

Name _____ HANS NELSON AND SONS _____
By _____ NURSERY INC. _____
Address _____ 31020 SE WAYBILL RD _____
BORING, OR 97009-9427 _____

Priority _____

Date of approval _____

Date for beginning _____

Extended to _____

Extended to _____

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

Blank mailed _____

Proof received _____

Permit No. S-54192

Certificate No. 90138

Stream Index, Page No. _____

ASSIGNMENTS

REMARKS

Date	Amount	Receipt No.
------	--------	-------------

EXAM	2-19-02	400.00	50990
RECORDING	2-19-02	175.00	50990

Cert. Fee

[illegible]

Date	Amount	Check No.
AB 8/2/05	250 ⁰⁰	9045894

Added to file

Res is 12 ft deep
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SA \times depth

Re

Ar

Anita:

Storage

is 12

24 AC

ADDITIONAL
Storage & Secondary
rights required.

W

App Map error & Scenic
Waterway involved.

det

Scenic
D.W.
Finding

85058

Ret to

Anita

Anita:

Storage in reservoir
is more like

24 AF. ADDITIONAL
Storage & secondary
rights required.

JK

App Map error & scenic
water way involved.

Mailing List for Certificate

Scheduled Mailing Date:

Application: S-85058

Permit: S-54192

Certificate: 90738

Permit/Certificate Holder:

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

Copies Mailed	
by:	<u>JH</u> (STAFF)
on:	<u>9/25/15</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):

1. EDWARD A CRANE, CWRE

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

confirms the right to use the waters of A RESERVOIR, CONSTRUCTED UNDER APPLICATION R-76927, a tributary of SANDY RIVER, for IRRIGATION USE (NURSERY USE) of 64.10 ACRES.

This right was perfected under Permit S-54192. The date of priority is FEBRUARY 15, 2002. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.0 ACRE FEET or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is year round.

The point of diversion is located as follows:

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 amount of water used for irrigation use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	4 E	WM	25	NW SW	28.5
1 S	4 E	WM	25	SW SW	35.4
1 S	4 E	WM	36	NW NW	0.2

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 water user shall maintain the meter or other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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 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.

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

SEP 25 2015

Issued _____


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

Mailing List for Certificate

Scheduled Mailing Date:

Application: S-85058

Permit: S-54192

Certificate:

Permit/Certificate Holder:

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

Copies Mailed	
by:	<u>JH</u> (STAFF)
on:	<u>6/26/15</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~~

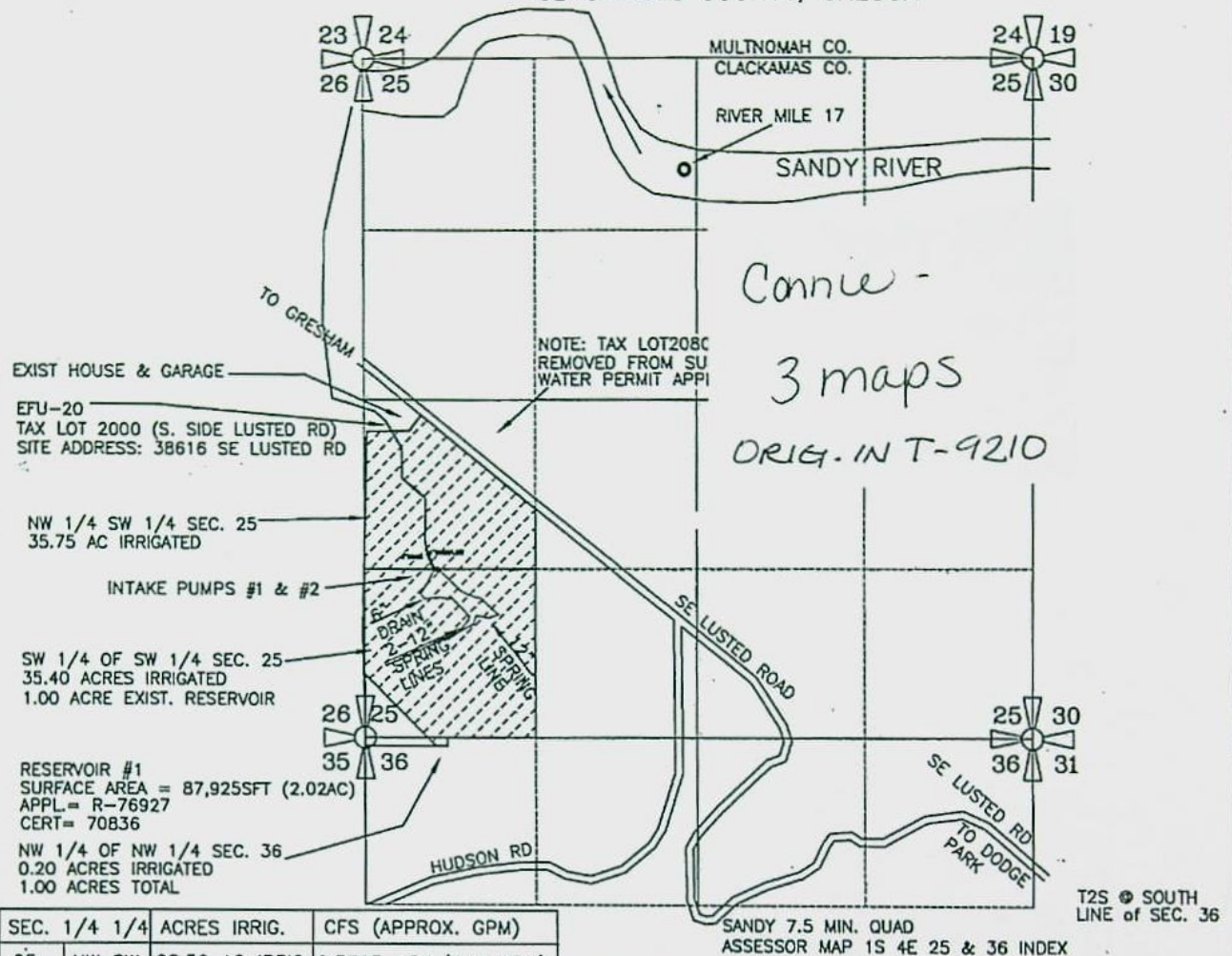
Other persons to receive copies: (include map):

1. ~~EDWARD A CRANE, CWRE~~

PROPOSED

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)

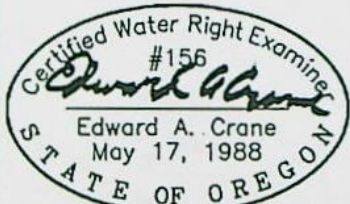
RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153)
WAS FOR WILDLIFE USES ONLY. THIS TRANSFER APPLICATION
ADDS IRRIGATION USES (GEN NURSERY USES & AGRICULTURAL USES).

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.

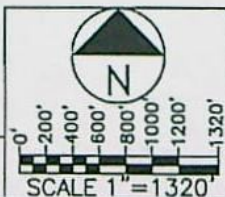
TRANSFER T-9210, S-85058
STORAGE RESERVOIR CERT. 70836

PREPARED BY EDWARD A. CRANE, CWRE



Renewal 12/31/2005
Signed 9.29.04

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



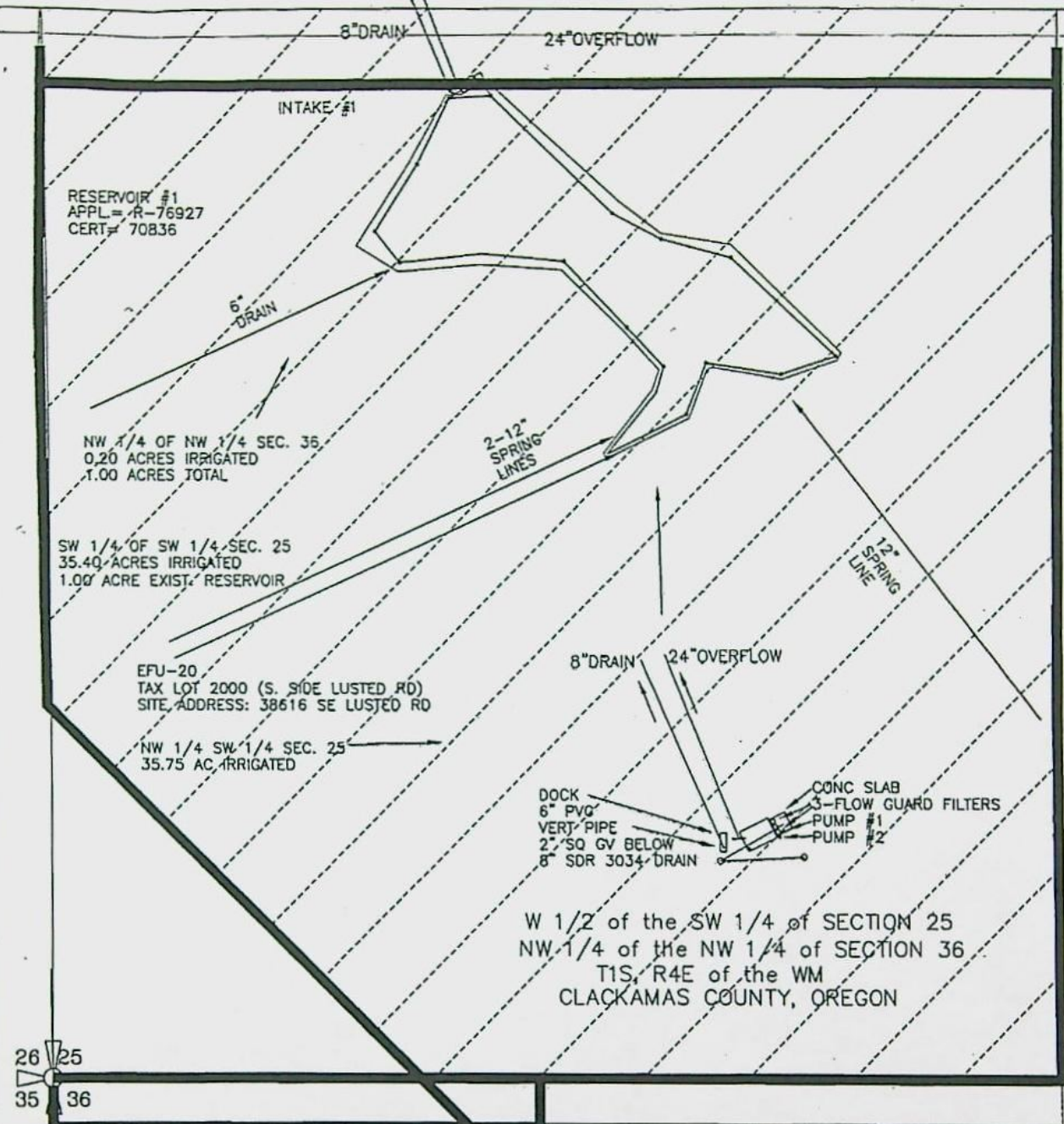
DATE
SEPT. 2004
PROJECT NO.
347-005



**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-76927
(UNDER HB-2153), 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 Water Right Examiner
 #156
Edward A. Crane
 Edward A. Crane
 May 17, 1988
 STATE OF OREGON


Renewal 12/31/2005
 Signed *9-29-2004*

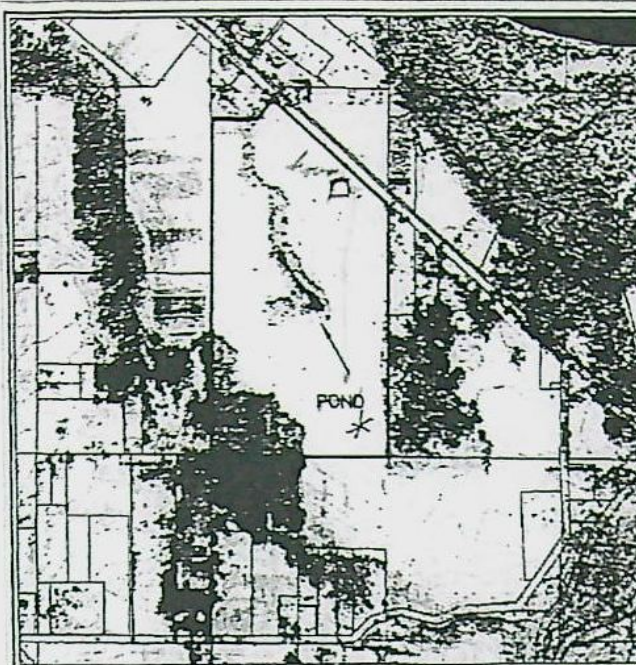
N
 0' 25' 50' 75' 100' 150' 200'
 SCALE 1" = 200'

SURVEYED SEPT. 22, 2004
D:\CRANE ENGR & SURVEY\PROJECTS\347-005\34700501.DWG EAC 9/20/2004

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.

TRANSFER T-9210, S-85058
 STORAGE RESERVOIR CERT. 70836
 PREPARED BY EDWARD A. CRANE, CWRE

DATE SEPT. 2004 PROJECT NO. 347-005		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-76927 (UNDER HB-2153), 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 2/3
--	---	---	--	------------------



Clackamas County

CURRENT



WATER
ENVIRONMENT
SERVICES

Water Environment Services
9101 SE Sunnybrook Blvd.
Suite 441
Clackamas, OR 97015
(503) 353-4557

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

November 26, 2001 10:13 AM



SCALE 1"=1320'



TRANSFER T-9210, S-85058
STORAGE RESERVIOR CERT. 70836

SURVEYED SEPT. 22, 2004

D:\CRANE ENGR & SURVEY\PROJECTS\347-005\34700501.DWG ENC 9/20/2004

PREPARED BY EDWARD A. CRANE, CWRE

DATE
SEPT. 2004
PROJECT NO.
347-005



**CRANE ENGINEERING
& SURVEYING, INC.**
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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



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:

JUN 26 2015

NOTICE

Reference: Application S-85058 Permit S-54192

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



HANS NELSON & SONS NURSERY, INC.
WHOLESALE GROWERS OF SHADE AND FLOWERING TREES
31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427
PHONE: (503) 663-3348
FAX (503) 663-0138



RECEIVED BY OWRD

JUN 10 2015

June 8, 2015

SALEM, OR

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

Dear Gerry:

I have equated electrical use to come up with the number of gallons used per month on Permit R-14141 per our phone conversation of today. Following are the number of gallons used monthly in 2006:

January	0
February	0
March	0
April	0
May	0
June	1.2 acre feet
July	1.6 acre feet
August	1.5 acre feet
September	2.6 acre feet
October	1.1 acre feet
November	.8 acre feet
December	0
Total	8.8 acre feet used for 2006 irrigation season

Sincerely,

Dan L. Nelson
President

DLN:ibn



HANS NELSON & SONS NURSERY, INC.

WHOLESALE GROWERS OF SHADE AND FLOWERING TREES

31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427

PHONE: (503) 663-3348

FAX (503) 663-0138



RECEIVED BY OWRD

JUN 10 2015

SALEM, OR

June 2, 2015

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

Dear Gerry:

Thank you for helping me to understand the letter I received from your office dated May 29, 2015. What is interesting is that I received a letter from the Water Resources Department saying that a proposed certificate for permit R-14141 was sent to me on May 22, 2015. That letter led me to believe that my certificate was all but complete.

I am now asking for a statement of reconsideration for Permit S-54192. I now understand that I needed to submit a report of water used each month. I have that in my records for 2012, 2013 and 2015. I received those years' notices from Dorothy Pedersen in your office.

I offer the following Portland General Electric power used information to show that the water associated with Permit S-54192 has been pumped and applied to the fields listed on the above permit for nursery related uses.

PGE Account #0011-19977-780189-89 is used only for 3-phase power to pump permitted water. The address listed is 38616 SE Lusted Road, Boring, Oregon and the bill is sent to P. O Box 1238, Boring, Oregon.

The usage is as follows for PGE Account #0011-19977-780189-89:

	2006	2007	2008
January	0	0	0
February	0	0	0
March	0	0	0
April	0	0	0
May	0	0	29.31
June	49.66	37.70	46.67
July	67.10	25.75	43.86

Gerry Clark
Oregon Water Resources Department
Page 2

	2006	2007	2008
August	63.70	122.13	88.67
September	106.51	54.14	74.07
October	44.84	38.39	36.07
November	32.12	29.31	33.88
December	0	0	.31

I can provide like power usage bills for all years beginning when we were provided permission from the department to use stored water for nursery related uses.

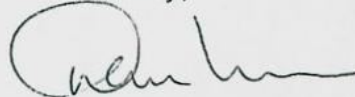
We currently operate the pump running power through a variable frequency drive operating both drip and sprinklers as the means to deliver the approved water.

I understand the power bills will offer information that the water was used based on electrical usage for the Permit S-54192.

Please let me know if this information clears up any lacking information that you need to finalize the completion of the proposed final order for the above permit.

Thank you.

Sincerely,



Dan L. Nelson
President

DLN:lbm

RECEIVED BY OWRD

JUN 10 2015

SALEM, OR



Oregon
Kate Brown, Governor

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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Certified # 70142120 0004 5993 2883

Date Mailed: MAY 29 2015

NOTICE

Reference: Application S-85058, Permit S-54192

Enclosed is a proposed order of certification. The order proposes to cancel Permit S-54192. If you do not agree with the proposed order, 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 order.

If you agree with the proposed order no response to this notice is required. Sometime after the 60 day period, the recorded order will be mailed to the permittee.

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

Sincerely,

Dwight French
Water Right Services Division Administrator

RECEIVED BY OWRD

JUN 10 2015

SALEM, OR



HANS NELSON & SONS NURSERY, INC.
31020 S.E. WAYBILL ROAD
BORING, OREGON 97009-9427

PORTLAND
OR 970
08 JUN '15
PM 4 L



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
\$ 000.48⁵
0001748135 JUN 08 2015
MAILED FROM ZIP CODE 97009

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

97301126673





HANS NELSON & SONS NURSERY, INC.
WHOLESALE GROWERS OF SHADE AND FLOWERING TREES
31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427
PHONE: (503) 663-3348
FAX (503) 663-0138



RECEIVED BY OWRD

JUN 04 2015

June 2, 2015

SALEM, OR

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

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Gerry Clark
Oregon Water Resources Department
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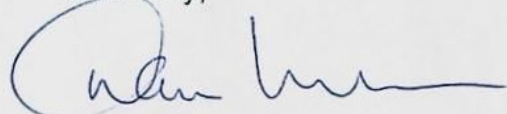
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Please let me know if this information clears up any lacking information that you need to finalize the completion of the proposed final order for the above permit.

Thank you.

Sincerely,



Dan L. Nelson
President

DLN:lbm

RECEIVED BY OWRD

JUN 04 2015

SALEM, OR



Oregon
Kate Brown, Governor

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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Certified # 70142120 0004 5993 2553

Date Mailed: MAY 29 2015

NOTICE

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Sincerely,

Dwight French
Water Right Services Division Administrator

RECEIVED BY OWRD

JUN 04 2015

SALEM, OR

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

Order of Certification in the Matter of
Cancellation of Permit S-54192

)
)
)

FINAL ORDER

PROPOSED

Findings of Fact

1. Application S-85058, in the name of Hans Nelson and Sons Nursery, INC., was received February 15, 2002. Permit S-54192 was issued July 28, 2005, approving the application.
2. Permit S-54192 allowed the use of water from A Reservoir, constructed under Application R-76927, for irrigation use (nursery use). The date for the complete application of water was set for October 1, 2009.
3. The Department received a Claim of Beneficial Use on November 15, 2005.
4. The permit contained the following condition that was not complied with:

“Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.”
5. A review of the Claim of Beneficial Use indicated that a meter or suitable measuring device was not installed, and water use reports were not submitted for water usage prior to October 1, 2009.

RECEIVED BY OWRD

JUN 04 2015

SALEM, OR

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.

PROPOSED

Conclusions of Law

Satisfactory proof of beneficial use was not received. The use allowed by Permit S-54192 is lost. The permit should be cancelled.

Under the provisions of OAR 690-320-0020, when it appears from an onsite examination by the Water Resources Department that no appropriation has been made under the terms of the permit, or that use once made has undergone a period of five successive years of nonuse, a certified letter of intent to cancel the permit shall be sent to the permittee, allowing 60 days from the date of the letter for response. Failure to respond during the 60-day period shall result in cancellation of the permit.

Now, therefore, it is **ORDERED**:

Permit S-54192 is cancelled and is of no further force or effect.

Issued _____

PROPOSED

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

RECEIVED BY OWRD

JUN 04 2015

SALEM, OR

PROPOSED



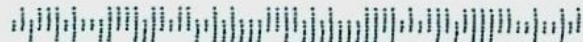
HANS NELSON & SONS NURSERY, INC.
31020 S.E. WAYBILL ROAD
BORING, OREGON 97009-9427



UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$ 000.70⁵
0001748135 JUN 02 2015
MAILED FROM ZIP CODE 97009

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

97301\$1266 C007



STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

confirms the right to use the waters of A RESERVOIR, CONSTRUCTED UNDER APPLICATION R-76927, a tributary of SANDY RIVER, for IRRIGATION USE (NURSERY USE) of 64.10 ACRES.

This right was perfected under Permit S-54192. The date of priority is FEBRUARY 15, 2002. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.0 ACRE FEET or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is year round.

The point of diversion is located as follows:

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 amount of water used for irrigation use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	4 E	WM	25	NW SW	28.5
1 S	4 E	WM	25	SW SW	35.4
1 S	4 E	WM	36	NW NW	0.2

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 water user shall maintain the meter or other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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 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.

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

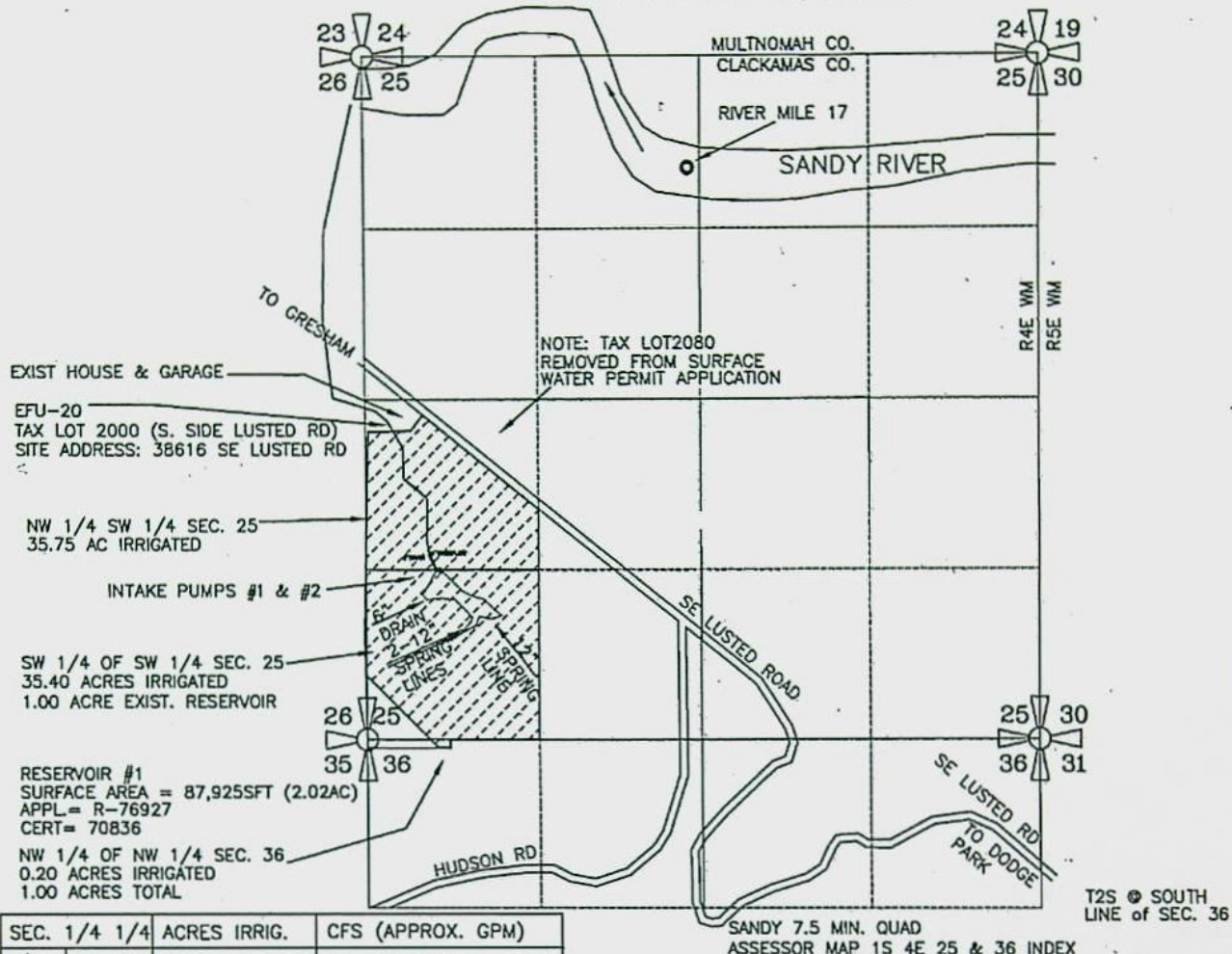
Issued

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)

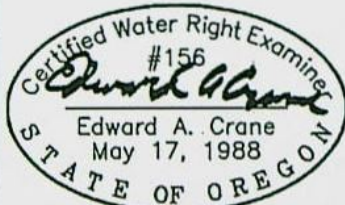
RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153)
WAS FOR WILDLIFE USES ONLY. THIS TRANSFER APPLICATION
ADDS IRRIGATION USES (GEN NURSERY USES & AGRICULTURAL USES).

