9210, field survey showed that the size of the improved reservoir and its storage capacity to be both above the permitted 5 acre-feet amount. The purpose of this application is increase the total storage to 19 acre-feet. Surface water Permit S-85058 all ready allows general nursery irrigation uses from this pond (no increase of duty / rate of use is requested in this application).

I previously field surveyed on September 22, 2004 the site of the completed reservoir. Attached are: the application, maps and completed county signed "Land Use Information Form". Please contact Dan Nelson at 503-663-3348 if you have any questions about his reservoir, irrigation pumps & intakes, irrigation system or any other item. I'd be available to answer any questions or concerns that you may have about the application and maps and can be reached at 503-698-3890 by telephone, 503-698-3861 for facsimile (Fax).

Sincerely;
CRANE ENGINEERING & SURVEYING, INC.

Edward A. Crane, CWRE

cc: Dan L. Nelson, President
Hans Nelson & Sons Nursery, Inc.
31020 SE Waybill Road
Boring, OR 97009

Tel: 503-663-3348
Fax: 503-663-0138
Cell: 503-310-9708
E-Mail: dnelson@hansnelson.com

app # R-86099

COUNTY OF Clackamas

CERTIFICATE OF WATER RIGHT (HB - 2153)

THIS CERTIFICATE ISSUED TO

CHRISTINA R VAERETTI
RANNO, WILLIAM E
PO BOX 1506
SANDY, OR 97055

confirms the right to store the waters of
A SPRING, A TRIBUTARY OF SANDY RIVER IN AN UNNAMED RESERVOIR
for WILDLIFE.

The right to store and use these waters was perfected under Reservoir Application R-76927.
The date of priority is January 1, 1993. The amount of water entitled to be stored and
used each year under this right is not more than 5.0 ACRE-FEET

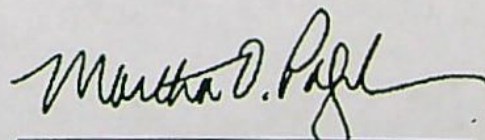
Located as follows:

1/4 1/4 SECTION 25, TOWNSHIP 1 SOUTH, RANGE 4 EAST WM.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, with
a minimum diameter of 8", or the provision of other means to evacuate water when determined necessary
for public safety or to satisfy prior downstream rights as determined by the Water Resources Director.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of
use listed above.

WITNESS the signature of the Water Resources Director, affixed **FEBRUARY 27, 1996.**

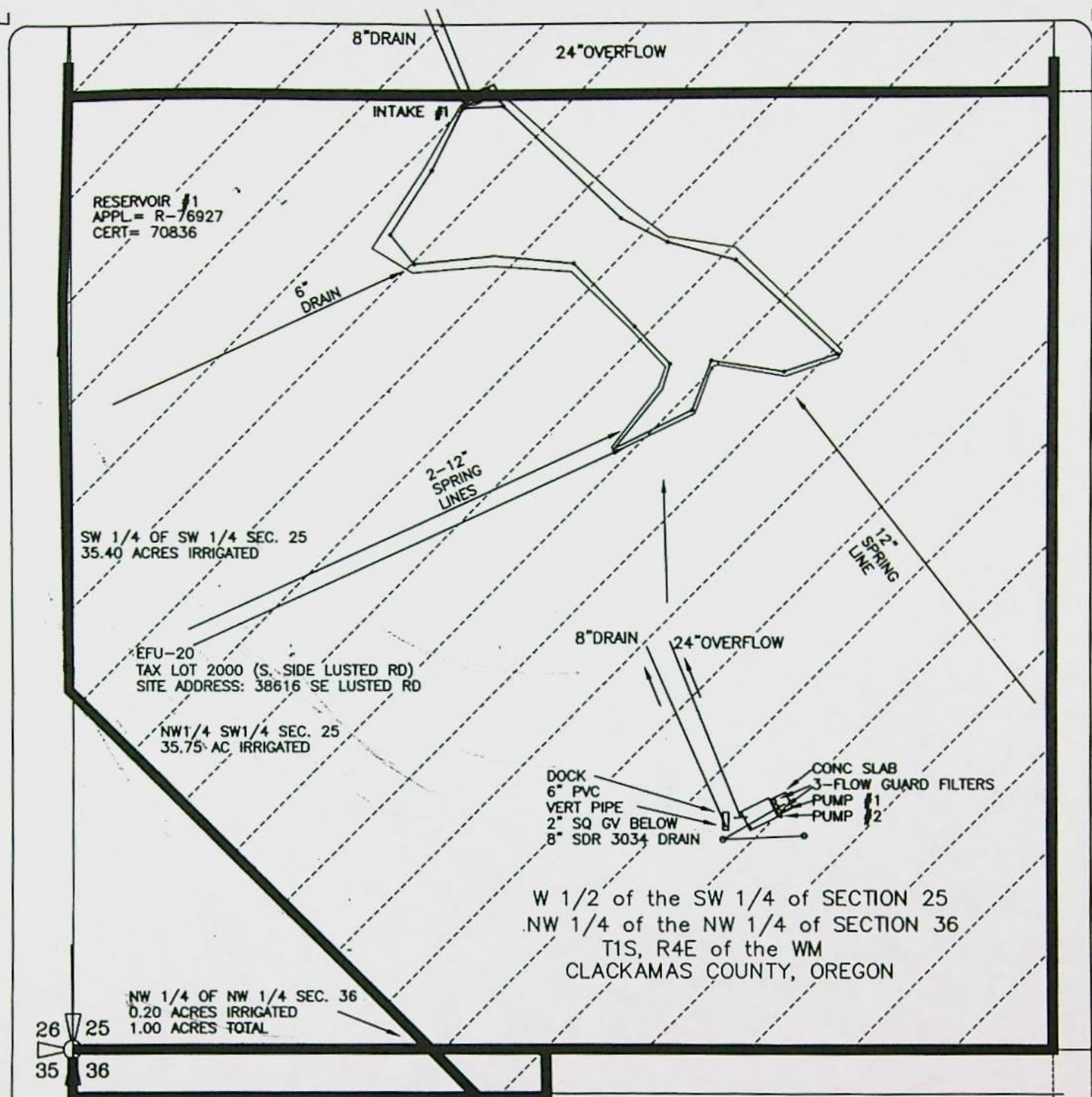


Martha O. Pagel

app # R-86099

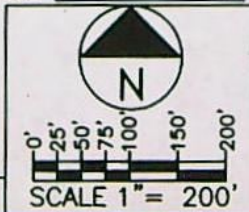
[illegible]

T-9210 ΔUSE V.56 p. 2256



SURVEYED SEPT. 22, 2004


Renewal 12/31/2005
Signed



PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

GROUNDWATER PERMIT G- CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

<p>DATE DEC. 2004</p> <p>PROJECT NO. 347-006</p>		<p>CRANE ENGINEERING & SURVEYING, INC.</p> <p>13755 SE 119TH DRIVE CLACKAMAS, OREGON 97015</p> <p>OFFICE: 503-698-3890 FAX NO: 503-698-3861 CELL: 503-679-3253 E-MAIL: ec@verizon.net</p>	<p>APPLICATION FOR PERMIT NUMBER R- (ALTERNATE REVIEW), IN THE NAME OF:</p> <p>DAN L. NELSON dba HANS NELSON & SONS NURSERY, INC. TEL: 503-663-3348 31020 SE WAYBILL RD., BORING, OR 97009</p>	<p>SHEET 2/3</p>
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app # R-86099



Oregon

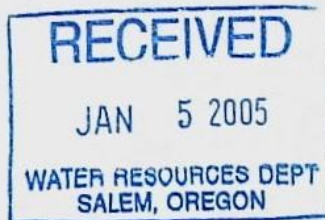
Theodore R. Kulongoski, Governor

DEC 24 2004

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

December 27, 2004

Dan L. Nelson, President
Hans Nelson & Sons Nursery Inc.
31020 SE Waybill Road
Boring, OR 97009



Reference: Transfer Application No. T-9210, Application No. 85058

Dear Mr. Nelson:

The Department received your claim of beneficial use and site report (Report) describing the use of water allowed by Order of the Department approving Transfer Application No. T-9210 on October 6, 2004.

The Report appears to be complete, however, the Department has yet to approve the use of water from the reservoir as proposed by Application No. 85058. The reason for bringing this to your attention is the storage capacity of the reservoir appears to have changed since the date of filing of Application R-76927. In as much, a new application for permit for the additional storage in the reservoir should be made and approved before you may legally store any amount beyond 5.0 acre-feet of water allowed under the Order approving Transfer Application No. T-9210.

You should carefully review the amount of water which you should make application as it appears the total capacity of the reservoir may exceed the 9.0 acre-feet described in your Report. In addition, if you wish to appropriate the additional amount of stored water an additional application should be submitted and approved prior to the use of water.

If you have any questions regarding the processing of your Application No. 85058, you may contact Anita Huffman, at telephone number 503.986.0815. Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have. My telephone number is 503.986.0809.

