

Name Dan Lewis Nelson
 By _____
 Address 30737 SE Waybill Road
Boring, OR 97009

Application No. G11545
 Permit No. G10783
 Certificate No. 65437

Stream Index, Page No. 2-186

Date filed June 26, 1986
 Priority June 26, 1986 - irrigation during irrigation season
November 9, 1987 - related missing users during 10/1 - 12/31 of each yr.
 Action suspended until ok cert

Return to applicant _____
 Date of approval FEB 29 1988

CONSTRUCTION

Date for beginning FEB 28 1989
 Date for completion OCT 1 1989
 Extended to _____

Date for application of water OCT 1 1990
 Extended to _____

PROSECUTION OF WORK

Form "A" filed Started
 Form "B" filed MAR 16 1988
 Form "C" filed MAR 16 1988

FINAL PROOF

Blank mailed JAN 18 1991
 Proof received _____
 Date certificate issued MAR 18 1991

FEES PAID

Date	Amount	Receipt No.
<u>6-26-86</u>	<u>442.00</u>	<u>49752</u>

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
<u>6-27-88</u>	<u>92.</u>	<u>6585</u>

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

Form 128 sent OCT 04 1988

Form C (690-9-77)

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

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

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

Application No. G-11545

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Dan Lewis Nelson, the holder of Permit No. G10783

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 30 day of august, 1986.

Remarks: _____

IN WITNESS WHEREOF, I have hereunto set my hand this 14 day of March, 1988.

Dan Lewis Nelson
(Signature of Applicant)

31020 S.E. Waybill Road, Boring, OR
(Address)

Form B (690-9-77)

Application No. G-11545

NOTICE OF COMPLETION OF CONSTRUCTION

I, Dan Lewis Nelson, the holder of Permit No. G10783

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 25 day of May, 1986.

Remarks: _____

If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 14 day of March, 1988.

Dan Lewis Nelson
(Signature of Applicant)

31020 SE Waybill Road, Boring, Oregon
(Address)

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

7/28/86 Very deep perforations at 260
to 460 not likely to intercept surface
drainage to Johnson Creek. No
interference. Well 1/2 mile and up on
divide between Johnson Creek and Deep Creek.

John Rehm
Hydrogeologist

SEP/5/86 More work is needed to demonstrate
whether the shallow and deep aquifer zones
are separate hydrologically. Until such detailed
investigation is done, Ground Water concludes that
the upper and lower water-bearing zones are
part of the same ground-water reservoir.

Fred. Lissner G.W. Div Administrator
John Rehm
Hydrogeologist



Oregon

Kate Brown, Governor

6-15445

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

June 15, 2016

SCOTT PINGEL

PO BOX 339

DAYTON, OR 97114-0339

REFERENCE: Transfer Application T-12140

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in character of use or change in place of use **NOT** carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Tracy Fox, by telephone at (503) 986-0827 or by e-mail at Tracy.L.Fox@wrds.state.or.us.

Sincerely,

Marissa Andrews

Water Right Services Support

cc: Joel M. Plahn, Watermaster Dist. #16 (via email)
Ted Ressler, Agent

Enclosure

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-12140, Yamhill County	)	CHANGE IN POINT OF
	)	APPROPRIATION, ADDITIONAL
	)	POINTS OF APPROPRIATION, PLACE
	)	OF USE AND CHARACTER OF USE

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

CITY OF DAYTON
ATTN: SCOTT PINGEL, CITY MANAGER
PO BOX 339
DAYTON, OR 97114-0339

Findings of Fact

1. On August 20, 2015, the CITY OF DAYTON filed an application for additional points of appropriation and to change the place of use and to change the character of use under Certificates 68768, 82997, and 89940. The Department assigned the application number T-12140.
2. Notice of the application for transfer was published on September 1, 2015, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 9, 2016, the Department contacted the applicant's agent by telephone and by written correspondence (email) to notify them of deficiencies in the application. The deficiencies being discrepancies in the "measured distances" description of a couple of the points of appropriation; clarification of the location of the types of use on Certificate 82997; clarification of the type changes on Certificate 68768; and an authorized point of appropriation missing from the application map. The Department requested that the deficiencies be resolved by March 10, 2016.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. On March 9, 2016, revised application pages and maps were submitted, resolving the deficiencies. As part of the resolution, for Certificate 68768, it was determined that the type of change is a change in point of appropriation as opposed to adding additional points of appropriation.
5. On March 14, 2016, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12140 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of April 13, 2016, for the applicant to respond. The applicant noted a scrivener's error in the number of acres for greenhouse use under the description of Certificate 82997 and requested that clarification of the total duty be included in the order. With that change and correction, the applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer. The changes were made in the Preliminary Determination.
6. On April 15, 2016, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12140 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on April 26, 2016, and in the McMinnville News Register newspaper on April 26, and May 3, 2016, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.

7. The portion of the first right to be transferred is as follows:

Certificate: 68768 in the name of LOUIS J. SCALVINI (perfected under Permit G-10797)

Use: NURSERY OPERATIONS, INCLUDING CONTAINERIZED NURSERY STOCK ON 3.15 ACRES, GREENHOUSE USE ON 0.72 ACRE AND RELATED NURSERY USES ON 5.45 ACRES

Priority Date: OCTOBER 1, 1987

Rate: 110.2 GALLONS PER MINUTE (GPM)

Limit/Duty: The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 110.2 GPM, BEING 110.2 GPM FOR CONTAINERIZED NURSERY STOCK, 87.5 GPM FOR GREENHOUSE, AND 110.2 GPM FOR RELATED NURSERY USES or its equivalent in case of rotation, measured at the point of diversion from the source.

Source: WELL NO. 3 in the WILLAMETTE BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	3 W	WM	19	SE NE	WELL 3: 2410 FEET SOUTH AND 870 FEET WEST FROM THE NE CORNER OF SECTION 19

Authorized Place of Use:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	3 W	WM	19	SW NE	0.07
4 S	3 W	WM	19	SE NE	9.25

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
Total:					9.32

8. Transfer Application T-12140 proposes to change the point of appropriation, described as follows, with the approximate distances in feet from the existing point of appropriation as identified below:

MUNICIPAL							
Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approx. Distance
4 S	3 W	WM	19	SE NE	48	WELL 1: 830 FEET NORTH AND 1100 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	491
4 S	3 W	WM	19	SE NE	48	WELL 2: 1770 FEET SOUTH AND 900 FEET WEST FROM THE NE CORNER OF SECTION 19	371
4 S	3 W	WM	19	SE NE	48	WELL 3: 220 FEET NORTH AND 880 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	354
4 S	3 W	WM	19	NW SE	48	WELL 4: 545 FEET SOUTH AND 1840 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	1560
4 S	3 W	WM	19	SE NE	48	WELL 5: 685 FEET NORTH AND 1140 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	457
4 S	3 W	WM	19	SE NE	48	WELL 6: 1085 FEET NORTH AND 1010 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	630
4 S	3 W	WM	19	NW SE	48	WELL 7: 300 FEET SOUTH AND 2190 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	1697
4 S	3 W	WM	19	SW NE	48	WELL 8: 1970 FEET SOUTH AND 2260 FEET WEST FROM THE NE CORNER OF SECTION 19	1400
4 S	3 W	WM	19	NW NE	48	WELL 9: 1150 FEET SOUTH AND 2150 FEET WEST FROM THE NE CORNER OF SECTION 19	1617

9. Transfer Application T-12140 also proposes to change the place of use of the right to:
WITHIN THE CITY OF DAYTON SERVICE AREA
10. As a point of clarification, the authorized point of appropriation (Well No. 3) is a different well than Well 3 in the above table.
11. The portion of the second right to be transferred is as follows:
- Certificate:** 82997 in the name of LOUIS SCALVINI (perfected under Permit G-10738)
- Use:** GENERAL NURSERY USES on 9.32 ACRES AND GREENHOUSE USES ON 5.12 ACRES
- Priority Date:** SEPTEMBER 19, 1986
- Rate:** 81 GALLONS PER MINUTE (GPM), BEING 52 GPM FROM WELL 1 AND 29 GPM FROM WELL 2

Source: WELL 1 and WELL 2 in the WILLAMETTE BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	19	SE NE	48	WELL 1: 1800 FEET SOUTH AND 1040 FEET WEST FROM THE NE CORNER OF SECTION 19
4 S	3 W	WM	19	SE NE	48	WELL 2: 1770 FEET SOUTH AND 900 FEET WEST FROM THE NE CORNER OF SECTION 19

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	DLC	General Nursery Acres	General Nursery & Greenhouse Acres
4 S	3 W	WM	19	SW NE	48	0.07	0
4 S	3 W	WM	19	SE NE	48	4.13	5.12
Total:						4.2	5.12

12. Transfer Application T-12140 proposes seven additional points of appropriation, described as follows, with the approximate distances in feet from the existing points of appropriation as identified below:

MUNICIPAL								
Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approx. Distance from:	
							Well 1	Well 2
4 S	3 W	WM	19	SE NE	48	WELL 3: 220 FEET NORTH AND 880 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	648	695
4 S	3 W	WM	19	NW SE	48	WELL 4: 545 FEET SOUTH AND 1840 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	1562	1817
4 S	3 W	WM	19	SE NE	48	WELL 5: 685 FEET NORTH AND 1140 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	150	454
4 S	3 W	WM	19	SE NE	48	WELL 6: 1085 FEET NORTH AND 1010 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	270	327
4 S	3 W	WM	19	NW SE	48	WELL 7: 300 FEET SOUTH AND 2190 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	1570	1882
4 S	3 W	WM	19	SW NE	48	WELL 8: 1970 FEET SOUTH AND 2260 FEET WEST FROM THE NE CORNER OF SECTION 19	1009	1374
4 S	3 W	WM	19	NW NE	48	WELL 9: 1150 FEET SOUTH AND 2150 FEET WEST FROM THE NE CORNER OF SECTION 19	1126	1395

13. Transfer Application T-12140 also proposes to change the place of use of the right to:
 WITHIN THE CITY OF DAYTON SERVICE AREA

14. The third right to be transferred is as follows:

Certificate: 89940 in the name of CITY OF DAYTON (perfected under Permit G-15906)
Use: NURSERY USE on 5.87 ACRES
Priority Date: AUGUST 22, 2001
Rate: 0.56 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for nursery 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 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.
Period of Use: YEAR ROUND
Source: TWO WELLS in the PALMER CREEK BASIN

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	19	SE NE	48	WELL 1 (YAMH 5370): 830 FEET NORTH AND 1100 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19
4 S	3 W	WM	19	SE NE	48	WELL 3 (YAMH 52469): 220 FEET NORTH AND 880 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19

Authorized Place of Use:

NURSERY USE						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	3 W	WM	19	SW NE	48	0.07
4 S	3 W	WM	19	SE NE	48	5.80
Total:						5.87

15. Transfer Application T-12140 proposes seven additional points of appropriation, described as follows, with the approximate distances in feet from the existing points of appropriation as identified below:

MUNICIPAL								
Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Approx. Distance from:	
							Well 1	Well 3
4 S	3 W	WM	19	SE NE	48	WELL 2: 1770 FEET SOUTH AND 900 FEET WEST FROM THE NE CORNER OF SECTION 19	366	695
4 S	3 W	WM	19	NW SE	48	WELL 4: 545 FEET SOUTH AND 1840 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	1562	1228
4 S	3 W	WM	19	SE NE	48	WELL 5: 685 FEET NORTH AND 1140 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	150	533
4 S	3 W	WM	19	SE NE	48	WELL 6: 1085 FEET NORTH AND 1010 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	270	875
4 S	3 W	WM	19	NW SE	48	WELL 7: 300 FEET SOUTH AND 2190 FEET WEST FROM THE EAST 1/4 CORNER OF SECTION 19	1570	1410
4 S	3 W	WM	19	SW NE	48	WELL 8: 1970 FEET SOUTH AND 2260 FEET WEST FROM THE NE CORNER OF SECTION 19	1009	1311
4 S	3 W	WM	19	NW NE	48	WELL 9: 1150 FEET SOUTH AND 2150 FEET WEST FROM THE NE CORNER OF SECTION 19	1126	1710

16. Transfer Application T-12140 also proposes to change the place of use of the right to:
WITHIN THE CITY OF DAYTON SERVICE AREA
17. Transfer Application T-12140 proposes to change the character of use to MUNICIPAL.

Transfer Review Criteria (OAR 690-380-4010)

18. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
19. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12140.

20. The proposed change in character of use from nursery to municipal use could result in enlargement of the right, unless conditioned to limit the rate of diversion under the rights to a total of 442.5 gallons per minute (gpm), being 110.2 gpm under Certificate 68768, 81 gpm under Certificate 82997 and 251.3 gpm under Certificate 89940 and further limit the total volume of water being diverted under the rights to 46.6 acre feet (9.32 acres X 5.0 acre feet/acre) under Certificate 68768 annually; 46.6 acre feet (9.32 acres X 5.0 acre feet/acre) under Certificate 82997 annually; and 29.35 acre feet (5.87 acres X 5.0 acre feet/acre) under Certificate 89940 annually.
21. The proposed changes, as conditioned, would not result in enlargement of the rights.
22. The proposed changes, as conditioned, would not result in injury to other water rights.
23. All other application requirements are met.

Conclusions of Law

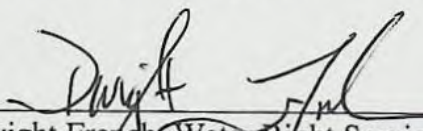
The change in point of appropriation, additional points of appropriation, change in place of use and change in character of use proposed in Transfer Application T-12140 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore it is ORDERED:

1. The change in point of appropriation, additional points of appropriation, change in place of use and change in character of use proposed in Transfer Application T-12140 are approved
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 68768, 82997, and 89940 and any related decree.
3. Water right Certificates 68768, 82997, and 89940 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
4. The quantity of water diverted at the new point of appropriation, or the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5. The amount of water used for the proposed municipal use shall be limited to a rate of 442.5 gallons per minute (gpm), being 110.2 gpm under Certificate 68768, 81 gpm under Certificate 82997 and 251.3 gpm under Certificate 89940 and shall not exceed a total volume of water diverted of 46.6 acre feet under Certificate 68768; 46.6 acre feet under Certificate 82997; and 29.35 acre feet (5.87 acres X 5.0 acre feet/acre) under Certificate 89940, annually.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.

- b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
- 7. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
 - 8. The former place of use of the transferred right shall no longer receive water under the right.
 - 9. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2036**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
 - 10. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 10 day of June, 2016.



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

JUN 16 2016

Mailing Date: _____

STATE OF OREGON

COUNTY OF

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LOUIS J. SCALVINI
13665 SE AMITY DAYTON HWY
DAYTON, OREGON 97114

confirms the right to use the waters of WELL 1 and WELL 2 in the WILLAMETTE BASIN for GENERAL NURSERY USES on 0.03 ACRE and GENERAL NURSERY USES and GREENHOUSE USES ON 0.75 ACRE.

This right was perfected under Permit G-10738. The date of priority is SEPTEMBER 19, 1986. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 7.0 GALLONS PER MINUTE, BEING 4.5 GPM FROM WELL 1 AND 2.5 GPM FROM WELL 2 or its equivalent in case of rotation, measured at the point of diversion from the source.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	3 W	WM	19	SE NE	48	WELL 1: 1800 FEET SOUTH AND 1040 FEET WEST FROM THE NE CORNER OF SECTION 19
4 S	3 W	WM	19	SE NE	48	WELL 2: 1770 FEET SOUTH AND 900 FEET WEST FROM THE NE CORNER OF SECTION 19

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

Twp	Rng	Mer	Sec	Q-Q	DLC	General Nursery Acres	General Nursery & Greenhouse Acres
4 S	3 W	WM	19	SW NE	48	0.03	0
4 S	3 W	WM	19	SE NE	48	0	0.75

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

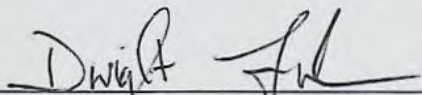
The water user shall maintain a weir, meter, or other suitable measuring device and shall keep a complete record of the amount of ground water withdrawn.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

This certificate describes that portion of the water right confirmed by Certificate 82997, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 16, 2016, approving Transfer Application T-12140.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed June 10, 2016.

A handwritten signature in dark ink, appearing to read "Dwight French", is written over a horizontal line.

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

STATE OF OREGON

COUNTY OF

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LOUIS J. SCALVINI
ROUTE 1, BOX 12-W
DAYTON, OREGON 97114

confirms the right to use the waters of WELL NO. 3 in the WILLAMETTE BASIN for NURSERY OPERATIONS, INCLUDING CONTAINERIZED NURSERY STOCK AND GREENHOUSE USE ON 0.83 ACRE.

This right was perfected under Permit G-10797. The date of priority is OCTOBER 1, 1987. The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 9.8 GALLONS PER MINUTE, BEING 2.5 GPM FOR CONTAINERIZED NURSERY STOCK AND 7.3 GPM FOR GREENHOUSE or its equivalent in case of rotation, measured at the point of diversion from the source.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	3 W	WM	19	SE NE	WELL 3: 2410 FEET SOUTH AND 870 FEET WEST FROM THE NE CORNER OF SECTION 19

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

CONTAINERIZED NURSERY AND GREENHOUSE					
Twp	Rng	Mer	Sec	Q-Q	Acres
4 S	3 W	WM	19	SE NE	0.83

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The water user shall maintain a weir, meter, or other suitable measuring device and shall keep a complete record of the amount of ground water withdrawn.

The use of water under this right shall be limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights as well as ground water rights of others.

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

This certificate describes that portion of the water right confirmed by Certificate 68768, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 10, 2016, approving Transfer Application T-12140.