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.

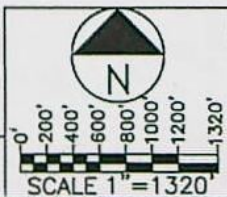
TRANSFER T-9210, S-85058
STORAGE RESERVIOR CERT. 70836

PREPARED BY EDWARD A. CRANE, CWRE



Renewal 12/31/2005
Signed 9.29.04

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



DATE
SEPT. 2004

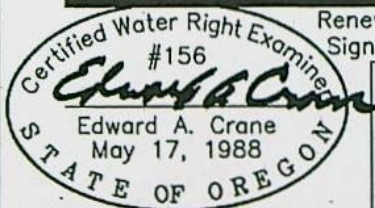
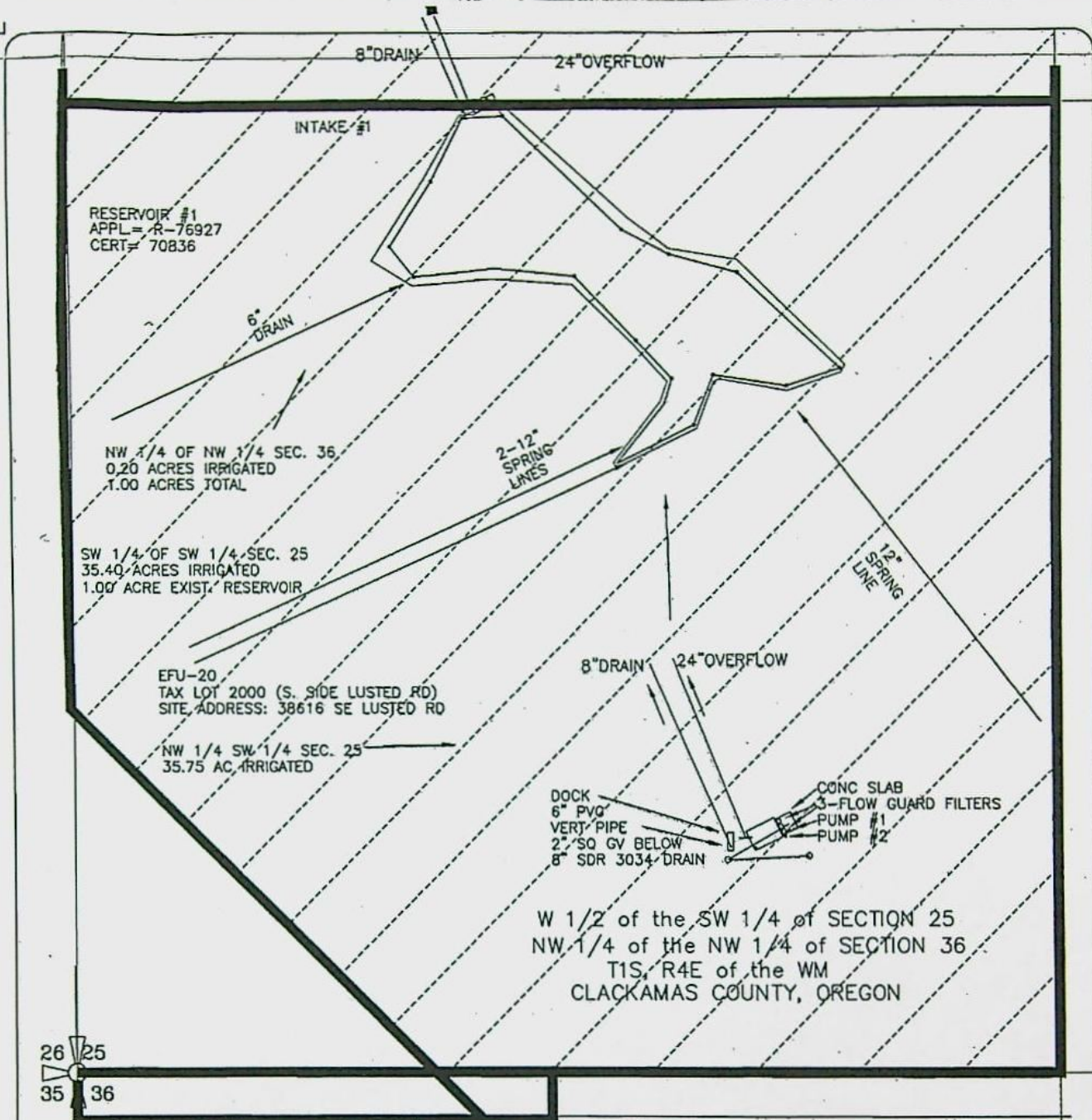
PROJECT NO.
347-005



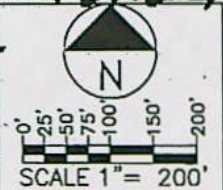
**CRANE ENGINEERING
& SURVEYING, INC.**
13755 SE 119TH DRIVE
CLACKAMAS, OREGON 97015
OFFICE: 503-698-3890
FAX NO: 503-698-3861
CELL: 503-679-3253
E-MAIL: eces@verizon.net

APPLICATION FOR PERMIT NUMBER R-76927
(UNDER HB-2153), 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



Renewal 12/31/2005
Signed 9.29.2004



SURVEYED SEPT. 22, 2004

DATE
SEPT. 2004
PROJECT NO.
347-005



**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

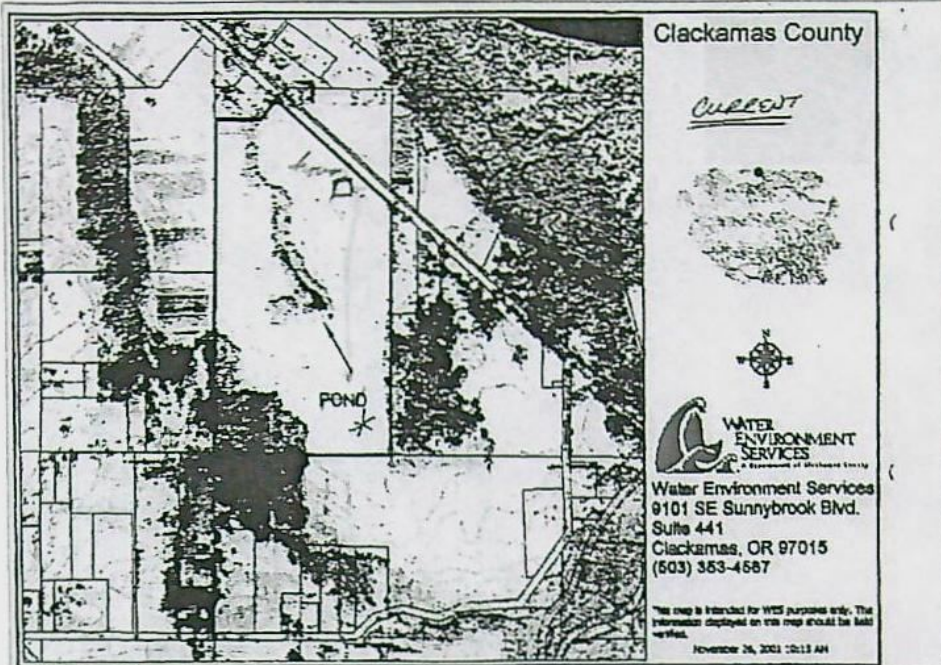
PREPARATION OF THIS MAP WAS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS
OR LOCATION OF PROPERTY OWNERSHIP LINES.

**TRANSFER T-9210, S-85058
STORAGE RESERVOIR CERT. 70836**

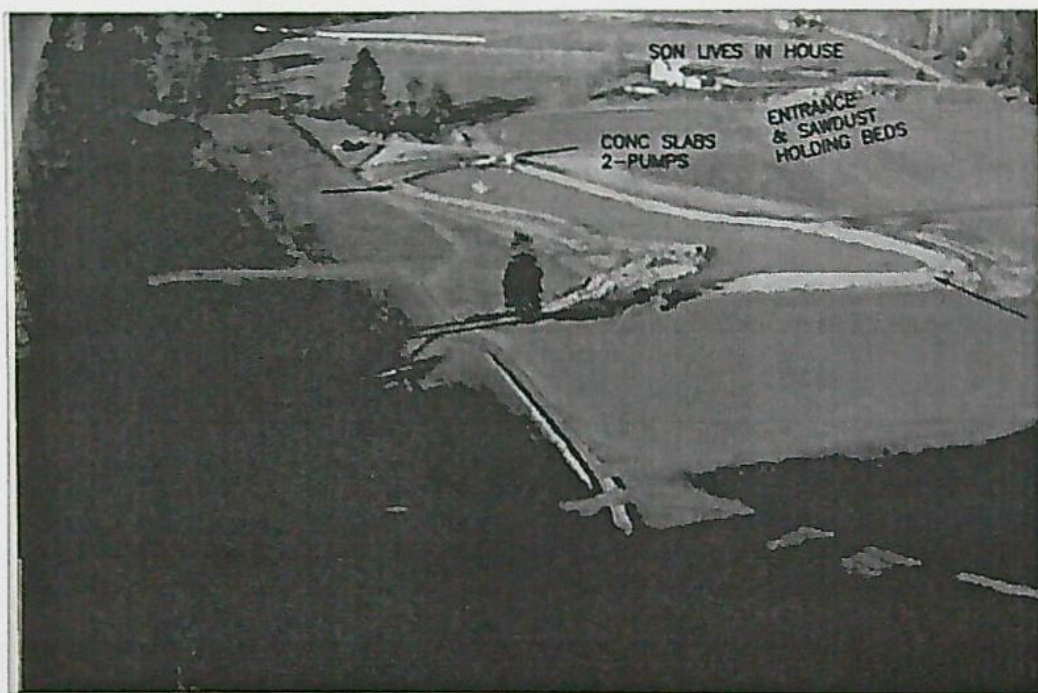
PREPARED BY EDWARD A. CRANE, CWRE

APPLICATION FOR PERMIT NUMBER R-76927
(UNDER HB-2153), 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
2/3



SCALE 1"=1320'




TRANSFER T-9210, S-85058
STORAGE RESERVIOR CERT. 70836

SURVEYED SEPT. 22, 2004

D:\CRANE ENGR & SURVEY\PROJECTS\347-005\34700501.DWG ENG 9/20/2004

PREPARED BY EDWARD A. CRANE, CWRE

DATE SEPT. 2004		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-76927 (UNDER HB-2153), 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
PROJECT NO. 347-005				

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

S-85058
HANS NELSON & SONS NURSERY INC
31020 SE WAYBILL RD
BORING OR 97009-9427

2. Article Number

(Transfer from service label)

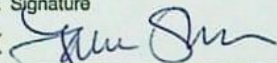
70142120 0004 59932883 W.R. CV

PS Form 8811, July 2013

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

Laura Shenton

C. Date of Delivery

6/1/15

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No**RECEIVED**

JUN 03 2015

OWRD

3. Service Type

☒ Certified Mail®☐ Priority Mail Express™☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

UNITED STATES POSTAL SERVICE

PORTLAND
OR 970

01 JUN '15

PM 11



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box•

WATER RESOURCES DEPARTMENT
WATER RIGHT SERVICES DIVISION
725 SUMMER ST NE, STE A
SALEM OR 97301



7014 2120 0004 5993 2883

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To

S-85058

Street & Apt. No.,
or PO Box No.

City, State, ZIP+4

S-85058

HANS NELSON & SONS NURSERY INC

31020 SE WAYBILL RD

BORING OR 97009-9427

S-85058

HANS NELSON & SONS NURSERY INC

31020 SE WAYBILL RD

BORING OR 97009-9427

Mailing List for Proposed Order of Certification

Scheduled Mailing Date:

Application: S-85058

Permit: S-54192

Permit Holder:

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

Copies Mailed

by:

Connie Vance
(STAFF)

on:

MAY 29 2015
(DATE)

Copies of Order to be sent to:

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

PROPOSED

Other persons to receive copies: (include map):

6. EDWARD A CRANE, CWRE

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

Order of Certification in the Matter of
Cancellation of Permit S-54192

)
)
)

FINAL ORDER

PROPOSED

Findings of Fact

1. Application S-85058, in the name of Hans Nelson and Sons Nursery, INC., was received February 15, 2002. Permit S-54192 was issued July 28, 2005, approving the application.
2. Permit S-54192 allowed the use of water from A Reservoir, constructed under Application R-76927, for irrigation use (nursery use). The date for the complete application of water was set for October 1, 2009.
3. The Department received a Claim of Beneficial Use on November 15, 2005.
4. The permit contained the following condition that was not complied with:

"Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit."

5. A review of the Claim of Beneficial Use indicated that a meter or suitable measuring device was not installed, and water use reports were not submitted for water usage prior to October 1, 2009.

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.

PROPOSED

Conclusions of Law

Satisfactory proof of beneficial use was not received. The use allowed by Permit S-54192 is lost. The permit should be cancelled.

Under the provisions of OAR 690-320-0020, when it appears from an onsite examination by the Water Resources Department that no appropriation has been made under the terms of the permit, or that use once made has undergone a period of five successive years of nonuse, a certified letter of intent to cancel the permit shall be sent to the permittee, allowing 60 days from the date of the letter for response. Failure to respond during the 60-day period shall result in cancellation of the permit.

Now, therefore, it is **ORDERED**:

Permit S-54192 is cancelled and is of no further force or effect.

Issued _____.

PROPOSED

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

PROPOSED



Oregon
Kate Brown, Governor

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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Certified # 7014212000459932863

Date Mailed: MAY 29 2015

NOTICE

Reference: Application S-85058, Permit S-54192

Enclosed is a proposed order of certification. The order proposes to cancel Permit S-54192.

If you do not agree with the proposed order, 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 order.

If you agree with the proposed order no response to this notice is required. Sometime after the 60 day period, the recorded order will be mailed to the permittee.

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

Sincerely,

Dwight French
Water Right Services Division Administrator

2012

Oregon Water Resources Department
October through September
Water Use Recording and Reporting Form

2013

Consult the water right (permit, certificate, order) to determine applicable reporting conditions; the measurement, recording, and reporting conditions identified in a permitted or certified water right typically follow the place of use description. Use the columns below to document measurements for each authorized point of diversion/appropriation or reservoir. We ask that zeros be reported for any given month when water is not being used. Keep a copy of all measurement reports for your records. We encourage you to submit your water use data via our online utility when available, and to use the Monthly Water Use Forms for record keeping purposes. To lookup water rights, access the water use reporting webpage/online utility, or to obtain additional forms visit our web site: <http://www.wrd.state.or.us>

Dan Nelson

Hans Nelson and Sons Nursery Inc.

9095

Water Right Holder's Name

Water Right Holder's Business Name or Entity Name

USER ID#

31020 SE Waybill Rd., Boring, OR 97009-9427

Water Right Holder's Email

Water Right Holder's Complete Mailing Address

Phone Number

Facility Report ID	→ Use from Reservoir 63347 Application: S - Permit: S - 54192 Other: Per S-54652	Application: - Permit: - Other:	Application: - Permit: - Other:	Application: - Permit: - Other:
Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)				
October - 2012	0			
November - 2012	0			
December - 2012	0			
January - 2013	0			
February - 2013	0			
March - 2013	0			RECEIVED BY OWRI
April - 2013	262 000			
May - 2013	456 000			FEB 05 2014
June - 2013	730 000			
July - 2013	775 000			SALEM, OR
August - 2013	1,003 000			
September - 2013	351 000			
TOTAL *				
Unit of Measurement	<input checked="" type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG	<input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF

Describe the method of measurement used: Flowmeter. If used for irrigation, total number of acres irrigated: 110

I certify this information is true and accurate to the best of my knowledge.

12-26-13 [Signature]
Date Signature

[Signature]
Name and Title (print)

Hans Nelson and Sons Nursery 503 663-3348
Company Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program; 725 Summer Street NE, Suite A: Salem, OR 97301.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

August 4, 2005

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

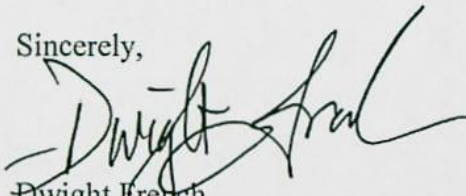
Reference: File S-85058

Hans Nelson & Sons Nursery Inc:

Enclosed please find a check in the amount of \$250.00. This refund results from excess fees having been collected for the application referenced above.

If you have any questions, please contact Anita Huffman, at 503-986-0815.

Sincerely,



Dwight French
Water Rights Section Manager

cc: file
Fiscal Section (receipt #50990)

enclosure

STATE OF OREGON REMITTANCE ADVICE

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT,
ELECTRONIC PAYMENTS, LOG-ON TO <http://egov.oregon.gov/DAS/SCD/SFMS/ach.shtml>
ON THE INTERNET. CLICK ON: FORMS AND BROCHURES THEN SELECT DIRECT
DEPOSIT (ACH) AUTHORIZATION FORM.

WARRANT NO. [REDACTED]

WATER RESOURCES DEPARTMENT

(503) 986-0926 EXT.


INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
		50990 - S85058 REVENUE REFUND	690	VP022521	250.00

Records have been redacted or withheld pursuant to the exemption for financial transfer records specified in ORS 192.345(27).

VENDOR NAME: HANS NELSON & SONS NURSERY INC

ISSUE DATE: 08/01/05

WARRANT AMOUNT: 250.00

FOLD ON PERFORATION LINE BELOW  BEFORE DETACHING.

DO NOT ACCEPT THIS CHECK UNLESS YOU CAN SEE A TRUE WATERMARK OF CHAIN-LINKED SHAPES WHEN HELD TO THE LIGHT

STATE OF OREGON

Dept of Administrative Services
To the State Treasurer, Salem, OR 97301-3896
WATER RESOURCES DEPARTMENT
(503) 986-0926 EXT.

96-10
1232
CHECK DATE
08/01/05



BANK WARRANT NO.

11 [REDACTED]

PAY THIS AMOUNT

\$250.00

DOCUMENT NO.
VP022521

*****TWO HUNDRED FIFTY AND 00/100 DOLLARS

PAY TO THE ORDER OF:

HANS NELSON & SONS NURSERY INC
31020 SW WAYBILL RD
BORING OR 97009-9427

VOID AFTER 2 YEARS FROM DATE OF ISSUE

AUTHORIZED SIGNATURE

THE FACE OF THIS CHECK HAS A COLORED BACKGROUND ** EXPLANATION OF ADDITIONAL SECURITY FEATURES INDICATED ON REVERSE SIDE

MEMORANDUM

Date: July 15, 2005
To: Gina Beaman
From: Anita Huffman, Water Rights
Subject: Request for Refund
cc:

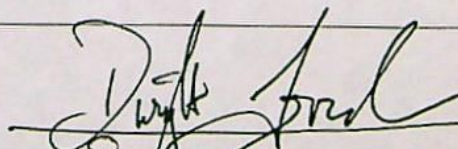
Please **refund \$ 250.00** to Hans Nelson and Sons Nursery Inc., File #s-85058,
Receipt # 50990. These funds are refunded due to:

_____	Application rejected
_____	Application withdrawn
<u>XX</u>	Unearned recording fees (Overpaid recording fees)
_____	File closed
_____	Misfiled
_____	Protest Filing Fees

0201

Mailing Address: Hans Nelson & Sons Nursery, Inc.
31020 SE Waybill Rd
Boring, OR 97009-9427

S:\groups\wr\Resource Center\forms\general\memo to
fiscal_request_refund_template.wpd


Signature

7/29/05
Date

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-85058

Final Order

Application History

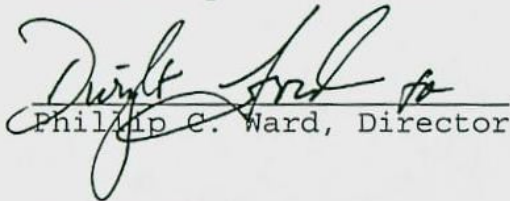
On FEBRUARY 15, 2002, DAN L. NELSON, for HANS NELSON AND SONS NURSERY INC submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on APRIL 19, 2005. The protest period closed JUNE 3, 2005, and no protest was filed.

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

Order

Application S-85058 therefore is approved as proposed by the Proposed Final Order, and Permit 54192 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED July 28, 2005


Philip C. Ward, Director

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.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Anita 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 503-585-8684.

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 APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HANS NELSON AND SONS NURSERY INC
31020 SE WAYBILL RD
BORING, OREGON 97009-9427

(503) 663-3348

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

APPLICATION FILE NUMBER: S-85058

SOURCE OF WATER: A RESERVOIR, FILED UNDER APPLICATION R-76927, A
TRIBUTARY OF SANDY RIVER

PURPOSE OR USE: IRRIGATION USE (NURSERY USE) ON 71.35 ACRES

MAXIMUM VOLUME: 5.0 ACRE FEET EACH YEAR

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 15, 2002

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 25, T 1S, R4E, W.M.;
1300 FEET NORTH & 590 FEET EAST FROM SW CORNER, SECTION 25

The amount of water used for irrigation use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.75 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.4 ACRES
SECTION 25
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

NW ¼ NW ¼ 0.2 ACRE
SECTION 36
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued July 28, 2005


Phillip C. Ward, Director
Water Resources Department



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

Application # <u>S-85058</u>	Permit # <u>S-54192</u>	Transfer #
WRD Reviewer <u>Jessica Joye</u>	Date <u>5/6/15</u>	
WRD Peer Reviewer <u>J. Skang</u>	Date <u>5/12/15</u>	

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

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

NOTES:

C-Date 10/1/09

CBU REC'D 11/5/05

metered report submitted for 2006.

Determination

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

X 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 acreage claimed for beneficial use.

