

Reply-To: <phg@bctonline.com>
From: "Malia Kupillas" <phg@bctonline.com>
To: "Lisa Juul" <lisa.j.juul@wrd.state.or.us>
Cc: "Salem Opeifa" <salem.b.opeifa@wrd.state.or.us>, "Jerry Simnitt" <simnittnsy@canby.com>
Subject: Extension for Simnitt Nursery Application No. G-11982/Permit G-11687
Date: Wed, 29 Jun 2005 09:00:22 -0700
Organization: Pacific Hydro-Geology Inc.
X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
X-Mailer: Microsoft Outlook, Build 10.0.2627
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on kettle.wrd.state.or.us
X-Spam-Status: No, hits=-0.3 required=5.0 tests=BAYES_01,FORGED_OUTLOOK_TAGS,HTML_70_80,HTML_MESSAGE autolearn=no version=2.63
X-Spam-Level:

Appl # G-11982
(Permit # G-11687)

-->

Dear Lisa:

RECEIVED
JUN 29 2005
WATER RESOURCES DEPT
SALEM, OREGON

I checked with Simnitt Nursery and confirmed the highest instantaneous rate they pumped the well was 1,764 gpm. This was for frost protection, and it is supported by the COBU calculations. They discharged 4.17 gpm per nozzle with 423 nozzles running at one time. This should address your request for additional information.

Please keep Salem updated on the status of the extension that is being processed for Water Right Application G-11982/Permit G-11687. This extension was needed help meet permit conditions that were not met at the time of final proof. Thank you.

Malia Kupillas, R.G., C.W.R.E.

Pacific Hydro-Geology Inc.

18477 S. Valley Vista Rd.

Mulino, OR 97042

503.632.5016

Oregon Water Resources Department
WATER-USE IMPACT PLAN REPORTING

RECEIVED

APR 04 2005

WATER RESOURCES DEPT
SALEM, OREGON

RE: Required Water-Use Impact Plans and Water-Level Reporting for Ground Water Permits

JEROME A SIMNITT
SIMNITT NURSERY
138 NE 22ND AVE
CANBY OR 97013

503-266-9640

WELL LOCATED ON N. LOCUST BETWEEN TERRITORIAL and 22nd.

If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your water-use impact plan to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

WATER-LEVEL MEASUREMENT REPORT

(Complete one form for each well that requires measurement under your plan)

Well Identification (provide as much of the following information as possible):

Well not yet drilled as of date: _____
Original owner on well log: SIMNITT NURSERY
Well ID # (on tag attached to casing): L _____ Startcard number (if listed on well log): # 7900
Well depth: 342 Casing diameter: 16" Date drilled: 1-19-89 6-1-89
Owner's well name: A WELL Drilled by: SCHNIEDER EQUIPMENT

When did water use begin under this permit from this well? Date: Month/Yr 11-6-89

Show all water rights listing this well:

Application number(s): G 11982
Permit number(s): G 11687
Certificate number(s): _____

Date of measurement: 3/18/05

Description of measuring point (e.g. 1 1/4" port pipe on north side): 1 1/2 PORT PIPE on South Side

Static water level above/below (circle one) measuring point: 67.5' feet, or airline pressure _____ psi
Measuring point distance above/below (circle one) land surface: 2.3 FT feet, or airline length _____ feet
Static water level above/below (circle one) land surface: 65.3 FT feet
Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape Airline _____ Other(specify): _____
Water-level status when measured: Static _____ Pumping _____ Rising _____ Flowing _____ Other _____

Length of time well was idle before measurement: UNKNOWN

Comments (use back or extra sheet if necessary):
I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): Michael Lee

Signature of measurer: [Signature]

Company: Fisher's Supply I.N.C

License number (CWRE, RG, PE, WWC, Pump Installer): CGB 0052426

Daytime phone number: 503 263-8557 Email address: _____

If you have any questions about this notice, please call Michael J. Zwart at 503-986-0844.
Return completed form to: Oregon Water Resources Department, Measurements & Reporting Section, 725 Summer St. NE, Suite A, Salem, OR 97301-1271.

Oregon Water Resources Department
WATER-USE IMPACT PLAN REPORTING

REC FISHER
3/18

3

RE: Required Water-Use Impact Plans and Water-Level Reporting for Ground Water Permits

RECEIVED

JEROME A SIMNITT
SIMNITT NURSERY
138 NE 22ND AVE
CANBY OR 97013

MAR 26 2004

WATER RESOURCES DEPT
SALEM, OREGON

503-266-9640

WELL LOCATED ON N. LOCUST BETWEEN TERRITORIAL and 22ND.

If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your water-use impact plan to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

WATER-LEVEL MEASUREMENT REPORT

(Complete one form for each well that requires measurement under your plan)

Well Identification (provide as much of the following information as possible):

Well not yet drilled as of date: _____
Original owner on well log: SIMNITT NURSERY
Well ID # (on tag attached to casing): L _____ Startcard number (if listed on well log): # 7900
Well depth: 342 Casing diameter: 16" Date drilled: 1-19-89 6-1-89
Owner's well name: A WELL Drilled by: SCHNIEDER EQUIPMENT

When did water use begin under this permit from this well? Date: Month/Yr 11-6-89

Show all water rights listing this well:
Application number(s): Q 11982
Permit number(s): Q 11687
Certificate number(s): _____

Date of measurement: 3-20-04

Description of measuring point (e.g. 1 1/4" port pipe on north side): Stick tube

Static water level below (circle one) measuring point: 62 feet, or airline pressure _____ psi
Measuring point distance above / below (circle one) land surface: 1ft 10" feet, or airline length _____ feet
Static water level below (circle one) land surface: 60ft 2in feet

Shut-in pressure (if flowing artesian well): _____ psi
Method of measurement: E-tape Airline _____ Other(specify): _____
Water-level status when measured: Static Pumping _____ Rising _____ Flowing _____ Other _____

Length of time well was idle before measurement: _____
Comments (use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): Rich Gerig

Signature of measurer: Rich Gerig

Company: Fisher Supply Inc

License number (CWRE, RG, PE, WWC, Pump Installer): 7-75 CPI

Daytime phone number: 503 262-8557 Email address: _____

If you have any questions about this notice, please call Michael J. Zwart at 503-986-0844.

Return completed form to: Oregon Water Resources Department, Measurements & Reporting Section, 725 Summer St. NE, Suite A, Salem, OR 97301-1271.

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

OWRD 2/9/2004

GW/KCW

East side gray Dig.

**Oregon Water Resources Department
WATER-USE IMPACT PLAN REPORTING**

RE: Required Water-Use Impact Plan on Permit G 11687

Certificate 0

Application G 11982
Priority date 11/6/1989

**JEROME A SIMNITT
SIMNITT NURSERY
138 NE 22ND AVE
CANBY OR 97013**

503-266-9640

RECEIVED

APR 24 2003

WATER RESOURCES DEPT,
SALEM, OREGON

If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

MEASUREMENT REPORTING FORM

(Complete one form for each well that requires measurement under your plan)

Well Identification (provide as much of the following information as possible):

Well not yet drilled as of date: _____

Original owner on well log: SIMNITT NURSERY

Well ID # (on tag attached to casing): L _____

Startcard number (if listed on well log): # 7900

Well depth: 342 Casing diameter: 16"

Date drilled: 1-19-89 - 6-1-89

Owner's well name: A WELL

Drilled by: SCHNEIDER EQUIPMENT

When did water use begin under this permit from this well? Date: Month/Yr 11-6-89

Show all water rights listing this well:

Application number(s): G11982

Permit number(s): G11687

Certificate number(s): _____

Measurement Details:

Date of measurement: _____

Description of measuring point (e.g. 1 1/4" port pipe on north side): 1 1/4" Access Port in side of 16" Casing

Static water level below (circle one) measuring point: 60' 4 1/2" feet, or airline pressure N/A psi

Measuring point distance above (circle one) land surface: 22" feet, or airline length N/A feet

Static water level below (circle one) land surface: 58' 6 1/2" feet

Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape Airline _____ Other(specify): _____

Water-level status when measured: Static Pumping _____ Rising _____ Flowing _____ Other _____

Length of time well was idle before measurement: _____

Comments (use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): Michael A. Almero

Signature of measurer: [Signature]

Company: Fishers Supply Inc

License number (CWRE, RG, PE, WWC, Pump Installer): 7-75 CPI

Daytime phone number: 263-8557 Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 207 or ext 245. Return this Form to: OWRD, Ground Water/Hydrology Section, 158 12th St. NE, Salem, OR 97310-4172.

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

OWRD 02/19/2003

GW/KCW

**Oregon Water Resources Department
WATER-USE IMPACT PLAN REPORTING**

CLAC 9698

RE: Required Water-Use Impact Plan on Permit G 11687

Certificate 0

Application G 11982

Priority date 11/6/1989

JEROME A SIMNITT
SIMNITT NURSERY
138 NE 22ND AVE
CANBY OR 97013

RECEIVED

MAR 07 2002

WATER RESOURCES DEPT.
SALEM, OREGON

If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

MEASUREMENT REPORTING FORM

(Complete one form for each well that requires measurement under your plan)

Well Identification (provide as much of the following information as possible):

Well not yet drilled as of date: _____
 Original owner on well log: SIMNITT NURSERY
 Well ID # (on tag attached to casing): L _____ Startcard number (if listed on well log): # 7900
 Well depth: 342 Casing diameter: 16" Date drilled: 1-19-89 — 6-1-89
 Owner's well name: A WELL Drilled by: Schneider Equipment

When did water use begin under this permit from this well? Date: Month/Yr 11-6-89

Show all water rights listing this well:

Application number(s): 011982
 Permit number(s): G 11687
 Certificate number(s): 0

Measurement Details:

Date of measurement: MARCH 5 2002

Description of measuring point (e.g. 1 1/4" port pipe on north side): 1 1/2" ACCESS PORT ON

SOUTH SIDE OF WELL

Static water level below (circle one) measuring point: 61.5 feet, or airline pressure _____ psi

Measuring point distance above (circle one) land surface: 1.75 feet, or airline length _____ feet

Static water level below (circle one) land surface: 59.75 feet

Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape X Airline _____ Other(specify): _____

Water-level status when measured: Static X Pumping _____ Rising _____ Flowing _____ Other _____

Length of time well was idle before measurement: 6 months

Comments (use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): FRANK BEAUDRY

Signature of measurer: [Signature]

Company: FISHERS SUPPLY INC.

License number (CWRE, RG, PE, WWC, Pump Installer): 7-7501 PUMP INSTALLER

Daytime phone number: 503-263-0557 Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 267. Return this Form to: OWRD, Ground Water/Hydrology Section, 158 12th St. NE, Salem, OR 97310-4172.

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

OWRD 02/08/2002

GW/KCW

Water Level Data on File at OWRD for this well (last 3 measurements only, most recent date on top) :

DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED BY	COMMENTS
04/02/2001	STATIC	ETAPE	1.83	61.50	FRANK BEAUDRY	IDLE 48 HRS
04/28/2000	STATIC	ETAPE	1.83	58.42	FRANK BEAUDRY	IDLE 6 MTHS
05/25/1999	STATIC	ETAPE	1.83	63.42	ANDREW HETTWER	IDLE 48 HRS

**Oregon Water Resources Department
WATER-USE IMPACT PLAN REPORTING**

RE: Required Water-Use Impact Plan on Permit G 11687 Certificate 0

Application G 11982
Priority date 11/6/1989

**JEROME A SIMNITT
SIMNITT NURSERY
138 NE 22ND AVE
CANBY OR 97013**

RECEIVED

APR 06 2001

WATER RESOURCES DEPT.
SALEM, OREGON

MEASUREMENT REPORTING FORM

(Complete one form for each well that requires measurement under your plan)

If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit and your water-use impact plan to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

Well Identification (provide as much of the following information as possible):

Original owner of well (owner name on well log): SIMNITT NURSERY
 Owner's well name or number (if any): _____
 Well ID (number on tag attached to casing, if present): _____
 Well log startcard number (if listed on well log): 7900
 Well depth: 343 Casing diameter: 16"
 Date drilled: 6-9-1989 Driller: SCHNEIDER DRILLING

When did water use begin under this permit from this well? Date: Month/Yr. NOV '89

Show all water rights listing this well:

Application number(s): 611982
 Permit number(s): 611687
 Certificate number(s): _____

Date of measurement: APRIL 2 2001

Description of measuring point (e.g. 1 1/4" port pipe on north side): 1 1/2" ACCESS PORT ON SOUTH SIDE OF 16" CASING

Static water level above / below (circle one) measuring point: 63' 4" (feet) or airline pressure _____ psi
 Measuring point distance above / below (circle one) land surface: + 22" feet, or airline length _____ feet
 Static water level above / below (circle one) land surface: 61' FEET 6" INCHES feet
 Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape X Airline _____ Other(specify): _____
 Water-level status when measured: Static X Pumping _____ Recovering _____ Flowing _____
 Length of time well was idle before measurement: 48 HRS
 Calculation / comments (show all work; use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): FRANK BEAUDRY
 Signature of measurer: [Signature]
 Company: FISHERS SUPPLY INC.
 License number (CWRE, RG, PE, WWC, Pump Installer): 7-75281 PUMP INSTALLER
 Daytime phone number: 503-263-8557 Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503-378-8455 ext. 289, or toll free (within Oregon only) at 1-800-624-3199. Return this Form to 158 12th St. NE, Salem, OR 97310-4172.



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

RE: Required Water Level Report for a Well on Permit G 11687 Certificate 0 Pod 1

Listed on water right as: A WELL 3.00S 1.00E28NWSE

Legal location: 774 FEET SOUTH & 56 FEET EAST FROM C1/4 CORNER, SECTION 28

Well log ID (if any, in our records): CLAC 9698

RECEIVED

MAY 01 2000

WATER RESOURCES DEPT
SALEM, OREGON

JEROME A SIMNITT
SIMNITT NURSERY
138 NE 22ND AVE
CANBY OR 97013

Our records indicate that you are the holder of a groundwater permit which requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. Place any additional information on an attached sheet of paper. We also recommend that you keep a copy of all measurement reports for your records. All measurements should be made to the nearest tenth of a foot or to the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

MEASUREMENT REPORT

(Complete one form for each well)

Well Identification (provide as much of the following information as possible):

Original owner of well (owner name on well log): SIMNITT NURSERY

Owner's well name or number (if any):

Well ID (number on tag attached to casing, if present):

Well log startcard number (if listed on well log): 2900

Well depth: 343' Casing diameter: 16"

Date drilled: 6-9-89 driller: SCHNEIDER DRILLING

Show all water rights listing this well:

Application number(s): 611982

Permit number(s): 611687

Certificate number(s):

Date of measurement: 4-28-2000

Description of measuring point (e.g. 3/4" access port in sanitary seal): 1 1/2" ACCESS PORT IN

SIDE OF 16" CASING

Static water level above/below (circle one) measuring point: 60' 3" feet or airline pressure NA psi

Measuring point distance above/below (circle one) land surface: +22" feet or airline length NA feet

Static water level above/below (circle one) land surface: 58' 5" feet

Shut-in pressure (if flowing artesian well): NA psi

Method of measurement: E-tape X Airline _____ Other(specify): _____

Water-level status when measured: Static X Pumping _____ Recovering _____ Flowing _____

Length of time well was idle before measurement: 6 MONTHS

Calculation / comments (show all work; use back or extra sheet if necessary):

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): FRANK BEAUDRY

Signature of measurer: *Frank Beaudry*

Company: FISHERS SUPPLY INC

License number (CWRE, RG, Well Constructor): 7-25021

Daytime phone number: 503-263-8557 Email address:

If you have questions about this notice, please call the Groundwater/Hydrology Section of the Department at 503-378-8455 ext. 207, or toll free (within Oregon only) at 1-800-624-3199.



Oregon

John A. Kitzhaber, M.D., Governor

-CIAC 9698-

Water Resources Department

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

SIMNITT NURSERY
JEROME AND JANICE SIMNITT
138 NE 22ND AVE
CANBY OR 97013

RE: Required Water Level Report for Well(s) on Permit .G. 11687

Our records indicate that you are the holder of a groundwater permit which requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. *Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements.* We strongly recommend that you photocopy a blank copy of this form for use in subsequent years to comply with the permit requirements. Place any additional information on an attached sheet of paper. We also recommend that you keep a copy of all measurement reports for your records. All measurements should be made to the nearest tenth of a foot or to the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

MEASUREMENT REPORT

(Complete one form for each well)

Well Identification (provide as much of the following information as possible):

Owner's Well Name or Number (if any): 611687
Well ID (number on tag attached to casing, if present): _____
Well Log Startcard Number (if listed on well log): 7900
Well Depth: 343' Casing Diameter: 16"
Date Drilled: 6-9-89 Driller: Schneider Drilling

Show all water rights listing this well:

Application Number(s): G11982
Permit Number(s): G11687

Date of Measurement: 5-25-99

Description of Measuring Point (e.g. 3/4" access port in sanitary seal): 1/2 ACCESS PORT IN SIDE OF 16 O.D. CASING

Static Water Level above/below (circle one) Measuring Point: below 65' 3" (feet) or airline pressure _____ psi

Measuring Point Distance above/below (circle one) Land Surface: above +22 feet or airline length _____ feet

Static Water Level above/below (circle one) Land Surface: below 63' 5" feet

Shut-in Pressure (if flowing artesian well): _____ psi

Water-Level Status When Measured: Static Pumping _____ Recovering _____

Length of Time Well was Idle Before Measurement: 48 hrs.

Method of Measurement: E-tape Airline _____ Other (specify) _____

Calculation/Comments (show all work): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person Making Measurement (print): Andrew Hecover
Signature of Person Making Measurement: [Signature] 7-90081
Organization: EL SYSTEMS SUPPLY INC. Daytime phone number: 263-8557

Thank you for your attention to this matter. If you have questions about this notice, please call the Groundwater/Hydrology Section of the Department at 503-378-8455 ext. 207, or toll free (within Oregon only) at 1-800-624-3199.





Oregon

John A. Kitzhaber, M.D., Governor

CIAC 9698

RECEIVED

APR 20 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department

Commerce Building

158 12th Street NE

Salem, OR 97310-0210

(503) 378-3739

FAX (503) 378-8130

SIMNITT NURSERY
C/O JEROME & JANICE SIMNITT
138 NE 22ND AVE
CAMBY, OR. 97013

RE: Required Well Water Level Report for Permit G-11687

Our records indicate that you are the holder of a groundwater permit which requires the permittee to cause the static water level in the well(s) to be measured and reported to this agency annually. If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. **Consulting your permit will show the required times for measuring and reporting, as well as a list of persons eligible to make the measurements.** Please use this letter for your reply, placing any additional information on the back side if necessary. We recommend that you keep a copy of this measurement report for your records.

MEASUREMENT REPORT

Well Name or Number (if any): Simnitt Well

Application and Permit numbers: G11687

Person Making Measurement (print): ANDREW HETTLER

Description of Measuring Point: 1/2" INSPECTION POOL

Measuring Point Correction: 22" feet above/below land surface

Static Water Level: 62' 2" feet above/below land surface

Length of Time Well was Idle Before Measurement: 6 mo.

Date of Measurement: 4-1-98

Calculation/Comments: _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Signature of Person Making Measurement [Signature] 1-800-624-3199

Organization: FISHERS SUPPLY INC.

Thank you for your attention to this matter. If you have questions about this notice, please call the Groundwater/Hydrology Section of the Department at (503) 378-8455 ext. 207, or toll free in state at 1-800-624-3199.

SIMNITT NURSERY; SIMNITT, JEROME AND
JANICE (C/O)
138 NE 22ND AVE
CANBY, OR 97013

CAC
9698

RECEIVED

APR 28 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

RE: Required Well Water Level Report for Permit
G - 11687

Our records indicate that you are the holder of groundwater permit
G - 11687. If you are no
longer the holder of this permit or no longer have an interest in it, please contact our department.

This permit contains a provision which requires the permittee to cause the static water level in the well(s) to be measured and reported to this agency annually. Consulting your permit will show the required times for measuring and reporting, as well as a list of persons eligible to make the measurements. Please use this letter for your reply, placing any additional information on the back side if necessary. We recommend that you keep a copy of this measurement report for your records.

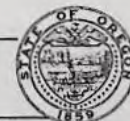
MEASUREMENT REPORT

Well Name or Number (if any): _____
Application and Permit numbers: G-11982 G-11687
Person Making Measurement: Jerome Hurst
Description of Measuring Point: 18" CASING 1/4 ACCESS HOLE
Measuring Point Correction: ± 22" feet above/below land surface
Static Water Level: 51.6 feet above/below land surface
Length of Time Well was Idle Before Measurement: FALL 1996
Date of Measurement: 3-18-97
Calculation/Comments: 125 HP TURBINE w/ 75 HP BOOSTER
1000 + 6PM

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Signature of Person Making Measurement [Signature]

Organization: FISHERS SUPPLY INC.



Thank you for your attention to this matter. If you have questions about this notice, please call the Groundwater/Hydrology Section of the Department at

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

Received Sep 8, 1995 OREGON

Form C (690-9-77)

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

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

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

Application No. G11982

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Jerome A. Simnitt, the holder of Permit No. G11687

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 1ST day of September, 1995.

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 1ST day of September, 1995

Jerome A. Simnitt (Signature of Applicant)

138 NE 22ND AVE CANBY OR 97013 (Address)

Form B (690-9-77)

Application No. G11982

NOTICE OF COMPLETION OF CONSTRUCTION

I, Jerome A. Simnitt, the holder of Permit No. G11687

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 1ST day of September, 1995

Remarks: From Water Well Report (START CARD 7900) Filed

by STEVE SVEJDER, Schnider equipment, 6-9-89. installation of Flow meter in late August 1995.

IN WITNESS WHEREOF, I have hereunto set my hand this 1ST day of Sept, 1995

Jerome A. Simnitt (Signature of Applicant)

138 NE 22ND AVE CANBY OR 97013 (Address)

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

Form A (690-9-77)

Application No. G11982

NOTICE OF BEGINNING OF CONSTRUCTION

I, Jerome A. Simnitt, the holder of Permit No. G-11687

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 19th day of January, 1989

Remarks: See START CARD Filed by Steve Schneider #7900

Schnider equipment. See Attached NOTE!