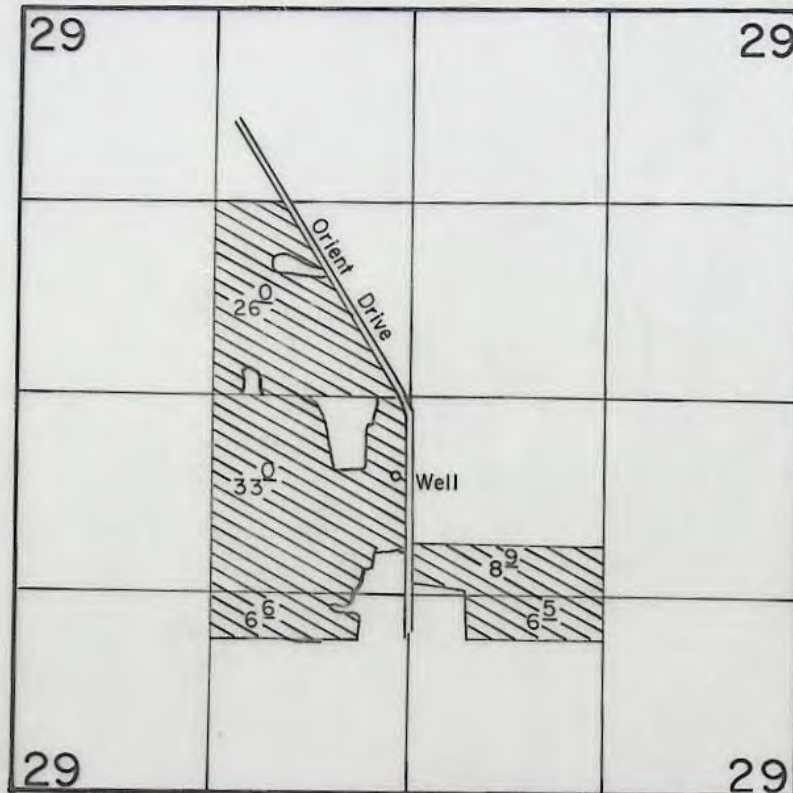
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed June 10, 2016.



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

T. 1 S., R. 4 E., W.M.



Well Loc. : 520' S. & 90' W. from C-1/4 Cor. Sec. 29.

Scale : 1" = 1320'

FINAL PROOF SURVEY UNDER

Application No. G-11545 Permit No. G-10783..
IN NAME OF

DAN LEWIS NELSON.....

Surveyed Nov. 3, 1989, by J.T. Warren.....

4-1005-278-53A
4/11/90 T.M.W.

WATER RIGHT MAP

FGE

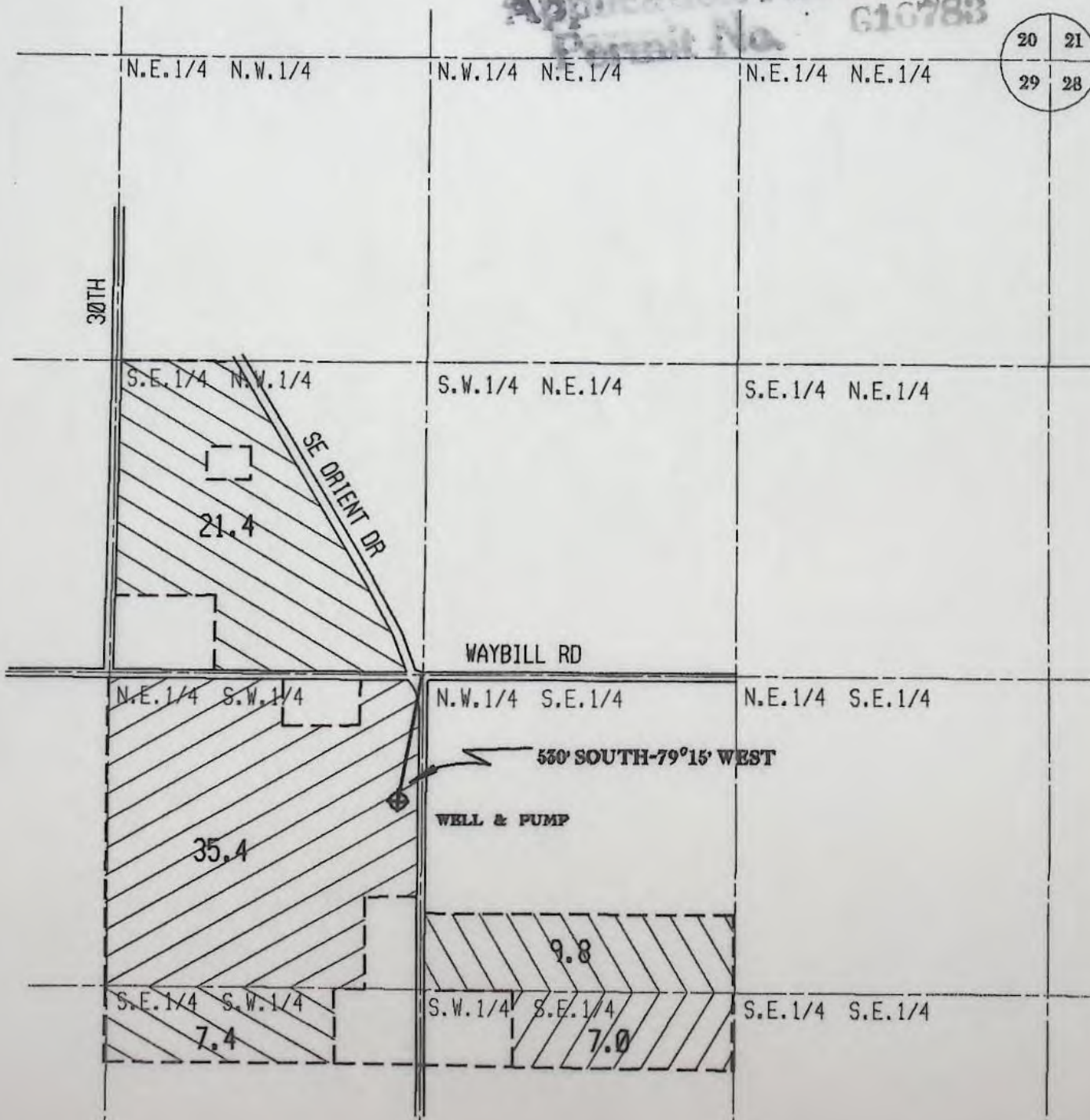
T-1S / R-4E / SEC-29

HANS NELSON NURSERY
31020 S.E. WAYBILL RD
BORING, OREGON 97009

SCALE: 1"=660'

Application No. *G-11545*
Permit No. *G16783*

20	21
29	28



STATE OF OREGON
COUNTY OF CLACKAMAS
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DAN LEWIS NELSON
30737 SOUTHEAST WAYBILL ROAD
BORING, OREGON 97009

confirms the right to use the waters of A WELL in the SANDY BASIN for the purpose of IRRIGATION AND RELATED NURSERY USES ON 81.0 ACRES, TO INCLUDE WATER FOR CHEMICAL APPLICATION, TEMPERATURE CONTROL, HUMIDITY CONTROL, SOIL MOISTURE CONTROL FOR DIGGING AND BALLING PLANTS AND IRRIGATION DURING THE IRRIGATION SEASON AND DURING THE PERIOD OCTOBER 1 TO DECEMBER 1 OF EACH YEAR WHEN WATER CAN BE PUT TO BENEFICIAL USE FOR IMMEDIATE CROP GROWTH OR TO RAISE THE SOIL MOISTURE PROFILE TO BE UTILIZED FOR PLANT GROWTH.

The right has been perfected under Permit G-10783. The date of priority is JUNE 26, 1986 FOR IRRIGATION USE DURING THE IRRIGATION SEASON AND NOVEMBER 9, 1987 FOR RELATED NURSERY USES AND IRRIGATION DURING THE PERIOD OCTOBER 1 TO DECEMBER 31 OF EACH YEAR. The right is limited to not more than 0.92 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 SW 1/4, SECTION 29, TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.; 520 FEET SOUTH AND 90 FEET WEST FROM CENTER 1/4 CORNER, SECTION 29.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1.0 acre-foot per acre for each acre irrigated during the period from October 1 to December 31 of each year. The right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 2.5 acre-feet for each acre irrigated in any one year. The right shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights, as well as ground water rights of others.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

SE 1/4 NW 1/4	26.0 ACRES
NE 1/4 SW 1/4	33.0 ACRES
SE 1/4 SW 1/4	6.6 ACRES
NW 1/4 SE 1/4	8.9 ACRES
SW 1/4 SE 1/4	6.5 ACRES

SECTION 29
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W. M.

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.

G-11545.TMW

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

RECEIVED
JUN 26 1986
WATER RESOURCES DEPT. PRINT IN INK

Application No. G11545
Permit No.

(for official use only)

(1) OWNER:

Name Hans Nelson & Son Nursery
Address 31020 S.E. WAYBILL RD
City BORING State ORE

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☐ Driven ☐

Rotary Mud ☐ Dug ☐

Cable ☒ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐

Irrigation ☒ Thermal: ☐ Withdrawal ☐ Reinjection ☐

Piezometric ☐ Grounding ☐ Test ☐

(5) CASING INSTALLED:

Steel ☒ Plastic ☐

Threaded ☐ Welded ☒

10" Diam. from +1 ft. to 204 ft. Gauge 250

" Diam. from 275 ft. to 475 ft. Gauge 250

LINER INSTALLED:

Steel ☐ Plastic ☐

Threaded ☐ Welded ☒

8" Diam. from 275 ft. to 475 ft. Gauge 250

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No

Size of perforations 1/8 in. by 6 in.

1,500 perforations from 260 ft. to 470 ft.

perforations from ft. to ft.

perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot Size Set from ft. to ft.

Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Ted

Yield: 400 gal./min. with 122 ft. drawdown after 8 hrs.

Air test gal./min. with drill stem at ft. hrs.

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☒

Well seal—Material used Cement & 4% Bent

Well sealed from land surface to 200-180/135/25/1040 ft.

Diameter of well bore to bottom of seal 16 in.

Diameter of well bore below seal 10 in.

Amount of sealing material 45 sacks ☐ pounds ☐

How was cement grout placed? Poured through

Trim my PIPE

Was pump installed? yes Type Sub HP 50 Depth 360 ft.

Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.

Did any strata contain unusable water? ☒ Yes ☐ No

Type of Water? NOT ENOUGH depth of strata 60/90/140/180

Method of sealing strata off Casing + Cement

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/8 Per

Gravel placed from 180 ft. to ft.

(10) LOCATION OF WELL by legal description:

County CLATSOP NE SW of Section 29 of Township 13 Range 4E WM. (Range is East or West)

Tax Lot Lot Block Subdivision

MAILING ADDRESS OF WELL (or nearest address) 31020 S.E. WAYBILL RD BORING ORE.

(11) WATER LEVEL of COMPLETED WELL:

Depth at which water was first found 60 ft.

Static level 168 ft. below land surface. Date 5-28-86

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 10"

Depth drilled 482 ft. Depth of completed well 475 ft.

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

MATERIAL	From	To	SWL
TOP SOIL	0	2	
CLAY Red	2	59	
CLAY Red with GRAVEL	59	80	40
ROCK Black Hard	80	135	40
Cemented GRAVEL	135	165	40
ROCK Black Hard	165	172	
GRAVEL	172	200	40
CLAY Blue Sandy	211	225	168
Loose SAND	225	229	168
CLAY Brown with GRAVEL	229	257	168
GRAVEL	257	303	168
GRAVEL with Brown	303		168
SANDY CLAY		324	
GRAVEL with Blue	324		168
CLAY		338	
GRAVEL	338		168
		402	
Blue CLAY with GRAVEL	402	475	168
Blue CLAY	475	482	

Date work started 10-15-85 / completed 5-28-86

Date well drilling machine moved off of well 5-28 19 86

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

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

[Signed] Date , 19

(bonded) Water Well Constructor Certification:

Bond 2546611 Issued by: SAFE CO

(number) (Surety Company Name)

On behalf of Ted Pulliam

(type or print name of Water Well Constructor)

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

(Signed) Ted W Pulliam

(Water Well Constructor)

(Dated) 6-23-86

NOTICE TO WATER WELL CONSTRUCTOR

The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,

SALEM, OREGON 97310

within 30 days from the date of well completion.

SP*46866-690

WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date of well completion.

WATER WELL REPORT

(Please type or print)

(Do not write above this line)

SALEM OREGON 65341

RECEIVED

JUL 10 1968

State Well No.

1/4-29caab

STATE ENGINEER

State Permit No.

(1) OWNER:

Name Hans Nelson
Address 1112 Box 111 Boring,

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☒ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

CASING INSTALLED:

Threaded ☐ Welded ☒
8" Diam. from 0 ft. to 176 ft. Gage 277
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(5) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Mills Knife
Size of perforations 3/16 in. by 3 in.
300 perforations from 140 ft. to 170 ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WATER LEVEL: Completed well.

Static level 135 ft. below land surface Date Feb-68
Artesian pressure lbs. per square inch Date

(9) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☐ No If yes, by whom?

125 gal./min. with 30 ft. drawdown after 6 hrs.
" " " "

Bailer test 20 gal./min. with 2 ft. drawdown after 1 hrs.

Artesian flow g.p.m. Date

Temperature of water 53 Was a chemical analysis made? ☐ Yes ☒ No

(10) CONSTRUCTION: Cement sand,

Well seal—Material used backfill clay slurry
Depth of seal 95 ft.
Diameter of well bore to bottom of seal 10 in.
Were any loose strata cemented off? ☐ Yes ☒ No Depth
Was a drive shoe used? ☒ Yes ☐ No
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.

(11) LOCATION OF WELL:

County Clackamas Driller's well number
1/4 Section 29 T. 15 R. 4E W.M.
Bearing and distance from section or subdivision corner

(12) WELL LOG:

Diameter of well below casing 8"

Depth drilled 178 ft. Depth of completed well 178 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level as drilling proceeds. Note drilling rates.

MATERIAL	From	To	SWL
Top soil	0	2	
red clay	2	28	
yellow & off	28	65	
clay & cobbles	65	82	
lava rock	82	86	
clay & cement	86	135	
loosely cemented	135	150	
water bearing gravel			
loose gravel - with water	150	170	
Heavy water bearing	170	178	

10" surface pipe set to 83"

Work started Feb 1968 Completed Feb 1968

Date well drilling machine moved off of well Feb 1968

Drilling Machine Operator's Certification:

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

[Signed] Henry W. Orampate March 1968
(Drilling Machine Operator)

Drilling Machine Operator's License No.

Water Well Contractor's Certification:

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

NAME A.O. Olson (Type or print)
(Person, firm or corporation)

Address 18211 SE Powell Shreshwar

[Signed] A.O. Olson
(Water Well Contractor)

Contractor's License No. 283 Date March, 1968

Abstract of Permit

This is to certify that I have examined APPLICATION G-11545 and do hereby grant the same SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

This permit is issued to Dan Lewis Nelson of 30737 S.E. Waybill Road, Boring, Oregon 97009, phone 663-3348, for the use of water from one well, *in the Sandy Basin*

for the PURPOSE of irrigation and related nursery uses on ~~81.8~~ ^{81.0} acres, to include water for chemical application, temperature control, humidity control, soil*

that the PRIORITY OF THE RIGHT dates from June 26, 1986, for irrigation use during the irrigation season and November 9, 1987, for related nursery uses and**

and is limited to the amount of water which can be applied to beneficial use and shall not exceed ~~1.01~~ ^{0.88} cubic feet per second *LF5*

measured at the point of diversion from the well, or its equivalent in case of rotation with other water users.

The well is to be LOCATED: *520' S. + 90' W. from C-4 Cor. Sec. 29*
~~South 79 degrees 15 minutes West a distance of 530 feet from the Northeast corner of the NE1/4 SW1/4 of Section 29, being within the NE1/4 SW1/4 of Section 29, Township 1 South, Range 4 East, W.M., in the County of Clackamas.~~

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

Township 1 South, Range 4 East, W.M., Section 29 SE1/4 NW1/4 21.4 acres Nursery

SE1/4 NW1/4	26.0 ACRES	E1/4 SW1/4	35.4
NE1/4 SW1/4	33.0 ACRES	1/4 SW1/4	7.4
SE1/4 SW1/4	6.6 ACRES	1/4 SE1/4	9.8
NW1/4 SE1/4	8.9 ACRES	1/4 SE1/4	7.0
SW1/4 SE1/4	6.5 ACRES		

SECTION 29

T 1S., R. 4E., W.M.

The well shall be constructed
 The works constructed shall be at an elevation in the well at all times a complete record of the

and Maintenance of Water Wells in Oregon. The well shall be constructed at an elevation in the well at all times a complete record of the

Actual construction work shall begin on or before February 28, 1989, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1989.

Complete application of the water to the proposed use shall be made on or before October 1, 1990.

Witness my hand this 29th day of February, 1988.

WATER RESOURCES DIRECTOR

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Abstract of Permit

This is to certify that I have examined APPLICATION G-11545 and do hereby grant the same SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

This permit is issued to Dan Lewis Nelson of 30737 S.E. Waybill Road, Boring, Oregon 97009, phone 663-3348, for the use of water from one well, *in the Sandy Basin*

for the PURPOSE of irrigation and related nursery uses on ~~81.8~~ ^{81.0} acres, to include water for chemical application, temperature control, humidity control, soil*

that the PRIORITY OF THE RIGHT dates from June 26, 1986, for irrigation use during the irrigation season and November 9, 1987, for related nursery uses and**

and is limited to the amount of water which can be applied to beneficial use and shall not exceed ~~1.01~~ ^{0.88} cubic feet per second *CF*

measured at the point of diversion from the well, or its equivalent in case of rotation with other water users.

The well is to be LOCATED: *520' S. + 90' W. from C-4 Cor. Sec. 29*
~~South 79 degrees 15 minutes West a distance of 530 feet from the Northeast corner of the NE1/4 SW1/4 of Section 29, being within the NE1/4 SW1/4 of Section 29, Township 1 South, Range 4 East, W.M., in the County of Clackamas.~~

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

Township 1 South, Range 4 East, W.M., Section 29	SE1/4 NW1/4	21.4 acres Nursery
	NE1/4 SW1/4	35.4
	SE1/4 SW1/4	7.4
	NW1/4 SE1/4	9.8
	SW1/4 SE1/4	7.0

SEE NEXT PAGE

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 28, 1989, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1989.

Complete application of the water to the proposed use shall be made on or before October 1, 1990.

Witness my hand this 29th day of February, 1988.

