

Application for a Permit to Use

Groundwater

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JAN 23 2026
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Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, Oregon 97301-1266

503-986-0900

www.oregon.gov/OWRD

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME RUS DYER		PHONE (HM) (503) 263-8909	
PHONE (WK)	CELL		FAX
MAILING ADDRESS 11310 SE EBY RD			
CITY CANBY	STATE OR	ZIP 97013	E-MAIL* ALL COMMUNICATION BY MAIL

Organization

NAME		PHONE	FAX
MAILING ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL*

Agent – The agent is authorized to represent the applicant in all matters relating to this application.

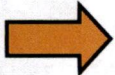
AGENT / BUSINESS NAME IAN GODWIN, CWRE (CWM-H2O, LLC)		PHONE (503) 954-1326	FAX
MAILING ADDRESS 311 B AVE, SUITE P			CELL
CITY LAKE OSWEGO	STATE OR	ZIP 97034	E-MAIL* ALL COMMUNICATION VIA MAIL

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

 I (we) affirm that the information contained in this application is true and accurate.

Rus Dyer
Applicant Signature

Rus Dyer
Print Name and Title if applicable

1 15 26
Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- ☒ YES, there are no encumbrances.
- ☐ YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- ☐ NO, I have a recorded easement or written authorization permitting access.
- ☐ NO, I do not currently have written authorization or easement permitting access.
- ☐ NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- ☐ NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. (*Attach additional sheets if necessary*).

N/A

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

- All proposed diversion, conveyance, and use is within Taxlot 0401 (county assessor's map 41E36, **Attachment 3**)

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SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
1	CREAMERY CREEK	2,350 ft west to nearest mapped portion	~20 ft
1	Gribble Creek	3,320 ft east to the nearest mapped portion	~10 ft

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

The proposed POA-1 is CLAC-5342, drilled in 1991. The well produces water from a layer of sand and gravel at a depth of 131-138 ft below ground surface (bgs). The log (**Attachment 4**) recorded the static water level at 18 ft bgs, strongly indicating confined conditions. The elevation of Creamery and Gribble creeks does not reach the elevation of this water-bearing zone for some distance away from the well.

SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: **35 GPM** (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL- SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
POA-1	☐	☒	CLAC-5342	☐	6"	~+2-138 FT	N/A	0-20 FT	18 FT (4/6/1991)	WILLAMETTE BASIN SAND AND GRAVEL	138 FT	35 GPM	15.6 AF
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

*** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

The well log for POA-1 is included as Attachment 4.

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SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of appropriation (POA) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POA is located, please call the customer service desk at (503) 986-0801.

Upper Columbia - OAR 690-033-0115 thru -0130

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Is the well or proposed well located in an area where the Upper Columbia Rules apply?

☐ Yes ☒ No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the well or proposed well located in an area where the Lower Columbia rules apply?

☒ Yes ☐ No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine, by reviewing

recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, you will be required to provide the following information, if applicable.

☐ Yes ☒ No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

~~If yes, provide a description of the measures to be taken to assure reasonably efficient water use:~~

Statewide - OAR 690-033-0330 thru -0340

Is the well or proposed well located in an area where the Statewide rules apply?

☒ Yes ☐ No

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If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Nursery Uses	January 1 – December 31 (year-round)	15.6 AF

For irrigation use only:

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated (*must match map*).