Sincerely,

Steve Brown
Certificates

c: Mr. Crane, CWRE
Mr. McCord, Watermaster, District 20

app # R-86099

For Local Government Use Only

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

A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 401.01. Go to section B "Approval" below
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: L. Prue Date: 12-29-04
 Title: Planner Phone: 503-353-4500
 Signature: Linda Prue

C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

RECEIVED

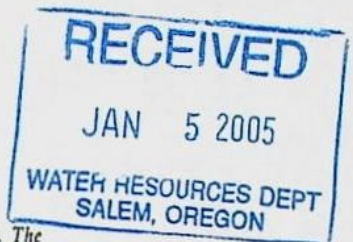
JAN 5 2005

WATER RESOURCES DEPT
SALEM, OREGON

app# R-86099



Oregon Water Resources Department
Land Use Information Form



This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: DAN NELSON dba HANS NELSON & SONS NURSERY

Address: 31020 SE WAYBILL ROAD

City: BORING State: OR Zip: 97009 Day Phone: 503-663-3348

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
TL2000,	SW SEC.25,T1S,R4E EFU-20	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. CLACKAMAS COUNTY, NO CITY

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): GENERAL NURSERY USES, GENERAL AGRICULTURAL USES

Briefly describe: WATER STORAGE RESERVOIR

D. Source

Indicate the source for the proposed water use:

☒ Reservoir/Pond ☐ Ground Water ☒ Surface Water UN-NAMED SPRINGS
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:

☐ CFS ☐ GPM 19 ☒ Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME
Christina R. Vaeretti and William E. Rannow

GRANTEE'S NAME
Dan L. Nelson and Linda B. Nelson Family Trust

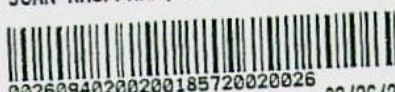
SEND TAX STATEMENTS TO:
Mr. and Mrs. Dan L. Nelson
31020 SE Waybill Rd.
Boring, OR 97009

AFTER RECORDING RETURN TO:
Mr. and Mrs. Dan L. Nelson
31020 SE Waybill Rd.
Boring, OR 97009

RECORDED IN CLACKAMAS COUNTY
JOHN KAUFFMAN, COUNTY CLERK

2002-018572

\$31.00



00260940200200185720020026

02/26/2002 09:26:03 AM

D-D Cnt=1 Stn=3 ELIZABETH
\$10.00 \$11.00 \$10.00

RECEIVED

JAN 5 2005

WATER RESOURCES DEPT
SALEM, OREGON

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Christina R. Vaeretti, A Married Woman and William E. Rannow, A Married Man, who took title as William A. Rannow, Grantor, conveys and warrants to

Dan L. Nelson, Trustee and Linda B. Nelson, Trustee of the Dan L. Nelson and Linda B. Nelson Family Trust Dated December 18, 1992, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting:

The herein property has been classified as forest lands, as disclosed by the tax roll. In the event of declassification, the property may be subject to additional taxes and/or penalties; Rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of SE Lusted Road; Easements recorded November 19, 1923 in Book 172, Page 285; Easement Recorded December 10, 1981 in Recorder's No. 81 42295;

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

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$489,000.00 (See ORS 93.030)

DATED: February 19, 2002

Christina R. Vaeretti
Christina R. Vaeretti

William E. Rannow
William E. Rannow

STATE OF OREGON
COUNTY OF Clackamas

This instrument was acknowledged before me on

2-22-02

by Christina R. Vaeretti and William E. Rannow

Christine Crenshaw
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: _____



Order No. 07-77661-28

EXHIBIT "ONE"

PARCEL I:

A tract of land situated in the Southwest one-quarter of Section 25 and the Northwest one-quarter of Section 36, Township 1 South, Range 4 East of the Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

Below Lusted Rd

Beginning at the Southwest corner of said Section 25; thence North $01^{\circ}08'47''$ West, along the West line thereof, 962.19 feet to a 5/8" iron rod with a yellow plastic cap stamped "Marx Assocs"; thence North $05^{\circ}52'37''$ East 74.90 feet to a 5/8" iron rod with a yellow plastic cap stamped "Marx Assocs"; thence North $01^{\circ}31'58''$ West 1358.09 feet to the Northwest corner of that certain tract of land described in Recorder's Fee No. 93 50262, Deed Records, said county; thence North $89^{\circ}04'00''$ East, along the North line of said Fee No. 93 50262, 333.64 feet to an angle point; thence North $38^{\circ}52'00''$ East, continuing along said North line, 155.01 feet to a point in the Southwesterly right of way line of SE Lusted Road (60 feet wide); thence South $51^{\circ}08'00''$ East, along said Southwesterly right of way line, 1165.41 feet to the Northeast corner of said Fee No. 93 50262; thence South $00^{\circ}41'00''$ East, along the East line of said Fee No. 93 50262, 1789.06 feet to the Southeast corner thereof and a point in the South line of said Section 25; thence West, along said South line, 651.69 feet to an angle point in the South line of said Fee No. 93 50262; thence South $01^{\circ}08'47''$ East 66.00 feet to the most Southerly Southeast corner of said Fee No. 93 50262; thence West, along the South line of said Fee No. 93 50262, 660.00 feet to a point in the West line of Section 36; thence North $01^{\circ}08'47''$ West, along said West line, 66.00 feet to the point of beginning.

PARCEL II:

Below Lusted Rd

That portion of the West one-half of the Southwest one-quarter of Section 25, Township 1 South, Range 4 East of the Willamette Meridian, Clackamas County, Oregon, lying Northeasterly of SE Lusted Road.

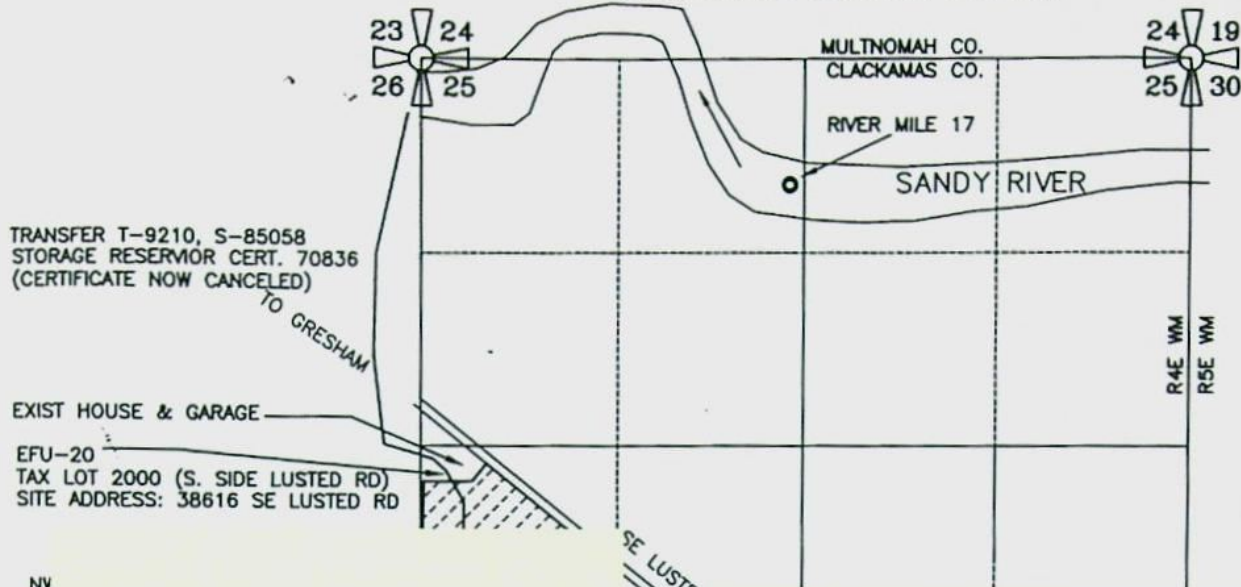
RECEIVED

JAN 5 2005

WATER RESOURCES DEPT
SALEM, OREGON

CORPORATE
BOUNDARY LINE _____
DONATION LAND
CLAIM (DLC #) - - - - -

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



RECEIVED
JAN 5 2005
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
JAN 5 2005
WATER RESOURCES DEPT
SALEM, OREGON

● SOUTH
of SEC. 36

153)
DOED
RAL USES)
0.9 AC-FT

SEC.	SW	SE	NE	NW
25				
25				
36				
TOTAL IF				

RE:
WA
IRR
TH

RESERVOIR INTAKE #1 & #2 ARE LOCATED 1300 FEET NORTH & 590 FT
EAST FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 1
SOUTH, RANGE 4 EAST of the WM, CLACKAMAS COUNTY, OREGON

PREPARATION OF THIS MAP WAS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP LINES.

GROUNDWATER PERMIT G-
CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

APPLICATION FOR PERMIT NUMBER R-
(ALTERNATE REVIEW), IN THE NAME OF:

DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

1/3

Certified
S
T
A

Ren
Sig

SURVEY
BY ED

D. CRANE

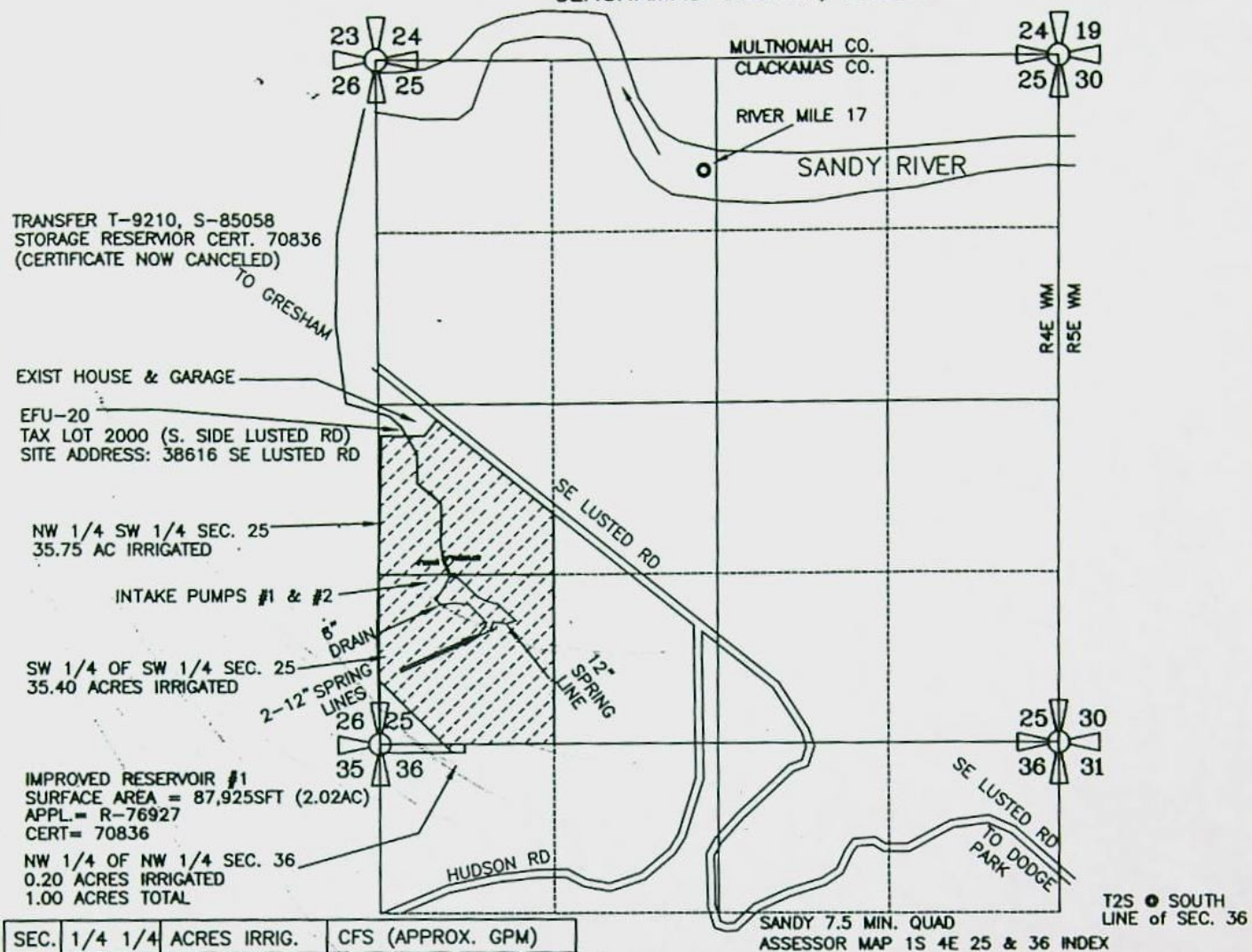
DATE
DEC.

PROJECT NO.
347-006

OFFICE: 503-698-3861
FAX NO: 503-698-3861
CELL: 503-679-3253
E-MAIL: eces@verizon.net

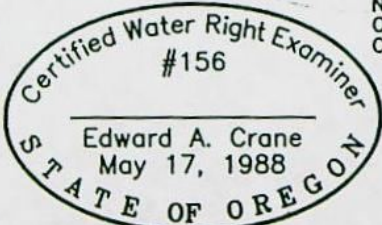
CORPORATE
BOUNDARY LINE _____
DONATION LAND
CLAIM (DLC #) - - - - -

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



SEC.	1/4 1/4	ACRES IRRIG.	CFS (APPROX. GPM)
25	NW SW	28.50 AC IRRIG	0.3563 CFS (160 GPM)
25	SW SW	35.40 AC IRRIG	0.4425 CFS (199 GPM)
36	NW NW	0.20 AC IRRIG	0.0025 CFS (1.12 GPM)
TOTAL IRRIG.		64.10 ACRES	0.8013 CFS (360 GPM)

RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153) WAS FOR WILDLIFE USES ONLY. TRANSFER APPLICATION ADDED IRRIGATION USES (GENERAL NURSERY USES & AGRICULTURAL USES) THIS APPLICATION INCREASES STORAGE FROM 5 AC-FT TO 9 AC-FT



NO INCREASE IN DUTY OR IRRIGATION AREAS OR TYPES OF USES

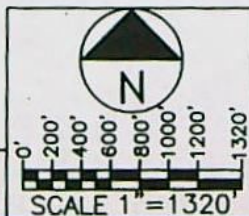
SURFACE AREA WAS FIELD SURVEYED ON SEPTEMBER 22, 2004

RESERVOIR INTAKE #1 & #2 ARE LOCATED 1300 FEET NORTH & 590 FT EAST FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 4 EAST of the WM, CLACKAMAS COUNTY, OREGON

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Renewal 12/31/2005
Signed _____

SURVEYED SEPT. 22, 2004
BY EDWARD A. CRANE, CWRE



GROUNDWATER PERMIT G- CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

DATE

DEC. 2004

PROJECT NO.

347-006



**CRANE ENGINEERING
& SURVEYING, INC.**

13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015

OFFICE: 503-698-3890

FAX NO: 503-698-3861

CELL: 503-679-3253

E-MAIL: eces@verizon.net

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(ALTERNATE REVIEW), IN THE NAME OF:

DAN L. NELSON dba HANS NELSON
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31020 SE WAYBILL RD., BORING, OR 97009

SHEET

1/3

RESERVOIR #1
APPL= R-76927
CERT= 70836

SW 1/4 OF SW 1/4 SEC. 25
35.40 ACRES IRRIGATED

EFU-20
TAX LOT 2000 (S. SIDE LUSTED RD)
SITE ADDRESS: 38616 SE LUSTED RD

NW1/4 SW1/4 SEC. 25
35.75 AC IRRIGATED

NW 1/4 OF NW 1/4 SEC. 36
0.20 ACRES IRRIGATED
1.00 ACRES TOTAL

8" DRAIN

24" OVERFLOW

INTAKE #1

6" DRAIN

2-12" SPRING LINES

12" SPRING LINE

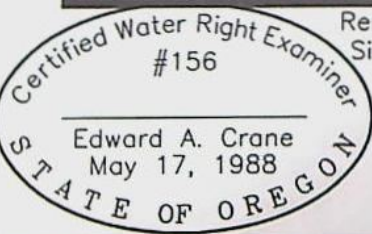
8" DRAIN

24" OVERFLOW

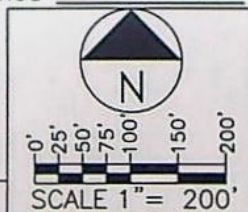
DOCK
6" PVC
VERT PIPE
2" SQ GV BELOW
8" SDR 3034 DRAIN
CONC SLAB
3-FLOW GUARD FILTERS
PUMP #1
PUMP #2

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON

26
25
35
36



Renewal 12/31/2005
Signed



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SHEET

2/3



TRANSFER T-9210, S-85058
STORAGE RESERVIOR CERT. 70836
SURVEYED SEPT. 22, 2004

D:\CRANE ENGR & SURVEY\PROJECTS\347-006\34700601.DWG EAC 12/29/2004

GROUNDWATER PERMIT G-
CONSTRUCT A RESERVOIR

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DATE

DEC. 2004

PROJECT NO.

347-006



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31020 SE WAYBILL RD., BORING, OR 97009

SHEET

3/3

Mailing List for FO Copies

Application #R-86099

Print Date : March 2, 2005

Original mailed to Applicant WITH CLAIM OF BENEFICIAL USE FORM:

DAN NELSON AND HANS NELSON AND SONS NURSERY INC, 31020 SE WAYBILL RD,
BORING, OR 97009-9427 ✓

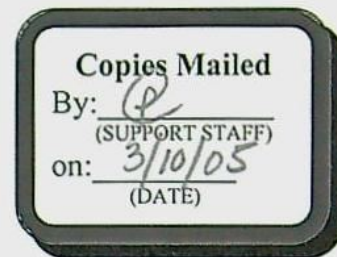
NOTE TO SUPPORT: Please include a Claim of Beneficial Use form
with the permit to the applicant.

Copies sent to:

1. WRD - File # R-86099 ✓
2. WRD - Water Availability: Ken Stahl (WAB= 3-72145) ✓

FO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster; 20 ✓
4. WRD - REGION: NWR, DAVE JARRETT ✓



Copies sent to Other Interested Persons (*CWRE, Agent, Commenter, etc.*)

5. ED CRANE, CWRE #156 ✓
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____
2. _____
3. _____

CASEWORKER : AMH

Oregon Water Resources Department

Water Rights Application
Number R-86099

Final Order

Appeal Rights

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

Application History

On JANUARY 05, 2005, DAN NELSON DBA HANS NELSON AND SONS NURSERY INC submitted an application to the Department for a water use permit. Pursuant to ORS 537.409, the Department provided public notice of the application in the Department's weekly public notice. A 60 day comment period followed.

The Department **has not** received adverse comments related to the possible issuance of the attached permit.

The Department **has** received comments from Oregon Department of Fish and Wildlife related to the possible issuance of the attached permit. Permit Number R-14141 is conditioned to address the issues raised in those comments.

Water is available for the proposed use as described in the attached permit.

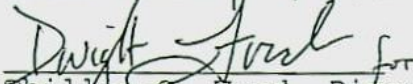
The use, as described on the attached permit, will not injure any existing water rights and does not pose potential detrimental impacts to existing fishery resources.

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

Order

Application R-86099 therefore is approved pursuant to ORS 537.409, and Permit Number R-14141 is issued as limited by the conditions contained therein.

DATED March 10, 2005


Phillip C. Ward, Director
Water Resources Department

This document was prepared by Anita M. Huffman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 503-986-0815.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Mike Reynolds at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

DAN NELSON DBA HANS NELSON AND SONS NURSERY INC
31020 SE WAYBILL RD
BORING, OR 97009-9427

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

APPLICATION FILE NUMBER: R-86099

SOURCE OF WATER: SPRINGS, TRIBUTARY TO SANDY RIVER

STORAGE FACILITY: RESERVOIR #1

PURPOSE OR USE OF THE STORED WATER: MULTI PURPOSE STORAGE

MAXIMUM STORAGE VOLUME: 19.0 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: DECEMBER 1
THROUGH END OF FEBRUARY OF EACH YEAR

DATE OF PRIORITY: JANUARY 5, 2005

DAM LOCATION: SW 1/4 SW 1/4 SECTION 25, T1S, R4E, W.M.; 1300 FEET NORTH
& 590 FEET EAST FROM SW CORNER, SECTION 25

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4
SECTION 25
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

- A. The Director may require the permittee to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the permittee to install a meter or other measuring device, the permittee shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the permittee shall maintain the meter or measuring device in good working order and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the permittee to

submit alternative measuring procedures for review and approval.