WATER RESOURCES DIRECTOR

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

41005-278-53A
11/3/89
mew

Handwritten notes:
 6-5391
 6-7941
 RB 30's
 50 RB 30's - 2000' 2" ALUM LAR
 1600' 3" ALUM LAR
 2400' 2" ALUM LAR
 2000' PUL MAN.
 50 HP submersible
 4" DIS.
 1986
 TED BY WILLIAM (OLSEN DRILLERS)
 10" casing
 5.5" port
 400 GPM TEST
 475' deep
 168' SWL
 5" → 4"

* moisture control for digging and balling plants and irrigation during the irrigation season and during the period October 1 to December 1 of each year when water can be put to beneficial use for immediate crop growth or to raise the soil moisture profile to be utilized for plant growth,

** irrigation during the period October 1 to December 31 of each year,

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to $\frac{1}{80}$ of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1.0 acre-foot per acre for each acre irrigated during the period from October 1 to December 31 of each year, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 2.5 acre-feet for each acre irrigated in any one year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights, as well as ground water rights of others, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

WATER RIGHT MAP

FGE

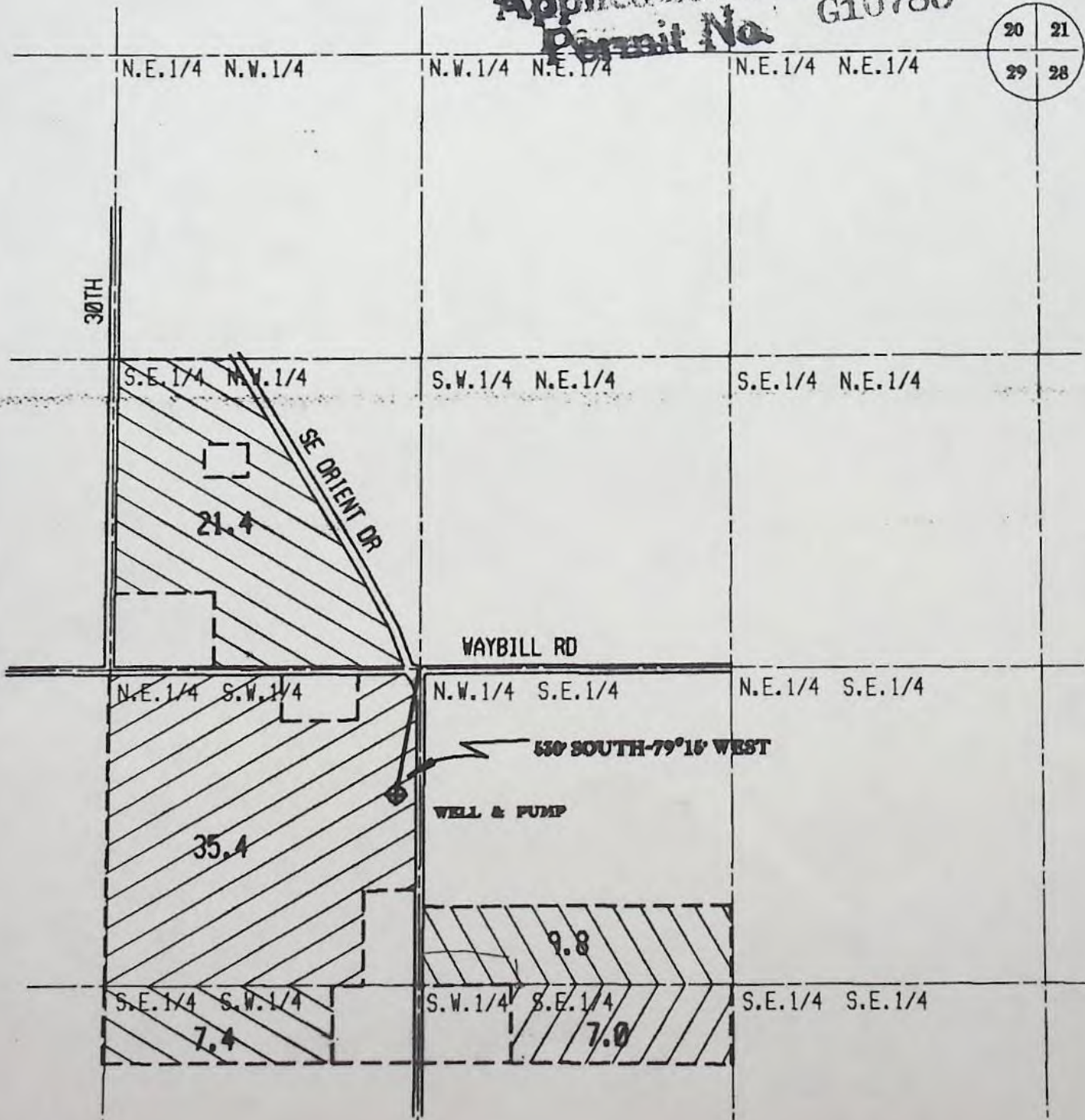


T-1S / R-4E / SEC-29

HANS NELSON NURSERY
31020 S.E. WAYBILL RD
BORING, OREGON 97009

SCALE: 1"=660'

Application No. G-1545
Permit No. G10783



Info: Dan Nelson, use as applied

Source: A well, drilled 1986 by Ted Pulliam
475' deep; 168' SWL; 400 GPM PUMP TEST
10" stl. casing, S.S. + Port

PUMP + Motor: 50 HP submersible; 4" O.D.

PIPE: BURIED 6" → 5" → 4" PUC TO ALL FIELDS

2400' 2" ALUM MN

1600' 3" ALUM MN

2400' 2" ALUM LAT

HDS: 50 RB 30' 5' 1/4" x 0" 6.2

20 RB 30' 5' 5/32" x 0' 5

60 MAX

Q Pump @ 50

(50)(6.6)

127 + 20 + 168

315

330

2.105

330

342

0.96 CFS

0.60

(340) + (10)

350

0.88

Q Hds @ 50

(310) + (150)

460

0.80 CFS

USE: In-ground nursery stock, out-of-season irrigation (OCT-DEC 31)
+ moisture control for digging + balling + related nursery use

LIFT: +20' → -10' DIS.

Q_{Ac} 81.0

T.I.F: 41005-278-53A

Thompson M. Warren
W.R.E. 11/3/89

WATER RIGHT MAP

FGE

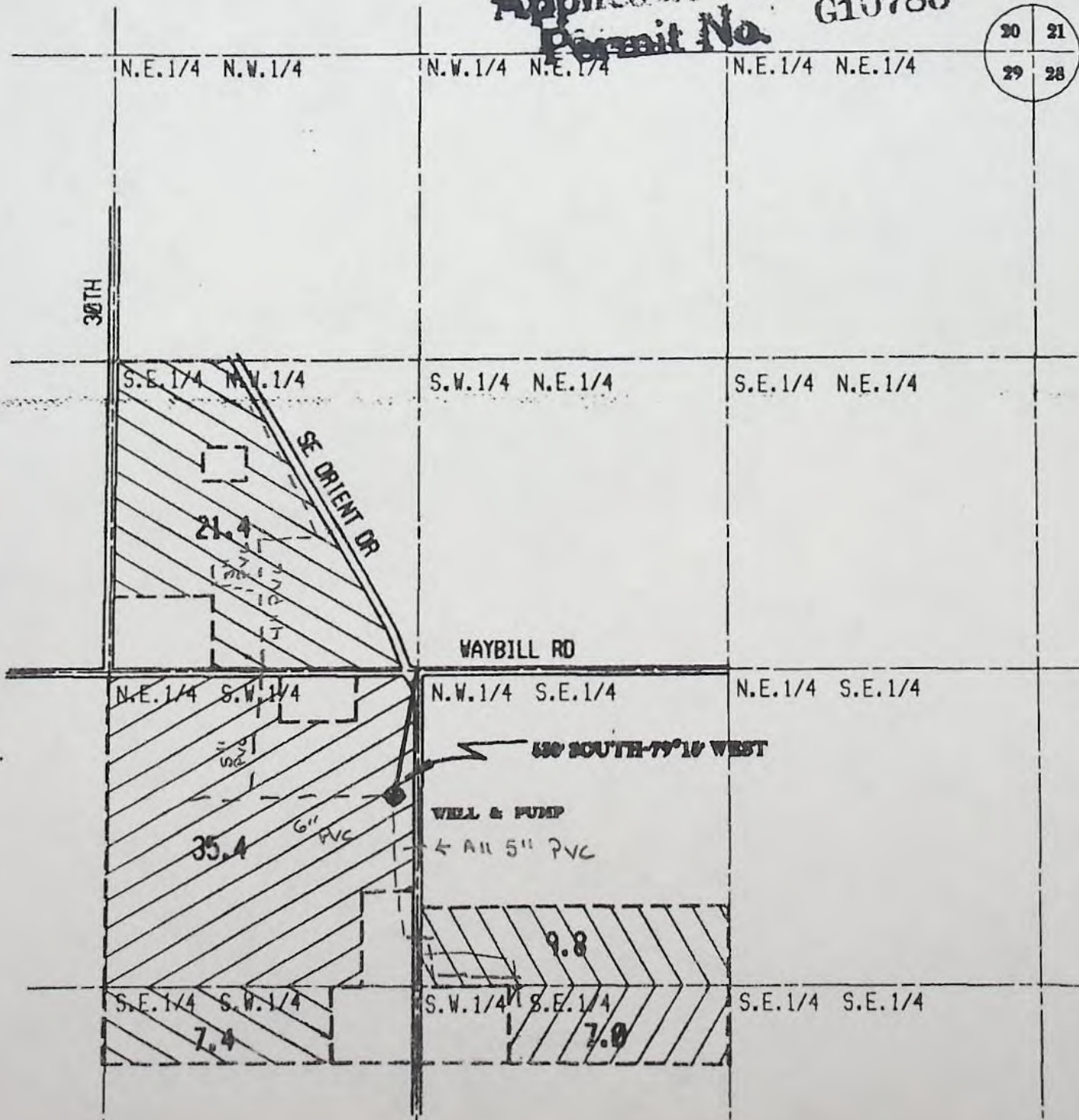
T-1S / R-4E / SEC-29

HANS NELSON NURSERY
31020 S.E. WAYBILL RD
BORING, OREGON 97009

SCALE: 1"=66'

Application No. G-1545
Permit No. G10783

20	21
29	28

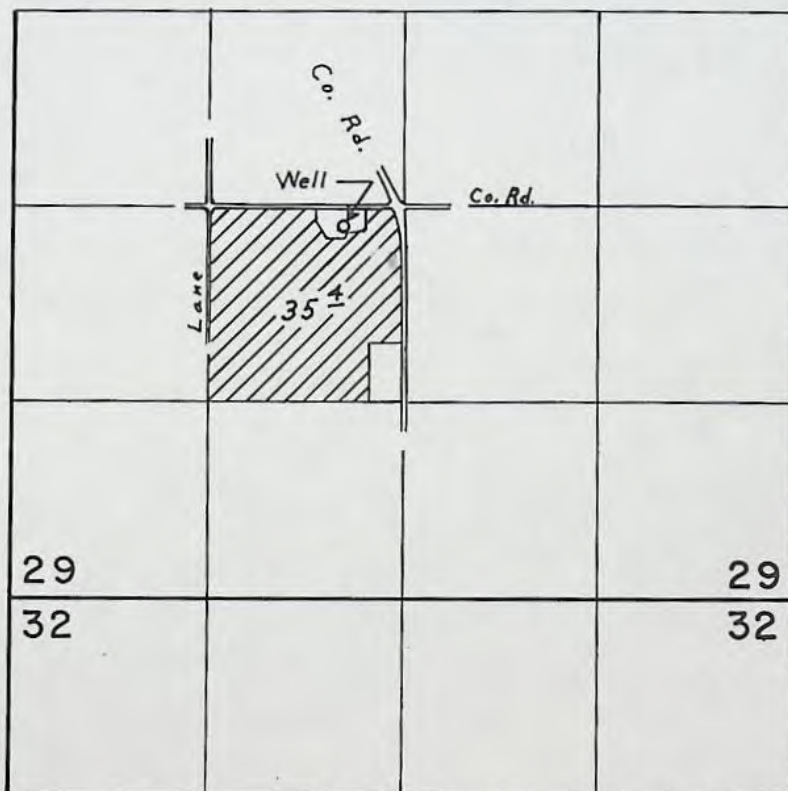


file 1971

T.1 S. R.4 E. W.M.

Cent 95133
allowed 0.25 cfs
could allow 0.44 cfs
short 0.19 cfs

178'



Well located 130' S. & 410' W. from Center Sec. 29

FINAL PROOF SURVEY UNDER

Application No. G-5391. Permit No. G-5318.
IN NAME OF

HANS NELSON

Surveyed Oct. 5, 1976, by L. E. Gould

Application No. G 11545

Permit No.

STATE OF OREGON WATER RESOURCES DEPARTMENT

RECEIVED

JUN 26 1986

Application for a Permit to Appropriate Ground Water

WATER RESOURCES DEPT
SALEM, OREGON

I, Dan Lewis Nelson Phone 503-663-3348
 of 30737 S.E. Waybill Road (Name of Applicant) Boring
 (Mailing Address) (City)
 State of Oregon 97009 Phone No. 503-663-3348 do hereby
 (Zip Code)

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

1. The development will consist of One Well
 (Give number of wells, tile lines, infiltration galleries, etc.)
 having a diameter of 10" inches and an estimated depth of 475 feet.

2. The well or other source is to be located 530 ft. south and 79° 15' ft. west
 (N. or S.) (E. or W.)
 from the N.E. corner of the N.E 1/4 of the S.W. 1/4 of section 29
 (Public Land Survey Corner)

(If there is more than one well, each must be described)

being within the N.E. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of
 Sec. 29 Tp. 1 south R. 4 east, W. M., in the county of Clackamas.

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

Township	Range	Section	List $\frac{1}{4}$ $\frac{1}{4}$ of Section	List use and/or number of acres to be irrigated
1 south	4 east	29	S.E. 1/4 of N.W. 1/4	21.4
1 south	4 east	29	N.E 1/4 Of S.W. 1/4	35.4
1 south	4 east	29	S.E. 1/4 of S.W. 1/4	7.4
1 south	4 east	29	N.W. 1/4 of S.E. 1/4	9.8
1 south	4 east	29	S.W. 1/4 of S.E. 1/4	7.0
			Total Acres	81.0

4. It is estimated that 475 feet of the well will require Steel casing.
 (Kind)

5. Depth to water table is estimated 169 feet Well drilled by Ted Pulliam Well Drilling
 (Feet)

Static

200' ex
 100' 1st 1/2
 50' 2nd 1/2
 350'

6. The amount of water which the applicant intends to apply to beneficial use is 1.01 cubic feet per second or 453.6 gallons per minute.

7. The use to which the water is to be applied is Irrigation

see Lt. of
Nov. 6, 1988
MD

8. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

Does not apply

9. If the location of the well, or other development work is less than one-fourth mile from a natural stream channel, give the distance to the channel and the difference in elevation between the stream bed and the ground surface at the source of development.

Does not apply

10.

DESCRIPTION OF WORKS

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

Pump: 6" Sta-Rite L325T6-01 Submersible Turbine with a 50 H.P. Mitsubishi motor M6T04-01M set at 350 feet from the surface.

Type of system: Portable consisting of 700' 6" main line, 1300' 5" main line, 2300' 4" main line, 850' 3" main line. Lateral lines consist of 100 pieces of 3"X40' pipes with Rainbird #20 sprinklers with 5/32" nozzles.

Well data: Depth-475 feet

Diameter- 10 inches

Static level- 168 feet

Yield- 400+G.P.M. with a 122 foot drawdown after 8 hours of pumping.

Well capacity was judged by counting number of seconds it took to fill a 50 gallon barrel. Ted pulliam (well driller) was not able to catch all water that was being pumped at the time of the test.

11. Construction work will begin on or before 10-15-85

12. Construction work will be completed on or before 5-25-86

13. The water will be completely applied to the proposed use on or before July 1986

14. If the ground water supply is supplemental to an existing supply, identify the supply and existing water right. No

Application No. G 11545

Permit No.

Remarks: Enclosed please find:

- 1 Legal descriptions of all land to be irrigated
- 2 Application for a Permit to Appropriate Ground Water
- 3 Map of area to be irrigated scale of 1" = 600'. All areas to be irrigated hachured.
- 4 State of Oregon Water Well Report
- 5 Examination Fee: \$200.00
- 6 Recording Fees: \$100.00 Minimum fee for 10 acres
- Additional Recording Fees: \$142.00 71 acres at \$2.00/ acre for additional acreage

Total Fee \$442.00

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Don Lewis Nelson

Signature of Applicant

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

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before January 4, 1988.

WITNESS my hand this 3rd day of November, 1987.

William H. Young, Water Resources Director

By

Wayne J. Overcash

WAYNE J. OVERCASH

WATER RESOURCES DEPT.
SALEM, OREGON

NOV 9 1987

RECEIVED

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

26 day of *June*, 19*86*, at *8* o'clock
P.M.

Application No. *G-11545*

Permit No.

Permit to Appropriate the Public Waters of the State of Oregon

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

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 1.01 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from one well

The use to which this water is to be applied is related nursery uses to include water for chemical application, temperature control, humidity control,

If for irrigation, this appropriation shall be limited to 1/80 of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year;
GL(w)

soil moisture control for digging and balling plants and for irrigation during the irrigation season and during the period outside the irrigation from October 1 through December 1 of each year when water can be put to beneficial use for immediate crop growth or to raise the soil moisture content to be utilized by plant growth.

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

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is June 26, 1986 for irrigation use during irrigation season
November 2, 1987 for other related nursery uses and irrigation use outside the irrigation season.

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

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

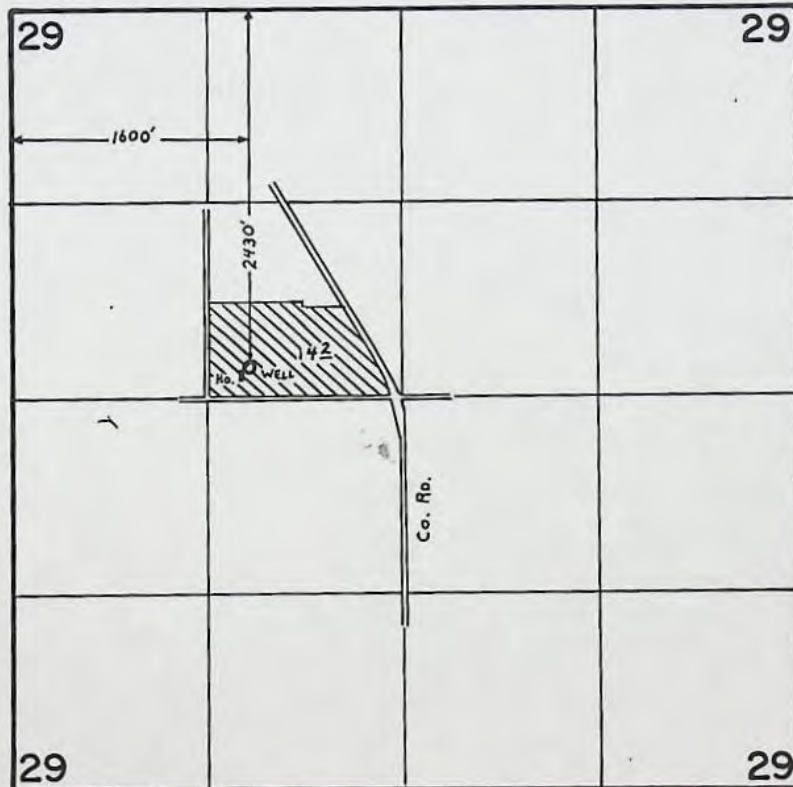
WITNESS my hand this day of....., 19.....

file 1977

TIS. R4E. WM.