Primary: 0 Acres

Supplemental: 0 Acres

Nursery Use: **6.25 Acres**

If you listed supplemental acres, list the Permit or Cert. number of the underlying primary water right(s): **N/A**

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: **15.6 AF**

- If the use is ~~municipal or quasi-municipal~~, attach ~~Form M~~
- If the use is ~~domestic~~, indicate the number of households: ~~_____~~ (Exempt Uses: Please note that 15,000 gallons per day for single or group ~~domestic~~ purposes and 5,000 gallons per day for a single ~~industrial or commercial~~ purpose are exempt from permitting requirements.)
- If the use is ~~mining~~, describe what is being mined and the method(s) of extraction (attach additional sheets if necessary): _____

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and type): *Approx 3 HP submersible pump in well*
☐ Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

The Applicant has pipeline already in place from the well to the various places of use within Taxlot 0401. Piping is various sized PVC and flexible tubing with connections for drip or overhead irrigation systems.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (attach additional sheets if necessary)

The majority of irrigation will be done with efficient drip lines. One small area of greenhouses north of the well uses overhead irrigation.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (attach additional sheets if necessary).

The requested rate is equivalent to 2.5 AF/acre over the course of one year (January 1-December 31). This volume of water is needed to support nursery stock, primarily to establish young trees and support them in the summer months. The Applicant already has in place rain capture systems that area used to support the irrigation needs of portions of the property (not included in the POU of this application).

SECTION 7: PROJECT SCHEDULE

- Date construction will begin: **Late 2026**
- Date construction will be completed: **Late 2026**
- Date beneficial water use will begin: **Late 2026**

SECTION 8: RESOURCE PROTECTION

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

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

The rate and method of application will be managed to avoid overwatering and runoff from the place of use. Very low rates of irrigation application are needed and drip irrigation is very efficient.

- ☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation:

There is no excavation proposed as a part of this permit or use.

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- ☒ Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:
List: **N/A**

SECTION 9: WITHIN A DISTRICT

- ☐ Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district. **N/A**

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

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Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

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- ☒ SECTION 1: Applicant Information and Signature
- ☒ SECTION 2: Property Ownership
- ☒ SECTION 3: Well Development
- ☒ SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- ☒ SECTION 5: Water Use
- ☒ SECTION 6: Water Management
- ☒ SECTION 7: Project Schedule
- ☒ SECTION 8: Resource Protection
- ☒ SECTION 9: Within a District
- ☐ SECTION 10: Remarks

Include the following additional items:

- ☒ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt. **Attachment 2**
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. **Attachment 3**
- ☒ Fees - Amount enclosed: **\$3,885.00**
- ☒ Map that includes the following items: **Attachment 1**
 - ☒ Permanent quality and drawn in ink
 - ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - ☒ North Directional Symbol
 - ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
 - ☒ Reference corner on map
 - ☒ Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - ☒ Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - ☒ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

Land Use Information Form

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725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
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NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b. The application involves a change in place of use only;
 - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d. The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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Land Use Information Form



Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, Oregon 97301-1266

(503) 986-0900

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NAME Russ Dyer				PHONE Received	
MAILING ADDRESS 11310 S Eby Rd FEB 04 2026					
CITY Canby	STATE OR	ZIP 97013	EMAIL All communication via mail OWRD		

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
4S	1E	36	NENW	0401	EFU	☒ Diverted	☒ Conveyed	☒ Used	Nursery
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Clackamas County

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- ☒ Permit to Use or Store Water
 ☐ Water Right Transfer
 ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License
 ☐ Exchange of Water
 ☐ Allocation of Conserved Water

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 15.6 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other Nursery uses

Briefly describe:

The Applicant plans to divert water from their existing well for year-round support of nursery operations on approximately 6.25 acres of their property (Taxlot 0401).

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 ➔

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

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Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ZDO 401 allows Nursery Stock outright
- ☐ Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

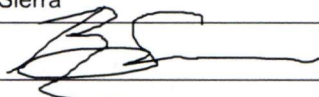
Please make sure that the domestic well is approved for irrigation from OWRD. ZDO 401 Farm Use / Nursery Stock as defined in ORS 215.203 is outright allowed in the EFU Zoning District.