IN WITNESS WHEREOF, I have hereunto set my hand this 1 day of Jun, 1995

Jerome A. Simnitt (Signature of Applicant)

138 NE 22ND AVE Canby, OR 97013 (Address)

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

RECEIVED SEP - 8 1995 WATER RESOURCES DEPT. SALEM, OREGON JUN 8 1995 WATER RESOURCES DEPT. SALEM, OREGON OK/OSM



RECEIVED

NOV 29 2000

WATER RESOURCES DEPT.
SALEM, OREGON

App: 611982

USER-ID 9655

Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form



Facility <input checked="" type="checkbox"/>	LARGE	36264 NU			
POD-ID <input checked="" type="checkbox"/>	G-11687				
October - 1999	0				
November - 1999					
December - 1999					
January - 2000					
February - 2000					
March - 2000					
April - 2000					
May - 2000	0				
June - 2000	264 KG				
July - 2000	146 KG				
August - 2000	129 KG				
September - 2000	0 KG				
TOTAL *	539 KG				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 25

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

Jerome A. Simmitt
Signature

OWNER
Title

11-28-00
Reporting Entity Date

Jerome A. SIMMITT
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT



Dear Water User: It is a new water year! All water use reports for October 2001 to September 2002 are requested to be submitted by January 1, 2003. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary Graine

JEROME A	SIMNITT	USER-ID	9655
SIMNITT NURSERY			
138 NE 22ND AVE			
CANBY	OR 97013		

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO								
36264		0	G	11687	G	11982	11/6/1989	NU	L	3	S	1	E	28	NWSE	3.78	C	P	A	WELL	MOLALLA	R

2001

Oregon Water Resources Department
 October 2001 through September 2002
 Annual Water Use - Monthly Quantities Form

USER-ID 9655

2002



Facility					
POD-ID	<u>3204</u>				
October - 2001	<u>0</u>				
November - 2001					
December - 2001					
January - 2002					
February - 2002					
March - 2002					
April - 2002					
May - 2002	<u>0</u>				
June - 2002	<u>154 KG</u>				
July - 2002	<u>323 KG</u>				
August - 2002	<u>477 KG</u>				
September - 2002	<u>429 KG</u>				
TOTAL *	<u>1383 KG</u>				

RECEIVED
 NOV 08 2002
 WATER RESOURCES DEPT
 SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER. If use is irrigation, total number acres irrigated 20

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

Signature

OWNER

Title

SIMNETT NURSERY

Reporting Entity

11-6-02

Date

JEROME A. SIMNETT
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 158 12th Street NE; Salem, OR 97310-0210



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2004 has ended! All water use reports for October 2003 to September 2004 are requested to be submitted. During the past year we transferred our data to a new computer system, and have developed a website from which you may submit your data, if you so choose. In some cases the references numbers for points of diversion may have been changed. If this creates a problem for you, please contact me. If you would like to use the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by December 31, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter. Mary Graine



JEROME A SIMNITT
SIMNITT NURSERY
138 NE 22ND AVE
CANBY OR 97013

<http://www.wrd.state.or.us>

User-ID 9655
Password: 9655

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO	
36264		0	G	11687	G	11982	11/6/1989	NU	L	3	S	1	E 28 NWSE	3.78 C P A WELL	MOLALLA R

USER-ID 9655

2003

Oregon Water Resources Department
 October 2003 through September 2004
 Annual Water Use - Monthly Quantities Form

USER-ID 9655

2004



Facility <input type="checkbox"/>						
POD-ID <input type="checkbox"/>						
October - 2003	X					
November - 2003						
December - 2003						
January - 2004						
February - 2004						
March - 2004						
April - 2004						
May - 2004						
June - 2004			3413 KG			
July - 2004			660 KG			
August - 2004		510 KG				
September - 2004		329 KG				
TOTAL *		4,912 KG				

RECEIVED

OCT 26 2004

WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER. If use is irrigation, total number acres irrigated 40

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

Simnitt OWNER SIMNITT NURSERY 10-25-04
 Signature Title Reporting Entity Date

SIMNITT JEROME A.
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2003 has ended! All water use reports for October 2002 to September 2003 are requested to be submitted. We are a little late this year due to our efforts to develop a website from which you may submit your data, if you so choose. If you would like to test the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by March 1, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter.
Mary Grainey



JEROME A SIMNITT
SIMNITT NURSERY
138 NE 22ND AVE
CANBY OR 97013

<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>

User-ID 9655
Password: 9655

36264

0 G 11687 G 11982 11/6/1989 NU L 3 S 1 E 28 NWSE

3.78 C P A WELL

MOLALLA R

USER-ID

9655

APP 9/1982

2002

Oregon Water Resources Department
October 2002 through September 2003
Annual Water Use - Monthly Quantities Form

USER-ID 9655

2003



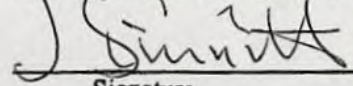
Facility					
POD-ID	<u>36264-N4</u>				
October - 2002					
November - 2002					
December - 2002					
January - 2003					
February - 2003					
March - 2003					
April - 2003					
May - 2003	<u>866 KG</u>				
June - 2003	<u>3,210 "</u>				
July - 2003	<u>103 KG</u>				
August - 2003	<u>1,683 "</u>				
September - 2003	<u>1,375 "</u>				
TOTAL *	<u>7,237,000</u>				

RECEIVED
FEB 03 2004
WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER. If use is irrigation, total number acres irrigated 30

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


 Signature _____ Title OWNER Reporting Entity SIMNITT NURSERY Date 1-29-04

SIMNITT JEROME A.
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1271

Permit Condition Water Level Input

	OWRD Logid	Main aq	Max depth	Corr by	LSD Elev	Userid_Ju	Township	Range	S	QQ	Q	
Well Info:	CLAC 9698	Basin-Fill Sediments	343	KARL WOZNAK	140	9655	3.00 S/	1.00 E-	28	NW	SE	
Well Location 774 FEET SOUTH & 56 FEET EAST FROM C1/4 CORNER, SECTION 28												
Owner:						Permits listing well:						
Name	JEROME A SIMNITT				pc	permit	cert_nbr	pod	pod_l_id	trigger	activated	ref level
Other Name	SIMNITT NURSERY				G		11687	1				62.17
Contact											
Address	138 NE 22ND AVE											
City, St, Zip	CANBY OR			97013								
Phone, FAX	503-266-9640											
Email											
Comments											

Logid	Source Org	SourceOWRD	Date	Time	MP Hght	Reprtd Wtr Lvl	Verified WL BLS	Export WL BLS	WL Elevation	Method	Statu
CLAC 9698	DRILLER	PERMIT COND	06/01/1989			70		70.00	70.00	UNKNOWN	UNKI
CLAC 9698	PUMP INSTALLER	PERMIT COND	03/18/1997		1.833	51.5		51.50	88.50	UNKNOWN	STAJ
CLAC 9698	PUMP INSTALLER	PERMIT COND	04/01/1998		1.83	62.17		62.17	77.83	UNKNOWN	STAJ
CLAC 9698	PUMP INSTALLER	PERMIT COND	05/25/1999		1.83	63.42		63.42	76.58	ETAPE	STAJ
CLAC 9698	PUMP INSTALLER	PERMIT COND	04/28/2000		1.83	58.42		58.42	81.58	ETAPE	STAJ
CLAC 9698	PUMP INSTALLER	PERMIT COND	04/02/2001		1.83	61.5		61.50	78.50	ETAPE	STAJ
CLAC 9698	PUMP INSTALLER	PERMIT COND	03/05/2002		1.75	59.75		59.75	80.25	ETAPE	STAJ
CLAC 9698	CONSULTANT	PERMIT COND	04/01/2003		1.83	58.54		58.54	81.46	ETAPE	STAJ
CLAC 9698	CONSULTANT	PERMIT COND	03/20/2004		1.83	60.17		60.17	79.83	ETAPE	STAJ
CLAC 9698	CONSULTANT	PERMIT COND	03/18/2005		2.2	65.3		65.30	74.70	ETAPE	UNKI

Water Resource Department
3850 Portland Rd N.E.
Salem OR 97310

6-1-95

Simmitt Wsy
138 NE 22ND
Canby OR 97013

RECEIVED
JUN - 8 1995
WATER RESOURCES DEPT.
SALEM, OREGON

Re: (Form A) Notice of Beginning of Construction
for Water right permit # G11687

Construction of this well began
in January of 1989. Schneider
Equipment filed Start Card #7900
with the Water Resource Department
on January 19, 1989.

The well was finished in 1989, but
Permit # G11687 was not issued until
15 April 1994.

We are presently waiting for Schneider
Equipment to install a water measuring
device so as to be in compliance
with the permit requirements.

Jerome A. Simmitt

Application # G 11982 Permit # G 11687
 Name of Permit Holder or Applicant: Simmitt Nursery

**Reimbursement Authority Process
 Itemized Estimate Sheet
 for
Certificates**

(Indicate the estimated amount of time, in 1/2 hour increments, needed to complete each item listed below.)

	Item	Est. Time
1	Review Claim of Beneficial Use report for completeness	2
2	Review Claim of Beneficial Use map for completeness	1
3	Complete the Beneficial Use Worksheet	1 1/2
4	Preparation of proposed certificate	1 1/2
5	Conflict check	1
Total Estimated Time:		7

Estimated calendar days needed to complete work once a Work Order has been Executed 10
 (Typical turn around should not exceed Ten (10) business days.)

(Cannot start before ~~the~~ Potlatch project is complete)

↖ business days

Name of Contractor: PBS Engineering and Environmental Date: 12/1/05

Jim

Not ready for Cert.
 needs extension first.
 Simnitt notified and extension form mailed
 April 12, 2005.

APR 04 2005
 WATER RESOURCES DEPT
 SALEM, OREGON

WATER RESOURCES DEPARTMENT
 REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

House Bill 2551 (2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers, water right permits extensions, and water right certificates.

Per Simnitt hold fees may
 process ext. under R.A.
 DC April 11, 2005

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input type="checkbox"/>	Transfer Application	_____
<input checked="" type="checkbox"/>	Certificate Request	App G-11982 Permit # G-11687
<input type="checkbox"/>	Extension of Time Request	_____

Applicant Information		Applicant's Representative/Contact
Name: (Please Print)	Simnitt Nursery	Jerry Simnitt
Address:	138 NE 22nd Ave CANBY OR 97013	SAME
Phone:	503-266-9640	
Fax:	503-263-6330	
E-Mail Address:	SIMNITTNSY@Canby.com	

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within three (3) business days.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

I certify that I am the (check one) Applicant Applicant's Representative Other (Please specify) _____

Signature: Jerome Simnitt Name: Jerome Simnitt

OWRD USE ONLY

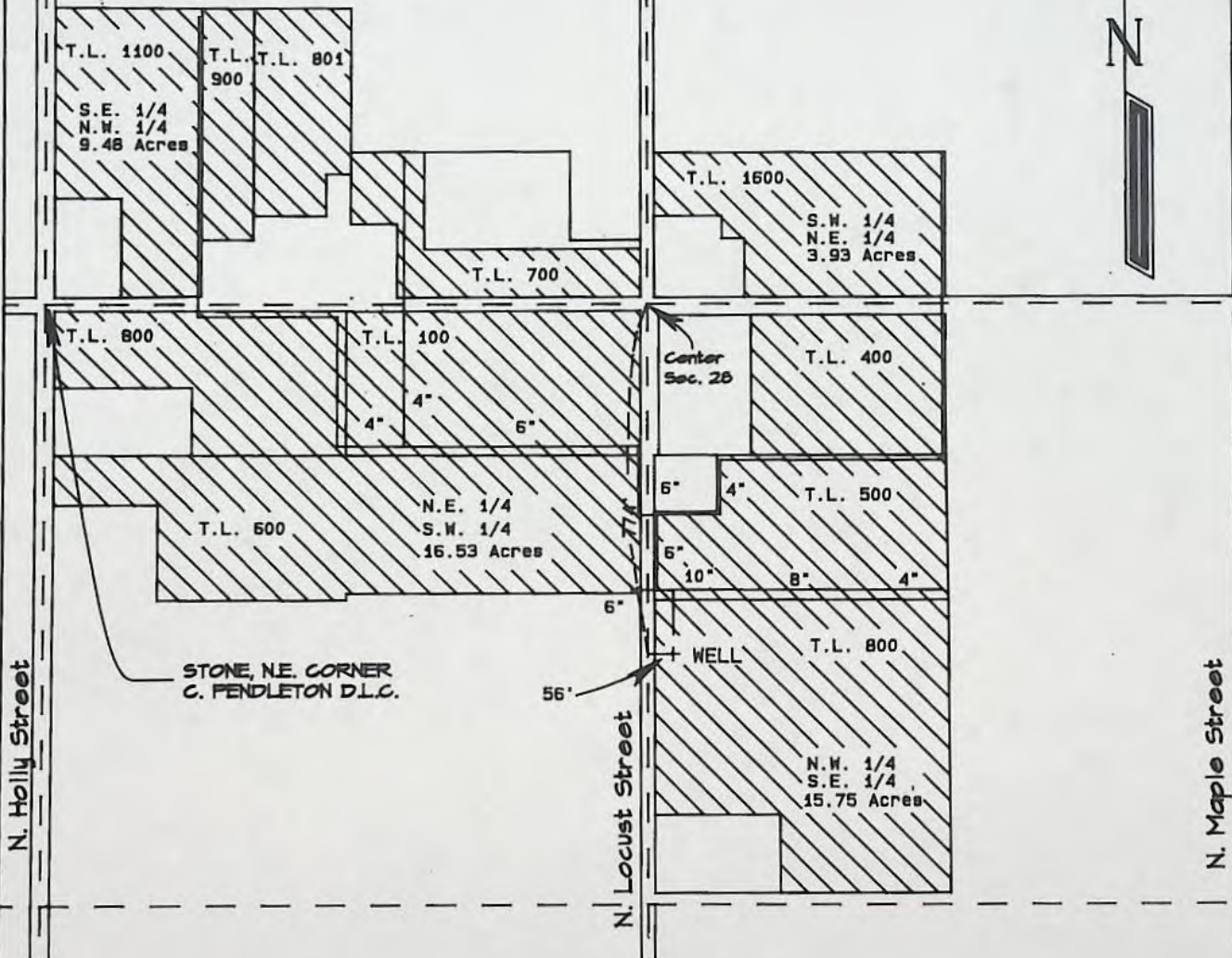
Contractor Assigned: <u>Anderson</u>	Total Amount Paid: \$ <u>125.00</u>
OWRD Approval:	

RECEIVED

SEP 06 1996

STATE OF OREGON DEPT. OF LAND & FORESTRY

T.3S, R.1E, W.M. SECTION 28



SCALE 1" = 400'

FINAL PROOF SURVEY

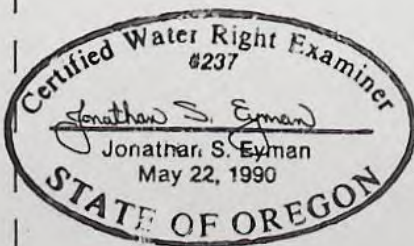
UNDER

Application No. G-11982 Permit No. G11687

IN NAME OF

SIMNITT NURSERY

Surveyed Sept. 4, 1996 by *Jonathan S. Eyman*



Extension "Final Order" Checklist

Application # G-11982 / Permit # G-11687

Permit Holder's Name Simnitt Nursery; % Jerome & Janice Simnitt
138 NE 22nd Ave, Canby, OR 97013

This Final Order is processed under: Div. 315 Rules -or- ~~Div. 320 Rules~~

- ✓ 1. Date Extension Request submitted: 5-25-2005
- ✓ 2. Date permit was issued: 4-15-94
- ✓ 3. Original "B" Date from permit: 10-1-95
(Date for completion of construction)
- ✓ 4. Original "C" Date from permit: 10-1-96
(Date for complete application of water)
- ✓ 5. Extension PFO Date: 8-30-2005
- ✓ 6. WRD recommends extending "B" Date to: N/A
and extending the "C" Date to: 10-1-2001
- ✓ 7. Any conditions from PFO: No
- ✓ 8. Protest Deadline Date from PFO: 10-14-2005
- ✓ 9. Any written Protests or written Comments received within the Protest period? Yes No

Reviewer's Name: [Signature]

Date: 10-17-05

cc: Schroeder Law Offices
Attn: Pamela Van Horn
1915 NE 39th Ave
Portland, OR 97212

Please Bill,
 if you have any
 questions, please
 give me a call
 @ 503-281-4100
 Thank You
 Pamela Van Horn

RECEIVED
 SEP 15 2005
 WATER RESOURCES DEPT.
 SALEM, OREGON



PUBLIC NOTICE OF WATER USE REQUESTS
August 30, 2005

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Water Use Request Type & File Number

(e.g. "Permit Application G-12345" or "Transfer T-1234"):

Mail me the order
 (payment enclosed)*

<u>Final Order, Permit # 611687</u>	<input checked="" type="checkbox"/>	<i>Dis mailed 9/20/05</i>
<u>Final Order, Application #86320</u>	<input type="checkbox"/>	
<u>Preliminary Determination T-9743</u>	<input type="checkbox"/>	
_____	<input type="checkbox"/>	

Your Name, Address, and Phone Number:

Schroeder Law Offices
Attn: Pamela Van Horn
1915 NE 39th Ave, Portland, OR 97212

* We are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)

**OREGON
WATER
RESOURCES
DEPARTMENT**

RECEIVED
SEP 15 2005
WATER RESOURCES DEPT.
SALEM, OREGON



725 Summer Street NE Ste A
Salem OR 97301

PUBLIC NOTICE OF WATER USE REQUESTS
August 30, 2005

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

Water Use Request Type & File Number

(e.g. "Permit Application G-12345" or "Transfer T-1234"):

Mail me the order
(payment enclosed)*

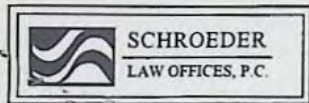
<u>Final Order, Permit # 611687</u>	<input checked="" type="checkbox"/>
<u>Final Order, Application #86320</u>	<input type="checkbox"/>
<u>Preliminary Determination T-9743</u>	<input type="checkbox"/>
_____	<input type="checkbox"/>

*JLS
mailed
9/29/05*

Your Name, Address, and Phone Number:

Schroeder Law Offices
Attn: Pamela Van Horn
1915 NE 39th Ave, Portland, OR 97212

* We are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)

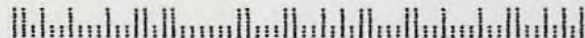


1915 NE 39th Ave.
P.O. Box 12527
Portland, Oregon 97212-0527



OWRD
725 Summer Street NE, Ste A
Salem, OR 97301

97301+1266-73 C007

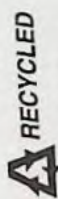


app# G-11982

Jerome Sinitz

app# S-86320

Hugo Oswald



Columbian®



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

September 20, 2005

SCHROEDER LAW OFFICE
ATTN: PAMELA VAN HORN
1915 NE 39TH AVE
PORTLAND, OR 97212

RE: Public Notice of Water use Request

Dear Ms. Van Horn;

Enclosed you will find the information that you have requested. A fee of \$30.00 will be charged against the Schroeder Law Office account.

If you have any questions please call me at 503-986-0807.

Sincerely,

Jonnine Skaug
Water Rights/ Adjudications Division

Mailing List for Extension PFO Copies

Application #G-11982
Permit #G-11687

PFO Date: August 30, 2005

Original mailed to:

Applicant: **Simnitt Nursery**
Attn: Jerome and Janice Simnitt
138 NE 22nd Avenue
Canby, OR 97013

Copies Mailed	
By:	<u>GIS</u> (SUPPORT STAFF)
on:	<u>8/29/05</u> (DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-11982 / Permit #G-11687
2. WRD - Watermaster District: #20 - Mike McCord, Oregon City
• NW Region WM PFO copy sent by e-mail..... Done by: [Signature]

Date: 8-24-05

Other interested parties:

Pacific Hydro-Geology, Inc.
Attn: Malia Kupillas, RG, CWRE
18477 S. Valley Vista Rd.
Mulino, OR 97042

CASEWORKER: LJJ

S:\groups\wr\extensions\PF O\Work_315 rules\g11982_simnitt.wpd



PORTLAND
SEATTLE
VANCOUVER
EUGENE
BEND
TRI-CITIES

TRANSMITTAL

DATE: September 2, 2005

TO: Gerry Clark
Oregon Water Resources Department
Water Rights Section
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

FROM: Terry Sprecher *TJS*

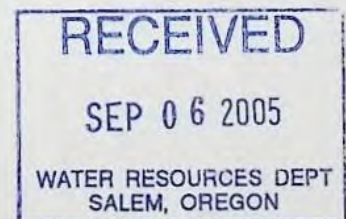
RE: Hard Copy Deliverables
Simmitt Nursery Extension Request
Application # G-11982
Permit # G-11687
PBS Project # 80196.000, Task 2

Enclosed please find a hard copy of:

- > Extension of Time Completeness Checklist
- > Extension Review Checklist
- > Proposed Final Order (as modified by Lisa Juul) and mailing list
- > Draft Final Order and mailing list

The electronic deliverables have been forwarded separately by email.

It has been a pleasure working with OWRD during this project. Thank you.



390 NE Emerson Ave.
Suite C
Bend, OR 97701
541.388.9290 PHONE
541.382.5116 FAX

Place a (✓) in the box if the item is satisfied	<p style="text-align: center;"> Division 315 - Regular <i>Application G-11962</i> Extension of Time - Completeness Checklist <i>Permit G-11667</i> OAR 690-315-0020 <i>Simith Nursery</i> </p>	
✓	The appropriate extension of time fee (as specified in ORS 536.050). \$100 - applications received prior to October 1, 2003 \$250 - applications received on or after October 1, 2003	<div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED SEP 06 2005 <small>WATER RESOURCES DEPT SALEM, OREGON</small> </div> <i>[OAR 690-315-0020(3)]</i>
✓	The name and mailing address of the water right permit holder(s);	<i>[OAR 690-315-0020(3)(a)]</i>
✓	The application number and the permit number for which an extension is requested;	<i>[OAR 690-315-0020(3)(b)]</i>
NA	If the water right permit holder receives delivery of the subject water right permit from a municipality, municipal corporation, or other special district, the applicant shall provide the name of the entity and evidence that a copy of the application for extension of time has been provided to the entity responsible for delivering the water; <i>[OAR 690-315-0020(3)(c)]</i>	
✓	Evidence of the actions taken to begin actual construction within the time period in the permit or previous extension: <ul style="list-style-type: none"> • "Actual construction" means physical work performed towards completion of the water system, which demonstrates both the present good faith of the water right permit holder and the water right permit holder's intention to complete the project with reasonable diligence; <i>A date → April 15, 1995</i> • "Actual construction" <u>does not</u> include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying. <i>[OAR 690-315-0020(3)(d)]</i> 	
<i>ok maybe</i> <i>? →</i> <i>not included</i>	Evidence of progress made toward completion of the water development and application to full beneficial use, which includes but is not limited to: <i>- brief explanation measuring conditions monitoring plus conditions?</i> <i>[OAR 690-315-0020(3)(e)]</i> <ul style="list-style-type: none"> • The annual accomplishments toward perfecting the water right under the terms and conditions of the permit, including the dates on which each condition contained in the relevant permit and any previous extension(s) was satisfied or the reason the condition was not satisfied; <i>- requested & received, but w/out a date corresponding w/ max. diversion</i> • The maximum rate of diversion, if any, made to date; and • If for irrigation, a listing by year of the number of acres irrigated each year since permit issuance, the total number of acres irrigated to date under the permit or previous extension, and a copy of the application map showing the acres irrigated. 	
ok	A description of financial expenditures made toward completion of the water development; <i>- statement only</i>	<i>[OAR 690-315-0020(3)(f)]</i>
✓	An estimate of the cost to complete the water development;	<i>[OAR 690-315-0020(3)(g)]</i>
<i>only the permit condition compliance issue</i>	A summary of any additional unforeseen events which delayed completion of the water development or application of water to full beneficial use, including other governmental requirements, if any, relating to the project which have significantly delayed completion of construction or perfection of the right; <i>[OAR 690-315-0020(3)(h)]</i>	
✓	The date by which the water development will be completed and water put to full beneficial use;	<i>[OAR 690-315-0020(3)(i)]</i>
✓	A summary of the applicant's plan and schedule to complete construction and/or perfect the water right; <i>[OAR 690-315-0020(3)(j)]</i>	
✓	Justification of why the requested time is needed to complete the project and/or apply the water to full beneficial use; <i>[OAR 690-315-0020(3)(k)]</i>	
✓	A description of any undue hardship to the applicant which will result from denial of the extension, and that there are no other reasonable alternatives for meeting water use needs; <i>will likely result in nursery closure</i> <i>[OAR 690-315-0020(3)(l)]</i> <i>(NOTE: The permit holder is not asked to answer this specific question when filling out the Extension of Time Application. The Department decided this was a finding that should be determined by staff. In order to make this determination, review the Extension of Time Application and documentation in the file record. Generally, a denied extension of time may result in possible loss of investments made in the project, loss of future property value, and/or loss of future income.</i>	
✓	Any other information the applicant determines is relevant to evaluate the application in accordance with applicable statutes and these rules; <i>[OAR 690-315-0020(3)(m)]</i>	
✓	Any other information required in the application form that is necessary to evaluate the application in accordance with applicable statutory requirements; and <i>[OAR 690-315-0020(3)(n)]</i>	

Place a (✓) in the box if the item is satisfied	<p style="text-align: center;">Division 315 - Regular Extension of Time - Completeness Checklist OAR 690-315-0020</p> <p style="text-align: right;"><i>Application</i> G-11982 <i>permit G-11687</i></p>
✓	Signature(s) of the water right permit holder(s). <i>Simwith Nursery</i>

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WATER RESOURCES DEPT
SALEM, OREGON

EXTENSION REVIEW CHECKLIST for PFO... Div. 315 - Regular

Application #: G-11982 / Permit #: G-11687

Permittee's Name: Simnitt Nursery c/o Jerome and Janice Simnitt

Permittee's Mailing Address: 138 NE 22nd Ave., Canby Oregon 97013

POD Location: Township 3 S Range 1E Section 28 $\frac{1}{4}$ NW SE

Drainage Basin: 2 - Willamette County: Clackamas Watermaster District #: 20

Y 1. Has the applicant submitted the appropriate fee? **Yes / No**

***If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)

****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)*

? 2. Has the applicant completely filled out the Extension Application form? **Yes / No**

***If "No"..... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.

Minor items:

- WRD requested (June 27, 2005) the max instantaneous rate of water that has been diverted from the well and applied to beneficial use under the terms of the permit within the last authorized development timelines (April 15, 1994 - Oct 1, 1996). Applicant's agent responded on June 29, 2005 with a max instantaneous rate, but not the date(s) the rate was attained.