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:

Pump Capacity Calculator

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 7.5
Efficiency = 6.61
Lift = 175
PSI = 75

Results Calculated

$(hp)(\text{efficiency}) = 49.575$
Head based on psi = 190.5
Total dynamic head = 365.5
(head + lift)

Pump Capacity = 0.136 cubic feet per second

Pump Capacity Calculator

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 7.5
Efficiency = 6.61
Lift = 150
PSI = 65

Results Calculated

$(hp)(\text{efficiency}) = 49.575$
Head based on psi = 165.1
Total dynamic head = 315.1
(head + lift)

Pump Capacity = 0.157 cubic feet per second

Pump Capacity Calculator
using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 20
Efficiency = 6.61
Lift = 200
PSI = 112

Results Calculated

$(hp)(\text{efficiency}) = 132.2$
Head based on psi = 284.5
Total dynamic head = 484.5
(head + lift)

Pump Capacity = 0.273 cubic feet per second

Pump Capacity Calculator

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 20
Efficiency = 6.61
Lift = 165
PSI = 71

Results Calculated

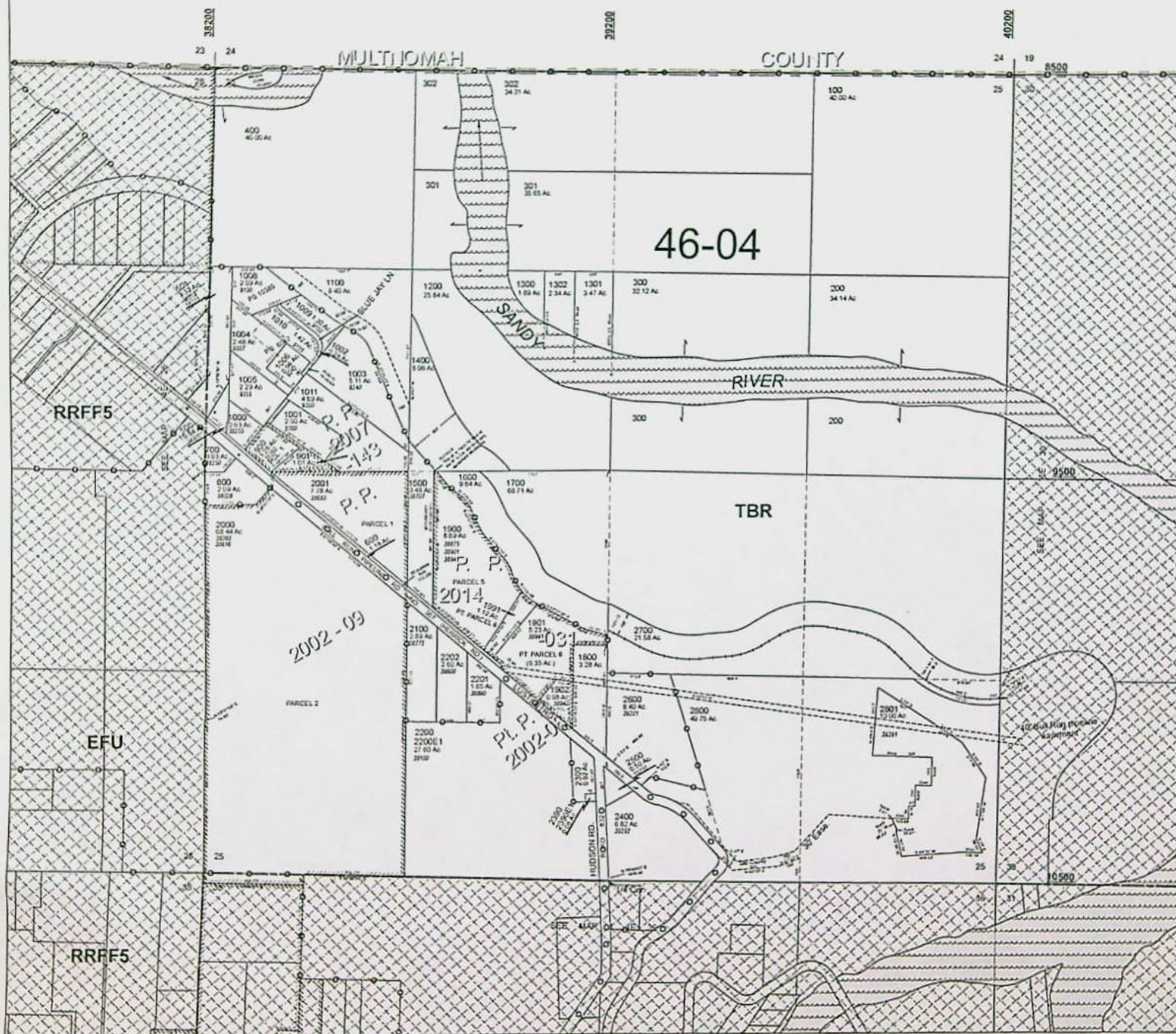
$(hp)(\text{efficiency}) = 132.2$
Head based on psi = 180.4
Total dynamic head = 345.4
(head + lift)

Pump Capacity = 0.383 cubic feet per second

APP S-85058

P S-54192

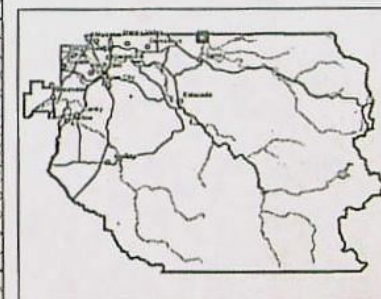
14 E 25

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

Cancelled Taxlots

290
340
351
352
2090
2090
2401
20051

- 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

6/14/2014

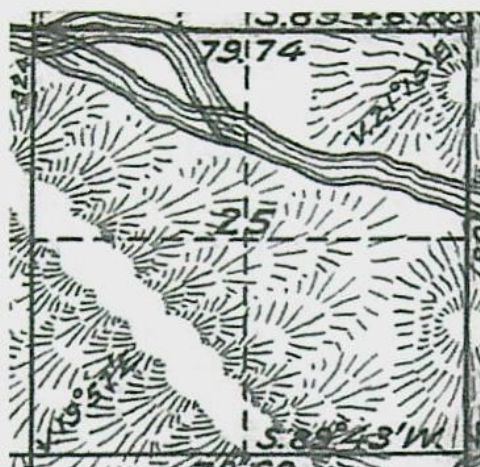
14 E 25

APP S-85058 P S-54192

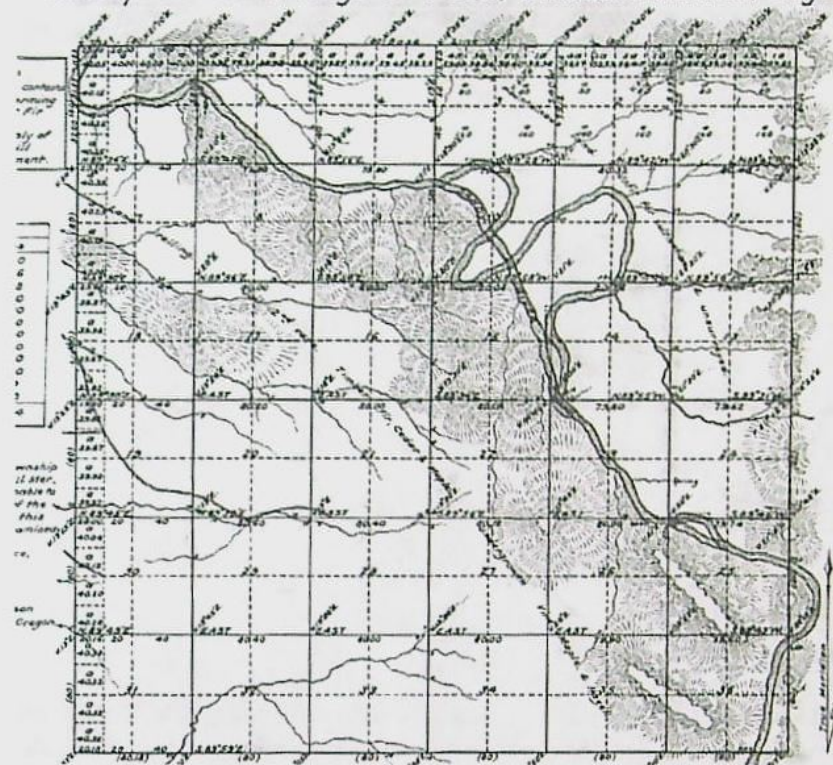


County:	Clackamas
Taxlot:	14E2S 02000
Owner1:	NELSON DAN L & LINDA S TRUSTEES
Owner2:	NULL
Owner Address:	31020 SE WAYBILL RD BORING OR 97009
Site Address:	38010 SE LUSTED RD BORING 97009
Acres:	68.4
TRISQQ:	WM1 0054 00E2SXXXX
Effective Date:	January 1, 2014





Township No 1 South, Range No 4 East, Willamette Meridian, Oregon.



Water Rights Platcard Report

NCR

 Meridian: Township: Range: Section: Records per Page: Search

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

Water Right	Changing Years	Priority	Use	Use Status	DLC	Q(40): Lot	Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QQ
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																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	2+
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 Well 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

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HANS NELSON AND SONS NURSERY INC
31020 SE WAYBILL RD
BORING, OREGON 97009-9427

(503) 663-3348

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

APPLICATION FILE NUMBER: S-85058

SOURCE OF WATER: ~~A RESERVOIR, FILED UNDER APPLICATION R-76927, A~~
~~TRIBUTARY OF SANDY RIVER~~

PURPOSE OR USE: ~~IRRIGATION USE (NURSERY USE) ON 71.35 ACRES~~ ^{64.10}

MAXIMUM VOLUME: ~~5.0 ACRE FEET EACH YEAR~~

PERIOD OF USE: ~~YEAR ROUND~~

DATE OF PRIORITY: ~~FEBRUARY 15, 2002~~

Intake #1 & #2:

POINT OF DIVERSION LOCATION: ~~SW ¼ SW ¼, SECTION 25, T 1S, R4E, W.M.;~~
~~1300 FEET NORTH & 590 FEET EAST FROM SW CORNER, SECTION 25~~

The amount of water used for irrigation use is limited to a maximum of ~~5.0 acre~~ feet per acre and a diversion of ~~0.15 cubic foot per second per~~ acre. For irrigation of ~~containerized nursery plants~~, the amount of water diverted is limited to ~~one fortieth~~ of one cubic foot per second and ~~5.0 acre~~ feet per acre per year. For irrigation of ~~in-ground nursery plants~~ the amount of water diverted is limited to ~~one eightieth~~ of one cubic foot per second and ~~2.5 acre feet~~ per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For ~~irrigation of any other crop~~, the amount of water diverted is limited to ~~one eightieth of one cubic foot per second~~ and ~~2.5 acre feet~~ per acre during the ~~irrigation season of each year~~.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

64.10 Acres

NW ¼ SW ¼ ~~35.75~~ ACRES ^{28.50}

SW ¼ SW ¼ 35.4 ACRES ✓

SECTION 25

TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Application S-85058 Water Resources Department

PERMIT 54192

$$(64.10 \text{ ac})(1/80) = 0.8013 \text{ CFS}$$

claim

NW ¼ NW ¼ 0.2 ACRE ✓
SECTION 36
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued July 28, 2005


Philip Ward, Director
Water Resources Department



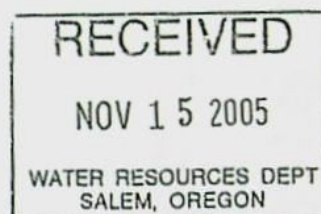
CLAIM OF BENEFICIAL USE

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

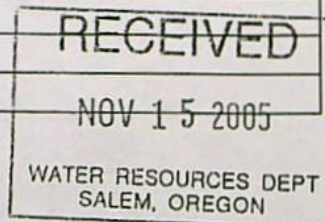
If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department.

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 #	



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 deepenings)

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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NOV 15 2005

WATER RESOURCES DEPT
SALEM, OREGON

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

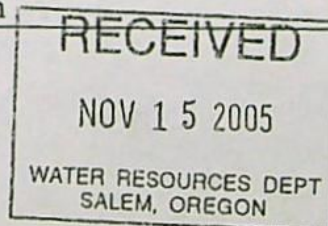
2. Provide reservoir volume calculations in the box below:

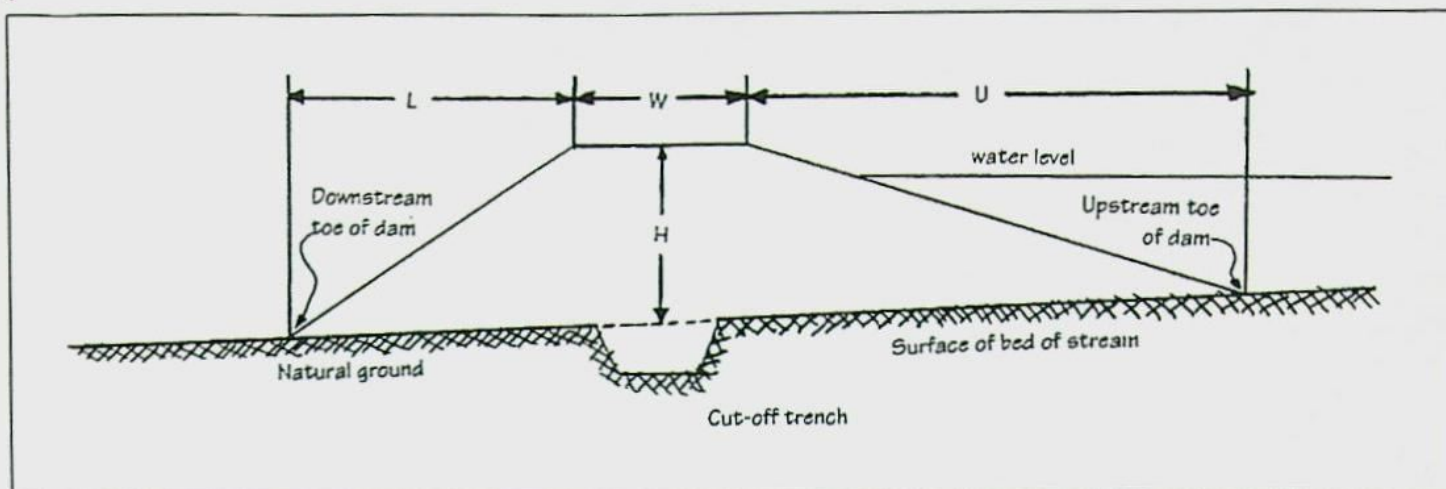
3. Provide the following information concerning the physical characteristics of the dam:

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).

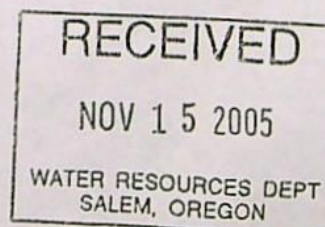
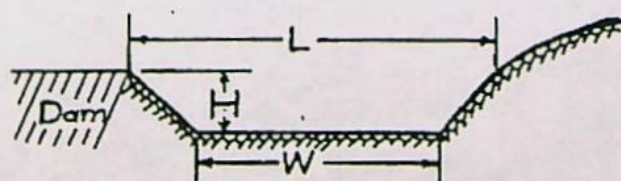
5B. Describe the DRAIN works (size and type of the outlet conduit and location) in the box below:

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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NOV 15 2005

2. Provide calculations in the box below:

N/A	WATER RESOURCES DEPT SALEM, OREGON
-----	---------------------------------------

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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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.

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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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SALEM, OREGON

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.

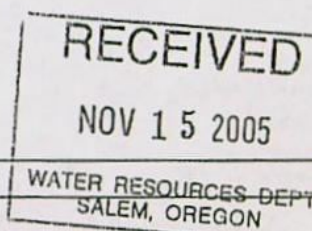
f. Has a self certification form been previously submitted to the Department? NO

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:

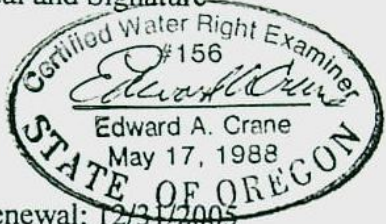
POD or POA name or #	Rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	# of acres allowed by permit or transfer final order	# of acres developed
INTAKE #1 & #2	Not Stated 0.8013CFS		(told)	64.10 ac	64.10ac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

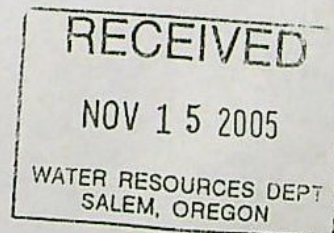
<p>Seal and Signature</p>  <p>Renewal: 12/31/2005 Signed: 11/07/2005</p>	<p>EDWARD A. CRANE, CWRE Crane Engineering & Surveying, Inc. 13755 SE 119th Drive Clackamas, OR 97015 Tel: 503-698-3890 Fax: 503-698-3861 Cell: 503-679-3253 E-Mail: eces@verizon.net</p>
--	--

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.

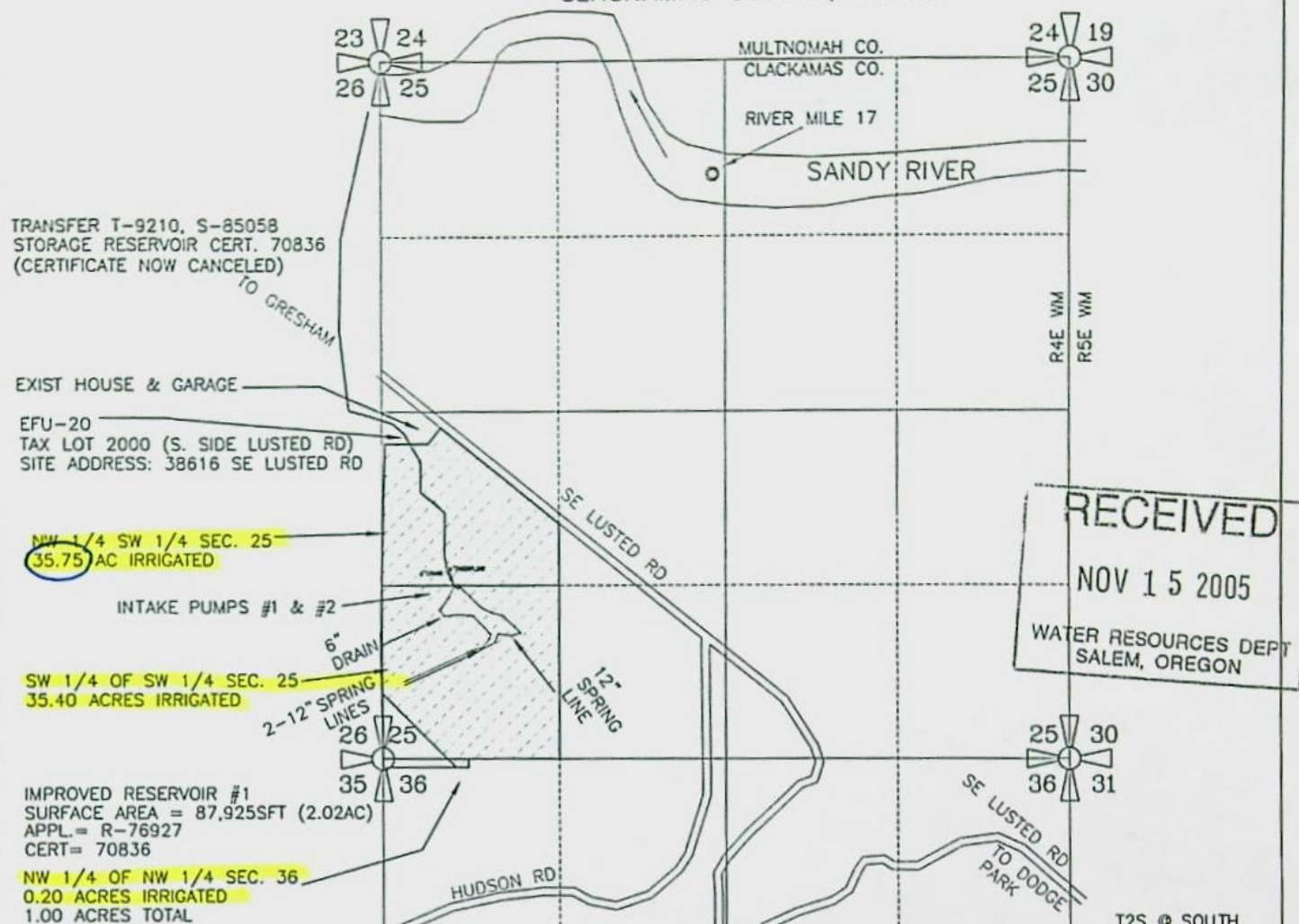

Signature DAN L. NELSON

11-9-05
Date



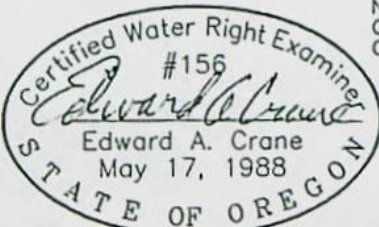
CORPORATE
BOUNDARY LINE _____
DONATION LAND
CLAIM (DLC #) - - - - -

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



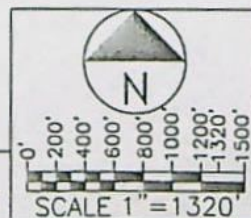
SEC.	1/4 1/4	ACRES IRRIG.	CFS (APPROX. GPM)
25	NW SW	28.50 AC IRRIG	0.3563 CFS (160 GPM)
25	SW SW	35.40 AC IRRIG	0.4425 CFS (199 GPM)
36	NW NW	0.20 AC IRRIG	0.0025 CFS (1.12 GPM)
TOTAL IRRIG.		64.10 ACRES	0.8013 CFS (360 GPM)

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



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
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

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

24" OVERFLOW

8" DRAIN

INTAKE #1

6" DRAIN

2-12"
SPRING
LINES

8" DRAIN

24" OVERFLOW

DOCK
6" PVC
VERT PIPE
2" SQ GV BELOW
8" SDR 3034 DRAIN

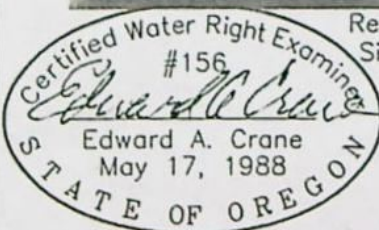
CONC SLAB
3-FLOW GUARD FILTERS
PUMP #1
PUMP #2

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

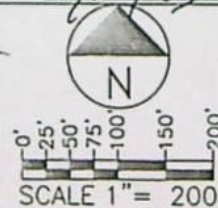
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NOV 15 2005

WATER RESOURCES DEPT
SALEM, OREGON



Renewal 12/31/2005
Signed 11/27/05



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
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FINAL PROOF SURVEY R-86099 TO CONSTRUCT A RESERVOIR

PREPARED BY EDWARD A. CRANE, CWRE

DATE

NOV. 2005

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& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

2/3

Oregon Water Resources Department
Water Rights Division

54192
Water Rights Application
Number S-85058

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On FEBRUARY 15, 2002, DAN L. NELSON, for HANS NELSON AND SONS NURSERY INC submitted an application to the Department for the following water use permit:

- Amount of Water: 5.0 ACRE FEET (AF)
- Use of Water: IRRIGATION (NURSERY USE) 71.35 ACRES
- Source of Water: A RESERVOIR, CERTIFICATE 70836 (FILED UNDER APPLICATION R-76927), A TRIBUTARY OF SANDY RIVER
- Area of Proposed Use: CLACKAMAS COUNTY within, SECTION 25, TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M., AND SECTION 36, TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

On August 2, 2002, the Department mailed the applicant notice of its Initial Review, determining that "the use of 0.89 CUBIC FOOT PER SECOND of water from A RESERVOIR, CERTIFICATE 70836, A TRIBUTARY OF SANDY RIVER for NURSERY USE ON 71.35 ACRES is not allowable, and it appears unlikely that you will be issued a permit." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On August 12, 2002, the applicant requested an Administrative Hold to complete the transfer of character of use for Certificate 70836.

On August 20, 2002, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

On December 30, 2002, the Department approved the transfer of character of use for Certificate 70836 from WILDLIFE TO STORAGE FOR MULTIPLE PURPOSES; INCLUDING BUT NOT LIMITED TO NURSERY USE AND AGRICULTURAL USE.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency

- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Sandy Basin Program allows IRRIGATION USE.

The Sandy Basin Program defines IRRIGATION USE as "the application of water to crops or plants by artificial means to promote growth, nourish plants, leach minerals, control frost, etc."

Senior water rights exist on A RESERVOIR, FILED UNDER APPLICATION R-76927, A TRIBUTARY OF SANDY RIVER, or on downstream waters.

A RESERVOIR, FILED UNDER APPLICATION R-76927, A TRIBUTARY OF SANDY RIVER is above the Sandy River State Scenic Waterway.

Water is determined to be available for further appropriation from water legally stored under application R-76927.

The applicant has provided information to the Department that the use of water to nourish plants and prevent frost damage is needed during the extended season, therefore the Department finds that the use of water for IRRIGATION (NURSERY USE) may be allowed year round.

