

G13740

FILE#: G 13740

TIMOTHY G FISHER
FISHER, KATHLEEN A
2881D SE WHEELER
BORING, OR 97009

Application No. G13740Permit No. G12499

Certificate No. _____

Stream Index, Page No. 2

Date filed _____

Priority _____

Action suspended until EPD

Return to applicant _____

Date of approval _____

CONSTRUCTIONDate for beginning 6-10-97Date for completion 10-1-98

Extended to _____

Date for application of water 10-1-99

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

FEES PAID

Date	Amount	Receipt No.
7-14-94	338. ⁰⁰	114296
5-23-96	100. ⁰⁰	002582

Cert. Fee _____

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

No Pump test as of 9/22/08

IMPORTANT MESSAGE

FOR	MON. DATE 3-31 TIME 12 P.M. A.M.		
M.	TIM FISHER		
OF	NURSERY		☒ PHONED
PHONE	☐ FAX ☐ MOBILE	503-663-0680	☐ RETURNED YOUR CALL
MESSAGE	AREA CODE CONTACT	NUMBER CURE!	☒ PLEASE CALL
	PUMP TEST IN SUMMER.		☐ WILL CALL AGAIN
	G 13740		☐ CAME TO SEE YOU
	G 12499 PERMIT. —		☐ WANTS TO SEE YOU
SIGNED			Tops FORM 4006

Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

Well Owner:

Name: Tim Fisher
Address: 8485 S.E. 282ND
County: Mult
City: Gresham State: OR Zip: 97080
Original owner (from well log): _____

Well Location:

Township: 1 S (N/S) Range: 3 E (E/W)
Section: 24 1/4: 1/16: 1/64:
Well depth: 500 Date drilled: 12/26/1995
Owners well no. (if any): L50705
POD ID: _____

Water Right Information:

Application: G13740 Permit: G12499 Certificate: _____
Is this well listed on more than one water right? ☐ Yes If yes, list additional water rights below:
Application: _____ Permit: _____ Certificate: _____
Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: Adam Brooks Well Owner? ☐ Yes
Company: Ted Pulliam Well Drilling Inc
Address: PO Box 505 Date of Test: 3-25-09
City: Gresham State: OR Zip: 97030
Daytime phone: 503-665-3353

Method of discharge measurement (see our brochure for acceptable methods): Flow Meter
Method of water-level measurement (pick one or enter other method used): E-Tape
Length of air line (if used): _____

Pump type (pick one or enter other method used): Sub Turbine
Was the pump test conducted during normal use of the well? ☐ Yes Note: _____

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? ☐ Yes Note: No
If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? ☒ Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: 500 ft Approx. elevation difference: 5-10 ft

Well elevation is Above surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) 1" access in Well Head
Measuring point distance Above land surface 1 feet.

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
<u>1:10</u>	<u>87'</u>	<u>86'</u>
<u>1:30</u>	<u>87'</u>	<u>86'</u>
<u>1:50</u>	<u>87'</u>	<u>86'</u>

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
<u>2:10</u>	<u>250</u>	<u>GPM</u>
<u>3:10</u>	<u>250</u>	<u>GPM</u>
<u>4:10</u>	<u>250</u>	<u>GPM</u>
<u>5:10</u>	<u>250</u>	<u>GPM</u>
<u>6:10</u>	<u>250</u>	<u>GPM</u>

Time pump turned on: _____ Date 3-25-09
Time pump turned off: _____ Date 3-25-09
Total pumping time: 4 hours 0 minutes

Time 2:10 WATER RESOURCES DEPT
Time 6:10 SALEM, OREGON

Note: Well must be idle for at least 16 hours prior to the test.

Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

OWRD 2/9/2000

Required Signature: Adam E Brooks

Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

Well Owner:

Name: Tim Fisher
Address: 8485 S.E. 282ND
County: Mult
City: Gresham State: OR Zip: 97080
Original owner (from well log): _____

Well Location:

Township: 1 S (N/S) Range: 3 E (E/W)
Section: 24 1/4: 1/16: 1/64:
Well depth: 500 Date drilled: 12/26/1995
Owners well no. (if any): L50705
POD ID: _____

Water Right Information:

Application: G13740 Permit: G12499 Certificate: _____
Is this well listed on more than one water right? ☐ Yes If yes, list additional water rights below:
Application: _____ Permit: _____ Certificate: _____
Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: Adam Brooks Well Owner? ☐ Yes
Company: Ted Pulliam Well Drilling Inc
Address: PO Box 505 Date of Test: 3-25-09
City: Gresham State: OR Zip: 97030
Daytime phone: 503-665-2353

Method of discharge measurement (see our brochure for acceptable methods): Flow Meter
Method of water-level measurement (pick one or enter other method used): E-Tape
Length of air line (if used): _____

Pump type (pick one or enter other method used): Sub Turbine
Was the pump test conducted during normal use of the well? ☐ Yes Note: _____

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? ☐ Yes Note: No
If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? ☒ Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: 500 ft Approx. elevation difference: 5-10 ft
Well elevation is Above surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) 1" access in Well Head
Measuring point distance Above land surface 1 feet.

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

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<u>1:10</u>	<u>87'</u>	<u>86'</u>
<u>1:30</u>	<u>87'</u>	<u>86'</u>
<u>1:50</u>	<u>87'</u>	<u>86'</u>

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
<u>2:10</u>	<u>250</u>	<u>GPM</u>
<u>3:10</u>	<u>250</u>	<u>GPM</u>
<u>4:10</u>	<u>250</u>	<u>GPM</u>
<u>5:10</u>	<u>250</u>	<u>GPM</u>
<u>6:10</u>	<u>250</u>	<u>GPM</u>

Time pump turned on: Date 3-25-09 Time 2:10
Time pump turned off: Date 3-25-09 Time 6:10
Total pumping time: 4 hours 0 minutes

Note: Well must be idle for at least 16 hours prior to the test.

Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

OWRD 2/9/2000

Required Signature: Adam E Brooks

RECEIVED

APR 15 2009

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

December 1, 2008

TIMOTHY G AND KATHLEEN A FISHER
28810 SE WHEELER
BORING OR 97009

Subject: Water Right Permit Number G- 12499

Dear Permit holder,

Oregon Administrative Rule 690-217-0020(1) requires that ground water permit holders with a priority date after December 20, 1988, submit the results of a pump test before the Water Resources Department can issue a water right certificate. A copy of your permit is enclosed. The purpose of this letter is to remind you of the pump test requirement.

Pump tests are intended to provide aquifer and well information for ground water resource characterization and to help solve well problems. There is no penalty for not submitting a pump test.

If there is a reason why a pump test cannot be performed on a well, the owner may request from the Director an exemption from the pump test requirement. Requests shall be in writing and include the reason why a pump test cannot be performed. Exemptions, or conditioned exemptions, shall be granted if the reasons are found to be valid and eliminating the problem would place an unreasonable burden on the well owner. Exemptions shall be granted for public water supply wells if pump testing will cause interruption of service to customers.

Pump tests shall not be required of wells with diameters greater than 36 inches and depths less than 30 feet. Pump tests shall not be required of collector-type wells or infiltration galleries. If your well meets one of these two requirements please let us know.

If you are interested in conducting the pump test yourself, you should first review the requirements at http://arcweb.sos.state.or.us/rules/OARS_600/OAR_690/690_217.html or ask that a copy of the rules be sent to you.

A copy of the pump test form has been included. If you have questions, if you are not the owner of a ground water permit or if you have moved, please call the Department at 503-986-0900.

Sincerely,

Diana Durbin
Water Rights Certificate Staff

C: Permit File

690-217-0050

Qualifications for Conducting Pump Tests

Only pump tests conducted by the well owner, a full-time employee of the well owner who routinely works with and is familiar with wells and pumps, or a qualified individual authorized by the well owner shall be accepted by the Director. Individuals in the following groups will be considered qualified and authorized provided they have significant experience conducting pump tests:

- (1) Oregon licensed water well constructors.
- (2) Oregon registered professional geologists or certified engineering geologists.
- (3) Certified water rights examiners.
- (4) Oregon registered professional engineers.
- (5) Individuals whose primary occupation involves, wholly or in significant part, pump installation, service or testing.

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TIMOTHY G. AND KATHLEEN A. FISHER
28810 SE WHEELER
BORING, OREGON 97009

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13740

SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN WITHIN THE WILLAMETTE BASIN

PURPOSE OR USE: NURSERY OPERATIONS AND IRRIGATION ON 28.43 ACRES

RATE OF USE: 0.55 CUBIC FOOT PER SECOND

THE PERIOD OF ALLOWED USE: YEAR ROUND FOR NURSERY OPERATIONS AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: JULY 14, 1994

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 24, T1S, R3E, W.M.; NORTH 53 DEGREES 07 MINUTES 48 SECONDS WEST, 500 FEET FROM SE CORNER, SECTION 24

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4 28.43 ACRES
SECTION 24
TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M.

Application G-13740 Water Resources Department

PERMIT G-12499

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place
Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun
Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The use of water from the well will only be allowed to produce water from a depth greater than 150 feet.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department.

The Director may require water level or pump test results every ten years thereafter.

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

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

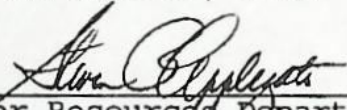
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued June 10, 1996


Water Resources Department
Martha O. Pagel
Director

Application G-13740 Water Resources Department
Basin 02 Volume 18B Johnson Creek & Misc.
 MGMT.CODE 7DG, 7DR

PERMIT G-12499
District 01

Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

Well Owner:

Name: _____
Address: _____
County: _____
City: _____ State: _____ Zip: _____
Original owner (from well log): _____

Well Location:

Township: _____ (N/S) Range: _____ (E/W)
Section: _____ 1/4: _____ 1/16: _____ 1/64: _____
Well depth: _____ Date drilled: _____
Owners well no. (if any): _____
POD ID: _____

Water Right Information:

Application: _____ Permit: _____ Certificate: _____
Is this well listed on more than one water right? ☐ Yes If yes, list additional water rights below:
Application: _____ Permit: _____ Certificate: _____
Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: _____ Well Owner? ☐ Yes
Company: _____
Address: _____ Date of Test: _____
City: _____ State: _____ Zip: _____
Daytime phone: _____

Method of discharge measurement (see our brochure for acceptable methods): _____
Method of water-level measurement (pick one or enter other method used): _____
Length of air line (if used): _____

Pump type (pick one or enter other method used): _____

Was the pump test conducted during normal use of the well? ☐ Yes Note: _____

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? ☐ Yes Note: _____
If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? ☐ Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: _____ ft Approx. elevation difference: _____ ft

Well elevation is _____ surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) _____

Measuring point distance _____ land surface _____ feet.

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
_____	_____	_____
_____	_____	_____
_____	_____	_____

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Time pump turned on: Date _____ Time _____
Time pump turned off: Date _____ Time _____
Total pumping time: _____ hours _____ minutes

Note: Well must be idle for at least 16 hours prior to the test.

Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

OWRD 2/9/2000

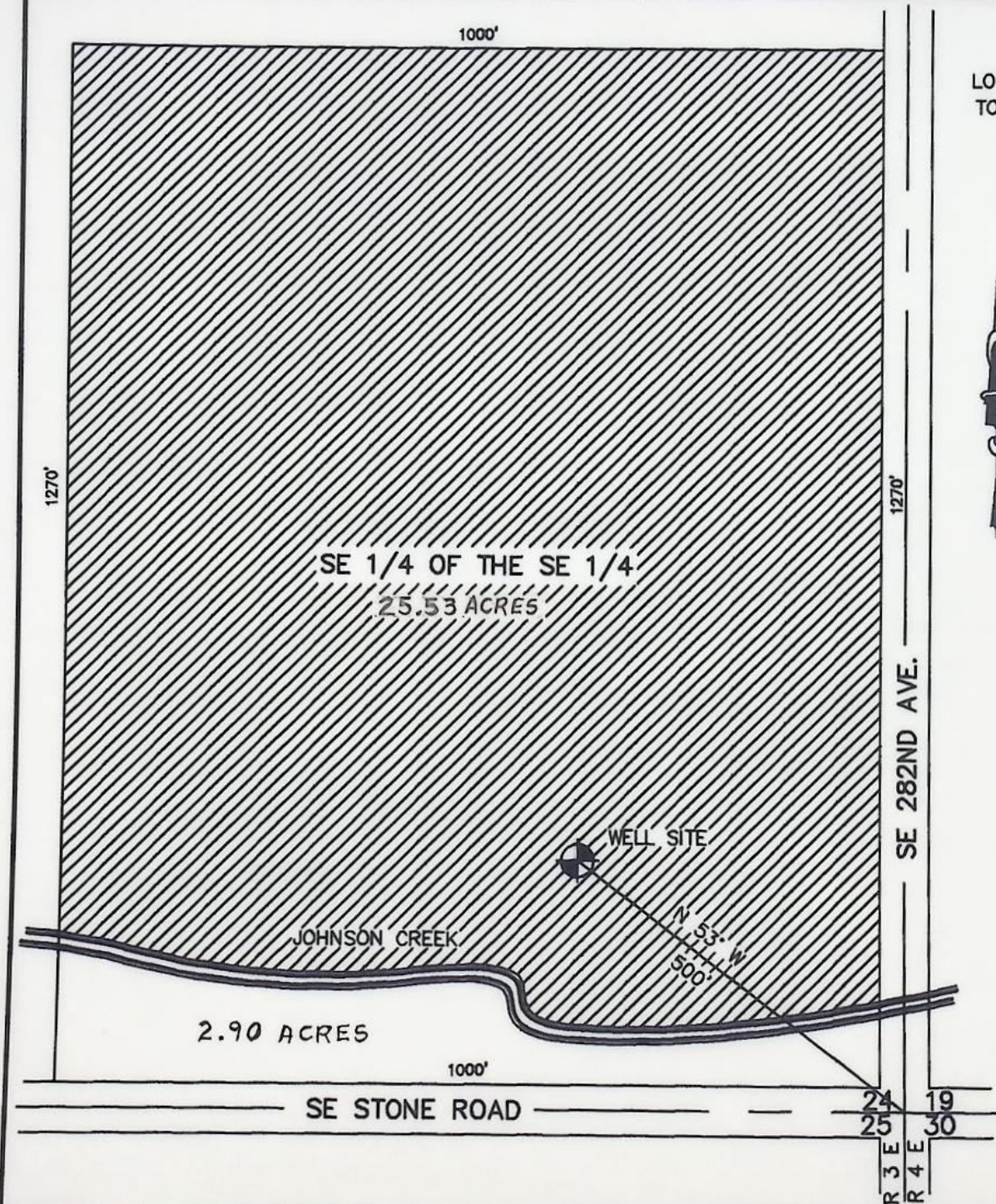
Required Signature: _____

PUMP TEST DATA SHEET

Application: _____ Permit: _____ Certificate: _____ Pod_Id: _____

Recovery Data

[illegible]



FINAL MAP

LOCATED IN THE S.E. 1/4 OF THE S.E. 1/4 OF SECTION 24
TOWNSHIP 1 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN
MULTNOMAH COUNTY, OREGON
SCALE: 1" = 200' JUNE 20, 1997

APPLICATION NO. G-13740 PERMIT NO. G-12499



NURSERY STOCK

NOTE: THIS DRAWING IS FOR AN EXHIBIT FOR AN APPLICATION TO APPROPRIATE GROUND WATER. IT IS NOT A LAND SURVEY. PROPERTY LINES AND/OR OTHER LINES OF OCCUPATION SHOWN HEREON ARE NOT REPRESENTED BY THE UNDERSIGNED TO MEET ACCURACY STANDARDS OF LAND SURVEYS

CLIENT: TIM FISHER
TIM FISHER NURSERY
28810 S.E. WHEELER
BORING, OR 97009

NOTE: THIS MAP IS THE SAME SCALE AS THE MULTNOMAH COUNTY ASSESSORS MAP.



COUNTY SURVEYORS
& PLANNERS, INC.
P.O. BOX 955
SANDY, OREGON 97055
(503) 668-3151

SEP - 5 1997



WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JUN 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

FINAL MAP

LOCATED IN THE S.E. 1/4 OF THE S.E. 1/4 OF SECTION 24
TOWNSHIP 1 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN
MULTNOMAH COUNTY, OREGON
SCALE: 1" = 200' JUNE 20, 1997

APPLICATION NO. G-13740 PERMIT NO. G-12499



NURSERY STOCK

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STANDARDS OF LAND SURVEYS

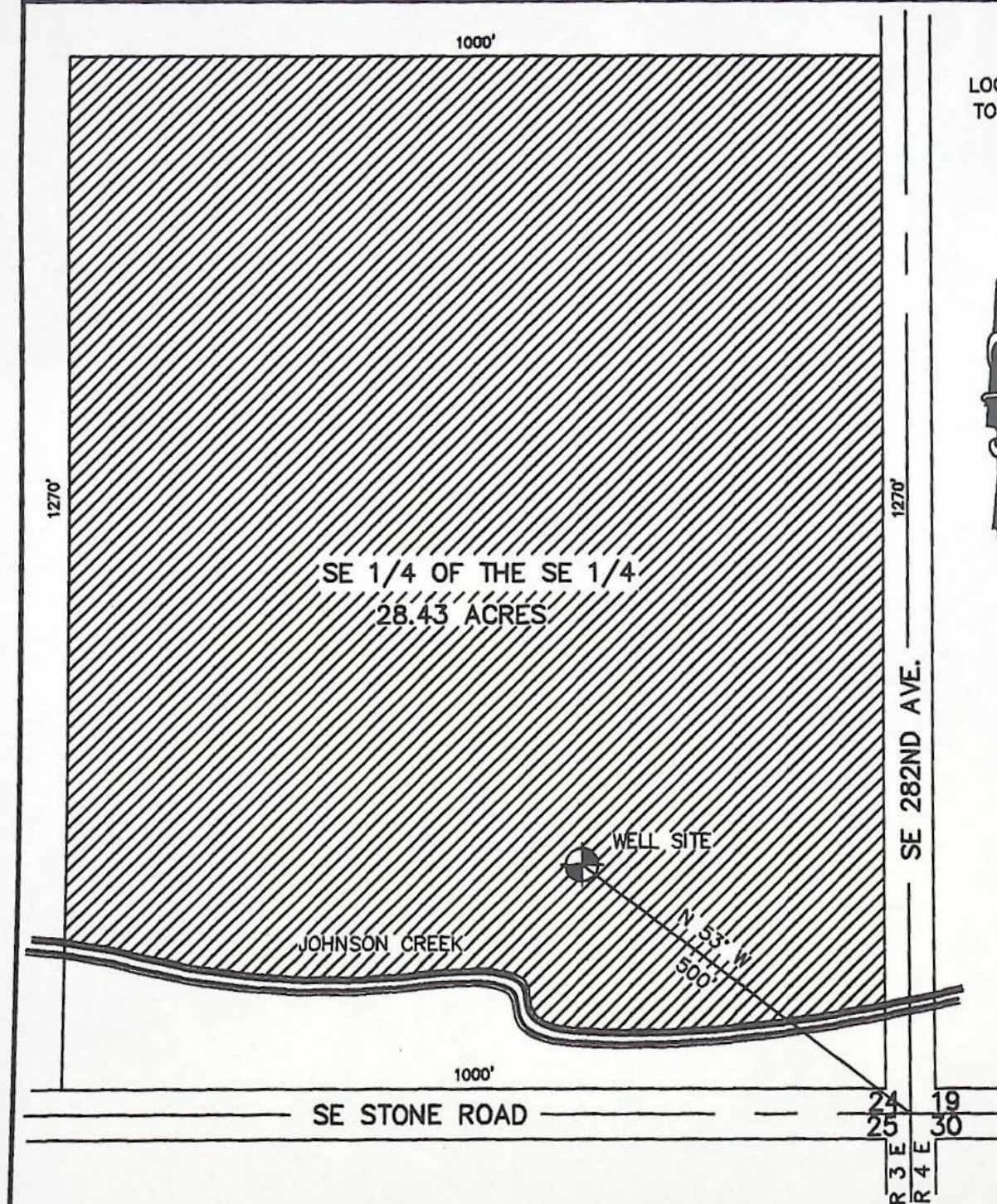
CLIENT: TIM FISHER
TIM FISHER NURSERY
28810 S.E. WHEELER
BORING, OR 97009



COUNTY SURVEYORS
& PLANNERS, INC.
P.O. BOX 955
SANDY, OREGON 97055
(503) 668-3151



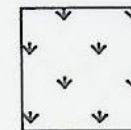
WATER RESOURCES DEPT.
SALEM, OREGON



APPLICATION FOR A WELL SITE

LOCATED IN THE S.E. 1/4 OF THE S.E. 1/4 OF SECTION 24
TOWNSHIP 1 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN
MULTNOMAH COUNTY, OREGON
SCALE: 1" = 200' JUNE 30, 1994

APPLICATION NO. G73740 PERMIT NO. G12499



NURSERY STOCK

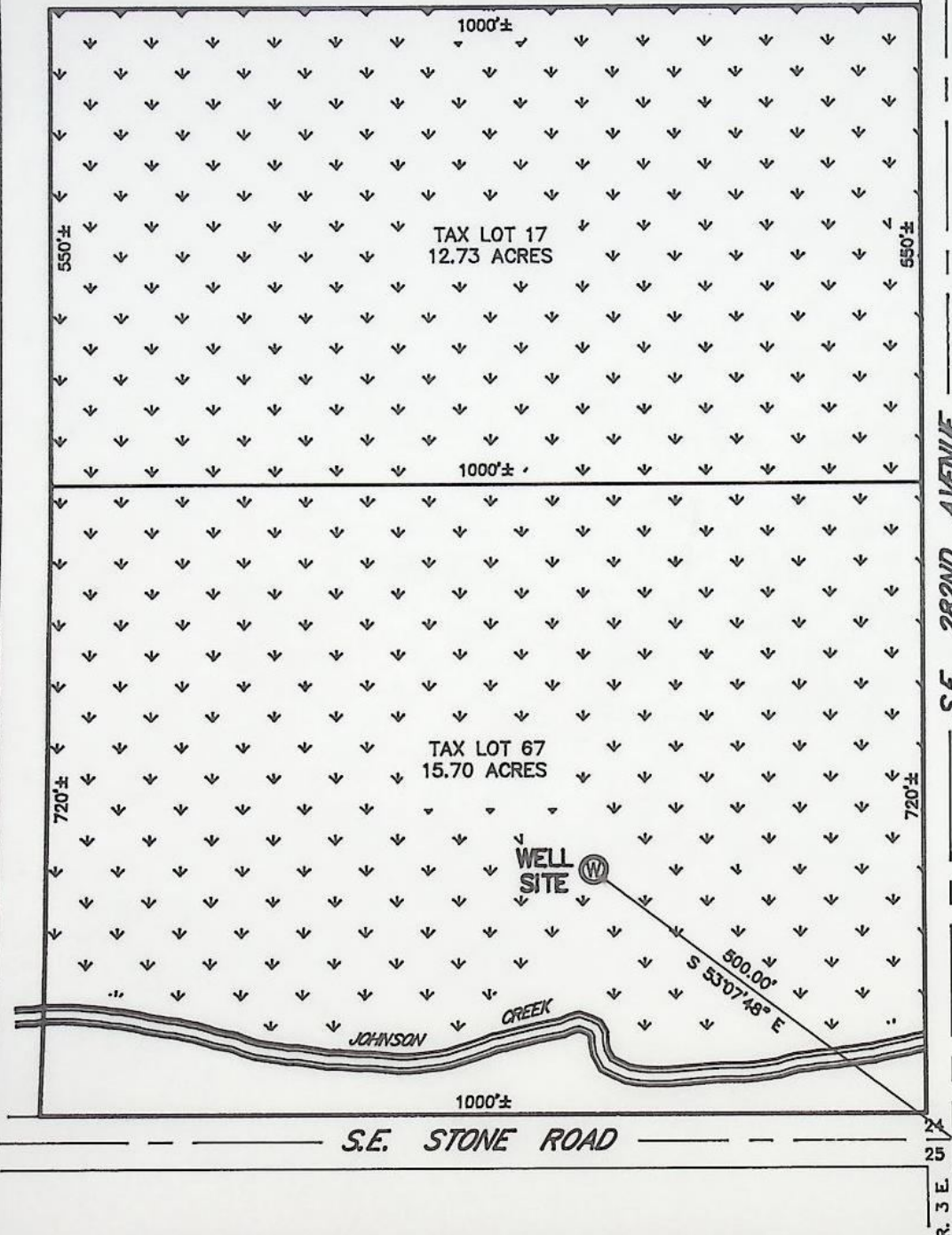
CLIENT: TIM FISHER
TIM FISHER NURSERY
28810 S.E. WHEELER
BORING, OR 97009

NOTE: THIS DRAWING IS AN EXHIBIT FOR AN APPLICATION TO
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PROPERTY LINES AND/OR OTHER LINES OF OCCUPATION SHOWN
HEREON ARE NOT REPRESENTED BY THE UNDERSIGNED TO MEET
ACCURACY STANDARDS OF LAND SURVEYS.