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Name: Roman Sierra

Title: Planner

Signature: 

Date: 1/21/2026

Governmental Entity: Clackamas County

Phone: 503-742-4500

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Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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TYPE II	TYPE II	Relative farm help dwelling. ³	401.05(A)(3) & (C)(11)
TYPE II	TYPE II	Accessory dwelling in conjunction with farm use. ³	401.05(A)(3) & (C)(12)
TYPE II	TYPE II	Dwelling on Low or High Value Farmland to be operated by a different farm operator on at least 80 acres. ³	401.05(A)(3) & (C)(13)
TYPE II	TYPE II	Temporary dwelling for care, subject to Subsection 1204.04.	401.05(A)(1), (3) & (C)(14)
TYPE II	TYPE II	Room and board arrangements for a maximum of five unrelated persons in existing dwellings.	401.05(A)(1) & (3)
TYPE II	TYPE II	Residential home as defined in ORS 197.660, in existing dwellings.	401.05(A)(1) & (3)
HV	LV	Commercial Uses	Subject To
A	A	Family child care home.	
A	A	Dog training classes.	401.05(D)(6)
A	A	Dog testing trials.	401.05(D)(7)
TYPE I	TYPE I	A license for an approved cider business, farm brewery, or winery to carry out the first six days of the 18-day limit for agri-tourism and other commercial events, subject to: ORS 215.451(6)(a) for a cider business; ORS 215.449(6)(a) for a farm brewery; and ORS 215.237 and 215.452(6)(a) for a winery.	
TYPE II	TYPE II	Farm stands	401.05(D)(8)
TYPE II	TYPE II	Home occupations, subject to Section 822.	401.05(A)(1) & (D)(1)
TYPE II	TYPE II	A landscape contracting business.	401.05(A)(1) & (D)(2)
TYPE I	TYPE I	Expedited license for a single agri-tourism or other commercial event or activity on a tract in a calendar year, subject to ORS 215.237 and 215.283(4)(b), (6)(a), and (6)(c)	
TYPE II	TYPE II	Single agri-tourism or other commercial event or activity on a tract in a calendar year, subject to ORS 215.237 and 215.283(4)(a), (6)(a), and (6)(c)	401.05(A)(1) & (D)(3)
TYPE II	TYPE II	Up to six agri-tourism or other commercial events or activities on a tract in a calendar year, subject to ORS 215.237 and 215.283(4)(c) and (6)	401.05(A)(1) & (D)(3)
C	C	Up to 18 agri-tourism or other commercial events or activities on a lot of record that is a minimum of 80 acres, subject to ORS 215.237 and 215.283(4)(d), (5), (6)(a), and (6)(c)	401.05(A)(1) & (D)(3)
TYPE II	TYPE II	A cider business as described in and subject to ORS 215.451.	
TYPE II	TYPE II	A farm brewery as described in and subject to ORS 215.449.	

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TYPE II	TYPE II	A winery as described in and subject to ORS 215.452 or 215.453, whichever is applicable, but not a restaurant open more than 25 days per calendar year.	
TYPE II	TYPE II	A large winery with a restaurant in conjunction with a winery as described in ORS 215.453 that is open to the public for more than 25 days in a calendar year or; agri-tourism or other commercial events in conjunction with a winery as described in ORS 215.453 that occur on more than 25 days in a calendar year.	401.05(A)(1)
TYPE II	TYPE II	A bed and breakfast facility as a home occupation in association with a cider business, farm brewery, or winery, subject to: ORS 215.448 and ORS 215.451(10) for a cider business; ORS 215.448 and ORS 215.449(10) for a farm brewery; and ORS 215.448 and either ORS 215.452 or 215.453, whichever is applicable, for a winery.	401.05(A)(1) & (D)(4)
TYPE II	TYPE II	Cider business, farm brewery, or winery agri-tourism or other commercial events for days seven through 18 of the 18-day limit, subject to: 215.451(6)(c) for a cider business; ORS 215.449(6)(c) for a farm brewery; and ORS 215.237 and 215.452(6)(c) for a winery.	
TYPE II	TYPE II	Equine and equine-affiliated therapeutic and counseling activities. ⁴	401.05(A)(1) & (D)(9)
C	C	Home occupation to host events, subject to Section 806.	401.05(A)(1) & (D)(1)
C	C	Commercial activities in conjunction with farm use that exceed the standards of ORS 215.203(2)(b)(K) or Subsection 401.05(B)(1), such as the processing of farm crops into biofuel. ⁵	401.05(A)(1)
C	C	An aerial fireworks display business.	401.05(A)(1) & (D)(5)
C	C	Commercial dog boarding kennels.	401.05(A)(1)
C	C	Dog training classes or testing trials that cannot be established under Subsection 401.05(D)(6) or (7).	401.05(A)(1)