The Department finds that the amount of water requested, 5.0 AF, is an acceptable amount.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team did not recommend that any additional conditions of use be imposed on this application.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS

536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Sandy Basin Plan, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

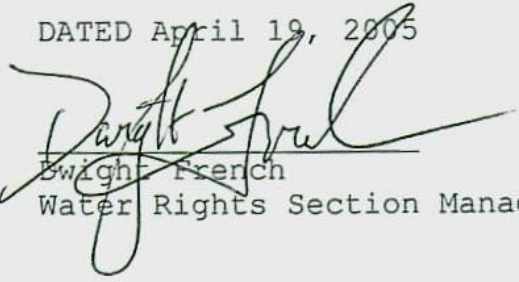
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

When issuing permits, ORS 537.211(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public interest. The attached draft permit is conditioned accordingly.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED April 19, 2005


Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of \$250 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.153(5), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final

order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$200.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **June 3, 2005**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Anita M. Huffman. If you have any questions about any of the statements contained in this document I am 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 Customer Service 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.

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

HANS NELSON AND SONS NURSERY INC
31020 SE WAYBILL RD
BORING, OREGON 97009-9427

(503) 663-3348

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

APPLICATION FILE NUMBER: S-85058

SOURCE OF WATER: A RESERVOIR, FILED UNDER APPLICATION R-76927, A
TRIBUTARY OF SANDY RIVER

PURPOSE OR USE: IRRIGATION USE (NURSERY USE) ON 71.35 ACRES

MAXIMUM VOLUME: 5.0 ACRE FEET EACH YEAR

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 15, 2002

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 25, T 1S, R4E, W.M.;
1300 FEET NORTH & 590 FEET EAST FROM SW CORNER, SECTION 25

The amount of water used for irrigation use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.75 ACRES

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.4 ACRES

SECTION 25

TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Application S-85058 Water Resources Department

PERMIT DRAFT

NW ¼ NW ¼ 0.2 ACRE
SECTION 36
TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

STANDARD CONDITIONS

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued _____, 2005

DRAFT - THIS IS NOT A PERMIT

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.

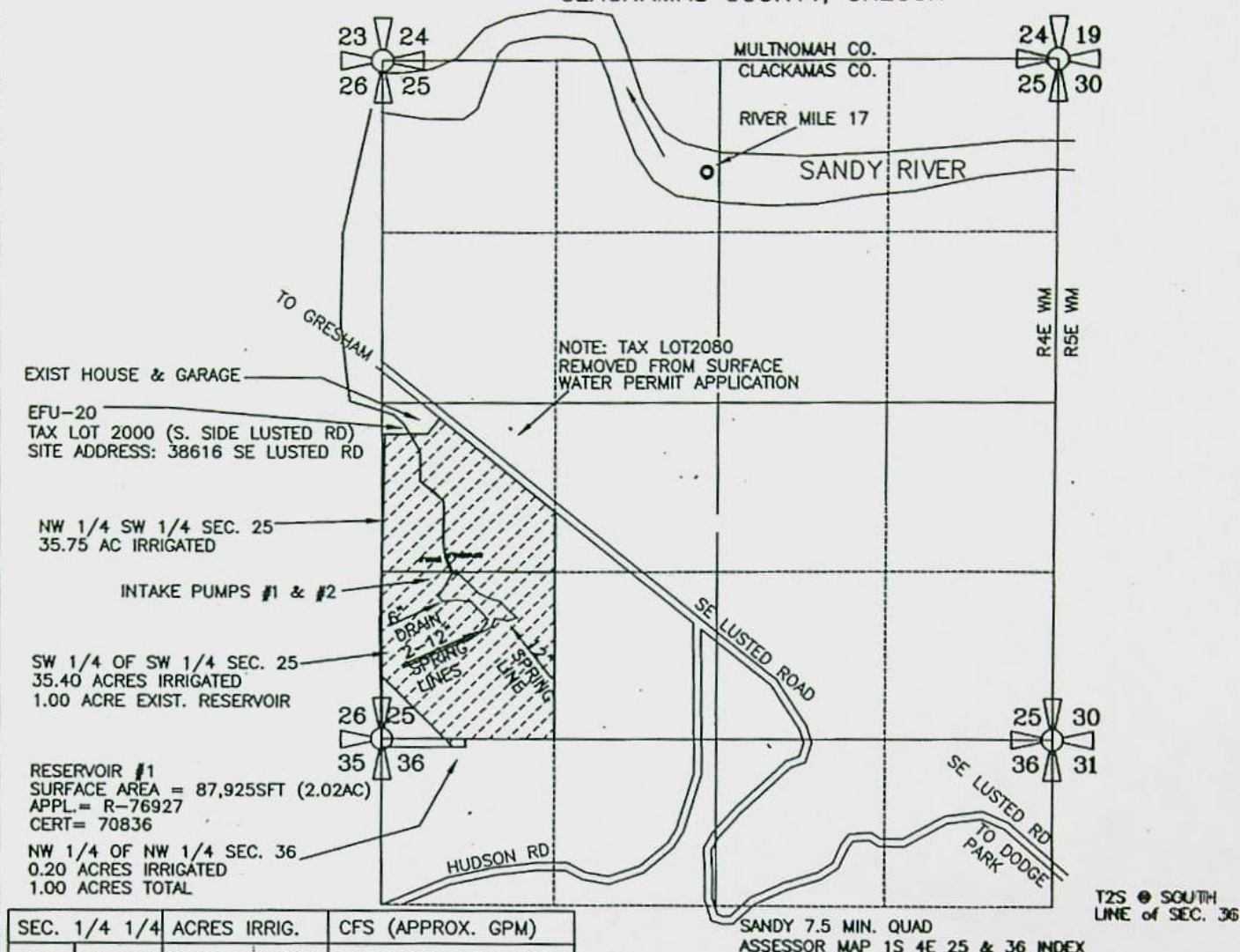
MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources 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: Water users 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



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)

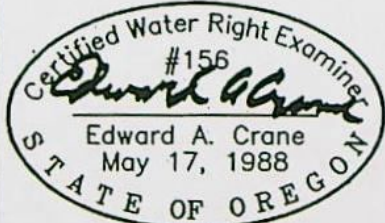
RESERVOIR APPLICATION R-76927 (UNDER HOUSE BILL-2153)
WAS FOR WILDLIFE USES ONLY. THIS TRANSFER APPLICATION
ADDS IRRIGATION USES (GEN NURSERY USES & AGRICULTURAL USES).

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.

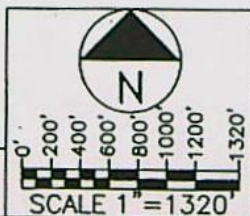
TRANSFER T-9210, S-85058
STORAGE RESERVOIR CERT. 70836

PREPARED BY EDWARD A. CRANE, CWRE



Renewal 12/31/2005
Signed 9.29.04

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



DATE
SEPT. 2004

PROJECT NO.
347-005



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-76927
(UNDER HB-2153), 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

Mailing List for PFO Copies

Application #S-85058

PFO Date April 19, 2005

Original mailed to:

Applicant: Dan L. Nelson, for HANS NELSON AND SONS NURSERY INC, 31020 SE WAYBILL RD,
BORING, OREGON 97009-9427

Copies sent to:

- 1. WRD - File # S-85058
- 2. Water Availability: Ken Stahr

PFO and Map Sheet Copies sent to:

- 3. WRD - Watermaster # 20
- 4. Regional Manager: NWR
- 5. Oregon State Parks

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

- 6. Ed Crane, CWRE #156

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

CASEWORKER : Huffmaam WEEK 508

Copies Mailed
By: <u>TCB</u>
(SUPPORT STAFF)
on: <u>4/19/05</u>
(DATE)

PFO CHECKLIST

Application #: S-85058 Applicant: HANS NELSON AND SONS NURSERY INC PFO week: 506 ~~488~~

✓ Shortcomings preventing PFO? Y ☒ N ☐ Should process continue? ☒ Y ☐ N

IR Date 8/2/02 Public Notice Date 8/20/02 Comments received? ☒ Y ☐ N admin hold by applicant

Was additional information requested in the IR? ☒ Y ☐ N If so, do we now have enough info to do the PFO? ☒ Y ☐ N

Was the application filed after 10/23/99? ☒ Y ☐ N (If not, add A date requirement) not needed see letter dated

B.O.R. or Doug Co. project Y ☒ N ☐ Contract in file? N contract # _____

IR identifies as DEQ 303d? Y / N / ☒ NA Comments received? Y / N _____

Is second gw review necessary? Y / N / ☒ NA Complete? Y / N

Water Availability ☒ OK ☐ REDONE ☐ NA cert 70836 now cancelled due to x feed Char. of use. W/Anon.

Have conflicts been addressed? Y / N / ☒ NA

Changes from IR determinations T-9210 was approved 12/30/02 for change of character for Res permit app # R76927. This makes source avail so use is ok for 5th AF stored water for Nu.

Copy to Ed Crane CURE #150 SP or VOL 50 P2259 64.10 ACRES irrigated Trans approval
Dick Caldwell
WM DIST 20 -

5th AF =

Fees	Base Fee	Water Amount (Q)
	<u>\$100</u> / \$150	1 st CFS/AF <u>50</u>
	\$250 / \$300	
		Addl @ _____ + _____
	<u>100</u> (base) +	<u>50</u> (Q) = <u>150</u> (total exam fee)

EXAM FEE REQUIRED	<u>150</u>	RECORDING FEE REQUIRED	<u>\$175</u> / \$250
EXAM FEE PAID	<u>400</u>	RECORDING FEE PAID	<u>175</u>
STILL OWED	<u>250</u>	STILL OWED	<u>2</u>
Refund →		Refund excess fees pd.	

Name: Anita Huffman Date: 11/17/2004

Peer Reviewer: J. J. J.

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

IR CHECKLIST

Application #: S 85098

County CLACK

Basin: 2-WIU

WAB: N/A STORED H₂O

Township 1S

Range 4E

Section 25

1/4 1/4 NW SW / SW SW

P/K

10. Groundwater Review A B C D River/Stream Name _____
a. Groundwater Availability A B C
b. Is the well located in a GWLA or CGWA or T1N R3E? (If applicable, include map with POD) Y / N
Name: _____
20. Use SUPP. IRR / NURSERY Priority Date(s) 2/15/02(?) not clear!
30. Allowed under Basin Program Y / N Limitations? Y / N 690-503-040(3)
40. Withdrawn? Y / N season allowed _____
45. Basin Maps have been checked Y / N River Mile N/A
50. SWW Y / N (if Y notify state parks)
60. Surface water Availability (80% live flow / 50% storage) NA STORED - cert R- 70836
70. Divis 33: Y / N / NA Above Bonn Y / N If Y not allowed April 15 - September 30
Below Bonn Y / N If Y add PISPC
Statewide Y / N
80. Rate 1/40 (6.125) 71.35A (50)
Duty 2.5 Rate: Max 356.75 AF / 8.91 cfs Req 400 GPM (0.89 cfs)
Season: Normal 3/1/03 - R (YR) Req X/R
90. B.O.R. or Doug Co. project Y / N contract # _____
100. Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)
condition 7I and municipal require the Large conditions _____
110. Land use approval OK'd needs approval county notified NA
120. Watermaster Dist: (1 2 16 18 20 NWR) (3 4 5 21 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (13 14 15 19 - SWR)
130. per interactive mapping DOA 1010 Y / N Adopted Y In Progress 303D Y / N / NA CTUIR Y / N
140. within Oregon Streamflow Restoration Area? Y / N / NA
150. Letter format == Good == Limited == Bad == Bad w/ IRshort == Bad w/ HC Opportunity *
160. CWRE, representative, etc. to notify Y / N Ed Crane

app
R 76927

* Source Res under cert 70836 is for W.T. use
only - needs to file x-fm of character of use on Res.

Name: A Date: 7/26/02

c:\myfiles\forms\checkirnew 3/7/02

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

PFO CHECKLIST

PFO WEEK # _____

___10. IR Date _____ Public Notice Date _____ Comment Rec'd _____

___20. Filed after 10/23/99? Y / N (if N A date should be included)

Changes from IR determinations: _____

Agencies and Additional People to Notify: _____

___30. **Shortcomings** preventing PFO, FO, or permit? Y / N Should process continue Y / N

___40. Is second groundwater review necessary? Y / N complete? Y / N

___50. IR identifies as on DEQ 303d List? Y / N / NA Comments received? Y / N

Initials: _____ Date: _____

STATE OF OREGON
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

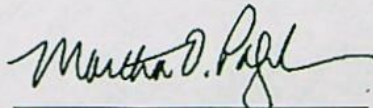
Located as follows:

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

Recorded in State Record of Water Right Certificates numbered 70836

March 14, 1991

OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 503
SANDY BASIN PROGRAM

[ED. NOTE: This Division was renumbered from OAR 690-080 by WRD 4-1991, f. & cert. ef. 3-14-91.]

Definitions

690-503-010 As used in this rule, unless the context requires otherwise:

(1) The Sandy Basin is as shown by Water Resources Department Map No. 3.6 or 2C.6.

(2) "Classification" or "classified" means the allowed and preferred beneficial use(s) of a given surface or groundwater source for which future uses of water shall be permitted. Except as otherwise provided by the Commission, the Department shall not issue permits to appropriate, and no use shall be initiated of, any of the surface or groundwaters of the Sandy Basin for any uses except those for which the waters are classified. A classification does not affect legal uses existing on the date of adoption or alteration of the classification. A classification does not affect the transfer to another beneficial use of any water right with a priority date prior to adoption of these rules.

(3) "Aesthetic Use" means use of water within its natural course for maintaining and enhancing scenic values.

(4) "Aquifer" means a water-bearing body of naturally occurring earth materials that is sufficiently permeable to yield useable quantities of water to wells or springs.

(5) "Commission" means the Water Resources Commission.

(6) "Department" means the Water Resources Department.

(7) "Commercial Use" means use of water at a place where commodities or services are bought or sold, such as a gas station, restaurant, motel, etc.

(8) "Domestic Use" means use of water for human consumption, household purposes, watering livestock necessary for the sustenance of a family and related accessory uses.

(9) "Group Domestic Use" means delivery and use of water through a delivery system supplying water for domestic purposes to more than one residence or dwelling unit.

(10) "Fish Life" includes use of water to support natural or artificial propagation of fish and other aquatic life.

(11) "Industrial Use" means use of water associated with the production or manufacture of a product including other related miscellaneous uses.

(12) "Irrigation Use" means the application of water to crops or plants by artificial means to promote growth, nourish plants, leach minerals, control frost, etc.

(13) "Livestock Use" means use of water for domesticated animals and wild animals held in captivity as pets or for profit.

(14) "Mining Use" means the use of water to extract metals or minerals including placer mining as defined in OAR Chapter 690, Division 11, and leaching operations.

(15) "Municipal Use" means the delivery and use of water through the water

Note: These rules were filed with the Office of the Secretary of State and took effect on March 14, 1991. The rules are subject to non-substantive modifications such as renumbering and correction of typographical errors pursuant to ORS 183.360 (2)(a) when published by the Secretary of State.

service system of an incorporated municipality or nonprofit corporation and includes quasi-municipal uses as defined in OAR Chapter 690, Division 11.

(16) "Public Park Use" includes use of water for domestic, irrigation, and visual display of water in a public park.

(17) "Recreation" as a public use of water means any form of play relaxation, or amusement, mostly done during leisure, that occurs in or in conjunction with streams, lakes and reservoirs, including but not limited to boating, fishing, swimming, wading, and viewing scenic attractions.

(18) "Statutorily Exempt Uses" means uses of groundwater as defined in ORS 537.545.

Stat. Auth.: ORS 536.220, 536.300 & 536.310

Hist.: WRD 4-1991, f. & cert. ef. 3-14-91

Policies

690-503-020 The surface water resources of the Sandy River Basin are important for maintaining instream and scenic values. The groundwater and surface waters are used for municipal, domestic, industrial and agricultural uses. The Bull Run Watershed is the main source of water for the city of Portland and the Portland metropolitan area. The protection and maintenance of water resources for these uses will promote the economic and general welfare of the people of the state. Therefore, it shall be the policy of the Commission:

(1) To limit future surface water appropriations, except for storage, in the Sandy Basin mainly to municipal and nonconsumptive, instream uses for the purpose of protecting and enhancing those statutorily preferred uses and values such as municipal, fish life, wildlife, recreation and aesthetics.

(2) To carry out the state groundwater management policy by addressing groundwater declines near Sandy, controlling interference with surface supplies and protecting the quality of shallow aquifers.

(3) To uphold, subject to senior claims, the city of Portland's exclusive right to the waters of the Bull Run and Little Sandy rivers for municipal use. The Commission supports further development of the Bull Run and Little Sandy rivers for municipal use under a planned approach, designed to best meet the needs of the city and region, while encouraging water use efficiency and conservation and protecting the naturally high quality of the water.

Stat. Auth.: ORS 536.220, 536.300 & 536.310

Hist.: WRD 4-1991, f. & cert. ef. 3-14-91

Objectives

690-503-030 The objectives of the Commission in managing the surface and groundwater resources of the Sandy Basin are to:

(1) Uphold existing legislative withdrawals and grants, and state scenic waterway designations, consistent with statutory direction.

(2) Protect existing rights.

(3) Maintain and enhance instream and scenic values in the Sandy River Scenic Waterway and Columbia Gorge and throughout the Sandy Basin by limiting new out-of-stream appropriation from natural summer flows and protecting remaining instream flows in the Sandy River main stem and its tributaries.

(4) Minimize groundwater/surface water hydraulic interference.

(5) Condition permits to regulate future use of groundwater in areas of documented declines near Sandy.

Surface Water Classifications

690-503-040 (1) By act of the Oregon Legislature, the following streams are closed to further appropriation unless otherwise indicated:

(a) The main stems and tributaries of the Bull Run and Little Sandy rivers are protected for the exclusive use of the city of Portland; subject to senior rights or claims predating February 24, 1909 (ORS 538.420);

(b) Hackett Creek, a tributary of the Sandy River located in Clackamas County, and its tributaries, are withdrawn from appropriation except for fish life (ORS 538.150);

(c) Except as provided in ORS 538.210, the following streams forming waterfalls near the Columbia River Highway and flowing directly into the Columbia River shall not be diverted or interrupted for any purposes (ORS 538.200):

(A) Latourell Creek — Forming Latourell Falls;

(B) An unnamed stream whose waterfall is approximately at the southwest quarter of the southwest quarter of the northwest quarter of section 28, township one north, range five east, at the northern edge of Tax Lot 27/28. The fall is on the south side of the old Columbia River Highway, 0.7 mile west of the highway bridge at Young Creek;

(C) An unnamed stream whose waterfall is approximately at the southeast quarter of the southwest quarter of the northwest quarter of section 28, township one north, range five east, at the northern intersection of Tax Lot 27/26. The falls are on the south side of the old Columbia River Highway, 0.6 mile west of the highway bridge at Young Creek;

(D) An unnamed stream whose waterfall is approximately at the northeast quarter of the northeast quarter of the northwest quarter of section 28, township one north, range 5 east, Tax Lot 3. The falls are on the south side of the old Columbia River Highway, 0.1 mile west of the highway bridge at Young Creek;

(E) Young Creek — Forming Shepperd Dell Falls;

(F) Bridal Veil Creek — Forming Bridal Veil Falls;

(G) Coopey Falls Creek;

(H) Mist Falls Creek;

(I) Wahkeena Creek — Forming Wahkeena Falls, formerly known as Gordon Falls;

(J) Multnomah Creek — Forming Multnomah Falls;

(K) Oneonta Creek — Forming Oneonta Falls and Gorge;

(L) Horse Tail Creek — Forming Horse Tail Falls;

(M) Tumalt Creek;

(N) McCord Creek, formerly known as Kelly Creek — Forming Elwah Falls;

(O) Moffatt Creek — Forming Wahe Falls;

(P) Tanner Creek — Forming Wahclella Falls.

(2) Except as otherwise provided in sections (1) and (3) of this rule, all the surface waters of the Sandy Basin are classified only for fish life, domestic, stock, municipal, aesthetic, recreation and public park uses.

(3) In addition to uses in section (2) of this rule, all tributaries of the Sandy River but not the main stem Sandy River are open for storage from December 1 to June 1 of each year. Water stored during this period may be used at any time for any beneficial use.

(4) No permit shall be issued if the proposed use is found detrimental to the scenic waterway values as described in ORS 390.835.

Stat. Auth.: ORS 536.220, 536.300 & 536.310
Hist.: WRD 4-1991, f. & cert. ef. 3-14-91

Groundwater Classification

690-503-050 Permits to use groundwater may be issued only for the following classified uses:

(1) Except as provided in sections (2) and (3) of this rule, the groundwater resources of the Sandy Basin are classified for commercial, group domestic, industrial, irrigation, mining, municipal, and statutorily exempt groundwater uses.

(2) Groundwater from the shallow Troutdale aquifer in the Sandy — Boring Groundwater Management Area, as shown in Figure 1, is classified for exempt uses only.

(3) Groundwater hydraulically connected to, and within 1/4 mile of, surface water shall be classified for the same uses as the surface water source and for uses exempted by ORS 537.545.

Stat. Auth.: ORS 536.220, 536.300 & 536.310
Hist.: WRD 4-1991, f. & cert. ef. 3-14-91

Special Permit Conditions

690-503-060 Permits issued to appropriate groundwater from aquifers in the Sandy Basin shall be specially conditioned. The conditions shall specify:

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

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

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

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

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

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

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

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

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

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

(e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall be received not later than 30 days from the date of measurement.

(4) The Department shall determine when any of the declines cited in section (1) of this rule are evidenced by the well measurement required in section (3) of this rule.

FIGURE I
(690-503-050)

SANDY-BORING GROUNDWATER MANAGEMENT AREA

Sandy-Boring Groundwater Management Area: The aquifer of concern is within the Troutdale Formation.

The boundary of the overall area is as follows:

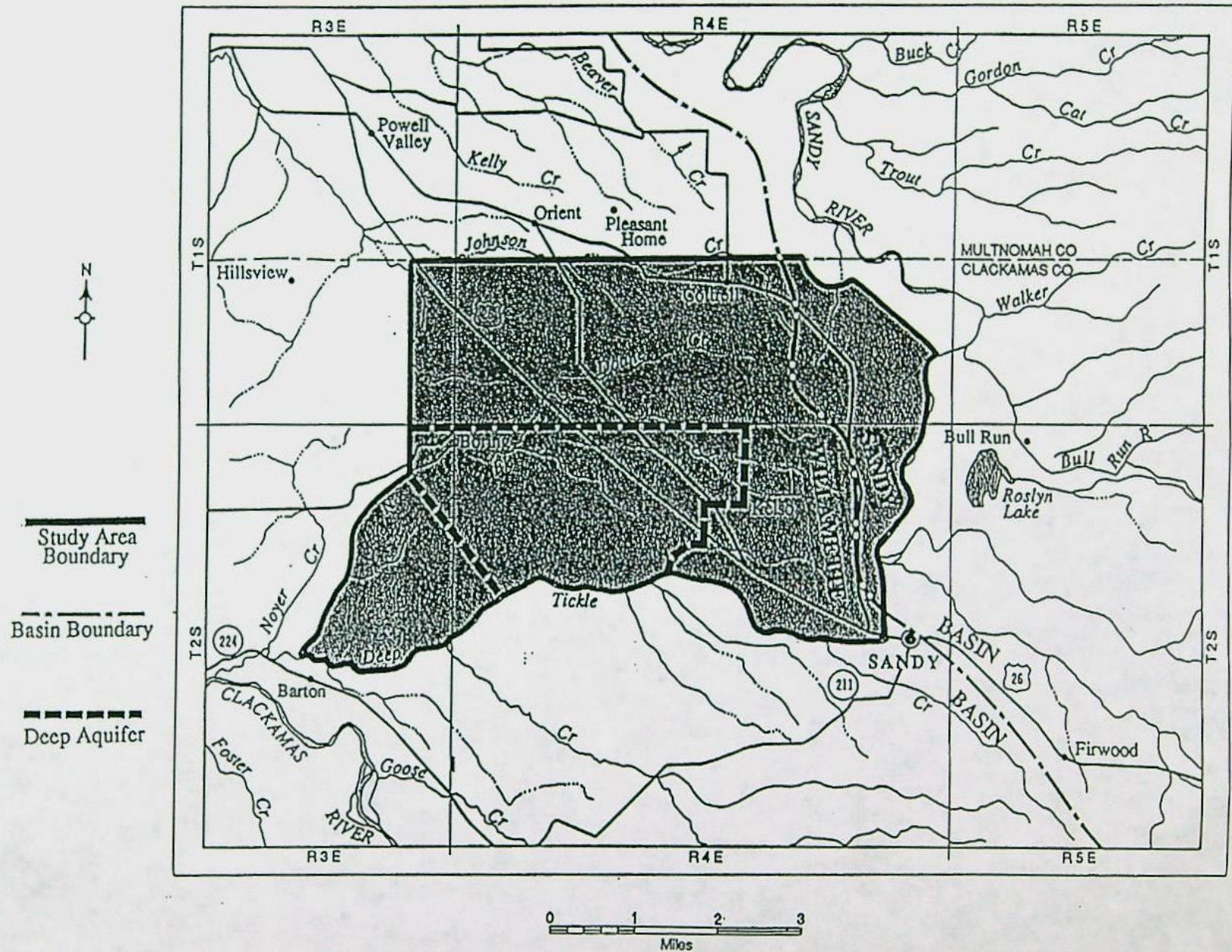
Beginning at the north quarter corner of Section 25, T1S, R3E, WM, said point being on the Clackamas-Multnomah County line, thence east along the county line to a point at an elevation of 600 feet mean sea level, near the intersection of the county line and Dodge Park Boulevard, thence southerly along the 600 foot elevation contour to Tickle Creek, near the east quarter corner of Section 14, T2S, R4E, WM, thence westerly along Tickle Creek and Deep Creek to the mouth of North Fork Deep Creek, thence northeasterly along North Fork Deep Creek to the north-south center line of Section 1, T2S, R3E, WM, thence north to the point of beginning.