- Permit conditions that are not strictly complied with: Permittee shall obtain a static water-level ... during April of each year (actually obtained between March and May)...and report the measurement to the Department within 30 days (most were turned in within the 30 day window). The measurement shall be made by a CWRE, RG, or PE (actually made by a pump installer)... The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer ... The plan shall be submitted to the Department within one year of permit issuance date (no plan was provided in the project files, or referred to). ... [Sounds to PBS like the static water level permit condition is the same as the monitoring plan permit condition, and the monitoring plan is not really necessary]

X 3. Date Permit was issued: April 15, 1994

Priority Date: Nov 6, 1989

x 4. Source: A well in the Mollalla River Basin

X 5. Use: Nursery operations on 58.09 acres

X 6. "Q": 3.78 cfs

X 7. Orig "A" Date: April 15, 1995

Orig "B" Date: Oct 1, 1995

Orig "C" Date: Oct 1, 1996

? 8. Conditions of Permit: Before use begins, shall install a water meter (OK)

Shall keep monthly water use records (OK)

Shall report water use to WRD annually (OK)

Shall obtain April statics, by CWRE, RG, PE, and report to WRD within 30 days (see #2, above)

If well displays a static decline of ≥ 25 feet, ... (Not yet applicable)

Water user shall develop a monitoring plan (see #2, above)

Prior to receiving a certificate, permit holder shall submit results of a pump test to WRD (Not yet applicable)

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WATER RESOURCES DEPT
SALEM, OREGON

Application #: G-11982/ Permit #: G-11687

(Continued, P. 2, Ext Review Checklist)

X 9. Extension request received: May 25, 2005

Request Number (...1st 2nd, 3rd): 1st

X 10. Last Authorized "B" Date: Oct 1, 1995

Last Authorized "C" Date: Oct 1, 1996

x 11. Proposed "B" Date: NA

Proposed C Date: Oct 1, 2001

X 12. Amount Invested to date: \$ 120,000

Estimated Total Cost: \$ 120,000

(*****Estimated Remaining Cost: \$ 0**)

Y 13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. **Yes / No** ***If "No"..... What permit terms and/or conditions have not been met?
(Assuming that the minor issues noted in #2 above are not really problems)

NOTE: Contractor instructions say if a Groundwater permit, verify that the file has been routed to the Groundwater section for an Extension review - were any problems identified that would result in additional conditions added?

X 14. Work on the water development project completed to date includes: The entire irrigation system was completed by 1995 and water was applied to beneficial use by October 1, 1996.

X 15. The work remaining to be completed consists of: receipt of extension. WRD review of COBU report

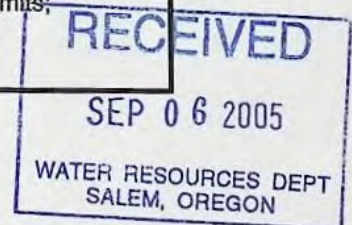
X 16. Progress in perfecting the permit is being held up by: Was delayed because, at the time of the final proof survey, CWRE discovered the water use and water level reporting requirements. Extension of time was requested in order to prepare and submit water use and water level reports. These have now been submitted to WRD

Y 17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? **Yes**

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]

- The amount of construction completed within the time allowed in the permit or previous extension;
- The amount of beneficial use made of the water during the permit or previous extension time limits;
- Water right permit holder conformance with the permit or previous extension conditions; and
- Financial investments made toward developing the beneficial water use.

- Permit holder has completed approximately 100 % of the construction.
- Permit holder has beneficially used 100 % of the total permitted quantity of water.
- Has the permit holder complied with conditions? **Yes / No**
----If **No**, reasons why not? Yes, now (delay in complying with permit conditions per # 16, above). (See #2 above, for a discussion of minor items)
- Permit holder has invested approximately 100 % of the total estimated cost to complete the project.
- Other: _____



X 18. Determination of the market and the present demand for water or power to be supplied: _____

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:

- The amount of water available to satisfy other affected water rights and scenic waterway flows;
- Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- Economic investment in the project to date;
- Other economic interests dependent on completion of the project; and
- Other factors relevant to the determination of the market and the present demand for water or power.

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? No ✓
- within or above a state scenic waterway? No ✓
- within a ground water limited/critical area? No ✓
- within or above a segment that has been identified as a federal wild and scenic river? No
- within an area that ODFW has identified as an ST&E Area? Yes
- within an area that ODFW has identified as a Moderate Needs Ranking Area for streamflow restoration for fish? ✓
- within an area that DEQ has identified as being water quality limited? Yes ✓
- Other: Considerable economic investment in project to date; if permit is not granted, nursery (applicant) will likely go out of business.

Y 19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. → Approval of Extension Request

No... "Good Cause" cannot be found. → Denial of Extension Request

? 20. Conditions to be included in Extension PFO (if applicable)? **Yes / No**

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

5-year Progress Report Checkpoints - Not Applicable

Other: _____
Ground Water Section conditions?

X 21. Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

~~**COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**~~

~~"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."~~

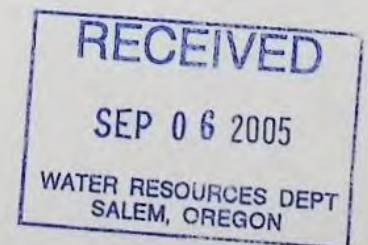
~~**COBU Requirement - Surface Water - post July 9, 1987**~~

~~"Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."~~

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

NOTES:



Extension "PFO" Dates

Checklist Last Revised: 3/4/ 2004

Mailing / Issuance Date: _____

WRD Project Manager: _____

Protest Deadline Date: _____

Date: _____

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SEP 06 2005
WATER RESOURCES DEPT
SALEM, OREGON

Terry Sprecher

From: Terry Sprecher
Sent: Sunday, August 21, 2005 3:42 PM
To: Gerald Clark (E-mail)
Subject: Simnitt Nursery extension request; app G-11982; permitG-11687

Gerry,

Simnitt Nursery extension request - partial deliverables and a few questions.

The following was ID'd during the Completeness Checklist (following by fax):

1) WRD requested max instantaneous rate to be reported within the time period April 15, 1994 through October 1, 1996 (June 27, 2005 WRD letter request). Applicant's agent responded with a max instantaneous rate, but not the dates the rate applied to.

2) One of the permit conditions requires the water user to develop a plan to monitor and report the impact of water use ... submit plan to WRD within 1 year of permit issuance date... . Permit also states applicant will measure the well in April and if water levels decline more than 25 feet.... There is no plan in the file materials sent for this project, but there are water use impact plan reports. (Sounds to me like the monitoring plan is the other permit condition - measuring statics every April, and an additional plan is not necessary). Permit states measurements must be made by a CWRE, RG, or PE. The measurements appear to have been collected by a pump installer (Fishers Supply) and measurement dates vary from March 18 to May 25.

I am assuming that, since WRD sent the files over, the agent's response to the max instantaneous rate is acceptable to WRD, that a monitoring plan is not required, that the pump installer's collection of statics is acceptable, and that the measurement dates varying from April is acceptable. If my assumptions are correct, no problems with this project. If not, we will need to prepare a letter requesting additional information.

I have proceeded with the project, assuming that the above are very minor and that all permit conditions are met and we are good to go (if that is incorrect, please let me know and I'll write up the information request letter).

+++++

Contractor instructions for completing the Div 315 Regular Extension PFO Checklist, #12, state "If a Ground water permit, verify that the file has been routed to the Ground Water Section for an Extension of Time review of the file. Has the Ground Water Section identified any problems that should be addressed or additional conditions that should be added at the Extension of Time stage?" The file forwarded to PBS contained Ground Water Section input from 1994, but not GW Section input during the Extension process. Has the file been routed to the Ground Water Section? Any comments and/or conditions that need to be added to the Extension PFO?

The applicant requested the extension be granted until October 1, 2001. I am assuming this is not a typo, and they really meant 2001 (but this doesn't make sense to me), and have left that date in the PFO.

+++++

Attached is the Extension Review Checklist and a draft PFO with a few very minor yellow highlights, for WRDs review.

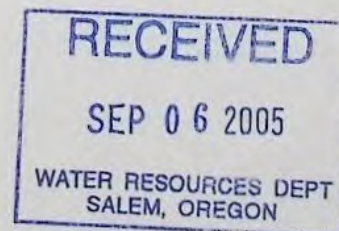
If no additional info is required from the applicant or the GW Section, and if the 2001 extension date is accurate, and after WRD has looked through the PFO, I can prepare the FO and mail the hard copy of the deliverables.

Thank you.



G11687.simnitt.pfo checklist_e...
g11687.simnittnurs ery.draftPFO...

Terry Sprecher, RG, CWRE
PBS Engineering and Environmental



Terry Sprecher

From: Terry Sprecher
Sent: Friday, September 02, 2005 8:25 AM
To: Gerald Clark (E-mail)
Subject: Simnitt Nursery - draft FO

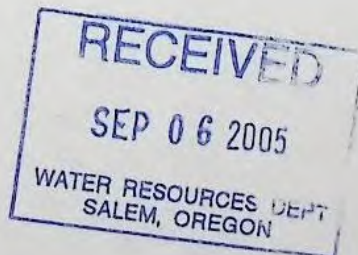
Gerry,

Attached please find the draft FO for the Simnitt Nursery extension request - application # G-11982, permit # G-11687. The hard copy deliverables will follow by mail. Thank you.



G11982_simnitt.dra
ft.FO.wpd

Terry Sprecher, RG, CWRE
PBS Engineering and Environmental
terry@pbsenv.com
(541) 388-9290



Oregon Water Resources Department
Water Rights Division

Draft
Water Rights Application
Number G-11982

Final Order
Extension of Time for Permit Number G-11687

Appeal Rights

This is a final order other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

Application History

On May 25, 2005, Simmitt Nursery submitted an application to the Department for an extension of time for permit number G-11687. The Department issued permit number G-11687 on April 15, 1994. The permit called for completion of construction of the water development project by October 1, 1995, and complete application of water to the full beneficial use by October 1, 1996. In accordance with OAR 690-315-0050(2), on August 30, 2005, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2001. The protest period closed October 14, 2005, in accordance with OAR 690-315-0060(1). No protest was filed.

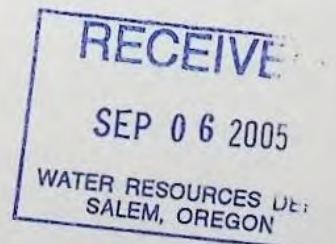
The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

Order

The extension of time for Application Number G-11982, Permit Number G-11687, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2001.

DATED: ***, 2005**

Dwight French, Administrator
Water Rights & Adjudications Division



NOTE: *Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.*

Mailing List for Extension FO Copies

Application # G-11982
Permit # G-11687

FO Date: *****, 2005

Original mailed to:

Applicant: **Simnitt Nursery**
Attn: Jerome and Janice Simnitt
138 NE 22nd Avenue
Canby, Oregon 97013

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)

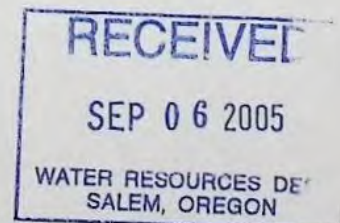
For Extension PFO's - Copies sent to:

1. WRD - Appl. File # G-11982 / Permit #G-11687
2. WRD - Watermaster District: # 20, Mike McCord, Oregon City
3. WRD - Regional Manager: NW Region, Dave Jarrett, Salem

Other interested parties:

Pacific Hydro-Geology, Inc.
Attn: Malia Kupillas, RG, CWRE
18477 S. Valley Vista Rd.
Mulino, OR 97042

CASEWORKER: LJJ



EXTENSION REVIEW CHECKLIST for PFO... *Div. 315 - Regular*

Application #: G-11982 / Permit #: G-11687

Permittee's Name: Simnitt Nursery c/o Jerome and Janice Simnitt

Permittee's Mailing Address: 138 NE 22nd Ave., Canby Oregon 97013

POD Location: Township 3 S Range 1E Section 28 $\frac{1}{4}$ $\frac{1}{4}$ NW SE

Drainage Basin: 2 - Willamette County: Clackamas Watermaster District #: 20

Y 1. Has the applicant submitted the appropriate fee? **Yes / No**
***If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)
*****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**

? 2. Has the applicant completely filled out the Extension Application form? **Yes / No**
***If "No"..... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.

Minor items:

- WRD requested (June 27, 2005) the max instantaneous rate of water that has been diverted from the well and applied to beneficial use under the terms of the permit within the last authorized development timelines (April 15, 1994 - Oct 1, 1996). Applicant's agent responded on June 29, 2005 with a max instantaneous rate, but not the date(s) the rate was attained.

- Permit conditions that are not strictly complied with: Permittee shall obtain a static water-level ... during April of each year (actually obtained between March and May)...and report the measurement to the Department within 30 days (most were turned in within the 30 day window). The measurement shall be made by a CWRE, RG, or PE (actually made by a pump installer)... The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer ... The plan shall be submitted to the Department within one year of permit issuance date (no plan was provided in the project files, or referred to). ... [Sounds to PBS like the static water level permit condition is the same as the monitoring plan permit condition, and the monitoring plan is not really necessary]

X 3. Date Permit was issued: April 15, 1994 Priority Date: Nov 6, 1989

x 4. Source: A well in the Mollalla River Basin

X 5. Use: Nursery operations on 58.09 acres

X 6. "Q": 3.78 cfs

X 7. Orig "A" Date: April 15, 1995 Orig "B" Date: Oct 1, 1995 Orig "C" Date: Oct 1, 1996

? 8. Conditions of Permit: Before use begins, shall install a water meter (OK)
Shall keep monthly water use records (OK)
Shall report water use to WRD annually (OK)
Shall obtain April statics, by CWRE, RG, PE, and report to WRD within 30 days (see #2, above)
If well displays a static decline of \geq 25 feet, ... (Not yet applicable)
Water user shall develop a monitoring plan (see #2, above)
Prior to receiving a certificate, permit holder shall submit results of a pump test to WRD (Not yet applicable)

X 9. Extension request received: May 25, 2005 Request Number (...1st 2nd, 3rd): 1st

X 10. Last Authorized "B" Date: Oct 1, 1995 Last Authorized "C" Date: Oct 1, 1996

x 11. Proposed "B" Date: NA Proposed C Date: Oct 1, 2001

X 12. Amount Invested to date: \$ 120,000 Estimated Total Cost: \$ 120,000

(***)Estimated Remaining Cost: \$ 0)

Y 13. ^{"A" Date met → Well drilled in 1989} The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. Yes / No ***If "No"..... What permit terms and/or conditions have not been met?
(Assuming that the minor issues noted in #2 above are not really problems)

NOTE: Contractor instructions say if a Groundwater permit, verify that the file has been routed to the Groundwater section for an Extension review - were any problems identified that would result in additional conditions added?

X 14. Work on the water development project completed to date includes: The entire irrigation system was completed by 1995 and water was applied to beneficial use by October 1, 1996. → However, permit conditions not satisfied by Oct. 1, 1996 → So, NOT legal beneficial use of water.

X 15. The work remaining to be completed consists of: receipt of extension. WRD review of COBU report
Compliance with conditions within valid timeframes of permit & subsequent legal beneficial use of water.

X 16. Progress in perfecting the permit is being held up by: Was delayed because, at the time of the final proof survey, CWRE discovered the water use and water level reporting requirements. Extension of time was requested in order to prepare and submit water use and water level reports. These have now been submitted to WRD

Y 17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? **Yes**

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]

- The amount of construction completed within the time allowed in the permit or previous extension;
- The amount of beneficial use made of the water during the permit or previous extension time limits;
- Water right permit holder conformance with the permit or previous extension conditions; and
- Financial investments made toward developing the beneficial water use.

- Permit holder has completed approximately 100 % of the construction.
- Permit holder has beneficially used 100 % of the total permitted quantity of water.
- Has the permit holder complied with conditions? **Yes / No** → Did NOT Comply w/ Conditions
—If **No**, reasons why not? Yes, now (delay in complying with permit conditions per # 16, above). (See #2 above, for a discussion of minor items)
- Permit holder has invested approximately 100 % of the total estimated cost to complete the project.
- Other: _____

X 18. Determination of the market and the present demand for water or power to be supplied: _____

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:

- The amount of water available to satisfy other affected water rights and scenic waterway flows;
- Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- Economic investment in the project to date;
- Other economic interests dependent on completion of the project; and
- Other factors relevant to the determination of the market and the present demand for water or power.

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? No ← Div 09 review 1-3-04.
- within or above a state scenic waterway? No
- within a ground water limited/critical area? No
- within or above a segment that has been identified as a federal wild and scenic river? No
- within an area that ODFW has identified as an ST&E Area? Yes
- within an area that ODFW has identified as a Moderate Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? Yes — Molalla River
- Other: Considerable economic investment in project to date; if permit is not granted, nursery (applicant) will likely go out of business.

Y 19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. → Approval of Extension Request

~~No ... "Good Cause" cannot be found. → Denial of Extension Request~~? 20. Conditions to be included in Extension PFO (if applicable)? Yes / No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

 5-year Progress Report Checkpoints - Not Applicable Other: _____

Ground Water Section conditions?

X 21. Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO: ~~COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987~~~~"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate, or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."~~ ~~COBU Requirement - Surface Water - post July 9, 1987~~~~"Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."~~ COBU Requirement - Ground Water - post July 9, 1987"Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."NOTES:

Extension "PFO" Dates

Checklist Last Revised: 3/4/ 2004

Mailing / Issuance Date: _____ WRD Project Manager: _____

Protest Deadline Date: _____ Date: _____

Application # G-11982 / Permit # G-11687

Route Slip ... Extension of Time

per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**
Money Received on: 5-25-05 - \$250.⁰⁰

◆ **Lisa Juul...**
Extension Completeness: Cert Ltr. Sent 6-27-05
(If **NOT** complete, send certified letter requesting add'l information.)

If Extension Appl complete and \$250 fee submitted, route to...

◆ **Jonnine Fuss...**

Publish on Public Notice (initial 30-day comment): 6/28/05 JIS

Update "cdatewext.DB" Database:

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

At the close of the Initial 30-day Comment Period...

◆ **Lisa Juul...**

Pull files for Ext PFO review: _____

Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

◆ **Jonnine Fuss...**

Prepare Ext PFO for mailing to applicant: _____

Mail to those who commented *and* paid copy fee: _____

Include Ext PFO on weekly Public Notice: _____

EXTENSION REVIEW CHECKLIST for PFO... Div. 315 - Regular

Application #: G-11982 / Permit #: G-11687

Permittee's Name: Simniff Nursery; % of Jerome & Janice Simniff

Permittee's Mailing Address: 138 NE 22nd Ave, Canby, OR 97013

POD Location: Township 3-S Range 1-E Section 28 $\frac{1}{4}$ NWSE

Drainage Basin: ~~Willamette~~ County: Clackamas Watermaster District #: ~~16~~ 20

✓1. Has the applicant submitted the appropriate fee? Yes / No \$250 paid 5-25-05
***If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)
*****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**

✓2. Has the applicant completely filled out the Extension Application form? Yes / No
***If "No"..... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.

• Max instantaneous "Q": — Certified letter sent 6-27-05

✓3. Date Permit was issued: 4-15-94 Priority Date: 11-6-89

✓4. Source: One Well in the Molalla River Basin

✓5. Use: Nursery Operations on 58.⁰⁹ AC

✓6. "Q": 3.78 cfs

✓7. Orig "A" Date: 4-15-95 Orig "B" Date: 10-1-95 Orig "C" Date: 10-1-96

✓8. Conditions of Permit:
• Before use begins → shall install a meter or other suitable meas. device.
• Shall keep monthly water use records & report annually to WRD.
• Shall obtain APRIL static water level measurements

✓9. Extension request received: 5-25-05 Request Number (...1st 2nd, 3rd): 1st

✓10. Last Authorized "B" Date: 10-1-95 Last Authorized "C" Date: 10-1-96

✓11. Proposed "B" Date: _____ Proposed C Date: 10-1-2001

✓12. Amount Invested to date: \$120,000.⁰⁰ Estimated Total Cost: \$120,000.⁰⁰

(***Estimated Remaining Cost: \$0.⁰⁰)

___13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. **Yes / No** ***If "No"..... What permit terms and/or conditions have not been met?

___14. Work on the water development project completed to date includes: _____

___15. The work remaining to be completed consists of: _____

___16. Progress in perfecting the permit is being held up by: _____

___17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? **Yes / No**

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]

- a. The amount of construction completed within the time allowed in the permit or previous extension;
- b. The amount of beneficial use made of the water during the permit or previous extension time limits;
- c. Water right permit holder conformance with the permit or previous extension conditions; and
- d. Financial investments made toward developing the beneficial water use.

- Permit holder has completed approximately _____% of the construction.
- Permit holder has beneficially used _____% of the total permitted quantity of water.
- Has the permit holder complied with conditions? **Yes / No**
—If **No**, reasons why not? _____
- Permit holder has invested approximately _____% of the total estimated cost to complete the project.
- Other: _____

___18. Determination of the market and the present demand for water or power to be supplied: _____

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows;
- b. Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- d. Economic investment in the project to date;
- e. Other economic interests dependent on completion of the project; and
- f. Other factors relevant to the determination of the market and the present demand for water or power.