(well 154' deep)

Cost 50467
allowed 0.11 cfs (49 gpm)
could allow 0.18 cfs (80 gpm)
short 0.07 cfs (31 gpm)



FINAL PROOF SURVEY
UNDER

Application No. G-7941 Permit No. G-7325
IN NAME OF

DAN LEWIS NELSON

Surveyed JULY 11 1978, by C. L. HUGHES

STATE OF OREGON

INTEROFFICE MEMO

TO: Roseanne Wardell, A/P Specialist

DATE. 1-29-88

FROM.

Authorized Examiner

SUBJECT: Request for Refund Check

Please refund \$ 92 to Dan Lewis Nelson
file no. D-11545, receipt no. 49752. These funds are refunded due
to:

Application rejected

Application withdrawn

Excess fees collected for application

File closed

Other:

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

March 4, 1988

Dan Lewis Nelson
30737 SE Waybill Road
Boring, OR 97009

REFERENCE: File G-11545

ENCLOSED: Permit G-10783

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

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

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

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

The start of the drilling operation or other means of constructing the well will be considered as beginning of construction. If no canal system or other permanent type of distribution works is employed, the acquisition and installation of all the machinery or equipment necessary for the project will be considered as completion of construction.

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

The permit requires that an access port or other installation be provided to allow the measurement of the water level within the well at any time. Sketches of suggested methods of installation are attached.

Sincerely,

William H. Young
WILLIAM H. YOUNG
Director

P.S. A refund check in the amount of \$92 will be sent to you as soon as our book-keeper can prepare it.

WHY:wpc
enclosures
0032B/I



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

July 24, 1987

Dan Lewis Nelson
30737 SE Waybill Road
Boring, OR 97009

Dear Mr. Nelson:

REFERENCE: File G-11545

Pursuant to discussions I have had with Clif King of this office relative to your Application G-11545 which proposes the use of water from a well for the irrigation of 81.0 acres, I am enclosing another statement which may explain your situation.

If you are agreeable with the statement, you may sign and date it in the space provided and return it to this office. We can then proceed with the processing of your application towards issuance of a permit.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:tcb

Enclosure

cc: Clif King, Watermaster, District #16



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

January 29, 1988

Dan Lewis Nelson
30737 SE Waybill Road
Boring, OR 97009

Dear Mr. Nelson

REFERENCE: File G-11545

This is to acknowledge return of your Application G-11545, along with your letter of November 6, 1987, requesting that the related nursery uses mentioned in the letter be added as an amendment to item 7 of your application.

The use of water for the related nursery uses added to your application has received a date of priority of November 9, 1987, being the date your letter was received.

The application now appears to be in satisfactory form and will be placed with the group to be considered for approval.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

WJO:lgc



HANS NELSON & SONS NURSERY, INC.

WHOLESALE GROWERS OF SHADE AND FLOWERING TREES

31020 S.E. WAYBILL RD. • BORING, OREGON 97009
PHONE: (503) 663-3348



RECEIVED

NOV 9 1987

WATER RESOURCES DEPT.
SALEM, OREGON

November 6, 1987

Mr. Wayne J. Overcash
Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

Re: File G-11545

Dear Mr. Overcash:

Thank you for your letter dated November 3, 1987, regarding my application.

I request that this letter be added as an amendment to item #7 of my State of Oregon Water Resources Department application for a permit to appropriate ground water, reference file G-11545.

The changes are as follows: I would like to add "related nursery uses to include water for chemical application, temperature control, humidity control, soil moisture control for digging and balling plants and for traditional irrigation use during the irrigation season and during the period outside the irrigation season from October 1st through December 1st."

The amount of water that I requested in item #6 of 453.6 gallons per minute should be adequate for my intended uses.

I am also returning my original application with this letter.

Thank you very much for your help in this matter.

Sincerely,

Dan L. Nelson
President

DLN:1bn
Encl.



NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

November 3, 1987

Dan Lewis Nelson
30737 SE Waybill Road
Boring, OR 97009

Dear Mr. Nelson:

REFERENCE: File G-11545

This is to acknowledge your three letters dated October 23, 1987 relative to your use of water for nursery operations.

Your letters did not specifically request that I make certain amendments to your application, so I was unable to make any changes or additions. However, based upon the information contained in your letters, it appears that you intend to use water for several related nursery uses on all the 81.0 acres presently listed in Item 3 of your application. If so, you may amend Item 7 to list the use as:

"Related Nursery Uses to include water for chemical application, temperature control, humidity control, soil moisture control for digging and balling plants, and traditional irrigation use during the irrigation season and during the period outside the irrigation season from October 1st through December 1st"

Worded as such, no additional fees would be needed and there may be a refund due. You would retain the date of priority of June 26, 1987, for the in-season irrigation use, but any additions would have a date of priority as of the date the application is received with the additions.

You may also wish to review the amount of water requested. If you plan to have a solid set system for temperature control, you may need more water. If more water is available in your well and you can beneficially use it, Item 6 may be amended to request a greater amount.

Dan Lewis Nelson
November 3, 1987
Page two

So that you may review your application and make the necessary amendments, I am returning the application to you for completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before January 4, 1988.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

WJO:tcb

Enclosure



HANS NELSON & SONS NURSERY, INC.

WHOLESALE GROWERS OF SHADE AND FLOWERING TREES

31020 S.E. WAYBILL RD. • BORING, OREGON 97009
PHONE: (503) 663-3348



RECEIVED

OCT 26 1987

WATER RESOURCES DEPT.
SALEM, OREGON

October 23, 1987

Mr. Wayne Overcash
Water Resources Department of Oregon
3850 Portland Road N.E.
Salem, Oregon 97310

Re: File number G11545

Dear Mr. Overcash:

I would like to amend my State of Oregon Water Resources Department application for a permit to appropriate ground water, which was mailed to you on June 25, 1986 and received by you on June 26, 1986. For this application, you have assigned me a reference file number of G11545.

The amendments I would like to make concern item #7 on the application to appropriate ground water. When I filed the original application, I stated item #7 to be for traditional irrigation. I would like to add related nursery use and out of season irrigation to item #7.

The acreage that I would apply the traditional irrigation, related nursery use and out of season irrigation water to would be those areas listed in item #3 of my application for a permit to appropriate ground water.

From my conversations with you, I understand that my traditional irrigation priority would be June 26, 1986 for the application G11545; however, the related nursery use and out of season irrigation permit would carry a new priority date.

Enclosed is another letter and the documentation needed to apply for out of season irrigation.

Thank you for your help in this matter.

Sincerely,

Dan L. Nelson
President

DLN:1bn
Encl.



HANS NELSON & SONS NURSERY, INC.

WHOLESALE GROWERS OF SHADE AND FLOWERING TREES

31020 S.E. WAYBILL RD. • BORING, OREGON 97009
PHONE: (503) 663-3348



October 23, 1987

Mr. Wayne J. Overcash
Water Resources Department of Oregon
3850 Portland Road N.E.
Salem, Oregon 97310

Re: File number G11545, Out of Season Irrigation

Dear Mr. Overcash:

The following information is submitted to be added to my existing application for a permit to appropriate ground water, reference file number G11545, for out of season irrigation. This information will concern item #7 on the ground water application. The areas to where the beneficial water are to be applied are listed in item #3 on my application, file G11545.

Following is the information pertinent to this request:

1. Specific dates of the use proposed:
Starting date for water use outside the irrigation season would be October 1 and continuing as needed until a stopping date of December 31.
2. The number of acre feet to be used during this period of out of season irrigation:
Normally during the traditional irrigation season, I would apply approximately 12 acre inches of water to the land listed in item #3 on application G11545. The amount of water to be applied outside the traditional season would be no more than 8 acre inches of water to those lands listed in item #3 of my application. This would place my total use at 20 acre inches of water used per year, which is 10 acre inches below the irrigation limit of 30 acre inches of water use per year.
3. The type of crop and its water requirements:
I have in the past, and intend to grow in the future, field grown nursery stock, specifically shade, flowering and fruit trees. The water use will be for chemical application, temperature control, humidity control and soil moisture control for digging and balling plants. Planting would also be a use for water during October and November.

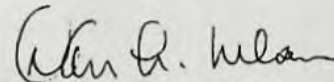
Mr. Wayne J. Overcash
Water Resources Department of Oregon
October 23, 1987
Page 2

4. Soil type and root zone depth and usable soil moisture storage capacity from soil surveys:
 - A. Soil type: 8B-Bornstedt silt loam, 0 to 8 percent slopes.
 - B. Root zone depth: 30 to 40 inches
 - C. Usable soil moisture: 3 to 7 inches storage capacity.This information is taken from the soil survey of Clackamas County Area, Oregon, page #23, a copy of which is enclosed. Also enclosed is a soil survey of Clackamas County Area, Oregon, sheet number 4.
5. Measured soil moisture profile of depth to which the water has penetrated:

The depth to which the water has penetrated would be to the depth of the brittle layer which ranges from 30 to 40 inches in the Bornstedt silt loam, 0 to 8% slopes. This information is taken from soil survey of Clackamas County Area, page #3, a copy of which is enclosed.

Please contact me if there is any future information you need regarding this matter.

Sincerely,



Dan L. Nelson
President

DLN:1bn
Encl.

Typically, the surface layer is very dark gray and very dark grayish brown silty clay loam about 12 inches thick. The subsoil is dark grayish brown silty clay loam about 6 inches thick. The upper 27 inches of the substratum is dark gray and grayish brown silty clay, and the lower part to a depth of 60 inches or more is brown and grayish brown clay loam. Depth to the clayey substratum ranges from 15 to 25 inches.

Included in this unit are small areas of Deleña, Cottrell, Bornstedt, Powell, and Cascade soils. Included areas make up about 20 percent of the total acreage.

Permeability of this Borges soil is very slow. Available water capacity is about 3 to 5 inches. Effective rooting depth is restricted by the clayey substratum. Runoff is slow to ponded, and the hazard of water erosion is slight. The water table is at a depth of 0 to 6 inches in winter and early in spring.

This unit is used for pasture, hay, homesite development, and wildlife habitat.

If this unit is used for hay and pasture, the main limitations are wetness and the very slow permeability. Wetness limits the choice of suitable plants and the period of cutting or grazing and increases the risk of winterkill. When the soil is wet, grazing and other activities that cause trampling result in compaction of the surface layer, poor tilth, and excessive runoff. Fertilizer is needed for best growth of grasses and legumes on this unit.

If this unit is used for homesite development, the main limitations are wetness, shrink-swell potential, and low soil strength. Drainage is needed if roads and buildings are constructed; however, it is difficult to install because of the very slow permeability of the clayey substratum. Roads and buildings should be designed to offset the limited ability of the soil in this unit to support a load and to offset the effects of shrinking and swelling. Septic tank absorption fields do not function properly because of wetness and the very slow permeability.

This map unit is in capability subclass IVw.

8B—Bornstedt silt loam, 0 to 8 percent slopes. This deep, moderately well drained soil is on high terraces and rolling uplands. It formed in mixed old alluvium. The vegetation in areas not cultivated is mainly Douglas-fir, western redcedar, hazel, and vine maple. Elevation is 400 to 650 feet. The average annual precipitation is about 48 to 65 inches, the average annual air temperature is 50 to 52 degrees F, and the average frost-free period is 140 to 200 days.

Typically, the surface layer is very dark brown silt loam about 8 inches thick. The upper 20 inches of the subsoil is reddish brown silty clay loam, and the lower 5 inches is brown silty clay loam. Below this to a depth of 60 inches or more is brittle, reddish brown and reddish gray clay and variegated reddish brown and brown silty clay. Depth to the brittle layer ranges from 30 to 40 inches.

Included in this unit are small areas of Borges, Powell, Cazadero, and Jory soils. Included areas make up about 15 percent of the total acreage.

Permeability of this Bornstedt soil is slow. Available water capacity is about 3 to 7 inches. Effective rooting depth is restricted by the brittle layer. Runoff is slow, and the hazard of water erosion is slight. The water table is at a depth of 24 to 36 inches in winter and early in spring. This soil is droughty in summer.

Most areas of this unit are used for crops, mainly nursery stock, strawberries, and raspberries (fig. 6). Among the other crops grown are potatoes, small grain, filberts, hay, and pasture. Some areas are used as homesites and for recreation and wildlife habitat. This unit is subject to increased use as homesites. Where the unit has been used as homesites, as much as 50 percent of the area not covered by buildings or other impervious material has been disturbed. The disturbed areas have been covered by as much as 20 inches of fill material or have had as much as 30 inches of the original profile removed by cutting and grading. The fill material is most commonly from adjacent areas of Bornstedt soils that have been cut or graded.

This unit is suited to cultivated crops. It is limited mainly by wetness and the restricted rooting depth. Wetness generally limits the suitability of the unit for deep-rooted crops. Tile drainage can be used to reduce wetness if a suitable outlet is available. In summer, irrigation is required for maximum production of most crops. Sprinkler irrigation is a suitable method of applying water.

Excessive cultivation can result in the formation of a tillage pan, which can be broken by subsoiling when the soil is dry. Returning all crop residue to the soil and using a cropping system that includes grasses, legumes, or grass-legume mixtures help to maintain fertility and tilth. Grain and grasses respond to nitrogen; legumes respond to phosphorus, boron, sulfur, and lime; and vegetables and berries respond to nitrogen, phosphorus, and potassium. Diversions and grassed waterways may be needed. When the soil is wet, grazing and other activities that cause trampling result in compaction of the surface layer, poor tilth, and excessive runoff.

If this unit is used for homesite development, the main limitations are wetness and the slow permeability. Drainage is needed if roads and buildings are constructed. Wetness is reduced by installing drain tile around footings. Slow permeability and wetness increase the possibility of failure of septic tank absorption fields.

Preserving the existing plant cover during construction helps to control erosion. In summer, irrigation is required for lawn grasses, shrubs, vines, shade trees, and ornamental trees. Plants that tolerate wetness and droughtiness should be selected if drainage and irrigation are not provided.

This map unit is in capability subclass IIe.

RECEIVED

Area listed in item #3

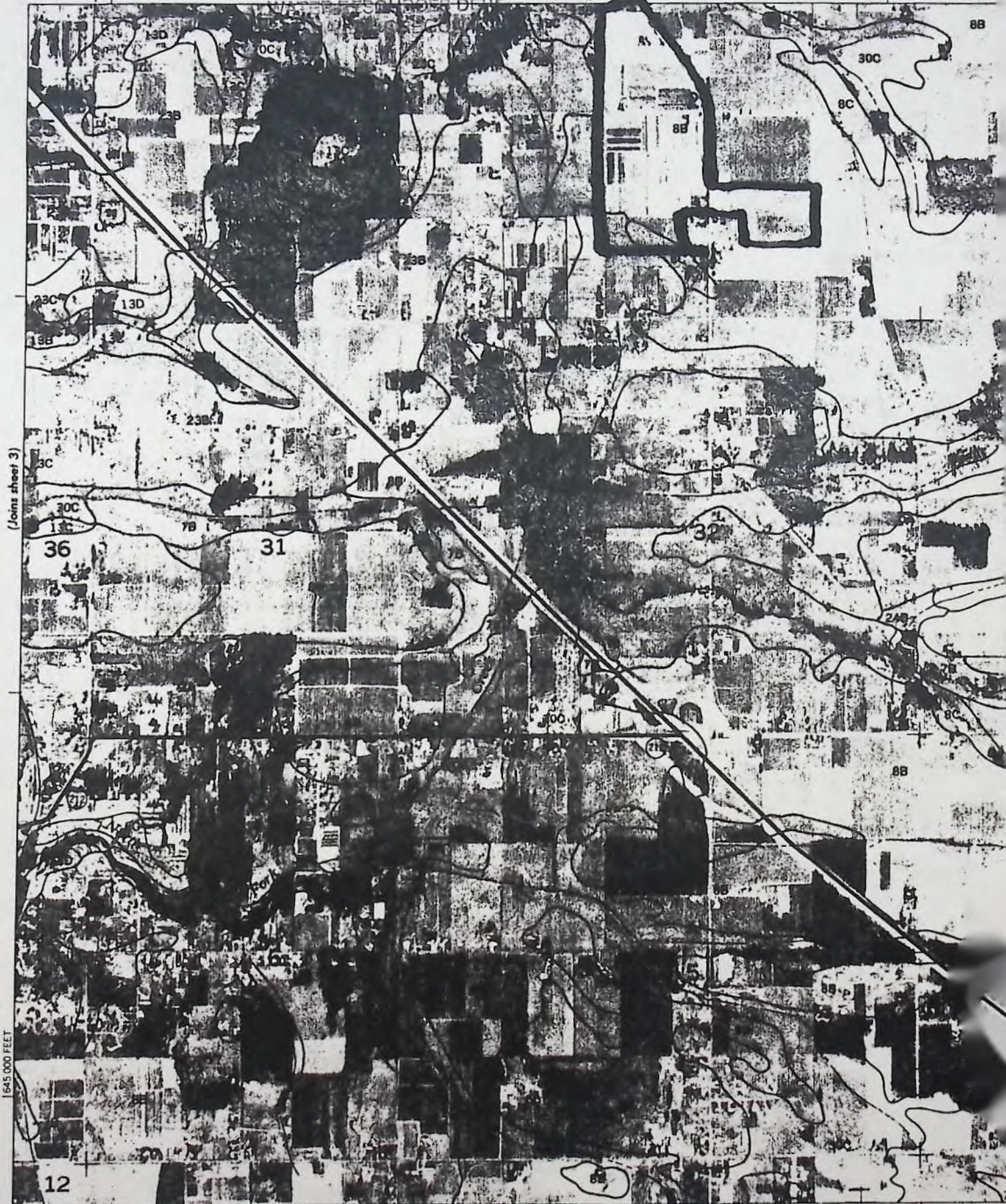
OCT 26 1987

Groundwater Application SOIL SUR
G. 11545



R. 3 E. | R. 4 E.

(Joins inset A, sheet 11)