**COUNTY SURVEYORS
& PLANNERS, INC.**
P.O. BOX 955
SANDY, OREGON 97055
(503) 668-3151

JOB NUMBER: 94-202





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

RECEIVED

SEP - 5 1997

WATER RESOURCES DEPT.
SALEM, OREGON

August 25, 1997

DALE L HULT
PO BOX 955
SANDY OR 97055

Re: file G-13740 in the name of Fisher

Dear Sir,

The claim of beneficial use and supporting
1997. Our review finds:

The map scale does not appear to meet the requirements. The map scale shall be 1"=1320', 1"=400' or the scale of the county assessor map for the location. The Department prefers the scale of 1"=1320'. If your map scale is that of the county assessor map for the location, please note on your map.

The area you have shown cross-hatched is 28.43 acres. This is the total of the two tax lots. I believe the area north of Johnson Creek is a couple of acres less than the 28.43 you have shown. Please check and correct if necessary.

I am returning the map for completion or correction. You have 60 days from the date of this letter to remedy the issue.

If you have any questions, please give me a call. The number is 503-378-8455 and my extension is 255.

Sincerely,

Don Knauer
Manager Adjudications and Certificates

c: Timothy & Kathleen Fisher

Mr. Knauer,

7/4/97

Corrections have been

made

All County
Surveyors &

Planners

✓

e 24,

map



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

RECEIVED

SEP - 5 1997

WATER RESOURCES DEPT.
SALEM, OREGON

August 25, 1997

DALE L HULT
PO BOX 955
SANDY OR 97055

Re: file G-13740 in the name of Fisher

Dear Sir,

The claim of beneficial use and supporting map were received by the Department on June 24, 1997. Our review finds:

The map scale does not appear to meet the requirements of OAR 690-14-170-(1). "The map scale shall be 1"=1320', 1"=400' or the scale of the county assessor map for the location." The Department prefers the scale of 1"=1320'. If your map scale is that of the county assessor map for the location, please note on your map.

The area you have shown cross-hatched is 28.43 acres. This is the total of the two tax lots. I believe the area north of Johnson Creek is a couple of acres less than the 28.43 you have shown. Please check and correct if necessary.

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Sincerely,

Don Knauer
Manager Adjudications and Certificates

c: Timothy & Kathleen Fisher



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

August 25, 1997

DALE L HULT
PO BOX 955
SANDY OR 97055

Re: file G-13740 in the name of Fisher

Dear Sir,

The claim of beneficial use and supporting map were received by the Department on June 24, 1997. Our review finds:

The map scale does not appear to meet the requirements of OAR 690-14-170-(1). "The map scale shall be 1"=1320', 1"=400' or the scale of the county assessor map for the location." The Department prefers the scale of 1"=1320'. If your map scale is that of the county assessor map for the location, please note on your map.

The area you have shown cross-hatched is 28.43 acres. This is the total of the two tax lots. I believe the area north of Johnson Creek is a couple of acres less than the 28.43 you have shown. Please check and correct if necessary.

I am returning the map for completion or correction. You have 60 days from the date of this letter to remedy the issue.

If you have any questions, please give me a call. The number is 503-378-8455 and my extension is 255.

Sincerely,

Don Knauer
Manager Adjudications and Certificates

c: Timothy & Kathleen Fisher



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

September 8, 1997

DALE L HULT
PO BOX 955
SANDY OR 97055

Re: file G-13740

Dear Sir,

This will acknowledge the receipt of the map and claim of beneficial use report you have completed or corrected. Thanks for your attention to this matter.

If you have any questions, please give me a call. The number is 503-378-8455 and my extension is 255.

Sincerely,

Don Knauer
Manager Adjudications and Certificates

c: Timothy & Kathleen Fisher

RECEIVED

JUN 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Att: Timothy Fisher
28810 SE Wheeler
Boring, Or. 97009

Att: Water resources Dept
3850 Portland Road NE
Salem, Or. 97310

SITE REPORT FOR PERMIT NO. G-12499
APPLICATION NO. G-13740

The following report was prepared for the above referenced site by Dale L. Hult, CWRE 276, and responds to items 1(a) through 1(h) found in Administrative Rules Section 690-14-100. The site was visited on May 25, 1997 at about 9:00 AM.

1(a) Type of use: The existing well is currently being used for irrigation of 28.43 acres as shown in Application No. G-13740. Most of the current plantings are for landscape materials and are planted within rows. There was also irrigation of potted materials and staging areas (less than 5% of the site area). Domestic use was not observed during my site visit.

1(b) Place of use: The existing well and irrigated lands are located in the SE 1/4 of the SE 1/4 of Section 24, Township 1 South, Range 3 East, Willamette Meridian, Multnomah County, Oregon. The well is located North 53 Degrees West, 500 feet from the Southeast Corner of said Section 24.

1(c) Extent of use: The use is for irrigation of commercial crop. The water is delivered to the fields through 1400 feet of six inch mainline piping and 1500 feet of three inch supply line. Water is supplied through the piping to two "big guns" and the alternating use of 30H 9/64" rainbird sprinkler heads. Complete field coverage is maintained by using a daily rotation and a combination of sprinkler heads.

1(d) Location of point of diversion: Described in 1(b) above.

1(e) Sources of water: The existing well located in Section 24 is 480 feet deep. The pump is located at 450 foot depth. The well is solid case for 440 feet, the a perforated pipe extends to the bottom. The static water level was at 115 foot depth the day of the site visit and was direct measured by a pressure line installed in the well.

1(f) Rate and duty: The pump is a 40hp submersible located at the 450 foot depth. The rate was measured at 250gpm during the site visit. The water volume can be throttled back via a valve installed in the supply line. The pump is an electric motor connected to a three phase panel approximately 30 feet away. There was no back up generator present. and there is a 3/4 inch access port located in the well casing.

1(g) Installation of measuring device: There is an in line gauge installed on the supply line feeding the six inch main line. This gauge is a direct reading gauge and measures flow in gallons per minute (gpm).

1(h) Other conditions: None noted for this report.

I, Timothy G. Fisher, agree to the findings of the CWRE and do submit this report of final proof as our claim of beneficial use of water under the terms and conditions of permit

Timothy G. Fisher
Timothy G. Fisher



STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TIMOTHY G. AND KATHLEEN A. FISHER
28810 SE WHEELER
BORING, OREGON 97009

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13740

SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN WITHIN THE WILLAMETTE BASIN

PURPOSE OR USE: NURSERY OPERATIONS AND IRRIGATION ON 28.43 ACRES

RATE OF USE: 0.55 CUBIC FOOT PER SECOND

THE PERIOD OF ALLOWED USE: YEAR ROUND FOR NURSERY OPERATIONS AND MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: JULY 14, 1994

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 24, T1S, R3E, W.M.; NORTH 53 DEGREES 07 MINUTES 48 SECONDS WEST, 500 FEET FROM SE CORNER, SECTION 24

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4 28.43 ACRES
SECTION 24
TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place**Initial and Annual Measurements**

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun**Seven Consecutive Annual Measurements**

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The use of water from the well will only be allowed to produce water from a depth greater than 150 feet.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department.

The Director may require water level or pump test results every ten years thereafter.

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

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

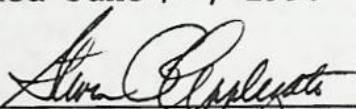
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued June 10, 1996


Water Resources Department
Martha O. Pagel
Director

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

AUGUST 4, 1997

To: FRED LISSNER

From: KEN DOWDEN *KD*

Subject: GW Permit Conditions, Per #G-12499 *G-13740*

Prior to issuing a water right certificate, I need your help in determining if the following conditions were met:

As identified on the attached permit, the permittee shall obtain a static water level measurement for each well in the month of March of each year and submit the measurement to the Department within thirty days.

In continuing with the Seven Year Minimum Measurement Condition,

An initial water level measurement in the month specified above once well construction is complete and as annually thereafter until use of water begins....

.... following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may(and the remainder of GW macro 7C)

Yes! > Another condition describes the use of water from the well may only be allowed to from production of water from a depth greater than 150 feet. Please determine whether this condition has also been met.

Permit issuance date was June 10, 1996. *3/97 met?*

A separate request as well has been made to the Pump Test program as to whether the Pump Test requirement for this permit has been satisfied.

Ken: I'm not sure whether we received a 3/97 measurement. Jennifer Harbor has been given all 1997 data to enter, but she's out on vacation 'til 8/19 + I don't know where to find that stuff until she's back.

MZ

MULT 50705

App# - 137410

Permit# 12499

(1) OWNER: Well No. 12271995
Name TIM FISHER
Address 28810 SE WHEELER ROAD
City BORING St OR Zip 97009

(2) TYPE OF WORK: NEW WELL

(3) DRILL METHOD: ROTARY AIR

(4) PROPOSED USE: IRRIGATION

(5) BORE HOLE CONSTRUCTION:

Special Construction Approval NO Depth of Compl. Well 500 ft
Explosives used NO Type Amount
HOLE SEAL
Diam. From To Material From To Amount
14 0 40 BENTONITE 0 20 1500 LBS
12 40 95 CEMENT 20 95 110 SACKS
10 95 220 CEMENT 180 220 70 SACKS
9 5/8 220 500

Seal placement method C

Backfill: from ft to ft Material

Gravel: from ft to ft Size

(6) CASING/LINER:

	Diam.	From	To	Gauge	Material	Connection
Casing	10	+1	180	.250	STEEL	WELDED
	8	0	500	.250	STEEL	WELDED

Liner

Final Location of shoe(s) 10-180' 7 1/2" TUBEX-500'

(7) PERFORATIONS/SCREENS:

[X] Perf. Method AIRKNIFE

[] Screens Type

Material

From	To	Slot Size	Number	Diam.	Tele/pipe Size	Casing/liner
460	500	1/8X2	1200			CASING

(9) LOCATION OF WELL by legal description:
County MULT Lat. " " " Long. " " "
Township 1 S Range 3 E WM.
Section 24 SE 1/4 SE 1/4
Tax Lot 2200 Lot Block Subdivision
Street Address of Well (or nearest Address)
NE CORNER SE 282ND&STONE ROAD BORING, OR 97009

(10) STATIC WATER LEVEL:

78 ft. below land surface. Date 12/26/95

Artesian pressure lb per square in. Date

(11) WATER BEARING ZONES:

Depth at which water was first found	18	From	To	Est Flow Rate	SWL
18	30	10-20 GPM	18		
135	170	50+ GPM	50		
280	500	400+ GPM	78		

(12) WELL LOG:

Material	Ground elevation		SWL
	From	To	
TOP SOIL	0	2	
BROWN CLAY	2	8	
LOOSE GRAVEL & BOULDERS	8	35	18
LIGHTLY CEMENTED GRAVEL & BOULDERS	35	95	
LOOSE GRAVEL & BOULDERS	95	170	50
LIGHTLY CEMENTED GRAVEL & SAND	170	280	
FINE CEMENTED SAND & GRAVEL	280	420	78
COARSE CEMENTED SAND & GRAVEL	420	500	78

Date started 12/05/95

Completed 12/26/95

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed _____ WWC Number _____
Date _____

(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. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed *David Williams* WWC Number 616
Date 12/27/95

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

Test type AIR

Yield GPM	Draw-down	Drill stem at	Time
400		460	1 hr.
400		460	2 HR

Temperature of water 51F Depth Artesian Flow Found

Was water analysis done? NO By whom

Reason for water not suitable for use

Depth of strata

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

AUGUST 4, 1997

From
 PUMP TEST PROGRAM
KEN DOWDEN 

Subject: PUMP TEST INFO

I need to know if the pump test requirements have been met for the following file:

G - 13740 (per# G-12499) .