The boundary of the Special Deep Troutdale Aquifer Area is as follows:

Beginning at the north quarter corner of Section 1, T2S, R3E, WM, thence east along the section line to the north quarter corner of Section 3, T2S, R4E, WM, thence south to the south quarter corner of Section 3, T2S, R4E, WM, thence south to the south quarter corner of said Section 3, thence west along the section line to the southwest corner of said Section 3, thence south along the section line to a tributary of Tickle Creek near the west quarter corner of Section 10, T2S, R4E, WM, thence westerly along the channels of the tributary and Tickle Creek to the south line of Section 7, T2S, R4E, WM, thence northwesterly to the south quarter corner of Section 1, T2S, R4E, WM, thence north to the point of beginning.

Figure 1

SANDY-BORING GROUNDWATER MANAGEMENT AREA



Analysis for Application: S85058

Location: 1.00 S-4.00 E-25-sws

Uses: NU 35.400 (S) , AG 0.000 (S) , IR 35.400 (S)

Basins

BASIN_NUM	BASIN_NAME
3	Sandy

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
20	NW

Records Found: 1

WAB

BASIN	WID	LINK_1
3	72145	Water Availability: 50% 80%

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

Location: 1.00 S-4.00 E-25-nws

Uses: NU 35.750 (S) , AG 0.000 (S) , IR 35.750 (S)

Basins

BASIN_NUM	BASIN_NAME
3	Sandy

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
20	NW

Records Found: 1

WAB

BASIN	WID	LINK_1
3	72145	Water Availability: 50% 80%

Records Found: 1

County

COUNTY	FIPS
Clackamas	41005

Records Found: 1

Groundwater Restricted Records Found: 0**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: 0303D Lakes Records Found: 0**Location: 2.00 S-4.00 E-36-nwnw**

Uses: AG 0.000 (S) , IR 0.200 (S) , NU 0.200 (S)

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
20	NW

Records Found: 1

WAB

BASIN	WID	LINK_1
2	89	Water Availability: 50% 80%

Records Found: 1

County

COUNTY	FIPS
Clackamas	41005

Records Found: 1

Groundwater Restricted Records Found: 0

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

Plat Card Report for: Township: 1S, Range: 4E Section: 25

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
GR 2131 7/1/1952	GR 3849											5.000 IR			10.000 IR					
G 14246 1/26/1996	G 13054														AG					
G 14246 1/26/1996	G 13054 •														15.000 IR					
G 14522 5/5/1997	G 13411																		21.000 NU	
G 14522 5/5/1997	G 13411 •																	20.500 NU	DN	
S 46469 10/6/1969	S 34713		Cncl	MU Cncl	MU Cncl	MU Cncl	MU Cncl	MU Cncl	MU Cncl	MU Cncl	MU Cncl	MU Cncl	MU Cncl	MU Cncl	MU Cncl	MU Cncl	MU Cncl	MU Cncl	MU Cncl	
S 85058 2/15/2002													AG (s)	AG (s)						
S 85058 2/15/2002	•												35.750 NU (s)	35.400 NU (s)						
S 85058 2/15/2002	•												35.750 IR (s)	35.400 IR (s)						

Go to 1S, 4E, 25 page: 1

[Return to Plat Card Search](#)NOTE: Please read the [disclaimer](#) before using this information.Frequently asked questions and the abbreviations (water use codes) noted above are discussed in our Plat Card [FAQ](#).

To: Mike McCord <Mike.L.MCCORD@wrd.state.or.us>
From: Steve Brown <Stephen.C.BROWN@wrd.state.or.us>
Subject: Re: T-9210/S-85058
Cc:
Bcc:
Attached:

Mike,

I have been instructed to copy all correspondence to watermasters. From the information submitted, I estimate the storage capacity to be about 24 af. The reservoir has been significantly enlarged, from the original size. We may never know the size of the old reservoir, however, we have on file a photograph of the reservoir area at the time of the 2153 filing and a photo submitted by the CWRE. As far as the height of the dam, I can only provide you with information submitted by Mr. Crane and he indicated the height of the dam was less than 10 feet.

Please be advised the state scenic waterway and ORS 538 would restrict the availability of water for future uses.

If you have any more questions, please give me a call. Happy New Year.

Steve

At 03:48 PM 12/27/04 -0800, you wrote:

Steve, I got your letter today to Hans Nelson Nursery. I noted on my injury review that they were cleaning the pond out. They said they were putting it back to the way it was. Which was odd because they just bought the property and knowing how it used to be would be difficult. I know they were also turned in to DSL and had to go through their permit process. Did Crane's CBU state that they are storing 9 acre feet? Your letter stated that they may even be exceeding that. If that is the case they probably have another issue to deal with because I believe the dam is now greater than 10'.

Mailing List for FO Copies

Application # S-85058

Mailing List Print Date: July 14, 2005

Original mailed to(when permit issued, include copy of permit map):

Applicant: Dan L. Nelson, for HANS NELSON AND SONS NURSERY INC, 31020 SE WAYBILL RD, BORING OREGON 97009-9427

For FO w/Permit - Copies sent to:

1. WRD - File # S-85058
2. WRD - Ken Stahr

Copies Mailed	
By:	<u>ALS</u>
	(SUPPORT STAFF)
on:	<u>7/28/05</u>

For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):

3. WRD - Watermaster District #20: Mike McCord
4. WRD - Regional Manager: Bill Ferber

For FO w/Draft Permit, w/Permit, or for Denial - Copies to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

1. ED CRANE, CWRE #156
2. _____
3. _____

For FO w/Draft Permit or w/Permit - "\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____
2. _____

CASEWORKER: Huffmaam

FO CHECKLIST

Application #: S-85058 Applicant: HANS NELSON AND SONS NURSERY INC PFO week: 508 FO week: 468

☒ Has applicant name and/or address changed, or has the file been assigned? Y / (N)

If new: _____

☒ Were comments received? If so, from whom and when? NONE

Respond to significant comments, issues, or disputes related to the proposed use of water

☒ Verify names and mailing addresses of all commentors, affected landowners and those who paid \$10 fee on PFO cc: list.

☒ Have affected landowner(s) been notified? Y / N / (NA) If not, do not issue FO. Send a letter to affected landowner(s).

☒ Has ODFW asked for screening condition and rate ≤ 0.5 CFS? Y / N / (NA) If yes, include fish screening form.

☒ Are requested GW conditions included in permit? Y / N / (NA) If not, add condition(s) _____

☒ Do PFO conclusions require modification due to typos or errors? Y / (N) What and why? _____

☒ Fees

Base Fee

Water Amount (Q)

\$100 / \$150

1st CFS/AF

5(10) =

\$50

\$250 / \$300

_____ Addl @ _____ + _____

100 +
(base)

50
(Q)

= 150
(total exam fee)

EXAM FEE REQUIRED

150

RECORDING FEE REQUIRED

\$175 / \$250

EXAM FEE PAID

400

RECORDING FEE PAID

175

STILL OWED

8

STILL OWED

8

Refund \$250 -

FO type DENIAL

X FO w/ Permit # 54192

☐ FO w/o permit ☐ lacks fees
☐ lacks easement
☐ lacks approved dam plans & specs

Name: Anita Huffman Date: 7/14/2005

Peer Reviewer: _____

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

Old fee schedule ^{7/10/103} (~~7/10/103~~)

5th AF stored H₂O only

Base	100	100
	10 x 5 = 50	
	<hr/>	
	150	50 100
	175	Rec fee
	<hr/>	
	\$325 TOTAL	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FILE#: S 85058
HANS NELSON AND SONS
NURSERY INC.
31020 SE WAYBILL RD
BORING, OR 97009-9427

WRS

2. Article Number
(Transfer from service label)

4880 3772

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Hans Nelson

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Linda Nelson

C. Date of Delivery

8-6-02

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

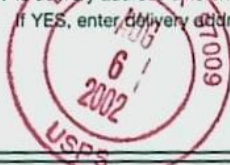
☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPT.
158 12TH ST NE
SALEM OR 97301

RECEIVED
AUG 07 2002
WATER RESOURCES DEPT.
SALEM, OREGON

72 03





Oregon

John A. Kitzhaber, M.D., Governor

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

August 2, 2002

HANS NELSON AND SONS NURSERY INC
31020 SE WAYBILL RD
BORING, OREGON 97009-9427

(503) 663-3348

Reference: File S-85058

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from A RESERVOIR, CERTIFICATE 70836, A TRIBUTARY OF SANDY RIVER for IRRIGATION (NURSERY USE) ON 71.35 ACRES **is a classified use** under OAR 690-503-040(3), the Sandy Basin Program.
3. Water in the amount of 5.0 ACRE FEET for NURSERY USE ON 71.35 ACRES **is not available** due to RESERVOIR CERTIFICATE 70836 being issued for WILDLIFE use only.
4. Because water is not available, NURSERY USE ON 71.35 ACRES cannot be allowed. However, by providing additional information, you may be able to pursue a permit. Please refer to the **ADDITIONAL INFORMATION OPPORTUNITY** section below.
5. The Department has also identified additional information that is required to obtain a permit to use water. Please refer to the **ADDITIONAL INFORMATION REQUIRED** section below for details.

Summary of Allowable Water Use

Because item #3 above is unfavorable, the use of 0.89 CUBIC FOOT PER SECOND of water from A RESERVOIR, CERTIFICATE 70836, A TRIBUTARY OF SANDY RIVER for NURSERY USE ON 71.35 ACRES is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Tuesday, August 20, 2002**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

ADDITIONAL INFORMATION OPPORTUNITY:

The source of water for this application is listed as a RESERVOIR, CERTIFICATE 70836; however the use allowed under the certificate is WILDLIFE use only. In order to use the water from the reservoir for any consumptive use, including NURSERY USE, a transfer of character of use must be obtained prior to permit issuance.

For more information on transferring, or changing, the character of use of a certificate, you may wish to contact Bernadette Williams, Transfer Program Coordinator at (503)378-8455 Extension 275.

A transfer must be completed by *September 19, 2002*; however it is unlikely that the process can be completed in that time frame. Therefore, you may request a "time out from processing" for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If a time out is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

ADDITIONAL INFORMATION REQUIRED:

OAR 690-310-050((4)(b) requires the application map submitted to the Department to show the location of pipelines, ditches or other means of transporting water for the proposed use. It is noted that there is a County road transversing the property involved. Please indicate the location of the *main line* proposed under this application. If there will be water transported across or under the road, you must provide the Department with the mailing address and a written authorization or easement to cross the road.

If we do not receive notification that a transfer has been approved, or the items requested above by the date listed, or a request for time out from processing, we may reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
3. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.
4. The use may be restricted if the quality of the source stream or downstream waters

decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

5. The tentative priority date for this application is FEBRUARY 15, 2002.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

The water source identified in your application is in an area that has an approved Agricultural Water Quality Management Area Plan. These plans have been developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders. These plans help make sure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to contact Paul Measeles, (503) 986-4778 at the ODA to learn more about the plan and how it may affect your proposed water use.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at 503-378-8455 extension 201. Feel free to call me at 503-378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: 503-378-6203.

Sincerely,



Anita M. Huffman
Senior Water Rights Technician

enclosures: Flow Chart of Water Right Process
Stop Processing Form

S-85058
wab 03-
pou 03-
gw

APPLICATION FACT SHEET

Mail to: *Applicant, Watermaster, District Biologist (ODFW)*
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-85058

Applicant: HANS NELSON AND SONS NURSERY INC

County: CLACKAMAS

Watermaster: 20

Priority Date: FEBRUARY 15, 2002

Source: A RESERVOIR, CERTIFICATE 70836, A TRIBUTARY OF SANDY RIVER

Use: IRRIGATION (NURSERY USE) ON 71.35 ACRES

Quantity: 0.89 CUBIC FOOT PER SECOND

Basin Name & Number: Sandy, #03

Stream Index Reference: Volume 2 SANDY R

Point of Diversion Location: SWSW, SECTION 25, T 1S, R4E, W.M.; 320 FEET NORTH & 960 FEET EAST FROM SW CORNER, SECTION 25

Place of Use: NWSW 35.75 ACRES NWSW NWSW 35.75 ACRES SWSW 35.4 ACRES SWSW SWSW 35.4 ACRES, SECTION 25, TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M. NWNW 0.2 ACRES NWNW NWNW 0.2 ACRES, SECTION 36, TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, August 16, 2002

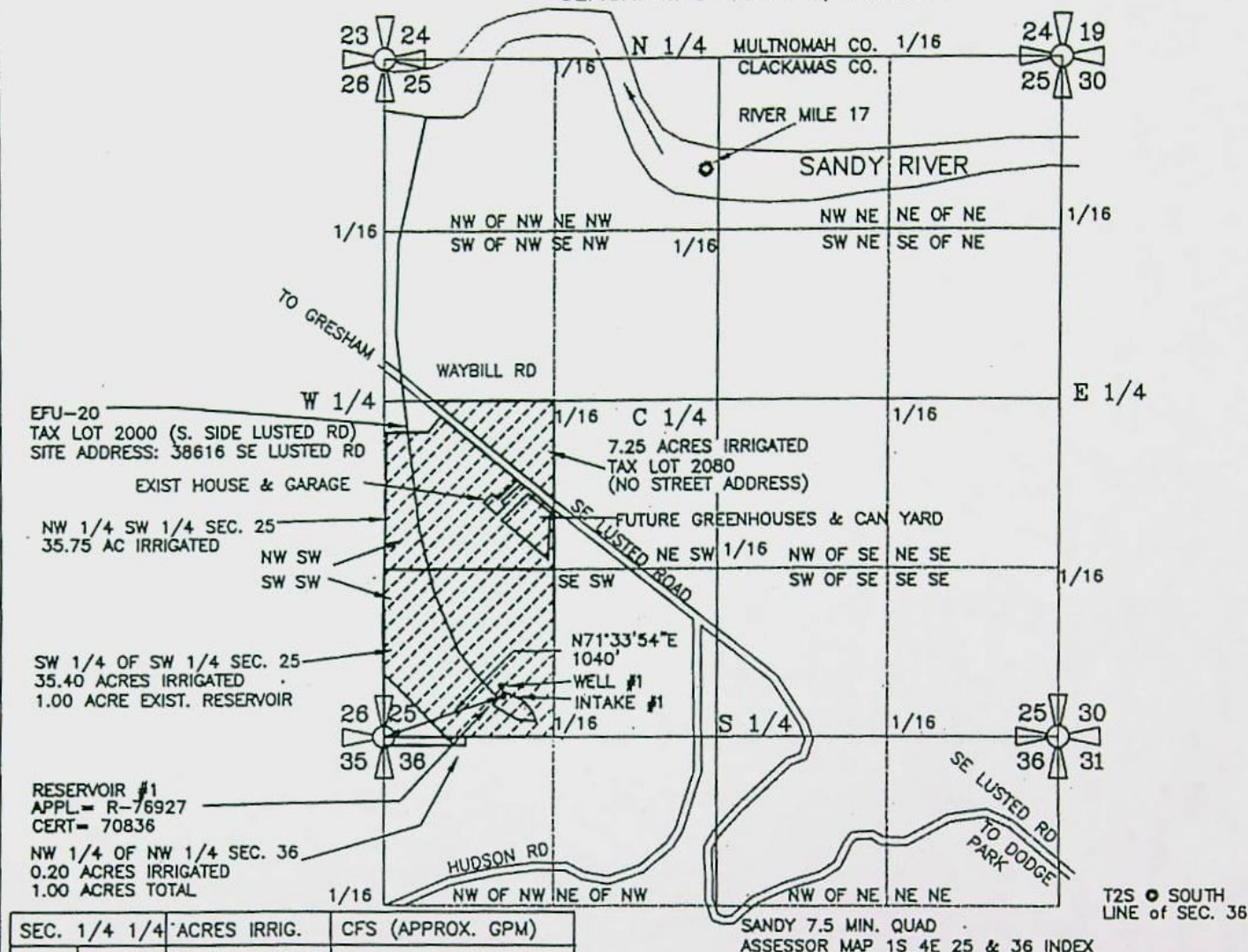
PUBLIC NOTICE DATE: Tuesday, August 20, 2002

30 DAY COMMENT DEADLINE DATE: Thursday, September 19, 2002

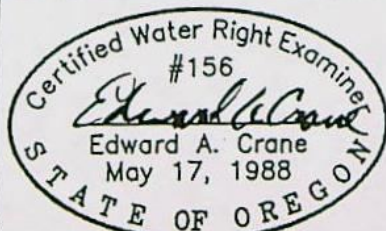
Application No. 5-85058

CORPORATE
BOUNDARY LINE
DONATION LAND
CLAIM (DLC #)

Permit No 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	35.75 AC IRRIG	0.4469 CFS (200 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.	71.35 ACRES	0.892 CFS (400 GPM)



Renewal 12/31/2003
Signed *2-7-2002*

SURVEYED FEB. 6, 2002
BY EDWARD A. CRANE, CWRE



RESERVOIR INTAKE #1 IS LOCATED 320 FEET NORTH & 960 FEET 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.

APPLICATION FOR A PERMIT SURFACE WATER PERMIT S-

PREPARED BY EDWARD A. CRANE, CWRE

DATE

FEB. 2002

PROJECT NO.

347-002



CRANE & MERSETH

Engineering/Surveying

SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222

BUS: (503) 654-2005
FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER S-

PERMIT NUMBER S- IN THE NAME OF:

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

SHEET

1/1



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

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

STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING A CHANGE IN CHARACTER OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9210 submitted by

DAN NELSON dba HANS NELSON AND SONS NURSERY, INC.
31020 SE WAYBILL ROAD
BORING, OREGON 97009-9427.

The right to be modified, as evidenced by Certificate 70836, was perfected under Application R-76927 with a date of priority of JANUARY 1, 1993. The right allows the storage of A SPRING IN AN UNNAMED RESERVOIR, a tributary of the SANDY RIVER, for WILDLIFE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 5.0 ACRE FEET.

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.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The reservoir is located as follows:

SW¼ SW¼
SECTION 25

TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

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

The applicant proposes to change the character of use from STORAGE FOR WILDLIFE to STORAGE FOR MULTIPLE PURPOSES; INCLUDING, BUT NOT LIMITED TO NURSERY USE AND AGRICULTURAL USE.

This order corrects a scrivener's error in found in Certificate 70836. The ¼,¼ was omitted in the location description of the reservoir.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.

Certificate 70836 is cancelled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed DEC 30 2002.


For Paul R. Cleary, Director

X-Sender: mccordml@mailhub.wrd.state.or.us

X-Mailer: QUALCOMM Windows Eudora Version 5.1

Date: Fri, 20 Sep 2002 10:14:14 -0700

To: Anita.M.HUFFMAN@wrd.state.or.us

From: Mike McCord <Mike.L.MCCORD@wrd.state.or.us>

Subject: Appl. S-85058

Anita, just a little FYI in case you were not notified. The 7.25 acre triangular piece of property (TL 2080) located north of Lusted Road is not owner by the Nelson's and should not be included on this application. (Discussion with Dan Nelson, 9-20-02) Dan has filed the application for the transfer. I have reviewed it and will send it to Salem today so that should take care of the surface water part of this. The rest of the water, as you know, will come from wells (G- 15710) I have already talked to him about the well construction conditions. He is saving his pennies because he is going to need them. Have a good weekend.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

FACSIMILE TRANSMITTAL SHEET

TO: Anita Huffman

Appl S-85058

DATE: 9-6-02

FROM: Mike Mc Cord, Watermaster District 20
1678 South Beaver Creek Road, Suite L
Oregon City, OR 97045
Phone (503) 722-1410
Fax (503) 722-5926

This transmission contains 2 pages. (including the cover) Please let me know if you did not receive all pages or if any pages are unreadable.

Message: _____



REC'D AUG 05 2002

#20

WATERMASTER DIVISION 33 APPLICATION WORK SHEETRecommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species,
OAR 690-33-310 through 340.Date: 8/2/02 21 day Deadline Date: 8/23/02 Application # ~~454~~ S-85050Applicant's Name: Hans NelsonSOURCE OF WATER: ☐ GROUNDWATER ☐ SURFACE WATER ☒ STORAGEDESCRIPTION OF THE SOURCE: HB 2153 pond
(A spring, well, sump, excrement pond, unnamed stream, etc.)

1) If from surface water, does the water at the proposed diversion location flow into another water body?

☐ YES ☐ NO ☐ SOMETIMESdo not know - Quad map does not
show it flowing
into the
river.

If sometimes, describe the time period, Between: _____ and _____.

2) Does the source ever go dry in the area of the proposed diversion?

☐ YES ☐ NO probably

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

☐ YES ☒ NO

If YES, please explain: _____

4) Is there sufficient flow at the proposed point of diversion to satisfy all existing water rights and provide the quantity of water requested under this application?

☐ YES ☐ NO do not know

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

☐ YES ☒ NO

Who: _____ Agency: _____ Date: _____

6) Is mitigation an option?

☐ YES ☐ NO

If YES, please explain: _____

Comments: There is not enough water in + has 2153 pond to
satisfy the proposed useName: Mike McCord Date: 9-6-02 Title: Dist 20 Water masterWRD Contact: Caseworker: Anita Huffman, Water Rights Division
503-378-8455 ext: 229 / Fax: 503-378-6203 / e-mail: Anita.M.HUFFMAN@wrdr.state.us

S:\groups\wr\Resource Center - permits\forms\wr\wmform 02-26-02.wpd

Revised: 02/26/02

STATE OF OREGON
INNER-OFFICE MEMO

TO: FILE S-85058

FROM: ANITA HUFFMAN

DATE: August 29, 2002

SUBJECT: Recission of Administrative Hold

I had a phone conversation with Mr. Dan Nelson today explaining the consequences of moving forward with his application at this point. He agreed that continuing the Administrative Hold until resolution of the pending transfer was in his best interest.

Therefore, the Department shall continue to keep Application S-85058 on Administrative Hold until the transfer has been completed or until Mr. Nelson requests we move forward.



HANS NELSON & SONS NURSERY, INC.
WHOLESALE GROWERS OF SHADE AND FLOWERING TREES
31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427
PHONE: (503) 663-3348
FAX (503) 663-0138



August 16, 2002

Ms. Anita M. Huffman
Water Resources Department
Commerce Building
158 12th Street N.E.
Salem, Oregon 97301-4172

Re: Water Right Application S-85058

Dear Ms. Huffman:

Ed Crane, CWRE, has completed an application for water right transfer for S-85058. Enclosed is this form as well as the supporting documents you have requested. Also enclosed is my check in the amount of \$300.00 to complete this application.