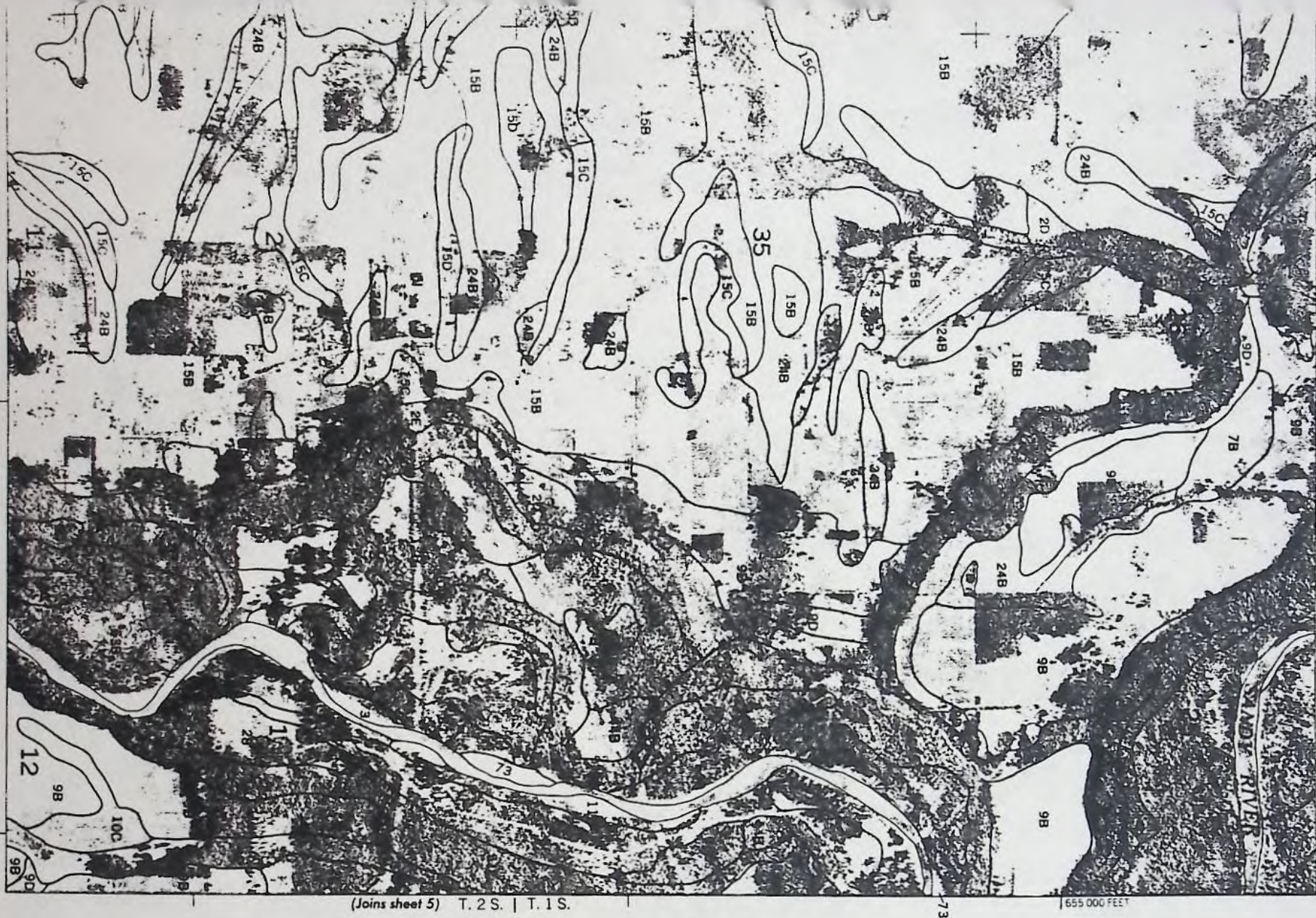
(Joins sheet 3)

1645 000 FEET

11 520 000 11 FT

(Joins sheet 9)

1 3/4



(Joins sheet 5) T. 2 S. | T. 1 S.

655 000 FEET

Coordinate grid ticks and land division corners, if shown, are approximately positioned.
 Base maps are orthophotographs prepared by the U.S. Department of the Interior, Geological Survey, from 1975 aerial photography
 This soil survey map was compiled by the U.S. Department of Agriculture, Soil Conservation Service, and cooperating agencies

CLACKAMAS COUNTY AREA, OREGON NO. 4



HANS NELSON & SONS NURSERY, INC.

WHOLESALE GROWERS OF SHADE AND FLOWERING TREES

31020 S.E. WAYBILL RD. • BORING, OREGON 97009
PHONE: (503) 663-3348



RECEIVED

OCT 26 1987

WATER RESOURCES DEPT.
SALEM, OREGON

October 23, 1987

Mr. Wayne J. Overcash
Water Resources Department of Oregon
3850 Portland Road N.E.
Salem, Oregon 97310

Re: File number G11545

Dear Mr. Overcash:

Regarding my application G11545 and its amendments to use out of season irrigation, I am requesting a waiver of the normal 30 day waiting period required from the date of filing before consideration for approval.

I intend to use water as described in application G11545 for early use as an emergency drought solution. The permit is authorized to be cancelled effective December 31 for out of season irrigation applications.

Please see the information enclosed.

Thank you for your help in this matter.

Sincerely,

Dan L. Nelson
President

DLN:1bn
Encl.



HANS NELSON & SONS NURSERY, INC.

WHOLESALE GROWERS OF SHADE AND FLOWERING TREES

31020 S.E. WAYBILL RD. • BORING, OREGON 97009
PHONE: (503) 663-3348



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

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Following is the information pertinent to this request:

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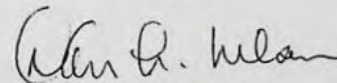
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Water Resources Department of Oregon
October 23, 1987
Page 2

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Dan L. Nelson
President

DLN:1bn
Encl.

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Included in this unit are small areas of Delena, Cottrell, Bornstedt, Powell, and Cascade soils. Included areas make up about 20 percent of the total acreage.

Permeability of this Borges soil is very slow. Available water capacity is about 3 to 5 inches. Effective rooting depth is restricted by the clayey substratum. Runoff is slow to ponded, and the hazard of water erosion is slight. The water table is at a depth of 0 to 6 inches in winter and early in spring.

This unit is used for pasture, hay, homesite development, and wildlife habitat.

If this unit is used for hay and pasture, the main limitations are wetness and the very slow permeability. Wetness limits the choice of suitable plants and the period of cutting or grazing and increases the risk of winterkill. When the soil is wet, grazing and other activities that cause trampling result in compaction of the surface layer, poor tilth, and excessive runoff. Fertilizer is needed for best growth of grasses and legumes on this unit.

If this unit is used for homesite development, the main limitations are wetness, shrink-swell potential, and low soil strength. Drainage is needed if roads and buildings are constructed; however, it is difficult to install because of the very slow permeability of the clayey substratum. Roads and buildings should be designed to offset the limited ability of the soil in this unit to support a load and to offset the effects of shrinking and swelling. Septic tank absorption fields do not function properly because of wetness and the very slow permeability.

This map unit is in capability subclass IVw.

8B—Bornstedt silt loam, 0 to 8 percent slopes. This deep, moderately well drained soil is on high terraces and rolling uplands. It formed in mixed old alluvium. The vegetation in areas not cultivated is mainly Douglas-fir, western redcedar, hazel, and vine maple. Elevation is 400 to 650 feet. The average annual precipitation is about 48 to 65 inches, the average annual air temperature is 50 to 52 degrees F, and the average frost-free period is 140 to 200 days.

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Excessive cultivation can result in the formation of a tillage pan, which can be broken by subsoiling when the soil is dry. Returning all crop residue to the soil and using a cropping system that includes grasses, legumes, or grass-legume mixtures help to maintain fertility and tilth. Grain and grasses respond to nitrogen; legumes respond to phosphorus, boron, sulfur, and lime; and vegetables and berries respond to nitrogen, phosphorus, and potassium. Diversions and grassed waterways may be needed. When the soil is wet, grazing and other activities that cause trampling result in compaction of the surface layer, poor tilth, and excessive runoff.

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Preserving the existing plant cover during construction helps to control erosion. In summer, irrigation is required for lawn grasses, shrubs, vines, shade trees, and ornamental trees. Plants that tolerate wetness and droughtiness should be selected if drainage and irrigation are not provided.

This map unit is in capability subclass IIe.

G. 11545

OCT 26 1987

R. 3 E. | R. 4 E.

WATER RESOURCES DEPT. (Joins inset A sheet)

SALEM, OREGON

(Joins inset A, sheet 11)



(Joins sheet 9)

1 3/4







HANS NELSON & SONS NURSERY, INC.

WHOLESALE GROWERS OF SHADE AND FLOWERING TREES

31020 S.E. WAYBILL RD. • BORING, OREGON 97009
PHONE: (503) 663-3348



RECEIVED

OCT 26 1987

WATER RESOURCES DEPT.
SALEM, OREGON

October 23, 1987

Mr. Wayne J. Overcash
Water Resources Department of Oregon
3850 Portland Road N.E.
Salem, Oregon 97310

Re: File number G11545, Out of Season Irrigation

Dear Mr. Overcash:

The following information is submitted to be added to my existing application for a permit to appropriate ground water, reference file number G11545, for out of season irrigation. This information will concern item #7 on the ground water application. The areas to where the beneficial water are to be applied are listed in item #3 on my application, file G11545.

Following is the information pertinent to this request:

1. Specific dates of the use proposed:
Starting date for water use outside the irrigation season would be October 1 and continuing as needed until a stopping date of December 31.
2. The number of acre feet to be used during this period of out of season irrigation:
Normally during the traditional irrigation season, I would apply approximately 12 acre inches of water to the land listed in item #3 on application G11545. The amount of water to be applied outside the traditional season would be no more than 8 acre inches of water to those lands listed in item #3 of my application. This would place my total use at 20 acre inches of water used per year, which is 10 acre inches below the irrigation limit of 30 acre inches of water use per year.
3. The type of crop and its water requirements:
I have in the past, and intend to grow in the future, field grown nursery stock, specifically shade, flowering and fruit trees. The water use will be for chemical application, temperature control, humidity control and soil moisture control for digging and balling plants. Planting would also be a use for water during October and November.

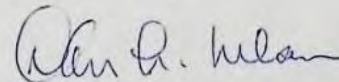
Mr. Wayne J. Overcash
Water Resources Department of Oregon
October 23, 1987
Page 2

4. Soil type and root zone depth and usable soil moisture storage capacity from soil surveys:
 - A. Soil type: 8B-Bornstedt silt loam, 0 to 8 percent slopes.
 - B. Root zone depth: 30 to 40 inches
 - C. Usable soil moisture: 3 to 7 inches storage capacity.This information is taken from the soil survey of Clackamas County Area, Oregon, page #23, a copy of which is enclosed. Also enclosed is a soil survey of Clackamas County Area, Oregon, sheet number 4.
5. Measured soil moisture profile of depth to which the water has penetrated:

The depth to which the water has penetrated would be to the depth of the brittle layer which ranges from 30 to 40 inches in the Bornstedt silt loam, 0 to 8% slopes. This information is taken from soil survey of Clackamas County Area, page #3, a copy of which is enclosed.

Please contact me if there is any future information you need regarding this matter.

Sincerely,



Dan L. Nelson
President

DLN:1bn
Encl.

Typically, the surface layer is very dark gray and very dark grayish brown silty clay loam about 12 inches thick. The subsoil is dark grayish brown silty clay loam about 6 inches thick. The upper 27 inches of the substratum is dark gray and grayish brown silty clay, and the lower part to a depth of 60 inches or more is brown and grayish brown clay loam. Depth to the clayey substratum ranges from 15 to 25 inches.

Included in this unit are small areas of Delena, Cottrell, Bornstedt, Powell, and Cascade soils. Included areas make up about 20 percent of the total acreage.

Permeability of this Borges soil is very slow. Available water capacity is about 3 to 5 inches. Effective rooting depth is restricted by the clayey substratum. Runoff is slow to ponded, and the hazard of water erosion is slight. The water table is at a depth of 0 to 6 inches in winter and early in spring.

This unit is used for pasture, hay, homesite development, and wildlife habitat.

If this unit is used for hay and pasture, the main limitations are wetness and the very slow permeability. Wetness limits the choice of suitable plants and the period of cutting or grazing and increases the risk of winterkill. When the soil is wet, grazing and other activities that cause trampling result in compaction of the surface layer, poor tilth, and excessive runoff. Fertilizer is needed for best growth of grasses and legumes on this unit.

If this unit is used for homesite development, the main limitations are wetness, shrink-swell potential, and low soil strength. Drainage is needed if roads and buildings are constructed; however, it is difficult to install because of the very slow permeability of the clayey substratum. Roads and buildings should be designed to offset the limited ability of the soil in this unit to support a load and to offset the effects of shrinking and swelling. Septic tank absorption fields do not function properly because of wetness and the very slow permeability.

This map unit is in capability subclass IVw.

8B—Bornstedt silt loam, 0 to 8 percent slopes. This deep, moderately well drained soil is on high terraces and rolling uplands. It formed in mixed old alluvium. The vegetation in areas not cultivated is mainly Douglas-fir, western redcedar, hazel, and vine maple. Elevation is 400 to 650 feet. The average annual precipitation is about 48 to 65 inches, the average annual air temperature is 50 to 52 degrees F, and the average frost-free period is 140 to 200 days.

Typically, the surface layer is very dark brown silt loam about 8 inches thick. The upper 20 inches of the subsoil is reddish brown silty clay loam, and the lower 5 inches is brown silty clay loam. Below this to a depth of 60 inches or more is brittle, reddish brown and reddish gray clay and variegated reddish brown and brown silty clay. Depth to the brittle layer ranges from 30 to 40 inches.

Included in this unit are small areas of Borges, Powell, Cazadero, and Jory soils. Included areas make up about 15 percent of the total acreage.

Permeability of this Bornstedt soil is slow. Available water capacity is about 3 to 7 inches. Effective rooting depth is restricted by the brittle layer. Runoff is slow, and the hazard of water erosion is slight. The water table is at a depth of 24 to 36 inches in winter and early in spring. This soil is droughty in summer.

Most areas of this unit are used for crops, mainly nursery stock, strawberries, and raspberries (fig. 6). Among the other crops grown are potatoes, small grain, filberts, hay, and pasture. Some areas are used as homesites and for recreation and wildlife habitat. This unit is subject to increased use as homesites. Where the unit has been used as homesites, as much as 50 percent of the area not covered by buildings or other impervious material has been disturbed. The disturbed areas have been covered by as much as 20 inches of fill material or have had as much as 30 inches of the original profile removed by cutting and grading. The fill material is most commonly from adjacent areas of Bornstedt soils that have been cut or graded.

This unit is suited to cultivated crops. It is limited mainly by wetness and the restricted rooting depth. Wetness generally limits the suitability of the unit for deep-rooted crops. Tile drainage can be used to reduce wetness if a suitable outlet is available. In summer, irrigation is required for maximum production of most crops. Sprinkler irrigation is a suitable method of applying water.

Excessive cultivation can result in the formation of a tillage pan, which can be broken by subsoiling when the soil is dry. Returning all crop residue to the soil and using a cropping system that includes grasses, legumes, or grass-legume mixtures help to maintain fertility and tilth. Grain and grasses respond to nitrogen; legumes respond to phosphorus, boron, sulfur, and lime; and vegetables and berries respond to nitrogen, phosphorus, and potassium. Diversions and grassed waterways may be needed. When the soil is wet, grazing and other activities that cause trampling result in compaction of the surface layer, poor tilth, and excessive runoff.

If this unit is used for homesite development, the main limitations are wetness and the slow permeability. Drainage is needed if roads and buildings are constructed. Wetness is reduced by installing drain tile around footings. Slow permeability and wetness increase the possibility of failure of septic tank absorption fields.

Preserving the existing plant cover during construction helps to control erosion. In summer, irrigation is required for lawn grasses, shrubs, vines, shade trees, and ornamental trees. Plants that tolerate wetness and droughtiness should be selected if drainage and irrigation are not provided.

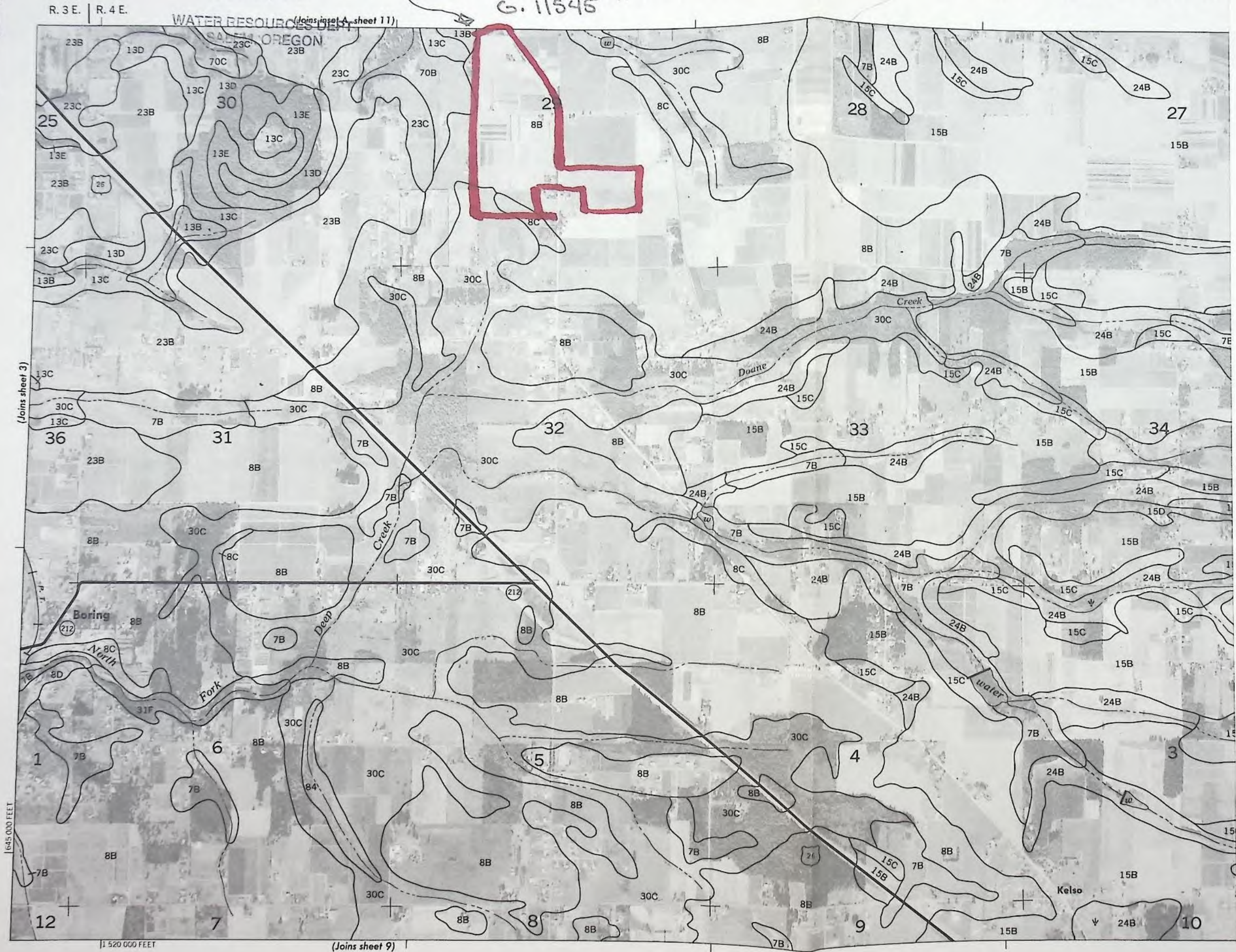
This map unit is in capability subclass IIe.