If so, please provide a copy of the WRD letter accepting the data.

If **not**, please check the appropriate response below. Thanks.

- ☒ 1) A pump test has not been received for this file.
- ☐ 2) A pump test has been received for this file but has been found to be deficient following review. A copy of the letter to the permittee/appropriator which explains the deficiencies is attached.
- ☐ 3) A pump test has been received for this file but has not been reviewed. When the review is completed, a copy of the letter to the permittee/appropriator will be forwarded to both the file and to the Certificates staff.

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

AUGUST 4, 1997

To: FRED LISSNER

From: KEN DOWDEN 

Subject: GW Permit Conditions, Per #G-12499

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Another condition describes the use of water from the well may only be allowed to from production of water from a depth greater than 150 feet. Please determine whether this condition has also been met.

Permit issuance date was June 10, 1996.

A separate request as well has been made to the Pump Test program as to whether the Pump Test requirement for this permit has been satisfied.

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

AUGUST 4, 1997

To: PUMP TEST PROGRAM
From: KEN DOWDEN *KD*
Subject: PUMP TEST INFO

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G - 13740 (per# G-12499).

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- ☐ 1) A pump test has not been received for this file.
- ☐ 2) A pump test has been received for this file but has been found to be deficient following review. A copy of the letter to the permittee/appropriator which explains the deficiencies is attached.
- ☐ 3) A pump test has been received for this file but has not been reviewed. When the review is completed, a copy of the letter to the permittee/appropriator will be forwarded to both the file and to the Certificates staff.

July 9, 1997

TIMOTHY G. AND KATHLEEN A. FISHER
DBA TIM FISHER NURSERY
28810 SE WHEELER
BORING, OR 97009

REFERENCE: File G-13740

This will acknowledge that your claim of beneficial use and map in the name of TIM FISHER, TIM FISHER NURSERY were received on JUNE 24, 1997. These will be reviewed in the future to insure they are complete and correct.

Please contact me if you have any questions.

Sincerely,

Don Knauer *TKB*

DON KNAUER
Program Representative

DEK:tcb

cc: DALE L. HULT, CWRE #276



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

7

CC: FILE # G-13740

KEN STAHR

WATERMASTER # 01

REGIONAL MANAGER: TOM PAUL

ODF&W - Multnomah County: MULTNOMAH COUNTY

CWRE (if agent):

DEQ

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: _____ COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) _____ NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

CASEWORKER : LKS

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13740

Final Order

Application History

On July 14, 1994, TIMOTHY G AND KATHLEEN A FISHER submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on December 12, 1995. The protest period closed January 26, 1996, and no protest was filed.

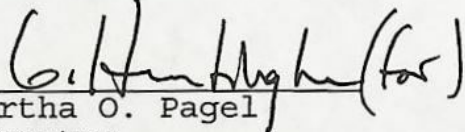
The proposed use would not impair or be detrimental to the public interest.

Order

Upon payment of outstanding permit recording fees, Application G13740 will be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$100.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G13740.

DATED FEBRUARY 29, 1996


Martha O. Pagel
Director

Appeal Rights

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13047

Final Order

Application History

On July 27, 1992, NIXON FARMS, INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on December 19, 1995. The protest period closed February 2, 1996, and no protest was filed.

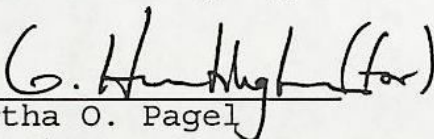
The proposed use would not impair or be detrimental to the public interest.

Order

Upon payment of outstanding permit recording fees, Application G-13047 will be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$540.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-13047.

DATED February 29, 1996


Martha O. Pagel
Director

Appeal Rights

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON
COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TIMOTHY G. AND KATHLEEN A. FISHER
28810 SE WHEELER
BORING, OREGON 97009

PHONE: N/A

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13740

SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN WITHIN THE WILLAMETTE BASIN

PURPOSE OR USE: NURSERY OPERATIONS AND IRRIGATION ON 28.43 ACRES

RATE OF USE: 0.55 CUBIC FOOT PER SECOND

THE PERIOD OF ALLOWED USE: YEAR ROUND FOR NURSERY OPERATIONS

MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: JULY 14, 1994

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 24, T1S, R3E,
W.M.; NORTH 53 DEGREES 07 MINUTES 48
SECONDS WEST, 500 FEET FROM SE CORNER,
SECTION 24

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4 28.43 ACRES
SECTION 24
TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M.

Measurement, recording and reporting conditions:

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

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Seven Consecutive Annual Measurements

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Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

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The use of water from the well will only be allowed to produce water from a depth greater than 150 feet.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department.

The Director may require water level or pump test results every ten years thereafter.

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

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

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

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued February , 1996

DRAFT

Water Resources Department
Martha O. Pagel
Director

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

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

INVOICE #

002582

RECEIVED FROM: Tom Fisher (Purse)

BY: _____

APPLICATION	G13740
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 24-28 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC165 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION _____

\$

RECEIPT #

002582

DATED:

5-23-96

BY:

FLP

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

FO CHECKLIST

PFO TO FO CONVERSION

FILE # 613740

REVIEW DATE: 2/2/96

INITIALS: JS

In preparing the FO, you should check the following:

1. Y / N Were comments or protests were received in response to the PFO?
2. / List names and addresses of **ALL** commentators (regardless of comment date) on the PFO CC list.
3. 100 Verify payment of recording fees (circle the appropriate option)
(1) Issue FO w/permit if fees are paid
(2) Issue FO w/o permit if fees are lacking
(3) Prepare refund request for excess fees

200 EXAM
100 AG
100 10/AC
38 IRC
438.00
4. Y / N Has the applicant signed an oath of accuracy for the application?
5. Y / N Is further processing possible? If not state reason: _____

ACTION SUSPENSE DATE: _____

6. _____ Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

Route to: (circle one)

DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS
LARRY	CORY	JERRY	DOUG

Modify FO as needed to:

7. / Respond to significant comments, issues, or disputes related to the proposed use of water
8. / Include or exclude permit conditions and management codes
9. W/D Notify applicant of additional information or fees required prior to permit issuance
10. / Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

11. / Move WordPerfect document to M:\T\FO\SIGN
12. / Print final draft of document and submit to team leader for review
13. Y / N Team leader review completed

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13740

ROUTED TO: WR

TOWNSHIP/

RANGE-SECTION: 1S/3E-24

CONDITIONS ATTACHED? ☒ Yes ☐ No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Donna Miller

MEMO

January 26, 1996

FROM GW: Donna M. Allen
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☐ Yes

The source of appropriation is within or above a Scenic Waterway.

☒ No☐ Yes

Use the Scenic Waterway condition (Condition 7J).

☒ No

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)

At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

[illegible]

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of	)	PROPOSED
Groundwater Application	)	FINAL
G-13740 submitted by	)	ORDER
TIMOTHY G. AND KATHLEEN A. FISHER		

FINDINGS OF FACT

Water Use Request

1. TIMOTHY G. AND KATHLEEN A. FISHER requested use of 250.00 GALLONS PER MINUTES (GPM) (0.55 CUBIC FOOT PER SECOND (CFS)) of water from A WELL IN JOHNSON CREEK BASIN within the Willamette basin for NURSERY OPERATIONS AND IRRIGATION ON 28.43 ACRES.
2. The area of proposed use is in Multnomah County within SECTION 24, TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M.
3. The water delivery system is described by the applicant as DISTRIBUTION LINES CONSISTING OF 3000 FEET OF ALUMINUM AND PVC PIPE WITH ASSORTED SMALL FEEDER LINES AND SPRINKLERS.
4. The request was made in Application G-13740 which was received by the Water Resources Department on July 11, 1994.

Affected Waters

1. This proposed use of groundwater is not within or above a State Scenic Waterway.
2. There are senior water rights from this point of appropriation.

Department Actions

1. The application was determined to be complete and not defective.
2. The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
3. An Initial Review of the application was completed and a report of the results of that review was mailed to the applicant on AUGUST 28, 1995.
4. The Initial Review determined:
 - a. IRRIGATION OF 28.43 ACRES OF NURSERY STOCK AND OTHER CROPS, LAWN AND GREENHOUSE is allowed under the Willamette Basin Program.
 - b. The use is not prohibited by Statute.

- c. Water for the proposed use is available in the amounts requested for the period MARCH 1 THROUGH OCTOBER 31.
- d. The use would not injure existing water rights.

5. The report of Initial Review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

6. The applicant did not notify the Department to stop processing this application within 14 days after the report was mailed as provided in ORS 537.150(5).

7. The Department proceeded with processing the application and on SEPTEMBER 19, 1995 published notice of the application in its weekly Public Notice of Water Rights.

8. At the close of the 30 day comment period provided in ORS 537.150(7), the Department had not received comments on the application.

Assessment

1. In proceeding with evaluation of Application G-13740, the following criteria were found to be relevant by the Department.

- a. The Willamette Basin Program (OAR Chapter 690, Division 502)
- b. The Multnomah County Comprehensive Plan and Zoning Ordinance
- c. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
- d. The established rate and duty for the proposed use
- e. Pending, senior applications and existing water rights of record
- f. Comments received

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the Initial Review require modification.

2. Based on comments and data received, the Department has determined that THE PERIOD OF ALLOWED USE NEEDS TO BE MODIFIED.

3. The period of allowed use: JANUARY 1 THROUGH DECEMBER 31 FOR NURSERY OPERATIONS

MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

4. The Department finds that no more than 4.26 CFS would be necessary the proposed use. The amount of water requested, 0.55 CFS, is allowed.

5. Multnomah County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Multnomah County Comprehensive Land Use Plan.

6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.

7. The proposed use complies with all other rules of the Commission.

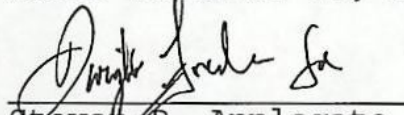
8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.

9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application G-13740 in the name of TIMOTHY G. AND KATHLEEN A. FISHER be approved for NURSERY OPERATIONS AND IRRIGATION ON 28.43 ACRES as provided in the attached draft permit.

DATED November 14, 1995



Steven P. Applegate
Administrator

Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing.

Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on December 29, 1995.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON

COUNTY OF MULTNOMAH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

TIMOTHY G. AND KATHLEEN A. FISHER
28810 SE WHEELER
BORING, OREGON 97009

PHONE: N/A

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-13740

SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN WITHIN THE WILLAMETTE BASIN

PURPOSE OR USE: NURSERY OPERATIONS AND IRRIGATION ON 28.43 ACRES

RATE OF USE: 0.55 CUBIC FOOT PER SECOND

THE PERIOD OF ALLOWED USE: JANUARY 1 THROUGH DECEMBER 31 FOR NURSERY OPERATIONS

MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: JULY 14, 1994

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 24, T1S, R3E, W.M.; SOUTH 53 DEG 07 MIN 48 SEC EAST, 500 FEET FROM SE CORNER, SECTION 24

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4 28.43 ACRES
SECTION 24
TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of (Generally March). Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional

measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of Generally 3 Ft. or more feet per year for five consecutive years; or
- (B) A water level decline of Generally 15 Ft. or more feet in fewer than five consecutive years; or
- (C) A water level decline of Generally 25 Ft. or more feet; or
- (D) Hydraulic interference leading to a decline of Generally 25 Ft. or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The use of water from the well will only be allowed to produce water from a depth greater than 150 feet.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

Application G-13740 Water Resources Department
Basin 02 Volume 18B Johnson Creek & Misc.
LKS MGMT.CODE

PERMIT DRAFT
District 01

August 28, 1995

TIMOTHY G KATHLEEN A FISHER
28810 SE WHEELER
BORING, OREGON 97009

Reference: File G-13740

Dear Applicant:

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of 0.36 CUBIC FOOT PER SECOND (cfs) of water from a WELL for IRRIGATION OF 29.00 ACRES OF NURSERY STOCK AND OTHER CROPS, LAWN AND GREENHOUSE is allowed under OAR 502, the Willamette Basin Program.
4. The irrigation season is limited to March 1 through October 31 of each year.

Summary of Allowable Water Use

The use of 0.36 cfs of water from a WELL for IRRIGATION March 1 to October 31 of each year may be allowed.

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **September 11, 1995**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. You may be required to measure the amount of water used and report that use annually.
2. **Limited Water Level Decline/Interference Condition**

To monitor the effect of water use from the well authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven

year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor, or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

3. The use of water from the well will only be allowed to produce water from a depth greater than 150 feet.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 266 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Russell W. Klassen
Initial Reviewer

cc: Regional Manager, Watermaster, Water
Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13740

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T1S/R3E-24

CONDITIONS ATTACHED? [☒]yes [☐]no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Donn Miller

TO: Water Rights Section

Dec 1, 1994

FROM: Groundwater/Hydrology Section Don Miller
Reviewer's Name

SUBJECT: Application G- 13740

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE Willamette Basin rules, one or more of the proposed POA's is is not within 1/4 feet/mile of a surface water source (Johnson CK) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. will, or have the potential for substantial interference with the nearest
 - b. will not surface water source, namely _____; or
 - c. ☒ will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) _____;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☒ The permit should be conditioned as indicated in item 4 below; or
 - d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. will, or likely be available in the amounts requested without injury to prior rights
 - b. will not and/or within the capacity of the resource; or
 - c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ☒ The permit should contain condition #(s) 4K;
 - ii. ☒ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
4.
 - a. THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ☒ The permit should allow groundwater production from no shallower than 150 ft. below land surface;
 - c. The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: 4K should call out a "March" measurement

(Well Construction Considerations on Reverse Side)

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ___ review of the well log;
 - b. ___ field inspection by _____;
 - c. ___ report of CWRE _____;
 - d. ___ other: (specify) _____
6. THE WELL construction deficiency:
- a. ___ constitutes a health threat under Division 200 rules;
 - b. ___ commingles water from more than one groundwater reservoir;
 - c. ___ permits the loss of artesian head;
 - d. ___ permits the de-watering of one or more groundwater reservoirs;
 - e. ___ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ___ was, or constructed according to the standards in effect at the time of
 - b. ___ was not original construction or most recent modification.
 - c. ___ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- A. ___ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ___ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ___ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199__.

(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 199__.

(Signature)

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files Date Dec 1, 1994
 FROM: Donn Miller
 SUBJECT: Groundwater Application G- 13740 Phone:
 Name: Timothy & Kathleen Fisher
 Applicant(s) seek 250 gpm () cfs from ONE well(s) in the Willamette basin
 Proposed use: Nursery, etc Johnson CK sub basin
 sub basin.

Pertinent 7.1/2 - minute quads

Sandy
Damascus

Well WRD# T 15 R 3E S 24 QQ dd County Multnomah
 Legal Description 500', 553' 07' 48" to SE corner section 24
 Well is 200 ft from Johnson CK (river/stream)
 Well is ft from (river/stream)
 Well elevation 440' ft River/stream elevation 430 ft.
 Well elevation - river/stream elevation 10'
 Well depth TBD 350' SWL *100' + on
 Sealed to Depth first water found
 Cased to * 150 Perforations/screens
 Lined to Perforations/screens
 Well tests and types
 Confined or unconfined? Hydraulically connected?
 Potential to cause substantial interference? NO

Well WRD# T R S QQ County
 Legal Description
 Well is ft from (river/stream)
 Well is ft from (river/stream)
 Well elevation ft River/stream elevation ft.
 Well elevation - river/stream elevation
 Well depth SWL on
 Sealed to Depth first water found
 Cased to Perforations/screens
 Lined to Perforations/screens
 Well tests and types
 Confined or unconfined? Hydraulically connected?
 Potential to cause substantial interference?

Conditioned water rights in area: yes (G-13089 nearby has 46 and min 150 casing)
 Other nearby water rights of record: yes
 Density of nearby wells of record: high - many domestics

Comments: * This well location is just across the line from the Sandy-Boring GW Limited Area to the south. My review of the well logs show that the same "shallow" vs "deep" Troutdale aquifer situations exist here as in the GWLA. As a matter of protection to the shallow domestic wells and to prevent SW/GW interference, a casing to at least 150 feet makes sense. My estimates in red
 References used: Ken Lite (oral communication)

[illegible]

ascus - Boring
Dorming Water Level Area

7

8

9

OPEN FOR APPROPRIATION - LAWS 1953
 Beaver Creek and tributaries
 Buck Creek and tributaries
 Big Creek and tributaries

18

16

GG-11498

GR-325

All tributaries of Sandy River below
 Big Creek and tributaries of Johnson
 Creek open for storage from December 1
 to June 1. This does not include the
 Sandy River or Johnson Creek.

GR-1102

Mulholland only

GG-11719

GG-12369

DRAINAGE

19

20

21

GG-12297

GG-1743

BASIN

GG-1361

BOUNDARY

To Willamette

JOHNSON

GG-12297

GR-3907

GR-2924

GG-5735

GG-11548

GR-865

GR-1918

GG-13272

GR-130

GG-13861

31

32

33

GG-11720

GG-13698

GR-2948

GG-1271

GR-396

GR-3404

GR-2686

GR-3895

FORK

DOLAN

CREEK

DEEP CREEK

55882

R-55881

50484

R-38128

R-38128

R-38128

R-38128

R-38128

R-38128

R-38128

R-38128

R-38128

R-38128

R-38128

R-38128

R-38128

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R-38128

To Clackamas

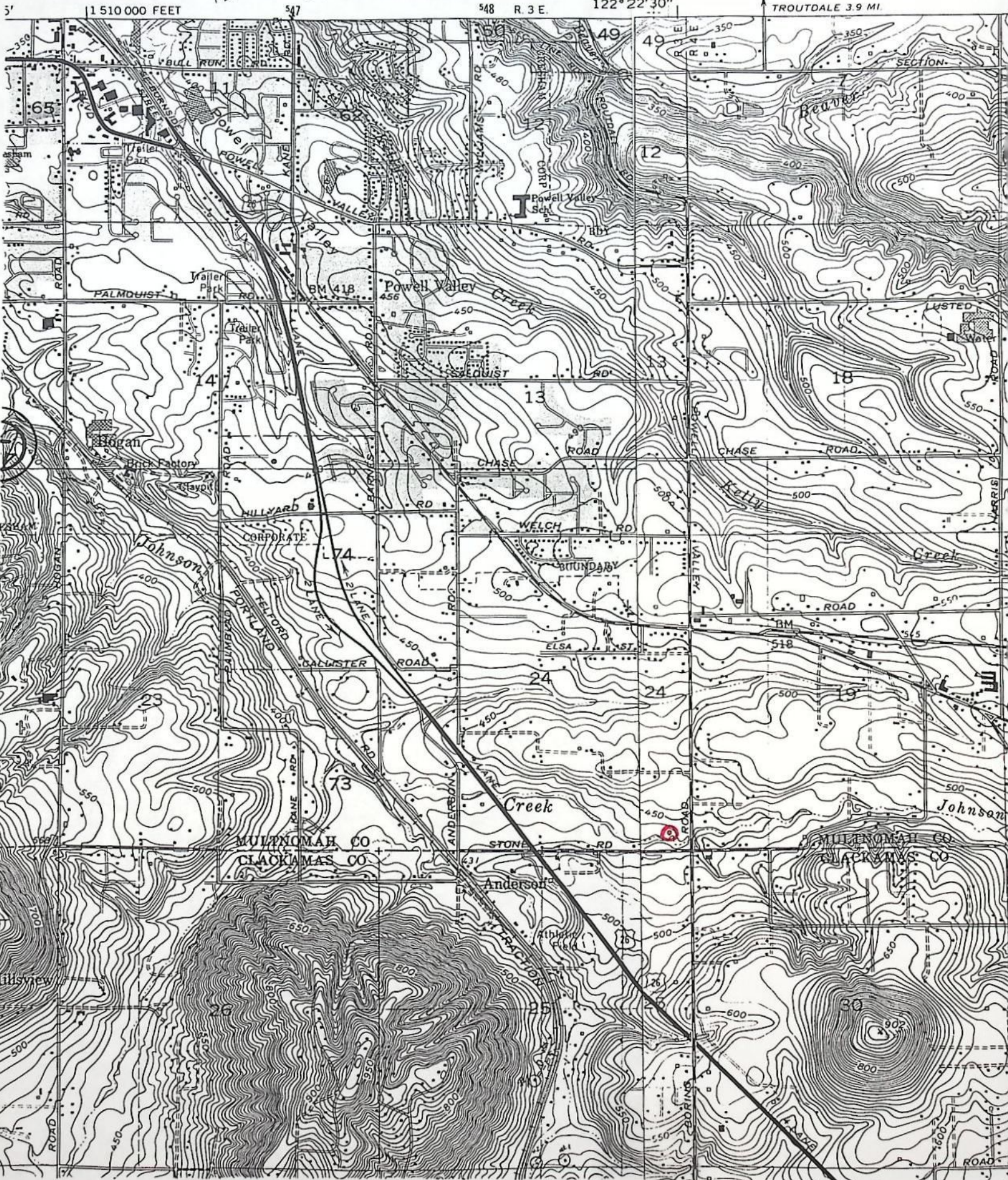
Damascus - Boring

Declining Water Level Area

DAMASCUS QUADRANGLE
OREGON

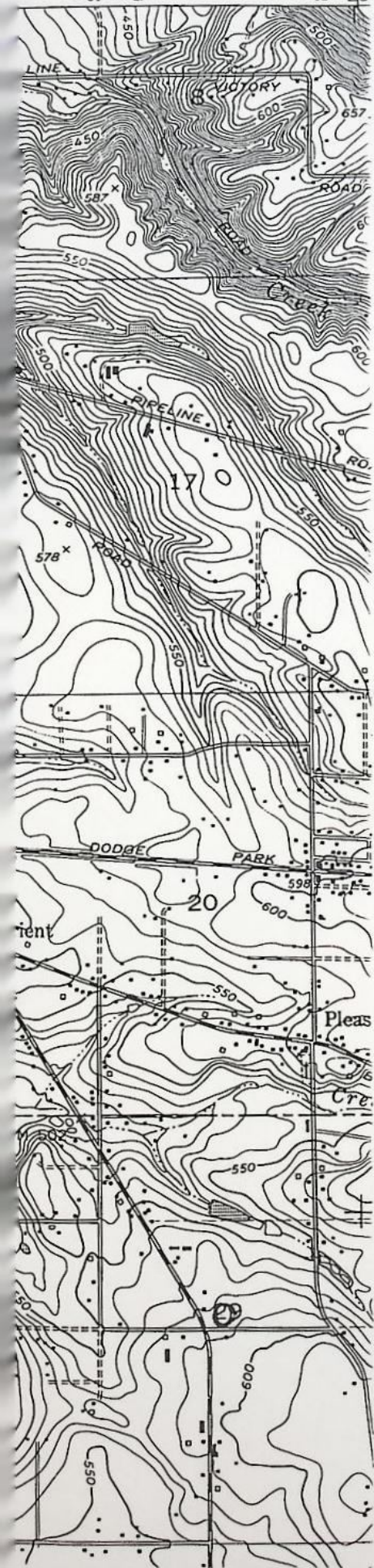
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

7.5 MINUTE SERIES (TOPOGRAPHIC)
NW/4 SANDY 15' QUADRANGLE



551000m E

552 20



Water Resources Department

MEMO

January 26, 1996

TO Application G- 13740

FROM GW: Don M. Allen
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☐ Yes

☒ No

The source of appropriation is within or above a Scenic Waterway.