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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HV	LV	Mineral, Aggregate, Oil, and Gas Uses	Subject To
A	A	Operations for the exploration for, and production of, geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to a wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).	
A	A	Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).	
C	C	Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.	401.05(A)(1), (E)(1) & (E)(1)(a)
C	C	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement.	401.05(A)(1), (E)(1) & (E)(1)(b)
C	C	Processing of other mineral resources and other subsurface resources.	401.05(A)(1), (E)(1) & (E)(1)(c)
C	C	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under Section 401.	401.05(A)(1), (E)(1) & (E)(1)(d)
HV	LV	Transportation Uses	Subject To
A	A	Climbing and passing lanes within the right of way existing as of July 1, 1987.	
A	A	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.	
A	A	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.	
A	A	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.	

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TYPE II	TYPE II	Parking of no more than seven log trucks, subject to ORS 215.311	401.05(A)(1)
TYPE II	TYPE II	Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.	401.05(A)(1)
TYPE II	TYPE II	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.	401.05(A)(1)
TYPE II	TYPE II	Improvement of public road and highway related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels	401.05(A)(1)
C	C	Roads, highways and other transportation facilities, and improvements not otherwise allowed under Section 401.	401.05(F)(1)
C	C	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service facilities.	401.05(A)(1) &(F)(2)
C	C	Transportation improvements on rural lands, subject to Oregon Administrative Rules (OAR) 660-012-0065.	
HV	LV	Utility and Solid Waste Disposal Facility Uses	Subject To
A	A	Irrigation reservoirs, canals, delivery lines, and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.	
A	A	Solar energy system as an accessory use.	
A	A	Rainwater collection systems as an accessory use.	
A	A	Electric vehicle charging stations for residents and their non-paying guests.	
A	A	Meteorological towers.	
See Table 835-1	See Table 835-1	The following types of wireless telecommunication facilities, subject to Section 835: level one collocations, level one placements on utility poles, and, provided that the wireless telecommunication facility includes a transmission tower over 200 feet in height, level two collocations.	
A	A	Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and are located on one or more of the following: a public right-of-way; land immediately adjacent to a public right-of-way provided the written consent of all adjacent property owners has been obtained; and/or the property to be served by the utility.	

ATTACHMENT 4

(C) 5342

TAG

4S/1E/36 aa

(START CARD) # 22259

(1) OWNER:

Name Rus Dyer Well Number: 104
 Address 9530 SE 55th
 City Portland State Or Zip _____

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other _____

(4) PROPOSED USE:

☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 138 ft.
 Explosives used ☐ ☒ Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
10"	0	20	cement	0	20	28 sacks
6"	20	138				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	6"	+ 24"	138	250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

Final location of shoots) 138

(7) PERFORATIONS/SCREENS:

☐ Perforations Method _____
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump ☐ Bailer ☒ Air ☐ Flowing ☐ Artesian

Yield gal/min	Drawdown	Drill stem at	Time
35		136	3 hrs

Temperature of water 54 Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Clack Latitude _____ Longitude _____
 Township 4S N or S. Range 1E E or W. WM.
 Section 36 NE 1/4 NE 1/4
 Tax Lot _____ Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) 11310 S Eby
Carby, Or 97013

(10) STATIC WATER LEVEL:

18 ft. below land surface. Date 4/6/91
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found		131	
From	To	Estimated Flow Rate	SW
131	138	35	18

(12) WELL LOG:

Material	From	To	SW
Top soil	0	2	
Clay, brown	2	8	
Clay, brown, sand, fine	8	12	
Clay, brown	12	22	
Clay, blue	22	31	
Gravel, compacted	31	118	
Clay, sand, brown, fine	118	131	
Gravel, sand, compacted, coarse	131	138	
Received Received			
FEB 04 2026 JAN 23 2026			
OWRD OWRD			
APR 23 1991			
WATER RESOURCES DEPT.			

Date started 4/3/91 Completed 4/6/91

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, abandonment of this well is in compliance with Oregon well construct standards. Materials used and information reported above are true to my knowledge and belief.

Signed Robert O Kerk WWC Number 1277
 Date 4/6/91

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. work performed during this time is in compliance with Oregon construction standards. This report is true to the best of my knowledge and belief.

Signed George J Wainwright WWC Number 637
 Date 4/6/91

Fidelity National Title Company of Oregon

STATUTORY WARRANTY DEED
(Individual or Corporate)

MARGRET A. DUGAN

RUS DYER

grantee, the following described real property, free and clear of encumbrances except as specifically set forth herein, situated in the county of CLACKAMAS, State of Oregon, to wit:

A tract of land located in Section 36, Township 4 South, Range 1 East, of the Willamette Meridian, more particularly described as follows:

Beginning at the southeast corner of the northeast one-quarter of the northwest one-quarter of said Section 36; thence West following the south line of said northeast one-quarter to the southwest corner thereof; thence North following the west line of said northeast one-quarter to the northwest corner thereof; thence east following the north line of said northeast one-quarter, a distance of 20 feet to a point; thence south parallel with the west line of said northeast one-quarter to a point on the north line of the south one-half of the northeast one-quarter of the northwest one-quarter of said Section 36, said point being 660.00 feet, more or less, north of the south line of said northeast one-quarter of the northwest one-quarter; thence east following the north line of said south one-half to the east line of said northeast one-quarter; thence south following the east line of said south one-half to the place of beginning.

Subject to and excepting covenants, conditions, restrictions or easements, if any, which benefit the property or the area in which the property is located

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$ 40,000.00

(See ORS 93.030)

Dated this 5th day of February, 1990.

Margret A. Dugan
Margret A. Dugan

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, California }
County of }

Personally appeared the above named
Margret A. Dugan

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

(OFFICIAL SEAL)

Notary Public for California
My commission expires:

STATE OF OREGON, County of }

Personally appeared Margret A. Dugan and

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

Notary Public for California
My commission expires: Aug 2, 1993

90 09222 STATE OF OREGON.

GRANTOR'S NAME AND ADDRESS

Rus Dyer
9530 SE 55th Ave.
Milwaukie, Oregon

GRANTEE'S NAME AND ADDRESS

above grantee

NAME, ADDRESS, CITY, COUNTY AND STATE

above grantee

R-41E36-00401

PNT0-0011

STATE OF OREGON
County of Clackamas

I, John F. Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of which this is a true and correct copy was received for recording in the records of said county at

1990 MAR - 1 PM 3:35



Witness my hand and seal
John F. Kauffman
County Clerk

Recording Certificate
COP-84 (rev. 12/86)

90 09222

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19
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rd seal of

Denutv

Received
FEB 04 2026
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FIDELITY NATIONAL TITLE

401271-5



Received

JAN 23 2026

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January 21, 2026

Oregon Water Resources Department
Attn: *Water Rights Services Division*
725 Summer St. NE Ste A
Salem, Oregon 97301

RE: PERMIT TO USE GROUNDWATER FOR NURSERY USE APPLICATION – RUS DYER

Dear OWRD Staff,

On behalf of the Applicant Mr. Rus Dyer, CwM-H2O (CwM) would like to submit an application for a permit to use groundwater that is accompanying this letter. The application proposes the use of groundwater from an existing well within the proposed place of use for nursery use over 6.25 acres. The items included in the application package are as follows:

Application for a Permit to Use Groundwater:

- A \$3,885 check (#3226518671) for the application fee,
- Application form document and map (Attachment 1),
- Approved LUCS form from the County (Attachment 2),
- Legal descriptions of the place of use (Attachment 3).