- B. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The permittee shall pass all live flow outside the storage season described above.

This permit does not provide for the appropriation of water for any out of reservoir uses, the maintenance of the water level or maintaining a suitable fresh water condition. If any water is used for out of reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

STANDARD CONDITIONS

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

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

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water 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.

This permit does not authorize the permit holder to pursue this right in such a way as to interfere with or affect adjacent property not under the ownership of the permit holder.

The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 2009.

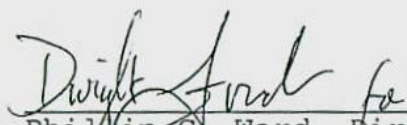
Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use to the Oregon Water Resources Department.

The claim of beneficial use shall be prepared by a Certified Water Right Examiner in conformance with the requirements of OAR 690-014 if an associated secondary permit exists for the use of stored water under this permit, or if the reservoir stores 9.2 or more acre-feet of water.

If no secondary permit exists and the reservoir stores less than 9.2 acre-feet of water, the claim of beneficial use need not be prepared by a Certified Water Right Examiner. The information submitted to the Oregon Water Resources Department shall include:

- (a) the dimensions of the reservoir;
- (b) the maximum capacity of the reservoir in acre-feet; and
- (c) a map identifying the location of the reservoir prepared in compliance with Water Resource Department standards.

Issued March 10 , 2005


Phillip C. Ward, Director
Water Resources Department

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources

Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

CORPORATE
BOUNDARY LINE _____
DONATION LAND
CLAIM (DLC #) - - - - -

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON

WORK
COPY

TRANSFER T-9210, S-85058
STORAGE RESERVOIR CERT. 70836
(CERTIFICATE NOW CANCELED)

EXIST HOUSE & GARAGE

EFU-20
TAX LOT 2000 (S. SIDE LUSTED RD)
SITE ADDRESS: 38616 SE LUSTED RD

NW 1/4 SW 1/4 SEC. 25
35.75 AC IRRIGATED

INTAKE PUMPS #1 & #2

SW 1/4 OF SW 1/4 SEC. 25
35.40 ACRES IRRIGATED

IMPROVED RESERVOIR #1
SURFACE AREA = 87,925 SFT (2.02 AC)
APPL = R-76927
CERT = 70836

NW 1/4 OF NW 1/4 SEC. 36
0.20 ACRES IRRIGATED
1.00 ACRES TOTAL

SEC.	1/4 1/4	ACRES IRRIG.	CFS (APPROX. GPM)
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CONSTRUCT A RESERVOIR

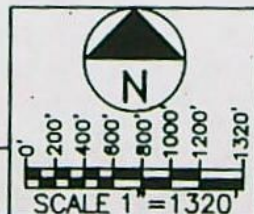
PREPARED BY EDWARD A. CRANE, CWRE

Certified Water Right Examiner
#156
Edward A. Crane
May 17, 1988
STATE OF OREGON

Renewal 12/31/2005
Signed _____

SURVEYED SEPT. 22, 2004
BY EDWARD A. CRANE, CWRE

NO INCREASE IN DUTY
OR IRRIGATION AREAS
OR TYPES OF USES
SURFACE AREA WAS
FIELD SURVEYED ON
SEPTEMBER 22, 2004



DATE
DEC. 2004
PROJECT NO.
347-006



CRANE ENGINEERING
& SURVEYING, INC.
13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015
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SHEET

1/3

app # R-86099

Permit # R14141

Sw 1/4
LOCATION of RESERVOIR

CORPORATE
BOUNDARY LINE _____
DONATION LAND
CLAIM (DLC #) - - - - -

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T1S, R4E of the WM
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SW 1/4 OF SW 1/4 SEC. 25
35.40 ACRES IRRIGATED

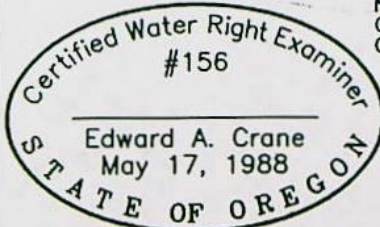
IMPROVED RESERVOIR #1
SURFACE AREA = 87,925SFT (2.02AC)
APPL. = R-76927
CERT. = 70836

NW 1/4 OF NW 1/4 SEC. 36
0.20 ACRES IRRIGATED
1.00 ACRES TOTAL

SEC.	1/4 1/4	ACRES IRRIG.	CFS (APPROX. GPM)
25	NW SW	28.50 AC IRRIG	0.3563 CFS (160 GPM)
25	SW SW	35.40 AC IRRIG	0.4425 CFS (199 GPM)
36	NW NW	0.20 AC IRRIG	0.0025 CFS (1.12 GPM)
TOTAL IRRIG.		64.10 ACRES	0.8013 CFS (360 GPM)

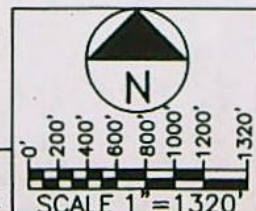
NO INCREASE IN DUTY
OR IRRIGATION AREAS
OR TYPES OF USES

SURFACE AREA WAS
FIELD SURVEYED ON
SEPTEMBER 22, 2004



Renewal 12/31/2005
Signed _____

SURVEYED SEPT. 22, 2004
BY EDWARD A. CRANE, CWRE



D:\CRANE ENGR & SURVEY\PROJECTS\347-006\34700601.DWG ENC 12/29/2004

MULTNOMAH CO.
CLACKAMAS CO.

RIVER MILE 17

SANDY RIVER

R4E WM
R5E WM

SE LUSTED RD

6" DRAIN
2-12" SPRING LINES

12" SPRING LINE

HUDSON RD

SE LUSTED RD
TO DODGE PARK

SANDY 7.5 MIN. QUAD
ASSESSOR MAP 1S 4E 25 & 36 INDEX

T2S • SOUTH
LINE of SEC. 36

RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153)
WAS FOR WILDLIFE USES ONLY. TRANSFER APPLICATION ADDED
IRRIGATION USES (GENERAL NURSERY USES & AGRICULTURAL USES)
THIS APPLICATION INCREASES STORAGE FROM 5 AC-FT TO 9 AC-FT

RESERVOIR INTAKE #1 & #2 ARE LOCATED 1300 FEET NORTH & 590 FT
EAST FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 1
SOUTH, RANGE 4 EAST of the WM, CLACKAMAS COUNTY, OREGON

PREPARATION OF THIS MAP WAS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP LINES.

GROUNDWATER PERMIT G- CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

DATE

DEC. 2004

PROJECT NO.

347-006



**CRANE ENGINEERING
& SURVEYING, INC.**

13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015

OFFICE: 503-698-3890
FAX NO: 503-698-3861
CELL: 503-679-3253
E-MAIL: eces@verizon.net

APPLICATION FOR PERMIT NUMBER R-

(ALTERNATE REVIEW), IN THE NAME OF:

DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

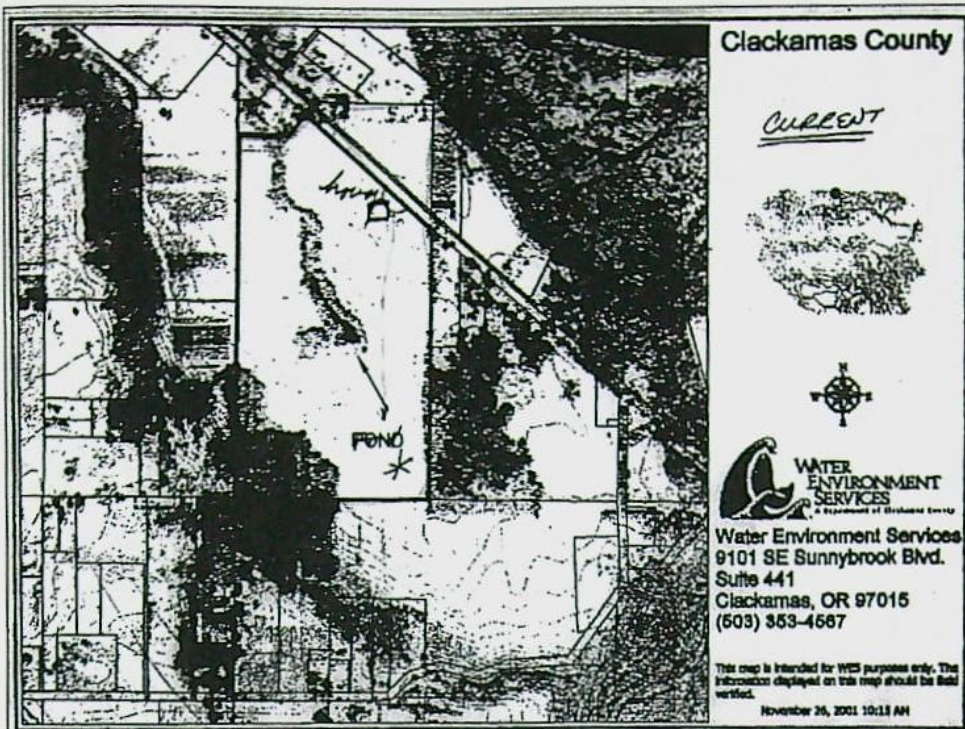
SHEET

1/3

app # R-86099

permit # R14141

Sw 1/4
LOCATION of RESERVOIR




SCALE 1"=1320'



TRANSFER T-9210, S-85058
STORAGE RESERVIOR CERT. 70836
SURVEYED SEPT. 22, 2004

D:\CRANE ENGR & SURVEY\PROJECTS\347-006\34700601.DWG EAC 12/29/2004

GROUNDWATER PERMIT G-
CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

DATE

DEC. 2004

PROJECT NO.