☐ Yes

☒ No

Use the Scenic Waterway condition (Condition 7J).

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)

☒

At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

13740

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-13740

ROUTED TO: WR

TOWNSHIP/

RANGE-SECTION: 1S/3E-24

CONDITIONS ATTACHED? ☐ yes ☒ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Don Miller

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-13740

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T1S/R3E-24

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Donna Miller

13740

TO: Water Rights Section

Dec 1, 1994

FROM: Groundwater/Hydrology Section Don Miller
Reviewer's Name

SUBJECT: Application G- 13740

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE Willamette Basin rules, one or more of the proposed POA's is/is not within 1/4 feet/mile of a surface water source (Johnson CK) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. will, or have the potential for substantial interference with the nearest
 - b. will not surface water source, namely _____; or
 - c. ☒ will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) _____;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☒ The permit should be conditioned as indicated in item 4 below; or
 - d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. will, or likely be available in the amounts requested without injury to prior rights
 - b. will not and/or within the capacity of the resource; or
 - c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ☒ The permit should contain condition #(s) 4K;
 - ii. ☒ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
4.
 - a. THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ☒ The permit should allow groundwater production from no shallower than 150 ft. below land surface;
 - c. The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: 4K should call out a "March" measurement

(Well Construction Considerations on Reverse Side)

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files

Date Dec 1, 1994

FROM: Donn Miller

SUBJECT: Groundwater Application G- 13740

Phone:

Name: Timothy & Kathleen Fisher

Applicant(s) seek 250 gpm(cfs) from ONE well(s) in the

Willamette basin

Proposed use: Nursery, etc

Johnson CK sub basin

sub basin.

Pertinent 7.1/2 - minute quads

Sandy
Damascus

Well WRD# T 15 R 3E S 24 Q 00 dd County Multnomah

Legal Description 500', 553°07'48" to SE corner section 24

Well is 200 ft from Johnson CK (river/stream)

Well is ft from (river/stream)

Well elevation 440' ft. River/stream elevation 430 ft.

Well elevation - river/stream elevation 10'

Well depth TBD 350' SWL *100' + on

Sealed to Depth first water found

Cased to # 150 Perforations/screens

Lined to Perforations/screens

Well tests and types

Confined or unconfined? Hydraulically connected?

Potential to cause substantial interference? No

Well WRD# T R S Q County

Legal Description

Well is ft from (river/stream)

Well is ft from (river/stream)

Well elevation ft. River/stream elevation ft.

Well elevation - river/stream elevation

Well depth SWL on

Sealed to Depth first water found

Cased to Perforations/screens

Lined to Perforations/screens

Well tests and types

Confined or unconfined? Hydraulically connected?

Potential to cause substantial interference?

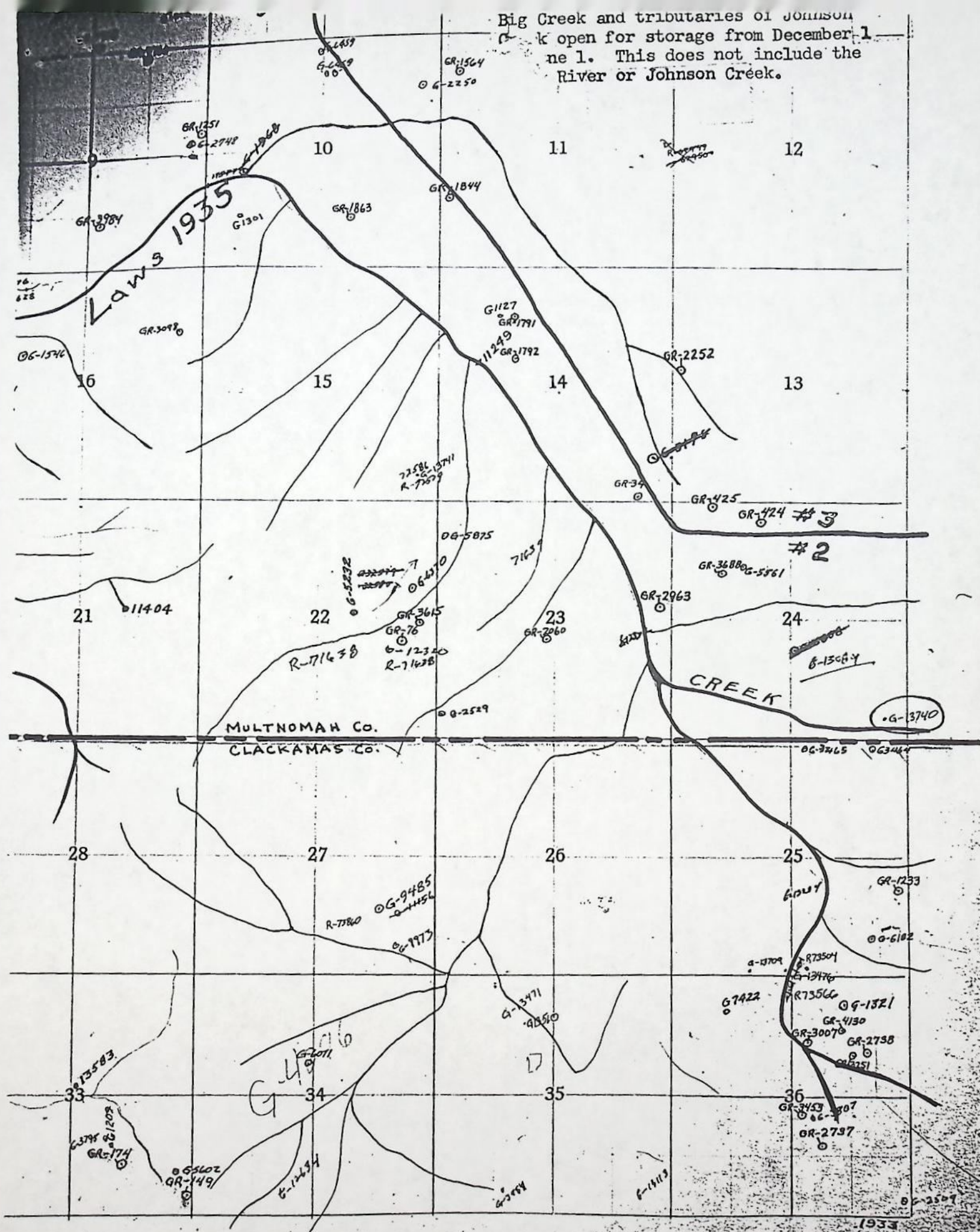
Conditioned water rights in area: yes (6-13089 nearby has 4G and min 150 casing)

Other nearby water rights of record: yes

Density of nearby wells of record: high - many domestics

Comments: *This well location is just across the line from the Sandy-Boring Gw Limited Area to the south. My review of the well logs show that the same "shallow" vs "deep" Troutdale aquifer situations exist here as in the GWLA. As a matter of protection to the shallow domestic wells and to prevent SW/GW interference, a casing to at least 150 feet makes sense. My estimates in red
References used: Ken Lite (oral communication)

Big Creek and tributaries of Johnson
Creek open for storage from December 1
to June 1. This does not include the
River or Johnson Creek.



ascus - Boring
Dehydration Water Level Area

GR-432

GR-999

7

8

9

OPEN FOR APPROPRIATION - LAWS 1953

Beaver Creek and tributaries

Buck Creek and tributaries

Big Creek and tributaries

Mulnomah only

All tributaries of Sandy River below Big Creek and tributaries of Johnson Creek open for storage from December 1 to June 1. This does not include the Sandy River or Johnson Creek.

OG-14498

GR-1102

GR-325

To Willamette

DRAINAGE

BASIN

BOUNDARY

19

20

21

OG-1743

JOHNSON

Law 1935

GR-3907

GR-2924

GR-865

30

OG-11381

OG-11545

28

OG-115

GR-198

GR-10877

GR-1401

GR-2685

OG-11431

GR-130

OG-13867

GR-3572

OG-2258

OG-4881

G-8117

G-8116

OG-9882

31

32

33

G-11120

G-12698

GR-2948

OG-1271

GR-3961

GR-3404

GR-2686

GR-3895

OG-2637

R-38128

R-38128

To Chekamas

Damascus - Boring

Declining Water Level Area

PFO CHECKLIST

Application #: 6 13740

Basin: Willamette

WAB: _____

Township 1S Range 3E Section 24 1/4 1/4 28.43 acres

* asked for 29 acres on the application but there are only 28.43 acres on the map

- ☒ 1. Is the file complete by the Completeness Checklist?
- ☒ 2. Check file for indicators that the process **should not** continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other) None
- ☒ 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 - ☒ a. Is second groundwater review necessary? (objection, in or within a mile of a scenic waterway) No
- N/A 4. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- ☒ 5. Is the Proposed Use located in or above a Scenic Waterway? No
- ☒ 6. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) No
- ☒ 7. Is the use allowed or limited by the Basin Program? Allowed
- ☒ 8. If source is groundwater, is the well located in a groundwater limited area? Not W/ing Sandy Boring
- ☒ 9. Basin Maps (metal cabinet) have been checked and River Mile (19) has been identified See groundwater review Johnson Creek Withdrawal area
- N/A 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- ☒ 11. Rate Nursery Duty — Irrigation Season Nursery Operations
- ☒ 12. Period of Allowed Use April & March -> Oct
- N/A 13. Is use from a B.O.R. project and if so, is a signed contract in the file?
- N/A 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 18, 1994 or June 3, 1994)
- ☒ 15. Have conflicts been identified, verified and/or addressed? None by I.R.
- ☒ 16. Is the use Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)? .55 cfs
250 gpm or 0.55 cfs
- ☒ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
- ☒ 18. Check accuracy of information merged into the PFO report (674 dump, names, dates, period of allowed use, POD's, POU's, rates)
- ☒ 19. Spell Check
- ☒ 20. Watermaster District #: 1
- ☒ 21. Regional Office (NWR, NCR, ER, SCR, or SWR): Tom Paul
- ☒ 22. Documents used in determination are attached and highlighted
- ☒ 23. Fill out PFO CC List (a.k.a. the Check-Off Sheet)
- ☒ 24. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)
- ☒ 25. PFO has been saved and moved to m:\t\pfo\done\application # from m:\t\pfo\work\application #

could have frost
28.43 acre x .15 cfs/acre
= 4.26 cfs
Public Notice
9-19-95

Name: Lauree Sweetaker Date: 11-3-95
U183 Johnson Cr & Misc

INITIAL REVIEW CHECKLIST

APPLICATION # 6 13740
BASIN 2
WAB # 0101
POU-WAB 0101

☒ ITEMS HAVE BEEN VERIFIED ON COMPLETENESS CHECKLIST
☒ BASIN NAME/NUMBER IS CORRECT

DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...

☒ BASIN PLAN
☒ LEGISLATIVE WITHDRAWAL (ORS 538)
☒ RULES
☒ SCENIC WATERWAY (OTHER THAN WA ORS 390.826)
☒ OTHER

NA WATER AVAILABILITY (WA) CFS 0.36 MONTHS
50 % BEFORE JULY 17, 1992; 80 % LIVE FLOW 50 % STORAGE
AFTER JULY 17, 1992

NA INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER
AVAILABILITY SHEETS

NA USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN
THE FILE

☒ GROUND WATER REVIEW HAS BEEN EVALUATED FOR HYDRAULIC
CONNECTION (USE WA DATABASE IF CONNECTED)
REQUIRED CONDITIONS 4K ment in Mar / PRODUCTION FROM NO shallower
7D THAN 150

DIVISION 33 HAS BEEN ADDRESSED...

NA SEASON FOR DIRECT FLOW
NA WATER QUALITY PARAGRAPH
EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)

☒ PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP IS
ATTACHED SHOWING THE CONFLICT WITH

☒ IRRIGATION SEASON Mar - Oct 31 (DECREE, BASIN PLAN, PERMIT,
GENERIC)

☒ RATE & DUTY 2.5 (DECREE, BASIN PLAN, PERMIT, GENERIC)
GROUND WATER ALWAYS GENERIC FOR RATE AND DUTY

☒ ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND
HIGHLIGHTED AND PACKET IS STAPLED TOGETHER

☒ SPELL CHECK HAS BEEN COMPLETED

☒ WATERMASTER # 1

☒ REGIONAL MANAGER (NW) (SW, NC, SC, E)

☒ LETTER WAS SAVED FROM M:\T\IR\WORK TO M:\T\IR\SENT

NAME RWK DATE 8/25/95

fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses.

(3) Multnomah Channel and drainage waters originating within drainage districts are classified for domestic, livestock, municipal, industrial, irrigation, commercial, agricultural, mining, power, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses.

(4) Except as specified in subsections (1)(a), (b) and (c) of this rule, all stream systems in the Columbia Subbasin and Columbia Slough are classified year-round only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses.

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

Groundwater Classifications and Conditions

690-502-160 (1) Use of groundwater from the basalt aquifer within the Cooper-Bull Mountain Critical Groundwater Area shall be as described in the State Engineer's order designating the Cooper-Bull Mountain Critical Groundwater Area dated May 17, 1974.

(2) Groundwater Classification: The ground-water resources of the Willamette Basin are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and statutorily exempt groundwater uses with the following exceptions:

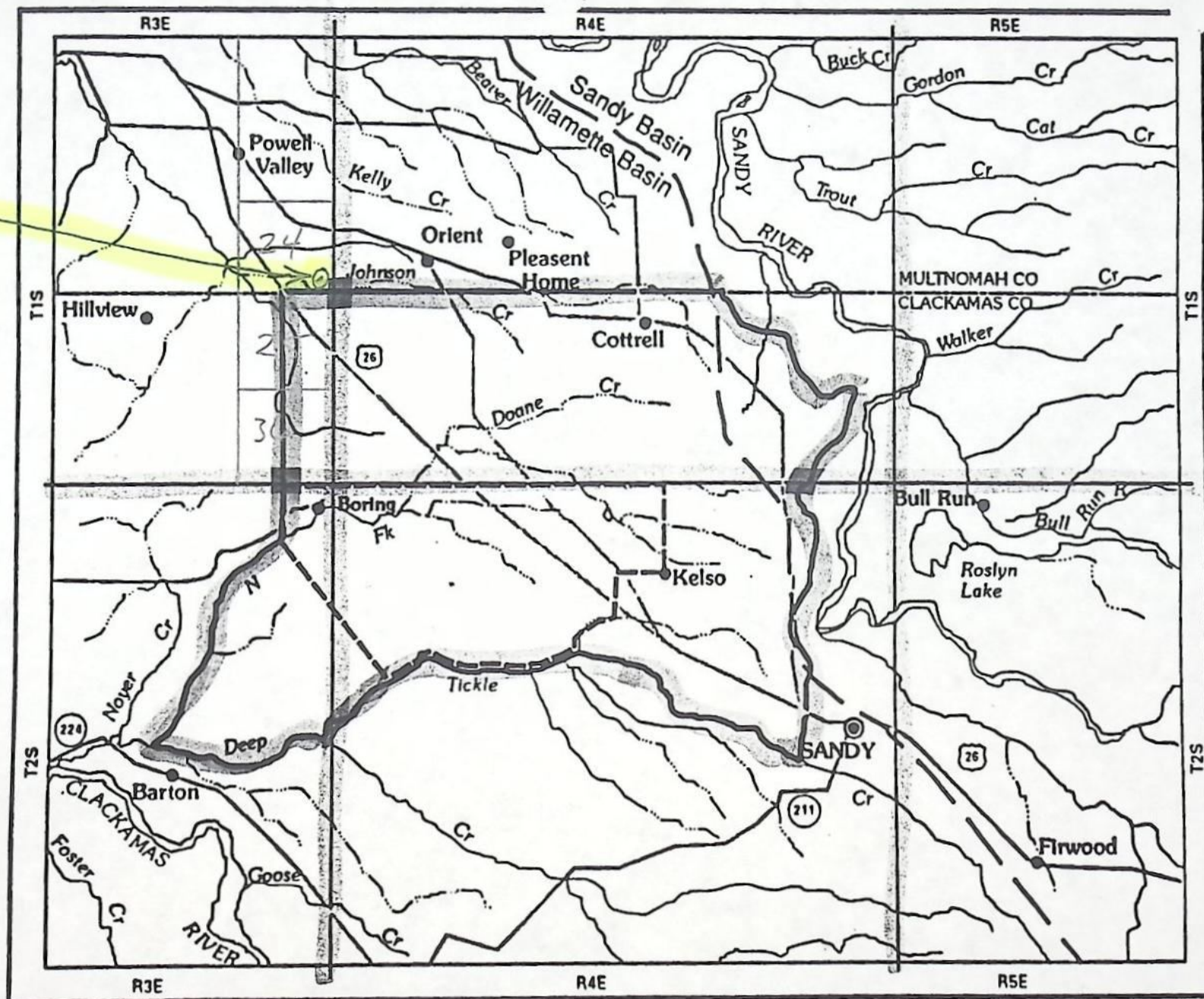
(a) Groundwater from the *shallow* Troutdale aquifer and the specially designated portion of the *deep* Troutdale aquifer in the Sandy-Boring area is classified for exempt uses only. The Sandy-Boring Groundwater Limited Area is as described and shown in Exhibit 1. Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed and shall contain the Special Permit Conditions specified in section (4) of this rule. Applications may be rejected if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications;

(b) Groundwater from the basalt aquifers in the Damascus, Glad Tidings, Kingston, Mt. Angel, Parrett Mountain, and Stayton-Sublimity areas, and the Troutdale aquifer in the Damascus area is classified for exempt uses only: *= if after Oct 4*

(A) The Damascus Groundwater Limited Area is as described and shown in Exhibit 2. The Glad Tidings Groundwater Limited Area is as described and shown in Exhibit 3. The Kingston Groundwater Limited Area is as described and shown in Exhibit 4. The Mt. Angel Groundwater Limited Area is as described and shown in Exhibit 5. The Parrett Mountain Groundwater Limited Area is as described and shown in Exhibit 9. The Stayton-Sublimity Groundwater Limited Area is as described and shown in Exhibit 7;

(B) Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in section (3) of this rule. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of permit issuance, the applicant shall prepare a plan for the Water

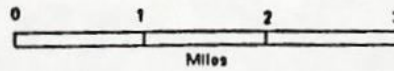
Sandy-Boring Groundwater Limited Area



WELL
IS
OUTSIDE
OF
BOUNDARY



- BASIN BOUNDARY
- STUDY AREA BOUNDARY
- DEEP AQUIFER



COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
G - 13740	8/22/95	JG

COMPLETED

A checkmark (✓) indicates that the item is incomplete or defective.

- ☐ 1. Examination fees.
- ☐ 2. Name and address of the applicant, and title if applicable.
- ☐ 3. Source of water.
- ☐ 4. Use of water.
- ☐ 5. Amount of water.
- ☐ 6. Description of delivery system.
- ☐ 7. A statement of whether the applicant has written authorization or easements permitting access to lands owned by others.
- ☐ 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- ☐ 9. Proposed dates of beginning and completion of construction, and complete application of water.
- ☐ 10. If for **municipal use**, the present population to be served and expected future water requirements.
- ☐ 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- ☐ 12. If for a **reservoir**:
 - ☐ a. The height of the dam.
 - ☐ b. The storage capacity.
 - ☐ c. The area submerged.
 - ☐ d. The maximum depth.
 - ☐ e. The construction method (earthfill, concrete, flashboard, etc.).
 - ☐ f. A description of the outlet conduit.
 - ☐ g. A description of the spillway.
- ☐ 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- ☐ 14. If the application was made under **HB 2107**:
 - ☐ a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - ☐ b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - ☐ c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- ☐ 15. An oath that the application information is true and correct.
- ☐ 16. The signature of the applicant(s).
- ☐ 17. A satisfactory map of the proposed POD & POU.
- ☐ 18. A Land Use Information Form or receipt.
- ☐ 19. A legal description of the property where water will be used.

July 25, 1994

TIMOTHY G FISHER
FISHER, KATHLEEN A
28810 SE WHEELER
BORING, OR 97009

REFERENCE: File(s) G-13740

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used without a water right permit.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

REFERENCE: File(s) - G-13740

When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review. In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, and the demands of prior right holders, and other conditions to conform the water use to particular standards.

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

cc:CWRE

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

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

Application	Stream	Restriction
G 13740	JOHNSON CR > WILLAMETTE R	WTHDRWN ORS 538.170
G 13741	JOHNSON CR > WILLAMETTE R	WTHDRWN ORS 538.170
G 13741	JOHNSON CR > WILLAMETTE R	WTHDRWN ORS 538.170
S 74305	SANDY R > COLUMBIA R	WTHDRWN ORS 538.251
S 74305	SANDY R > COLUMBIA R	WTHDRWN ORS 538.251

Application No. 67340

Land Use Information Form: Water Right Transfers, Use of Conserved Water, Exchanges

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the request for water use. DO NOT FILL OUT THIS FORM IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) you are applying for a water right transfer involving: a) a change in the place of use with no structural changes, and b) irrigation uses located in irrigation districts or exclusive farm use zones.

RECEIVED

JUL 11 1994

Applicant's Name: Tim Fisher (Fisher Nursery)

Address: 28810 SE WHEELER

City: BORING

State: OR

Zip: 97009

Phone: 97009

WRD Application No.:

WATER RESOURCES DEPT.
SALEM, OREGON

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
17867				28K
99324-0170	EXCLUSIVE FARM USE			
99324-0070	E.F.U.			

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant for inclusion in the application.

a) Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC 11.15.2008(A). Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

2

Date: 6-30-94

Phone: 248-3043.

Sandy Mathewson

Continuations or Additional Comments:

[illegible]

06896

NUMBER _____

Check 100⁰⁰ Mo _____ Cash _____

- _____ Surface Application
- _____ Reservoir Application
- _____ Ground Water Application
- _____ Transfer Application
- _____ PFO Request
- _____ Research
- _____ Hydroelectric Fees
- _____ Copying
- _____ Assignment
- _____ Extension of Time
- _____ Protest
- _____ Other

0
100
refers

Direct
Don't

RECEIVED

JUL 11 1994

CONTRACT OF SALE

WATER RESOURCES DEPT.
SALEM, OREGON

THIS CONTRACT is made as of this 30 day of May, 1990,
by (as to Parcel I) KEITH D. TILLSTROM and MARILEE TILLSTROM, husband
and wife, and VIOLA R. TILLSTROM; (as to Parcel II) KEITH D. TILLSTROM
and MARILEE TILLSTROM, as tenants by the entirety, and DAVID W.
TILLSTROM and VIOLA R. TILLSTROM, as tenants by the entirety,
hereinafter called SELLER, and TIMOTHY G. FISHER and KATHLEEN A. FISHER,
husband and wife,, hereinafter called PURCHASER,

W I T N E S S E T H:

1. Purchase and Sale. Seller agrees to sell to Purchaser and
Purchaser agrees to purchase from Seller for the price and on the terms
and conditions set forth below that certain real property, and all
improvements thereon, situated in the County of Multnomah, State of
Oregon, described as follows:

PARCEL I:

A strip of land two rods wide and eighty rods long extending from
North to South from the East side of the West one-half of the
Southeast one-quarter of the Southeast one-quarter of Section 24,
Township 1 South, Range 3 East of the Willamette Meridian,
containing one acre, more or less, being that portion that joins on
the West the East one-half of the Southeast one-quarter of the
Southeast one-quarter of Section 24, Township 1 South, Range 3 East
of the Willamette Meridian;

Also the East one-half of the Southeast one-quarter of the
Southeast one-quarter of Section 24, Township 1 South, Range 3 East
of the Willamette Meridian, containing 20 acres, more or less,
situated in the County of Multnomah and State of Oregon;

Also the East one-half of the West one-half of the Southeast one-
quarter of the Southeast one-quarter of Section 24, Township 1
South, Range 3 East of the Willamette Meridian;

EXCLUDING from said parcels above described any portions in the
County Roads; and

EXCEPTING THEREFROM the following described real property under
contract dated January 1, 1966, recorded January 18, 1966 in Book
458, Page 793, Deed Records of Multnomah County, Oregon, to-wit:

The South seven hundred fifty feet (750') of the following real
property:

The East one-half of the West one-half of the Southeast one-quarter
of the Southeast one-quarter and the East one-half of the Southeast
one-quarter of the Southeast one-quarter of Section 24, Township 1
South, Range 3 East of the Willamette Meridian, containing
approximately 15.87 acres, more or less, excluding portions of said
tract in County Roads on the South and East sides of said tract.