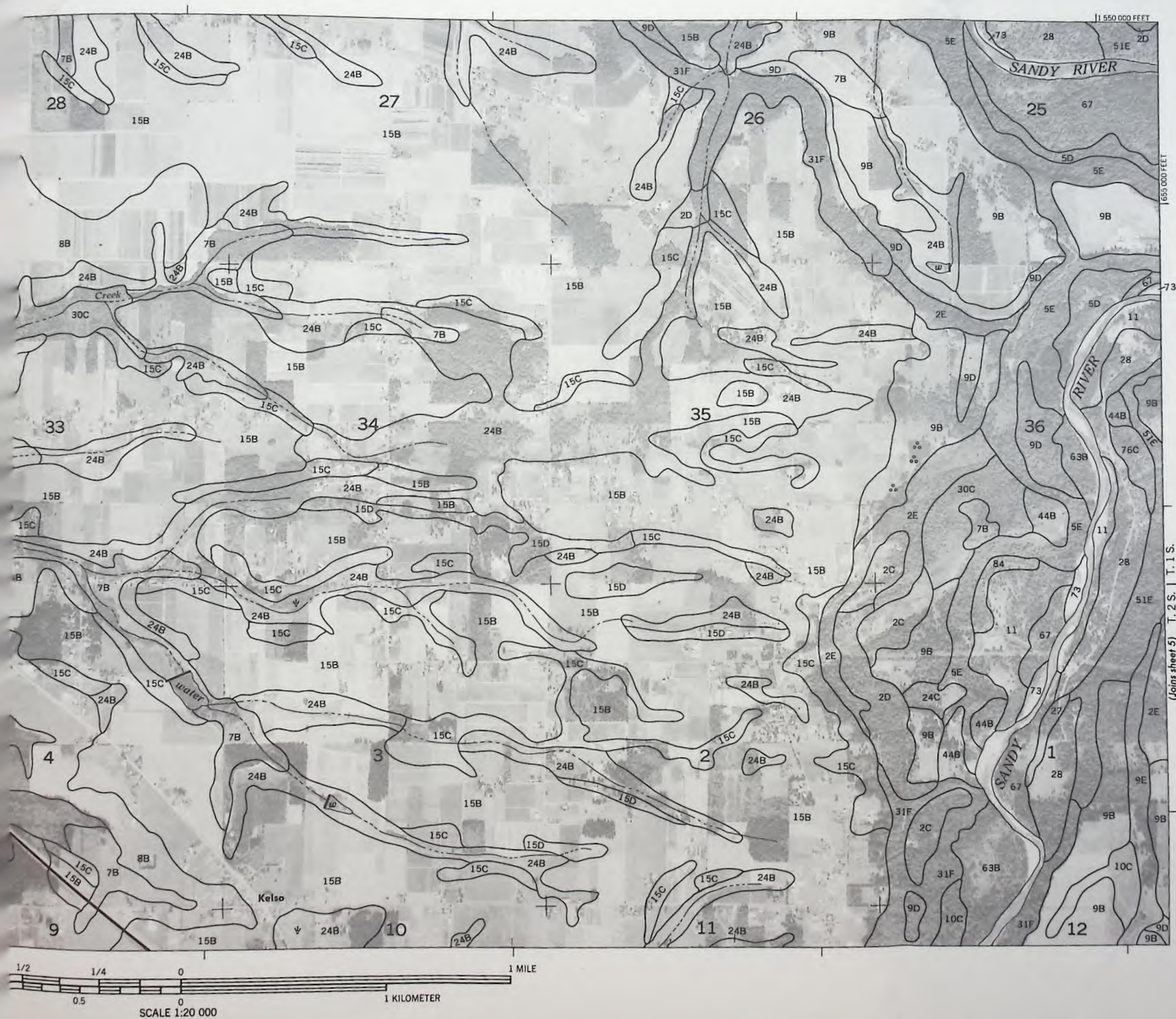
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OCT 26 1987

Area listed in Item #3

Ground water Application SOIL SURVEY OF CLACKAMAS COUNTY AREA, OREGON - SHEET NUM
G. 11545





Coordinate grid ticks and land division corners, if shown, are approximately positioned. Base maps are orthophotographs prepared by the U.S. Department of the Interior, Geological Survey, from 1975 aerial photography. This soil survey map was compiled by the U.S. Department of Agriculture, Soil Conservation Service, and cooperating agencies.



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

August 18, 1987

Dan Lewis Nelson
30737 SE Waybill Road
Boring, OR 97009

Dear Mr. Nelson:

REFERENCE: Files G-11545, G-5391 and G-7941

This is to acknowledge the statement explaining your situation relative to your Application G-11545 and existing rights described by Certificates 45133 and 50467.

Your Application G-11545 will now be placed with the group to be considered for approval.

Upon determination of the degree of hydraulic connection amongst the aquifer zones in your area, we will advise you of the matters needing your attention and how your existing rights will be effected.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:tcb

378-3066

April 16, 1987

Dan Lewis Nelson
30737 S.E. Waybill Road
Boring, OR 97009

Dear Mr. Nelson:

REFERENCE: File G-11545

I apologize for the long delay in the processing of your Application G-11545. As mentioned in our telephone discussions in the past, there were some questions on how we should proceed with the processing of your application with relation to the existing rights to the use of water from the other two wells.

Since more work is needed to be done to demonstrate whether the shallow and deep aquifer wells are separate hydrologically, I have enclosed a statement which may explain your situation. If you agree with the statement, you may sign and date it in the space provided and return it to this office. Your application will then be placed with the group to be considered for approval.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
9677D

378-3066

July 2, 1986

Den Lewis Nelson
30737 SE Waybill Road
Boring, OR 97009

REFERENCE: File G-11545

We have received your application for use of water for irrigation along with supporting data and fees. Our Receipt 49752 is enclosed. Your application has been filed and assigned number G-11545.

Applications which are received in proper form for a permit, including maps, supporting data and fees, will receive a permit shortly after the mandatory 30-day waiting period. Applications which are defective, conflict with existing rights or require additional information will be reviewed in detail and will be returned for completion or correction within 45 days.

If your application is approved, the permit authorizing the project described in the application would be subject to prior rights and require that the well be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The permit would also require that a weir, meter, or other suitable measuring device be installed, if required by the Watermaster, and a log be kept recording the amount of ground water withdrawals. If you have any questions regarding these provisions or the Well Standards, please contact this office.

Sincerely,

RALPH H. JACKSON, Supervisor
Application/Permit Section

RHJ:wp

enclosure
0003/X
5419D

WATER RIGHT MAP

FGE

T-1S / R-4E / SEC-29

HANS NELSON NURSERY
31020 S.E. WAYBILL RD
BORING, OREGON 97009

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JUN 26 1986

WATER RESOURCES DEPT
SALEM, OREGON

SCALE: 1"=660'

Application No. G 11545

Permit No.



30TH

Legal Descriptions

Please see following pages.

N.E. 1/4 N.W. 1/4

N.W. 1/4 N.E. 1/4

N.E. 1/4 N.E. 1/4

S.E. 1/4 N.W. 1/4

S.W. 1/4 N.E. 1/4

S.E. 1/4 N.E. 1/4

N.E. 1/4 S.W. 1/4

N.W. 1/4 S.E. 1/4

N.E. 1/4 S.E. 1/4

S.E. 1/4 S.W. 1/4

S.W. 1/4 S.E. 1/4

S.E. 1/4 S.E. 1/4

SE ORIENT DR

WAYBILL RD

100° SOUTH 79° 10' WEST

WELL & PUMP

A.

B.

21.4

D.

35.4

E.

F.

7.4

G.

9.8

H.

7.0

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WATER RESOURCES DEPT
SALEM, OREGON

See map A

FORM No. 987—Revised from 1974 Edition by Clackamas Co. 97204

1A

SPECIAL WARRANTY DEED—STATUTORY FORM

N. E. L. GRANTOR

LOUISE CRUTCHER MORTENSON, formerly known as LOUISE CRUTCHER

conveys and specially warrants to ROBERT G. SKIPPER AND ILOHA L. SKIPPER

the following described real property free of encumbrances created or suffered by the Grantor except as specifically set forth herein situated in Clackamas County, Oregon to-wit:

Grantor,
Grantor,

PARCEL II:

The northwest one-quarter of the southeast one-quarter of the northwest one-quarter of Section 29, T. 1 S., R. 4 E., of the W. M.,

EXCEPTING THEREFROM that portion thereof lying East of the Mt. Hood Loop Highway.

ALSO, that certain tract described as beginning at a point in the center line of the Mt. Hood Loop Highway, where the said center line crosses the east line of the northwest one-quarter of the southeast one-quarter of the northwest one-quarter of Section 29, T. 1 S., R. 4 E., of the W. M.; thence South tracing the east line of said Tract 324 feet to a point; thence East approximately 150 feet to the center line of said highway; thence in a northwesterly direction tracing the center line of said highway to the point of beginning.

61 3C94

EXCEPTING THEREFROM that portion lying within the boundaries of public roads.

Application No. G 11545
Permit No.

JAN 28 1981

5

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JUN 26 1986

WATER RESOURCES DEPT
SALEM, OREGON

JAN 26 1981

The said property is free of all encumbrances created or suffered by the Grantor except Easement recorded September 17, 1953, in Book 473, page 561, Fee No. 12157.

The true consideration for this conveyance is \$ 36,000.00. (Here comply with the requirements of ORS 93.030)

Dated this 16th day of January 1981

Louise Crutcher Mortenson
Louise Crutcher Mortenson

CALIFORNIA

STATE OF CALIFORNIA, County of Riverside, ss January 16, 1981

STEPHANIE E. MOORE, Notary Public, appeared the above named Louise Crutcher Mortenson and acknowledged the foregoing instrument to be her voluntary act and deed.

My Commission Expires August 29, 1983 Before me: *Myron L. Mass*
Notary Public for California My commission expires: August 29, 1983

(OFFICIAL SEAL)

SPECIAL WARRANTY DEED	
GRANTED	GRANTEE
GRANTEE'S ADDRESS: P.P.	
After recording return to:	
<i>My + Mrs. Robert C. St. John</i> <i>1414 Box 1170</i> <i>Crisham, Ct. 06030</i>	
NAME ADDRESS ZIP	
Until a change is requested, all tax statements shall be sent to the following address: <i>same as above</i>	
NAME ADDRESS ZIP	

STATE OF OREGON

61 JAN 20 4:3:14

Myron L. Mass
Notary Public for Oregon

61 JAN 20 4:3:14

Application No. G 11545

Permit No.

KNOW ALL MEN BY THESE PRESENTS, That Frederick W. Johnson and Myrtle

Johnson, husband & wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Robert G. Skipper and Ilona L. Skipper, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the said grantees and grantor's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

A tract of land situated in the East one-half of the Southeast one-quarter of the Northwest one-quarter of Section 29, Township 1 South, Range 4 East of the Willamette Meridian in the County of Clackamas and State of Oregon, more particularly described as follows:

Commencing at the center of said Section 29; thence S. 89° 33' 30" W. along the one-half section line a distance of 669.40 feet to the southwest corner of the East one-half of said Southeast one-quarter of the Northwest one-quarter; thence N. 0° 23' 30" W. along the west line of said legal subdivision a distance of 611.85 feet to the point of beginning of the tract herein to be described; thence continuing N. 0° 23' 30" W. a distance of 240.44 feet; thence N. 89° 36' 30" E. at right angles to said west line, a distance of 106.65 feet to a point in the west line of the Old Mount Hood Loop Highway; thence S. 32° 11' 10" E. along said west line a distance of 282.89 feet; thence S. 89° 36' 30" W. a distance of 255.70 feet to the point of beginning. Containing an area of 1.00 acre.

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JUN 26 1986

WATER RESOURCES DEPT
SALEM, OR

Application No. G 11545
Permit No.

To Have and to Hold the same unto the said grantees and grantor's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantees and grantor's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances.

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$3,300.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which).¹ In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 13th day of March, 1972.

Frederick W. Johnson
Frederick W. Johnson

Myrtle Johnson
Myrtle Johnson

STATE OF OREGON,

County of Multnomah

BE IT REMEMBERED, That on this 13th day of March, 1972, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Frederick W. Johnson and Myrtle Johnson, husband and wife,

known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and date last above written.

GEORGE H. McALLISTER
NOTARY PUBLIC FOR OREGON
My Commission Expires Oct. 28, 1975

Notary Public for Oregon.
My Commission expires

GEORGE H. McALLISTER
NOTARY PUBLIC FOR OREGON
My Commission Expires Oct. 28, 1975

Application No. G 11545
Permit No.

WARRANTY DEED

(OFFICIAL SEAL)

OFFICIAL SEAL LAW FIRM, 500 - PORTLAND, ORE

STATE OF OREGON,
County of Clatsop,

I, George D. Poffen, County Clerk, do hereby certify that the within instrument of writing was recorded for and recorded in the records of

DEED

1972 JAN 13 AM 9:05



George D. Poffen
County Clerk

My Commission Expires

My Commission Expires

My Commission Expires

George McAllister
2961st
Gresham

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JUN 26 1986

WATER RESOURCES

EPT

2

See map

B+C

FORM No. 735-BARGAIN AND SALE DEED (Individual or Corporate)

BARGAIN AND SALE DEED

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That HANS H. NELSON and DORIS C. NELSON, husband and wife, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto DAN NELSON

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, described as follows, to-wit: PARCEL I - A tract of land situated in the East one-half of the Southeast one-quarter of the Northwest one-quarter of Section 29, Township 1 South, Range 4 East of the Willamette Meridian, in Clackamas County, Oregon, more particularly described as follows: COMMENCING at the center of said Section 29; thence South 89° 33' 30" West along the one-half section line a distance of 669.40 feet to the Southwest corner of the East one-half of said Southeast one-quarter of the Northwest one-quarter; thence North 0° 23' 30" West along the West line of said legal subdivision, a distance of 30.00 feet to the point of beginning of the tract herein to be described; thence continuing North 0° 23' 30" West a distance of 581.85 feet; thence North 89° 36' 30" East at right angles to said West line a distance of 255.70 feet to a point in the West line of the Old Mount Hood Loop Highway; thence South 32° 11' 10" East along said West line a distance of 338.78 feet to a point of curvature; thence along said West line on the arc of a 1402.39 foot radius curve to the right, through a central angle of 13° 16' 25", an arc distance of 324.89 feet, (the chord bears South 25° 32' 58" East 324.16 feet) to a point in the North line of Epperson-Kelly Road, County Road No. 118; thence South 89° 33' 30" West along said North line a distance of 572.00 feet to the point of beginning.

(PLEASE SEE REVERSE SIDE)

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ NONE.

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The contents between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 8th day of December, 1976; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Hans H. Nelson
Doris C. Nelson

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, Multnomah }
County of }
December 8, 1976

Personally appeared the above named
HANS H. NELSON and DORIS C.
NELSON, husband and wife

and acknowledged the foregoing instru-
ment to be their voluntary act and deed.

(OFFICIAL SEAL)

Robert L. Burns
Notary Public for Oregon
My commission expires 12-14-76

STATE OF OREGON, County of _____) ss.

Personally appeared _____

who, being duly sworn,
each for himself and not one for the other, did say that the former is the
president and that the latter is the
secretary of _____

and that the seal affixed to the foregoing instrument is the corporate seal
of said corporation and that said instrument was signed and sealed in be-
half of said corporation by authority of its board of directors and each of
them acknowledged said instrument to be its voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires _____

HANS H. NELSON, DORIS C. NELSON
31030 B. E. Waybill Road
Boring, Oregon 97009

GRANTOR'S NAME AND ADDRESS

DAN NELSON
30737 S. E. Waybill Road
Boring, Oregon 97009

GRANTOR'S NAME AND ADDRESS

After recording return to:

Robert L. Burns
P. O. Box 676
Gresham, Oregon 97030

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address:

DAN NELSON
30737 S. E. Waybill Road
Boring, Oregon 97009

NAME, ADDRESS, ZIP

STATE OF OREGON, _____) ss.

County of _____

I certify that the within instru-
ment was received for record on the
day of _____, 1976

at _____ o'clock _____ M., and recorded

in book _____ on page _____

file/roll number _____

Record of _____ of said county.

Witness my hand and seal of

County of _____

Recording Officer
Deputy

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JUN 26 1986

WATER RESOURCES DEPT
OREGON

76-14009

Application No. G-11545
Permit No.

PARCEL II - The Southwest quarter of the Southeast quarter of the Northwest quarter of Section 29, Township 1 South, Range 1 East, of the Willamette Meridian, in Clackamas County, Oregon.

CD-PA

76 44009



76DEC 9 AM:50

STATE OF OREGON
DEPARTMENT OF LAND USE AND CONSERVATION
CLACKAMAS COUNTY
76 DEC 9 AM:50

Application No. G 11545
Permit No.

2

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JUN 26 1986

WATER RESOURCES DEPT
SALEM, OREGON

See map & E

WARRANTY DEED (INDIVIDUAL)

VERA M. BOMBERG

, hereinafter called grantor, convey(s) to

HANS E. NELSON and DORIS C. NELSON, husband and wife

all that real property situated in the County

of Clackamas, State of Oregon, described as:

PARCEL III

The Southwest quarter of Section 29, Township 1 South, Range 4 East of the Willamette Meridian, County of Clackamas and State of Oregon:

Beginning at an iron pipe in the South line of said legal Subdivision which bears South 89° 19' 45" West along said South line 340.00 feet from the centerline of the Mt. Hood Loop Highway; thence North 0° 22' West parallel with the centerline of said Mt. Hood Loop Highway, a distance of 400.00 feet; thence South 89° 19' 45" West parallel with the South line of said legal Subdivision 998.11 feet to a point in the West line of said legal Subdivision; thence South 0° 45' 45" East along said West line 400.00 feet to the Southwest corner thereof; thence North 89° 19' 45" East along said South line 995.35 feet to the point of beginning.