Please let us know if there are any issues with processing these applications or any questions about the contents therein.

Sincerely,

CwM H2O, L.L.C.

Ian Godwin, CWRE

Received

FEB 04 2026

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February 2, 2026

Oregon Water Resources Department
Attn: *Water Rights Services Division*
725 Summer St. NE Ste A
Salem, Oregon 97301

RE: PERMIT TO USE GROUNDWATER FOR NURSERY USE APPLICATION – RUS DYER

Dear OWRD Staff,

CwM-H2O, LLC is re-submitting an application for a permit to use groundwater on behalf of Rus Dyer (Applicant). The original application was received by the Department on January 23, 2026 but was missing two pieces of information: a north arrow on the map and the copy of the deed supposed to be included in Attachment 3 – Legal Description. The accompanying package includes the notice received from the Department in the mail on February 2, 2026 and the returned application with the same check, new map, and addition of the warranty deed.

The items included in the application package are as follows:

Application for a Permit to Use Groundwater:

- A \$3,885 check (#3226518671) for the application fee,
- Application form document and map (Attachment 1),
- Approved LUCS form from the County (Attachment 2),
- Legal descriptions of the place of use and deed (Attachment 3).

Please let us know if there are any issues with processing these applications or any questions about the contents therein.

Sincerely,

CwM H2O, L.L.C.

Ian Godwin, CWRE

Received
FEB 04 2026
OWRD



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

January 26, 2026

Rus Dyer
11310 SE Eby Road
Canby, OR 97013

Re: Application for a Permit to use Groundwater

Dear Applicant:

The Water Resources Department has received your application for a permit to use groundwater. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules 690-310-0040 and 690-310-0050.

We are therefore returning the incomplete application and fees. **You may resubmit the application with the additional required information and fees noted on the reverse side of this letter.**

Should you have any questions, please contact Water Right Customer Service at 503-986-0900.

Sincerely,

Sarah Benham
Water Rights Customer Service Representative
Oregon Water Resources Department

cc: OWRD Fiscal (Cashier's Check #3226518671)

Enclosures: Application and cashier's check

This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin program rules, or any other water-related issues has not been made. Fees are subject to change.

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Groundwater Application Completeness Checklist | Summary of Needed Items:

Application Attachments:

- ☒ **Provide a Legal Description** of all the property involved with this application. You may include a copy of your deed, land sales contract or title insurance to meet this requirement. - Missing
- ☒ **An application map.** The map must include following elements:
 - ☒ North directional symbol. - Missing

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FEB 04 2026
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SEC.36 T.4S. R.1E. W. M.
CLACKAMAS COUNTY

1" = 400'