PARCEL II:

The South seven hundred fifty feet (750') of the following real
property:

The East one-half of the West one-half of the Southeast one-quarter
of the Southeast one-quarter and the East one-half of the Southeast
one-quarter of the Southeast one-quarter of Section 24, Township 1

JUL 1 1994

WATER RESOURCES DEPT.

SALEM, OREGON

South, Range 3 East of the Willamette Meridian, containing approximately 15.87 acres, more or less, excluding portions of said tract in County Roads on the South and East sides of said tract.

SUBJECT TO:

1. as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

Account No. R-99324-0170 Account No. R-99324-0670

Map No. 241S3E Map No. 241S3E

Levy Code 353 Levy Code 353

Affects Parcel I Affects Parcel II

(Purchaser shall be responsible for any taxes or penalties and interest coming due in the event the land is disqualified for farm use.)

2. Rights of the public and governmental agencies in and to any portion of said land included within the boundaries of streets, roads or highways.

3. Easement, including the terms, rights and provisions thereof, for electrical and communications facilities granted to PORTLAND GENERAL ELECTRIC COMPANY, recorded October 8, 1957, Book 1866, Page 52; Affects Parcel I.

4. Contract of Sale, including the terms and provisions thereof; Vendor: HAROLD A. LAKE and MARCELLA R. LAKE, husband and wife; Vendee: KENNETH E. GREINER, dated December 28, 1971, recorded January 5, 1972, Book 833, Page 160; Affects Parcel I.

The life estate interest of HAROLD A. LAKE and MARCELLA R. LAKE has been terminated.

The Vendor's interest has been assigned by instrument to RONALD E. BRAMBLE, recorded July 16, 1976, Book 1115, Page 1333.

The Vendor's interest has been assigned by instrument to ALICE WOLVERTON, recorded August 25, 1976, Book 1123, Page 1062.

The Vendee's interest has been assigned by instrument to KEITH D. TILLSTROM and MARILEE TILLSTROM, husband and wife, and DAVID W. TILLSTROM and VIOLA R. TILLSTROM, husband and wife, recorded July 3, 1979, Book 1364, Page 540.

The interest of DAVID TILLSTROM was conveyed to VIOLA R. TILLSTROM by instrument recorded November 20, 1987 in Book 2066, Page 323.

(In the event the Seller herein fails to make any of the payments on the aforesaid contract, then the Purchaser herein may make said payments and credit them against the payments coming due under this contract.)

5. Easement, including the terms, rights and provisions thereof, for underground drainage facilities, granted to DONALD E. EKSTROM, et al, recorded April 1, 1988, Book 2091, Page 1742; Affects a portion of Parcels I and II.

Such property is referred to herein as "the property".

2. Address for Tax Statement. Until a change is requested, all tax statements shall be sent to the following address: Mr. and Mrs. Timothy G. Fisher @28810 SE Wheeler Road, Boring, Oregon 97009

3. Purchase Price and Payment. Purchaser promises to pay as the total purchase price for the property the sum of \$170,000.00. Such amount shall be paid as follows:

(a) The sum of \$15,000.00, which is paid upon execution hereof.

(b) The remaining balance of \$155,000.00 shall be paid in annual installments of not less than \$18,206.24 each year, including interest at the rate of -10- percent per annum on the unpaid balance, the first of such installments to be paid on or before the 1st day of June, 1991, and subsequent installments to be paid on or before the 1st day of June of each year thereafter until the entire purchase price, including both principal and interest, is paid in full. Interest on all unpaid balance shall commence on June 1st, 1990. Each payment shall be applied first to interest to the date of payment and the balance to principal.

NUMBER 96966

Check 338. NO Cash

 Surface Application

 Reservoir Application

 Ground Water Application

 Transfer Application

 Power Claim

 Hydroelectric Examination

 Hydroelectric License

 Copying

 Assignment

 Extension of Time

 Other

 P-6

 Quadrangle

 Basin

 Protest

 Constructors Examination

 Constructors License

 Adjudication

D. A. [Signature]

RECEIPT # 114296

STATE OF OREGON
WATER RESOURCES DEPARTMENT158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)RECEIVED FROM: Tim Fisher Nursery
BY: _____

APPLICATION	13740
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 724-22 OTHER: (IDENTIFY) ☐TOTAL REC'D \$ 338**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
OTHER:	(IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.

COST CENTER AND OBJECT CLASS

VOUCHER #

03-00-0 WRD OPERATING ACCT**MISCELLANEOUS:**

840.001	COPY FEES	\$
850.200	RESEARCH FEEDS	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$ 200.	842.004	\$ 138
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
	LANDOWNER'S PERMIT	\$	842.024	\$

OTHER (IDENTIFY) _____

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011	POWER LICENSE FEE (FW/WRD)	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	\$

HYDRO APPLICATION

\$

RECEIPT # 114296

DATED: 7-14-94 BY: D. B. B. B.

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

Water Resources Dpt.

REC-11

JUL 14 1994

WATER RES. DPT.
SALEM, OREG.

I think I forgot to
put in my check for water
application fee in my file I sent
in.

Thank you

Tim Fisher Nursery

PRE-TR APPLICATION PROCESSING OUTLINE

Application File #

G12740

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

DATE

INITIAL

7/14/94

CG

Name and mailing address of applicant

Source of water

Quantity of water

Map showing location of POD & POU

Use of water

Names and addresses of legal owners

Signature of applicant

Oath

Application date stamped per money receipt date

Land use approved ☒ pending ☐

If reservoir < 5 AF \$____, if > 5 AF \$____

HB 2153/HB 2107 APPLICATION -- SEE REVERSE

Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code

Entered into WRIS

SUPPORT SERVICES

7/26/94

can

Stamp contents with application number

Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file

Place label on file and calender card

APPLICATION SECTION

7/24/94

DB

Stream Indexed Basin # 2

Plat Carded and copy made

If dam is over 10 feet or storage exceeds 9.2

AC-FT, route file to Dam Safety Section

TR CASEWORKER

TR Checklist complete

YES

NO

Within Irrigation District

District Notified

District excerpt received

TR Mailed DATE

Public Interest Checklist complete

Management Codes

REMARKS:

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter
if prior to April 8, 1994).

Appropriate map (see item 1 on form).

Evidence that reservoir existed before
January 1, 1993 (one or more of the following: dated aerial
photo, NOTARIZED affidavit, dated map from agency, construction
receipts or other documentation).

Items 2, 3, 4, 5, and 6 are completed.

Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before
routing to Data Center, change priority date to 1/1/1993. Also,
confirm the following:

Receipt of evidence that reservoir existed
before January 1, 1993 (one or more of the following: dated
aerial photo, NOTARIZED affidavit, dated map from agency,
construction receipts or other documentation)

**HB 2107 - wetland, stream restoration and storm water
management**

Complete Minimum Requirements to File on reverse EXCEPT DO NOT
ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the
following:

Name/address of adjacent property owner
within 1/4 mile

Map with scale not less than 2 in.=1 mi.

CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed

Resulting benefits

Public notices (circle) #1 #2

Application No.

G-13740



State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

Applicant(s) Timothy G. Fisher and Kathleen A. Fisher

(Please print or type - use dark ink)

Mailing Address: 28810 SE Wheeler

Boring

Or.

970 09

1-503-663-0680

City

State

Zip

Daytime Phone No.

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

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.):

One well, Plus distribution lines

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: 0.10 Miles (Average)

Elevation difference between streambed and development: 25'

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

Diameter of well: 8"

Depth in feet: 400

Type and size of well casing: Cased 8"

No. of feet: 200

Estimated depth to water: 160'

Type of access port or measuring device: Direct measurement

Wells to be drilled by: A.O. Olsen

Address:

If the water well is flowing artesian, describe your water control and conservation works:

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: _____ cubic feet per second, OR 250 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** Irrigation of nurse stock and
other crops, lawn, Greenhouse

If for more than one use, give the quantity of water from each source for each use; _____

If for DOMESTIC use, state the number of households to be supplied; _____

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

Irrigation 29.00 Acres

Other (describe) _____

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** *Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).*

Water delivery system will deliver 200 gpm. Distribution
lines will consist of 3000 LF of 4" aluminum and 4" PVC
with assorted small feeder lines. Applicant anticipates
using 30H 9/64" orifice Rainbird Sprinkler Heads.

5. **PROJECT SCHEDULE:** *(List month and year)*

Proposed date construction work will begin April 1995

Proposed date construction work will be completed March 1995

Proposed date water use will be completed February 1996

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant x CWRE Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 x Applicant CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? Yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

NOTE: Prior to receiving a certificate of water right, the permit holder must submit to the Water Resources Department the results of a pump test meeting the department's standards. The Director will require water level or pump test results every ten years thereafter.

REMARKS:

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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 the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Timothy G. Fisher
Signature of Applicant

7-8-94
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 14th day of July, 1994, at 8:00 o'clock, A M.

APPLICATION NO: G-13740

Appl. # G - 13740
Per. # G - 12499



8/4/97

MAP REVIEW

REPORT

- ✓ source and trib
- ✓ diversion point location
- ✓ conveyances (pipes, ditch, etc.)
- ✓ place of use SEE BACK
- ✓ scale NOT SCALE OF ASSESSORS, NOT ACCEPTABLE
- ✓ township, range, section
- ✓ north arrow
- ✓ CWRE stamp
- ✓ disclaimer
- ✓ date survey was performed
- ✓ P.O.B. of survey
- ✓ dimensions and capacity of diversion system NEED COMPS
- ✓ "beneficial use" type title
- ✓ "permanent-quality" paper

- ✓ type of use
- ✓ extent of use
- ✓ rate and duty
- ✓ time limits (A,B,C and transfers)
- ✓ crop type
- ✓ system capacity METER READING NOT ENOUGH. WHEN SYSTEM IN USE, DAR 690-14-100(8) NEED COMPS
- ✓ permit conditions
 - () fish screen &/or fish passage devices
 - (✓) flow-meter
 - (NEED) pump-test
 - (NEED) other NEED SWC RIGHTS & GW PRODUCTION REPLY FROM GW

MEMOS SENT

FILE#: G 13740

TIMOTHY G FISHER
FISHER, KATHLEEN A
28810 SE WHEELER
BORING, OR 97009

FILE#: G 13740

TIMOTHY G FISHER
FISHER, KATHLEEN A
28810 SE WHEELER
BORING, OR 97009

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TIMOTHY G FISHER
FISHER, KATHLEEN A
28810 SE WHEELER
BORING, OR 97009

FRD 7

Application No. G13740
Permit No. G12499

TIMOTHY G FISHER
FISHER, KATHLEEN A
Name ..
Address 28810 SE WHEELER
BORING, OR 97009
Assigned
Address
Beginning construction 6-10-97
Completion of construction 10-1-98
Extended to
Complete application of water 10-1-99
Extended to