PARCEL IV

A tract of land situated in the Northeast one-quarter of the Southwest one-quarter of Section 29, Township 1 South, Range 4 East, of the Willamette Meridian, in the County of Clackamas, State of Oregon, described as follows:

Beginning at an iron pipe set at the intersection of the South line of the Northeast one-quarter of the Southwest one-quarter of said Section 29 with the West line of Mt. Hood Loop Highway, said iron pipe bears South 89° 19' 45" West 40.00 feet from the center line of said highway; thence North 0° 22' West along the West line of Mt. Hood Loop Highway 400.00 feet to the true point of beginning of the tract herein to be described; thence from the above described true point of beginning continuing North 0° 22' West along the West line of the highway 200.00 feet; thence South 89° 19' 45" West parallel with the South line of the above described legal subdivision 200.00 feet; thence South 0° 22' East parallel with the West line of Mt. Hood Loop Highway 200.00 feet; thence North 89° 19' 45" East 200.00 feet to the true point of beginning.

76 441-11

Application No. G 11545
Permit No.

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JUN 26 1986

WATER RESOURCES DEPT
SALEM, OREGON

Application No. G 11545
Permit No.

and covenant(s) that gran. or is the owner of the above described property free of all encumbrances except the rights of the public in and to that portion of the above property lying within the limits of roads and highways.
and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$ 28,500.00.

Dated this 8 day of December, 19 76.

Vera M. Bohberg
VERA M. BOHBERG

STATE OF OREGON, County of Malheur) ss.

December 8, 19 76 personally appeared the above named Vera M. Bohberg and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Julie A. Witt

Notary Public for Oregon

My commission expires: March 2, 1979

- * The dollar amount should include cash plus all encumbrances existing against the property to which the property remains subject or which the purchaser agrees to pay or assume.
- ** If consideration includes other property or value, add the following: "However, the actual consideration consists of or includes other property or value given or promised which is part of the/whole consideration." (Indicate which)

WARRANTY DEED (INDIVIDUAL)

BOHBERG

TO

NELSON

After Recording Return to

Mr. and Mrs. Hans H. Nelson
31020 SE Maybill
Boring, Oregon 97009

ST

CL

or

at

of

STATE OF OREGON

County of Malheur

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76 DEC 10 AM 8:47



76 46101

Form No. 10 (Rev. 1/76)
(Previous Form No. 1A)

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JUN 26 1986

WATER RESOURCES DEPT
SALEM, OREGON

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That

Robert L. Burns

for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto **Hans H. Nelson**, hereinafter called grantor, **Doris G. Nelson** not as tenants by the entirety but as tenants in common, each to an undivided one-half interest in and to the following real property, to-wit: **State of Oregon, described as follows, to-wit:**

Tax Lot 20, Township 1 South, Range 4E, Willamette Meridian, more fully described as follows:

The Northeast quarter of the Southwest quarter of Section 29, T.1.S.R.4.E., of the W.M., in the County of Clackamas, State of Oregon.

EXCEPTING therefrom that portion conveyed to the State of Oregon by deed recorded April 1, 1932 in Deed Book 215, page 147, Clackamas County Records.

ALSO EXCEPTING therefrom that portion conveyed to William L. Rohrberg et ux, by deed recorded October 28, 1957 in Deed Book 532, page 449, Clackamas County Records.

ALSO EXCEPTING therefrom that portion described in Contract to William L. Rohrbert et ux, recorded April 14, 1964 in Deed Book 638, page 384, Clackamas County Records.

CONTINUED ON REVERSE SIDE

(If space insufficient, continue description on reverse side)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ None

~~The true and actual consideration paid for this transfer, stated in terms of dollars, is \$~~

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 31st day of December, 1975; if a corporate grantor, it has caused its name to be signed and sealed by its officers duly authorized thereto by order of its board of directors.

Application No. **G-11545** **Robert L. Burns**

Permit No.

STATE OF OREGON,

County of Multnomah
December 31, 1975

Personally appeared the above named
Robert L. Burns

and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:
Gary E. Carpenter
Notary Public for Oregon
My commission expires 11/5/79

STATE OF OREGON, County of _____) ss.

Personally appeared _____ and _____

each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:
Notary Public for Oregon
My commission expires: _____

Robert L. Burns
515 N.E. Roberts
Gresham, Oregon 97030

Hans H. Nelson
31060 S.E. Waybill
Boring, Oregon 97009

After recording by:
Robert L. Burns
515 N.E. Roberts
Gresham, Oregon 97030

Until a change is requested all for statements shall be sent to the following address:

Hans H. Nelson
31060 S.E. Waybill
Boring, Oregon 97009

STATE OF OREGON,

County of _____) ss.

I certify that the within instrument was received for record on the _____ day of _____, 1975.

at _____ o'clock _____ M., and recorded in book _____ on page _____ or as file/roll number _____

Record of Deeds of said county.

Witness my hand and seal of County of _____

RECEIVED

JUN 26 1986

WATER RESOURCES DEPT
SALEM, OREGON

Recording Officer
Deputy

THE UNIVERSITY OF CHICAGO

INTERVIEW **INTERVIEW**

██████████

One of circumstances covered is specifically not North Korea situated in South Korea during South Korea war.

The North one-half of the North one-half of the Southeast one-quarter of the Southeast one-quarter of Section 29, Township 1 South, Range 4 East of the Willamette Meridian in the County of Clatsop and the State of Oregon.

Permit N

The said property is free from encumbrances except The rights of the public in and to the road and of the above property lying within the boundaries of roads. The agreement roll and the roll discloses that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute an additional tax may be levied from October 5, 1960.

The tax consideration for this conveyance is \$ 20,000.00. (Have comply with the requirements of GDS 20.00)

Printed this 20 day of February, 19 77.

Vern. H. Robinson

STATE OF OREGON, County of Clatsop, ss. I, the undersigned, Judge of the Probate Court for and within said County, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears from the records of said Court.

Previously covered the above named John H. Smith

and acknowledged the foregoing instrument to be his voluntary act

Before me: James L. Moore
Notary Public for Oregon—My commission expires: 1-1-81

(Continued from page 1)

WARRANTY INFO

Franklin D. Roosevelt

1952 11 11 1952 11 11 1952 11 11

CHANDLER

CONCLUSION

Gregory Glawson and RA19th Glawson
10070 S. E. Orient Dr.
Gresham, Oregon 97030

FRANK, ANDREW, LP

If a change is requested, all two statements shall be sent to the following address:

1952-53

കേരളം പുനഃനിർമ്മാണം 10

A8:23



77 5240

RECEIVED

JUN 26 1963

WATER RESOURCES
SALEM, OREGONSee map G.
Application No. G 11545
Permit No.KNOW ALL MEN BY THESE PRESENTS, That we, Frederick W. Johnson
and Myrtle Johnson, his wife,

in consideration of

--- Ten ---

Grantor's
Dollars,

to us paid by William L. Rohrberg and Vera P. Rohrberg,

do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety, their heirs
and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated
in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:The South half (S $\frac{1}{2}$) of the South Half (S $\frac{1}{2}$) of
the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast
Quarter (SE $\frac{1}{4}$) of Section Twenty Nine (29), Town-
ship One (1) South of Range Four (4) East of the
Willamette Meridian.To Have and to Hold the above described and granted premises unto the said grantees as tenants
by the entirety, their heirs and assigns forever.And we, the grantors, covenant that we are lawfully seized in fee simple of the above
granted premises free from all incumbrances, except taxes, if any, of record,and that we will and our heirs, executors and administrators, shall warrant and forever defend
the above granted premises, and every part and parcel thereof, against the lawful claims and demands of
all persons whatsoever.

Witness our hand and seal this 18th. day of March, 1963.

Frederick W. Johnson (Seal)

Myrtle Johnson (Seal)

(Seal)

(Seal)

STATE OF OREGON,

County of Multnomah

On this 18th. day of March, 1963,
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the
within named Frederick W. Johnson and Myrtle Johnson,

husband and wife,

who are
known to me to be the identical individuals described in and who executed the within
instrument, and acknowledged to me that they executed the same freely and voluntarily.IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year last above written.Notary Public for Oregon.
My Commission expires Feb. 21, 1967.

WARRANTY DEED

Frederick W. Johnson &

Myrtle Johnson

to

William L. Rohrberg &

Vera P. Rohrberg

AFTER RECORDING RETURN TO

Dr. Wm. L. Rohrberg,
Attn., Box 171,
Boring, Oregon.

BOOK 619 PAGE 343

STATE OF OREGON
County of Multnomah
I, Notary Public for Oregon,
do hereby certify that the within
instrument is a true and correct
copy of the original as the same
was presented to me for recording
and that the same has been
recorded in the office of the
County Clerk of said County
of Multnomah, Oregon, on this
18th day of March, 1963.

1963 APR 1 AM 11 00

619-343

I have read and will file said instrument
with the County Clerk, Oregon.
Notary Public
My Commission Expires Feb. 21, 1967.

First American Title Insurance Company of Oregon

An assumed business name of TITLE INSURANCE COMPANY OF OREGON

108 11th Street • Oregon City, OR 97045 • (503) 656-5243

RECEIVED

JUN 26 1986

WATER RESOURCES DEPT
SALEM, OREGON



CONSUMER INFORMATION REPORT

JUNE 25, 1986

Date Prepared

H

10070 SE ORIENT DR
Property Address

Enclosed please find the following information per your request:

Application No. G 11545
Permit No.

TAX INFORMATION

Tax Account Number 1S 4E 29 TL 1500
Description SEE DOCUMENT 8.78 ACRES
Value—Land 93,900.00
Value—Improvements 133,800.00
1985-86 Tax Amounts 3,836.75 STATE PAID 100.00 SUPP 837.94
Assessed Owner CLEMMER
Map _____

Copy Deed ☐ Contract ☐ Other Document of Record ☐

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds; indiscriminate use only benefitting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

We appreciate this opportunity to be of service to you.

Please remember First American Title Insurance Company of Oregon for your Escrow and Title insurance needs.

RECEIVED

JUN 26 1986

WATER RESOURCES DEPT

See
Application No. G-11545
Permit No.

CONTRACT FULFILLMENT DEED

LYDIA J. WINGO, widow of C.W. JOHANSEN and who took title as LYDIA J. JOHANSEN, grantor, transfers and conveys to GREGG CLEMMER and EDITH CLEMMER, husband and wife, grantee, the following described real property situated in the County of Clackamas, State of Oregon, to-wit:

The North 1/2 of the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 29, Township 1. South, Range 4 E, County of Clackamas and State of Oregon.

EXCEPT, the fruit stand, which shall be moved off the above described property within 90 days from the date hereof, and the 1956 Potatoe crop.

The within Deed is given in fulfillment of that certain real estate Contract for sale of the described real property dated August 27, 1956, entered into between C.W. Johanson and Lydia J. Johanson, husband and wife, contract vendor, and Gregg Clemmer and Edith Clemmer, husband and wife, as contract vendee. Grantor warrants that the described real property is free and clear of encumbrances, excepting however all liens and encumbrances created or assumed by the aforementioned contract vendee and its assigns.

The true and actual consideration for this conveyance is \$25,000.00.

Dated this 6th day of April, 1978.

STATE OF OREGON)
) ss.
County of Multnomah)

Lydia J. Wingo
Lydia J. Wingo

April 6, 1978

Personally appeared the above named Lydia J. Wingo, and acknowledged the foregoing instrument to be her voluntary act and deed.

AFTER RECORDING RETURN TO:
Mr. & Mrs. Gregg Clemmer
10070 S.E. Orient Dr.
Boring, OR 97009

Before me Sheldon R. Johnson
Notary Public for Oregon
My Commission Expires: 12-5-79

1 - CONTRACT FULFILLMENT DEED

STATE OF OREGON)
County of Clackamas) ss.
I, George D. Ferguson, County Clerk, ex-Officio
Recorder of Conveyances and Ex-Officio Clerk
of the Circuit Court of the State of Oregon, for
the County of Clackamas, do hereby certify that
the within instrument of writing was received for
and recorded in the records of said county at

78 APR 10 P4:23



Sheldon R. Johnson
Notary Public
My Commission Expires: 12-5-79

78-14681

RECEIVED

JUN 26 1986

WATER RESOURCES DEPT
SALEM, OREGON

See map H.

Application No. G-11545
Permit No.

CONTRACT FULFILLMENT DEED

LYDIA J. WINGO, widow of C.W. JOHANSEN and who took title as LYDIA J. JOHANSEN, grantor, transfers and conveys to GREGG CLEMMER and EDITH CLEMMER, husband and wife, grantee, the following described real property situated in the County of Clackamas, State of Oregon, to-wit:

The North 1/2 of the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 29, Township 1. South, Range 4 E, County of Clackamas and State of Oregon.

EXCEPT, the fruit stand, which shall be moved off the above described property within 90 days from the date hereof, and the 1956 Potatoe crop.

The within Deed is given in fulfillment of that certain real estate Contract for sale of the described real property dated August 27, 1956, entered into between C.W. Johanson and Lydia J. Johanson, husband and wife, contract vendor, and Gregg Clemmer and Edith Clemmer, husband and wife, as contract vendee. Grantor warrants that the described real property is free and clear of encumbrances, excepting however all liens and encumbrances created or assumed by the aforementioned contract vendee and its assigns.

The true and actual consideration for this conveyance is \$25,000.00.

Dated this 6th day of April, 1978.

STATE OF OREGON)
) ss.
County of Multnomah)

Lydia J. Wingo
Lydia J. Wingo

April 6, 1978

Personally appeared the above named Lydia J. Wingo, and acknowledged the foregoing instrument to be her voluntary act and deed.

AFTER RECORDING RETURN TO:
Mr. & Mrs. Gregg Clemmer
10070 S.E. Orient Dr.
Boring, OR 97009

Before me Sheldon R. Johnson
Notary Public for Oregon
My Commission Expires: 12-3-79

1 - CONTRACT FULFILLMENT DEED

STATE OF OREGON) ss.
County of Clackamas)
I, George D. Pappas, County Clerk, Ex-Officio
Recorder of Conveyances and Ex-Officio Clerk
of the Circuit Court of the State of Oregon, for
the County of Clackamas, do hereby certify that
the within instrument of writing was recorded for
and returned in the records of said county of

78 APR 10 P 4:23



78-14881

WATER RIGHT MAP

FGE

T-1S / R-4E / SEC-29

HANS NELSON NURSERY
31020 S.E. WAYBILL RD
BORING, OREGON 97009

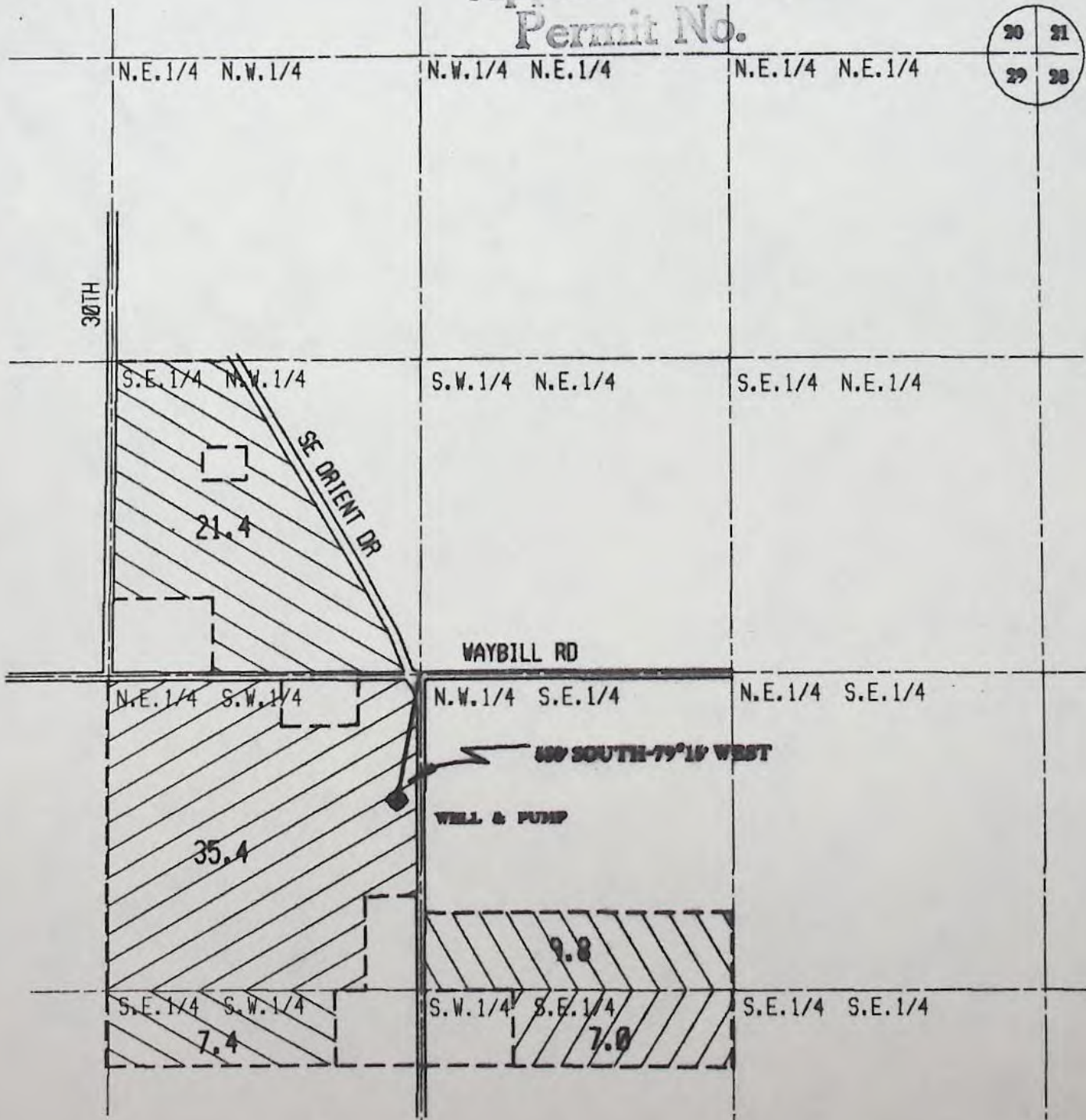
RECEIVED

JUN 26 1986

WATER RESOURCES DEPT
SALEM, OREGON

SCALE: 1"=660'

Application No. G 11545
Permit No.