I would like to request that this application be considered as soon as possible. I previously sent you a letter requesting a time out from processing on August 9, 2002. Please rescind this request.

Thank you for your help in processing this request.

Sincerely,

Dan L. Nelson
President

DLN:lbm
Encl.

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AUG 19 2002
WATER RESOURCES DEPT.
SALEM, OREGON



Crane & Merseith Engineering/Surveying

6566 S.E. Lake Road, Suite D • Milwaukie, OR 97222-2138 • Phone: (503) 654-2005 • Fax: (503) 654-2575

August 6, 2002

Application and Permit Section
Oregon Water Resources Department
158 12th Street, N.E.
Salem, Oregon 97310-0210

SUBJECT: **Property Located at 38615 SE Lusted Road**
Application for a Water Right Transfer for Reservoir #1
Certificate 70836, Application R-76927 (HB-2153)
Rights for Tax Lot 2000, W 1/2 SW 1/4 Sec. 25
and NW1/4 of NW1/4 of Sec. 36, T1S, R4E WM
Intake #1 & Reservoir #1 are located in SW 1/4 SW 1/4
Sec. 25, T1S, R4E of WM, Clackamas County, Oregon
Project Number: 347-004 L:\WP_PROJ\347-004\OWRD1.DOC

Dear Sir/Madam:

Dan Nelson doing business as Hans Nelson & Sons Nursery, Inc. is submitting the enclosed "Application for a Water Right Transfer" to add "Irrigation Use" from an existing reservoir (Appl. R-76927/H.B.2153 "non-exempt existing ponds - prior 1/1/1993")- Certificate 70836). They would like to use stored water for both General Nursery Irrigation Use (Mar. 1st to Oct. 31st) and General Agricultural Irrigation Use / Temperature Control (Nov. 1st to the end of February).

They request "Time out for processing for up to 180 days for the previously submitted "Application for a Permit for Surface Water S-85058". That application was originally for 0.892 cubic feet per second (cfs) (or 400gpm) on 71.35 acres irrigated at an 1/80cfs/ac/day rate from the existing Reservoir #1. Mr. Nelson has removed Tax Lot 2080 from that application by separate letter. The revised surface water permit is now for 0.8013cfs (360gpm) on 64.10acres.

I personally inspected his acreage and Reservoir site on February 6, 2002. Attached for your review and approval are the Transfer Application and map with supporting data that shows the location of the reservoir and other features on their property.

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WATER RESOURCES DEPT.
SALEM, OREGON



Dan Nelson Transfer Application
August 6, 2002
Page 2

Please contact Dan Nelson at 503-663-3348 if you have any questions about their existing reservoir or pending Surface Water Application. I'd be available to answer any questions or concerns that you may have about the Application and can be reached at 503-654-2005.

Sincerely,
CRANE & MERSETH ENGINEERING\SURVEYING



Edward A. Crane, CWRE
Vice President

cc: Dan Nelson, President dba
Nelson & Sons Nursery Inc.
31020 SE Waybill Road
Boring, OR 97009-9427

TEL: 503-663-3348
Fax: 503-663-0138

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AUG 19 2002

WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

August 12, 2002

Dan L. Nelson
Hans Nelson & Sons Nursery Inc.
31020 SE Waybill Rd
Boring, OR 97009-9427

REFERENCE FILE: S-85058

Dear Mr. Nelson:

On August 12, 2002, the Department received your request for an Administrative Hold for 180 days to complete the transfer of water rights.

The Department will not take further action on this file until **February 10, 2003**. If you are ready to proceed before that date, please notify the Department.

In addition, the information regarding ownership of the lands involved under your applications G-15710 and S-85058 has been noted and the files will be processed accordingly.

If you have any questions, please give me a call at (503)378-8455 extension 229 or e-mail me at Anita.M.HUFFMAN@wrdd.state.or.us.

Sincerely,

Anita M. Huffman
Senior Water Right Technician

cc: Watermaster District 20
Ed Crane, CWRE

ODFW PUBLIC INTEREST REVIEW SHEET

Page 2

Application # S-8505B Applicant's Name: Hans Nelson

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

NO ☒ YES Species: resident fish + wildlife species.
Other: _____What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

2) Will the proposed use result in a loss of habitat? NO / YES

3) Can conditions be applied to mitigate the impact to the loss of habitat? NO / YES

Which conditions are recommended? _____

(Try to select conditions from the Menu of Conditions)

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species?
NO ☒ YESIf YES, please explain: ODFW agrees with the determination of the WRD. If water is not available due to Reservoir Certificate 70034 being issued for wildlife use only, then this application should be denied.

ODFW RECOMMENDATION:

____ Approval with conditions.

____ Approval without conditions.

☒ Denial.ODFW Representative: Name: Dick Caldwell Date: 8/13/02WRD Contact: Caseworker: Anita Huffman, Water Rights Division503-378-8455 ext: 229 / Fax: 503-378-6203 / e-mail: Anita.M.HUFFMAN@wrdr.or.state.us



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

August 12, 2002

Dan L. Nelson
Hans Nelson & Sons Nursery Inc.
31020 SE Waybill Rd
Boring, OR 97009-9427

REFERENCE FILE: S-85058

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Sincerely,

Anita M. Huffman
Senior Water Right Technician

cc: Watermaster District 20
Ed Crane, CWRE



HANS NELSON & SONS NURSERY, INC.
WHOLESALE GROWERS OF SHADE AND FLOWERING TREES
31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427
PHONE: (503) 663-3348
FAX (503) 663-0138



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AUG 12 2002

WATER RESOURCES DEPT.
SALEM, OREGON

August 9, 2002

Oregon Water Resources Department
Commerce Building
158 12th Street N.E.
Salem, Oregon 97301-4172

Re: File # S 85058

To Whom It May Concern:

I am requesting a "time out from processing" for up to an additional 180 days dealing with Surface Water reference file S 85058.

Ed Crane of Crane & Merseth Engineering will complete the transfer of character of use and surveying will be sent to you in the near future. This will be completed and to you prior to your September 19, 2002 deadline.

Enclosed is a copy of the letter I sent to you on August 6, 2002, amending my first application.

Should you have any further questions, please contact Ed Crane or me.

Sincerely,

Dan L. Nelson
President

DLN:ibn
Encl.

cc: Ed Crane



HANS NELSON & SONS NURSERY, INC.

WHOLESALE GROWERS OF SHADE AND FLOWERING TREES

31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427

PHONE: (503) 663-3348

FAX (503) 663-0138



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AUG 12 2002

WATER RESOURCES DEPT.
SALEM, OREGON

August 6, 2002

Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97301-4172

Re: File S 85058

To Whom It May Concern:

I received a letter from you dated 8/2/02 requesting additional information on the above file number S 85058. Following is the information you requested:

The 7.25 acres located across S.E. Lusted Road from 38616 SE Lusted Road should be deleted from this original application. When I filed the application with Ed Crane's help, I was interested in purchasing the 7.25 acres. Since our initial application date, the possibility of purchasing the 7.25 acres has changed and I am no longer considering this purchase.

Ed Crane of Crane & Merseth, 6566 SE Lake Road, Suite D, Milwaukie, Oregon 97222 will be forwarding a new map to show you the change as described above.

Sincerely,

Dan L. Nelson
President

DLN:lbh

cc: Ed Crane



HANS NELSON & SONS NURSERY, INC.

WHOLESALE GROWERS OF SHADE AND FLOWERING TREES

31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427

PHONE: (503) 663-3348

FAX (503) 663-0138



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AUG 07 2002

WATER RESOURCES DEPT.
SALEM, OREGON

August 6, 2002

Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97301-4172

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Sincerely,

Dan L. Nelson
President

DLN:lbm

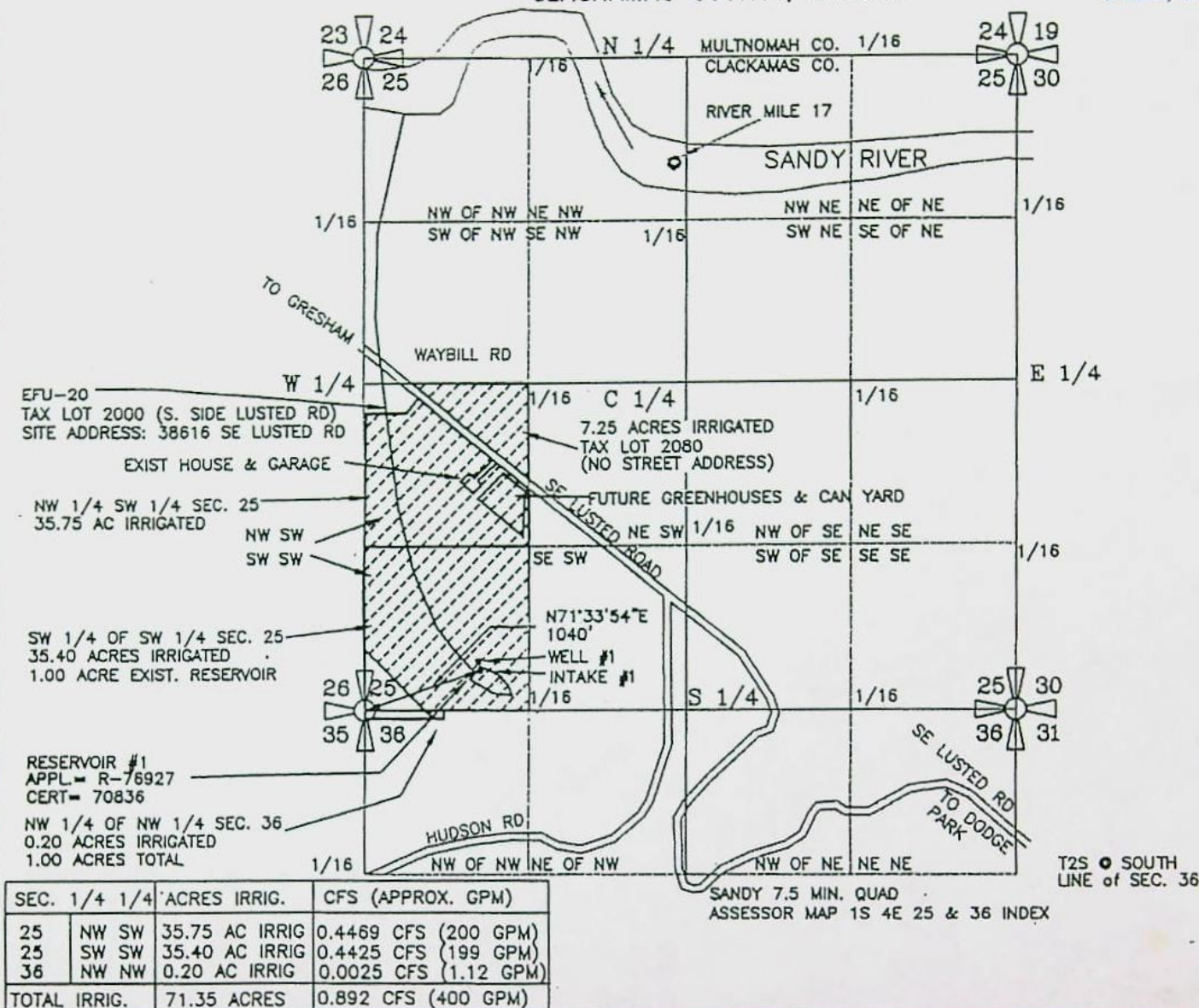
cc: Ed Crane

Application No. S-85058

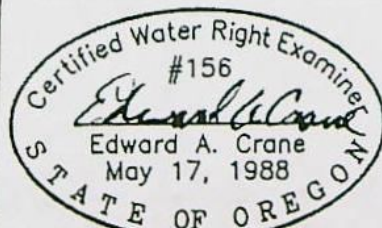
RECEIVED

CORPORATE
BOUNDARY LINE
DONATION LAND
CLAIM (DLC #)Permit No 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

AUG 12 2002

WATER RESOURCES DEPT.
SALEM, OREGONRESERVOIR INTAKE #1 IS LOCATED 320 FEET NORTH & 960 FEET EAST
FROM THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 1 SOUTH
RANGE 4 EAST of the WM, CLACKAMAS COUNTY, OREGONPREPARATION 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.APPLICATION FOR A PERMIT
SURFACE WATER PERMIT S-

PREPARED BY EDWARD A. CRANE, CWRE

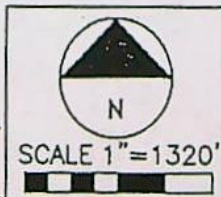


Renewal 12/31/2003

Signed 2-7-2002

SURVEYED FEB. 6, 2002
BY EDWARD A. CRANE, CWRE

K:\CAD\347-002\34700201.DWG EAC 2/06/2002

DATE
FEB. 2002PROJECT NO.
347-002CRANE & WERSETH
Engineering/Surveying
SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222
BUS: (503) 654-2005
FAX: (503) 654-2575APPLICATION FOR PERMIT NUMBER S-
PERMIT NUMBER S- IN THE NAME OF:DAN NELSON dba HANS NELSON
& SONS NURSERY, INC. TEL: 503-663-3348
31020 SE WAYBILL RD., BORING, OR 97009

SHEET

1/1

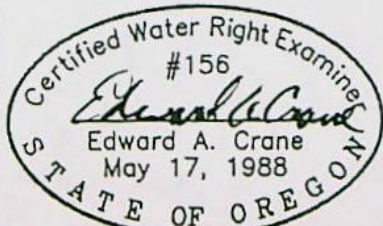
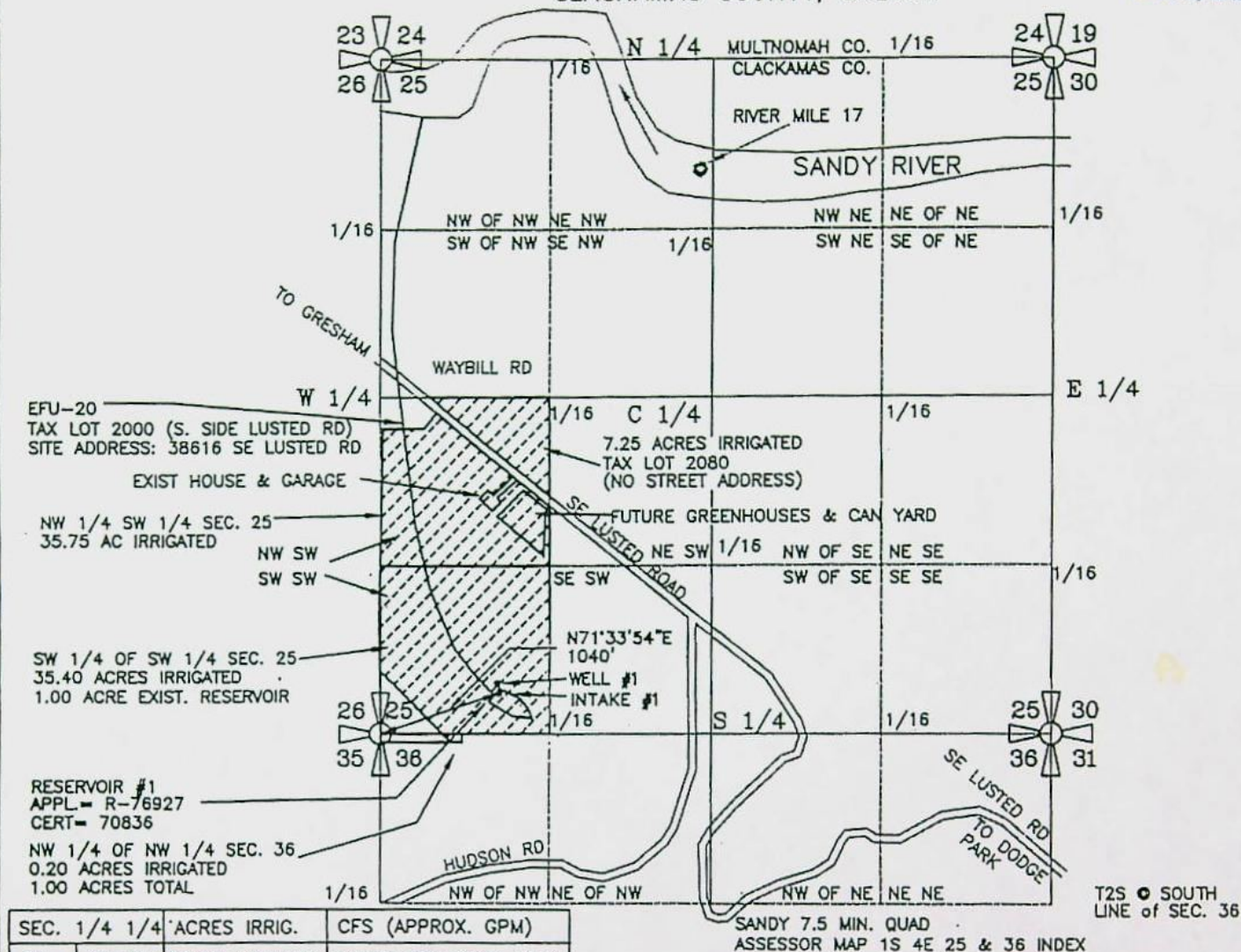
Application No. S-85058

RECEIVED

AUG 07 2002

WATER RESOURCES DEPT.
SALEM, OREGONCORPORATE
BOUNDARY LINE
DONATION LAND
CLAIM (DLC #)

Permit No

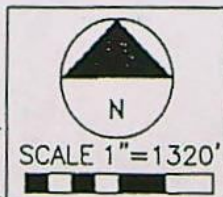
W 1/2 of the SW 1/4 of SECTION 25
NW 1/4 of the NW 1/4 of SECTION 36
T1S, R4E of the WM
CLACKAMAS COUNTY, OREGON

Renewal 12/31/2003

Signed 2-7-2002

SURVEYED FEB. 6, 2002
BY EDWARD A. CRANE, CWRE

K:\CAD\347-002\34700201.DWG EAC 2/08/2002



DATE

FEB. 2002

PROJECT NO.

347-002



CRANE & MERSEITH
Engineering/Surveying
SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222
BUS: (503) 654-2005
FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER S-
PERMIT NUMBER S- IN THE NAME OF:

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

SHEET

1/1

Mailing List for IR Copies

Lower Columbia/Statewide

Application # S-85058

IR Date: August 2, 2002

Original mailed to:

Applicant: HANS NELSON AND SONS
NURSERY INC, 31020 SE WAYBILL RD,
BORING, OREGON 97009-9427

Review Forms completed and Copies Mailed

By: JCB
(Support Staff)

on: 8/2/02
(Date)

Due date: 8/23/02

Copies sent to:

- 4. WRD - File # S-85058
- 5. WRD - Water Availability: Ken Stahr

IR, Map, Fact Sheet — Copies sent to:

- 6. WRD - Regional Manager: NWR
- 7. STATE PARKS

Note to Support: Complete top portion of Division 33 Review Forms —
Date Sent, Due Date (28 days after date sent), application number and name —
and staple form to front of copy packet for the following:

- 1) Watermaster
- 2) ODFW
- 3) DEQ (if indicated below)

Mail Copies of IR, Map, Fact Sheet, and Basin Map to the following:

- 6. WRD - Watermaster # 20 + **Watermaster Form**
- 7. ODFW District Biologist: Dick Caldwell + **ODFW Form 2 (L. Col./Statewide)**
- 8. DEQ W-J. Blanchard + **DEQ Form**
- 9. DOA (Salem): Jim Johnson

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

- 10. Edward Crane, CWRE

~~WATERMASTER # 20 + ODFW Form 2 + DEQ Form + DOA (Salem): Jim Johnson?~~
ID# amh

COPY SENT IR

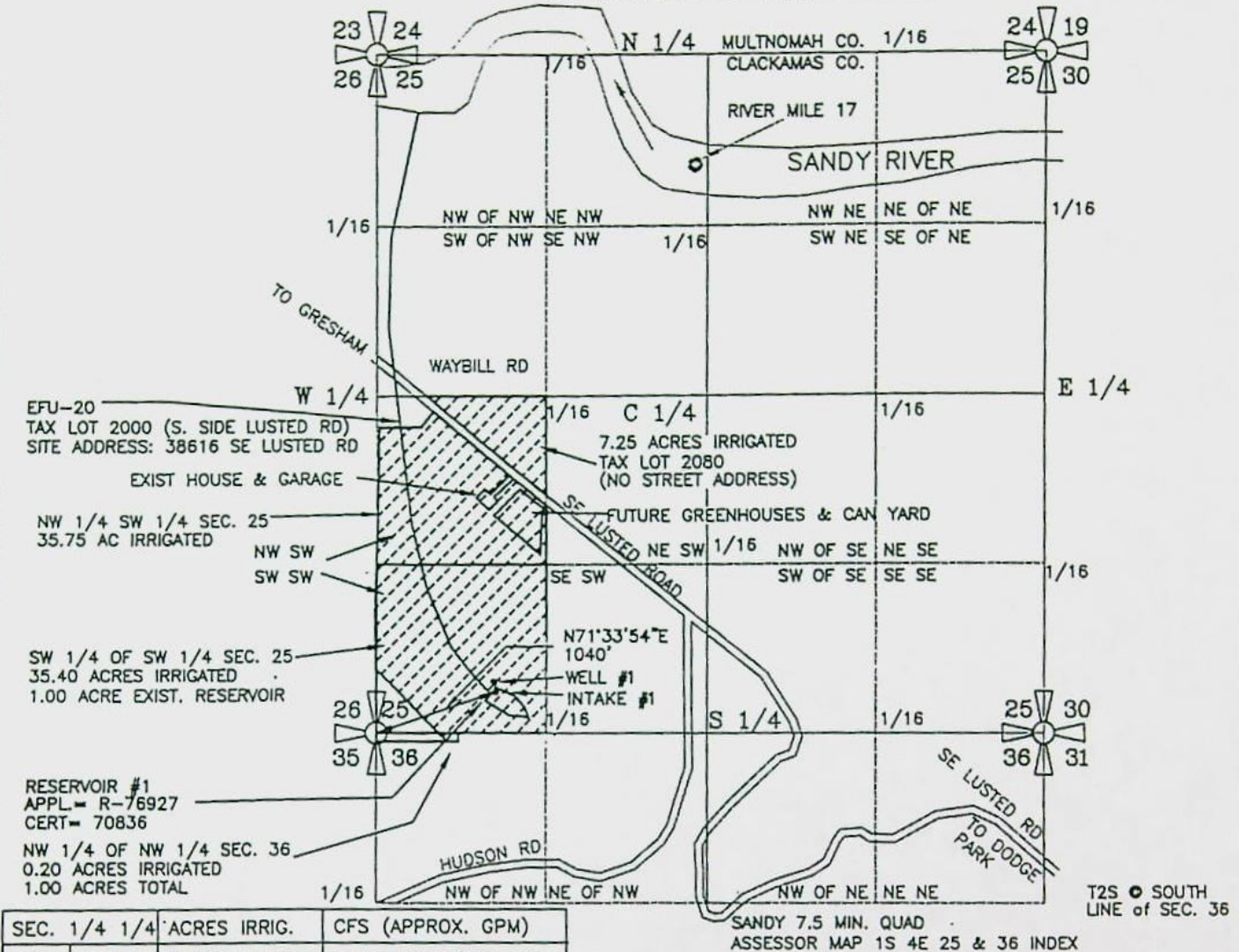
Route to Support for database tracking

Application No. 5-85058

Permit No

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



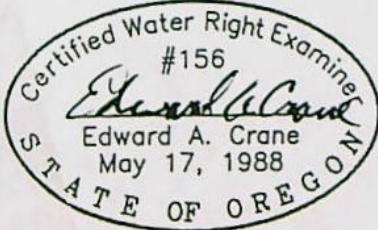
SEC. 1/4 1/4	ACRES IRRIG.	CFS (APPROX. GPM)
25 NW SW	35.75 AC IRRIG	0.4469 CFS (200 GPM)
25 SW SW	35.40 AC IRRIG	0.4425 CFS (199 GPM)
36 NW NW	0.20 AC IRRIG	0.0025 CFS (1.12 GPM)
TOTAL IRRIG.	71.35 ACRES	0.892 CFS (400 GPM)

RESERVOIR INTAKE #1 IS LOCATED 320 FEET NORTH & 960 FEET 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.