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? _____
- within or above a state scenic waterway? _____
- within a ground water limited/critical area? _____
- within a segment that has been identified as a federal wild and scenic river? _____
- within an area that ODFW has identified as an ST&E Area? _____
- within an area that ODFW has identified as a _____ Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? _____
- Other: _____

19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. → Approval of Extension Request

No ... "Good Cause" cannot be found. → Denial of Extension Request

20. Conditions to be included in Extension PFO (if applicable)? Yes / No
(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

5-year Progress Report Checkpoints

Other: _____

21. Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

COBU Requirement - Surface Water - post July 9, 1987

"Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Checklist Last Revised: 3/4/ 2004

Mailing / Issuance Date: _____ WRD Project Manager: _____

Protest Deadline Date: _____ Date: _____

STATE OF OREGON
COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SIMNITT NURSERY
C/O JEROME AND JANICE SIMNITT
138 N.E. 22ND AVENUE
CANBY, OREGON 97013

503-266-2904

to use the waters of A WELL in the MOLALLA RIVER BASIN for NURSERY OPERATIONS ON 58.09 ACRES.

This permit is issued approving Application G-11982. The date of priority is NOVEMBER 6, 1989. The use is limited to not more than 3.78 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NW 1/4 SE 1/4, SECTION 28, T 3 S, R 1 E, W.M.; 774 FEET SOUTH AND 56 FEET EAST FROM THE C 1/4 CORNER OF SECTION 28.

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

A description of the proposed place of use under this permit is as follows:

SW 1/4 NE 1/4 3.50 ACRES
SE 1/4 NW 1/4 16.00 ACRES
NE 1/4 SW 1/4 17.99 ACRES
NW 1/4 SE 1/4 20.60 ACRES

SECTION 28

TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

The well 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.

Measurement, recording and reporting conditions:

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

Oct. 2000

- 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.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The Permittee shall obtain a static water-level measurement for each well during April of each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water-rights examiner, registered professional geologist, or professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the Permittee shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user 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 reference level for water-level declines shall be the second annual measurement taken after water use begins under the terms of this permit. The Permittee shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water users 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 to occur within the aquifer as a result of use under this permit.

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.

Actual construction work shall begin on or before April 15, 1995 and shall be completed on or before October 1, 1995. Complete application of the water shall be made on or before October 1, 1996.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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 of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, April 15, 1994.

/s/ A. REED MARBUT

Water Resources Department
Martha O. Pagel
Director

X-Mailer: QUALCOMM Windows Eudora Version 6.2.0.14

Date: Mon, 22 Aug 2005 08:20:05 -0700

To: Lisa.J.JUUL@wrд.state.or.us

From: Gerry Clark <Gerald.E.CLARK@wrд.state.or.us>

Subject: Fwd: Simnitt Nursery extension request; app G-11982;
permitG-11687

X-Security: MIME headers sanitized on kettle.wrd.state.or.us

See <http://www.impsec.org/email-tools/sanitizer-intro.html>

for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07

X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us

X-Spam-Status: No, hits=-4.8 required=5.0 tests=BAYES_00,HTML_MESSAGE
autolearn=ham version=2.63

X-Spam-Level:

X-Security: MIME headers sanitized on kettle.wrd.state.or.us

See <http://www.impsec.org/email-tools/sanitizer-intro.html>

for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07

Subject: Simnitt Nursery extension request; app G-11982; permitG-11687

Date: Sun, 21 Aug 2005 15:41:57 -0700

X-MS-Has-Attach:

X-MS-TNEF-Correlator:

Thread-Topic: Simnitt Nursery extension request; app G-11982; permitG-11687

Thread-Index: AcWmoYjRPnugd/gxQqGvuPk+xD+XdQ==

From: "Terry Sprecher" <terry@pbsenv.com>

To: "Gerald Clark \ (E-mail\)" <Gerald.E.CLARK@wrд.state.or.us>

X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on
kettle.wrd.state.or.us

X-Spam-Status: No, hits=-4.8 required=5.0 tests=BAYES_00,HTML_MESSAGE
autolearn=ham version=2.63

X-Spam-Level:

Gerry,

Simnitt Nursery extension request - partial deliverables and a few questions.

The following was ID'd during the Completeness Checklist (following by fax):

1) WRD requested max instantaneous rate to be reported within the time period April 15, 1994 through October 1, 1996 (June 27, 2005 WRD letter request). Applicant's agent responded with a max instantaneous rate, but not the dates the rate applied to.

2) One of the permit conditions requires the water user to develop a plan to monitor and report the impact of water use ... submit plan to WRD within 1 year of permit issuance date... . Permit also states applicant will measure the well in April and if water levels decline more than 25 feet... There is no plan in the file materials sent for this project, but there are water use impact plan reports. (Sounds to me like the monitoring plan is the other permit condition - measuring statics every April, and an additional plan is not necessary). Permit states measurements must be made by a CWRE, RG, or PE. The measurements appear to have been collected by a pump installer (Fishers Supply) and measurement dates vary from March 18 to May 25.

I am assuming that, since WRD sent the files over, the agent's response to the max instantaneous rate is acceptable to WRD, that a monitoring plan is not required, that the pump installer's collection of statics is acceptable, and that the measurement dates varying from April is acceptable. If my assumptions are correct, no problems with this project. If not, we will need to prepare a letter requesting additional information.

I have proceeded with the project, assuming that the above are very minor and that all permit conditions are met and we are good to go (if that is incorrect, please let me know and I'll write up the information request letter).

+++++

Contractor instructions for completing the Div 315 Regular Extension PFO Checklist, #12, state "If a Ground water permit, verify that the file has been routed to the Ground Water Section for an Extension of Time review of the file. Has the Ground Water Section identified any problems that should be addressed or additional conditions that should be added at the Extension of Time stage?" The file forwarded to PBS contained Ground Water Section input from 1994, but not GW Section input during the Extension process. Has the file been routed to the Ground Water Section? Any comments and/or conditions that need to be added to the Extension PFO?

The applicant requested the extension be granted until October 1, 2001. I am assuming this is not a typo, and they really meant 2001 (but this doesn't make sense to me), and have left that date in the PFO.

+++++


Attached is the Extension Review Checklist and a draft PFO with a few very minor yellow highlights, for WRDs review.


If no additional info is required from the applicant or the GW Section, and if the 2001 extension date is accurate, and after WRD has looked through the PFO, I can prepare the FO and mail the hard copy of the deliverables.

Thank you.

<<G11687.simnitt.pfo checklist_extension div 315 regular.wpd>> <<g11687.simnittnursery.draftPFO.div 315.aug.2005.wpd>>

Terry Sprecher, RG, CWRE
PBS Engineering and Environmental
terry@pbsenv.com
(541) 388-9290

 [G11687.simnitt.pfo checklist_extension div 315 regular.wpd](#)

 [g11687.simnittnursery.draftPFO.div 315.aug.2005.wpd](#)



PORTLAND
SEATTLE
VANCOUVER
EUGENE
BEND
TRI-CITIES

FAX TRANSMITTAL

DATE: August 21, 2005

TO: Gerry Clark
Oregon Water Resources Department

FROM: Terry Sprecher *TdS*

FAX NO: (503) 986-0901

PROJECT NO: 80196.000, Task 2

RE: Partial Deliverables – Simnitt Nursery

NO. OF PAGES INCLUDING TRANSMITTAL: 3

If you did not receive the entire fax or had any problems with the transmission, please call PBS at 541.388.9290. Fax responses to 541.382.5116

Following please find the Extension of Time Completeness Checklist for the Simnitt Nursery. The Extension Review Checklist and draft Proposed Final Order have been forwarded by email.

Thank you.

390 NE Emerson Ave.
Suite C
Bend, OR 97701
541.388.9290 PHONE
541.382.5116 FAX

Place a (✓) in the box if the item is satisfied.	Division 315 - Regular Extension of Time - Completeness Checklist OAR 690-315-0020	Application G-11982 Permit G-11087 Simmitt Nursery
✓	The appropriate extension of time fee (as specified in ORS 536.050). \$100 - applications received prior to October 1, 2003 \$250 - applications received on or after October 1, 2003	[OAR 690-315-0020(3)]
✓	The name and mailing address of the water right permit holder(s);	[OAR 690-315-0020(3)(a)]
✓	The application number and the permit number for which an extension is requested;	[OAR 690-315-0020(3)(b)]
NA	If the water right permit holder receives delivery of the subject water right permit from a municipality, municipal corporation, or other special district, the applicant shall provide the name of the entity and evidence that a copy of the application for extension of time has been provided to the entity responsible for delivering the water;	[OAR 690-315-0020(3)(c)]
✓	Evidence of the actions taken to begin actual construction within the time period in the permit or previous extension: <ul style="list-style-type: none"> "Actual construction" means physical work performed towards completion of the water system, which demonstrates both the present good faith of the water right permit holder and the water right permit holder's intention to complete the project with reasonable diligence; <i>A date → April 15, 1995</i> "Actual construction" <u>does not</u> include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying. 	[OAR 690-315-0020(3)(d)]
ok maybe ? → not included	Evidence of progress made toward completion of the water development and application to full beneficial use, which includes but is not limited to: <ul style="list-style-type: none"> The annual accomplishments toward perfecting the water right under the terms and conditions of the permit, including the dates on which each condition contained in the relevant permit and any previous extension(s) was satisfied or the reason the condition was not satisfied; <i>brief explanation measuring conditions? monitoring plan conditions?</i> The maximum rate of diversion, if any, made to date; and <i>requested & received, but w/out a date corresponding w/ max. diversion</i> If for irrigation, a listing by year of the number of acres irrigated each year since permit issuance, the total number of acres irrigated to date under the permit or previous extension, and a copy of the application map showing the acres irrigated. 	[OAR 690-315-0020(3)(e)]
ok	A description of <i>statement only</i> financial expenditures made toward completion of the water development;	[OAR 690-315-0020(3)(f)]
✓	An estimate of the cost to complete the water development;	[OAR 690-315-0020(3)(g)]
only the permit conditions complicated work	A summary of any additional unforeseen events which delayed completion of the water development or application of water to full beneficial use, including other governmental requirements, if any, relating to the project which have significantly delayed completion of construction or perfection of the right;	[OAR 690-315-0020(3)(h)]
✓	The date by which the water development will be completed and water put to full beneficial use;	[OAR 690-315-0020(3)(i)]
✓	A summary of the applicant's plan and schedule to complete construction and/or perfect the water right;	[OAR 690-315-0020(3)(j)]
✓	Justification of why the requested time is needed to complete the project and/or apply the water to full beneficial use;	[OAR 690-315-0020(3)(k)]
✓	A description of any undue hardship to the applicant which will result from denial of the extension, and that there are no other reasonable alternatives for meeting water use needs; <i>will likely result in Nursery closure</i> (NOTE: The permit holder is not asked to answer this specific question when filling out the Extension of Time Application. The Department decided this was a finding that should be determined by staff. In order to make this determination, review the Extension of Time Application and documentation in the file record. Generally, a denied extension of time may result in possible loss of investments made in the project, loss of future property value, and/or loss of future income.	[OAR 690-315-0020(3)(l)]
✓	Any other information the applicant determines is relevant to evaluate the application in accordance with applicable statutes and these rules;	[OAR 690-315-0020(3)(m)]
✓	Any other information required in the application form that is necessary to evaluate the application in accordance with applicable statutory requirements; and	[OAR 690-315-0020(3)(n)]

Place a (✓) in the box if the item is satisfied.	<p style="text-align: center;">Division 315 - Regular Extension of Time - Completeness Checklist OAR 690-315-0020</p> <p style="text-align: right;"><i>Application</i> <i>G-11982</i> <i>permit G-11687</i></p>
<input checked="" type="checkbox"/>	<p>Signature(s) of the water right permit holder(s). <i>Simwith Nursery</i></p>

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **74791**

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

INVOICE # _____

RECEIVED FROM: <u>Pacific Hydro-Geology</u>	APPLICATION <u>(711982)</u>
BY: _____	PERMIT <u>(711687)</u>
	TRANSFER _____

CASH: CHECK:# 5757 OTHER: (IDENTIFY) TOTAL REC'D \$ _____

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES		\$ _____
0410 RESEARCH FEES		\$ _____
0408 MISC REVENUE: (IDENTIFY) _____		\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____		\$ _____
0240 EXTENSION OF TIME		\$ <u>250.00</u>
WATER RIGHTS:		RECORD FEE
0201 SURFACE WATER	EXAM FEE \$ _____	0202 \$ _____
0203 GROUND WATER	EXAM FEE \$ _____	0204 \$ _____
0205 TRANSFER	EXAM FEE \$ _____	
WELL CONSTRUCTION		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 \$ _____
LANDOWNER'S PERMIT		0220 \$ _____
OTHER (IDENTIFY) _____		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____
 OBJ. CODE _____ VENDOR # _____
 DESCRIPTION _____ \$ _____

RECEIPT: **74791** DATED: 5/25/05 BY: Linda Cooper

RECEIVED
MAY 25 2005
WATER RESOURCES DEPT
HELM OREGON

1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?
Yes, well was constructed in 1989 and system installed prior to applying for the water right.

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?
Yes, a flow meter was installed by Schneider Drilling on September 28, 1995.

A) Please describe how you have complied with each applicable permit condition (**NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review**).
Construction work needed to start before April 15, 1995. The well was completed in 1989, which meets the start condition. Construction needed to be completed by October 1, 1995. The Form B was signed September 1, 1995, which meets the completion of construction requirement. Form C was signed September 1, 1995 documenting that the complete application of water to beneficial use had been made, which was before the deadline of October 1, 1996. A flow meter was installed in 1995.

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.
At the time of the final proof survey, our water rights examiner discovered that our permit required water use and water level reporting that had not been completed. We have since completed water use reports for 1996 through 2004. The water use reports are included as attachments to this application. Water level reporting started in 1997. Copies of the water level reporting forms from 1997 to 2005 are also included as attachments to this application.

3. I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:
No work was accomplished in the past year because all improvements to the water system were completed by 1995.

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B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:
 The entire irrigation system was completed by 1995 and water applied to beneficial use by October 1, 1996.

4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [*in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water*]:
 Up to about 7.2 million gallons of water have been applied in one season, depending on crop rotation. Please refer to the water use reports for 1996 through 2004 which are attached to this application.

B) Number of Acres Irrigated (*if an irrigation permit*):
 58.09 are under irrigation on a rotation basis.

5. Cost of project to date \$120,000. Estimated remaining cost to complete the project \$0.

6. Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified:

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.
 Not Applicable

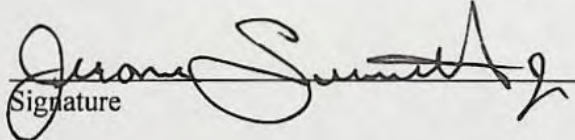
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SALEM OREGON

- B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.
Not Applicable

- C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.
At the time of the final proof survey, our water rights examiner discovered that our permit required water use and water level reporting that had not been completed. Since then, we have completed water use reports for 1996 through 2004. Water level reporting started in 1997. Copies of the water use reports and water level report forms are included as attachments to this application.

- D) Acts of God or other unforeseen events delayed full development of the water system and use of water.
Not Applicable

I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.


Signature

5-6-05
Date

For an application to be complete, it must be accompanied with the required fee. See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

MAIL COMPLETED APPLICATION *and* FEE TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE, SUITE A
SALEM, OREGON 97301-1271

2003

Oregon Water Resources Department
 October 2003 through September 2004
 Annual Water Use - Monthly Quantities Form

USER-ID 9655

2004



Facility <input type="checkbox"/>	X				
POD-ID <input type="checkbox"/>					
October - 2003					
November - 2003					
December - 2003					
January - 2004					
February - 2004					
March - 2004					
April - 2004					
May - 2004					
June - 2004					
July - 2004					
August - 2004					
September - 2004					
TOTAL *					

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OCT 26 2004

WATER RESOURCES DEPT
SALEM, OREGON

3413 KG

660 KG

510 KG

329 KG

4,912 KG

WATER RESOURCES DEPT
SALEM, OREGON

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* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER. If use is irrigation, total number acres irrigated 40

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

[Signature] OWNER SIMNITT NURSERY 10-25-04
 Signature Title Reporting Entity Date

SIMNITT JEROME A.
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.

2002

Oregon Water Resources Department
 October 2002 through September 2003
 Annual Water Use - Monthly Quantities Form

USER-ID 9655

2003



Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	<u>36264-N4</u>				
October - 2002					
November - 2002					
December - 2002					
January - 2003					
February - 2003					
March - 2003					
April - 2003					
May - 2003	<u>866 KG</u>				
June - 2003	<u>3,210 "</u>				
July - 2003	<u>103 KG</u>				
August - 2003	<u>1,683 "</u>				
September - 2003	<u>1,375 "</u>				
TOTAL *	<u>7,287,000</u>				

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 WATER RESOURCES DEPT
 SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER. If use is irrigation, total number acres irrigated 30

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

J. Simnett
 Signature

OWNER
 Title

SIMNETT NURSERY
 Reporting Entity

1-29-04
 Date

SIMNETT JEROME A.
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program
 725 Sumner Street NE, Suite A; Salem, OR 97301-1271

WATER RESOURCES DEPT
 SALEM, OREGON

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2001

Oregon Water Resources Department
 October 2001 through September 2002
 Annual Water Use - Monthly Quantities Form

USER-ID 9655

2002



Facility					
POD-ID					
October - 2001	0				
November - 2001					
December - 2001					
January - 2002					
February - 2002					
March - 2002					
April - 2002					
May - 2002	0				
June - 2002	154 KG				
July - 2002	323 KG				
August - 2002	477 KG				
September - 2002	429 KG				
TOTAL *	1383 KG				

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 SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER. If use is irrigation, total number acres irrigated 20

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

Signature

OWNER
 Title

SIMNETT NURSERY
 Reporting Entity

11-6-02
 Date

Jerome A. SIMNETT
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 158 12th Street NE; Salem, OR 97310-0210

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 SALEM, OREGON



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NOV 29 2000

WATER RESOURCES DEPT. SALEM, OREGON

App: 611982

USER-ID 9655

Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form

2000



Facility <input type="checkbox"/>	LARGE	36264			
POD-ID <input type="checkbox"/>	G-11687	NU			
October - 1999	0				
November - 1999					
December - 1999					
January - 2000					
February - 2000					
March - 2000					
April - 2000					
May - 2000	0				
June - 2000	264 KG				
July - 2000	146 KG				
August - 2000	129 KG				
September - 2000	0 KG				
TOTAL *	539 KG				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLOW METER. If use is irrigation, total number acres irrigated 25

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

Jerome A. Simnett
Signature

OWNER
Title

Reporting Entity

11-28-00
Date

JEROME A. SIMNETT
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210

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WATER RESOURCES DEPT.
SALEM, OREGON

1998
2003

Oregon Water Resources Department
October 2003 through September 2004
Annual Water Use - Monthly Quantities Form

USER-ID 9655

2004 

Facility POD-ID					1999
October - 2003 ⁹⁸					
November - 2003 ⁹⁸					
December - 2003 ⁹⁸					
January - 2004 ⁹⁹					
February - 2004 ⁹⁹					
March - 2004 ⁹⁹					
April - 2004 ⁹⁹					
May - 2004 ⁹⁹	335 KG				
June - 2004 ⁹⁹	309 KG				
July - 2004 ⁹⁹	638 KG				
August - 2004 ⁹⁹	568 KG				
September - 2004 ⁹⁹	710 KG				
TOTAL *	2560 KG				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Flow Meter. If use is irrigation, total number acres irrigated 3

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

Jerome A. Simmitt owner
Signature Title

Jerome A. Simmitt
Name - Please Print

Reporting Entity Date

Please complete and mail to: Water Resources Department; Water Use Reporting Program
725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.

WATER RESOURCES DEPT
SALEM OREGON

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1997
2003

App: G 11982
Oregon Water Resources Department
October 2003 through September 2004
Annual Water Use - Monthly Quantities Form

USER-ID 9655

2004



1998

Facility POD-ID					
October - 2003 ⁹⁷					
November - 2003 ⁹⁷					
December - 2003 ⁹⁷					
January - 2004 ⁹⁸					
February - 2004 ⁹⁸					
March - 2004 ⁹⁸					
April - 2004 ⁹⁸	119 KG				
May - 2004 ⁹⁸	0 -				
June - 2004 ⁹⁸	553 KG				
July - 2004 ⁹⁸	651 KG				
August - 2004 ⁹⁸	1407 KG				
September - 2004 ⁹⁸	1386 KG				
TOTAL *	4116 KG				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Water Meter
Flow meter. If use is irrigation, total number acres irrigated 45

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

Jerome A. Simmitt Owner

Signature

Title

Reporting Entity

Date

Jerome A. Simmitt
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program
725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.

WATER RESOURCES DEPT
SALEM OREGON

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1996
2003

App: G 11982
Oregon Water Resources Department
October 2003 through September 2004
Annual Water Use - Monthly Quantities Form

USER-ID 9655

2004



Facility POD-ID					1997
October - 2003					
November - 2003					
December - 2003					
January - 2004					
February - 2004					
March - 2004					
April - 2004					
May - 2004	387				
June - 2004	77				
July - 2004	854				
August - 2004	413				
September - 2004					
TOTAL *	1731				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Flow Meter. If use is irrigation, total number acres irrigated 90

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

Jerome A. Simnitt Owner
Signature Title

Reporting Entity

Date

Jerome A. Simnitt
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program,
725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.

WATER RESOURCES DEPT
SALEM OREGON

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1995 - 1996

~~2003~~

App: G 11982

Oregon Water Resources Department
October 2003 through September 2004
Annual Water Use - Monthly Quantities Form

USER-ID 9655

~~2004~~



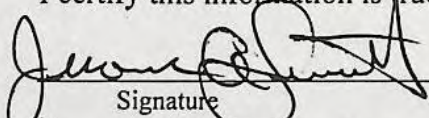
Facility POD-ID					
October - 2003					
November - 2003					
December - 2003					
January - 2004					
February - 2004					
March - 2004					
April - 2004					
May - 2004					
June - 2004					
July - 2004					
August - 2004					
September - 2004					
TOTAL *	7181 kg				

1996

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Flow Meter. If use is irrigation, total number acres irrigated 25

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


 Signature _____ Title owner
Jerome A. Simmitt
 Name - Please Print

Reporting Entity _____

Date _____

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.

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SALEM OREGON

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**Oregon Water Resources Department
WATER-USE IMPACT PLAN REPORTING**

3

RECEIVED

APR 04 2005

WATER RESOURCES DEPT
SALEM, OREGON

E: Required Water-Use Impact Plans and Water-Level Reporting for Ground Water Permits

EROME A SIMNITT
SIMNITT NURSERY
38 NE 22ND AVE
ANBY OR 97013

503-266-9640
WELL LOCATED ON N. LOCUST BETWEEN TERRITORIAL and 22nd.

you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your water-use impact plan to determine the required times for measuring and reporting, as well as any requirements regarding who may make measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

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WATER RESOURCES DEPT
SALEM OREGON

WATER-LEVEL MEASUREMENT REPORT
(Complete one form for each well that requires measurement under your plan)

Well Identification (provide as much of the following information as possible):

Well not yet drilled as of date: _____
Original owner on well log: SIMNITT NURSERY
Well ID # (on tag attached to casing): L _____ Startcard number (if listed on well log): # 7900
Well depth: 342 Casing diameter: 16" Date drilled: 1-19-89 6-1-89
Owner's well name: A WELL Drilled by: SCHNIEDER EQUIPMENT

When did water use begin under this permit from this well? Date: Month/Yr 11-6-89

How all water rights listing this well:
Application number(s): G 11982
Permit number(s): G 11687
Certificate number(s): _____

Date of measurement: 3/18/05
Description of measuring point (e.g. 1 1/4" port pipe on north side): 1 1/2 PORT PIPE on South Side

Static water level above/below (circle one) measuring point: below 67.5' feet, or airline pressure _____ psi
Measuring point distance above/below (circle one) land surface: 22" 2.3 Ft feet, or airline length _____ feet
Static water level above/below (circle one) land surface: below 65.3 Ft feet
Casing pressure (if flowing artesian well): _____ psi
Method of measurement: E-tape Airline _____ Other(specify): _____
Water-level status when measured: Static _____ Pumping _____ Rising _____ Flowing _____ Other _____
Length of time well was idle before measurement: UNKNOWN

Comments (use back or extra sheet if necessary): _____
I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): Michael Lee
Signature of measurer: [Signature]
Company: Fisher's Supply I.N.C
License number (CWRE, RG, PE, WWC, Pump Installer): CCB 0052426
Daytime phone number: 503 263-8557 Email address: _____

If you have any questions about this notice, please call Michael J. Zwart at 503-986-0844.
Return completed form to: Oregon Water Resources Department, Measurements & Reporting Section, 725 Summer St. NE, Suite Salem, OR 97301-1271.

Oregon Water Resources Department
WATER-USE IMPACT PLAN REPORTING

Rec Fisher
3/18

3

RE: Required Water-Use Impact Plans and Water-Level Reporting for Ground Water Permits

RECEIVED

JEROME A SIMNITT
SIMNITT NURSERY
138 NE 22ND AVE
CANBY OR 97013

MAR 26 2004

WATER RESOURCES DEPT
SALEM, OREGON

503-266-9640

WELL LOCATED ON N. LOCUST BETWEEN TERRITORIAL and 22nd.

If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your water-use impact plan to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

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WATER RESOURCES DEPT
SALEM, OREGON

WATER-LEVEL MEASUREMENT REPORT

(Complete one form for each well that requires measurement under your plan)

Well Identification (provide as much of the following information as possible):

Well not yet drilled as of date: _____
Original owner on well log: SIMNITT NURSERY
Well ID # (on tag attached to casing): L _____ Startcard number (if listed on well log): # 4900
Well depth: 342 Casing diameter: 16" Date drilled: 1-19-89 6-1-89
Owner's well name: A WELL Drilled by: SCHNIEDER EQUIPMENT

When did water use begin under this permit from this well? Date: Month/Yr 11-6-89

Show all water rights listing this well:
Application number(s): G 11982
Permit number(s): G 11687
Certificate number(s): _____

Date of measurement: 3-20-04

Description of measuring point (e.g. 1 1/4" port pipe on north side): Stick tube

Static water level above / below (circle one) measuring point: 62 feet, or airline pressure _____ psi

Measuring point distance above / below (circle one) land surface: 1ft 10" feet, or airline length _____ feet

Static water level above / below (circle one) land surface: 60ft 2in feet

Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape Airline _____ Other(specify): _____

Water-level status when measured: Static Pumping _____ Rising _____ Flowing _____ Other _____

Length of time well was idle before measurement: _____

Comments (use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): Rich Gerig

Signature of measurer: Rich Gerig

Company: Fisher Supply Inc

License number (CWRE, RG, PE, WWC, Pump Installer): 7-75 CPT

Daytime phone number: 503 262-8557 Email address: _____

If you have any questions about this notice, please call Michael J. Zwart at 503-986-0844.
Return completed form to: Oregon Water Resources Department, Measurements & Reporting Section, 725 Summer St. NE, Suite A, Salem, OR 97301-1271.

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 2/9/2004 GW/KCW

Fast 5.1. 9-24 014

**Oregon Water Resources Department
WATER-USE IMPACT PLAN REPORTING**

RE: Required Water-Use Impact Plan on Permit G 11687 Certificate 0

Application G 11982
Priority date 11/6/1989

JEROME A SIMNITT
SIMNITT NURSERY
138 NE 22ND AVE
CANBY OR 97013

503-266-9640

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APR 24 2003

WATER RESOURCES DEPT.
SALEM, OREGON

If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

MEASUREMENT REPORTING FORM

(Complete one form for each well that requires measurement under your plan)

Well Identification (provide as much of the following information as possible):

Well not yet drilled as of date: _____
 Original owner on well log: SIMNITT NURSERY
 Well ID # (on tag attached to casing): L _____ Startcard number (if listed on well log): # 7900
 Well depth: 342 Casing diameter: 16" Date drilled: 1-19-89 - 6-1-89
 Owner's well name: A WELL Drilled by: SCHNIEDER EQUIPMENT

When did water use begin under this permit from this well? Date: Month/Yr 11-6-89

Show all water rights listing this well:

Application number(s): G11982
 Permit number(s): G11687
 Certificate number(s): _____

Measurement Details:

Date of measurement: _____

Description of measuring point (e.g. 1 1/4" port pipe on north side): 1 1/4" Access Port in side of 16" Casing

Static water level above (below) (circle one) measuring point: 60' 4 1/2" feet, or airline pressure N/A psi
 Measuring point distance above (below) (circle one) land surface: 22" feet, or airline length N/A feet
 Static water level above (below) (circle one) land surface: 58' 6 1/2" feet
 Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape Airline _____ Other(specify): _____
 Water-level status when measured: Static Pumping _____ Rising _____ Flowing _____ Other _____

Length of time well was idle before measurement: _____

Comments (use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): Michael A. Almero
 Signature of measurer: [Signature]
 Company: Fishers Supply Inc
 License number (CWRE, RG, PE, WWC, Pump Installer): 7-75CPI
 Daytime phone number: 263-8557 Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 207 or ext 245. Return this Form to: OWRD, Ground Water/Hydrology Section, 158 12th St. NE, Salem, OR 97310-4172.

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

OWRD 02/19/2003

GW/KCW

CLAC 9698

Oregon Water Resources Department
WATER-USE IMPACT PLAN REPORTING

RE: Required Water-Use Impact Plan on Permit G 11687

Certificate 0

Application G 11982
Priority date 11/6/1989

JEROME A SIMNITT
SIMNITT NURSERY
138 NE 22ND AVE
CANBY OR 97013

RECEIVED
MAY 25 2002
WATER RESOURCES DEPT.
SALEM OREGON
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MAR 07 2002
WATER RESOURCES DEPT.
SALEM, OREGON

If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

MEASUREMENT REPORTING FORM

(Complete one form for each well that requires measurement under your plan)

Well Identification (provide as much of the following information as possible):

Well not yet drilled as of date: _____
Original owner on well log: SIMNITT NURSERY
Well ID # (on tag attached to casing): L _____ Startcard number (if listed on well log): # 7900
Well depth: 342 Casing diameter: 16" Date drilled: 1-19-89 - 6-1-89
Owner's well name: A WELL Drilled by: Schneider Equipment

When did water use begin under this permit from this well? Date: Month/Yr 11-6-89

Show all water rights listing this well:

Application number(s): 011982
Permit number(s): 611687
Certificate number(s): 0

Measurement Details:

Date of measurement: MARCH 5 2002

Description of measuring point (e.g. 1 1/4" port pipe on north side): 1 1/2 ACCESS PORT ON SOUTH SIDE OF WELL

Static water level below (circle one) measuring point: 61.5 feet, or airline pressure _____ psi
Measuring point distance above (circle one) land surface: 1.75 feet, or airline length _____ feet

Static water level below (circle one) land surface: 59.75 feet
Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape X Airline _____ Other(specify): _____
Water-level status when measured: Static X Pumping _____ Rising _____ Flowing _____ Other _____
Length of time well was idle before measurement: 6 months

Comments (use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): FRANK BEAUDRY
Signature of measurer: [Signature]
Company: FISHERS SUPPLY INC.
License number (CWRE, RG, PE, WWC, Pump Installer): 7-1561 PUMP INSTALLER
Daytime phone number: 503-263-8557 Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503-378-8455 ext. 267. Return this Form to: OWRD, Ground Water/Hydrology Section, 158 12th St. NE, Salem, OR 97310-4172.

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 02/08/2002 GW/KCW

Water Level Data on File at OWRD for this well (last 3 measurements only, most recent date on top):

DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED BY	COMMENTS
04/02/2001	STATIC	ETAPE	1.83	61.50	FRANK BEAUDRY	IDLE 48 HRS
04/28/2000	STATIC	ETAPE	1.83	58.42	FRANK BEAUDRY	IDLE 6 MTHS
05/25/1999	STATIC	ETAPE	1.83	63.42	ANDREW HETTWER	IDLE 48 HRS

**Oregon Water Resources Department
WATER-USE IMPACT PLAN REPORTING**

RE: Required Water-Use Impact Plan on Permit G 11687 Certificate 0

Application G 11982
Priority date 11/6/1989

JEROME A SIMNITT
SIMNITT NURSERY
138 NE 22ND AVE
CANBY OR 97013

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APR 06 2001

WATER RESOURCES DEPT.
SALEM, OREGON

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MAY 25 2005

WATER RESOURCES DEPT
SALEM OREGON

MEASUREMENT REPORTING FORM

(Complete one form for each well that requires measurement under your plan)

If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit and your water-use impact plan to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

Well Identification (provide as much of the following information as possible):

Original owner of well (owner name on well log): SIMNITT NURSERY
 Owner's well name or number (if any): _____
 Well ID (number on tag attached to casing, if present): _____
 Well log startcard number (if listed on well log): 7900
 Well depth: 343 Casing diameter: 16"
 Date drilled: 6-9-1989 Driller: SCHNEIDER DRILLING

When did water use begin under this permit from this well? Date: Month/Yr. NOV '89

Show all water rights listing this well:

Application number(s): 611982
 Permit number(s): 611687
 Certificate number(s): _____

Date of measurement: APRIL 2 2001

Description of measuring point (e.g. 1 1/4" port pipe on north side): 1 1/2" ACCESS PORT ON

SOUTH SIDE OF 16" CASING

Static water level above/below (circle one) measuring point: 63' 4" (feet) or airline pressure _____ psi

Measuring point distance above/below (circle one) land surface: +22" feet, or airline length _____ feet

Static water level above/below (circle one) land surface: 61' FEET 6" INCHES feet

Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape Airline _____ Other(specify): _____

Water-level status when measured: Static Pumping _____ Recovering _____ Flowing _____

Length of time well was idle before measurement: 48 HRS

Calculation / comments (show all work; use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): FRANK BEAUDRY

Signature of measurer: [Signature]

Company: FISHERS SUPPLY INC

License number (CWRE, RG, PE, WWC, Pump Installer): 7-7508, PUMP INSTALLER

Daytime phone number: 503-263-8557 Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 289, or toll free (within Oregon only) at 1-800-624-3199. Return this Form to 158 12th St. NE, Salem, OR 97310-4172.



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

RE: Required Water Level Report for a Well on Permit G 11687 Certificate 0 Pod 1

Listed on water right as: A WELL 3.00S 1.00E28NWSE

Legal location: 774 FEET SOUTH & 56 FEET EAST FROM C1/4 CORNER, SECTION 28

Well log ID (if any, in our records): CLAC 9698

JEROME A SIMNITT
SIMNITT NURSERY
138 NE 22ND AVE
CANBY OR 97013

RECEIVED

MAY 01 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAY 25 2005

WATER RESOURCES DEPT
SALEM, OREGON

Our records indicate that you are the holder of a groundwater permit which requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. Place any additional information on an attached sheet of paper. We also recommend that you keep a copy of all measurement reports for your records. All measurements should be made to the nearest tenth of a foot or to the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

MEASUREMENT REPORT

(Complete one form for each well)

Well Identification (provide as much of the following information as possible):

Original owner of well (owner name on well log): SIMNITT NURSERY

Owner's well name or number (if any): _____

Well ID (number on tag attached to casing, if present): _____

Well log startcard number (if listed on well log): 7900

Well depth: 343' Casing diameter: 16"

Date drilled: 6-9-89 driller: SCHNEIDER DRILLING

Show all water rights listing this well:

Application number(s): 611982

Permit number(s): 611687

Certificate number(s): _____

Date of measurement: 4-28-2000

Description of measuring point (e.g. 3/4" access port in sanitary seal): 1 1/2 ACCESS PORT IN

SIDE OF 16" CASING

Static water level below (circle one) measuring point: 60' 3" (feet) or airline pressure NA psi

Measuring point distance above (circle one) land surface: +22" feet or airline length NA feet

Static water level below (circle one) land surface: 58' 5" feet

Shut-in pressure (if flowing artesian well): NA psi

Method of measurement: E-tape Airline _____ Other(specify): _____

Water-level status when measured: Static Pumping _____ Recovering _____ Flowing _____

Length of time well was idle before measurement: 6 MONTHS

Calculation / comments (show all work; use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): FRANK BEAUDRY

Signature of measurer: Frank Beaudry

Company: FISHERS SUPPLY INC.

License number (CWRE, RG, Well Constructor): 7-7501

Daytime phone number: 503-263-8557 Email address: _____

If you have questions about this notice, please call the Groundwater/Hydrology Section of the Department at 503-378-8455 ext. 207, or toll free (within Oregon only) at 1-800-624-3199.



Oregon

John A. Kitzhaber, M.D., Governor

-CIAC 9698-

Water Resources Department

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

RECEIVED

MAY 25 2005

WATER RESOURCES DEPT
SALEM OREGON

SIMNITT NURSERY
JEROME AND JANICE SIMNITT
138 NE 22ND AVE
CANBY OR 97013

RE: Required Water Level Report for Well(s) on Permit .G. 11687

Our records indicate that you are the holder of a groundwater permit which requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. *Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements.* We strongly recommend that you photocopy a blank copy of this form for use in subsequent years to comply with the permit requirements. Place any additional information on an attached sheet of paper. We also recommend that you keep a copy of all measurement reports for your records. All measurements should be made to the nearest tenth of a foot or to the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

MEASUREMENT REPORT

(Complete one form for each well)

Well Identification (provide as much of the following information as possible):

Owner's Well Name or Number (if any): G11687

Well ID (number on tag attached to casing, if present): _____

Well Log Startcard Number (if listed on well log): 7900

Well Depth: 343' Casing Diameter: 16"

Date Drilled: 6-9-89 Driller: Schneider Drilling

Show all water rights listing this well:

Application Number(s): G11982

Permit Number(s): G11687

Date of Measurement: 5-25-99

Description of Measuring Point (e.g. 3/4" access port in 1/2" ACCESS PORT IN

SIDE OF 16 O.D. CASING)

Static Water Level below (circle one) Measuring Point: 65' 3" (feet) or airline pressure _____ psi

Measuring Point Distance above (circle one) Land Surface: +22 feet or airline length _____ feet

Static Water Level below (circle one) Land Surface: 63' 5" feet

Shut-in Pressure (if flowing artesian well): _____ psi

Water-Level Status When Measured: Static Pumping _____ Recovering _____

Length of Time Well was Idle Before Measurement: 48 hrs

Method of Measurement: E-tape Airline _____ Other (specify) _____

Calculation/Comments (show all work): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person Making Measurement (print): ANDREW HERTWER

Signature of Person Making Measurement: [Signature] 7-90081

Organization: ELSTONS SUPPLY INC. Daytime phone number: 263-8557

Thank you for your attention to this matter. If you have questions about this notice, please call the Groundwater/Hydrology Section of the Department at 503-378-8455 ext. 207, or toll free (within Oregon only) at 1-800-624-3199.





Oregon

John A. Kitzhaber, M.D., Governor

CIAC 9698

RECEIVED

APR 20 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department

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

SIMNITT NURSERY
C/O JEROME & JANICE SIMNITT
138 NE 22ND AVE
CAMBY, OR. 97013

RECEIVED
MAY 25 2005
WATER RESOURCES DEPT.
SALEM, OREGON

RE: Required Well Water Level Report for Permit G-11687

Our records indicate that you are the holder of a groundwater permit which requires the permittee to cause the static water level in the well(s) to be measured and reported to this agency annually. If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. **Consulting your permit will show the required times for measuring and reporting, as well as a list of persons eligible to make the measurements.** Please use this letter for your reply, placing any additional information on the back side if necessary. We recommend that you keep a copy of this measurement report for your records.

MEASUREMENT REPORT

Well Name or Number (if any): Simnitt Well

Application and Permit numbers: G 11687

Person Making Measurement (print): ANDREW HETTINGER

Description of Measuring Point: W/ INSPECTION POOL

Measuring Point Correction: 22" feet above/below land surface

Static Water Level: 62.2 feet above/below land surface

Length of Time Well was Idle Before Measurement: 6 mo.

Date of Measurement: 4-1-98

Calculation/Comments: _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Signature of Person Making Measurement [Signature] 1-800-CP1

Organization: FISHERS SUPPLY INC.

Thank you for your attention to this matter. If you have questions about this notice, please call the Groundwater/Hydrology Section of the Department at (503) 378-8455 ext. 207, or toll free in state at 1-800-624-3199.

SIMNITT NURSERY; SIMNITT, JEROME AND
JANICE (C/O)
138 NE 22ND AVE
CANBY, OR 97013

CAC
9698

RECEIVED Oregon

APR 28 1997

WATER RESOURCES DEPT. WATER
SALEM, OREGON RESOURCES
DEPARTMENT

RE: Required Well Water Level Report for Permit
G - 11687

Our records indicate that you are the holder of groundwater permit
G - 11687. If you are no
longer the holder of this permit or no longer have an interest in it, please contact our department

RECEIVED
MAY 25 2005
WATER RESOURCES DEPT
SALEM, OREGON

This permit contains a provision which requires the permittee to cause the static water level in the well(s) to be measured and reported to this agency annually. Consulting your permit will show the required times for measuring and reporting, as well as a list of persons eligible to make the measurements. Please use this letter for your reply, placing any additional information on the back side if necessary. We recommend that you keep a copy of this measurement report for your records.

MEASUREMENT REPORT

Well Name or Number (if any): _____
Application and Permit numbers: G-11982 G-11687
Person Making Measurement: JEREMY HURST
Description of Measuring Point: 18" CASING 1/4 ACCESS HOLE
Measuring Point Correction: + 22 feet above/below land surface
Static Water Level: 51.6 feet above/below land surface
Length of Time Well was Idle Before Measurement: FAU 1996
Date of Measurement: 3-18-97
Calculation/Comments: 125 HP TURBINE w/ 75 HP BOOSTER
1000 + GPM

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Signature of Person Making Measurement [Signature]

Organization: : FISHER'S SUPPLY INC.



Thank you for your attention to this matter. If you have questions about this notice, please call the Groundwater/Hydrology Section of the Department at

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

Reimbursement Authority Process

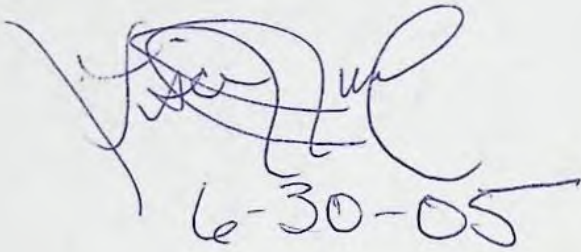
Appl #G-11982 / Permit #G-11687

Simnitt Nursery

Contractor: Terry Sprecher

Pages Sent: 39 pages

Date sent: June 30, 2005



A handwritten signature in blue ink, which appears to be 'Terry Sprecher', is written above the date '6-30-05'. The signature is somewhat stylized and overlaps the date.

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

G-11982
 SIMNITT NURSERY
 C/O JEROME SIMNITT & JANICE SIMNITT
 138 NE 22ND AVE
 CANBY, OR 97013

2. Article Number

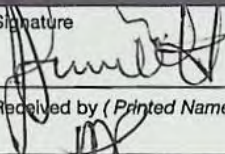
(Transfer from service label)

7004 2510 0004 6094 8608

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X


 Agent AddresseeB. Received by (*Printed Name*)


C. Date of Delivery

6-28-05

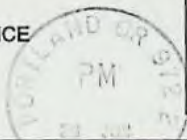
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

RECEIVED
 JUN 29 2005
 WATER RESOURCES DEPT

3. Service Type SALEM, OREGON

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.4. Restricted Delivery? (*Extra Fee*) Yes

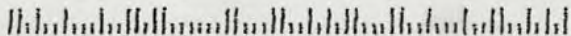
UNITED STATES POSTAL SERVICE



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

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

WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE SUITE A
SALEM OR 97301-1271





Oregon

Theodore R. Kulongoski, Governor

CERTIFIED MAIL
Return Receipt Requested

File # G-11982

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

June 27, 2005

Simnitt Nursery
c/o Jerome Simnitt and Janice Simnitt
138 NE 22nd Avenue
Canby, OR 97013

REFERENCE: Application #G-11982 (Permit #G-11687)

Dear permit holder:

The Department is currently in the process of evaluating your request for an extension on the above referenced permit. However, based upon continued review, the Department has determined that additional information is necessary in order to evaluate your extension request. The following information must be received:

1. **Maximum instantaneous rate of water use under Permit #G-11687**

Your extension of time application indicates that up to 7.2 million gallons of water have been applied in one season to all 58.09 acres allowed under the permit. This answer is not sufficient. Please provide the following information:

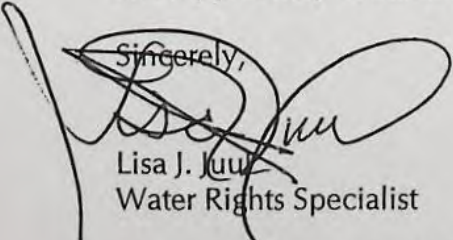
Within the last authorized development timelines allowed under Permit #G-11687, being April 15, 1994, through October 1, 1996, please indicate (in gallons per minute or cubic foot per second) the maximum instantaneous rate of water that has been diverted from the well and applied to beneficial use under the terms of the permit.

Please submit this information by **Wednesday, July 27, 2005**. Failure to submit the requested information by this deadline **may** result in the proposed rejection of your extension request.

If you need to request additional time to submit the information requested above, a written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.

If you should have any questions concerning your extension request or the required materials listed above, you may contact me at (503) 986-0808.

Sincerely,


Lisa J. Juu
Water Rights Specialist

cc: Application #G-11982 (Permit #G-11687)
Bill Ferber, Watermaster District #16
Pacific Hydro-Geology Inc., Attn: Malia Kupillas, 18477 S. Valley Vista Road, Mulino, OR 97042

G 11982

MAP REVIEW

- source and trib
- diversion point location
- conveyances (pipes, ditch, etc.)
- place of use
- scale
- township, range, section
- north arrow
- CWRE stamp
- disclaimer
- date survey was performed
- P.O.B. of survey
- dimensions and capacity of diversion system
- "beneficial use" type title
- "permanent-quality" paper

REPORT

- permit conditions
- type of use
- extent of use
- rate and duty
- time limits
(A,B,C and transfers)
- crop type
- system capacity
(with computations)

prompt

We send letter
cc/ Regina & Tom

Memorandum

August 1, 1994

TO: Fred Lissner and Barry Norris

FROM: ~~Ken~~ Ken Lite and Mike Zwart ^{KL} ^{MZ}

SUBJECT: Permit Condition Requiring a Water Level Measurement Plan

A number of water right permits have been issued over the past couple of years containing a permit condition that obligates the permit holder to submit a plan within one year for collecting and submitting periodic water level measurements. This permit condition was instituted for cases where well operation may not include a set period of time when the well is unused. In such cases our other permit conditions that require water level measurements may be inappropriate. This permit condition allows the permit holder some flexibility in when and where the water level measurements can be made.

To date, none of the below permit holders have complied with the permit condition, although a couple have submitted one or more water level measurements in the absence of the necessary plan. We believe that the non-compliance is largely due to a lack of understanding of the permit condition. We recommend that agency staff draft a letter to the permit holders reminding them of their obligation and outlining the type of information that should be included in the plan. The following is a draft of what we think should be included in a letter to permit holders with the water level measurement plan condition:

According to our records, you possess a groundwater right permit with a condition that obligates you to submit a water level measurement plan to the Water Resources Department.

We envision that the plan would include the following: 1. a description of when water level measurements would be taken at the well(s) (a minimum of one annual reading in most cases); 2. the methodology for obtaining the measurement (eg. electric tape, airline); 3. the measurement resolution capability of the equipment (eg. 1/100 of a foot, calibrated 100 psi gauge); 4. the operational circumstances under which the water level would be obtained (eg. the well will not be pumped for 24 hours prior to the measurement); 5. the qualifications of the person(s) obtaining the water level measurements.

The permit condition allows for flexibility in the monitoring plan. For example, if you have more than one well in close proximity and similarly constructed, the plan may include a program for obtaining only one water level reading at that site. Also, the permit condition allows for measurements to be made at other similarly impacted nearby wells in lieu of the well authorized under this permit condition.

We realize that every well site has the potential to be unique. Our groundwater staff is ready to work with you so that we can ensure that meaningful information can be obtained without placing an undue burden on your operation.

Tabulated below are the permits which currently contain such a condition. Some of them (G-11621 and higher) have been issued less than one year ago. Therefore, these permittees still have time to comply with the condition.

Appl. No.	Permit No.	Permit Holder
	G-11379 ✓	City of Bend ✓ 4H ✓
	G-11380 ✓	City of Bend ✓
	G-11443 ✓	Richard Gingerich
	G-11448 ✓	Cecil E. Roth
	G-11526 ✓	Oxberg Lakes Estates
	G-11551 ✓	City of Veneta
	G-11576 ✓	KMB Enterprises
	G-11577 ✓	KMB Enterprises
	G-11578 ✓	KMB Enterprises
	G-11598 ✓	Sunriver Utilities Co.
	G-11600 ✓	Florence Resort Community, Inc. ✓
	G-11621	Guide Dogs for the Blind ✓
	G-11624 ✓	City of Athena - issued 10/15/93
	G-11636 ✓	J. Frank Schmidt and Sons, Co.
	G-11661	City of LaGrande ✓
	G-11683 ✓	City of Island City ✓
	G-11687 ✓	Simnitt Nursery
	G-11710 ✓	Black Butte Ranch Assoc.
	G-11770 ✓	Kellenbeck

reference w/ stipulated

submit w/in 60 days

K. Lite approved CHZM Hill Plan for monitoring during const

→

Oregon Water Resources Department

DESK # 503 281

4100



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A, Salem, OR. 97301-1271
Phone: 503-986-0900
<http://www.wrd.state.or.us>

FAX TRANSMITTAL

To: COURTNEY

S.L.O. BOARD
Fax Number: 503-281-4600

Date: MON 11-22-2004

Pages: _____, including cover sheet

From: RESEARCH

Phone: 503-986-0_____

Comments:

COPY OF PERMIT
COPY OF C.A.B.U.
& FINAL PROOF SURVEY.

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Ground Water
- Information Services
- GIS/Mapping
- Water Use Reporting

Fax: 503-986-0902

WATER RIGHTS

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates / Final Proofs
- Hearings / Contested Cases

Fax: 503-986-0901

Fax: 503-986-0903 or
503-986-0904

September 11, 1996

SIMNITT NURSERY
C/O JEROME & JANICE SIMNITT
38 NE 22ND AVENUE
CANBY, OR 97013

REFERENCE: File G-11982

This will acknowledge that your claim of beneficial use and map in the name of SIMNITT NURSERY C/O JEROME & JANICE SIMNITT were received on SEPTEMBER 6, 1996. 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 _{TCB}

DON KNAUER
Program Representative

DEK:tcb

cc: JONATHAN S. EYMAN, CWRE #237



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

107 1 826

INTEROFFICE MEMORANDUM
WATER RESOURCES DEPARTMENT
September 16, 1996

TO: Marilyn Baker, Pump Test Program Coordinator

FROM: Juno Trump, Certificate Section, ext. 244 *JT*

SUBJECT: Pump Test Requirements for Application G-11982

Has the landowner satisfied the pump test requirements under permit G-11687? Please check suitable response and return to me at your convenience.

_____ Yes, the landowner has satisfied the pump test requirement. Copy of approval letter is attached.

✓MB
_____ No pump test report has been submitted under this permit.

_____ A pump test report has been submitted, but is deficient. Copy of letter is attached.

_____ A pump test report has been received, but has not been reviewed. Copy of letter will be forwarded to file and certificate staff after review is completed.

Thank you. If you have any questions, call me.

June 10, 1996

WATER
RESOURCES
DEPARTMENT

SIMNITT NURSERY
JEROME & JANICE SIMNITT
138 NE 22ND AVE
CANBY OR 97013

REFERENCE: File G-11982

This letter is in regard to your water use Permit G-11687. As we pointed out to you in our letter of September 11, 1995, your claim of beneficial use must be received in this office by September 8, 1996.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported...as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right.

You are hereby notified that unless your claim is received on or before **September 8, 1996**, your permit will be canceled without further notice.

If you have any questions, please contact the Water Rights Section.

Sincerely,

DALLAS MILLER
Water Rights Specialist

DM:jh

cc: Dave Jarrett, Watermaster
Ron Tatone, CWRE

CERTIFIED - RETURN RECEIPT REQUESTED



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

September 11, 1995

SIMNITT NURSERY
JEROME SIMNITT
138 NE 22ND AVE
CANBY OR 97013

WATER
RESOURCES
DEPARTMENT

REFERENCE: File G-11982

We have received your notice that complete application of water has been made under Permit G-11687.

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before September 8, 1995. A list of Certified Examiners is enclosed for your information.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In addition, before the Water Right Certificate is issued, you are required to submit a well pump test. This test must be done according to the instructions in the brochure. Forms and brochures are available upon request.

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER
Water Rights Specialist

DM:jh

enclosure



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

Water Resource Department
158 12TH N.E.
Salem OR 97310

8-5-95

Summit USy
138 NE 22ND AVE
Canby Or., 97013

RECEIVED

SEP - 8 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Re (Form B & C) water right
Permit # G11687

Please find enclosed: Notice
OF COMPLETION OF CONSTRUCTION (Form B)
; and Notice OF COMPLETE APPLICATION
OF WATER TO A BENEFICIAL USE (Form C).

Jerome A Summit
OWNER

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE G- 11982

Date: May 2, 1995

From: MICHAEL ZWART

Subject: GROUNDWATER PERMIT CONDITION

This Application File contains a condition in the permit issued which requires static water levels to be measured. Please contact the manager of the Groundwater and Hydrology Section prior to certificate issuance. Staff there will recommend whether any changes should be made to the final language of such conditions in the certificate.

PUBLIC INTEREST REVIEW

The proposed water use described in Application # G-11982 has been evaluated according to the public interest standards set out in ORS 537.170 and OAR 690-11-195.

The Application requested the use of 3.78 CFS from ~~the~~ a Well tributary to/within the Molalla River BASIN for the purpose(s) of Nursery OPS on 57.46 AC. The Technical Review Report limits the proposed use to 3.78 CFS ON 58.09 AC RES Year round for Nursery.

The proposed use described in Application # G-11982 is not within a category required to be submitted to the Commission.

The Director of the Water Resources Department has evaluated the Application for the proposed water use and made the following public interest determination.

TECHNICAL REVIEW

If satisfactory-

Water use Application # G-11982 received a Satisfactory Report of Technical Review.

The Technical Review revealed that the proposed water use:

- a)-is not prohibited by statute or scenic waterway criteria;
- b)-is a classified use under the applicable basin program or an application for the use has been filed under ORS 536.295 and OAR 690 Division 82;
- c)-is consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-will not conflict with (an) existing water right(s);
- e)-is supported by an available source of water.

24

If unsatisfactory-

Water use Application # _____ received an Unsatisfactory Report of Technical Review.

The Technical Review conducted according to OAR 690-11-160 on the water use application revealed that the proposed water use:

- a)-is prohibited by statute or scenic waterway criteria;
- b)-is not a classified use under the applicable basin program and an application for the use has not been filed under ORS 536.295 and OAR 690, Division 82;
- c)-cannot be modified to be consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-would conflict with (an) existing water right(s), or
- e)-water is not available from the source to support the proposed water use.

As the result of the above finding based on the Technical Review conducted on this water use Application, the Director concluded that the proposed water use would impair or be detrimental to the public interest.

PUBLIC INTEREST REVIEW
CHECKLIST

The Director of the Water Resources Department has evaluated the proposed water use, as described in Application # G-11982, in light of current and planned uses and reasonably anticipated future demands for water from the water source as established in the record.

The evaluation has recognized known beneficial uses of water, including but not limited to the categories described in OAR 690-11-195(3)(a)-(d).

The Director has reviewed the elements of the proposed water use and has based the public interest determination on evidence in the record which included the following:

I. Existing claims to water from the same source.

DB

There are no conflicts with existing claims to water from the same source as is documented in the Report of Technical Review.

Comment: _____

II. Land use matters.

DB

The local government where the proposed water use is located has acknowledged receipt of the Land Use Information Form and has filed no objections to the proposed appropriation.

Comment: Application filed prior to 8/8/90

DB

Public notice of the proposed water use was sent to all local governments which have requested such notice and none of those local governments have filed objections to the proposed water use.

Comment: _____

DB

There is nothing in the record to indicate the proposed water use is incompatible with Statewide Planning Goals or local comprehensive plans.

Comment: _____

DB

If local government approval has not been granted, there is nothing in the record to indicate conditions cannot be placed on the proposed water use to require local land use approval prior to initiation of the use.

Comment: _____

NA

An applicant for municipal water use has submitted information showing the proposed water use is compatible with comprehensive plan policies concerning urban services, urban growth boundaries, and Public Facilities Plans.

Comment: _____

III. Identified environmental concerns.

DB

The proposed water use does not appropriate water from any water body listed to receive Total Maximum Daily Loads and therefore, the water body has not been defined as water quality limited according to Section 303(d)(1) of the federal Clean Water Act according to the information supplied by the Oregon Department of Environmental Quality.

Comment: _____

IV. The character and extent of other natural resources which are present in the water source basin.

DB

The Oregon Department of Fish and Wildlife (ODFW) has been notified of the proposed water use and has made no objections regarding fish and other aquatic and wildlife species and populations.

Comment: _____

DB

There are no listed threatened or endangered species in the water source according to the information supplied by the Oregon Department of Fish and Wildlife.

Comment: _____

V. Riparian characteristics.

DB

There is nothing in the record to indicate the proposed use is likely to be detrimental to the riparian characteristics of the water source. This riparian review is not applicable to groundwater sources.

Comment: _____

VI. Recreational use and potential of the water source and its basin area.

DB

There is nothing in the record to indicate a conflict with known or reasonably anticipated recreational use.

Comment: _____

VII. Agricultural potential of the area.

DB

There is nothing in the record to indicate the proposed water use will conflict with known or reasonably anticipated agricultural practices.

Comment: _____

VIII. Designated historic, cultural, or natural resource protection areas.

DB

There is nothing in the record to indicate any conflict with any known or reasonably anticipated historic, cultural, or natural resource designations.

Comment: _____

IX. Identified health or safety requirements.

DB

There nothing in the record to indicate any identified health and safety requirements.

Comment: _____

**PUBLIC INTEREST REVIEW
FINDINGS AND CONCLUSIONS**

This public interest determination has considered the following standards as set out in ORS 537.170(5):

- a) The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.
- b) The maximum economic development of the waters involved.
- c) The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.
- d) The amount of waters available for appropriation for beneficial use.
- e) The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.
- f) All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.
- g) The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.525.

The Director of the Water Resources Department, pursuant to OAR 690-11-185(4), has considered the facts set forth in the Application and its supporting data, the Director's Report of Technical Review and any objections which met the requirements of OAR 690-11-170(1).

The Director of the Water Resources Department has evaluated the proposed water use with respect to the information in the record

of the Department and has made the following public interest determination.

The Director has determined that the proposed water use described in Application # G-11982 :

WILL IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director hereby proposes rejection of the application and shall schedule a contested case hearing.

WILL NOT IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director shall issue a water use permit with appropriate conditions.

A. Reed Marbut

A. Reed Marbut, Administrator
Water Rights/Adjudication Division

Signed this 15 day of April, 1994, in the office of the Director.

1/4, 1/4 SEC. LINE

1/4, 1/4 SEC. LINE

1/4, 1/4 SEC. LINE

1/4, 1/4 SEC. LINE

T.3S, R.1E, W.M.

SECTION 28



TL.1100 TL.900 TL.800
S.E. 1/4
N.W. 1/4
16.0 Acres

TL.700

TL.701

TL.1600

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

TL.1000

NE. 22ND AVE.

TL.200 TL.800
N.E. 1/4
S.W. 1/4
17.99 Acres

TL.400
N.W. 1/4
S.E. 1/4
20.6 Acres

Center
Sec.28

SCALE
1"=400'

N. HOLLY ST.

STONE, N.E. COR.
C. PENDLETON D.L.C.

TL.600

TL.100

TL.500

TL.600

56'

N. LOCUST ST.

TL.800
WELL

ARMINE RD.

1/4, 1/4 SEC. LINE

NOTE:

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

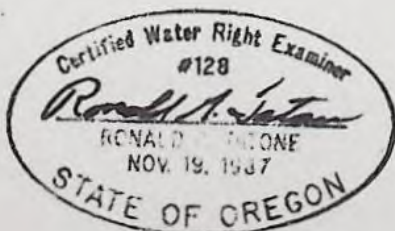
APPLICATION SURVEY

IN NAME OF
SIMNITT NURSERY
C/O JEROME AND JANICE SIMNITT

LEGEND



IRRIGATED LAND
NURSERY STOCK
TRIPLE DUTY



Application No. G 11982
Permit No. G11687



ZAROSINSKI - TATONE
ENGINEERS, INC.

5727 S.E. 6TH AVENUE, PORTLAND, OREGON 97202

PHONE (503) 238-0700

OCTOBER 7, 1993

SIMNITT NURSERY; C/O JEROME AND JANICE SIMNITT
138 NE 22 NE AVENUE
CANBY, OR 97013

Reference: File G 11982

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION OF YOUR APPLICATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.



Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

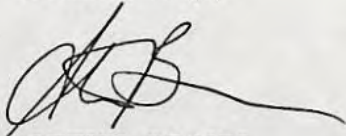
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before DECEMBER 17, 1993 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

Enclosures

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported the water is likely to be available to supply the proposed use.

SURFACE WATER AVAILABILITY

Water is likely available in excess of needs for all existing rights 50% of the time during each monthly period proposed by the technical review.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Water in the amount of 3.78 cfs is likely available for 12 months of the 12 months normal period of use. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in

ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: G-11982

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Period of allowed use: **12 months**
2. Rate of use: **3.78 CFS**
3. The amount of water used for agricultural use (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 agricultural use (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.
4. Water use development requirements:
 - A) Begin construction by (one year from issuance of permit).
 - B) Complete construction by October 1, 1995.
 - C) Completely apply the water to beneficial use by October 1, 1996.
5. The well 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.
6. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable

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

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- 7. 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.
- 8. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
- 9. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
- 10. The 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.
- 11. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
- 12. The use of water shall be limited when it interferes with any prior surface or ground water rights.
- 13. The Permittee shall obtain a static water-level measurement for each well during April of each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water-rights examiner, registered professional geologist, or professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. If a well listed on this permit displays a total static

water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the Permittee shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user 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 reference level for water-level declines shall be the second annual measurement taken after water use begins under the terms of this permit. The Permittee shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

14. The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water users 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 to occur within the aquifer as a result of use under this permit.

JAN 25 1994

Karen Russell, Assistant Director
WaterWatch of Oregon
921 Southwest Morrison, Suite 438
Portland, OR 97205

WATER
RESOURCES
DEPARTMENT

Re: Denial of Objections
to Application File Number G-11982

Dear Ms. Russell:

The Director of the Water Resources Department has reviewed your Objections to the proposed water use reported in the Satisfactory Report of Technical Review announced on Application File Number G-11982 submitted by Simnitt Nursery. As the result of the Director's assessment, all of the Objections submitted by WaterWatch of Oregon to this proposed use are hereby denied.

You have alleged the Technical Report is defective and the use as proposed is not in the public interest.

You have asserted the Technical Report is defective because the report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

The rules of the Water Resources Commission require that the technical review analysis include the elements contained in OAR 690-11-160(1)(a)-(h). There is no requirement that the report of technical review include those elements. In order to maintain clarity and simplicity, a number of technical review factors included in the file checklists are not contained in the reports.

A technical review report is a summary of the technical evaluation conducted on a water use application.

The Technical Review conducted on application # G-11982 did include consideration of the elements specified in OAR 690-11-160(1) as is documented by the information contained in the records of the Department including the Application File.



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

You have asserted the proposed use will interfere with habitat needed to support public instream uses of water. The report from the Groundwater/Hydrology Section indicated the proposed groundwater withdrawal would not have the potential interference with surface water. There has been no determination that the proposed water use will in fact reduce flows in the Molalla River.

You have also objected to the proposed use on the basis of water quality. The Department is working closely with Mr. Joseph Edney at the Department of Environmental Quality to ensure water quality standards are considered part of the process of evaluating new applications for water use in identified areas.

The state Department of Environmental Quality (DEQ) has requested that the Water Resources Department (WRD) send the DEQ all technical review reports of applications for water use within particular drainage basins of specified waterbodies. This proposed use is not from a source identified on the DEQ list.

Your objections include an allegation that the water availability analysis conducted on this proposed water use is flawed. You have not set forth sufficient facts to establish that the water availability analysis conducted on this application is defective. The records of the Department, including the Application file indicate water is available in sufficient quantity to support the proposed use. The water availability assessment of the proposed water use is not inconsistent with the Water Allocation Policy as established by the rules of the Water Resources Commission which requires water to be allocated within the capacity of the resource.

You have alleged that a public interest determination is impossible because essential information appears to be missing from the File. A public interest determination must be made before a decision is made whether to issue a permit.

Your Objections include an allegation regarding the lack of sufficient measuring and reporting in the Report's Proposed Permit Conditions. Consistent with established policy, the Department requires some form of measuring and reporting condition on all permits issued. If a permit is issued on this Application it will include a sufficient measuring and reporting condition.

You have asserted the use as proposed violates statewide policies. You have not set forth facts which establish that the proposed use violates statewide policies. The proposed use is not inconsistent with the Groundwater Management Policy as established by the Water Resources Commission. The Department recognizes its obligation to protect the waters of the state from over-appropriation and the need to manage groundwater and surface water conjunctively where to

do so will protect water resources, existing rights, and the public interest.

The Objections you submitted also included an allegation that the Report's Proposed Permit Conditions #13 and #14 will not adequately protect the ground water resource. The Department has determined that groundwater for the proposed use can, if properly conditioned, avoid injury to existing rights or to the groundwater resource.

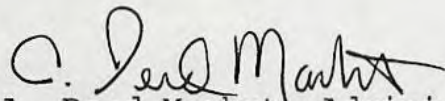
Your objections do not meet the requirements of OAR 690-11-170 (1). The Director has determined that you have not established that the Technical Review is defective and you have not identified elements of the proposed water use that may impair or be detrimental to the public interest. You have not set forth facts which would support allegations that the proposed water use is prohibited.

You may protest this denial of your Objections. You have thirty (30) days from the date of this letter to file a protest. Your protest must comply with the standards set out in the Oregon Administrative Rules, Chapter 690, Division Two, Sections 030 through 080. (OAR 690-02-030 through 080).

Send your protest by regular mail or deliver it in person. Your protest must be received by the Water Resources Department in Salem, Oregon, no later than 5:00 p.m. on or before February 25, 1994. Your protest must be in proper form and accompanied by a fee of \$25.00.

If you have any questions, please call.

Sincerely,



A. Reed Marbut, Administrator
Water Rights and Adjudications Division

cc: Jerome and Janice Simmitt w/enc

WaterWatch

O F O R E G O N

By Fax and Regular Mail

December 17, 1993

Oregon Water Resources Department
Water Rights Section
3850 Portland Road NE
Salem, Oregon 97310

Re: Objection to Technical Report for:
72865, Parker Northwest Paving, 53 cfs Irrigation, Molalla
G11982, Simmitt Nursery, Nursery, Marion, Molalla

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Reports are Defective**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1).

◆ **The Uses As Proposed are Not in the Public Interest**

The proposed uses fail to pass the public interest and policy considerations in ORS 537.170, 537.525, and 537.620. *See also*, OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(f).

1. **The proposed uses are not in the public interest because they will interfere with habitat needed to support public instream uses of water.**

Use of water from the proposed source of ground water for G11982 will substantially interfere with flows in the Molalla River. Memo to File, from Miller, 6/14/91. The use proposed in 72865 will also deplete flows in the Molalla River. The Molalla River is overappropriated. There is not enough water to satisfy existing water rights during most years. See Water Availability Report-Surface Water Application, Application Number 72865, 72864, 11/6/92. In addition, these proposed use of water will deplete flows needed for numerous public instream uses in the Molalla River system.

The Molalla river system supports a variety of fish life including spring chinook salmon, winter and summer steelhead and cutthroat trout. Low flows during summer months impair fish survival by, among other things, raising water temperatures and decreasing aquatic habitat and fish rearing areas. Low winter flows adversely affect fish habitat by, among other things, exposing spawning gravel and reducing feeding and rearing areas in the river. Water diversions create problems for fish passage and survival in the basin. Water

Water Resources Department
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Page 2

withdrawals also make the Molalla River unsuitable for swimming and fishing during certain times of the year. The Molalla River system also provides recreational opportunities.

Several segments of the Molalla River are identified by the Oregon Department of Environmental Quality (DEQ) as having water quality problems and can only partially support the listed beneficial uses of aquatic life and water contact. DEQ has identified water withdrawals as one of the causes of these water quality problems. Further depletion of surface water flow will only exacerbate these existing water quality problems. In addition, the proposed use itself will add yet another source of pollution to the Pudding River, creating the possibility of even further degradation of water quality.

The Water Resources Department has a duty to subject these applications to review to ensure that public values are protected. OAR 690-410-070(2). See also Instream Flow Protection Policy OAR 690-410-030. When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015 specifies that pollution of the water of the state of Oregon:

constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agriculture, industrial, recreational, and other legitimate beneficial uses of water, ***.

It is the public policy of the state:

To protect, maintain, and improve the quality of the waters of the state *** (and) [t]o provide for the prevention, abatement and control of new or existing water pollution. ORS 468B.015(2), (4).

ORS 468B.020 declares that:

Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary of the public policy in the state of Oregon.

The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring "proper and adequate consideration of the multiple aspects

Water Resources Department
G-11982, 72865
Page 3

of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); OAR 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of these proposed uses on the water quality of the river. See also OAR 690-11-195(4)(c).

The uses proposed in these applications will impair and be detrimental to the public's interest in maintaining sufficient streamflows to abate pollution in the Pudding River. See ORS 537.170(5)(a), (b), (c) and (g) and OAR 690-11-195(3), (4)(a)(D), (c)(A) (d), & (f). These streamflows are needed to protect water quality for fish and wildlife, human use such as fishing and swimming and for existing and future economic development in the Pudding River basin. These applications should be denied.

2. The Water Availability Analysis in the Technical Reports are Defective

The analyses are defective for the following reasons:

- There is no analysis of water availability in the technical reports as required under OAR 690-11.
- There is no water availability analysis for the Molalla River for application G 11982.
- These analyses must take into account existing water rights of record. It is unclear from the technical reports to what extent the water availability analyses takes into account upstream water rights. As we understand it, water rights are taken into account either by assuming the streamflow data reflects the amount of use or by using estimates of consumptive use. Both methods fail to adequately consider rights-of-record. At any given moment there may be valid, but unexercised water rights in a basin. Water users may at any time use the water to which they are legally entitled up to the limit of their rights-of-record. Failure to account for future increases in water use pursuant to rights-of-record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.
- The water availability analyses fail to differentiate between natural flows and regulated flows (water released from upstream storage) in the Willamette River mainstem. As you know, there are several storage facilities in this river system which release stored water into the Willamette mainstem. Failure to differentiate between natural flows and regulated flows in the analyses overestimates the amount of natural flow available for use downstream and may result in the over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010. As a policy matter, the Department should

Water Resources Department
G-11982, 72865
Page 4

differentiate between stored water and natural flow in its water availability analyses for new permits and in its regulation activities on existing permits.

● The analysis must take into account pending applications that have already been proposed for issuance. The analysis must also take into account pending instream water right applications for flows in the Molalla River.

3. A public interest determination is impossible because essential information appears to be missing for G11982.

The technical report contains a condition requiring a pump test prior to receiving a certificate. This condition makes no sense. A pump test provides information relating to the extent the groundwater use will interfere with surface waters and aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and the use is found to be in the public interest, then this proposed condition should be amended to require periodic pump tests during the life of these permits and certificate. The condition should not, however limit the Director's ability to require pump tests. We suggest language that would require pump tests "annually or as deemed needed by the Director."

4. Measurement and Reporting

We question the Department's ability to control these proposed new uses. The Molalla River system is a heavily regulated system. There is only one watermaster for a very large area. Given this, mandatory measurement and reporting should be required for these proposed uses. In addition, these conditions should allow the Director to require measurement and reporting of both rate and duty of water use. The proposed permit conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure that water use is within the terms of the permits. There should also be measurement and reporting of the water quality impacts of these proposed uses.

5. The uses violate Oregon's Statewide Policies.

Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses . . . be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1) (emphasis added). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-010(2)(a). In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State

Water Resources Department
G-11982, 72865
Page 5

to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

Allowing G11982 use to go forward violates all these policies. The Department's failure to manage the ground and surface waters conjunctively in the basin will only exacerbate existing overallocation problems, water quality problems, and will, particularly in the long run, further impair existing surface water rights. It is bad public policy to continue issuing groundwater rights in the face of increasing doubts as to whether increased groundwater and surface water use is sustainable.

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). (Proposed Conditions #10 for G11982) and #8 for 72865 does little to further these policies. Given the critical status of fish populations in this river basins, the water quality problems and the fact that the existing use causes streamflow problems, it is imperative that the water use under any new permit be as efficient as possible. It is especially important that a conservation plan be in place prior to any permit issuance.

6. Application 72865 was processed out of order.

The tentative priority date for this application is 10/7/92. There are currently pending instream water right applications with tentative priority dates in the 1990's. The Commission has directed the Department to process applications in the order received. This application has the potential to decrease flows needed to meet the pending instream water right applications. Thus, this application should not move forward until the instream water right applications are processed.

7. G11982 is likely to impair the public interest because the proposed condition 13 and 14 relating to static water level declines does not appear to be specifically geared to protect this resource.

We support the concept that the applicant monitor and report the effect of water use under this permit and cease use if wells levels drop over a period of years. However, condition #12 requires the permit holder to stop use only if the well "displays a total static water-level decline of 25 or more feet." What is the aquifer depth in this situation? This condition will not protect the resource if the aquifer depth is, for example, 20 feet. If this is the case, this condition would allow the permittee to pump the aquifer dry before they would be required to stop. The aquifer depth must be determined in order to determine the level of "tolerable" static water level decline. If the aquifer depth is unknown at this time - then the applicant should be required to conduct tests to determine the aquifer depth - prior to

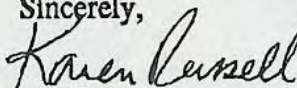
Water Resources Department
G-11982, 72865
Page 6

beginning use so that this proposed condition can be modified to ensure resource protection. In addition, the plan to monitor and report on the aquifer should be approved by the Department and in place prior to issuance of any permit.

◆ **Conclusion**

We are open to discussion with the Department and the applicants on all of the issues raised in this objection letter.

Sincerely,



Karen A. Russell
Assistant Director

TECHNICAL REVIEW CHECKLIST

Application: G 11982

Review Date: 6-30-93

- S indicates information was completed or adequately addressed.
- U indicates information is needed, or incomplete, or inadequately addressed
- N/A indicates Not Applicable

*USE
UNUSUAL OPS
R & D*

*GAGES
with water
North Williams*

SUMMARY	
<u>S</u>	Completeness
<u>NA</u>	Land Use
<u>U</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u>S</u>	Conflicts
<u>S</u>	Water Availability

✓ The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

✓ No oath is required because application was filed before June 5, 1992.

U Application fees:

Examination fee:	\$ 200	3.78 CFS =
Recording fee:	\$ 250	1 CFS 100
TOTAL REQUIRED	\$ 450.00	ADD 3 CFS = 150
TOTAL SUBMITTED	\$ 394.92	<u>250</u> (Recovery)
AMOUNT DUE prior to issuance of permit	\$ 55.08	
AMOUNT OVERPAID		
refund due applicant	\$ _____	

S Proposed dates of beginning and completion of construction, and complete application of water.

S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3).

NA

A CWRE map is not required for applications filed before November 9, 1987.

S

A written copy of the legal description of the property on which the water is to be used.

S

A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.

NA

No statement of ownership was required for applications filed before August, 1990.

S

The proposed use is not restricted or prohibited by statute.

S

The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.

S

RESERVOIR use(s) is/are classified uses(s) under the Williamette Basin Program, OAR 690 - _____.

S

1964 ALL 10 USES ALLOWED
The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

As expressed by the Planning Department of _____

NA

The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section _____).

NA

The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.

NA

The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

S

A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.

S

The report from groundwater section has been received.

For reservoir applications:

NA

Plans, specifications and supporting information for the dam and impoundment area.

WATER AVAILABILITY:

The following tabulation delineates the flow of **surface water** available from the **Willamette River** for appropriation for the months of each year in CFS at **gage #14211720, located near Portland, NW 1/4 NE 1/4 Section 3, T 1 S, R 1 E, W.M.**

<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	
33392	28705	28362	22341	16886	10719	7570	7412	10185	13918	22842	31099	GAGED
1500	1500	1500	1500	1500	1500	1500	1500	1500	1500	1500	1500	ISWR*
31892	27205	26862	20841	15386	9219	6070	5912	8685	12418	21342	29599	AVL**

*Minimum Stream Flow, Application #181, Priority Date 04/20/71
**Water Available

The source of flow data is:

Water Availability for Oregon's Rivers and Streams: Volume 2; Technical Guide and Appendixes. By E. George Robison, May 1991.

The following tabulation delineates the flow of **surface water** available from the **Willamette River** for appropriation for the months of each year in CFS at **gage #14198000, located near Wilsonville, SE 1/4 NE 1/4, Section 24, T 3 S, R 1 W, W.M.**

<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	
26743	29536	25908	26152	20049	10646	5310	3155	3546	6031	14901	24452	GAGED
1500	1500	1500	1500	1500	1500	1500	1500	1500	1500	1500	1500	ISWR*
25243	28036	24408	24652	18549	9146	3810	1655	2046	4531	13401	22952	AVL**

*Minimum Stream Flow, Application #182, Priority Date 06/22/64
**Water Available

The source of flow data is:

Water Availability for Oregon's Rivers and Streams: Volume 2; Technical Guide and Appendixes. By E. George Robison, May 1991.



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

November 29, 1989

Simmitt Nursery
c/o Jerome & Janice Simmitt
138 N.E. 22nd Ave.

REFERENCE: File G-11982


We received your application on November 6, 1989, describing the proposed use 3.78 cubic foot per second of water from one well within Pudding River Basin for nursery use on 57.46 acres. Supporting data and fees in the amount of \$394.92 were also received. Our Receipt 59626 is enclosed. The application has been assigned file number G-11982 and will be reviewed in detail as time allows.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 30-day waiting period and after public interest matters are resolved.

Applications which require additional information will be returned for correction and/or completion. In those cases, the process will, of course, be further delayed. If you feel that a delay in the processing of your application will cause a hardship, please advise.

If the application is approved, the permit authorizing the described project will be subject to the Water Resources Commission's Basin Program statements, prior rights, and would require that the well be constructed and maintained in accordance with the General Standards for the Construction of Water Wells in Oregon. If you have any questions regarding these provisions or the Well Standards, please contact this office.

Sincerely,


Stephen C. Brown
Water Rights Specialist
Applications/Permit Section

Enclosure

cc: Ronald G. Taton

Application No. C-11982
Permit No.

T.L 1600

C-358216

KNOW ALL MEN BY THESE PRESENTS, That Barley R. Blanchard and Helen L. Blanchard, husband and wife.

In consideration of Ten and no/100 Dollars, hereinafter called the grantor.

to grantor paid by Ardie Gaze Irvin and Bonnie Louise Irvin, husband and wife, hereinafter called the grantee.

does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

Lot 34, PRINCELAFF, in Clackamas County, Oregon.

Subject to Rights of the Public in and to that portion of the above premises lying within the limits of roads and highways, AND Reservations, including the terms and provisions thereof, contained in deed recorded February, 1, 1934, in Deed Book 477, page 685

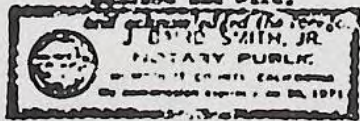
To Have and to Hold the above described and granted premises unto the said grantee and grantee's heirs, successors and assigns forever.
And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted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

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever.

In witnessing this deed and where the context so requires, the singular includes the plural.
WITNESS grantor's hand this 22nd day of September 19 67

Barley Blanchard
Helen Blanchard

STATE OF CALIFORNIA, County of Humboldt, on September 25, 19 67
Personally appeared the above named Barley R. Blanchard and Helen L. Blanchard husband and wife.



and acknowledged the foregoing instrument to be their voluntary act and deed.
Before me, J. David Smith, Jr., Notary Public for Humboldt, California
My commission expires June 30, 1971

WARRANTY DEED

Barley R. Blanchard
Helen L. Blanchard
Ardie Gaze Irvin
Bonnie Louise Irvin

AFTER RECEIVING RETURN TO
Ardie Gaze Irvin
Route 3 Box 440A
Canby, Oregon

STATE OF OREGON
County of Clackamas
DEED
Book 698 Page 532

PER 698 pg 532

Notary Public
J. David Smith, Jr.

17116

PER 698 pg 532

RECEIVED

TL 400 & 500

NOV 06 1989

WATER RESOURCES DEPT.
SALEM, OREGON

114-754

TICOR TITLE INSURANCE

STATUTORY WARRANTY DEED

ROBERT W. GROSSNICKLE and VIRGIL E. SKYLES

Grantor,

conveys and warrants to JEROME A. SIMNITT and JANICE R. SIMNITT, husband and wife

Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in CLACKAMAS County, Oregon, to wit:

PARCEL I: T.L 500 31E 28DB
Lot 32, PRUNELAND.

PARCEL II: T.L 400 31E 28DB
Lot 33, PRUNELAND.

EXCEPT THEREFROM the north 10 feet as conveyed to Clackamas County by Deed recorded August 14, 1963, Fee No. 18297.

AND FURTHER EXCEPTING THEREFROM the following:

Beginning at the northwest corner of said Lot 33; thence East along the north line thereof 214 feet to a point; thence South parallel with the west line of said lot, 320 feet to the south line thereof; thence West along south line 214 feet to the southwest corner thereof; thence North along the West line of Lot 33, a distance of 320 feet to the point of beginning.

84 26575

EXCEPTING THEREFROM the North 10 feet conveyed to Clackamas County August 14, 1963, in Book 626, page 485, and West 10 feet to Clackamas County by deed recorded December 30, 1977.

Application No. G-11982
Permit No.

"THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES."

The said property is free from encumbrances except Conditions, Restrictions, Easements and Powers of Special Districts, if any.

The true consideration for this conveyance is \$ 108,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 1st day of August, 1984

Robert W. Grossnickle
ROBERT W. GROSSNICKLE
Virgil E. Skyles
VIRGIL E. SKYLES

State of Oregon, County of CLACKAMAS
This foregoing instrument was acknowledged before me this 1st day of August, 1984 by ROBERT W. GROSSNICKLE and VIRGIL E. SKYLES

State of Oregon, County of _____
The foregoing instrument was acknowledged before me this _____ day of _____, 19____ by _____ President and Secretary of a _____ corporation, on behalf of the corporation.

Richard H. ...
Notary Public for Oregon
My commission expires: 12/20/85

Notary Public for Oregon
My commission expires: _____

WARRANTY DEED

ROBERT W. GROSSNICKLE
TEROME A. SIMITT

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

TEROME A. SIMITT
138 NE 22
Canby, OR 97013
Easement No. 174754-BB Title No. 174-754

After recording return to:
TEROME A. SIMITT

SAME

Tier F-137 Statutory Warranty Deed

This Space Reserved for Recorder's Use

STATE OF OREGON)
County of Clatsop) ss.
I, Juanita N. Orr, County Clerk, Ex-Officio Recorder of Conveyances of the State of Oregon, for the County of Clatsop, do hereby certify that the instrument of writing was received for recording in the records of said County at

1984 AUG 2 PM 3:37



JUANITA N. ORR
County Clerk

84-26575

Recording Certificate
CO-94

RECEIVED

NOV 06 1989

T-600 31E 28DB

WATER RESOURCES DEPT.
SALEM, OREGON

FORM NO. 62-200000-1000 (Revised 10-80)

WARRANTY USED

KNOW ALL MEN BY THESE PRESENTS, That V.A. DITOMMASO, JR.

has caused to be called the grantor, for the consideration hereinafter stated, to grantor paid by TONY PIZZUTI and ANSELMO PIZZUTI and JUDY PIZZUTI, wife, as to an undivided one-half interest and CHARLENE PIZZUTI, wife, as to an undivided one-half interest and JUDY PIZZUTI, wife, as to an undivided one-half interest, the grantor, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with its improvements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

Lot 53, FROBELAND

EXCEPT the following: Beginning at the Southeast corner of said Lot 53; thence West along the South line of said Lot, 155 feet; thence North 130 feet; thence East 155 feet to the East line of said Lot; thence South 130 feet to the point of beginning.

Application No. C 11982
Permit No.

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

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ -0- However, the actual consideration consists of or includes other property or value given or provided which is the whole consideration (indicate which).

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

In Witness Whereof, the grantor has caused this instrument this 30 day of March, 1980, if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

V.A. DITOMMASO, JR.

If executed by a corporation, the corporate seal

STATE OF OREGON, County of Clackamas, March 30, 1980.

Personally appeared the above named V.A. DITOMMASO, JR.

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

Debra L. Hooper, Notary Public for Oregon, My commission expires 6-2-82.

V. A. DITOMMASO, JR.

STATE OF OREGON, County of Clackamas, 1980.

Personally appeared the above named V.A. DITOMMASO, JR., who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

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

Debra L. Hooper, Notary Public for Oregon, My commission expires 6-2-82.

Grantor's name and address: Tony & Charlene Pizzuti, Anselmo & Judy Pizzuti

Grantor's name and address: Tony Pizzuti, 181 N. Grant, Rm. 202, Canby, Oregon 97013

Grantor's name and address: Tony Pizzuti, 181 N. Grant, Rm. 202, Canby, Oregon 97013

STATE OF OREGON, County of Clackamas

I, Debra L. Hooper, County Clerk, do hereby certify that the foregoing instrument is the true and correct copy of the original instrument as the same appears from the records of the County of Clackamas, State of Oregon, and that the same instrument is the true and correct copy of the original instrument as the same appears from the records of said county.

80 APR 11 11:23



80 13455

80 13455

TL 800
31E 280B

182-980

Application No. G 11982
Permit No.

WARRANTY DEED

Recorded by TICOR TITLE

KNOW ALL MEN BY THESE PRESENTS, that HELEN J. STRICKLIN hereinafter called the Grantor, for the consideration hereinafter stated, to Grantor paid by JEROME A. SIMNETT SR. and JANICE R. SIMNITT, husband and wife, as tenants by the entirety of an undivided one-half interest; and JEROME A. SIMNITT JR. and ROBERTA A. SIMNITT, husband and wife, as tenants by the entirety of an undivided one-half interest, hereinafter called the Grantees, does hereby grant, bargain, sell and convey unto the said Grantees and Grantees' heirs, successors and assigns, that certain real property, with the tenements, hereditaments, and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

Tracts 30 and 31, PRUNELAND, Clackamas County, Oregon

TO HAVE AND TO HOLD the same unto the said Grantees and Grantees' heirs, successors and assigns forever.
And said Grantor hereby covenants to and with said Grantees and Grantees' heirs, successors and assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except the rights of the public in and to that portion of the premises herein described lying within the limits of roads and highways, and that Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$136,150.00.

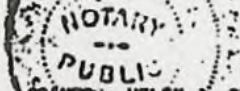
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO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

IN WITNESS WHEREOF, the Grantor has executed this instrument this 30 day of December, 1986.

Helen J. Stricklin
HELEN J. STRICKLIN - Grantor

STATE OF OREGON }
County of Clackamas } ss. December 30, 1986

Before me personally appeared the above named HELEN J. STRICKLIN and acknowledged the foregoing instrument to be her voluntary act and deed.



Phil E. Hodgkinson
Notary Public for Oregon
My commission expires: 6/23/89

GRANTOR: HELEN J. STRICKLIN, 14808 Uplands Drive, Lake Oswego, OR 97034
GRANTEES: JEROME J. SIMNITT SR., et al et ux, 138 N.E.22nd, Canby, OR 97013
AFTER RECORDING SEND TO: JEROME J. SIMNITT SR, 138 N.E.22nd, Canby, OR 97013
SEND TAX STATEMENTS TO: JEROME J. SIMNITT SR, 138 N.E.22nd, Canby, OR 97013

STATE OF OREGON)
County of Clackamas)
I, Juanita H. Orr, County Clerk, for the County of Clackamas, do hereby certify that the instrument of which this is a true and correct copy was recorded for recording in the records of said County at



Juanita H. Orr
JUANITA H. ORR
County Clerk
Recording Commission
CP-001 100 400

86 53327

Application No. C 11982
Permit No.

TL 800 & 100

31E.20C

3-

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That PAUL MONTECUCCO and FRANCES MONTECUCCO, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by VIRGIL A. MONTECUCCO and EVELYN L. MONTECUCCO, husband and wife, as tenants by the entirety of an undivided one-half interest, and PAUL S. MONTECUCCO and R. FRANCES MONTECUCCO, husband and wife, as tenants by the entirety of an undivided one-half interest, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE FOLLOWING:

PARCEL I: Lot 23, PRUWELAND, in the County of Clackamas and State of Oregon.

PARCEL II: That portion of Lot 6, PRUWELAND, described as follows:

Beginning at an iron pipe at the northwest corner of said Lot 6, PRUWELAND, said pipe being 20 feet East and 15 feet South of the intersection of the center lines of Ferry Road and that crossroad first North of Territorial Road; thence South 89°35' East 640 feet to an iron pipe at the northeast corner of said Lot 6; thence South along the east line of said Lot 6, a distance of 320 feet to the southeast corner thereof; thence North 89°35' West along the south line of said Lot 6, a distance of 340 feet to an iron pipe; thence North 150 feet to an iron pipe; thence North 89°35' West 300 feet to an iron pipe; thence North 170 feet to the point of beginning.

DEED OF GIFT

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

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ NIL. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand this 23 day of February, 1979.

Paul Montecuoco - Frances Montecuoco

STATE OF OREGON

County of Clackamas

} ss.

February 23, 1979

Personally appeared the above named PAUL MONTECUCCO and FRANCES MONTECUCCO, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me

Raymond Brey

Notary Public for Oregon

My commission expires: 11/30/80

AFTER RECORDING RETURN TO:
Bettis & Raif
160 N. W. Third Ave.
Canby, Oregon 97013

TAX STATEMENTS SHOULD BE SENT TO:
Virgil A. Montecuoco, et ux, et al
4120 N. Locust St.
Canby, Oregon 97013

REAL DOCUMENT

RECORDED 79 FEB 23 2:32 P M GEO: J. U. POPPER, County Clerk

Warranty Deed

79 7784

RECEIVED T2600
31E28C

NOV 06 1963

WATER RESOURCES DEPT
SALEM, OREGON

FORM NO. 20 - WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That I, EFFIE M. HARTMAN, widow and surviving spouse of M. C. Hartman, deceased, hereinafter referred to as the Grantor, in consideration of TWELVE THOUSAND FIVE HUNDRED (\$12,500.00) - - - Dollars,

do hereby grant, bargain, sell and convey unto the said grantee, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Parcel 1: All of Lots numbered Five (5) and Twenty-four (24) of PRUDELAND according to the duly recorded plat thereof recorded in the office of the Recorder of the County Clerk of Clackamas County, State of Oregon.

Parcel 2: The Northerly Fifteen (15) feet of Lot Four (4) PRUDELAND, a town plat recorded in Book 3, page 22, records of town plats of Clackamas County, Oregon, and which said northerly fifteen feet is cut off by a line parallel with the northerly boundary of said Lot Four.

To Have and to Hold the above described and granted premises unto the said grantee, their heirs and assigns forever.

And I, the Grantor, do covenant that I, my heirs, assigns and administrators, shall warrant and forever defend the above granted premises, with the tenements, hereditaments and appurtenances, without exception, against the lawful claims and demands of all persons whomsoever.

and that I, my heirs, assigns and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness my hand and seal this 12th day of March, 1963.

Effie M. Hartman (Sd)

STATE OF OREGON,

County of Clackamas } On this 12th day of March, 1963,
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named EFFIE M. HARTMAN who is

known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that she executed the same freely and voluntarily.
IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal and the day and year last above written.

Wade P. Bettis
Notary Public for Oregon
My commission expires 11/22/65

WARRANTY DEED

EFFIE M. HARTMAN,

HARVEY E. HARTMAN, et al.

WADE P. BETTIS
ATTORNEY AT LAW
227 NORTH GRANT ST.
SALEM, OREGON

STATE OF OREGON,

DEED
NOV 22 1963
618 10831

5745

Application No. G-11982 T.L. 700
Permit No. 719

Mail future tax statements to:

JEROME A. SIMNITT and JANICE R. SIMNITT
138 N. E. 22nd Avenue
Seaside, Oregon 97013

WARRANTY DEED

(Survivorship)

KNOW ALL MEN BY THESE PRESENTS, That GEORGE DALE SOYRING, as to an undivided one-half interest, and GEORGE DALE SOYRING, Trustee for DAVID L. SOYRING, in accordance with the terms and provisions of the Last Will and Testament of Marjorie A. Soyring dated April 26, 1969, as to an undivided one-half interest, hereinafter collectively referred to as grantor, for the consideration hereinafter stated to the grantor paid by JEROME A. SIMNITT and JANICE R. SIMNITT, husband and wife, hereinafter called grantees, hereby grants, bargains, sells and conveys unto the said grantees, not as tenants in common but with the right of survivorship, their assigns and the heirs of the survivor of said grantees, all of the following described real property with the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, situated in the County of Clackamas, State of Oregon, to-wit:

The West one-half of Lot 22, PRUNELAND, in Clackamas County, Oregon.

TO HAVE AND TO HOLD the above described and granted premises unto the said grantees, their assigns and the heirs of such survivor, forever; provided that the grantees herein do not take the title in common but with the right of survivorship, that is, that the fee shall vest absolutely in the survivor of the grantees.

And the grantor above named hereby covenants to and with the above named grantees, their heirs and assigns, that grantor is lawfully seized in fee simple of the above granted premises, that the said premises are free from all encumbrances EXCEPT the rights of the public in and to that portion of the premises herein described lying within the limits of public roads and highways, and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrance.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$55,000.00.

IN WITNESS WHEREOF, the grantor has executed this instrument on the 21 day of DEC, 1979.

George Dale Soyring
GEORGE DALE SOYRING

George Dale Soyring
GEORGE DALE SOYRING, Trustee for DAVID L. SOYRING

STAT: OF OREGON }
County of Clackamas }

December 31, 1979

Personally appeared the above named GEORGE DALE SOYRING, individually, and as Trustee for DAVID L. SOYRING, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

David Rief
Notary Public for Oregon
My commission expires: 1/30/80



STATE OF OREGON
County of Clackamas

George B. Jackson, County Clerk, is hereby authorized to receive the fee on this instrument and to issue the certificate of recording thereon, and to issue the certificate of recording thereon, and to issue the certificate of recording thereon, and to issue the certificate of recording thereon.

79DEC31 P3:04



Warranty Deed
79-57832

7-20-11 7-306

KNOW ALL MEN BY THESE PRESENTS, That **RONALD L. COLEMAN** and **BORA H. COLEMAN**, hereinafter called the grantor, for the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, the certain real property, with the tenements, improvements and appurtenances thereto in anywise belonging or appertaining, situated in the County of **Clatsop** and State of Oregon, described as follows, to-wit:

The East one-half of Lot

To Have and to Hold the same And said grantor hereby covenants to lawfully defend in law the

grantee will warrant and defend against all claims and demands... The true and correct copy of this instrument is hereby certified to be a true and correct copy of the original as the same appears from the records of the County of Clatsop, Oregon. In testimony whereof, I have hereunto set my hand and the seal of said County at Astoria, Oregon, this 11th day of July, 1911.

STATE OF OREGON

WARRANT

Notary Public for Oregon
Thomas L. Smith
Astoria, Oregon
County
Oregon

NOTARY PUBLIC
CLATSOP COUNTY
OREGON
My Comm. Expires July 7, 1911

The are in the process of buying the Smith Property.
J. Smith
Application No. C-11982
Permit No.

7-6-70
7-206

KNOW ALL MEN BY THESE PRESENTS, That **RONALD L. COLEMAN** and **NORA K. COLEMAN**, hereinafter called the grantors, for the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, the certain real property, with the tenements, improvements and appurtenances thereto in anywise belonging or appertaining, situated in the County of **Clackamas** and State of Oregon, described as follows, to-wit:

The East one-half of Lot 22, **PROWELAND**

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

The true and correct consideration paid for the premises hereby granted is **50,000.00**

In testimony whereof the grantors have hereunto set their hands and seals at the City of Portland, Oregon, this 23rd day of February, 1973.

Ronald L. Coleman
Ronald L. Coleman
Nora K. Coleman
Nora K. Coleman

STATE OF OREGON, County of Clackamas, I, **Ronald L. Coleman and Nora K. Coleman**, February 23, 1973
Personally appeared the above named

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

Witness my hand and seal this 23rd day of February, 1973.
Charles A. Anderson
Notary Public for Oregon
My commission expires 1-29-77

WARRANTY DEED

AS PER ORDERED BY COURT TO
Thomas L. Smith
Atty. Gen. B. 1150 C
Carley
(Oregon)

RECORDED IN DEED BOOK 7, PAGE 319



Application No. G-1198² Permit No.

WARRANTY DEED

HARRY R. NAYES, and CORNELIA NAYES, husband and wife, hereinafter called grantor, convey to JEROME A. SIMPITT, and JANICE R. SIMPITT, husband and wife, as tenants by the entirety, all that real property situated in Clackamas County, State of Oregon, described as:



Part of the east one-half of Lots 7 and 8, Pruneland, described as follows:

Beginning at the southeast corner of said Lot 7; thence West along the south line of said Lot, 208 feet, more or less to the southeast corner of a tract conveyed to Joe W. McCornick, et ux by deed recorded September 9, 1954, Book 403, page 742, Deed Records; thence North along the east line of said McCornick Tract, 840 feet, more or less to a point on the north line of Lot 8, PRUNELAND; thence East along the said north line, 208 feet, more or less to the northeast corner of said Lot 8; thence South along the east line of said Lots 8 and 7, a distance of 840 feet, more or less to the point of beginning.

and covenant that grantor is the owner of the above described property free of all encumbrances and will warrant and defend the same against all persons who may lawfully claim the same.

Dated this 21 day of August, 1966.

Harry R. Naves
Cornelia Naves



STATE OF OREGON)
County of Marion) ss:

On August 2, 1966, personally appeared before me the above-named HARRY R. NAYES and CORNELIA NAYES, husband and wife, and acknowledged the foregoing instrument to be their voluntary act.

[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires 7-26-67

678 1/2 15

T.L 900 4-704

KNOW ALL MEN BY THESE PRESENTS, That LOIS AINSWORTH, also known as LOIS HILDRED AINSWORTH

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

Part of the east one-half of Lots 7 and 8, PR WELAND, situated in Section 28, T. 3 S., R. 1 E., W. N., more particularly described as follows:

Beginning at an iron rod on the south line of said Lot 7, at a point 320 feet East of the southwest corner of Lot 7, said iron rod being further described as being East 340 feet and North 15 feet from a stone found at the northeast corner of the Champing Pondleton D. L. C.; thence North parallel to the west line of Lots 7 and 8, a distance of 640 feet, more or less, to the north line of Lot 8; thence East along the north line of Lot 8, a distance of 115 feet; thence South parallel with the west lines of Lots 7 and 8, a distance of 640 feet, more or less, to an iron rod on the south line of Lot 7; thence West along the south line of Lot 7, a distance of 115 feet to the point of beginning.

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

And said grantor hereby covenants to and with said grantees and grantees's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, SUBJECT TO: Deed of Trust to Benj. Franklin Federal Savings & Loan Association of Portland, Oregon, recorded September 4, 1962, Bk 259 Pg 251, extended by agreement recorded May 28, 1964, Bk 494 Pg 221, which deed of trust terms hereof herein assumes and agrees to pay according to the terms thereof and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$40,000.00

Witness the actual consideration consists of an inclusion of property as taken from an account which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.020.)

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

In Witness Whereof, the grantor has executed this instrument this 11 day of June, 1974; If a corporate grantor, it has caused its name to be signed and seal, affixed by its officers, duly authorized thereto by order of its board of directors.

Lois Ainsworth

STATE OF OREGON, County of Clackamas June 11, 1974

STATE OF OREGON, County of Clackamas June 11, 1974

Personally appeared the above named Lois Ainsworth and acknowledged the foregoing instrument to be her voluntary act and deed.

Personally appeared the above named Jerome A. Simnitt and Janice R. Simnitt, who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of the above named corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon My commission expires 9/10/77

Notary Public for Oregon My commission expires

Lois Ainsworth
GRANTOR'S NAME AND ADDRESS
Jerome A. Simnitt & Janice R. Simnitt
GRANTEE'S NAME AND ADDRESS
Mr. & Mrs. Jerome A. Simnitt
138 N. E. 22nd Ave.
Canby, Oregon
Send a change in registered address to the following address:
Benj. Franklin Savings
517 S. W. Stark
Portland, Oregon

DEED
STATE OF OREGON
County of Clackamas
1, Jerome A. Simnitt, County Clerk, is-Ordained
Notary Public for Oregon and is-Ordained Clerk
of the County of Clackamas, do hereby certify that
the within instrument of writing was recorded for
and transmitted to the records of said county at
9:14 JUN 25 PM 4 02
Notary Public for Oregon My commission expires 9/10/77

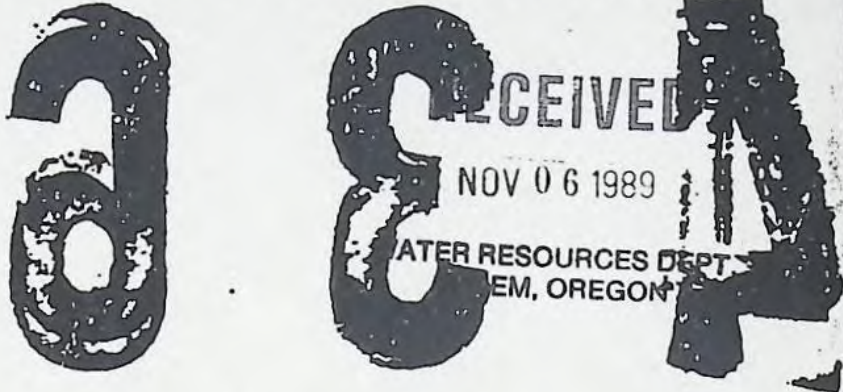
TL 1100
31E28B

LAY 10 88

KNOW ALL MEN BY THESE PRESENTS That BOBA BUSS, a single person and surviving spouse of LOUIS BUSS, Deceased

do hereby grant here by, will and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appearing or used in the County of Clackamas and State of Oregon, described as follows, to wit:

The West half of Lots 7 and 8, PRUNELAND in Clackamas County, Oregon; EXCEPT the West 143 feet of the South 223 feet of said Lot 7.



364588

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantee hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantee is lawfully seized in fee simple of the above granted premises, free from all encumbrances except the rights of the public in and to that portion of above property lying within the limits of roads and highways.

and that grantee will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0,000.00

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantee's hand this 15th day of May, 1968

Boba Buss

STATE OF OREGON, County of Clackamas) on May 15th, 1968
Personally appeared the above named BOBA BUSS, a single person and surviving spouse of Louis Buss, Deceased and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me: *Walter P. Bettis, Jr.*
Notary Public for Oregon
My commission expires 11/22/69

(OFFICIAL SEAL)

NOTE: The contract between the grantor & grantee should be retained for Chapter 225, Oregon laws 1967, as required by the 1967 Special Statute.

WARRANTY DEED

BOBA BUSS, a single person,
to
PAUL MONTECUCCO, et ux.

AFTER RECORDING RETURN TO

BETTIS, LIBERTY & BELL
Attorneys at Law
200 N. W. Third Ave.
P. O. Box 200
CANBY, ORE. 97013

STATE OF OREGON, County of Clackamas
DEED
1968 MAY 20 PM 3 07



68 9436

Application No. G 11982
Permit No.

RECEIVED

NOV 06 1989

WATER RESOURCES DEPT.
SALEM, OREGON

Nov. 1, 1989

We have no objection to the proposed use of irrigation water on our property from the Simmitt well located at 1874 North Locust. The legal description and other pertinent information is in the enclosed application.

Virgil Montecucco
Harry E. Hartman

*These are for
the properties we
rent.*

Nov. 1, 1989

We have no objection to the proposed use of irrigation water on our property from the Simnitt well located at 1874 North Locust. The legal description and other pertinent information is in the enclosed application.

Charlene Pizzuti

Nov. 1, 1989

We have no objection to the proposed use of irrigation water on our property from the Simmitt well located at 1874 North Locust. The legal description and other pertinent information is in the enclosed application.

Archie G. Irwin
Bonnie L. Irwin

Registration No. GR-2336

Certificate No. GR 3874

Registration Statement

OF CLAIMANT OF RIGHT TO APPROPRIATE GROUND WATER

TO THE STATE ENGINEER OF OREGON:

I, James B. Smith
of Clatsop County of Washington
(Mailing address)

State of Oregon, do hereby make application for a certificate of registration as evidence of a right to appropriate ground water.

1. Source from which water is withdrawn is well
(Flowing well, pump well, infiltration trench, or tunnel)

2. Location is: one mile north of Astoria, Or.
(Approximate location and direction from nearest city or town)

and is more particularly described as follows:

(a) 690 feet east of 100 feet north from Center of Section 28, T35 N, R12 E
(Give bearings and bearings to corner of section or other legal substratum)

being within S45 N E 4 of Sec. 28 Twp. 3-S Rge. 1-E
(Section, Township, Range)

or (b) within limits of recorded platted property, town or city:

in Lot 4-1, Block 1 of Prudhomme
(Name of plat or addition)

County of Clatsop

3. Construction Work was begun on 1947; was completed on 1947
(Date)

and the ground water claimed was first used for the purposes set out below on 1947
(Date)

since which time the water has been used continuously
(Continuously or intermittently)

from 1947 to 1957
(Date)

4. Quantity of water claimed and used is 105 gallons per minute; _____ acre feet per year.

5. Purpose or Purposes for which water is used domestic use
(Domestic, irrigation, municipal, manufacturing, industrial, etc.)

6. Description of Well: Depth 162 feet, Type well
(Dug or bored)

diameter 6 inches. Elevation of ground at well site _____ feet, mean sea level.
(At base of borehole)

Depth to water table _____ feet.

7. Capacity of Well: 55 g.p.m. with 5 feet drawdown.

150 g.p.m. with 10 feet drawdown.

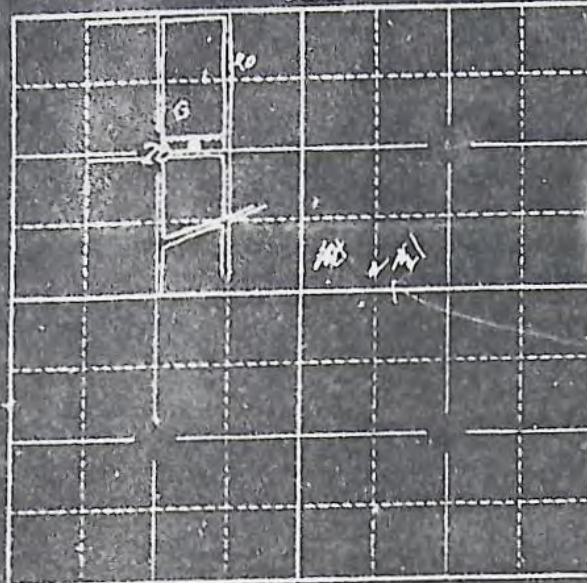
Date of test May - 1947

If Flowing Well: Measured discharge _____ g.p.m. on _____
(Date)

Static pressure at ground surface _____ lbs. per sq. in. on _____
(Date)

Water is controlled by _____
(Dike, valve, etc.)

Township 3-S Range 1-E W.M.
North



Locate well and acreage of irrigated land on plat.
Scale: 2" = 1 Mile

STATE OF OREGON

County of Clatsop }
J. R. Mc Lain }
Hubert Blanchard and }
Being first duly sworn, do hereby certify that I have

read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

J. R. Mc Lain Hubert Blanchard
(Signature of Registrant)

Subscribed and sworn to before me this 7 day of August, 1957

My commission expires 2-18-1959 H. J. Lister
(Notary Public)

(SEAL)

CERTIFICATE OF REGISTRATION

STATE OF OREGON

County of Marion

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the 21 day of July, 1958, at 8:00 o'clock A.M. and has been duly recorded in said office in Book No. 16 of Registration Statements on page 68-3874

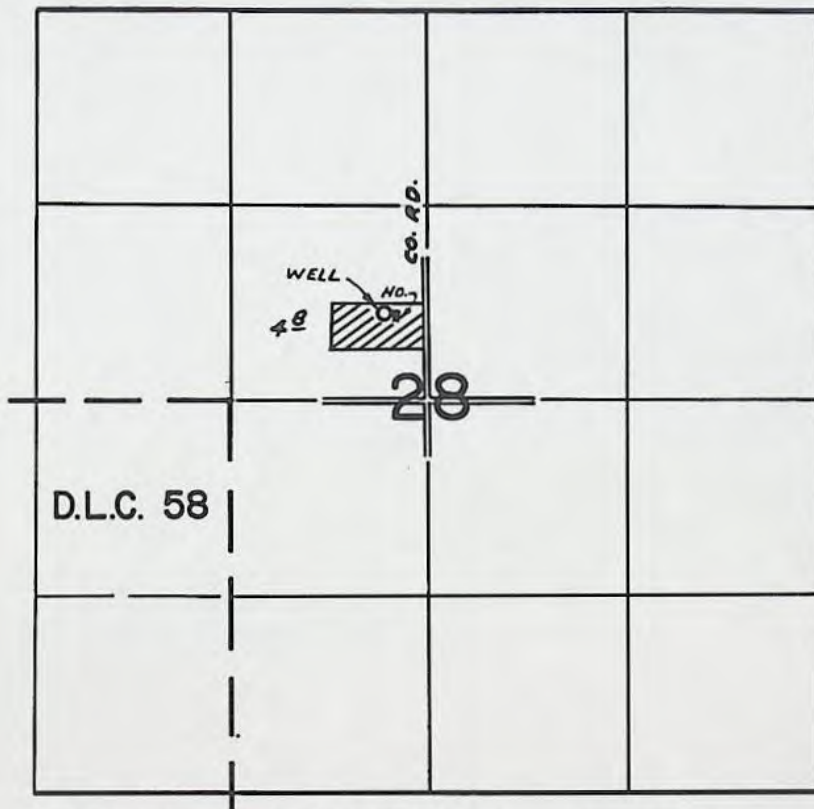
Witness my hand this 20 day of December, 1959

Henry A. Stanley
(State Engineer)

By

on 3874

T.3S.R.1E.W.M.



WELL LOC: 580' N. & 280' W. FROM CEN. SEC. 28

FINAL PROOF SURVEY UNDER

Application No. G-9170 Permit No. G-8495
IN NAME OF

C 55384

ROY & DARLENE LOHSE

Surveyed JAN. 15, 1980, by R.G. MURKIN

Application No. G. 11982

Permit No. _____

RECEIVED

NOV 06 1989

STATE OF OREGON
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Groundwater
WATER RESOURCES DEPT.
SALEM, OREGON

Applicant: SIMNITT NURSERY c/o Jerome Simnitt and Janice Simnitt

Mailing address: 138 N. E. 22nd Ave.

Canby Oregon 97013 266-2904
City State Zip Phone No.

I hereby make application for a permit to appropriate the following described groundwaters of the State of Oregon:

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

One vertical well

Use of water: TRIPLE DUTY (1. Irrigating inground nursery stock), (2. Temperature control), (3. Container stock)

Amount of water: 3.78 or 1700
(cubic feet per second) (gallons per minute)

Diameter of well: 36" (0-97 ft.) 32" (97-343 ft.) Depth in feet: 343

Type and size of well casing: 16 inch steel 0.375 gauge No. of feet: 316

Estimated depth to water: 70 ft.
(feet)

Type of access port or measuring device: _____

Wells to be drilled by: Schneider Equipment Inc., 21881 River Road N.E.

Address: St. Paul Oregon 97137
City State Zip

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

If development is less than 1/4 mile from a natural stream, give the following:

Distance from development to stream: _____

Elevation difference between streambed and development: _____

Note: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells.

CLAC
9698

PC ✓
11.8 Di

Type of irrigation system (check appropriate box): Flood Wheel line

Hand line Drip Other _____

Other systems: _____

Proposed date construction will begin: October 15, 1989

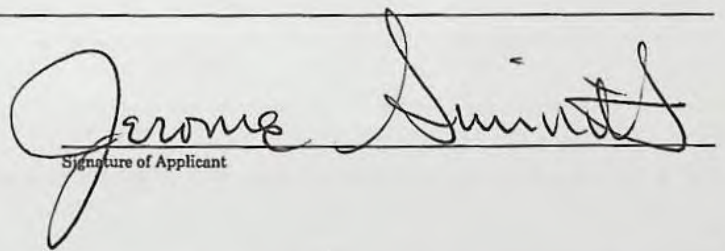
Proposed date of completion of system: September 15, 1990

Proposed date water use will be completed: October 15, 1990

Is this groundwater source supplemental to another supply? No

If so, identify the supply and the existing water right: _____

Comments: _____


Signature of Applicant

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

Application No. 6-11982

Permit No. _____

(DO NOT WRITE IN THIS SPACE)

Dear Applicant:

I certify that I have examined the foregoing application, together with any accompanying information. I am returning it to you for the following reason(s): _____

In order to retain your priority, you must return this application with the requested corrections or additions on or before _____, 19 ____

Date: _____, 19 ____

WATER RESOURCES DEPARTMENT

By: _____

RECEIVED at Oregon Water Resources Department on: November 6, 19 89
at 8 o'clock AM/PM.

Application No. G 11982 Permit No. _____

RECEIVED

NOV - 3 1993

**WATER RESOURCES DEPT.
SALEM, OREGON**

Check number 1887 in the amount of \$55.08 from Simnitt Nursery represents the amount still owing on the application for a water use permit: File G-11982

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **106524**

3850 PORTLAND ROAD NE
SALEM, OR 97310
378-8455/378-8130 (FAX)

RECEIVED FROM: Smith Nursery
BY: _____

APPLICATION	<u>Water</u>
PERMIT	
TRANSFER	

CASH: CHECK: # 2432 OTHER: (IDENTIFY)

TOTAL REC'D \$ 55.08

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. \$ _____
VOUCHER # _____

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:			
840.001	COPY FEES	\$	
850.200	RESEARCH FEES	\$	
880.109	MISC REVENUE: (IDENTIFY)	\$	
520.000	OTHER (P-6) (IDENTIFY)	\$	
WATER RIGHTS:			
842.001	SURFACE WATER	\$	842.002
842.003	GROUND WATER	\$	842.004
842.005	TRANSFER	\$	842.006
WELL CONSTRUCTION			
842.022	WELL DRILL CONSTRUCTOR	\$	842.023
_____	LANDOWNER'S PERMIT	\$	842.024
_____	OTHER (IDENTIFY)	\$	

EXAM FEE		RECORD FEE
\$		\$
\$		\$ <u>55.08</u>
\$		\$
EXAM FEE		LICENSE FEE
\$		\$
\$		\$

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

842.011	POWER LICENSE FEE(FW/WRD)		LIC NUMBER		\$
842.115	HYDRO LICENSE FEE(FW/WRD)				\$
_____	HYDRO APPLICATION				\$

RECEIPT # **106524**

DATED: 11-3-93 BY: [Signature]

93234

NUMBER _____

Check 5508 MO _____ Cash _____

____ Surface Application

____ Reservoir Application

Ground Water Application $\frac{0}{5.08}$

____ Transfer Application

____ Power Claim

____ Hydroelectric Examination

____ Hydroelectric License

____ Copying

____ Assignment

____ Extension of Time

____ Other

____ P-6

____ Quadrangle

____ Basin

____ Protest

____ Constructors Examination

____ Constructors License

____ Adjudication

Refile