347-006



**CRANE ENGINEERING
& SURVEYING, INC.**

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CLACKAMAS, OREGON 97015

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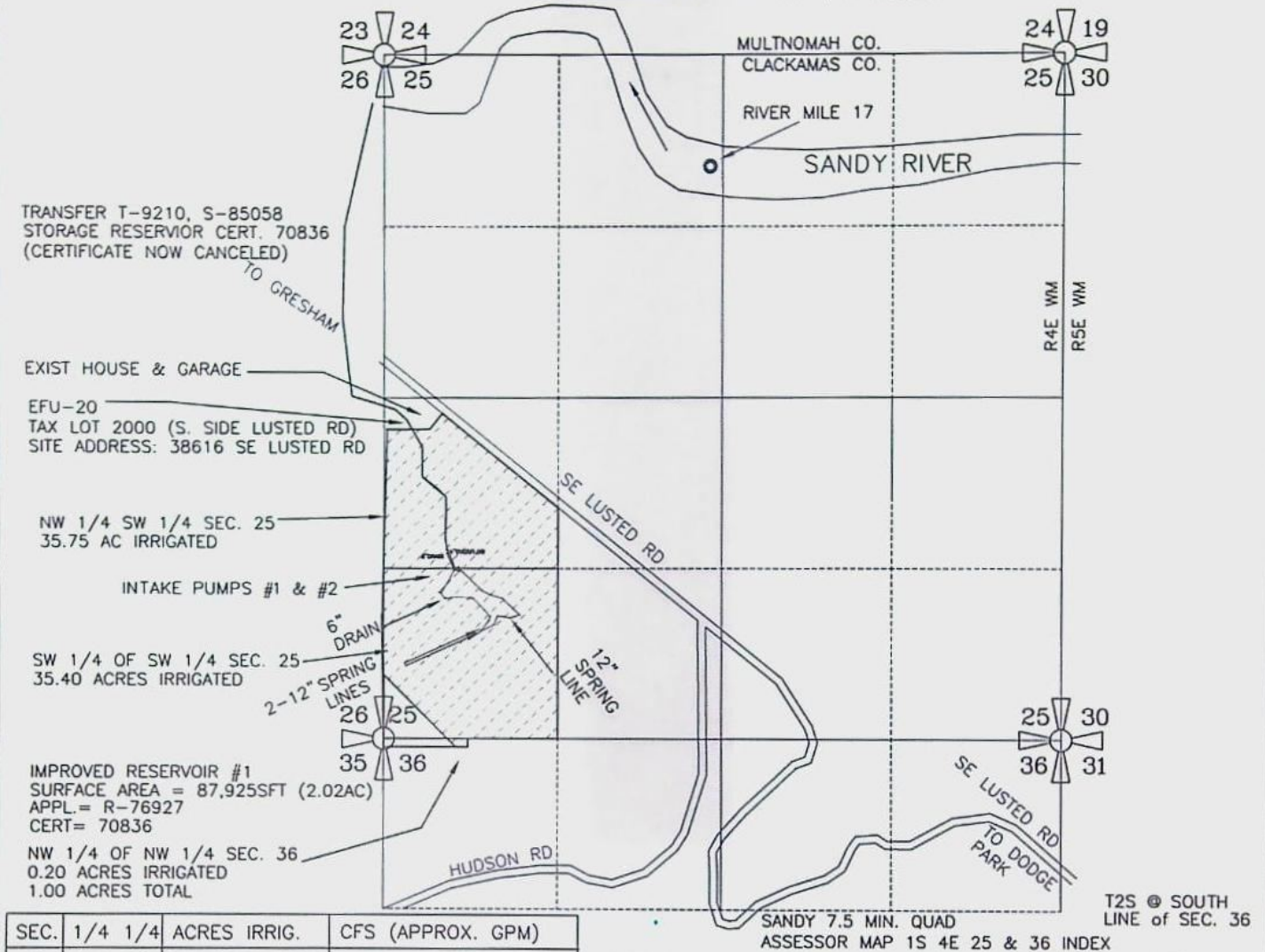
DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

3/3

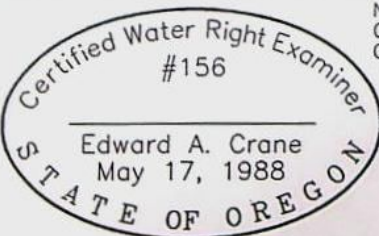
CORPORATE
BOUNDARY LINE _____
DONATION LAND
CLAIM (DLC #) - - - - -

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



SEC.	1/4 1/4	ACRES IRRIG.	CFS (APPROX. GPM)
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25	SW SW	35.40 AC IRRIG	0.4425 CFS (199 GPM)
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THIS APPLICATION INCREASES STORAGE FROM 5 AC-FT TO 9 AC-FT



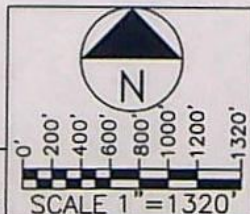
Renewal 12/31/2005
Signed _____

SURVEYED SEPT. 22, 2004
BY EDWARD A. CRANE, CWRE

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NO INCREASE IN DUTY
OR IRRIGATION AREAS
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OR LOCATION OF PROPERTY OWNERSHIP LINES.

GROUNDWATER PERMIT G- CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

DATE
DEC. 2004

PROJECT NO.
347-006



**CRANE ENGINEERING
& SURVEYING, INC.**

13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015

OFFICE: 503-698-3890
FAX NO: 503-698-3861
CELL: 503-679-3253
E-MAIL: eces@verizon.net

APPLICATION FOR PERMIT NUMBER R-
(ALTERNATE REVIEW), IN THE NAME OF:

DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

1/3

Completion Checklist for CWRE Claims of Beneficial Use



Date Received 11/15/2005
CWRE Name Ed Crane
Claim Logged ✓
File Marked ✓
Oversized Map # _____
Read and attach copy of permit or transfer

Application # R 86099
Permit # R 14141
Transfer # _____
Date _____
Reviewer _____

Map Review:

- _____ Map on polyester film
- _____ Application & permit #; or transfer #
- _____ Disclaimer
- _____ North arrow
- _____ CWRE stamp and signature
- _____ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
- _____ Township, range, section, and tax lot numbers
- _____ Source illustrated if surface water
- _____ Point(s) of diversion or appropriation (illustrated)
- _____ Point(s) of diversion or appropriation (coordinates)
- _____ Conveyance structures illustrated (pump, pipelines, ditches, etc.)
- _____ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required
- _____ 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)
- _____ Checked to legal description

Report Review:

- _____ On form or format provided by the Department
- _____ Application & permit #; or transfer #
- _____ County
- _____ Tax lot information
- _____ Date of survey
- _____ Person interviewed
- _____ Ownership information
- _____ Source(s) of water
- _____ Point of diversion/appropriation location
- _____ Use, period of use, and rate for use
- _____ Place of use location
- _____ Type of use
- _____ Extent of use
- _____ Rate and Duty
- _____ Diversion rate for each use
- _____ Description of conveyances system (from POD to POU)
- _____ Diversion works description (pump make, serial model, capacity, and description)
- _____ System capacity
 - _____ Calculated capacity of system (required)
 - _____ Measured amount of use (optional)
- _____ Permit conditions
 - _____ 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
- _____ Signature(s) of permittee of transfer holder

Certificate Issuance Processing Checklist

☐ Map and COBU reviewed
☐ Conflict check (include copy of plat card printout)
☐ Check current ownership

Any Conflicts? _____

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:

Oregon Water Resources Department
Application and Permit Section
725 Summer Street NE, Suite "A"
Salem, Oregon 97301-1271

November 7, 2005

SUBJECT: **Hans Nelson & Sons Nursery, Inc.**
Claim of Beneficial Use & Site Report – Storage Reservoir
Application R-86099; Permit R-14141 Final Proof Survey & Maps
Property is Located at 38615 SE Lusted Road
TL 2000, W1/2 of SW of Sec. 25 & NW NW Sec.36, T1S, R4E of WM
Clackamas County, Oregon

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Ladies and Gentlemen:

Enclosed is the Claim of Beneficial Use and Site Report from Dan Nelson dba Hans Nelson & Sons Nursery, Inc. This Final Proof Survey is for adding an additional 14 ac-ft of storage for irrigation use (19 ac-ft total) from their reservoir on 64.10 acres of land.

I inspected the reservoir including two irrigation pumps and discharge piping. We performed an actual survey the surface area of the reservoir. Attached are the Final Proof Survey Maps showing the location of this storage reservoir.

Please contact the Dan Nelson at 503-663-3348 if you have any questions about their reservoir and irrigation system. I'm available to answer any questions or concerns that you may have about the Claim of Beneficial Use, Site Report or Final Proof Survey Maps and can be reached by telephone at 503-698-3890 and by Fax at 503-698-3861.

Sincerely,
CRANE ENGINEERING & SURVEYING, INC.



Edward A. Crane, CWRE
President



cc: Dan Nelson dba
Hans Nelson & Sons Nursery, Inc.
31020 SE Waybill Road
Boring, OR 97009

Tel: 503-663-3348
Fax: 503-663-0138
Cell: 503-310-9708
E-Mail: dnelson@hansnelson.com

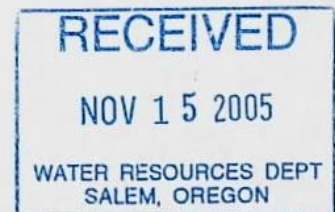
CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-010(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. Application Number: R-86099 S-85058
2. Permit Number: R-14141
3. County: CLACKAMAS
4. Tax Lot Information: (Shown on map 1 4E 25 & 36 INDEX)



Tax map number	Tax lot number
1 4E 25	2000 (68.70AC, #38360 & #38616)
1 4E 36	PART OF TL 2000 ABOVE (no separate TL number)

5. Date of Site Inspection: SEPTEMBER 22, 2004 WEDNESDAY
6. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
DAN L. NELSON	9/22/2004	PRESIDENT of HANS NELSON & SONS NURSERY, INC.