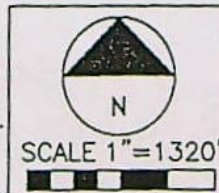
APPLICATION FOR A PERMIT SURFACE WATER PERMIT S-

PREPARED BY EDWARD A. CRANE, CWRE



Renewal 12/31/2003
Signed *2-7-2002*

SURVEYED FEB. 6, 2002
BY EDWARD A. CRANE, CWRE



DATE

FEB. 2002

PROJECT NO.

347-002



CRANE & MERSEITH
Engineering/Surveying

SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222

BUS: (503) 654-2005
FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER S-

PERMIT NUMBER S- IN THE NAME OF:

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

SHEET

1/1

Application No. 5-85058
Permit No.

SW-1 Feb. 24 1999



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199
www.wrd.state.or.us

Application for a Permit to Use Surface Water

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 to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

RECEIVED

FEB 15 2002

WATER RESOURCES DEPT.
SALEM, OREGON

1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last

Co-applicant: _____
First Last

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: HANS NELSON & SONS NURSERY, INC.

Name and title of person applying: DAN LEWIS NELSON, PRESIDENT

Mailing address of organization: 31020 SE WAYBILL ROAD

BORING OREGON 97009-9427
City State Zip

Phone: 503-663-3348 CELL: 503-310-9708
Day Evening

*Fax: 503-663-0138 *E-Mail address: _____

*Optional information

For Department Use

App. No. _____ Permit No. _____ Date _____

Permit No.

5-85058

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FFR 15 2002

WATER RESOURCES DEPT.
SALEM, OREGON

2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: RESERVOIR APPL. 76927, CERT. 70836 SPRING FED (CREEK DOES NOT SHOW ON QUAD MAP)
UNKNOWN SWALE Tributary to: SANDY RIVER

Source 2: _____ Tributary to: _____

Source 3: _____ Tributary to: _____

Source 4: _____ Tributary to: _____

B. Property Ownership

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

☐ Yes (Skip to section 3 "Water Use.")

☒ 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.

List the names and mailing addresses of all affected landowners.*

NELSON & SONS ARE BUYING THIS PROPERTY NOW. THE SALE OF THE PROPERTY WILL CLOSE
AT THE END OF FEBRUARY (NOTE & TRUST DEED). THE PRESENT OWNERS ARE:
WILLIAM E. RANNON (BROTHER) & CHRISTINA R. VAERETTI (SISTER)
P.O. BOX 1506, SANDY, OR 97055 (TEL: 503-668-5325).

*If more than 25 landowners are involved, a list is not required. See instructions.

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

Application No. 5-85058
Permit No.

RECEIVED

FFR 15 2002

WATER RESOURCES DEPT.
SALEM, OREGON

B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Use	Amount
RESERVOIR APPL.G-76927, CERT.70836	GEN.NURSERY & GEN. AGRI.USE	<input type="checkbox"/> cfs <input checked="" type="checkbox"/> gpm <input type="checkbox"/> af 400
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

C. Period of Use

NOV.1-END FEB.
GENERAL AGRICULTURAL USE (TEMPERATURE CONTROL)

Indicate the time of year you propose to use the water: GENERAL NURSERY USE: MAR.1 - OCT.31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used:

71.35 ACRES

(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- ☒ Pump (give horsepower and pump type) END SUCTION CENTRIFUGAL, ABOUT 30HP
☐ Head-gate (give dimensions) _____
☐ Other means (describe) _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- ☐ Weir ☒ Meter ☐ Periodic Sampling
☐ Other (describe) _____

Application No. 5-85058
Permit No.

RECEIVED

FFR 15 2002

WATER RESOURCES DEPT.
SALEM, OREGON

C. Transport

How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth)

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☒ Pipe (give diameter and total length)

Diameter 4" TRANSMISSION Length 500FT
6" TRANSMISSION 1500FT

☐ Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? ROTATING SPRINKLER HEADS,
DRIP IRRIGATION & SOAKER HOSES, MIST SPRAYERS IN GREENHOUSES.

Irrigation or land application method (check all that apply):

☐ Flood ☒ High-pressure sprinkler ☐ Low pressure sprinkler

☐ Drip ☐ Water cannons ☐ Center pivot system

☒ Hand lines ☐ Wheel lines

☐ Siphon tubes or gated pipe with furrows

☒ Other, describe DRIP IRRIGATION & SOAKER HOSES WHERE POSSIBLE

Distribution method

☒ Direct pipe from source ☐ In-line storage (tank or pond) ☐ Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

USE AUTOMATIC CONTROLLERS WHERE POSSIBLE, USE 1" TUNA CAN TO MEASURE VOLUME
APPLIED, USE DRIP IRRIGATION & SOAKERS HOSES TO LIMIT AREA APPLIED, WATER AT
NIGHT TO REDUCE EVAPORATION AND OPERATING COSTS.

5. RESOURCE PROTECTION

Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See the instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Application No. 5-85058
Permit No.

RECEIVED

FFR 15 2002

WATER RESOURCES DEPT.
SALEM, OREGON

☒ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: THE EXISTING RESERVOIR IS LOCATED NEAR THE END OF A DRAINAGE SWALE, AND HAS NO NON-WINTER FLOW. DOWNSTREA OF THE RESERVOIR, THE SWALE GOES DOWN A VERY STEEP 250FT BLUFF TO THE SANDY RIVER. THIS "CREEK" DOES NOT SHOW ON THE SANDY QUAD MAP OR COUNTY ASSESSOR MAP. THE PUMP INTAKE WILL BE SCREENED STILL.

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: _____

THE EXISTING RESERVOIR WILL NOT BE MODIFIED EXCEPT TO PUT AN INTAKE PIPE IN IT.

☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: _____

NO EQUIPMENT WILL OPERATE IN THE EXISTING RESERVOIR.

☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: _____

NORMALLY, NO FLOW LEAVES THE RESERVOIR IN THE SUMMER. CHEMICALS WILL BE APPLIED WHEN THEY WILL NOT RUNOFF TO THE RESERVOIR.

☐ Other: _____

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin INSTALL INTAKE PUMP: MARCH 1, 2003

Proposed date construction will be completed DISTRIBUTION PIPING: MARCH 1, 2005

Proposed date beneficial water use will begin MARCH 1, 2007

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

IN THE SUMMER, WATER FROM PROPOSED WELLS #1 & #2 WILL REFILL THE POND AND WILL BE PUMPED OUT BY A NEW END SUCTION CENTRIFIGAL PUMP (GROUND WATER APPLICATION APPLIED FOR AT THIS TIME AS WELL).

ALSO, NELSON & SONS NURSERY WILL OWN THIS LAND BY THE TIME THIS PERMIT IS ISSUED.

Application No. 5-85058
Permit No.

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WATER RESOURCES DEPT.
SALEM, OREGON

8. MAP REQUIREMENTS

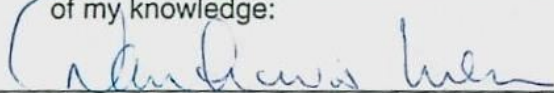
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

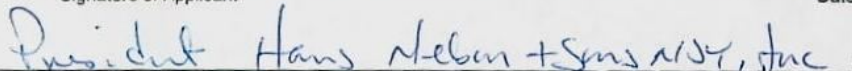
I swear that all information provided in this application is true and correct to the best of my knowledge:



Signature of Applicant

2-11-02

Date



Signature of Co-applicant

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.



Crane & Merseith Engineering/Surveying

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WATER RESOURCES DEPT.
SALEM, OREGON

6566 S.E. Lake Road, Suite D • Milwaukie, OR 97222-2138 • Phone: (503) 654-2005 • Fax: (503) 654-2575

Application and Permit Section
Oregon Water Resources Department
158 12th Street, N.E.
Salem, Oregon 97310-0210

February 8, 2002

SUBJECT: Property Located at 38615 SE Lusted Road
Surface Water Application from Reservoir #1
Rights for Tax Lot 2000 & 2080, W1/2 SW 1/4 Sec.25
and NW1/4 of NW1/4 of Sec. 36, T12S, R4W WM
Intake #1 & Reservoir #1 are located in SW 1/4 SW 1/4
Sec. 25, T1S, R4E of WM, Clackamas Co. OR
Project Number: 347-002 L:\WP_PROJ\347-002\OWRD2.DOC

Dear Sir/Madam:

Dan Nelson is submitting the enclosed "Application for a Permit to Appropriate Surface Water" to withdraw water from an existing reservoir (Appl. R-76927/H.B.2153 "non-exempt existing ponds - prior 1/1/1993")-Certificate 70836). They are applying under both General Nursery Irrigation Use (Mar. 1st to Oct. 31st) and General Agricultural Irrigation Use / Temperature Control (Nov. 1st to the end of February). The attached application is for **0.892 cubic feet per second (cfs) (or 400 gpm)** on 71.35 acres irrigated at an 1/80 cfs/ac/day rate from existing Reservoir #1.

I personally inspected his acreage and Reservoir site on February 6, 2002. Attached for your review and approval are the application and map with supporting data that shows the location of the reservoir and other features on the property.

Please contact Dan Nelson at 503-663-3348 if you have any questions about their existing reservoir. I'd be available to answer any questions or concerns that you may have about the Application and can be reached at 503-654-2005.

Sincerely,
CRANE & MERSETH ENGINEERING\SURVEYING

Edward A. Crane
Edward A. Crane, CWRE
Vice President

cc: Dan Nelson, President dba
Nelson & Sons Nursery Inc.
31020 SE Waybill Road
Boring, OR 97009-9427

TEL: 503-663-3348
Fax: 503-663-0138

Application No. 5-85058
Permit No.





HANS NELSON & SONS NURSERY, INC.
WHOLESALE GROWERS OF SHADE AND FLOWERING TREES
31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427
PHONE: (503) 663-3348
FAX (503) 663-0138



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WATER RESOURCES DEPT.
SALEM, OREGON

March 5, 2002

Ms. Anita Huffman
Oregon Water Resources Department
Application & Permit Section
158 - 12th Street N.E.
Salem, Oregon 97310-0210

Dear Ms. Huffman:

Enclosed are two copies of a trust deed for the property we applying for water rights on. Te application numbers are as follows:

Surface water #S 85058

Ground water #G 15710

Both applications were submitted on 2/11/02. At that time we had not closed the real estate transaction. Please include this information with the other information I submitted earlier.

Thank you for your help in this matter.

Sincerely,

Dan L. Nelson
President

DLN:lbm
Encl.

RECORDING REQUESTED BY
Fidelity National Title Company of Oregon

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

BENEFICIARY
Christina R. Vaeretti and William A. Rannow

AFTER RECORDING RETURN TO:
WESTSTAR LOAN SERVICING
180 SW HARRISON STREET
PORTLAND OR 97201

Application #
S 85058

RECEIVED

MAR 07 2002

WATER RESOURCES DEPT.
SALEM, OREGON

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TRUST DEED

THIS TRUST DEED, made February 20, 2002, between Dan L. Nelson and Linda B. Nelson as Trustees of the Dan L. Nelson and Linda B. Nelson Family Trust dated December 18, 1992, as Grantor, Fidelity National Title Company of Oregon, as Trustee, and Christina R. Vaeretti and William E Rannow, as Beneficiary,

WITNESSETH:

Grantor irrevocably grants, bargains, sells and conveys to trustee in trust, with power of sale, the property in Clackamas, Oregon, described as:

PARCEL 2, PARTITION PLAT 2002-009, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

together with all and singular the tenements, hereditaments and appurtenances and all other rights belonging or in anyway now or after appertaining, and the rents, issues and profits and all fixtures used in connection with the property.

FOR THE PURPOSE OF SECURING PERFORMANCE of each agreement of grantor and payment of the sum of FOUR HUNDRED NINE THOUSAND AND 00/100 Dollars, with interest according to the terms of a promissory note of even date, payable to beneficiary and made by grantor, the final payment of principal and interest, if not sooner paid, to be due and payable February 1, 2007. *March 1, 2007 JCK*

The date of maturity of the debt secured by this instrument is the date, stated above, on which the final installment of the note becomes due and payable. In the event the within described property, or any interest therein is sold, agreed to be sold, conveyed, assigned or alienated by the grantor without first having obtained the written consent or approval of the beneficiary, then at the beneficiary's option, all obligations secured by this instrument, irrespective of the maturity dates expressed, shall become immediately due and payable.

To protect the security of this trust deed, grantor agrees:

1. To protect, preserve and maintain the property in good condition and repair; not to remove or demolish any building or improvement; not to commit or permit any waste of the property.
2. To complete or restore promptly and in good and habitable condition any building or improvement which now exists or may be constructed, and which is damaged or destroyed, and pay when due all costs incurred.
3. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the property; if the beneficiary so requests, to join in executing such financing statements pursuant to the Uniform Commercial Code as the beneficiary may require and to pay for filing the same in the proper public office or offices, as well as the cost of all lien searches made by filing officers or searching agencies as may be deemed desirable by the beneficiary.
4. To provide and continuously maintain insurance on the buildings now or hereafter erected on the property against loss of damage by fire and such other hazards as the beneficiary may from time to time require, in an amount not less the insurable value, written in companies acceptable to the beneficiary, with loss payable to the latter; all policies of insurance shall be delivered to the beneficiary as soon as insured; if the grantor shall fail for any reason to procure any such insurance and to deliver the policies to the beneficiary at least fifteen days prior to the expiration of any policy of insurance now or hereafter placed on the buildings, the beneficiary may procure the same at grantor's expense. The amount collected under any fire or other insurance policy may be applied by beneficiary upon any indebtedness secured and in such order as beneficiary may determine, or at the option of beneficiary the entire amount so collected, or any part, may be released to grantor. Such application or release shall not cure or waive any default or notice of default or invalidate any act done pursuant to such notice.

INITIALS *DN*

5. To keep the property free from construction liens and to pay all taxes, assessments and other charges assessed upon or against the property before any part of such taxes, assessments and other charges become past due or delinquent and promptly delivered receipts to beneficiary; should the grantor fail to make payment of any taxes, assessments, insurance premiums, liens or other charges payable by grantor, either by direct payment or by providing beneficiary with funds with which to make such payment, beneficiary may, at its option, make payment, and the amount so paid, with interest at the rate set forth in the note secured, together with the obligations described in paragraphs 6 and 7 of this trust deed, shall be added to and become a part of the debt secured by this trust deed, without waiver of any rights arising from breach of any of the covenants and for such payments, with interest as aforesaid, the property described, as well as the grantor, shall be bound to the same extent that they are bound for the payment of the obligation described, and all such payments shall be immediately due and payable without notice, and the nonpayment shall, at the option of the beneficiary, render all sums secured by this trust deed immediately due and payable and constitute a breach of this trust deed.

6. To pay all costs, fees and expenses of this trust including the cost of title search as well as other costs and expenses of the trustee incurred in connection with or in enforcing this obligation and trustee's fees and attorney's fees actually incurred.

7. To appear in and defend any action or proceeding purporting to affect the security rights or powers of beneficiary or trustee; and in any suit, action or proceeding in which the beneficiary or trustee may appear, including any suit for the foreclosure of this trust deed, to pay all costs and expenses, including evidence of title and the beneficiary's or trustee's attorney's fees; the amount of attorney's fees mentioned in this paragraph 7 in all cases shall be fixed by the trial court and in the event of any appeal from any judgment or decree of the trial court, grantor further agrees to pay such sum as the appellate court shall adjudge reasonable as the beneficiary's or trustee's attorney's fees on such appeal.

It is mutually agreed that:

8. In the event that any portion or all of the property shall be taken under the right of eminent domain or condemnation, beneficiary shall have the right, if it so elects, to require that all or any portion of the monies payable as compensation for such taking which are in excess of the amount required to pay all reasonable costs, expenses and attorney's fees necessarily paid by grantor in such proceedings, shall be paid to beneficiary and applied by it first upon any reasonable costs and expenses and attorney's fees, both in the trial and appellate courts, necessarily paid or incurred by beneficiary in such proceedings, and the balance applied upon the indebtedness secured; and grantor agrees, at its own expense, to take such actions and execute such instruments as shall be necessary in obtaining such compensation, promptly upon beneficiary's request.

9. At any time and from time to time upon written request of beneficiary, payment of its fees and presentation of this deed and the note for endorsement (in case of full reconveyances, for cancellation), without affecting the liability of any person for the payment of the indebtedness, trustee may (a) consent to the making of any map or plat of the property; (b) join in granting any easement or creating any restriction; (c) join in any subordination or other agreement affecting this deed or the lien or charge; (d) reconvey, without warranty, all or any part of the property. The grantee in any reconveyance may be described as the "person or persons legally entitled thereto," and the recitals of any matters or facts shall be conclusive proof of their truthfulness.

10. Upon any default by grantor, beneficiary may at any time by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness secured, enter upon and take possession of the property or any part, in its own name sue or otherwise collect rents, issues and profits, including those past due and unpaid, and apply the same, less cost and expenses of operation and collection, including reasonable attorney's fees upon any indebtedness secured, and in such order as beneficiary may determine.

11. The entering upon and taking possession of the property, the collection of such rents, issues and profits, or the proceeds of fire and other insurance policies or compensation or awards for any taking or damage of the property, and the application or release, shall not cure or waive any default or invalidate any act done pursuant to such notice.

12. Upon default by grantor in payment of any indebtedness secured or in grantor's performance of any agreement, time being of the essence with respect to such payment and/or performance, the beneficiary may declare all sums secured immediately due and payable. In such an event the beneficiary may elect to proceed to foreclose this trust deed in equity as a mortgage or direct the trustee to foreclose this trust deed by advertisement and sale, or may direct the trustee to pursue any other right or remedy, either at law or in equity, which the beneficiary may have. In the event the beneficiary elects to foreclose by advertisement and sale, the beneficiary or the trustee shall execute and cause to be recorded a written notice of default and election to sell the property to satisfy the obligation secured and the trustee shall fix the time and place of sale, give notice as then required by law and proceed to foreclose this trust deed in the manner provided by law.

13. After the trustee has commenced foreclosure by advertisement and sale, and at any time prior to the time provided by law before the date the trustee conducts the sale, the grantor or any other person so privileged, may cure the default or defaults. If the default consists of a failure to pay, when due, sums secured by the trust deed, the default may be cured by paying the entire amount due at the time of the cure other than such portion as would not then be due had no default occurred. Any other default that is capable of being cured may be cured by tendering the performance required under the obligation or trust deed. In any case, in addition to curing the default or defaults, the person effecting the cure shall pay to the beneficiary all costs and expenses actually incurred in enforcing the obligation of the trust deed together with trustee's and attorney's fees not exceeding the amounts provided by law.

14. Otherwise, the sale shall be held on the date and at the time and place designated in the notice of sale or the time to which the sale may be postponed as provided by law. The trustee may sell the property either in one parcel or in separate parcels, and shall sell the parcel or parcels at auction to the highest bidder for cash, payable at the time of sale. Trustee shall deliver to the purchaser its deed in form as required by law conveying the property so sold, but without any covenant or warranty, express or implied. The recitals in the deed of any matters of fact shall be conclusive proof of their truthfulness. Any person, excluding the trustee, but including the grantor and beneficiary, may purchase at the sale.

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SALEM, OREGON

15. When trustee sells pursuant to the powers provided, trustee shall apply the proceeds of sale to payment of (1) the expenses of sale, including the compensation of the trustee and a reasonable charge by trustee's attorney, (2) to the obligation secured by the trust deed, (3) to all persons having recorded liens subsequent to the interest of the trustee in the trust deed as their interests may appear in the order of their priority and (4) the surplus, if any, to the grantor or to the grantor or to any successor in interest entitled to such surplus.

16. Beneficiary may from time to time appoint a successor or successors to any trustee named or to any successor trustee appointed. Upon such appointment, and without conveyance to the successor trustee, the latter shall be vested with all title, powers and duties conferred upon any trustee named or appointed. Each such appointment or substitution shall be made by written instrument executed by beneficiary, which, when recorded in the records of the county or counties in which the property is situated, shall be conclusive proof of proper appointment of the successor trustee.

17. Trustee accepts this trust when this deed, duly executed and acknowledged, is made a public record as provided by law. Trustee is not obligated to notify any party of pending sale under any other deed of trust or of any action proceeding in which grantor, beneficiary or trustee shall be a party unless such action or proceeding is brought by trustee.

The grantor covenants and agrees to and with the beneficiary and the beneficiary's successor in interest that the grantor is lawfully seized in fee simple of the real property and has a valid, unencumbered title, excepting and subject to:

none

and that the grantor will warrant and forever defend the same against all persons.

The grantor warrants that the proceeds of the loan represented by the above described note and this trust deed are:

(a) primarily for grantor's personal, family or household purposes (see Important Notice below),

This deed applies to, inures to the benefit of and binds all parties, their heirs, legatees, devisees, administrators, executors, personal representatives, successors and assigns. The term beneficiary shall mean the holder and owner, including pledges, of the contract secured, whether or not named as a beneficiary.

In construing this trust deed, it is understood that the Grantor or Beneficiary may be more than one person; that if the context so requires, the singular shall be taken to mean and include the plural, and that generally all grammatical changes shall be made, assumed and implied to make the provisions apply equally to corporations and to individuals.

NOTE: The Trust Deed Act provides that the trustee must be either an attorney, who is an active member of the Oregon State Bar, a bank, trust company or savings and loan association authorized to do business under the laws of Oregon or the United States, a title insurance company authorized to insure title to real property of this state, its subsidiaries, affiliates, agents or branches, the United States or any agency thereof, or an escrow agent licensed under state law.

*IMPORTANT NOTICE: Delete, by lining out, whichever warranty (a) or (b) is not applicable; if warranty (a) is applicable and the beneficiary is a creditor as such word is defined in the Truth-in-Lending Act Regulation Z, the beneficiary MUST comply with the Act and Regulation by making required disclosure. If compliance with the Act is not required, disregard this notice.

WARNING

Unless you provide us with evidence of the insurance coverage as required by our contract or loan agreement, we may purchase insurance at your expense to protect our interest. This insurance may, but need not, also protect your interest. If the collateral becomes damaged, the coverage we purchase may not pay any claim you make or any claim made against you. You may later cancel this coverage by providing evidence that you have obtained property coverage elsewhere.

You are responsible for the cost of any insurance purchased by us. The cost of this insurance may be added to your contract or loan balance. If the cost is added to your contract or loan balance, the interest rate on the underlying contract or loan will apply to this added amount. The effective date of coverage may be the date your prior coverage lapsed or the date you failed to provide proof of coverage.

The coverage we purchase may be considerably more expensive than insurance you can obtain on your own and may not satisfy any need for property damage coverage or any mandatory liability insurance requirements imposed by applicable law.

DATED: February 12, 2002

Dan L. and Linda B. Nelson Family Trust

By: [Signature]
Dan L. Nelson, Trustee

By: [Signature]
Linda B. Nelson, Trustee

STATE OF OREGON Clackamas
COUNTY OF

This instrument was acknowledged before me on
February 21 2002
by Dan L. Nelson Trustee and Linda B. Nelson,
Trustee's of the Dan L. Nelson and Linda B. Nelson
Family Trust

NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES: 10/03/03



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MAR 07 2002

WATER RESOURCES DEPT.
SALEM, OREGON

INITIALS [Signature]

REQUEST FOR FULL RECONVEYANCE

To: Fidelity National Title Insurance Company, Trustee

The undersigned is the legal owner and holder of the Note or Notes for the total original sum of \$409,000.00 and of all other indebtedness secured by Deed of Trust dated February 20, 2002 executed by Dan L. Nelson and Linda B. Nelson, Trustees of the Dan L. Nelson and Linda B. Nelson Family Trust, as Trustor, to Fidelity National Title Insurance Company, as Trustee, and recorded on , in Book at Page or as Fee No. 2002- of Official Records, in the office of the County Recorder of Clackamas County, Oregon.

The Note or Notes, together with all other indebtedness secured by the Deed of Trust, have been fully paid and satisfied; and you are requested and directed, upon payment to you of any sums owing to you under the terms of the Deed of Trust, to cancel the Note or Notes above mentioned, and all other evidences of indebtedness secured by the Deed of Trust delivered to you, together with the Deed of Trust, and to reconvey, without warranty, to the parties designated by the terms of the Deed of Trust, all the estate now held by you under the same.