WATER RIGHT MAP

FGE

T-1S / R-4E / SEC-29

HANS NELSON NURSERY
31020 S.E. WAYBILL RD
BORING, OREGON 97009

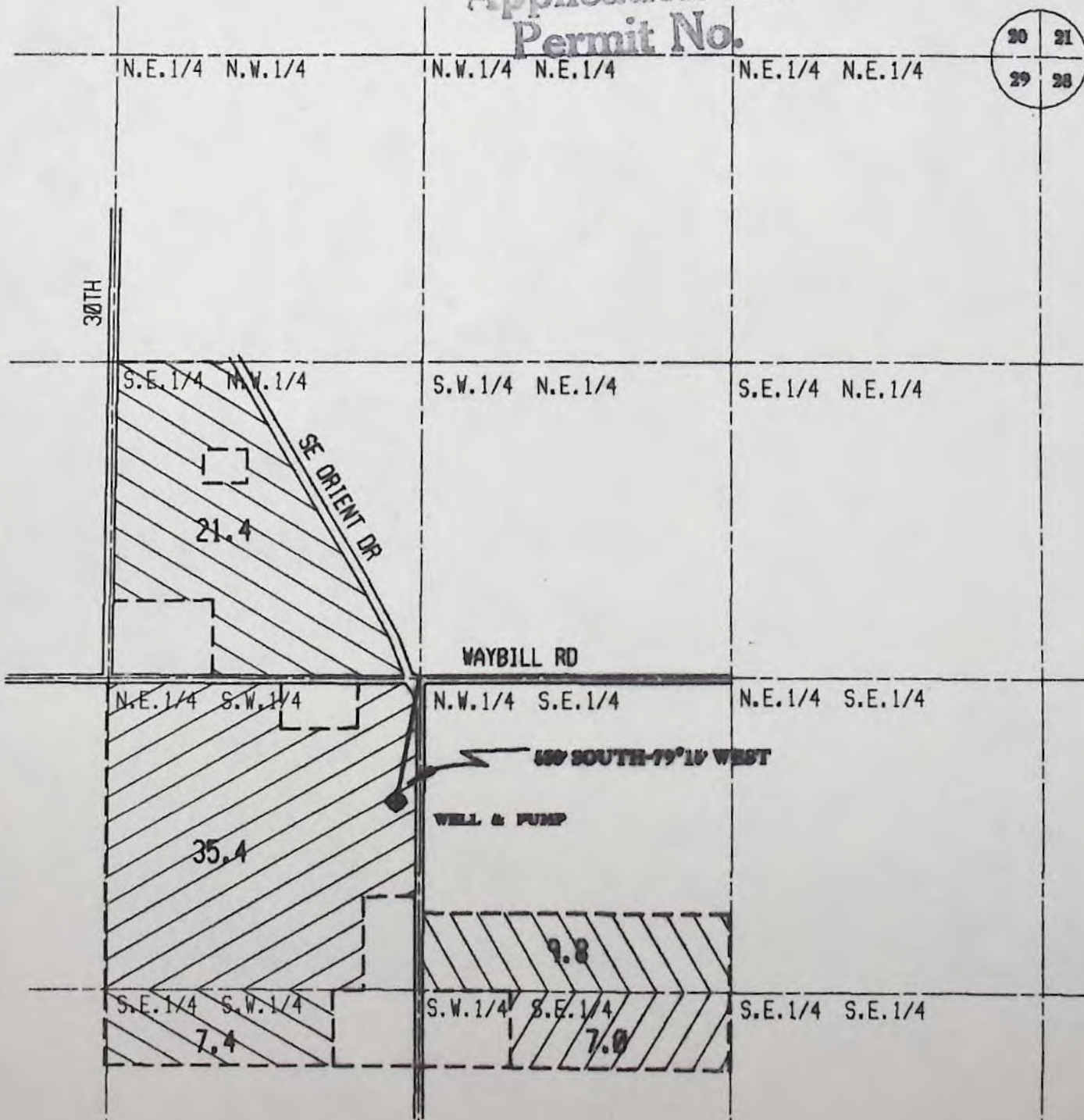
RECEIVED

JUN 26 1986

WATER RESOURCES DEPT
SALEM, OREGON

SCALE: 1" = 660'

Application No. *G 11545*
Permit No.



4
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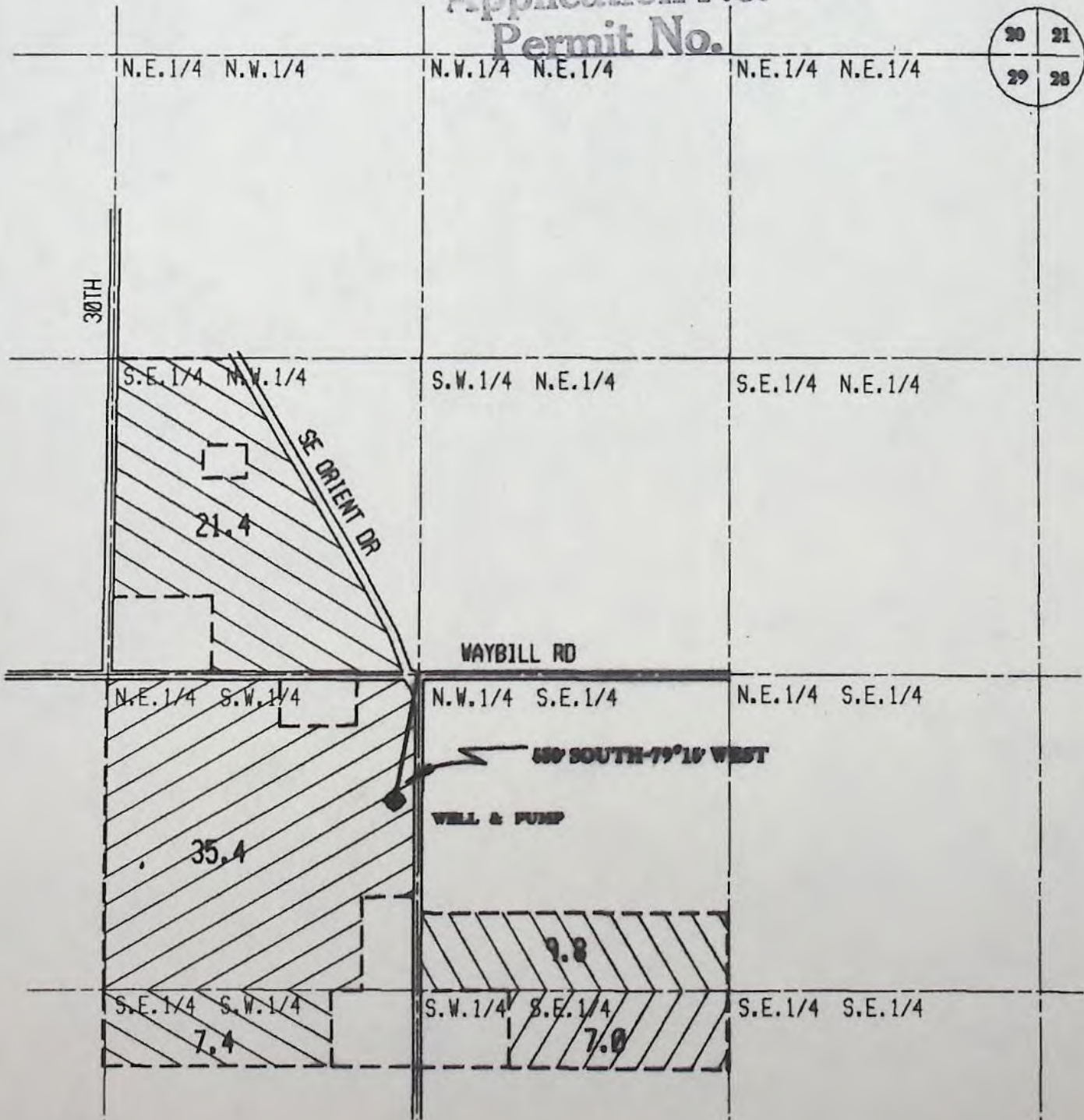
RECEIVED

JUN 26 1986

WATER RESOURCES DEPT
SALEM, OREGON

SCALE: 1" = 660'

Application No. G-11543
Permit No. _____



WATER RIGHT MAP

FGE

T-1S / R-4E / SEC-29

HANS NELSON NURSERY
31020 S.E. WAYBILL RD
BORING, OREGON 97009

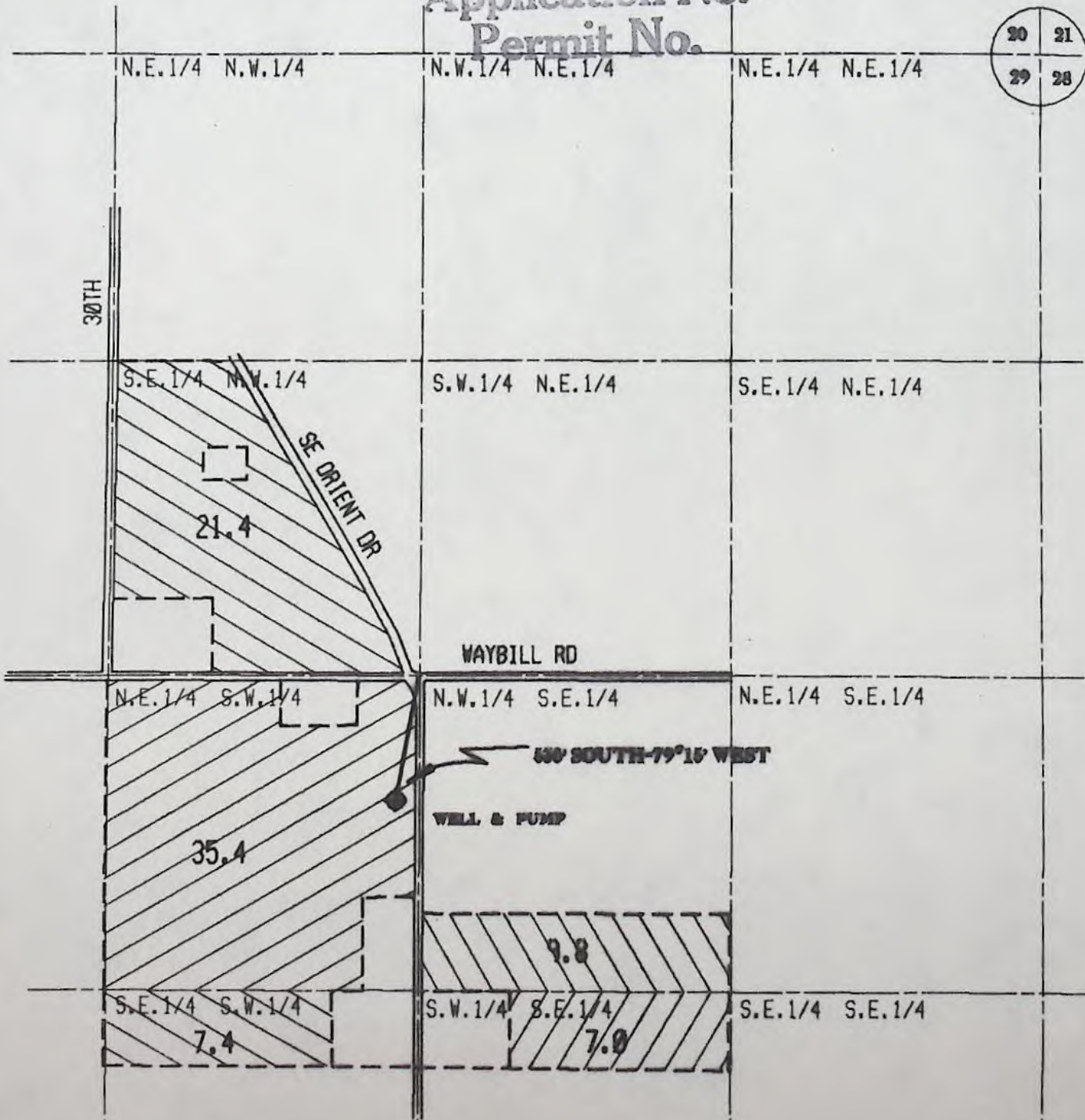
RECEIVED

JUN 26 1986

WATER RESOURCES DEPT
SALEM, OREGON

SCALE: 1"=660'

Application No. *G 11545*
Permit No.



WATER RIGHT MAP

FGE

T-1S / R-4E / SEC-29

HANS NELSON NURSERY
31020 S.E. WAYBILL RD
BORING, OREGON 97009

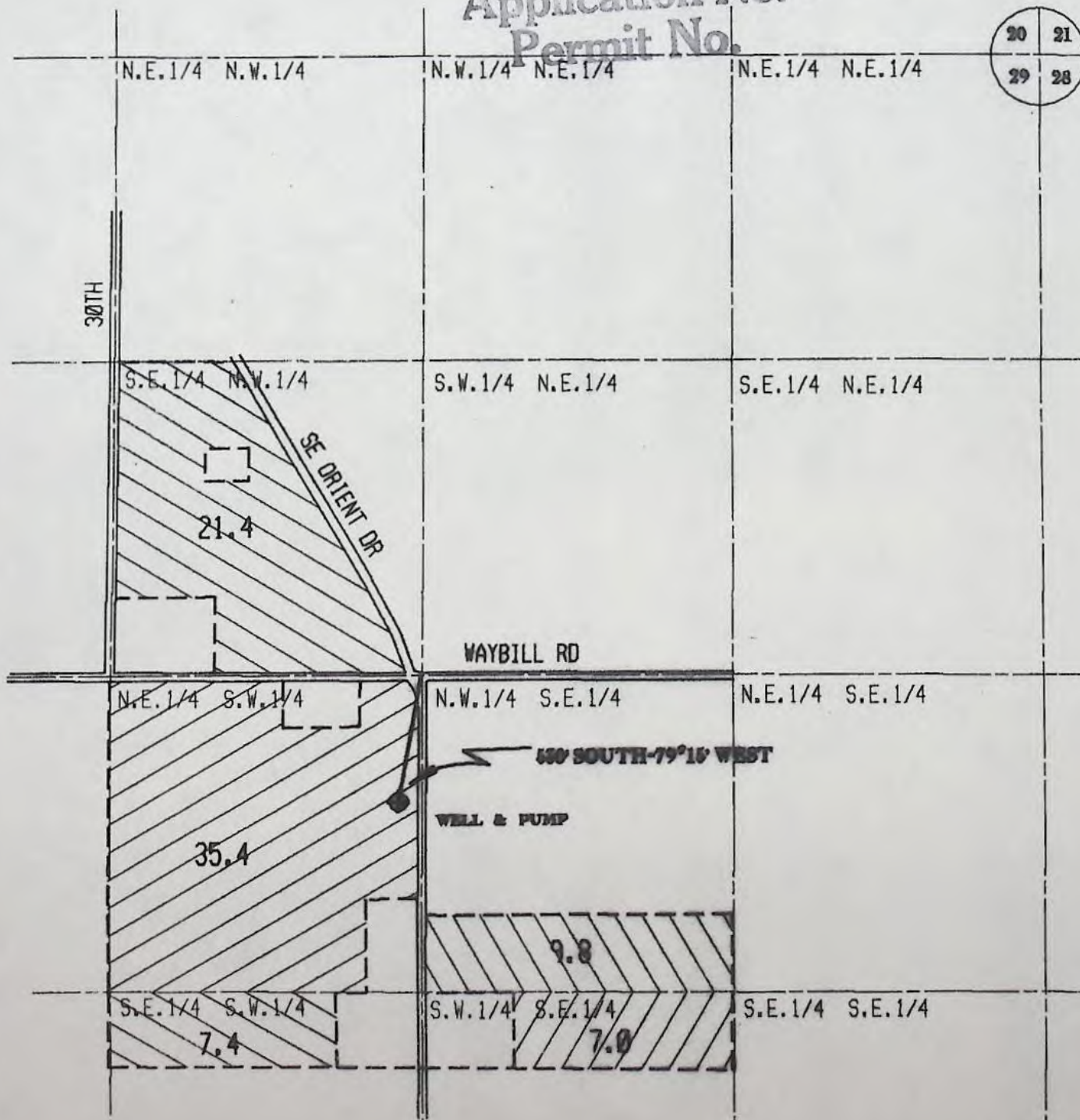
RECEIVED

JUN 26 1986

WATER RESOURCES DEPT
SALEM, OREGON

SCALE: 1"=660'

Application No. G-11545
Permit No.



2-11545

RECEIVED

AUG 14 1987

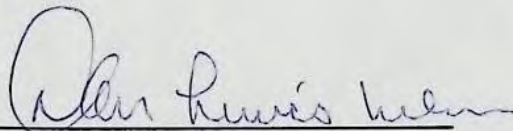
Water Resources Department
3850 Portland Road NE
Salem OR 97310

WATER RESOURCES DEPT.
SALEM, OREGON

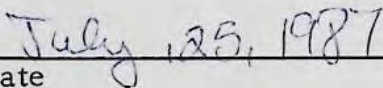
REFERENCE: Files G-11545, G-5391 and G-7941

It is my intent to retain rights to the use of water from my existing wells as described by Certificates 45133 and 50467 as alternate, back-up or supplemental supplies for the acreage as described in said certificates. I am informed that more work is needed to demonstrate whether the shallow and deep aquifer zones are separate hydrologically. I do not wish to waive or abandon my existing rights. Therefore, rather than file for additional points of appropriation or file to diminish the existing rights to a supplemental status, my Application G-11545 may be considered for approval for primary irrigation with the understanding that the appropriate filings for additional points of appropriation or statements to diminish the existing rights to a supplemental status will be made after the determination of the hydrologic connection amongst aquifer zones.

Sincerely,



Signature



Date

0963E



HANS NELSON & SONS NURSERY, INC.

WHOLESALE GROWERS OF SHADE AND FLOWERING TREES

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

PHONE: (503) 663-3348



RECEIVED

AUG 14 1987

WATER RESOURCES DEPT.
SALEM, OREGON

August 10, 1987

Mr. Wayne J. Overcash
State of Oregon
Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

Re: Application G-11545, G-5391 and G-7941

Dear Mr. Overcash:

Thank you for your letter of July 24, 1987, and the statement you sent explaining my situation. I have signed the statement and it is enclosed.

I understand that more testing has to be done to determine if the aquifer zones are separate hydrologically. When these studies are completed, I would appreciate being informed of the results and how they affect my existing water rights and my new application.

Thank you for your help in this matter.

Sincerely,

Dan L. Nelson
President

DLN:1bn
Encl.