7. Permittee / Transferee of record (this may not be the current property owner)

a. Individuals

	Individual 1	Individual 2
Name	Please See below	
Mailing Address		
City/State/Zip		

b. Businesses/Organizations

Name	HANS NELSON & SONS NURSERY, INC.
------	----------------------------------

Contact Person and Title	DAN L. NELSON, PRESIDENT
Mailing Address	31020 SE WAYBILL ROAD
City/State/Zip	BORING, OR 97009

8. Property owner (current owner information)

c. Individuals

Name		
Mailing Address		
City/State/Zip		
Phone #		
Fax #		
e-mail address		

d. Businesses/Organizations

Name	HANS NELSON & SONS NURSERY, INC.
Contact Person and Title	DAN L. NELSON, PRESIDENT
Mailing Address	31020 SE WAYBILL ROAD
City/State/Zip	BORING, OR 97009-9427
Phone	503-663-3348 OFFICE 503-310-9708 CELL
Fax	503-663-0138
e-mail	dnelson@hansnelson.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.

9. If any property described in the permit or transfer final order is not included in 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

Name	NA
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

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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/appropriation.

1. 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)

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

2. Point of diversion/appropriation sources and tributary:

Source	Tributary to
INTAKE #1 & #2: RESERVOIR #1	SPRING, TRIBUTARY OF SANDY RIVER

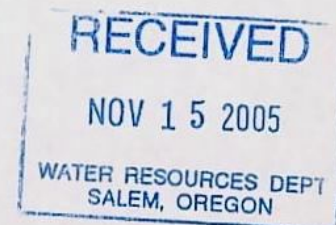
3. Point of diversion/appropriation location:

(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
INTAKE #1 & #2: SW of SW Sec.25, 1S, 4E WM Clackamas County, OR	1300'N & 590' E of SW Corner Sec.25, 1S 4E WM

4. Use(s), period of use, and rate for each use:

Uses	When water is used	Rate for use
Multiple uses, including, not limited to: NURSERY USE	Not Stated, Transfer Appl. Asked for 64.10ac & normal irrigation season March 1 to Oct. 31st	0.8013cfs (360gpm)
AGRICULTURAL USES	Assumed "temperature control", Nov.1 to end Feb.	0.8013cfs (360gpm)

Total Quantity of Water 0.8013cfs (360gpm)



5. 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
		NWSW	25	1S	4E	IRRIG	28.50	
		SWSW	25	1S	4E	IRRIG	35.40	
		NWNW	36	1S	4E	IRRIG	0.20	

Total Acres Irrigated 64.10ac

Groundwater Source Information (Well and Sump)

****If the appropriation is not from ground water (well or sump), this section, items 1-4, can be deleted.**

1. Describe the access port or other means to measure the water level in the well in the box below:

N/A

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

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Well drilled for	Well drilled by
N/A						

In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

N/A

**If the appropriation is not from a sump, the following section, items 3-4, can be deleted.

3. If the appropriation involves a **SUMP**, provide the following information for each **SUMP**:

Length	Width	Circumference	Maximum depth	Surface area (in acres)	Volume in acre feet
N/A					

4. Provide sump volume calculations in the box below:

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 1-6, can be deleted.

1. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table below.

Maximum depth	Average depth	Surface area (in acres)	Volume in acre feet
9.5'	5'	2.02ac (I Surveyed)	19.0ac ft

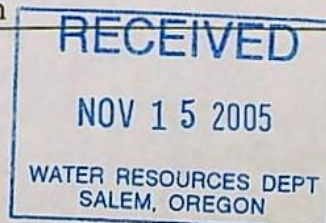
2. Provide reservoir volume calculations in the box below:

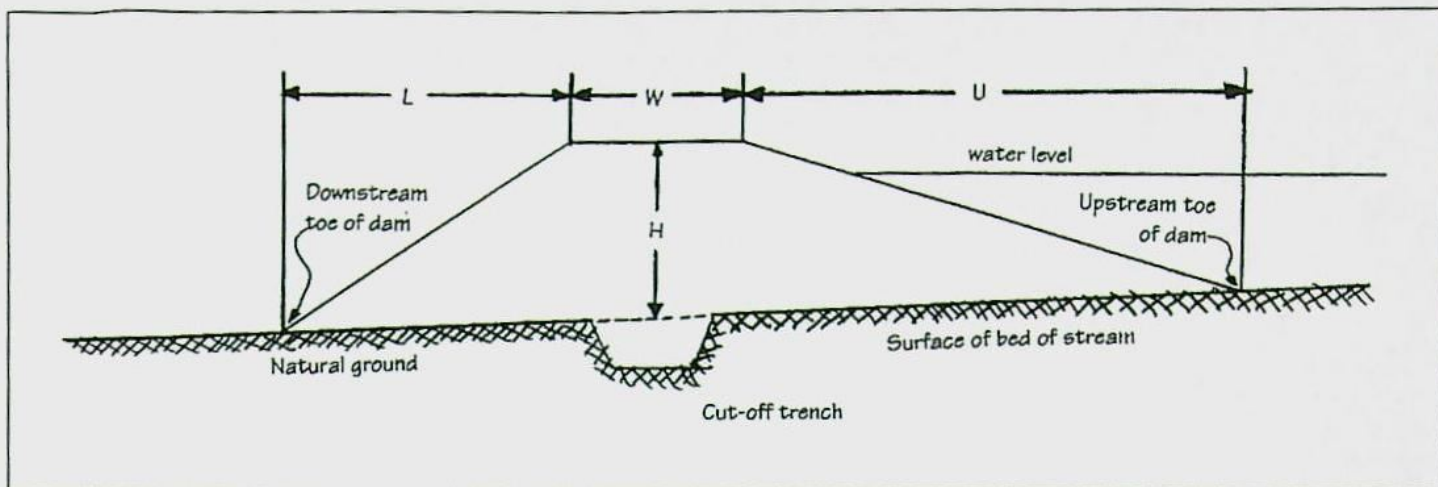
3. Provide the following information concerning the physical characteristics of the dam:

Crest width (W)	Dam height at centerline (H)	Distance from downstream top of dam to downstream toe (L)	Distance from upstream top of dam to upstream toe (U)	Water level at inspection	Downstream slope	Upstream slope
120' top slopes to north	9.5ft Excavated hole above dam by dragline. Sides were done with big hydraulic backhoe	About 100-ft, please see picture & scaled drawings.	About 20-ft	12" up batterboards		

(Has another 20ft of pipe under slope from dam top to culvert outlet)

Example Dam Profile **This box can be deleted from the form





4. In the box below, provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.

5A. Describe the outlet works (size and type of the outlet conduit and location) in the box below:

24" diameter corrugated pipe (first 20-ft), has 2"x 6" batter boards to control level of reservoir. (Dan bought 120-ft with tight / solid ABS pipe from Familian Northwest).

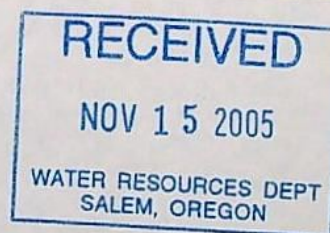
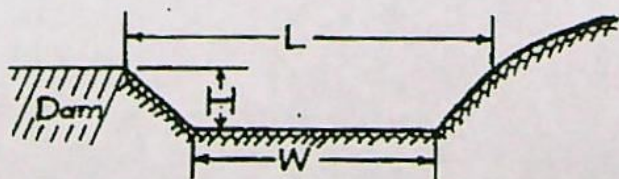
5B. Describe the DRAIN works (size and type of the outlet conduit and location) in the box below:

8"X 13' drain SDR35, 3034 PVC (first 13-ft), then ABS to outlet (bought from Familian Northwest). The 8" gate valve is an AFC 2508 with MJ by MJ connections. The 6" diameter white PVC pipe goes up to beneath the floor planks of the dock (lift off the loose 2"X 6" plank between the 2 dock upright supports).

6. Describe the emergency spillway (dimensions and location) in the box below:

Spillway location	Bottom width (W)	Top width (L)	Spillway depth (H)
West side dam, in natural ground, channel to creek.	Graded as a dip in ground, seems like 8' wide. Access road around reservoir crosses it.		Seems like 2-ft deep, is a graded channel with rounded / smoothed sides & is drivable.

Example Spillway Profile



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

**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.

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 volume
N/A	ALL PUMPED					

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WATER RESOURCES DEPT
SALEM, OREGON

2. Provide calculations in the box below:

N/A

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			

Attach measurements notes

Gravity flow canal or ditch (The Department typically uses Manning's formula for canals and ditches)

**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.

1. If the system involves a gravity canal or ditch, complete the table below.

Canal or ditch type (material)	Top width of canal or ditch	Bottom width of canal or ditch	Depth	"N" factor	Amount of fall	Length of canal/ditch	Slope	Computed volume
N/A, All pumped								

2. Provide calculations in the box below:

N/A

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

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water

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

Brand	Model	Serial Number	Type	Intake size	Discharge size	Impeller
Pump #1 Cornell	1.25W- CC PKG	133302 6.50 TC-07021	END SUCTION CENTRIFUGAL	1.5"	2"NPT	6.50"
Pump #2 Berkeley	B2-1/2 ZPL	M10481, BM B51626M	END SUCTION CENTRIFUGAL	3"?	2.5"?	7.25"

If a performance curve is available, attach to the claim (ATTACHED)

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Pump #1 Baldor Electric	Spec. 366806Y242M2	7.5	3450 (3600 nom.)	480V-3 phase
Pump #2 Baldor	Cat JPM2514T, SPEC.39K0364663	20	3325 (3600 nominal)	480V-3 phase

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

Make	Serial #	Condition	Current meter reading	Notes
N/A				

4. Measurement device description

Device description	Condition	Notes
N/A		

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

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
N/A			

6. Theoretical pump capacity

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 See Pump Curve
Pump #1	65 to 75psi	Pump Curve 64gpm @175ft (75psi) and 120gpm @ 150ft (65psi)	10-ft to 25-ft	64 to 120-gpm per curve
Pump #2		260gpm 200ft (112psi) and 200gpm @165ft (71psi)		

7. Provide pump calculations in the box below:

Because they are using drip irrigation with Pump #1, they installed 3 "Flow-Guard" Filtration Products FVC324A, 3-24" MEDCY filter station tanks.

8A. Mainline information (Constructed April 29, 2003)

Mainline size	Length	Type of pipe
125psi gasketed 5"	1020'	PVC
160psi gasketed 4"	340'	PVC
160psi gasketed 3"	660'	PVC
125psi gasketed 4"	160'	PVC
Schedule 40 2"	820'	PVC

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WATER RESOURCES DEPT
SALEM, OREGON

8B. Mainline information (Constructed March 25, 2004)

Mainline size	Length	Type of pipe
125psi gasketed 5"	3300'	PVC
200psi gasketed 5"	200'	PVC
160psi gasketed 4"	480'	PVC
Schedule 40 2"	1000'	PVC

9. Handline information

Handline size	Length	Type of pipe
4" x 30' Handset Alum. Piping	40 pieces	Aluminum
3" x 40' Hand-set Alum Piping	50 pieces	Aluminum 2,00ft total

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Rainbird 30	Rotating	1 1/32"	65psi -112-psi	__ gpm each	Lots	__ +/- gpm
		Orifice Nozzle	Pump #1 & Pump #2			

Refer to the chart of sprinkler output at various pressures for most nozzle sizes.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

11. Additional notes or comments related to the system:

Irrigates __ per set of __ Rainbird rotating __ gpm sprinklers on 3/4" galv riser.

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WATER RESOURCES DEPT
SALEM, OREGON

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:

	Date	Explanation
Begin construction INTAKE #1 & #2	4/29/2003	Bought pipe & installed pumps
Complete construction INTAKE #1 & #2	3/25/2004	Bought rest of pipe, finished filters & pumps.

Complete application of water INTAKE #1	9/22/2004	Final Proof Survey - field inspection by me.
--	-----------	--

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 b through e relating to this section can be deleted.**

- a. Was the water user required to submit an initial static water level measurement? NO
- b. What month was the initial measurement to be taken in? N/A
- c. Did the water user make the initial static water level measurement in the month required? NO
- d. If "YES", was the measurement submitted to the Department?
- e. If the initial measurement not been submitted, provide that measurement now if available:

Date of measurement	Who made measurement	Method	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? NO
- b. In the box below, provide the month in which the static water level was to be made:

N/A

- c. Did the water user make the static water level measurements in the month required?
- d. If "YES", were those measurements submitted to the Department?
- e. If the annual measurements were not submitted, provide the measurements now in the box below:

Year	Month	Measurement made by	Measurement
N/A			

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SALEM, OREGON

4. Measurement, recording, and reporting conditions:

- a. Does the permit or transfer final order require the installation of a meter or approved measuring device?
XXX YES ****If "NO", items b through g relating to this section can be deleted.**
- b. Has a meter been installed? NO
- c. Provide the date the meter was installed:

N/A

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? N/A

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date
No Letter		

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

g. Have the reports been submitted? N/A

If the reports have not been submitted, attach a copy of the reports if available.

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

b. Has the fish screening been installed? NO N/A

c. When was the fish screening installed?

Date	By whom
N/A	

d. Is the **total** diversion rate of all rights at the point of diversion less than N/A YES NO

e. If the diversion rate is less than 0.5 cfs, the water user can self certify the fish screen.

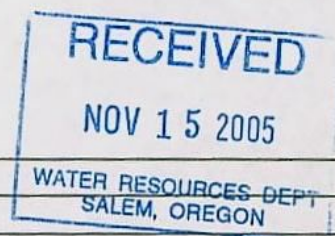
f. Has a self certification form been previously submitted to the Department? NO

g. If not, is the self certification form attached to this Claim? NO

h. Has the by-pass device been installed? NO

i. Describe the by-pass device:

When installed	By whom	Approved by ODFW	Description
N/A			



6. **Pump Test** (typically required for ground water uses prior to issuance of a certificate, but not a requirement of permit development)

a. Has a pump test been submitted and approved by the Department? N/A

b. If no, is the pump test attached to this Claim? NO

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

IV. Conclusions, Signatures

Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	# of acres allowed by permit or transfer final order	# of acres developed
INTAKE #1 & #2	Not Stated 0.8013CFS		(told)	64.10 ac	64.10ac total

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.

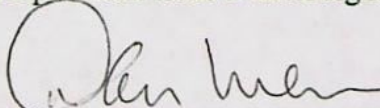
CWRE Statement, Seal and Signature

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

Seal and Signature  Renewal: 12/31/2005 Signed: 11/07/2005
EDWARD A. CRANE, CWRE Crane Engineering & Surveying, Inc. 13755 SE 119 th Drive Clackamas, OR 97015 Tel: 503-698-3890 Fax: 503-698-3861 Cell: 503-679-3253 E-Mail: eces@verizon.net

Land Owners Signature or Acknowledgement

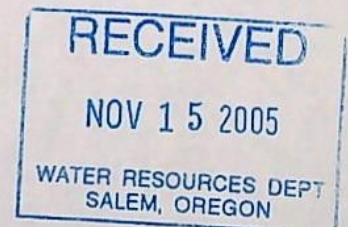
The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.



Signature DAN L. NELSON

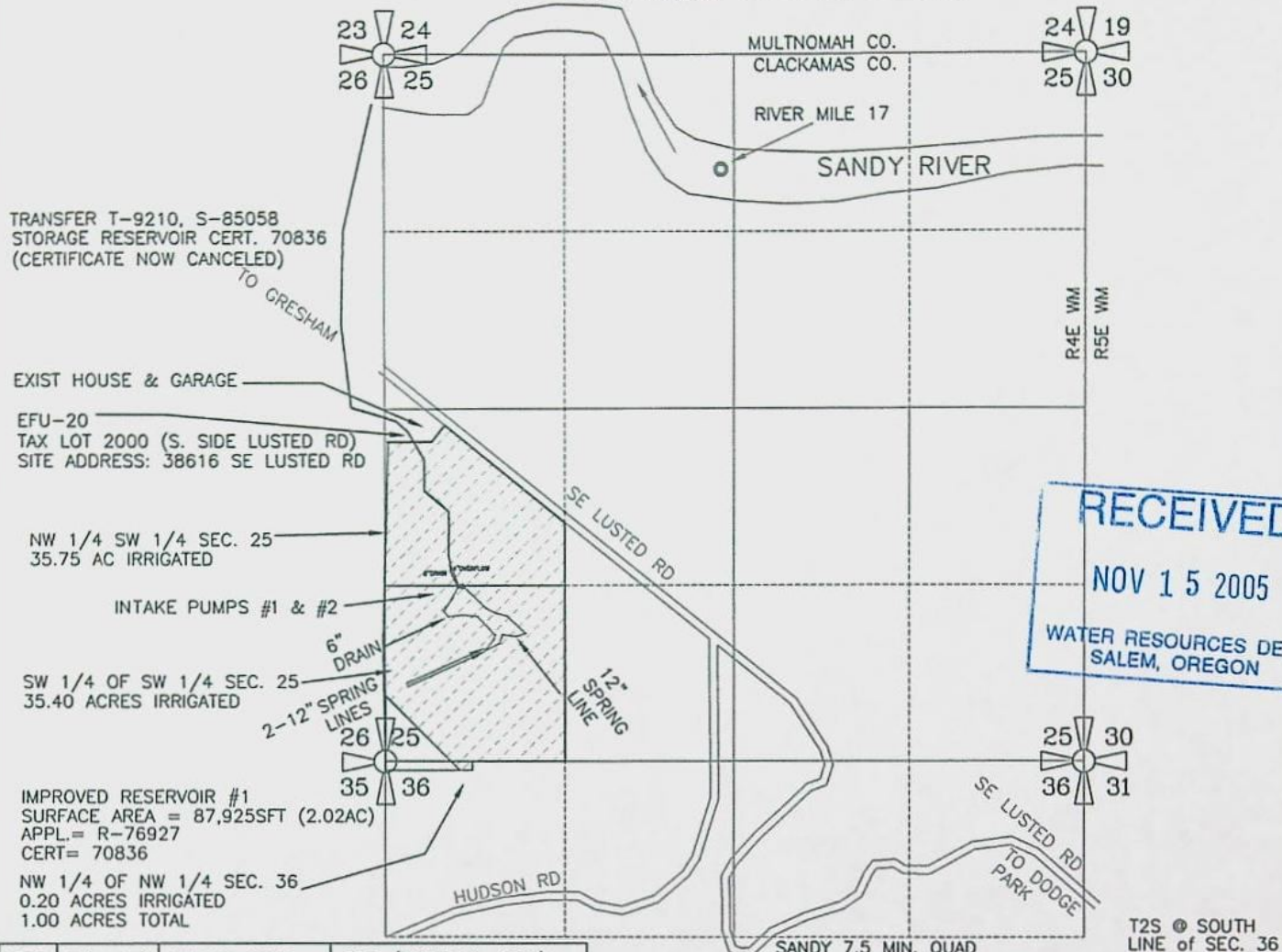
11-9-05

Date



CORPORATE
BOUNDARY LINE _____
DONATION LAND
CLAIM (DLC #) _____

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



SEC.	1/4 1/4	ACRES IRRIG.	CFS (APPROX. GPM)
25	NW SW	28.50 AC IRRIG	0.3563 CFS (160 GPM)
25	SW SW	35.40 AC IRRIG	0.4425 CFS (199 GPM)
36	NW NW	0.20 AC IRRIG	0.0025 CFS (1.12 GPM)
TOTAL IRRIG.		64.10 ACRES	0.8013 CFS (360 GPM)

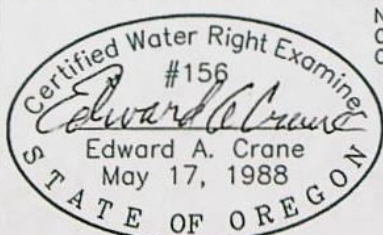
RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153)
WAS FOR WILDLIFE USES ONLY. TRANSFER APPLICATION ADDED
IRRIGATION USES (GENERAL NURSERY USES & AGRICULTURAL USES)
APPL. R-86099 INCREASES STORAGE FROM 5 AC-FT TO 19 AC-FT

RESERVOIR INTAKE #1 & #2 ARE LOCATED 1300 FEET NORTH & 590 FT
EAST FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 1
SOUTH, RANGE 4 EAST of the WM, CLACKAMAS COUNTY, OREGON

PREPARATION OF THIS MAP WAS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP LINES.

**FINAL PROOF SURVEY R-86099
TO CONSTRUCT A RESERVOIR**

PREPARED BY EDWARD A. CRANE, CWRE



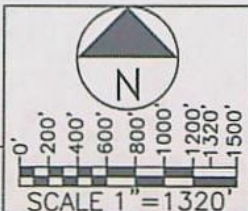
Renewal 12/31/2005

Signed *Edward A. Crane*

SURVEYED NOV. 07, 2005
BY EDWARD A. CRANE, CWRE

NO INCREASE IN DUTY
OR IRRIGATION AREAS
OR TYPES OF USES

SURFACE AREA WAS
FIELD SURVEYED ON
SEPTEMBER 22, 2004



D:\CRANE ENGR & SURVEY\PROJECTS\347-007\34700701.DWG ENC 11/07/2005

DATE

NOV. 2005

PROJECT NO.

347-007



**CRANE ENGINEERING
& SURVEYING, INC.**

13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015

OFFICE: 503-698-3890

FAX NO: 503-698-3861

CELL: 503-679-3253

E-MAIL: eces@verizon.net

APPLICATION FOR PERMIT NUMBER R-86099

PERMIT TO CONSTRUCT A RESERVOIR R-14141

DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

1/3

RESERVOIR #1
APPL = R-76927
CERT = 70836

SW 1/4 OF SW 1/4 SEC. 25
35.40 ACRES IRRIGATED

EFU-20
TAX LOT 2000 (S. SIDE LUSTED RD)
SITE ADDRESS: 38616 SE LUSTED RD

NW1/4 SW1/4 SEC. 25
35.75 AC IRRIGATED

NW 1/4 OF NW 1/4 SEC. 36
0.20 ACRES IRRIGATED
1.00 ACRES TOTAL

8" DRAIN

24" OVERFLOW

INTAKE #1

6" DRAIN

2-12" SPRING LINES

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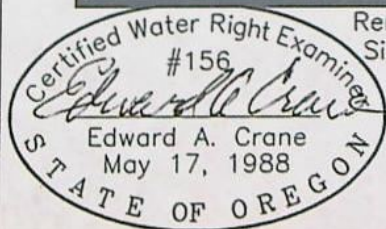
WATER RESOURCES DEPT
SALEM, OREGON

8" DRAIN

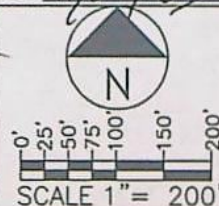
24" OVERFLOW

DOCK
6" PVC
VERT PIPE
2" SQ GV BELOW
8" SDR 3034 DRAIN
CONC SLAB
3-FLOW GUARD FILTERS
PUMP #1
PUMP #2

W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON



Renewal 12/31/2005
Signed 11/07/05



PREPARATION OF THIS MAP WAS FOR THE PURPOSE
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FINAL PROOF SURVEY R-86099 TO CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

DATE
NOV. 2005
PROJECT NO.
347-007



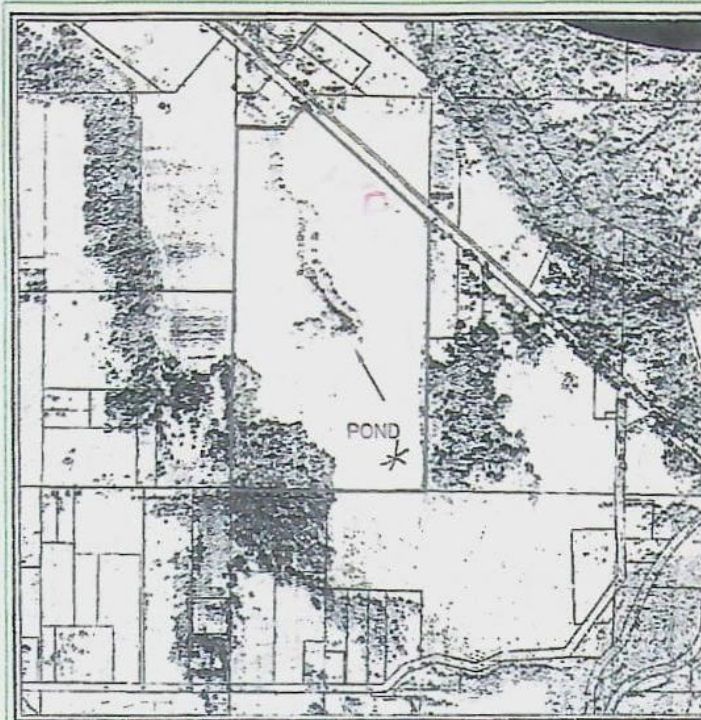
**CRANE ENGINEERING
& SURVEYING, INC.**
13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015
OFFICE: 503-698-3890
FAX NO: 503-698-3861
CELL: 503-679-3253
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DAN L. NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

2/3



Clackamas County

CURRENT



Water Environment Services
9101 SE Sunnybrook Blvd.
Suite 441
Clackamas, OR 97015
(503) 353-4567

This map is intended for WES purposes only. The information displayed on this map should be field verified.

November 26, 2001 10:15 AM

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WATER RESOURCES DEPT
SALEM, OREGON



SCALE 1"=1320'



TRANSFER T-9210, S-85058
STORAGE RESERVOIR CERT. 70836
SURVEYED NOV. 07, 2005

D:\CRANE ENR & SURVEY\PROJECTS\347-007\34700701.DWG ENC 11/07/2005

FINAL PROOF SURVEY R-86099
TO CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

DATE NOV. 2005		CRANE ENGINEERING & SURVEYING, INC. 13755 SE 119TH DRIVE CLACKAMAS, OREGON 97015 OFFICE: 503-698-3890 FAX NO: 503-698-3861 CELL: 503-679-3253 E-MAIL: eces@verizon.net	APPLICATION FOR PERMIT NUMBER R-86099 PERMIT TO CONSTRUCT A RESERVOIR R-14141	SHEET
PROJECT NO. 347-007			DAN L. NELSON dba HANS NELSON & SONS NURSERY, INC. TEL: 503-663-3348 31020 SE WAYBILL RD., BORING, OR 97009	3/3

HANS NELSON & SONS NURSERY, INC.

24020

ACCOUNT NO.			VENDOR ORWATR		CHECK NO. 24020	CHECK DATE 1/4/05	
VOUCHER	INVOICE NUMBER	INV. DATE	REFERENCE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
	05/1/4	1/4/05	Application	180.00	180.00		180.00
						<div>RECEIVED JAN 5 2005 WATER RESOURCES DEPT SALEM, OREGON</div>	
						CHECK TOTAL	180.00

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **72130**

INVOICE # _____

RECEIVED FROM: Hans Nelson + Sons Nursery
BY: Tix

APPLICATION	R86099
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 24020 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 180.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$
0243 I/S Lease	0244 Muni Water Mgmt. Plan
0245 Cons. Water	

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER <u>alt Res</u>	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ 180.00	0204	\$
0205 TRANSFER	\$		\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$
OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)	\$
0231 HYDRO LICENSE FEE (FWWRD)	\$
HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND	TITLE
OBJ. CODE	VENDOR #
DESCRIPTION	\$

RECEIPT: **72130**

DATED: 1/5/05 BY: L Albin

R-86099

Dan Nelson
Han's Nelson
+ Sons Nursery & Inc.
31020 SE Waybill Rd
Boring OR 97009-9427

RESERVOIR, ALTERNATE PROCESS ROUTE SLIP

RECEIPTING
POST CARD SENT
DATA CENTER

☒ 1-5-05
~~☒~~ 1-6-2005 Htm
☒

WATER RIGHTS SUPPORT ☐
ATTN: WATER RIGHTS

SUPPORT....>>>>> Mark contents of Application File;

Update Powerbuilder with caseworker, etc.;

ANITA HUFFMAN	503-986-0815	<input type="checkbox"/>
CORY ENGEL	503-986-0813	<input type="checkbox"/>
JERRY GAINES	503-986-0812	<input type="checkbox"/>
KERRY LEFEVER	503-986-0816	<input type="checkbox"/>
JEANA EASTMAN	503-986-0859	<input checked="" type="checkbox"/>

Route to filing cabinet.



**"NOTE:" IF RELATED FILE IS GROUND WATER, ROUTE TO
GROUND WAER, BUT ROUTE ALT-RESERVOIR TO WATER
RIGHTS DIVISON."**

R-86099

DAN NELSON
HANS NELSON AND SONS NURSERY INC.
31020 SE WAYBILL RD
BORING OR 97009-9427

R-86099

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