Mail Reconveyance to: _____

DATED: February 19, 2002

Christina R. Vaeretti
Christina R. Vaeretti

William E. Rannow
William E Rannow

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MAR 07 2002
WATER RESOURCES DEPT.
SALEM, OREGON



HANS NELSON & SONS NURSERY, INC.
WHOLESALE GROWERS OF SHADE AND FLOWERING TREES
31020 S.E. WAYBILL RD. • BORING, OREGON 97009-9427
PHONE: (503) 663-3348
FAX (503) 663-0138



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WATER RESOURCES DEPT.
SALEM, OREGON

February 11, 2002

Application No. S-65058
Permit No.

Oregon Water Resources Department
Application & Permit Section
158 12th Street NE
Salem, Oregon 97310-0210

Dear Sir or Madam:

Enclosed are two applications for water use. The first is an application for a surface water permit from a reservoir under Application R76927 with a priority date of January 1, 1993. Enclosed is our check #21331 in the amount of \$575.00 to cover the \$250.00 examination fee, \$150.00 cu ft. per second and \$175.00 permit recording fee.

The second is for a ground water source from two proposed wells. Our check #21330 in the amount of \$575.00 is enclosed to cover the \$250.00 examination fee, \$150.00 cubic foot/second and \$175.00 permit recording fee.

The property on these applications is currently being purchased. I will be able to forward you a copy of the Trust Deed securing this land in early March, 2002.

I believe that I have completed all other necessary details. Should you have any further questions, my phone number is 503-663-3348 and fax number is 503-663-0138.

Sincerely,

Dan L. Nelson
President

DLN:ibn
Encl.



Application No. 5-85058
Permit No.

Oregon Water Resources Department

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FEB 15 2002

WATER RESOURCES DEPT.
SALEM, OREGON

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

☐ Primary ☒ Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: _____ Acres

Secondary: 71.35 Acres

List the permit or certificate number of the primary water right:

no. APPLYING FOR GROUNDWATER APPLICATION NOW.

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

1. GENERAL NURSERY USES ☐ Full season ☒ Partial season (from: MAR. 1 to OCT. 31)
2. GENERAL AGRICULTURAL USES ☐ Full season ☒ Partial season (from: NOV. 1 to END FEB.)
3. _____ ☐ Full season ☐ Partial season (from: _____ to _____)
4. _____ ☐ Full season ☐ Partial season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

433 acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

☐ Daily during daytime hours

PLANTED NEW CROP, CAN YARDS, GREENHOUSES
☒ Daily during nighttime hours

☐ Two or three times weekly during daytime

ESTABLISHED CROPS
☒ Two or three times weekly during nighttime

☐ Weekly, during daytime hours

☐ Weekly, during nighttime hours

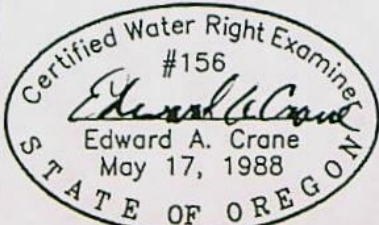
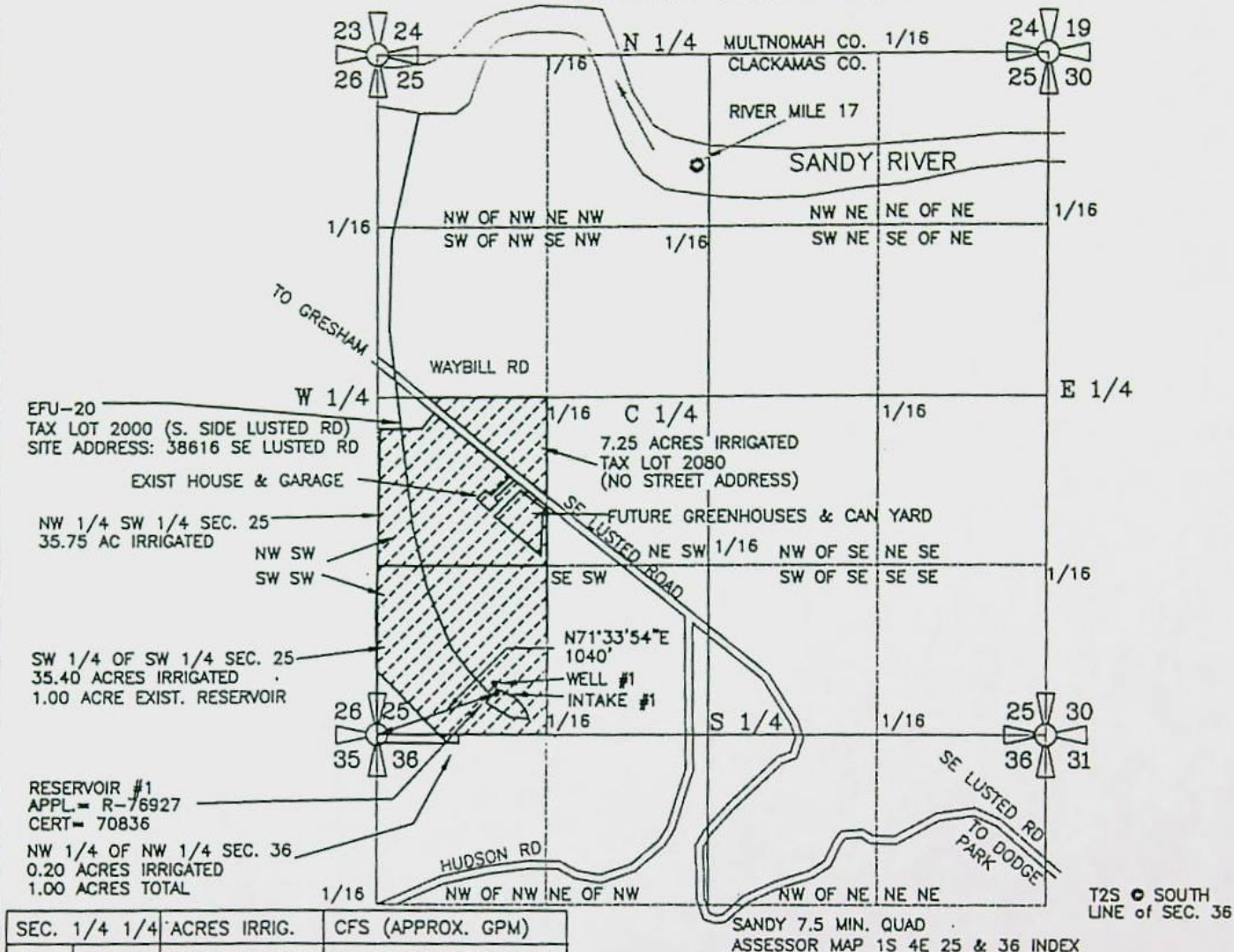
☒ Other, explain: WILL USE DRIP IRRIGATION & SOAKER HOSES AS MUCH AS POSSIBLE

Application No. 5-85058

Permit No.

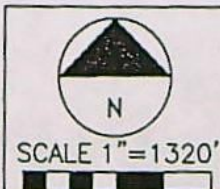
CORPORATE
BOUNDARY LINE
DONATION LAND
CLAIM (DLC #)

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



Renewal 12/31/2003
Signed 2-7-2002

SURVEYED FEB. 6, 2002
BY EDWARD A. CRANE, CWRE



RESERVOIR INTAKE #1 IS LOCATED 320 FEET NORTH & 960 FEET 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.

APPLICATION FOR A PERMIT SURFACE WATER PERMIT S-

PREPARED BY EDWARD A. CRANE, CWRE

DATE

FEB. 2002

PROJECT NO.

347-002



CRANE & MERSEITH
Engineering/Surveying

SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222

BUS: (503) 654-2005
FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER S-

PERMIT NUMBER S- IN THE NAME OF:

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

SHEET

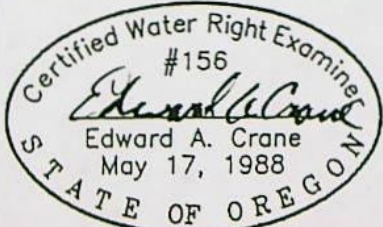
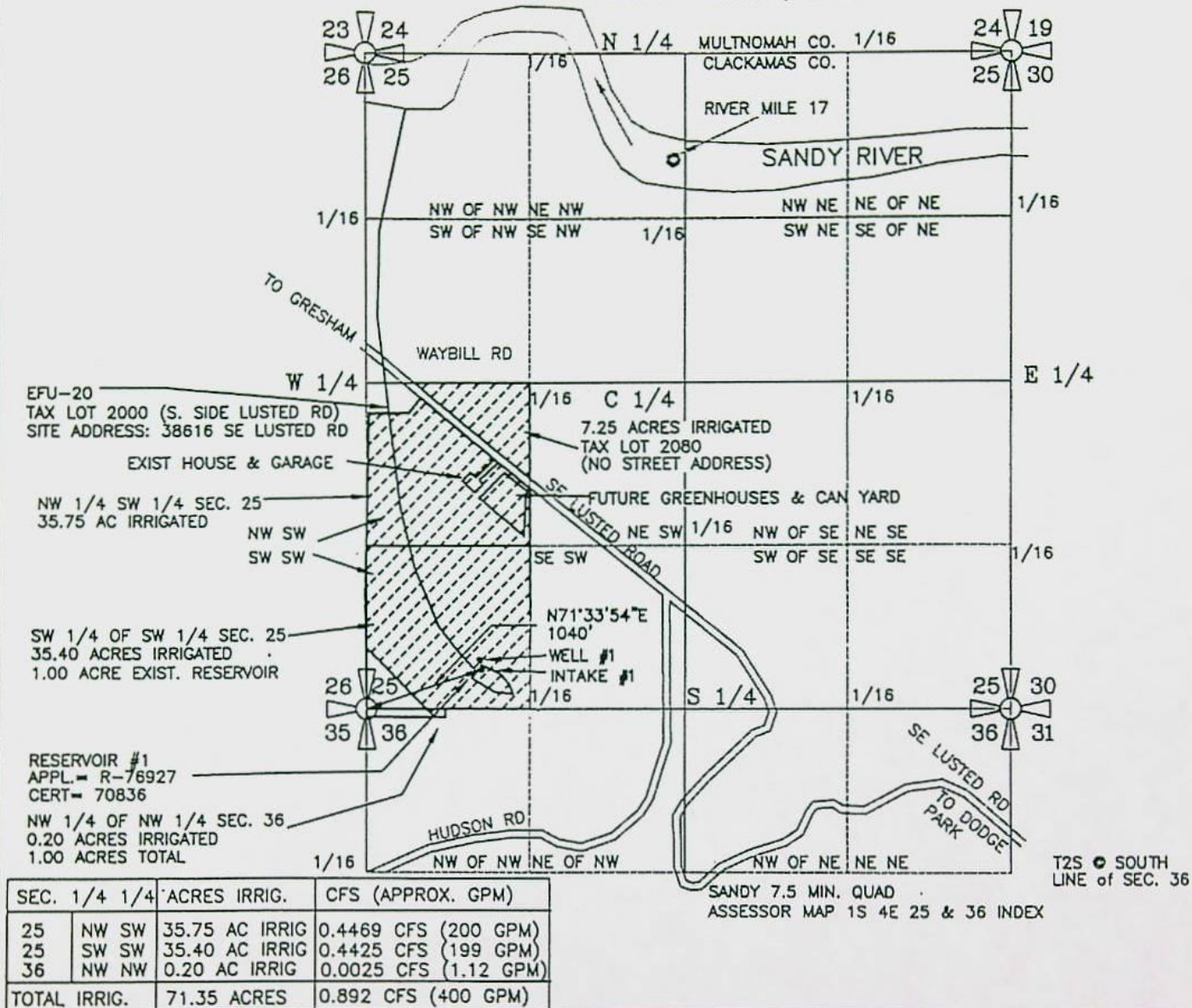
1/1

Application No. 5-85058

Permit No.

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



Renewal 12/31/2003
Signed *E. A. Crane*

SURVEYED FEB. 6, 2002
BY EDWARD A. CRANE, CWRE



RESERVOIR INTAKE #1 IS LOCATED 320 FEET NORTH & 960 FEET 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.

APPLICATION FOR A PERMIT SURFACE WATER PERMIT S-

PREPARED BY EDWARD A. CRANE, CWRE

DATE

FEB. 2002

PROJECT NO.

347-002



CRANE & MERSEITH
Engineering/Surveying
SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222
BUS: (503) 654-2005
FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER S-

PERMIT NUMBER S- IN THE NAME OF:

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

SHEET

1/1

Application No.
Permit No.

S-85058

RECEIVED

FFR 15 2002

STATE OF OREGON
COUNTY OF Clackamas

WATER RESOURCES DEPT.
SALEM, OREGON

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

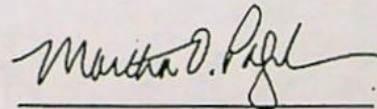
Located as follows:

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.

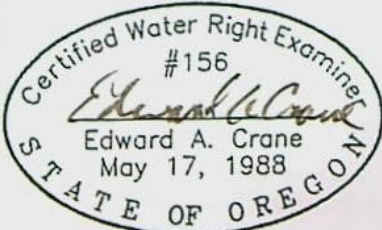
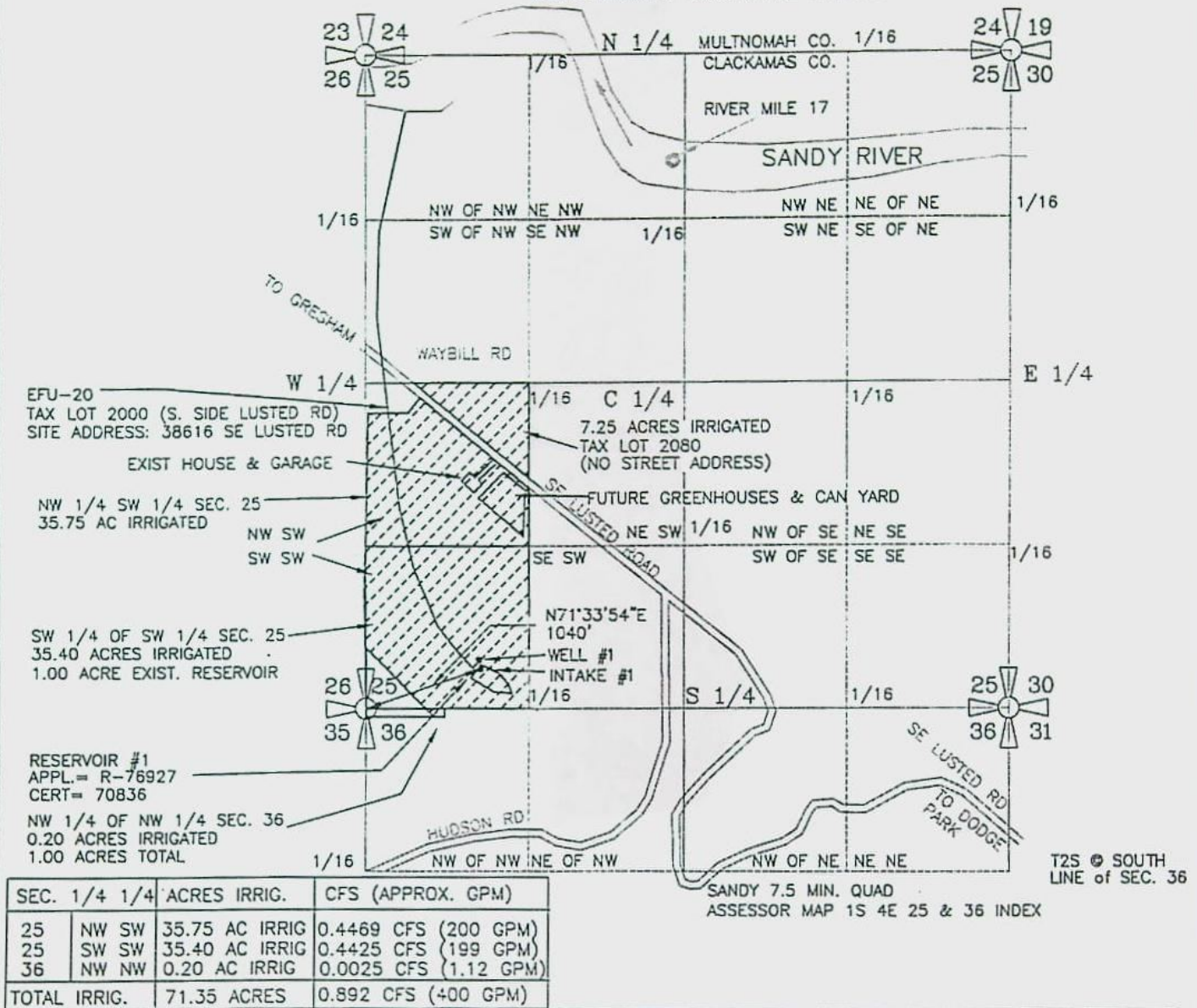


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 70836

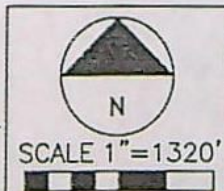
CORPORATE
BOUNDARY LINE
DONATION LAND
CLAIM (DLC #)

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



Renewal 12/31/2003
Signed 2-7-2002

SURVEYED FEB. 6, 2002
BY EDWARD A. CRANE, CWRE



RESERVOIR INTAKE #1 IS LOCATED 320 FEET NORTH & 960 FEET 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.

APPLICATION FOR A PERMIT
SURFACE WATER PERMIT S-85053

PREPARED BY EDWARD A. CRANE, CWRE

DATE

FEB. 2002

PROJECT NO.

347-002



CRANE & MERSETH
Engineering/Surveying

SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222

BUS: (503) 654-2005
FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER S-

PERMIT NUMBER S- IN THE NAME OF:

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

SHEET

1/1

Order No. 07-7766128

RECEIVED

FFR 15 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Application No.

5-85058

EXHIBIT "ONE"

Permit No.

PARCELS

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:

Above 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.

////////////////////////////////////
/ ATTENTION /
/ WATER RIGHTS SECTION!!! /
////////////////////////////////////

The following point of diversions may have been filed on a restricted stream

Application	Stream	Restriction
G 15710	SANDY R > COLUMBIA R	WTHDRWN ORS 538.251
G 15710	SANDY R > COLUMBIA R	WTHDRWN ORS 538.251
G 15710	SANDY R > COLUMBIA R	WTHDRWN ORS 538.251
G 15710	SANDY R > COLUMBIA R	WTHDRWN ORS 538.251
G 15710	SANDY R > COLUMBIA R	WTHDRWN ORS 538.251
G 15710	SANDY R > COLUMBIA R	WTHDRWN ORS 538.251
R 85057	COX CR > WILLAMETTE R	WTHDRWN SEO V7 P98
R 85057	COX CR > WILLAMETTE R	WTHDRWN SEO V7 P98
S 85056	COX CR > WILLAMETTE R	WTHDRWN SEO V7 P98
S 85056	COX CR > WILLAMETTE R	WTHDRWN SEO V7 P98
S 85058	SANDY R > COLUMBIA R	WTHDRWN ORS 538.251
S 85058	SANDY R > COLUMBIA R	WTHDRWN ORS 538.251
S 85058	SANDY R > COLUMBIA R	WTHDRWN ORS 538.251

Standard Application "Completeness" Checklist

Minimum Requirements (OAR 690-310-040)

Application # - <u>S 85058</u>	County: <u>CLACKAMAS</u>
Priority Date: <u>2-15-2002</u>	Township: <u>1 S</u>
Use(s): <u>GEN NURSERY</u>	Range: <u>4 E</u>
<u>⊕ GEN AGRI IRRIG</u>	Section: <u>25</u>
<u>& TEMP CONTROL</u>	POD ¼¼: _____
Rate: <u>1.892 CFS</u>	POU ¼¼: _____
_____	_____

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

☒ Source and tributary 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, but will be required before a permit will be issued.

NO
HAVE
LISTED

☐ If a groundwater application...is the groundwater development section completed? _____

☒ Proposed Use of the water.... Is each proposed use identified? NURSERY ⊕ AGRI ⊕ TEMP.

☒ Has the appropriate "Supplemental Form" for each proposed use been completed?

☒ 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? _____

1.892 CFS

☒ Acreage being proposed, if applicable. 71.35 ACRES

☒ Season being requested by applicant. _____

☒ The 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? _____
If system already completed, applicant should indicate existing.

☒ Is the application signed in ink by the applicant? If the application is in the name of an organization or corporation, the authorized agent must sign the application.

☒ Is a copy of the deed, land sales contract or title insurance policy included? We cannot accept a copy of the tax bill. METES & BOUNDS PROCESS OF PURCHASE - WILL BE MAILED

☒ 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?

☒ Does the map meet map requirements of OAR 690-310-050? ED CRANE CHIRE

☒ Town, Range, Sec, 1/4 and Tax Lot # ☒ Scale of the Map ☒ Reference corner on map

☒ North Directional Symbol ☒ 1/4's clearly identified ☒ POD clearly identified

☒ POU clearly identified ☒ Location Coordinates for each POD

☒ Location of House, if Domestic ☒ Number of acres per 1/4, if Irrigation

☒ Location of Bldg, if Comm/Indus ☒ Location of Stock Tanks, if Livestock

☒ Muni/Quasi-Muni Service Boundaries ☒ Other _____

☒ Correct fees enclosed? Refer to worksheet to calculate fees. YES

Total Paid \$ 575

COMPLETE

Total Amount of

Water Requested: 0.892 CFS

Base Fee \$ 250

plus 150

plus _____

Total Exam Fee \$ 400

Total Exam Fee \$ 400 Recording Fee \$ 175

Completeness Check by: HJM

Date: 2-19-2002



Oregon Water Resources Department
Land Use Information Form

RECEIVED

FFR 15 2002

WATER RESOURCES DEPT.
SALEM, OREGON

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)		
2000, W1/2 SW1/4, SEC 25, T1S, R4E WM		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
2080, NW1/4 SW1/4, SEC 25, T1S, R4E WM		<input 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

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 AGRICULTURAL USES, GENERAL NURSERY USES

Briefly describe: INSTALL INTAKE PUMP IN EXISTING RESERVOIR, NEW 6" TRANSMISSION SYSTEM, ROTATING SPRINKLER HEADS, BARE ROOT SHADE, FLOWERING AND ORNAMENTAL TREES.

D. Source

Indicate the source for the proposed water use:

☒ Reservoir/Pond ☐ Ground Water ☐ Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

0.892 ☒ CFS 400 ☒ GPM ☐ 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

RECEIVED

FFR 15 2002

WATER RESOURCES DEPT
SALEM, OREGON**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

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: ShirleyDate: 2-11-02Title: PlannerPhone: 503-353-4500Signature: Shirley**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: _____

New Application Route Slip

Receipting C.U.

Data Center M.R. 2-22-02

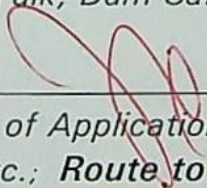
Ground Water YES _____ NO X

Bill Fujii _____ YES _____ NO X → If for "Municipal" or "Quasi-Muni,"

John Falk _____ YES _____ NO X → Please Note — if application is for:

A "Standard Reservoir" storing 9.2 acre-feet or more of water, or has a dam height of 10.0 feet or greater, make a copy of application & supplemental forms and Route to: John Falk, Dam Safety

**Water Rights
Support**


Mark contents of Application File; Update Powerbuilder with caseworker, etc.; Route to filing cabinet

**CASEWORKER
ASSIGNED:**

ANITA
HEFFMAN

EXT
229

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **50990**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Hans Nelson & Sons

BY: _____

APPLICATION	585058
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 24 1058 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 575.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

\$

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$ 400.00

0202

\$ 175.00

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **50990**

DATED 2/15/02 BY [Signature]

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

FILE#: S 85058
HANS NELSON AND SONS
NURSERY INC.
31020 SE WAYBILL RD
BORING, OR 97009-9427

FILE#: S 85058
HANS NELSON AND SONS
NURSERY INC.
31020 SE WAYBILL RD
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