ATTACHMENT 3

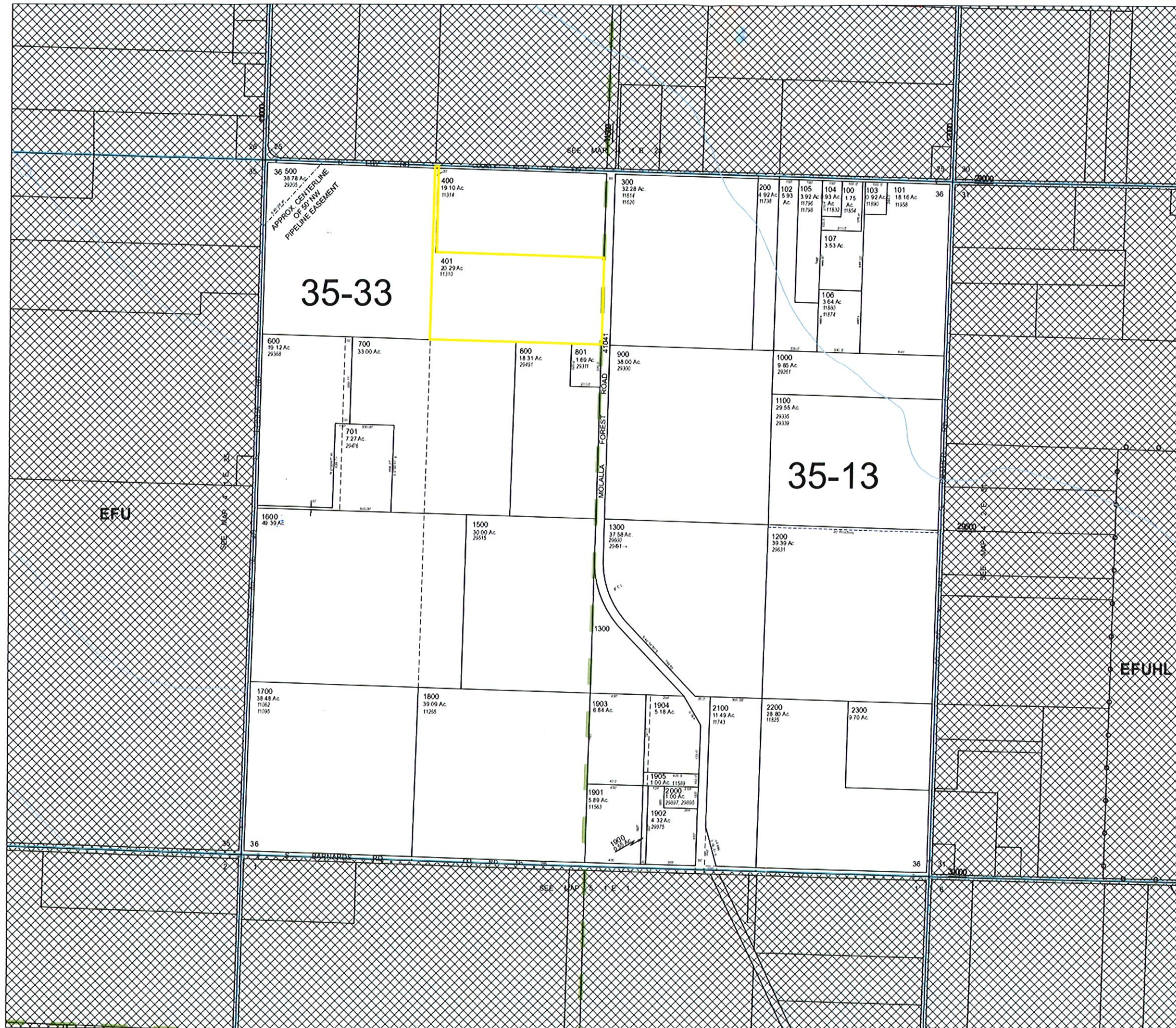
Cancelled Numbers
690
1400

Received
JAN 23 2026

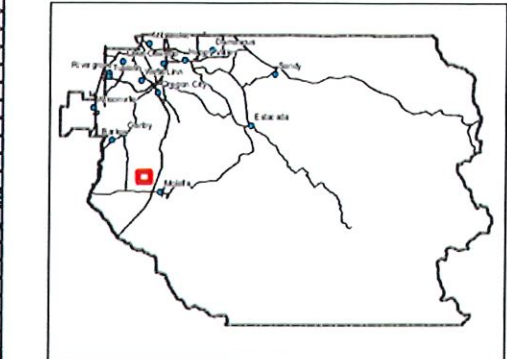
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FEB 04 2026

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



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY