

FILE#: G 15802

LEON BINGHAM
BINGHAM, SANDY

31317 PIPELINE RD
GRESHAM, OR 97080

ASSIGNED

Application No. G C15802

Permit No. G _____

Certificate No. _____

Stream Index, Page No. _____

FEES PAID

Date	Amount	Receipt No.
7/23/02	400.00	54323
6/9/14	85.00	112323
8/18/14	450.00	113121
11-14-24	230.00	144184
Cert. Fee		

FEES REFUNDED

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

Date filed _____

Priority _____

Action suspended until _____

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning _____

Date for completion _____

Extended to _____

Date for application of water _____

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

ASSIGNMENTS

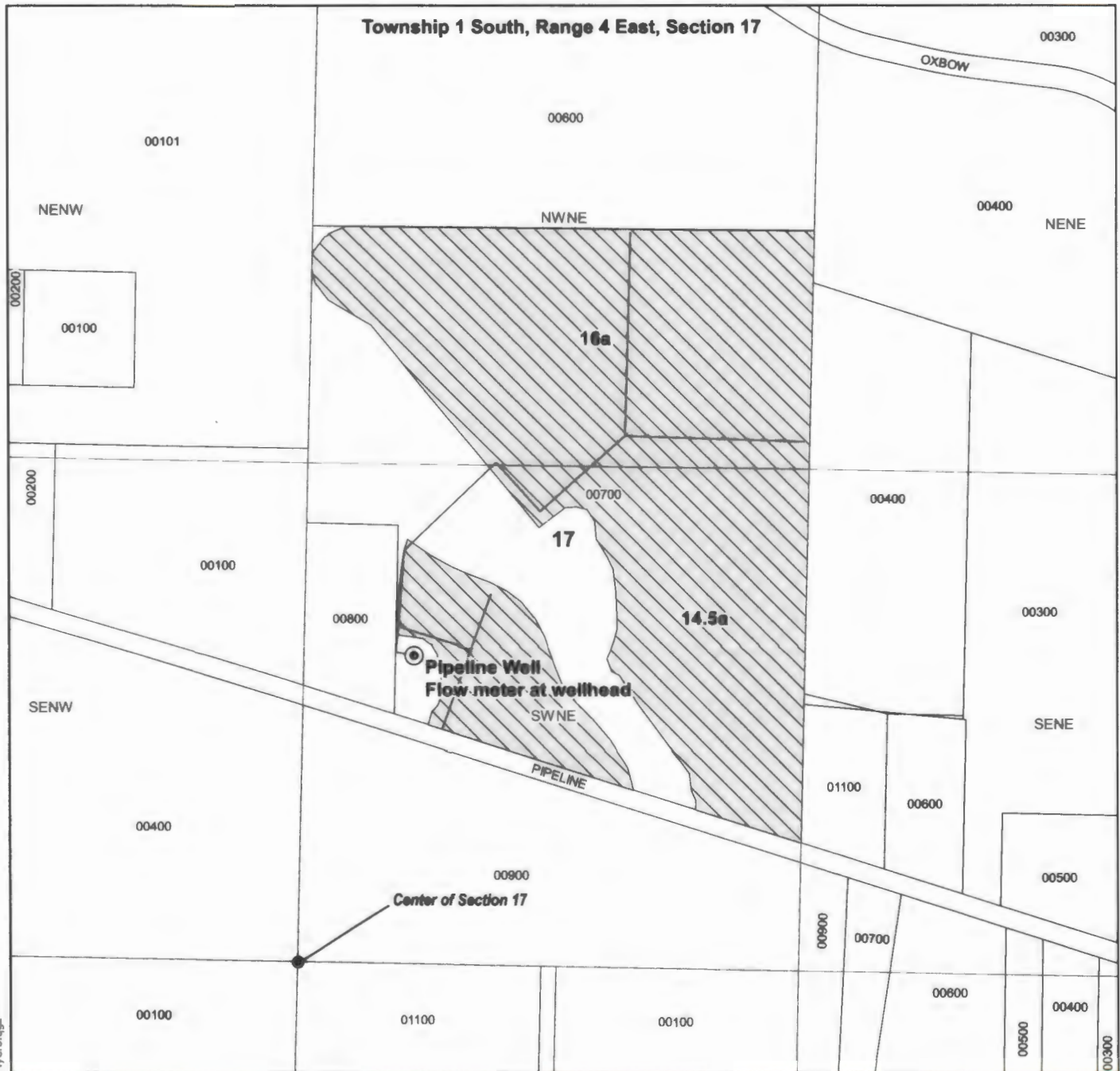
Date	To Whom	Address	Volume	Page
6/9/2014	LARRY MYERS 8313 SE 162nd AVE PORTLAND OR 97236			

REMARKS

cert mail 7/20/04, 8/24/04

Claim of Beneficial Use Permit G-17504, Application G-15802

A Water Right held by Larry Myers
Multnomah County

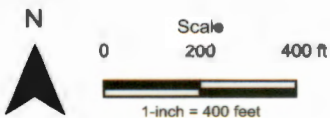
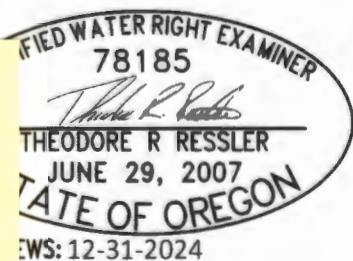


LEGEND

- Point of Appropriation (POA)
- ▨ Place of Use (POU)
- Tax lot parcels
- Water Conveyance Mainlines

POA Location Description

Pipeline Well (MULT 120173, L-118503)
Located 800 feet North and
of Section 35 (SWNE), Town
East, W.M.



Date: 8/22/2024
Data Sources: BLM, OWRD, ODFW, USGS, Clatsop County.
Disclaimer: This map is not intended to provide legal dimensions
or property ownership lines.



STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **144184**

INVOICE # _____

RECEIVED FROM: Geo-Logic

BY: Associates

APPLICATION G-15802

PERMIT _____

TRANSFER _____

CASH: _____ CHECK: # _____ OTHER: (IDENTIFY) _____

☐ ☒ 82721 ☐ _____

TOTAL REC'D \$ 230.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) _____ \$ _____

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 \$ _____

WATER RIGHTS:

EXAM FEE

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

0200 OTHER (IDENTIFY) Cable \$ 230.00

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 (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **144184**

DATED: 11-14-21 BY: cm-mills

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

Check Date: 11/1/2024

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
COBU_Per-G17504	10/28/2024	0244164	230.00			230.00
Oregon Water Resources Department		TOTAL	230.00			230.00
COMERICA GENERAL	7	262158				

COBU-Per-G175~~0~~04, Larry Myers

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OWRD



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

November 15, 2024

Larry Myers
8313 SE 162nd Ave
Portland, OR 97236

On November 14, 2024, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

Application G-15802

Permit G-17504

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: <https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/default.aspx>

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$230.00 COBU recording fee.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file G-15802

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:G-15802	WRD Reviewer:Corie
Transfer #:	
Date Received:11/14/2024	
CWRE Name:Ted Ressler	
Priority Date (s):7/23/2002	

Fees Required:

- ☒ YES NO ☐ A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☐ YES NO ☐ A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
- Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.
- Fill in

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

[illegible]

Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
- ☒ Pump Test required (Priority Date on or after December 20, 1988)
- ☒ Pump Test submitted
- ☐ Pump Test not submitted

**CLAIM OF
BENEFICIAL USE
for Groundwater Permits
claiming more than 0.1 cfs**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

**A fee of \$230 must accompany this form for permits
with priority dates of July 9, 1987, or later.**

Permit G-17504 has a priority date of July 23, 2002; the required fee of \$230 is enclosed.

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

SECTION 1

GENERAL INFORMATION

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1. File Information:

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
G-15802	G-17504	

2. Property Owner (current owner information):

APPLICANT/BUSINESS NAME Larry Myers		PHONE NO. 503-320-7318	ADDITIONAL CONTACT NO.
ADDRESS 8313 SE 162nd Avenue			
CITY Portland	STATE OR	ZIP 97236	E-MAIL

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each*** permit holder of record must sign this form.

3. Permit holder of record (this may, or may not, be the current property owner):

PERMIT HOLDER OF RECORD Larry Myers			
ADDRESS 8313 SE 162nd Avenue			
CITY Portland	STATE OR	ZIP 97236	

ADDITIONAL PERMIT HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:**2/29/2016 & 5/16/2024****5. Person(s) interviewed and description of their association with the project:**

NAME	DATE	ASSOCIATION WITH THE PROJECT
Gordon Sester	2/29/2016	Representative of Sester Farms, Inc, the entity using water under the permit
Ted Sester		Representative of Sester Farms, Inc, the entity using water under the permit

6. County:**Multnomah****7. If any property described in the place of use of the permit is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):**

OWNER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

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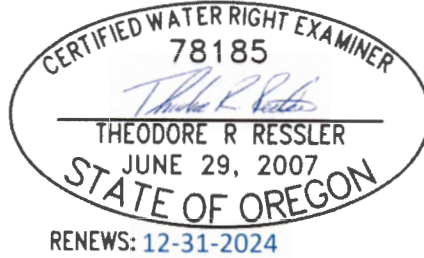
Add additional tables for owners of record as needed

SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

Seal and Signature



CWRE NAME Theodore R. Ressler		PHONE NO. 503-701-4535		ADDITIONAL CONTACT NO.	
ADDRESS Summit Water Resources, LLC; 4784 SE 17th Avenue					
CITY Portland	STATE OR	ZIP 97202	E-MAIL tressler@summitwr.com		

Permit Holder of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Larry W Myers	OWNER	10/28/24

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SECTION 3
CLAIM DESCRIPTION

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1. Point of appropriation name or number:

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POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
Well 1	MULT 120173	L-118503

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of appropriation source, if indicated on permit:

POA NAME OR NUMBER	SOURCE BASIN LOCATED WITHIN	TRIBUTARY
Well 1	North Fork Beaver Creek Basin	

3. Developed use(s), period of use, and rate for each use:

POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
Well 1	Nursery Use	Nursery stock, grass seed	Year-round or irrigation season depending on crop	0.998 cfs
Total Quantity of Water Used				0.998 cfs

4. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of appropriation to the place of use:

Groundwater is appropriated from the well using a submersible pump and conveyed by a 6-inch mainline to 3-inch hand lines equipped with impact sprinklers. The handlines are moved incrementally to irrigate the entire place of use.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below.

YES

(e.g. "The permit allowed three points of appropriation. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

Rate of Use. Although less acres of nursery operations have been developed, the developed rate of use is within the rate limit allowed by the permit for the acres of nursery operations developed (0.15 cfs/ac for 30.5 acres = 4.58 cfs).

6. Claim Summary:

POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Well 1	0.998 cfs	0.98 cfs (pump) 1.0 cfs (sprinklers)	Not measured	Nursery Use	40	30.5

SECTION 4
SYSTEM DESCRIPTION

Are there multiple POAs?

NO

If "YES" you will need to copy and complete a separate Section 4 for each POA.

POA Name or Number this section describes (only needed if there is more than one):

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
1 S	4 E	WM	17	NW NE	--	--	NU	16.0	-
1 S	4 E	WM	17	SW NE	--	--	NU	14.5	-
Total Acres Irrigated								30.5	0

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLot), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLot, and QQ.

B. Groundwater Source Information (Well)

1. Is the appropriation from a well?

YES

If "NO", items 2 through 4 relating to this section may be deleted.

2. Describe the access port (type and location) or other means to measure the water level in the well:

¾-inch PVC access tube on east side of top plate.

3. If well logs are not available, provide as much of the following information as possible:

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY
--------------------	-----------------	----------------	--	---------------------------------------	---------------------------------	-----------------

Well log provided in Attachment 3.

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

C. Groundwater Source Information (Sump)

1. Is the appropriation from a dug well (sump)?

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NO

If "NO", items 2 through 4 relating to this section may be deleted.

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D. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of appropriation to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
No record available	No record available	No record available	Submersible		4-inch

3. Motor Information:

MANUFACTURER	HORSEPOWER
No record available	75

4. Theoretical Pump Capacity:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
75	60 ^A	243 feet	155 ^C	0.98

Notes:

^A Operational pressure at sprinklers.

^A Estimated drawdown at maximum rate based on specific capacity of the well measured during the 2015 pump test.

^C Includes estimated frictional losses in conveyance pipe at flow rate with maximum number of sprinklers.

5. Provide pump calculations:

$$Q_{\text{pump}} = \frac{(\text{Hp})(\text{conversion factor})}{(\text{lift} + \text{pressure}) \text{ total head in feet}} = \text{cfs}$$

Conversion factor: Turbine & Submersible Pumps, 80% eff. $\frac{(550 \text{ ft lb/sec/Hp})(.80)}{(62.4 \text{ lb/cu ft})} = 7.04 \text{ ft}^4/\text{sec/Hp}$

Well 1

$$Q_{\text{pump}} = \frac{(75)(7.04)}{[(60 \times 2.54) + (243+155)]} = 0.98 \text{ cfs}$$

Note: minor frictional losses in the pump column accounted for by the 2.54 ft H₂O/psi conversion factor (versus 2.31 ft H₂O/psi).

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6. Measured Pump Capacity (using meter if meter was present and system was operating):

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not measured			

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?**YES**

If "NO" items 8 through item 13 may be deleted.

8. Mainline Information:

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4-inch	5 ft	Steel	Above ground
6-inch	2700 ft	PVC	Buried

9. Lateral or Handline Information:

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4-inch	1200 ft	Aluminum	Above ground

10. Sprinkler Information:

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
6 gpm*	60	6	75	75	1.0 cfs

*Nelson model 3 FCN flow control nozzle for 6 gpm output, installed on Rainbird 30 impact sprinklers

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Drip Emitter Information:

SIZE	OPERATING PSI	EMITTER OUTPUT (GPM)	TOTAL NUMBER OF EMITTERS	MAXIMUM NUMBER USED	TOTAL EMITTER OUTPUT (CFS)
NA – not used					

12. Drip Tape Information:

DRIPPER SPACING IN INCHES	GPM PER 100 FEET	TOTAL LENGTH OF TAPE	MAXIMUM LENGTH OF TAPE USED	TOTAL TAPE OUTPUT (CFS)	ADDITIONAL INFORMATION
N/A – not used					

13. Pivot Information:

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
N/A – not used				

E. Storage**1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)?****NO**

If "NO", item 2 and 3 relating to this section may be deleted.

F. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?**NO**

If "NO", items 2 through 4 relating to this section may be deleted.

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G. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

H. Additional notes or comments related to the system:

Refer to Attachment 4. According to the water user, the 30 Hp pump currently installed (observed during the 2024 site inspection) is a temporary substitution to lower energy consumption while supplying the reduced water need of the current crop planted on the place of use.

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SECTION 5 CONDITIONS

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All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	10/7/2015		
BEGIN CONSTRUCTION (A)	Not specified	N/A	N/A
COMPLETE CONSTRUCTION (B)	10/7/2020	7/2/2015	Completed construction of the point of appropriation
COMPLETE APPLICATION OF WATER (C)	10/7/2020	2017	Full beneficial use of water as documented in this COBU

* MUST BE WITHIN PERIOD BETWEEN PERMIT, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

NO

If "NO", items a and b relating to this section may be deleted.

3. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement?

YES

If "NO", items b through d relating to this section may be deleted.

b. What month was the initial measurement to be taken in?

c. Was the measurement submitted to the Department?

YES

d. If the initial measurement was not submitted, provide that measurement now, if available:

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT

4. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements?

YES

If "NO", items b through e relating to this section may be deleted.

b. Provide the month, or months, the static water level measurement(s) were to be made:

c. Were the static water level measurements taken in the month(s) required?

YES

d. If "YES", were those measurements submitted to the Department?

YES

NOV 14 2024

e. If the annual measurements were not submitted, provide the measurements now:

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT
			OWRD

5. Pump Test:

a. Did the permit require the submittal of a pump test?

YES

Ground water permits with priority dates on or after **December 20, 1988**, require the submittal of a pump test prior to issuance of a certificate. In some cases, the permit holder may qualify for a multiple well exemption or an unreasonable burden exemption.

For additional information regarding pump tests see:

<https://www.oregon.gov/OWRD/programs/GWWL/GW/Pages/PumpTestProgram.aspx>

If "NO", items b through e relating to this section may be deleted.

b. Has the pump test been previously submitted to the Department?

YES

c. Is the pump test attached to this claim?

NO

d. Has the pump test been approved by the Department?

NO

e. Has a pump test exemption been approved by the Department?

NO

**** Claims will not be reviewed until a pump test or exemption has been approved by the Department****6. Measurement Conditions:**

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

YES

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed?

YES

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well 1	McCrometer	15-10917-03	Working	255694.5 × 10 gallons	2015

If a meter has been installed, items d through f relating to this section may be deleted.

7. Recording and reporting conditions:

a. Is the water user required to report the water use to the Department?

YES

If "NO", item b relating to this section may be deleted.

b. Have the reports been submitted?

YES

(WUR ID 66749)

If the reports have not been submitted, attach a copy of the reports if available.

8. Other conditions required by permit, permit amendment final order, or extension final order:

a. Were there special well construction standards?

YES

b. Was submittal of a ground water monitoring plan required?

NO

c. Was submittal of a water management and conservation plan required?

NO

d. Was a Well Identification Number (Well ID tag) assigned and attached to the well?

Not required
but completed

WELL ID #	DATE ATTACHED TO WELL
L118503	At construction (2015)

e. Other conditions?

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

8.a. *The well shall be continually cased and continuously sealed at least 5 feet into the confining layer above the Troutdale sandstone aquifer. IN COMPLIANCE. The well was sealed at a depth of 303 feet below ground surface, which is more than 5 feet into the confining layer above the Troutdale sandstone aquifer. The Department approved the method of sealing used in the construction of the well (see Attachment 3) and accepted the construction of well as part of the Settlement Agreement for Application G-15802 (see Attachment 2).*

SECTION 6 ATTACHMENTS

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Provide a list of any additional documents you are attaching to this report:

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ATTACHMENT NAME	DESCRIPTION
Attachment 1	Maps
Attachment 2	Water Right Information
Attachment 3	State Water Well Report
Attachment 4	Supporting Documentation of Beneficial Use

SECTION 7 CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The authorized point of appropriation and visible system components were visited during the site inspection. The location of the point of appropriation and the extent of the place of use were located using an aerial photograph (5/22/2017, GoogleEarth) and a field survey completed during the site inspection. The map was created using Geographic Information System (GIS) software and spatial datasets obtained from METRO and the United States Geological Survey (USGS). Additional data and information specific to the property associated with the water right and the use water of under the water right described in this Claim of Beneficial Use report were obtained from Sester Farms, Inc.

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- NA** Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- NA** Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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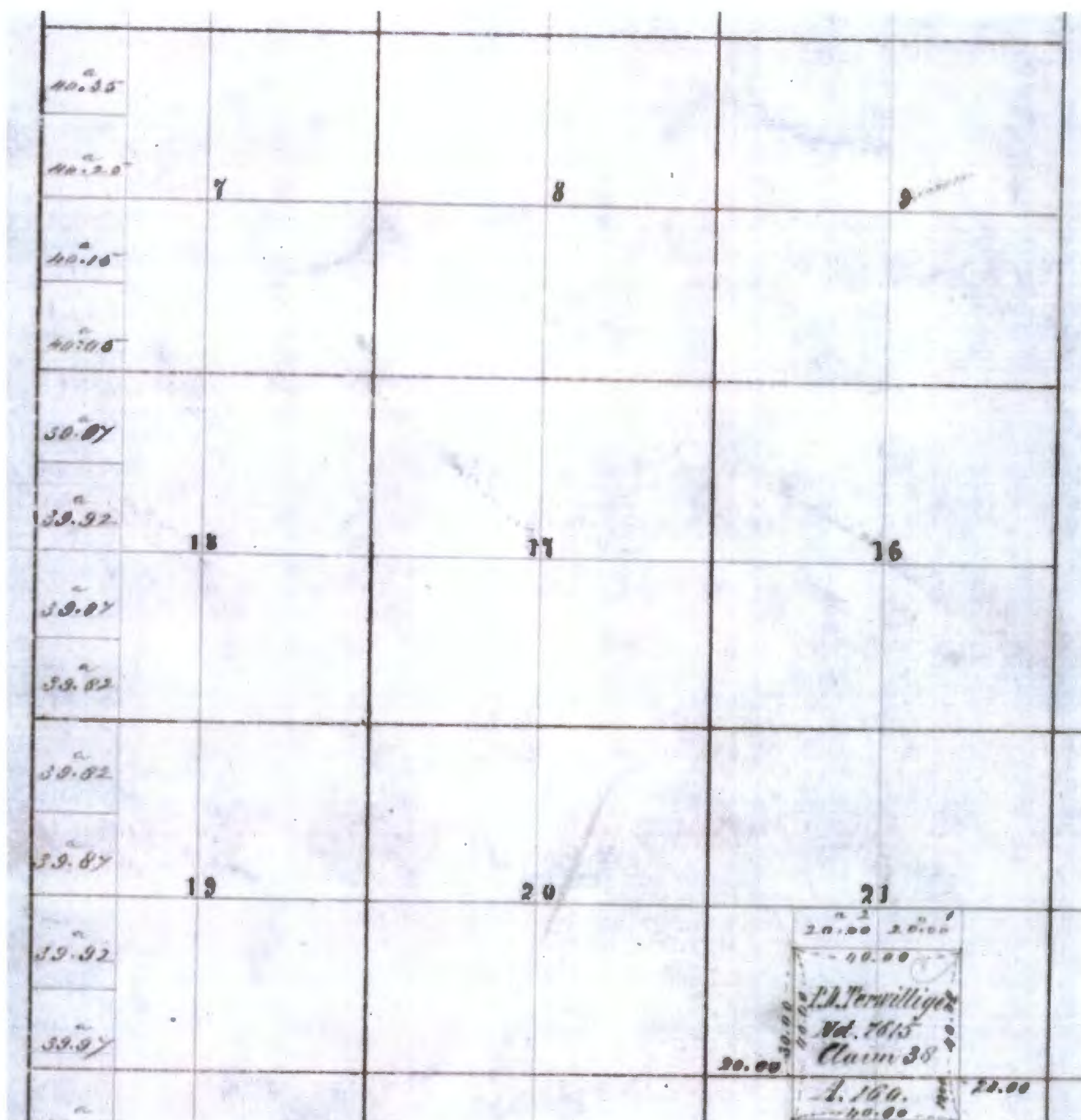
Attachment 1

Maps

A Water Right held by Larry Myers Multnomah County



Project\Sester_Farms\1_GIS\1_SWR_Files\1_SWR_Maps\Sester_Farms_Myrs.qgz



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Attachment 2

Water Right Information

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LARRY MYERS
8313 SE 162ND AVE
PORTLAND, OR 97236

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

APPLICATION FILE NUMBER: G-15802

SOURCE OF WATER: A WELL IN NORTH FORK BEAVER CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 40.0 ACRES

MAXIMUM RATE: 0.998 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JULY 23, 2002

WELL LOCATION: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 17, T1S, R4E, W.M.; 880 FEET NORTH
AND 300 FEET EAST FROM C $\frac{1}{4}$ CORNER, SECTION 17

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

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ NE ¼ 20.0 ACRES

SW ¼ NE ¼ 20.0 ACRES

SECTION 17

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

Measurement devices, and recording/reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The well shall be continuously cased and continuously sealed at least 5 feet into the confining layer above the Troutdale Sandstone aquifer.

The well shall only produce groundwater from the Troutdale Sandstone ground water reservoir between approximately 280 feet and 450 feet below land surface.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

Static Water Level Conditions

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water-level

measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Static Water Level Measurements

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

After Use of Water has Begun

Reference Static Water Level Determination

Following the first year of water use, the user shall report one static water-level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional static water levels after the reference level has been determined. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

The Department may require the discontinuance of groundwater use, or reduce the rate or volume of withdrawal, from the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

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

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with surface water or a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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

to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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

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

Construction of the well shall be made within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued *OCTOBER 7 2015*

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Director
for Thomas M. Byler, Director

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Application G-15802 Water Resources Department
Basin 2 Volume 2 MCKENZIE R

PERMIT G-17504
2

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Attachment 3
State Water Well Report

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

MULT 120173

WELL I.D. LABEL #

118503

START CARD #

201797

ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D.

First Name _____ Last Name _____
Company SESTER FARM INC.
Address 33205 SE OXBOW
City GRESHAM State OR Zip 97080

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion

(2a) PRE-ALTERATION

Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

Casing: Dia _____ From _____ To _____ Gauge _____ Stl _____ Plstc _____ Wld _____ Thrd _____
Material _____ From _____ To _____ Amt sacks/lbs _____
Seal: _____

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard ☒ (Attach copy)

Depth of Completed Well 406 ft.

BORE HOLE

Dia	From	To	Material	From	To	Amt	sacks/lbs
14	0	191	Cement	0	191	172	S
12	191	303				Calculated 57	
10	303	406	Cement	283	303	15	S
						Calculated 15	

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☒ Other SET PLUG & PUSHED

Backfill placed from _____ ft. to _____ ft. Material _____

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: ☐ Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount _____ Pounds Actual Amount _____ Pounds

(6) CASING/LINER

Casing	Liner	Dia	From	To	Gauge	Stl	Plstc	Wld	Thrd
☒	☒	10	☒ 2	303	.250	☒	☒	☒	☒
☒	☒	8	☒ 0	406	.250	☒	☒	☒	☒

Shoe ☒ Inside ☐ Outside ☐ Other Location of shoe(s) 303,406

Temp casing ☐ Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method AIR KNIFE

Perf/S	Casing/Screen	Type	Material	Perf	Casing	Dia	From	To	Scr/slot	Slot	# of	Tele/
Perf	Casing	8	320	400	.125	2	400					pipe size

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

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
400		400	3

Temperature 51 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below) TDS amount 91

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MULTNOMAH Twp 1 S N/S Range 4 E E/W WM
Sec 17 SW 1/4 of the NE 1/4 Tax Lot 700
Tax Map Number _____ Lot _____
Lat _____ or _____ DMS or DD
Long _____ or _____ DMS or DD

☒ Street address of well ☐ Nearest address

31317 SE PIPELINE ROAD GRESHAM OR 97080

(10) STATIC WATER LEVEL

Existing Well / Pre-Alteration	Date	SWL (psi)	SWL (ft)
Completed Well	07-02-2015		252

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 120

SWL Date	From	To	Est Flow	SWL (psi)	SWL (ft)
06-15-2015	120	155	10		176
07-01-2015	320	406	400		252

(11) WELL LOG

Ground Elevation _____

Material	From	To
LIGHT BROWN CLAY	0	64
CEMENTED GRAVEL	64	191
LOOSE GRAVEL WITH SAND	191	207
GRAVEL W/SEAMS OF BROWN CLAY	207	256
COARSE GRAVEL & MEDIUM GRAVEL	256	271
RED VOLCANIC ROCK W/SEAMS OF GRAY	271	
CLAY		282
MEDIUM HARD SANDSTONE	282	307
MEDIUM COARSE MULTI-COLORED GRAVEL	307	
WITH COARSE SAND		348
COARSE MULTI-COLORED GRAVEL	348	370
MEDIUM COARSE MULTI-COLORED GRAVEL	370	406

**SET PLUG & PUSHED FROM 283-303 FEET. RECEIVED BY OWRD

JUL 31 2015

Date Started 06-13-2015

Completed 07-02-2015 SALEM, OR

(unbonded) Water Well Constructor Certification

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

License Number _____ Date _____

Signed _____

OWRD

(bonded) Water Well Constructor Certification

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

License Number 1738 Date 07-24-2015

Signed _____

Contact Info (optional) OLSEN-PULLIAM WELL DRLG 503-665-3353

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version: 0.95



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

MULT 120173

Special Standards Request Form

REQUEST FOR WRITTEN APPROVAL TO USE CONSTRUCTION METHODS NOT INCLUDED IN OREGON ADMINISTRATIVE RULES 690-200 THROUGH 690-240

Before the request can be considered, this form must be completed. Requests shall be submitted to the Well Construction Specialist, Water Resources Department, 725 Summer Street NE, Suite A, Salem OR 97301-1266. Requests may also be considered by the appropriate Regional Manager.

Date of request: 6/12/15 Oral approval date (if applicable): 6/12/15

Bonded Well Constructor (name, license #, and mailing address): Vance Wagner
Lic # 1738 P.O. Box 505 Gresham, Or 97080

(1) Location of Well: SW 1/4 NE 1/4 Tax lot 700 Section 17,
Township 1S N/S, Range 4E E/W, Multnomah County
Address at well site: 31317 se Pipeline RD
Gresham, Or 97080

(2) Start Card Number(s)(for work to be done): 201797

(3) Name and Address of Land Owner: Gordon Aester 33205
se orlow Park RD Gresham, Or 97080

(4) Distance to the nearest septic tank, drainfield, closed sewage line (if water supply well)
94 feet

(5) The unusual site conditions which necessitate this request: Drain Field
is 94 feet from Well site

(6) The proposed construction methods that the bonded well constructor believes will be adequate for this well: (attach additional pages if needed)

Seal a minimum of 60 feet into yellow
clay refer to existing well on property
mult 002540

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MULT 120173

- (7) Diagram showing the pertinent features of the proposed well design and construction:
(attach additional pages if needed)

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JUL 31 2015

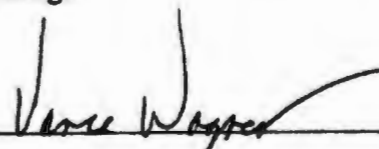
SALEM, OR

PLEASE NOTE:

- (1) The Well Construction Standards serve to protect ground water resources. By approving and issuing this special construction standard the Oregon Water Resources Department is not representing that a well constructed in accordance with this condition will maintain structural integrity or that it meets engineering standards. The well constructor/or landowner is responsible for ensuring that a well is constructed in a manner that protects ground water resources as required under Oregon Administrative Rules 690-200 through 690-240.
- (2) If it should be determined at some future date that the well, due to its construction, is allowing ground water contamination, waste or loss of artesian pressure, the undersigned shall return to the site and rectify the problem.
- (3) If oral approval was granted, a written request must be submitted to the Department either within three (3) working days of the date of oral approval or prior to the completion of the associated well work. Failure to submit a written request as described above may void prior oral approval.

I have read and understand the above information. I further attest that the information provided is accurate to the best of my knowledge.

Bonded Constructor Signature: _____



ORIGINAL LOG

1027064

Owner Well I.D.

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version: 0.95

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Attachment 4
Supporting Documentation of Beneficial Use

State of Oregon)
) ss
County of Multnomah

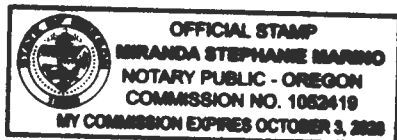
I, Ted Sester, in my capacity as President & Sales Manager of Sester Farms, Inc., mailing address 33205 SE Oxbow Dr, Gresham, OR 97080, telephone number 503-663-4844, being first duly sworn depose and say:

1. My knowledge of the use of the water under Permit G-17504 is based on personal observation and use of water from the water system associated with the permit.
2. The water system described in the Claim of Beneficial Use report is representative of the water system that was in place to supply water for the nursery operations associated with Permit G-17504 prior to October 1, 2020.
3. The water use described in the Claim of Beneficial Use report is representative of the water use that was occurring prior to October 1, 2020.
4. Water was used under Permit G-17504 for nursery use on the lands shown on Exhibit 1.

Ted Sesth
Signature of Affiant

10/28/2024
Date

Signed and sworn to (or affirmed) before me this 28th day of October, 2024.



Miranda S. Manual
Notary Public for Oregon

My Commission Expires: October 3, 2028

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Exhibit 1
Map Showing Extent of Water Use



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- 3 -

Affidavit Attesting to Use of Water
under Permit G-17504



November 9, 2024

Mr. Gerry Clark
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Claim of Beneficial Use for Permit G-17504 (Application G-15802)

Mr. Clark:

On behalf of the permittee, please find enclosed Claim of Beneficial Use (COBU) report for Permit G-17504 accompanied by a check in the amount of \$230 for payment of the COBU submittal fee. Please do not hesitate to contact me at 503-701-4535 with questions about the enclosed COBU.

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC.

Enclosures:

Claim of Beneficial Use for Permit G-17504
Check #82721 in the amount of \$230

Cc: Larry Myers
Ted Sester

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Forwarded from GW
8/7/2018



Water Solutions, Inc.

April 7, 2016

Adrienne Nichols
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

This has been
logged into
WRIS
Gerry

Subject: Pump test for Permit G-17504 (Application G-15802)
MULT 120173

Ms. Nichols:

Please find enclosed a pump test submitted to satisfy a condition of Permit G-17504 (Application G-15802). The pump test was completed at the single well constructed under Permit G-17504, MULT 120173. Included with the Pump Test Cover Sheet and test data are the State Water Well Report and a map showing the location of the well.

Please provide any subsequent correspondence related to this request to Gordon Sester (Sester Farms, Inc.) and to my attention. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Theodore Ressler", is written over a faint, larger signature.

Theodore Ressler, RG, CWRE
GSI Water Solutions, Inc.

Enclosures

cc Justin Iverson – Oregon Water Resources Department
Gordon Sester – Sester Farms, Inc.

Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

Well Owner:

Name: Sester Farms, Inc.
Address: 33205 SE Oxbow Drive
County: Multnomah
City: Gresham State: OR Zip: 97080
Original owner (from well log): _____

Well Location:

Township: 1 S Range: 4 E
Section: 17 $\frac{1}{4}$: SW $\frac{1}{16}$: NE $\frac{1}{64}$: NE
Well depth: 406.0 Date drilled: Jun-Jul 2015
Owners well no. (if any): Well 1
POD ID: MULT 120173

Water Right Information:

Application: G-15802 Permit: G-17504 Certificate: _____
Is this well listed on more than one water right? ☐ Yes If yes, list additional water rights below:
Application: _____ Permit: _____ Certificate: _____
Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: Theodore R. Ressler Well Owner? ☐ Yes
Company: GSI Water Solutions, Inc.
Address: 55 SW Yamhill Street, Suite 300 Date of Test: 02/29/2016
City: Portland State: OR Zip: 97204-3331
Daytime phone: 503-239-8799

Method of discharge measurement (see our brochure for more information): Flow meter

Method of water-level measurement (pick one or enter other method used): Electric tape

Length of air line (if used): _____

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

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

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? ☒ Yes Note: Domestic well

If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: The test well is located adjacent to a residence served by a domestic well; the domestic well may have ran during the test (est. 10 gpm)

Is there a lake, stream or other surface water body within $\frac{1}{4}$ mile of the tested well? ☒ Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: 400.00 ft Approx. elevation difference: 60.00 ft

Well elevation is above surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) Top of 3/4-inch access tube on east side of top plate

Measuring point distance above land surface 2.47 feet.

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

Time	Depth to water below meas. point	Depth to water below land surface
<u>10:30 am</u>	<u>229.48</u>	<u>226.99</u>
<u>10:50 am</u>	<u>229.48</u>	<u>226.99</u>
<u>11:10 am</u>	<u>229.48</u>	<u>226.99</u>

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

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
<u>11:46 am</u>	<u>0.00</u>	<u>gpm (gallons per minute)</u>
<u>12:46 pm</u>	<u>224.00</u>	<u>gpm (gallons per minute)</u>
<u>1:46 pm</u>	<u>220.00</u>	<u>gpm (gallons per minute)</u>
<u>2:46 pm</u>	<u>222.00</u>	<u>gpm (gallons per minute)</u>
<u>3:46 pm</u>	<u>222.00</u>	<u>gpm (gallons per minute)</u>

Time pump turned on: _____ Date 02/29/2016 Time 11:46 am
Time pump turned off: _____ Date 02/29/2016 Time 3:47 pm
Total pumping time: 4 hours 1 minutes

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

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

OWRD 2/9/2000

Required Signature: _____

Theodore R. Ressler G2066
GSI Water Solutions, Inc.

Pump Test Data Sheet

Test conducted on: Monday, February 29, 2016

Test conducted by: GSI Water Solutions, Inc.

Application: G-15802

Permit: G-17504

Certificate: n/a

Pod_Id: MULT 120173

Drawdown Data							Recovery Data					
Date	Time	Time Since Pump Started (minutes)	Depth to Water Below Measuring Point (ft)	Depth to Water Below Land Surface (ft)	Drawdown (ft)	Flow Meter Totalizer Reading (x10 gallons)	Date	Time	Time Since Pump Stopped (minutes)	Depth to Water Below Measuring Point (ft)	Depth to Water Below Land Surface (ft)	Residual Drawdown (ft)
2/29/2016	10:30	-76	229.48	226.99	n/a	255694.50	2/29/2016	15:47	0	236.36	233.87	6.9
"	10:50	-56	229.48	226.99	n/a	--	"	15:49	2	231.59	229.10	2.1
"	11:10	-36	229.48	226.99	n/a	--	"	15:51	4	231.40	228.91	1.9
"	11:46	0	229.48	226.99	0.0	--	"	15:53	6	231.29	228.80	1.8
"	11:48	2	234.27	231.78	4.8	--	"	15:55	8	231.20	228.71	1.7
"	11:50	4	234.44	231.95	5.0	--	"	15:57	10	231.13	228.64	1.7
"	11:52	6	234.56	232.07	5.1	--	"	16:02	15	230.98	228.49	1.5
"	11:54	8	234.67	232.18	5.2	--	"	16:07	20	230.88	228.39	1.4
"	11:56	10	234.74	232.25	5.3	--	"	16:12	25	230.79	228.30	1.3
"	12:01	15	234.89	232.40	5.4	256027	"	16:17	30	230.72	228.23	1.2
"	12:06	20	235.01	232.52	5.5	--	"	16:32	45	230.62	228.13	1.1
"	12:11	25	235.09	232.60	5.6	--	"	16:47	60	230.45	227.96	1.0
"	12:16	30	235.17	232.68	5.7	256359	"	17:02	75	230.35	227.86	0.9
"	12:31	45	235.37	232.88	5.9	--	"	17:17	90	230.27	227.78	0.8
"	12:46	60	235.52	233.03	6.0	257036	"	17:32	105	230.15	227.66	0.7
"	13:01	75	235.66	233.17	6.2	--						
"	13:16	90	235.76	233.27	6.3	257688						
"	13:31	105	235.84	233.35	6.4	--						
"	13:46	120	235.92	233.43	6.4	258353						
"	14:01	135	235.99	233.50	6.5	--						
"	14:16	150	236.07	233.58	6.6	259018						
"	14:31	165	236.11	233.62	6.6	--						
"	14:46	180	236.18	233.69	6.7	259682						
"	15:01	195	236.25	233.76	6.8	--						
"	15:16	210	236.28	233.79	6.8	260347						
"	15:31	225	236.32	233.83	6.8	--						
"	15:46	240	236.36	233.87	6.9	261012.50						

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

MULT 120173

WELL I.D. LABEL# **118503**
START CARD # 201797
ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D. _____
First Name _____ Last Name _____
Company SESTER FARM INC.
Address 33205 SE OXBOW
City GRESHAM State OR Zip 97080

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Dia + From To Gauge Stil Plstc Wld Thrd
Casing: _____
Material From To Amt sacks/lbs
Seal: _____

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard ☒ (Attach copy)

Depth of Completed Well 406 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
14	0	191	Cement	0	191	172	S
12	191	303			Calculated	57	
10	303	406	Cement	283	303	15	S
					Calculated	15	

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☒ Other SET PLUG & PUSHED

Backfill placed from _____ ft. to _____ ft. Material _____

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: ☐ Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Pounds Actual Amount Pounds

(6) CASING/LINER

Casing Liner Dia + From To Gauge Stil Plstc Wld Thrd
☒ Inside ☐ Outside ☐ Other Location of shoe(s) 303,406
Temp casing ☐ Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method AIR KNIFE

Screens Type		Material					
Perf/S	Casing/Screen	Scr/slot	Slot	# of	Tele/		
green	Liner	Dia	From	To	width	length	slots
Perf	Casing	8	320	400	.125	2	400

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)
400 _____ 400 _____ 3 _____

Temperature 51 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below) TDS amount 91

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MULTNOMAH Twp 1 S N/S Range 4 E E/W WM
Sec 17 SW 1/4 of the NE 1/4 Tax Lot 700
Tax Map Number _____ Lot _____

Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD

☒ Street address of well ☐ Nearest address

31317 SE PIPELINE ROAD GRESHAM OR 97080

(10) STATIC WATER LEVEL

Existing Well / Pre-Alteration Date SWL (psi) + SWL (ft)
Completed Well 07-02-2015 _____ 252

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 120

SWL Date From To Est Flow SWL (psi) + SWL (ft)

06-15-2015	120	155	10		176
07-01-2015	320	406	400		252

(11) WELL LOG

Ground Elevation _____

Material	From	To
LIGHT BROWN CLAY	0	64
CEMENTED GRAVEL	64	191
LOOSE GRAVEL WITH SAND	191	207
GRAVEL W/SEAMS OF BROWN CLAY	207	256
COARSE GRAVEL & MEDIUM GRAVEL	256	271
RED VOLCANIC ROCK W/SEAMS OF GRAY CLAY	271	282
MEDIUM HARD SANDSTONE	282	307
MEDIUM COARSE MULTI-COLORED GRAVEL	307	
WITH COARSE SAND		348
COARSE MULTI-COLORED GRAVEL	348	370
MEDIUM COARSE MULTI-COLORED GRAVEL	370	406
**SET PLUG & PUSHED FROM 283-303 FEET.		

Date Started 06-13-2015 Completed 07-02-2015 SALEM, OR

(unbonded) Water Well Constructor Certification

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

License Number _____ Date _____

Signed _____

(bonded) Water Well Constructor Certification

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

License Number 1738 Date 07-24-2015

Signed Vance Wagner

Contact Info (optional) OLSEN-PULLIAM WELL DRLG 503-665-3353

Permit G-17504

OWRD Pump Test of MULT 120173

Legend

Well

Well

SE Pipeline Rd

SE Oxbow Dr

Google earth

© 2016 Google

1000 ft

N

Water Resources Department**State of Oregon***Interoffice Memorandum*

September 3, 2015

To: File G-15802

From: Karl Wozniak, Groundwater Section *KW* *OK* *9/4/15*

Subject: Compliance With Well Construction Conditions for Replacement Well MULT 120173

Application G-15802 listed MULT 2540 as the source well. A review of the application by Donn Miller of the Groundwater Section on October 7, 2002 indicated that the well commingled groundwater from the Troutdale Gravel aquifer and the Troutdale Sandstone aquifer. An agreement was eventually reached between the owner and the Department to abandon MULT 2540 and to drill a replacement well that was constructed to only produce groundwater from the Troutdale Sandstone aquifer. A Revised Settlement Agreement, signed August 7, 2014, stipulated that:

- The original well, MULT 2540, would be abandoned.
- The replacement well would be drilled within 100 feet of MULT 2540.
- The replacement well would be cased and sealed at least 5 feet into the confining layer above the Troutdale Sandstone aquifer.
- The replacement well would only produce groundwater from the Troutdale Sandstone ground water reservoir between approximately 280 feet and 450 feet below land surface.

Well log MULT 120174, which documents the abandonment of MULT 2540, was submitted to the Department on July 31, 2015. Therefore, the abandonment condition has been met.

A map submitted and placed in file G-15802 shows that the replacement well, MULT 120173, is within 20 feet of the original well. Therefore, the well placement condition has been met.

The attached diagram shows the construction of the original well, MULT 2540 and the replacement well, MULT 120173. Hydrostratigraphic units are shown as interpreted by the U.S. Geological Survey using the materials descriptions on well log MULT 2540 (USGS WRI 90-4196). The materials descriptions on MULT 2540 are considered to be more reliable than those shown on MULT 120173 since MULT 2540 was drilled using a cable tool versus rotary air for MULT 120173. The diagram indicates that MULT 120173 is sealed into a confining layer overlying the water-bearing zone in the Troutdale Sandstone aquifer and is only open to production from the Troutdale Sandstone aquifer. The final static water level of 252 feet, versus the reported static water level of 176 feet for the water-bearing zone in the Troutdale Gravel aquifer, is consistent with data in USGS reports that indicate that hydraulic heads in the Troutdale Sandstone aquifer are 40-50 feet lower than heads in the Troutdale Gravel aquifer. Therefore, in my professional opinion, MULT 120173 is constructed in a manner such that all production is from the Troutdale Sandstone aquifer and the construction meets the intent of construction conditions in the Revised Settlement Agreement.

K intenzja K



STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

MULT 120173

MULT 120113
WELL I.D. LABEL# U118503
START CARD # 201797
ORIGINAL LOG # _____

(1) LAND OWNER

Owner Well I.D. _____
First Name _____ Last Name _____
Company SESTER FARM INC.
Address 33205 SE OXBOW
City GRESHAM State OR Zip 97080

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Dia + From To Gauge Stil Plstc Wld Thrd
Casing: _____
Material From To Amt sacks/lbs
Seal: _____

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard ☒ (Attach copy)

Depth of Completed Well 406 ft.

BORE HOLE				SEAL				sacks/ lbs
Dia	From	To	Material	From	To	Amt		
14	0	191	Cement	0	191	172	S	
12	191	303			Calculated	57		
10	303	406	Cement	283	303	15	S	
					Calculated	15		

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☒ Other SET PLUG & PUSHED

Backfill placed from _____ ft. to _____ ft. Material _____

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: ☐ Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount _____ Pounds Actual Amount _____ Pounds

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stil	Plstc	Wld	Thrd
☒	☒	10	☒	2	303	.250	☒	☒	☒	☒
☐	☐	8	☐	0	406	.250	☐	☐	☐	☐

Shoe ☒ Inside ☐ Outside ☐ Other Location of shoe(s) 303,406

Temp casing ☐ Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method AIR KNIFE

Screens Type		Material							
Perf/S	Casing/ Screen	Dia	From	To	Scr/slot	Slot	# of	Tele/	
Perf	Casing	8	320	400	width	length	slots	pipe size	
					.125	2	400		

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
400		400	3

Temperature 51 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below) TDS amount 91

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MULTNOMAH Twp 1 S N/S Range 4 E W/W WM
Sec 17 SW 1/4 of the NE 1/4 Tax Lot 700

Tax Map Number _____ Lot _____

Lat _____ " or _____ DMS or DD

Long _____ " or _____ DMS or DD

☒ Street address of well ☐ Nearest address

31317 SE PIPELINE ROAD GRESHAM OR 97080

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)	
Existing Well / Pre-Alteration					
Completed Well	<u>07-02-2015</u>			<u>252</u>	<u>323</u>
Flowing Artesian?	☐				
Dry Hole?	☐				

WATER BEARING ZONES

Depth water was first found 120

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
06-15-2015	120	155	10			176
07-01-2015	320	406	400			252

(11) WELL LOG

Ground Elevation ~ 580'

Material	From	To
LIGHT BROWN CLAY	0	64
CEMENTED GRAVEL	64	191
LOOSE GRAVEL WITH SAND	191	207
GRAVEL W/SEAMS OF BROWN CLAY	207	256
COARSE GRAVEL & MEDIUM GRAVEL	256	271
RED VOLCANIC ROCK W/SEAMS OF GRAY CLAY	271	282
MEDIUM HARD SANDSTONE	282	307
MEDIUM COARSE MULTI-COLORED GRAVEL	307	
WITH COARSE SAND		348
COARSE MULTI-COLORED GRAVEL	348	370
MEDIUM COARSE MULTI-COLORED GRAVEL	370	406

**SET PLUG & PUSHED FROM 283-303 FEET. RECEIVED BY OWRD

JUL 31 2015

Date Started 06-13-2015 Completed 07-02-2015 SALEM, OR

(unbonded) Water Well Constructor Certification

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

License Number _____ Date _____

Signed _____

(bonded) Water Well Constructor Certification

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

License Number 1738 Date 07-24-2015

Signed Donna Wagner

Contact Info (optional) OLSEN-PULLIAM WELL DRLG 503-665-3353

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version: 0.95

RECEIVED
MAR 20 1959

STATE OF OREGON

State Well No. 1/4 -17 G(1)

Date Permit No.

(1) OWNER:

Name A. R. BRUHN STATE ENGINEER
Address Rt. 2 Box 617 Gresham Oregon

(2) LOCATION OF WELL:

County Multnomah Owner's number, if any—
S.W. 1/4 N.E. 1/4 Section 17 T. 1 S. R. 4 E. W.M.
Bearing and distance from section or subdivision corner S 52° 30'
2980 ft. from the N.E. corner, Section
17

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 11.

PROPOSED USE (check):

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

(5) TYPE OF WELL:

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

(6) CASING INSTALLED:

Threaded ☐ Welded ☒
" Diam. from 0 ft. to 385 ft. Gage Stand
(6) " Diam. from 0 ft. to 385 ft. Gage Stand
Perf. " Diam. from 382 ft. to 402 ft. Gage Stand
liner

(7) PERFORATIONS:

Perforated? ☒ Yes ☐ No
Type of perforator used Torch (6 Inch Liner)
SIZE of perforations 1/8 in. by 12 in.
~~XXXXXX~~ perforations from 0 ft. to 385 ft.
20 ft. liner perforations from with bottom 18 ft. ft.
perf. 1/8 perforations from 24 ft. to 30 ft.
Total perforations 432 ~~XXXXXXXXXXXXXX~~
perforations from 0 ft. to 385 ft.

SCREENS:

Well screen installed ☐ Yes ☐ No

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

(8) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel: Between 24 to 30
Gravel placed from _____ ft. to _____ ft.
Was a surface seal provided? ☒ Yes ☐ No To what depth 24 to 30
Material used in seal Cement Sand & Gravel
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ Depth of strata (Well Depth) _____
Method of sealing strata off (First test at 195 ft
25 G.P.M. Petered out

(9) WATER LEVELS:

Static level 190 ft. below land surface Date 4/6/54
Artesian pressure _____ lbs. per square inch Date _____

Log Accepted by A. R. Bruhn

[Signed] A. R. Bruhn Date January 31, 1959
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level Bottomer well
Was a pump test made? ☒ Yes ☐ No If yes, by whom? Drilling

Yield: 50 gal./min. with 1/3 ft. drawdown after 2 hrs.
" 100 " 1/2 " 2 "
" 200 " 1 " 3 "
Bailer test 200 gal./min. with 2 ft. drawdown after 5 hrs.

Artesian flow 2nd. & final Test 4/6/1954
Temperature of water _____ Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well 8 inch w/ liner inches.

Depth drilled 402 ft. Depth of completed well 402 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	<u>1</u>	<u>3</u>
Yellow Clay	<u>3</u>	<u>60</u>
Cemented Gravel	<u>60</u>	<u>161</u>
Fine Blk Sand	<u>161</u>	<u>164</u>
Coarse Blk Sand	<u>164</u>	<u>177</u>
Fine sand	<u>177</u>	<u>179</u>
Coarse Blk. Sand	<u>179</u>	<u>195</u>
Cemented Gravel	<u>195</u>	<u>243</u>
Sand & Clay	<u>243</u>	<u>247</u>
Light Brown Clay	<u>247</u>	<u>261</u>
Fine Pea Gravel	<u>261</u>	<u>262</u>
Brown Clay	<u>262</u>	<u>275</u>
Red Clay	<u>275</u>	<u>287</u>
Coarse Sand Stone	<u>287</u>	<u>300</u>
Cemented Gravel	<u>300</u>	<u>400</u>
Coarse sand w/little Pea Gravel	<u>400</u>	<u>402</u>
Water Bearing		

Work started Feb. 5th 1954 Completed April 6 1954

(13) PUMP:

Manufacturer's Name Myers 6 Inch Stroke Pump
Type Rod H.P. 1

Pumping 200 P.H.R.

Well Driller's Statement:

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

NAME HAARON T. BOTTLNER WELL DRILLING
(Person, firm, or corporation) (Type or print)

Address 11544 N. E. GLISAN ST.

Driller's well number _____

[Signed] H. Bottner
(Well Driller)

License No. L09 Date Oct 15, 1956

Interoffice Memorandum

September 3, 2015

To: File G-15802
From: Karl Wozniak, Groundwater Section *KW*
Subject: Compliance With Well Construction Conditions for Replacement Well MULT 120173

Application G-15802 listed MULT 2540 as the source well. A review of the application by Donn Miller of the Groundwater Section on October 7, 2002 indicated that the well commingled groundwater from the Troutdale Gravel aquifer and the Troutdale Sandstone aquifer. An agreement was eventually reached between the owner and the Department to abandon MULT 2540 and to drill a replacement well that was constructed to only produce groundwater from the Troutdale Sandstone aquifer. A Revised Settlement Agreement, signed August 7, 2014, stipulated that:

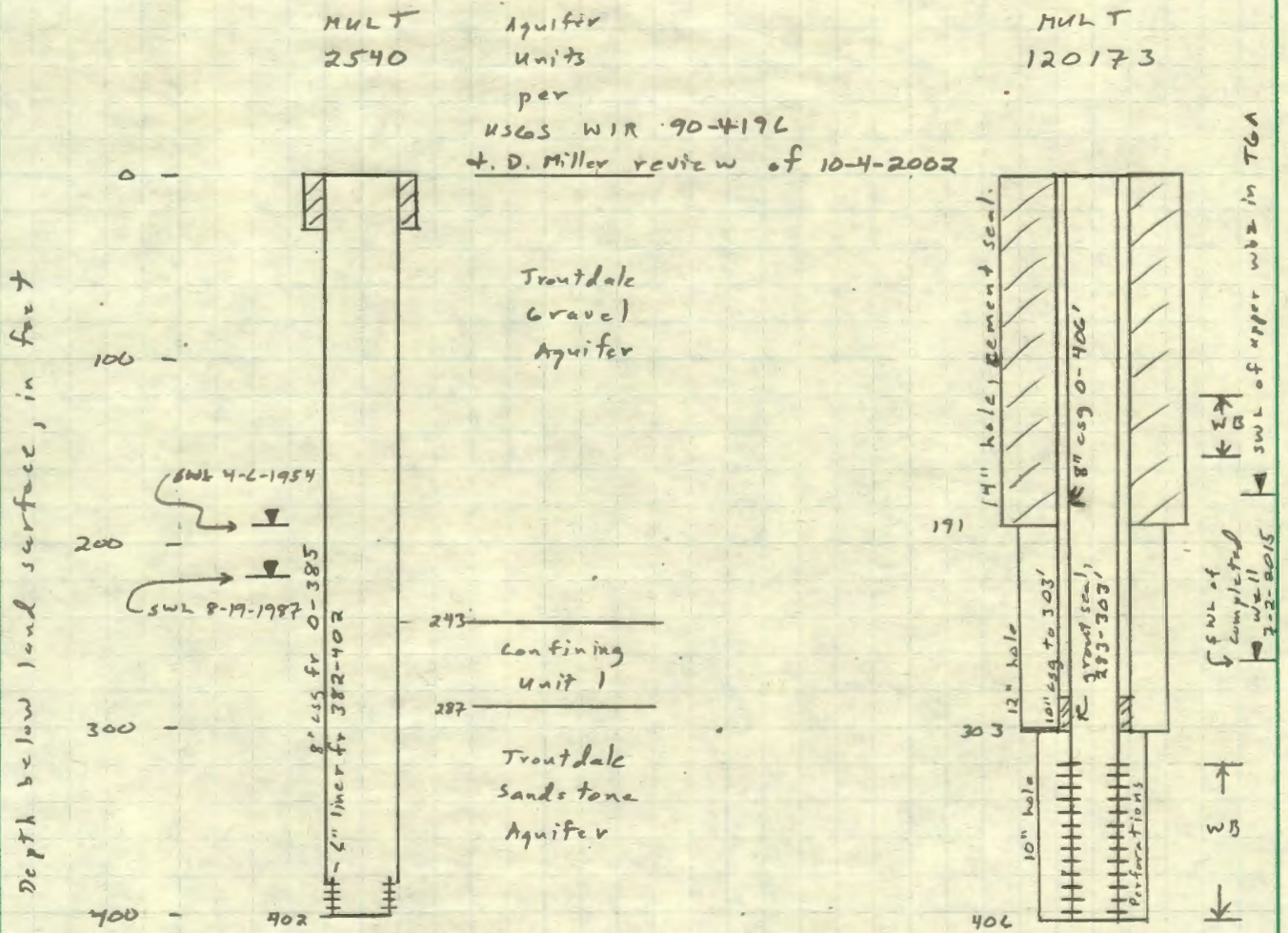
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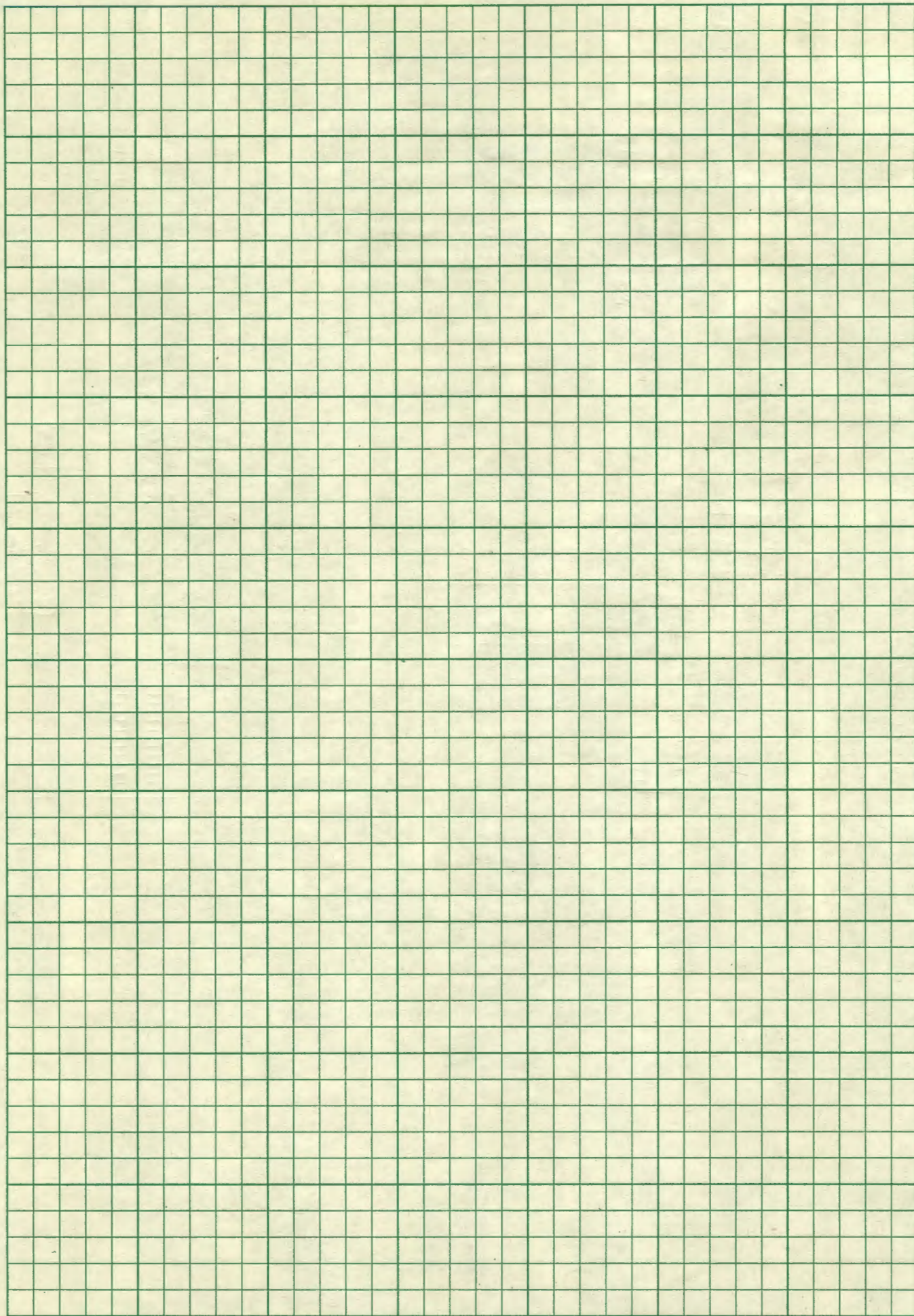
Well log MULT 120174, which documents the abandonment of MULT 2540, was submitted to the Department on July 31, 2015. Therefore, the abandonment condition has been met.

A map submitted and placed in file G-15802 shows that the replacement well, MULT 120173, is within 20 feet of the original well. Therefore, the well placement condition has been met.

The attached diagram shows the construction of the original well, MULT 2540 and the replacement well, MULT 120173. Hydrostratigraphic units are shown as interpreted by the U.S. Geological Survey using the materials descriptions on well log MULT 2540 (USGS WRI 90-4196). The materials descriptions on MULT 2540 are considered to be more reliable than those shown on MULT 120173 since MULT 2540 was drilled using a cable tool versus rotary air for MULT 120173. The diagram indicates that MULT 120173 is sealed into a confining layer overlying the water-bearing zone in the Troutdale Sandstone aquifer and is only open to production from the Troutdale Sandstone aquifer. The final static water level of 252 feet, versus the reported static water level of 176 feet for the water-bearing zone in the Troutdale Gravel aquifer, is consistent with data in USGS reports that indicate that hydraulic heads in the Troutdale Sandstone aquifer are 40-50 feet lower than heads in the Troutdale Gravel aquifer. Therefore, in my professional opinion, MULT 120173 is constructed in a manner such that all production is from the Troutdale Sandstone aquifer and the construction meets the intent of construction conditions in the Revised Settlement Agreement.

$$K \text{ ist zu } K$$



**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number G-15802

Final Order Incorporating Settlement Agreement

Hearing and Appeal Rights

This order incorporates an informal disposition and is not appealable, pursuant to ORS 183.417(3).

Findings of Fact

1. On July 23, 2002, Leon and Sandy Bingham submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on January 21, 2003, recommending the application be denied.
2. On March 4, 2003, the Applicant filed a timely protest.
3. On June 10, 2014, the application was assigned to Larry Myers.
4. A Settlement Agreement was signed by all parties as of August 2014. The terms of the Settlement Agreement are incorporated into this Final Order and a copy of the Settlement Agreement is included below.

Conclusions of Law

1. The Protestant and the Department have agreed to permit conditions set forth in the permit.
2. The proposed use would ensure the preservation of the public welfare, safety and health pursuant to ORS 537.621(2).

Order

Application G-15802 is therefore approved with these modifications to the Proposed Final Order and pursuant to the Settlement Agreement, and Permit G-17504 is issued as limited by the conditions set forth therein.

DATED *OCTOBER 7 2015*

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

This document was prepared by Kim French. If you have any questions about any of the statements contained in this document I can be reached at 503-986-0816.

If you have questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

In the Matter of Water Right Application	)	REVISED SETTLEMENT
G-15802 in the Name of Larry Myers.	)	AGREEMENT
Applicant/Assignee/Owner	)	APPLICATION G-15802

Stipulations

1. On July 23, 2002, Application G-15802 was filed with the Department for 448.0 gallons per minute (0.998 cubic foot per second) of water from a well in the North Fork Beaver Creek Basin for nursery use on 40.0 acres in Multnomah County.
2. On January 21, 2003, the Department issued its Proposed Final Order (PFO) for Application G-15802 proposing denial because the proposed use does not comply with OAR 690-200, and because the proposed use was determined to have the potential for substantial interference with an over-appropriated surface water source.
3. On March 4, 2003, the Applicant filed a timely protest.
4. On June 10, 2014, the application was assigned to Larry Myers.
5. On June 29, 2014, the Department received notice from Mr. Myers that Sester Farms is authorized to act as the agent for the application.
6. The parties to this agreement agree that the issues raised in the protest and subsequent correspondence between Gordon Sester of Sester Farms, agent for Larry Myers, and the Department can be resolved solely on the following terms.

1. A Final Order on G-15802 has not been issued. This Settlement Agreement supersedes a Settlement Agreement to resolve the protest signed by all parties as of August 2003.
2. The Applicant waives the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Agreement and Final Order.
3. In signing this Agreement, the Applicant withdraws with prejudice the protest to the PFO for Application G-15802.

RECEIVED BY OWRD

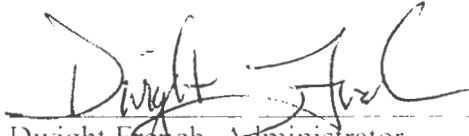
AUG 18 2014

4. Each party to this Agreement represents, warrants and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of this Agreement.
5. The Applicant shall provide documentary evidence to the Department that M.U.L.T 02540 well has been permanently abandoned, pursuant to the applicable standards.
6. Prior to drilling the well, the Applicant must submit a proposed well construction plan prepared by a licensed, bonded well driller to the Department. In addition, the Applicant must provide a map showing the proposed location of the replacement well relative to a recognized public land survey corner. The Department will either confirm the plan meets construction rules or will coordinate with the driller on an acceptable construction plan. The well shall not be drilled until written approval of the construction plan is provided to the Applicant.
7. Based on conditions encountered during the drilling process, the driller will need to coordinate with the Department's Well Construction and Compliance Section to determine the final construction of the well to ensure that it meets construction standards and the intent of the settlement agreement.
8. The Applicant shall provide either GPS coordinates of the original well, M.U.L.T 02540, and the replacement well, or a map showing the final location of the replacement well and M.U.L.T 02540 well to demonstrate that the replacement well was drilled within 100 feet of M.U.L.T 02540.
9. After the replacement well is completed and a well log is submitted to the Department, the Department will determine whether the well construction standards and the intent of the settlement agreement have been met. If they have been met, and all other conditions of this settlement have been satisfied, a permit for use of water from the replacement well will be issued.
10. The Applicant agrees the following conditions will be included in any permit issued for Application G-15802:

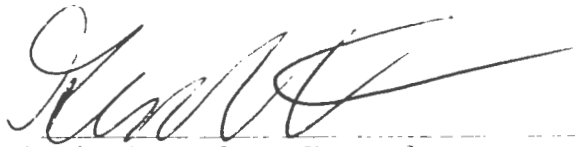
The well shall be cased and sealed at least 5 feet into the confining layer above the Troutdale Sandstone aquifer.

The well shall only produce groundwater from the Troutdale Sandstone ground water reservoir between approximately 280 feet and 450 feet below land surface.
11. Prior to permit issuance, the Applicant shall submit a **\$450.00** permit recording fee to the Department.

11. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.


Dwight French, Administrator
Water Right Services Division
Oregon Water Resources Department

8.7.14
Date


Gordon Sester/Sester Farms, for
Larry Myers, Applicant

8/14/14
Date

RECEIVED BY OWRD

AUG 18 2014

SALEM, OR

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LARRY MYERS
8313 SE 162ND AVE
PORTLAND, OR 97236

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

APPLICATION FILE NUMBER: G-15802

SOURCE OF WATER: A WELL IN NORTH FORK BEAVER CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 40.0 ACRES

MAXIMUM RATE: 0.998 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JULY 23, 2002

WELL LOCATION: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 17, T1S, R4E, W.M.; 880 FEET NORTH
AND 300 FEET EAST FROM C $\frac{1}{4}$ CORNER, SECTION 17

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ NE ¼ 20.0 ACRES
 SW ¼ NE ¼ 20.0 ACRES
 SECTION 17
 TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement devices, and recording/reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The well shall be continuously cased and continuously sealed at least 5 feet into the confining layer above the Troutdale Sandstone aquifer.

The well shall only produce groundwater from the Troutdale Sandstone ground water reservoir between approximately 280 feet and 450 feet below land surface.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

Static Water Level Conditions

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water-level

measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Static Water Level Measurements

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

After Use of Water has Begun

Reference Static Water Level Determination

Following the first year of water use, the user shall report one static water-level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional static water levels after the reference level has been determined. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

The Department may require the discontinuance of groundwater use, or reduce the rate or volume of withdrawal, from the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

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

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with surface water or a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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

to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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

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

Construction of the well shall be made within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued *OCTOBER 7 2015*

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Director
for Thomas M. Byler, Director

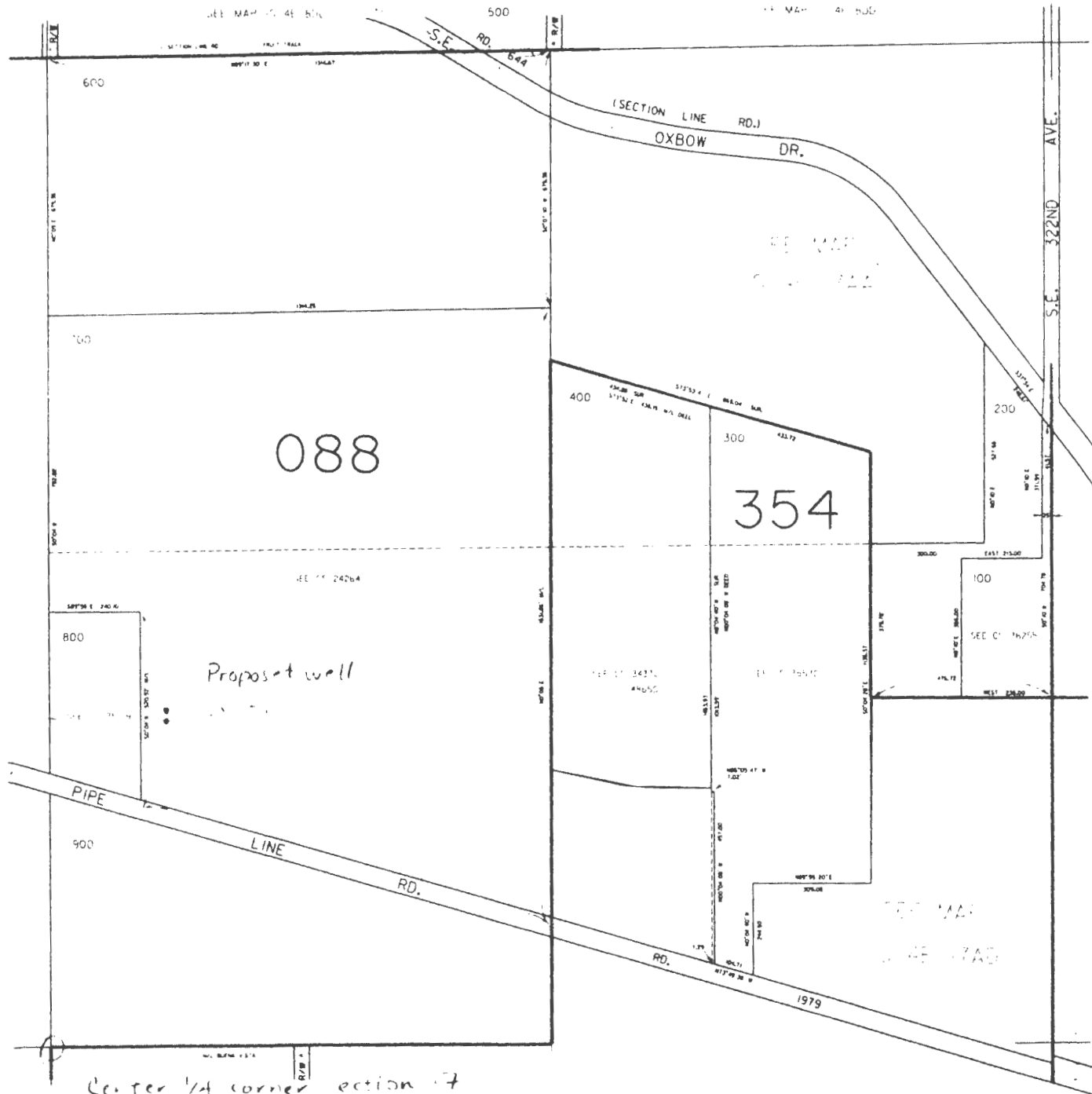
T1S, R4E
 sec. 17 NE 1/4

N

Existing well located
 880' N, 300' E from
 center of section 17

Proposed well located
 880' N, 300' E from
 center of section 17

RECEIVED
 AUG 14 2014
 OWRD



Center 1/4 corner section 17

15802 G-17504

SEE MAP SCALE

15 4E 17A

Mailing List for FO Incorporating Settlement Agreement/Permit Copies

Application #G-15802

Original mailed to applicant:

LARRY MYERS
8313 SE 162ND AVE
PORTLAND, OR 97236

Copies sent to:

1. WRD - File # G-15802

Copies Mailed
By: <u>KE</u> (SUPPORT STAFF)
on: <u>10/7/15</u> (DATE)

FO and Map Copies sent to (remember to reduce copy margins):

2. WRD - Watermaster District #: 2

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

4. Gordon Sester/Sester Farms, 33205 SE Oxbow Dr, Gresham, OR 97080

CASEWORKER : Kim French

T1S, R4E
Sec. 17 NE 1/4



Existing well (to be
abandoned) located
860' N, 300' E from
center of Section 17

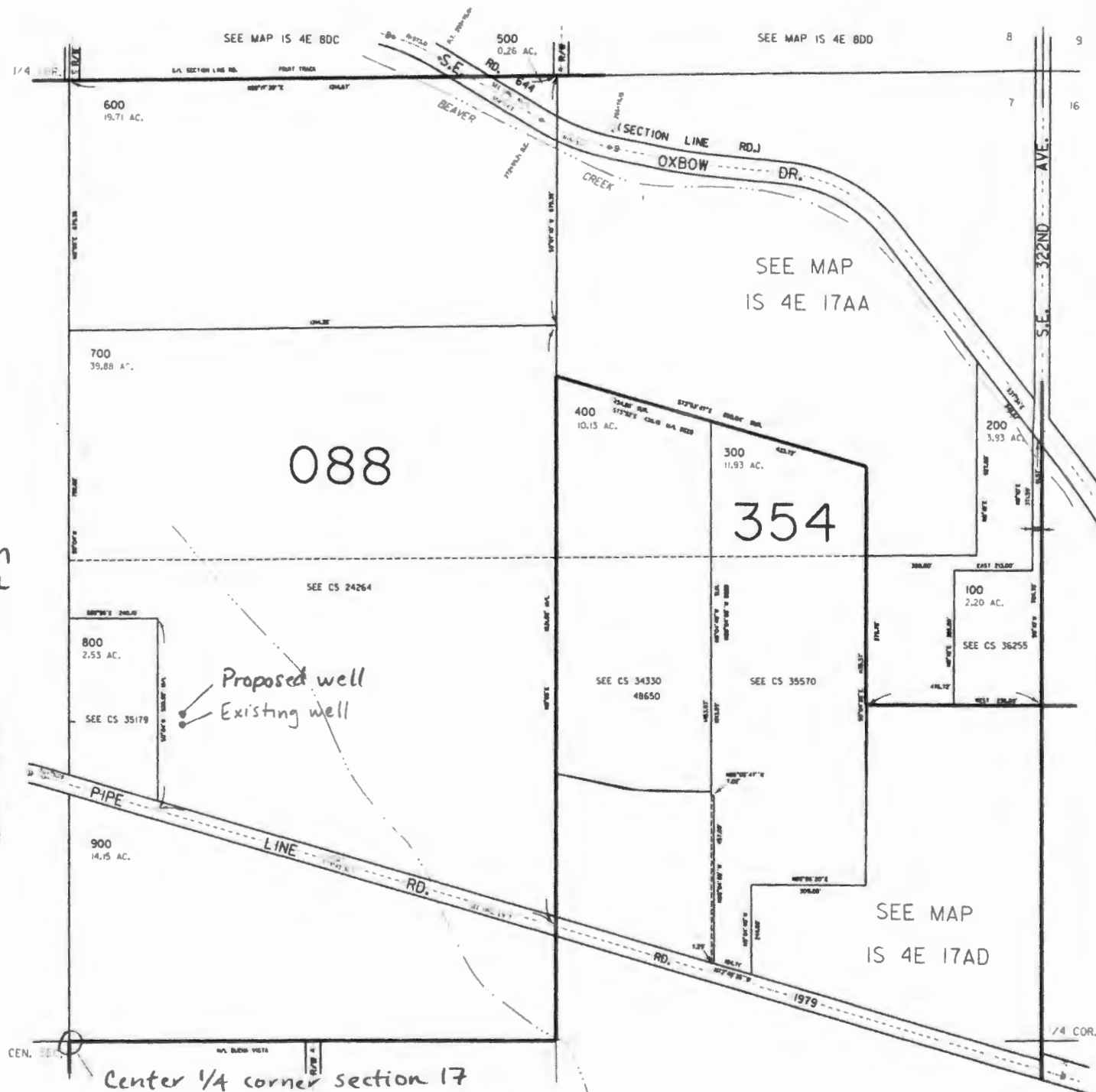
Proposed well located
880' N, 300' E from
center of section 17

SEE MAP IS 4E 17BA

SEE MAP IS 4E 17BD

SEE MAP IS 4E 16B

RECEIVED
AUG 14 2014
OWRD



Center 1/4 corner section 17

1" = 400'

G-15802 G-17504

SEE MAP IS 4E 17D

IS 4E 17A

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application	)	REVISED SETTLEMENT
G-15802 in the Name of Larry Myers.	)	AGREEMENT
Applicant/Assignee/Owner	)	APPLICATION G-15802

The Oregon Water Resources Department (Department) and Gordon Sester, on behalf of Applicant Larry Myers (Applicant), do hereby stipulate and agree as follows:

Stipulations

1. On July 23, 2002, Application G-15802 was filed with the Department for 448.0 gallons per minute (0.998 cubic foot per second) of water from a well in the North Fork Beaver Creek Basin for nursery use on 40.0 acres in Multnomah County.
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3. In signing this Agreement, the Applicant withdraws with prejudice the protest to the PFO for Application G-15802.

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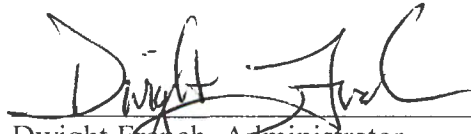
AUG 18 2014

4. Each party to this Agreement represents, warrants and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of this Agreement.
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11. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.


Dwight French, Administrator
Water Right Services Division
Oregon Water Resources Department

8.7.14
Date


Gordon Sester/Sester Farms, for
Larry Myers, Applicant

8/14/14
Date

RECEIVED BY OWRD
AUG 18 2014
SALEM, OR

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application	)	REVISED SETTLEMENT
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Applicant/Assignee/Owner	)	APPLICATION G-15802

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Agreement

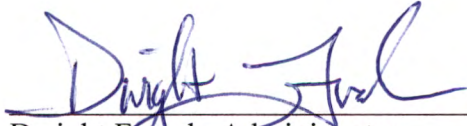
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4. Each party to this Agreement represents, warrants and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of this Agreement.
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6. Prior to drilling the well, the Applicant must submit a proposed well construction plan prepared by a licensed, bonded well driller to the Department. In addition, the Applicant must provide a map showing the proposed location of the replacement well relative to a recognized public land survey corner. The Department will either confirm the plan meets construction rules or will coordinate with the driller on an acceptable construction plan. The well shall not be drilled until written approval of the construction plan is provided to the Applicant.
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The well shall only produce groundwater from the Troutdale Sandstone ground water reservoir between approximately 280 feet and 450 feet below land surface.
11. Prior to permit issuance, the Applicant shall submit a **\$450.00** permit recording fee to the Department.

11. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.



Dwight French, Administrator
Water Right Services Division
Oregon Water Resources Department

8-7-14

Date

Gordon Sester/Sester Farms, for
Larry Myers, Applicant

Date

**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number G-15802

Draft Final Order Incorporating Settlement Agreement

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the Proposed Final Order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. This is a Final Order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

Application History

On July 23, 2002, Leon and Sandy Bingham submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on January 21, 2003, recommending the application be denied.

On March 4, 2003, the Applicant filed a timely protest.

On June 10, 2014, the application was assigned to Larry Myers.

A Settlement Agreement was signed by all parties as of _____. The terms of the Settlement Agreement are incorporated into this Final Order and a copy of the Settlement Agreement is included below.

The proposed use would not impair or be detrimental to the public interest. The Protestant and the Department have agreed to permit conditions set forth in the draft permit.

Order

Application G-15802 is therefore approved with these modifications to the Proposed Final Order. Upon meeting the "Terms of Agreement" as described in the attached Settlement Agreement, a permit shall be issued authorizing the proposed water use.

DATED

DRAFT

E. Timothy Wallin, Water Rights Program Manager
for Director, Oregon Water Resources Department

This document was prepared by Kim French-Gorski. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0816.

If you have questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF MULTNOMAH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LARRY MYERS
8313 SE 162ND AVE
PORTLAND, OR 97236

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

APPLICATION FILE NUMBER: G-15802

SOURCE OF WATER: A WELL IN NORTH FORK BEAVER CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 40.0 ACRES

MAXIMUM RATE: 0.998 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JULY 23, 2002

WELL LOCATION: WITHIN 100 FOOT RADIUS OF SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 17, T1S, R4E, W.M.; 860 FEET NORTH AND 300 FEET EAST FROM C $\frac{1}{4}$ CORNER, SECTION 17 - EXACT LOCATION TO BE DETERMINED

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ NE ¼ 20.0 ACRES
 SW ¼ NE ¼ 20.0 ACRES
 SECTION 17
 TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement devices, and recording/reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter, or other suitable measuring device as approved by the Director, at each point of appropriation. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
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- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The well shall be continuously cased and continuously sealed at least 5 feet into the confining layer above the Troutdale Sandstone aquifer.

The well shall only produce groundwater from the Troutdale Sandstone ground water reservoir between approximately 280 feet and 450 feet below land surface.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

Static Water Level Conditions

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a

qualified individual (see below), and report annual static water-level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Static Water Level Measurements

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

After Use of Water has Begun

Reference Static Water Level Determination

Following the first year of water use, the user shall report one static water-level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional static water levels after the reference level has been determined. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

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

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with surface water or a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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

to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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

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

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS NOT A PERMIT

for Director, Oregon Water Resources Department

Mailing List for Draft FO Incorporating Settlement Agreement/Draft Permit Copies

Application #G-15802

Original mailed to applicant:

LARRY MYERS
8313 SE 162ND AVE
PORTLAND, OR 97236

Copies sent to:

1. WRD - File # G-15802

Copies Mailed	
By:	<u>Kim F</u> (SUPPORT STAFF)
on:	<u>8/8/14</u> (DATE)

FO and Map Copies sent to (remember to reduce copy margins):

2. WRD - Watermaster District #: 2

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

4. Gordon Sester/Sester Farms, 33205 SE Oxbow Dr, Gresham, OR 97080

CASEWORKER : Kim French-Gorski

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application	)	REVISED SETTLEMENT
G-15802 in the Name of Larry Myers,	)	AGREEMENT
Applicant/Assignee/Owner	)	APPLICATION G-15802

The Oregon Water Resources Department (Department) and Gordon Sester, on behalf of Applicant Larry Myers (Applicant), do hereby stipulate and agree as follows:

Stipulations

1. On July 23, 2002, Application G-15802 was filed with the Department for 448.0 gallons per minute (0.998 cubic foot per second) of water from a well in the North Fork Beaver Creek Basin for nursery use on 40.0 acres in Multnomah County.
2. On January 21, 2003, the Department issued its Proposed Final Order (PFO) for Application G-15802 proposing denial because the proposed use does not comply with OAR 690-200, and because the proposed use was determined to have the potential for substantial interference with an over-appropriated surface water source.
3. On March 4, 2003, the Applicant filed a timely protest.
4. On June 10, 2014, the application was assigned to Larry Myers.
5. On June 29, 2014, the Department received notice from Mr. Myers that Sester Farms is authorized to act as the agent for the application.
6. The parties to this agreement agree that the issues raised in the protest and subsequent correspondence between Gordon Sester of Sester Farms, agent for Larry Myers, and the Department can be resolved solely on the following terms.

Agreement

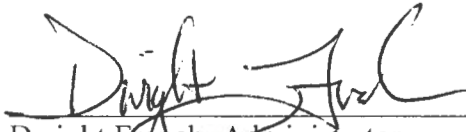
1. A Final Order on G-15802 has not been issued. This Settlement Agreement supersedes a Settlement Agreement to resolve the protest signed by all parties as of August 2003.
2. The Applicant waives the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Agreement and Final Order.
3. In signing this Agreement, the Applicant withdraws with prejudice the protest to the PFO for Application G-15802.

4. Each party to this Agreement represents, warrants and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of this Agreement.
5. The Applicant shall provide documentary evidence to the Department that MULT 02540 well has been permanently abandoned, pursuant to the applicable standards.
6. Prior to drilling the well, the Applicant must submit a proposed well construction plan prepared by a licensed, bonded well driller to the Department. In addition, the Applicant must provide a map showing the proposed location of the replacement well relative to a recognized public land survey corner. The Department will either confirm the plan meets construction rules or will coordinate with the driller on an acceptable construction plan. The well shall not be drilled until written approval of the construction plan is provided to the Applicant.
7. Based on conditions encountered during the drilling process, the driller will need to coordinate with the Department's Well Construction and Compliance Section to determine the final construction of the well to ensure that it meets construction standards and the intent of the settlement agreement.
8. The Applicant shall provide either GPS coordinates of the original well, MULT 02540, and the replacement well, or a map showing the final location of the replacement well and MULT 02540 well to demonstrate that the replacement well was drilled within 100 feet of MULT 02540.
9. After the replacement well is completed and a well log is submitted to the Department, the Department will determine whether the well construction standards and the intent of the settlement agreement have been met. If they have been met, and all other conditions of this settlement have been satisfied, a permit for use of water from the replacement well will be issued.
10. The Applicant agrees the following conditions will be included in any permit issued for Application G-15802:

The well shall be cased and sealed at least 5 feet into the confining layer above the Troutdale Sandstone aquifer.

The well shall only produce groundwater from the Troutdale Sandstone ground water reservoir between approximately 280 feet and 450 feet below land surface.
11. Prior to permit issuance, the Applicant shall submit a **\$450.00** permit recording fee to the Department.

11. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.



Dwight French, Administrator
Water Right Services Division
Oregon Water Resources Department

8.7.14

Date

Gordon Sester/Sester Farms, for
Larry Myers, Applicant

Date

**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number G-15802

Draft Final Order Incorporating Settlement Agreement

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the Proposed Final Order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. This is a Final Order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

Application History

On July 23, 2002, Leon and Sandy Bingham submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on January 21, 2003, recommending the application be denied.

On March 4, 2003, the Applicant filed a timely protest.

On June 10, 2014, the application was assigned to Larry Myers.

A Settlement Agreement was signed by all parties as of _____. The terms of the Settlement Agreement are incorporated into this Final Order and a copy of the Settlement Agreement is included below.

The proposed use would not impair or be detrimental to the public interest. The Protestant and the Department have agreed to permit conditions set forth in the draft permit.

Order

Application G-15802 is therefore approved with these modifications to the Proposed Final Order. Upon meeting the "Terms of Agreement" as described in the attached Settlement Agreement, a permit shall be issued authorizing the proposed water use.

DATED

DRAFT

E. Timothy Wallin, Water Rights Program Manager
for Director, Oregon Water Resources Department

This document was prepared by Kim French-Gorski. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0816.

If you have questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF MULTNOMAH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LARRY MYERS
8313 SE 162ND AVE
PORTLAND, OR 97236

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

APPLICATION FILE NUMBER: G-15802

SOURCE OF WATER: A WELL IN NORTH FORK BEAVER CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 40.0 ACRES

MAXIMUM RATE: 0.998 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JULY 23, 2002

WELL LOCATION: WITHIN 100 FOOT RADIUS OF SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 17, T1S, R4E, W.M.; 860 FEET NORTH AND 300 FEET EAST FROM C $\frac{1}{4}$ CORNER, SECTION 17 - EXACT LOCATION TO BE DETERMINED

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ NE ¼ 20.0 ACRES
 SW ¼ NE ¼ 20.0 ACRES
 SECTION 17
 TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement devices, and recording/reporting of annual water use conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter, or other suitable measuring device as approved by the Director, at each point of appropriation. The permittee shall maintain the device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The well shall be continuously cased and continuously sealed at least 5 feet into the confining layer above the Troutdale Sandstone aquifer.

The well shall only produce groundwater from the Troutdale Sandstone ground water reservoir between approximately 280 feet and 450 feet below land surface.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

Static Water Level Conditions

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a

qualified individual (see below), and report annual static water-level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Static Water Level Measurements

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

After Use of Water has Begun

Reference Static Water Level Determination

Following the first year of water use, the user shall report one static water-level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional static water levels after the reference level has been determined. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

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

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with surface water or a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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

to such rotation plan, the watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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

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

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS NOT A PERMIT

for Director, Oregon Water Resources Department

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)
G-15802 in the Name of Larry Myers,)
Applicant/Assignee/Owner)

**REVISED SUPERSEDING
SETTLEMENT AGREEMENT
APPLICATION G-15802**

isn't only one of these necessary?

The Oregon Water Resources Department (Department) and Gordon Sester on behalf of Applicant Larry Myers (Applicant) do hereby stipulate and agree as follows:

Stipulations

1. On July 23, 2002, Application G-15802 was filed with the Department for 448.0 gallons per minute (0.998 cubic foot per second) of water from a well in the North Fork Beaver Creek Basin for nursery use on 40.0 acres in Multnomah County.

- ~~3.~~ 2. The well ~~described~~ in application G-15802 ~~is described in well log MULT 02540~~. The Department determined in a memo dated October 24, 2002 that this well is commingling aquifers in violation of OAR 690-200-0043.

- ~~2.~~ 3. The term "commingling of aquifers" as it is used in this Agreement is defined at OAR 690-210-0080 which provides that "[i]n no case shall a well be constructed to allow commingling or leakage of groundwater within an individual well by gravity flow or artesian pressure from one aquifer to another."

4. Pursuant to OAR 690-009-0040(5), a well that is determined to be hydraulically connected to a surface-water source may be determined by the Department to have the potential to cause substantial interference with the surface-water source.

5. Pursuant to ORS 537.621, in reviewing ground water applications, the Department is required to determine whether the proposed use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. The Department shall presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

6. On January 21, 2003, the Department issued its Proposed Final Order (PFO) for application G-15802 proposing denial because the proposed use does not comply with the rules of the Water Resources Commission, and because the proposed use was determined to have the potential for substantial interference with the Sandy River.

an over-appropriated surface water source.

7. On ~~February 20~~, 2003, the Applicant filed a timely protest.

march 4

by date dept rec'd it

- 10 date of Sester's letter = date of approval
10. On June 9, 2014, the application was assigned to Larry Myers.
9. On June 29, 2014, the Department received notice from Mr. Myers that Sester Farms is authorized to act as the agent for the application.
10. The parties to this agreement agree that the issues raised in the protest and subsequent correspondence between Sester Farms and the Department can be resolved solely on the following terms.

Agreement

1. A Final Order on G-15802 has not been issued. This Settlement Agreement supersedes a Settlement Agreement to resolve the protest signed by all parties in August of 2003. *as of*
2. The Applicant waives the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Agreement and Final Order.
3. In signing this Agreement, the Applicant withdraws with prejudice the protest to the PFO for application G-15802.

4. Each party to this Agreement represents, warrants and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of this Agreement.

5. Prior to drilling the well, *prepared by a licensed, bonded well driller* ~~a licensed, bonded driller~~ *the applicant* must submit a proposed well construction plan to ~~Kris Byrd in the Department's Well Construction and Compliance Section~~ *in addition, the* and the Applicant must provide a map showing the proposed location of the replacement well relative to a recognized public land survey corner. The Department will confirm the plan meets construction rules or will coordinate with the driller on an acceptable construction plan. *neither* ~~The plan must be approved by the Department in writing prior to drilling the well.~~ *The well shall not be drilled until written approval of the construction plan is provided to the applicant.*

6. Based on conditions encountered during the drilling process, *and compliance* the driller will need to coordinate with the Department's Well Construction Section to determine the final construction of the well to ensure that it meets construction standards and the intent of the settlement agreement.

7. The Applicant ~~and/or well driller~~ shall provide either GPS coordinates of ~~both~~ *the original well, mult 02540, and the replacement well,* wells or a map showing the final locations of the wells to demonstrate that the replacement well was drilled with 100 feet of MULT 02540.

8. After the *replacement* well is completed and a well log is submitted, *replacement & mult 02540* ~~Kris Byrd and Karl Wozniak will jointly issue a memo to the file determining whether the well~~

to the Dept, the Dept will determine

construction standards and the intent of the settlement agreement have been met. If the memo confirms such, and all conditions have been satisfied, a permit for use of water from the new well can be issued.

9. The Applicant agrees to the following Special Condition to be placed on the permit for application G-15802:

The well shall be cased and sealed at least 5 feet into the confining layer above the Troutdale Sandstone aquifer.

The well shall only produce groundwater
~~Groundwater from this well shall only be produced from the Troutdale Sandstone ground water reservoir between approximately 280 feet and 450 feet below land surface.~~

10. Prior to permit issuance, the Applicant shall submit a **\$450.00** permit recording fee to the Department.
11. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.

Dwight French, Administrator
Water Right Services Division
Oregon Water Resources Department

Date

Gordon Sester/Sester Farms, for
Larry Myers

Applicant (?)

Date

**Oregon Water Resources Department
Water Rights Services Division**

Water Rights Application
Number G-15802

Draft Final Order Incorporating Settlement Agreement

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the modifications to the Proposed Final Order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. This is a Final Order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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

Application History

On July 23, 2002, Leon and Sandy Bingham submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on January 21, 2003, recommending the application be denied.

On ~~February 20~~, 2003, the Applicant filed a timely protest.
March 4

On June ~~9~~, 2014, the application was assigned to Larry Myers.
10

*no need
in fo
in this*
On June 29, 2014, the Department received notice from Larry Myers that Sester Farms is authorized to act a agent for the Applicant.

A Settlement Agreement was signed by all parties as of _____. The terms of the Settlement Agreement are incorporated into this Final Order and a copy of the Settlement Agreement is included below.

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

interest. The Protestant, ~~the Applicant~~, and the Department have agreed to permit conditions set forth in the draft permit.

Order

Application G-15802 is therefore approved with these modifications to the Proposed Final Order. Upon meeting the "Terms of Agreement" as described in the attached Settlement Agreement, a permit shall be issued authorizing the proposed water use.

DATED ~~August~~ , 2014

DRAFT

E. Timothy Wallin, Water Rights Program Manager
for Director, Oregon Water Resources Department

This document was prepared by Kim French-Gorski. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0816.

If you have questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF MULTNOMAH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LARRY MYERS
8313 SE 162ND AVE
PORTLAND, OR 97236

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

APPLICATION FILE NUMBER: G-15802

SOURCE OF WATER: A WELL IN NORTH FORK BEAVER CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 40.0 ACRES

MAXIMUM RATE: 0.998 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: JULY 23, 2002

~~POINT OF DIVERSION~~ ^{well} LOCATION: WITHIN 100 FEET ^{radius ?} OF SW ¼ NE ¼, SECTION 17, T1S, R4E, W.M.; 860 FEET NORTH AND 300 FEET EAST FROM C¼ CORNER, SECTION 17 - EXACT LOCATION TO BE DETERMINED ~~UPON CERTIFICATION~~

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ NE ¼ 20.0 ACRES
 SW ¼ NE ¼ 20.0 ACRES
 SECTION 17
 TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement devices, and recording/reporting of annual water use conditions:

- All temp control, including m, = large*
- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter, or other suitable measuring device as approved by the Director, at each point of appropriation. The permittee shall maintain the device in good working order.
 - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the volume of water diverted, and may require the permittee to report water-use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The well shall be cased and sealed at least 5 feet into the confining layer above the Troutdale Sandstone aquifer.

match revision in S.A. [Groundwater shall only be produced from the Troutdale Sandstone ground water reservoir between approximately 280 feet and 450 feet below land surface.]

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

All justify

Static Water Level Conditions

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to obtain, from a qualified individual (see below), and report annual static water-level

Application G-15802 Water Resources Department PERMIT DRAFT

measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Static Water Level Measurements

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

After Use of Water has Begun

Reference Static Water Level Determination

Following the first year of water use, the user shall report one static water-level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The Director may require the user to obtain and report additional static water levels after the reference level has been determined. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or

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

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

If substantial interference with surface water or a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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

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

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS NOT A PERMIT

for Director, Oregon Water Resources Department

Mailing List for Draft FO Incorporating Settlement Agreement/Draft Permit Copies

Application #G-15802

Original mailed to applicant with claim of beneficial use form:

LARRY MYERS
8313 SE 162ND AVE
PORTLAND, OR 97236

Copies sent to:

1. WRD - File # G-15802

Copies Mailed
By: _____ (SUPPORT STAFF)
on: _____ (DATE)

FO and Map Copies sent to (remember to reduce copy margins):

2. WRD - Watermaster District #: 2

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

4. Gordon Sester/Sester Farms, 33205 SE Oxbow Dr, Gresham, OR 97080

CASEWORKER : Kim French-Gorski

FRENCH-GORSKI Kim R

From: WOZNIAK Karl C
Sent: Tuesday, July 15, 2014 12:04 PM
To: FRENCH-GORSKI Kim R
Cc: GALL Ivan K; KIM Amy J; BYRD Kris R
Subject: Application G-15802, Sester

Kim,

According to the settlement agreement of 08/13/2003 and its cover memo by Renee Moulun, a permit will not be issued until the Department determines that the applicant has reconstructed the existing well, MULT 2540, such that it is cased and sealed to a depth of 267 feet below land surface (5 feet into the confining layer that occurs from 262-287) and that all production is from the Troutdale Sandstone ground water reservoir (aquifer) which occurs from 287-402 feet in MULT 2540 and is estimated to extend to a total depth of about 450 feet in the nearby area.

Correspondence in the file now indicates that the plan is to abandon MULT 2540 and drill a replacement well. In my opinion, the application does not need a new Public Interest Review by the Groundwater Section unless the proposed replacement well is greater than 100 feet from the existing well (a greater distance might affect the surface-water-impact findings of the original review) and the replacement well meets our well construction standards and the intent of the settlement agreement. However, after the replacement well is drilled, Kris Byrd of our Well Construction and Enforcement Section, in consultation with the Groundwater Section, will have to review the construction of the replacement well to determine whether it meets construction standards and the intent of the settlement agreement.

A new well will not encounter the confining layer above the Troutdale Sandstone aquifer or the aquifer itself at precisely the depths stipulated in the agreement. Therefore, it is essential that the driller understand the intent of the stipulation. To be specific, the new well needs to be cased and sealed at least 5 feet into the confining layer above the Troutdale Sandstone aquifer which should be encountered at around 267 feet below land surface. Also, the well can only be open to production from the Troutdale Sandstone aquifer which should be encountered at around 287 feet and may extend to a total depth of 450 feet. The precise depths at which the confining unit and the aquifer will be encountered will not be known until the well is drilled.

To ensure a successful outcome, the following steps should be taken:

1. The owner needs to provide a map showing the proposed location of the replacement well relative to the location of the old well. A copy of the application map showing the distance and relative bearing from the old well should suffice.
2. Prior to drilling the well, the driller should submit a proposed well construction plan to Kris Byrd in our Construction and Enforcement Section. The current plan (received 05/29/2014) is inadequate as it does not indicate the total depth of the 8-inch casing and does not appear to meet our well construction standards. Kris will then determine if the plan meets our construction rules and the intent of settlement agreement. If not, Kris will coordinate with the driller to come up with an acceptable construction plan.
3. Based on conditions encountered during the drilling process, the driller will need to coordinate with Kris Byrd to determine the final construction of the well to ensure that it meet our construction standards and the intent of the settlement agreement.
4. The driller or the applicant should provide us information to ensure that the replacement well was drilled with 100 feet of the old well (gps coordinates of both wells or a map showing the final relative locations of the wells).

5. After the well is completed and a well log is submitted, Kris Byrd and Karl Wozniak will jointly issue a memo determining whether the construction standards and the intent of the settlement agreement have been met. If they jointly agree that all conditions have been satisfied, water rights can then issue a permit.

Karl C. Wozniak
Hydrogeologist
Oregon Water Resources Dept
725 Summer St NE Suite A
Salem, OR 97301
503.986.0843

FO Checklist

Application #: G-15802 Applicant: LEON BINGHAM BINGHAM, SANDY

☒ Name and/or address has **changed or been assigned** ☒ Yes ☐ No

If new: LARRY MYERS

☒ Respond to **significant comments, issues, or disputes** related to the proposed use of water. ☐ N/A ☒ Yes

☒ Affected landowner(s) have been notified ☒ N/A ☐ Yes ☐ No, send a letter to landowners before FO issuance.

☒ Verify names/addresses of affected landowners, and those who commented and/or paid \$10 fee. ☒ N/A ☐ Yes

☒ PFO conclusions **require modification** due to typos, errors or omission of conditions ☐ Yes ☒ No

If so: _____

☒ Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated** ☒ N/A ☐ Yes

☒ SWW If GW and interference, copy form for Stahr. ☒ N/A

☒ WMCP required, cc: Lisa Jaramillo. ☒ N/A

DRAFT FO
TO BE SENT
w/ SETTLEMENT
AGREEMENT!

☒ Fees

EXAM FEE REQUIRED	<u>400</u>	RECORDING FEE REQUIRED	\$400 / <u>\$450</u> / \$900
EXAM FEE PAID	<u>- 400</u>	RECORDING FEE PAID	<u>- 0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>450</u> ✗

☒ FO w/ draft permit; still needed:

☒ fees

☐ easement

☐ st water contract

☐ approved dam plans & specs

☐ land use approval

☐ well construction approval

FO w/ permit # _____

FO to deny
refund \$ _____

Name: Kim French-Gorski Date: 7/31/2014

Peer Reviewer: _____

PFO CHECKLIST

10. IR Date 11/8/02 Public Notice Date 11/26/02 Comment Rec'd N/A

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

Changes from IR determinations: _____

Agencies and Additional People to Notify: _____

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

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

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

Initials: SWG Date: 1/2/03

Revised 3/7/02

FEES: EXAM: _____
Q _____
SUBTOTAL _____
RECORD _____
TOTAL _____
PD _____
OWE/REFUND _____

Deny

Peer Review:
Cory E

G-15802
PFO WEEK 390

IR CHECKLIST

Application #: G 15802

County Multnomah Basin: 3-Sandy WAB: 71545
Township 1S Range 4E Section 17 1/4 1/4 NW NE
SW NE

10. Groundwater Review A B C D River/Stream Name Sandy River
a. Groundwater Availability A B C
b. Is the well located in a GWLA or CGWA or T1N R3E? (If applicable, include map with POD) Y / N
25. Use AGRU - 40 AC Priority Date(s) 7/23/02
30. Allowed under Basin Program Y / N Limitations? Y / N 0AR 690-503
40. Withdrawn? Y / N season allowed _____
45. Basin Maps have been checked. Y / N River Mile 10+
50. SWW Y / N (if Y notify state parks) 1115 Commercial St, Salem OR 97301
60. Surface water Availability (80% live flow / 50% storage) NA None Avail per WA rpt.
70. Divis 33: Y / N / NA Above Bonn Y / N Not allowed April 15 - September 30 Y / N
Below Bonn Y / N If Y add PISPC
Statewide Y / N
80. Rate NA Rate: Max 6 CFS Req 448 GPM = 1 CFS
Duty _____ Season: Normal YR Req YR
90. B.O.R. or Doug Co. project Y / N contract # _____
100. Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF, Contract Stored Water) or Large (≥ 1.5 cfs, ≥ 100 AF) condition 7I and municipal require the Large conditions 75, 76 + see GW Review form
110. Land use approval OK'd needs approval county notified NA
120. Watermaster Dist: (1 2 16 18 20 NWR) (3 4 5 21 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (13 14 15 19 - SWR)
125. Conflict? Yes No Per Interactive mapping
130. per interactive mapping DOA 1010 Y / N 303D Y N / NA CTUIR Y N
140. within Oregon Streamflow Restoration Area? Y / N / NA
150. Letter format -- Good -- Limited -- Bad -- Bad w/ IRshort -- Bad w/ HC Opportunity
155. Attach basin map indicating point of diversion?
160. CWRE, representative, etc. to notify? Y / N James M. Schutte CWRE #117, 3000 Market St NE, STE 510, Salem 97301
NWA Well Inspector

Name: JGaney Date: 11/01/02

c:\myfiles\forms\checkirnew 7/5/02

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

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # G-15802

ROUTED TO: Renee Moalan

TOWNSHIP/

RANGE-SECTION: 1S/4E-17

CONDITIONS ATTACHED? ☒ Yes ☐ No

REMARKS OR FURTHER INSTRUCTIONS:

Review per new Div 9 form

Reviewer: D. M. R.

MEMO

June 18, 2003

FROM GW: D. M. [Signature]
(Reviewer's Name)

☒ Yes☐ No☒ Yes☐ No☒[illegible]

TO: Water Rights Section

Date June 17 2003

FROM: Ground Water/Hydrology Section

D. M. M.

Reviewer's Name

SUBJECT: Application G- 15802

Supersedes review of 10/4/02
Date of Review(s)

PUBLIC INTEREST PRESUMPTION; GROUNDWATER

OAR 690-310-130 (1) The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. Department staff review ground water applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. This review is based upon available information and agency policies in place at the time of evaluation.

A. **GENERAL INFORMATION:** Applicant's Name: Leon + Sandy Bingham

A1. Applicant(s) seek(s) 1 cfs from one well(s) in the Sandy Basin,
Beaver CK subbasin Quad Map: Sandy

A2. Proposed use: Nursery Seasonality: Year Around

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, example: 2250' N, 1200' E fr NW cor S 36
1	MULT 2540	Troutdale Sst	1.0	1S/4E-17 SWNE	860' N + 300' E fr Center S 17
2					
3					
4					
5					

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval	Casing Intervals	Liner Intervals	Perforations Or Screens	Well Yield	Draw Down	Test Type
1	573	—	190	4/6/54	402	24 to 30	0 - 385	382 - 402	—	300	2	Pump

Use data from application for proposed wells.

A4. Comments: The well construction information and old SWL indicate that this well primarily develops the Troutdale sandstones. The head as depicted by the USGS report looks more like Troutdale gravel. Current SWL at well is not indicated in materials but has probably dropped since 1954.

A5. ☐ Provisions of the Sandy Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water ☐ are, or ☒ are not, activated by this application.
(Not all basin rules contain such provisions.)

Comments: Not hydraulically connected w/ 1/4 mile of well per the USGS report in Fe.

A6. ☐ Well(s) # _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.
Name of administrative area: _____
Comments: _____

B1. Based upon available data, I have determined that ground water* for the proposed use:

- a. ☐ is over appropriated, ☐ is not over appropriated, or ☒ cannot be determined to be over appropriated during any period of the proposed use. * This finding is limited to the ground water portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b. ☐ will not or ☐ will likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the ground water portion of the injury determination as prescribed in OAR 690-310-130;
- c. ☐ will not or ☐ will likely to be available within the capacity of the ground water resource; or
- d. ☒ will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource:
- Dwn* ☒ i. The permit should contain condition #(s) 7 G;
- ☒ ii. The permit should be conditioned as indicated in item 2 below.
- ☒ iii. The permit should contain special condition(s) as indicated in item 3 below;

B2. *Don*

- a. ☐ **Condition** to allow ground water production from no deeper than _____ ft. below land surface;
- b. ☐ **Condition** to allow ground water production from no shallower than _____ ft. below land surface;
- c. ☒ **Condition** to allow ground water production only from the Trousdale Sandstone ground water reservoir between approximately 280 ft. and 450 ft. below land surface;
- d. ☐ **Well reconstruction** is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): _____

B3. Ground water availability remarks: For available info, it's just clear what the gw trend is. The suggested measuring would get some monitoring going.

$$16 \frac{\text{ft}}{\text{day}} \times 170 \text{ ft} = 2720 \frac{\text{ft}^2}{\text{day}} \times 7.48$$

$$\frac{\frac{\text{ft}^3}{\cancel{\text{ft}^3}}}{7.48 \text{ gal}} = \frac{\text{gpd}}{\text{ft}} = \frac{\text{ft}^2}{\text{day}}$$

$$\frac{2720 \text{ ft}^2}{\text{day}} \times \frac{7.48 \text{ gal}}{1 \text{ ft}^3} = 20346 \frac{\text{gpd}}{\text{ft}}$$

$$\frac{200}{10,000}$$

C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. Complete only if Q is distributed among wells. Otherwise same evaluation and limitations apply as in C3a above.

	SW #		Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐

Comments: There is no hydraulic connection with surface water within a mile of the well based on head relationship information.

C4a. **690-09-040 (5):** Estimated impacts on hydraulically connected surface water sources greater than one mile as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (c) and (d), which are not included on this form. For simple analytical models, model non-distributed wells once as a single well at the full rate using the closest hydraulically connected stream beyond one mile. For distributed wells, model each well once at the identified rate per well using the closest hydraulically connected stream beyond one mile. Adjust aquifer parameters to reflect uncertainties in streambed conductance, partial penetration, etc. Calculate the difference of the 1% WAB flow - Interference as CFS. Negative numbers indicate those months where calculated interference exceeds 1% of natural stream flow. Under "basis" identify which WAB was used and attach the ground water model parameters/results and water availability table to this review.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	1	0.18	0.35	0.44	0.51	0.55	0.59	0.62	0.64	0.66	0.67	0.69	0.70
Well Q as CFS		1	1	1	1	1	1	1	1	1	1	1	1
Interference CFS		0.18	0.35	0.44	0.51	0.55	0.59	0.62	0.64	0.66	0.67	0.69	0.70
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Well Q as CFS													
Interference CFS													
Well Q as CFS													
Interference CFS													
Well Q as CFS													
Interference CFS													
Well Q as CFS													
Interference CFS													
Total Interf. CFS		0.18	0.35	0.44	0.51	0.55	0.59	0.62	0.64	0.66	0.67	0.69	0.70
1 % WAB Nat. Q		17.6	19.8	19.4	21.4	19.2	11.7	7.12	5.20	4.93	5.47	11.3	18.3
1%WAB - Interf.		17.4	19.4	19.0	20.9	18.6	11.1	6.5	4.64	4.27	4.8	10.6	17.6

Basis for impact evaluation: See Model Output + WAB tableUSGS WSP 2470-A provides the basis for SAT.
I've lowered T in order to reflect leakage thru CU 1.

C4b. 690-09-040 (5) (b) The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.

C4c. 690-09-040 (5) (e) The potential for cumulative adverse impacts: A graphical distribution of POAs and summary of permitted Rights ☐ are or ☒ are not available at this time of review.

Impacted stream	Impacted basin or sub-basin	Existing Ground Water Rights (cfs)

Comments: _____

- C5. ☐ If properly conditioned, the surface water source(s) can be adequately protected from interference, and/or ground water use under this permit can be regulated if it is found to substantially interfere with surface water:
- ☐ The permit should contain condition #(s) _____;
 - ☐ The permit should contain special condition(s) as indicated in "Remarks" below;

C6. SW / GW Remarks I don't feel comfortable with the SW impact
quantification in (5). Maybe I am not applying
that feature to the Scenic Waterway review.

D. WELL CONSTRUCTION, OAR 690-200D1. Well #: 1 Logid: MULT 2540D2. **THE WELL does not meet current well construction standards based upon:**

- a. ☒ review of the well log;
b. ☐ field inspection by _____;
c. ☐ report of CWRE _____;
d. ☐ other: (specify) _____

D3. **THE WELL construction deficiency:**

- a. ☒ constitutes a health threat under Division 200 rules;
b. ☒ commingles water from more than one ground water reservoir;
c. ☐ permits the loss of artesian head;
d. ☒ permits the de-watering of one or more ground water reservoirs;
e. ☐ other: (specify) _____

D4. **THE WELL construction deficiency is described as follows:** the well develops the
Troutdale Sandstone aquifer (primarily) thru the perforated liner and
the Troutdale Gravel aquifer (19c - 24b) thru the "mechanical seal". Seal
fails to provide proper protection from surface water contamination as
seal is 24' to 30'

D5. **THE WELL** a. ☐ was, or ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.

b. ☒ I don't know if it met standards at the time of construction.

D6. ☒ **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

attached is 10/24/02 memo from Enforcement per prior prior

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

D7. ☐ Well construction deficiency has been corrected by the following actions: _____

_____, 200_____
(Enforcement Section Signature)

D8. ☐ **Route to Water Rights Section (attach well reconstruction logs to this page).**

R - 84628

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 6/18/2003 for

SANDY R > COLUMBIA R - AB UNN STR

Watershed ID #: 72145

Basin: SANDY

Exceedance Level: 80

Time: 16:25

Date: 06/18/2003

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Water Rights	Instream Water Available	Net
1	1760.00	1070.00	0.32	685.00	0.00	1900.00	-1215.00	
2	1980.00	1050.00	0.28	926.00	0.00	1900.00	-974.00	
3	1940.00	964.00	0.19	976.00	0.00	2000.00	-1024.00	
4	2140.00	1120.00	0.21	1020.00	0.00	2000.00	-984.00	
5	1920.00	983.00	0.19	936.00	0.00	2000.00	-1064.00	
6	1170.00	503.00	0.15	666.00	0.00	1700.00	-1034.00	
7	712.00	237.00	0.23	475.00	0.00	800.00	-325.00	
8	528.00	153.00	0.34	375.00	0.00	550.00	-175.00	
9	493.00	202.00	0.23	290.00	0.00	550.00	-260.00	
10	547.00	331.00	0.06	216.00	0.00	700.00	-484.00	
11	1130.00	950.00	0.18	180.00	0.00	1700.00	-1520.00	
12	1830.00	1100.00	0.36	725.00	0.00	1700.00	-975.00	
Stor	1480000	522000	166	956000	0	1050000	35500	

Enter (1) to CONTINUE; (2) to WRITE the Table:

Stream Depletion Analysis:

Written by Karl C. Wozniak (OWRD) 7/1/91; last modified 1/18/98.

References: Theis (1941), Jenkins (1968), Jenkins (1970), Walton (1984), and Wilson and Linderfelt (1991).

See bottom of worksheet for detailed references and model assumptions.

y = Coordinate axis perpendicular to stream

x = Coordinate axis parallel to stream

0,0 = Coordinate of Stream at Perpendicular to Well

Model calculates:

1. Transient Stream Depletion (Theis, 1941; Jenkins, 1970)
2. Steady-State induced infiltration (Wilson & Linderfelt, 1991)
3. Head distribution along a line perpendicular to stream at a distance y from well at a specified time

Input Data:

Variable	Name	Minimum	"Best"	Maximum	Unit
Well Owner or Well Number	Well		ave		
X Coord. for X-Section (Head Distribution)	x		0		[ft]
Perpendicular Distance From Well to Stream	a		10,000		[ft]
Net Steady Pumping Rate	Q		100		[gpm]
Hydraulic Conductivity	K	50	120	200	[gpd/ft ² ft]
Aquifer Thickness	b	170	170	170	[ft]
Well Depth	d		156		[ft]
Storativity	S		0.00024		
Effective porosity	n		0.00024		
Hydr. Grad. Perpend. to Stream (must be > 0)	i	0.02000	0.02000	0.02000	
Time Since Pumping Started	time		30.00		[days]

Output Data:**General Output:**

Transmissivity	T	8,500	20,400	34,000	[gpd/ft]	= K*b
Hydraulic Conductivity	K	50	120	200	[gpd/ft ² ft]	
		7	16	27	[ft/day]	
		2.34E-05	5.63E-05	9.38E-05	[m/s]	
Average linear velocity	ALV	557.04	1336.90	2228.16	[ft/day]	= K ² /i/n
		203,459.22	488,302.14	813,836.90	[ft/yr]	
Ambient Flux at River per Foot	dQ	0.1181	0.2833	0.4722	[gpm/ft]	= K*b*i

Transient Stream Depletion Output:

k	SDTr_k	0.1760	0.0733	0.0440		= ((a ² *S)/(4Tt)) ^{7.48}
Transient Stream Depletion (Theis/Jenkins)	SDTr	55%	70%	77%		= erfc SQRT(a*a*S)/(4Tt)
Transient Induced Infiltration (Theis/Jenkins)	IITr					

Steady-State Stream Depletion:

Dimensionless Pumping Rate (β >= 1 ==> velocity divide has reached stream)	Beta, β	0.03	0.01	0.01		= Q/(K*b*i*a)
SQRT(Beta-1)		0.00	0.00	0.00		
Critical pumping rate	Qc	3709	8901	14835	[gpm]	= K*b*i*a
Dist. fr Well to Velocity Divide at Steady State	r _{vd}	136	56	34	[ft]	= a-(a*SQRT(1-β))
Steady-State Stream Depletion (Wilson & Linderfelt)		100%	100%	100%		
Steady-State Induced Infiltration (Wilson & Linderfelt)		0%	0%	0%		= (2/π)*(-SQRT(β-1)/β+ATAN((SQRT(β-1

MEMO

To: Juno Pandian
From: Tracy Eichenlaub, Well Construction Specialist
Subject: Review of Water Right Application G-15802
Date: October 24, 2002

The attached application was forwarded to the Enforcement Section by Water Rights. Donn Miller reviewed the application. Please refer to Donn's referral and the well log (MULT 02540). I agree with Donn's conclusion that the well is commingling and does not have an adequate surface seal. Donn doesn't name a depth that the well should be sealed to but I think that the well needs to be sealed to 267 feet below ground surface to bring it into compliance with current minimum well construction standards.

I concur with Donn, my recommendation is that the Department does **not issue a permit** for this well unless it is brought into compliance with current minimum well construction standards.

I concur
Juno Pandian

REC'D NOV 09 2002

#20

WATERMASTER DIVISION 33 APPLICATION WORK SHEETRecommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species.
OAR 690-33-310 through 340.Date: **NOVEMBER 8, 2002** Deadline: **NOVEMBER 29, 2002** Application Number **G-15802**Applicant's Name: **LEON AND SANDY BINGHAM**SOURCE OF WATER: ☐ GROUNDWATER ☐ SURFACE WATER ☐ STORAGEDESCRIPTION OF THE SOURCE: Well 7 N.F. Beaver Cr.
(A spring, well, sump, exempt pond, unnamed stream, etc.)

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

☐ YES ☐ NO ☒ SOMETIMESThe trib of Beaver Cr (N Fork) is intermittent.

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

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

☐ YES ☐ NO**FAXED**
11-13-02

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

☐ YES ☐ NODo not knowIf YES, please explain: _____

4) Do you agree with the water availability recommended period of use?

☒ YES ☐ NO ☐ I DON'T KNOWIf NO, why do you disagree with the recommended period of use and what period do you recommend? _____

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

☐ YES ☒ NO

Who: _____ Agency: _____ Date: _____

6) Is mitigation an option?

☐ YES ☐ NOIf YES, please explain: Do not know

_____Comments: If applicant is able to overcome items 4 & 6 of the
IR, condition 5.57 should be required.

_____Name: Mike McCord Date: 11-12-02 Title: Watermaster Dist. 20WRD Contact: Caseworker: **JERRY GAINES**, Water Rights Division, 503-378-8455 ext: 458
Fax: 503-378-6203 / e-mail: **Jerry.W.Gainey@state.or.us**

ODFW DIVISION 33 APPLICATION REVIEW SHEET *Caldwell*

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: **NOVEMBER 8, 2002** Deadline: **NOVEMBER 29, 2002** Application Number **G-15802**

Applicant's Name: **LEON AND SANDY BINGHAM**

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species? [690-33-330(1)] *Beaver Creek* *Coho salmon - listed by State of Oregon as Endangered*

NO / **YES** Species: *Chinook Salmon* *Steelhead* *list by the NMFS* Status: Sensitive, **Threatened** Endangered

IF ANSWER TO QUESTION (1) IS YES, CONTINUE ON THIS PAGE TO QUESTION (2).

IF ANSWER IS NO, FILL OUT PUBLIC INTEREST REVIEW SHEET (PAGE 2)

What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

2) Will the proposed use result in a LOSS in the essential habitat of THREATENED OR ENDANGERED SPECIES or a NET LOSS in the habitat of a SENSITIVE SPECIES?

NO / YES

A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(a)]

B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(b)]

3) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?

NO / YES [690-33-330(3)]

Which conditions are recommended from the attached Menu of Conditions?

4) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species?

NO / YES [690-33-330(4)]

If YES, please explain:

ODFW RECOMMENDATION:

____ Approval with fishery conditions.

____ Approval without fishery conditions.

☒ Denial.

Because of the siting of the well that there is a potential for substantial interference of surface water flow, that water is not available for a full season and that the well is not properly constructed, ODFW agrees with the recommendation of the WRD.

ODFW Representative: Name: *Dick Caldwell*

Date: *11/29/02*

WRD Contact: Caseworker: **JERRY GAINEY**, Water Rights Division, 503-378-8455 ext: 458

Fax: 503-378-6203 / e-mail: Jerry.W.Gainey@state.or.us

STATE OF OREGON
WATER RESOURCES DEPARTMENT

FACSIMILE TRANSMITTAL SHEET

TO: ~~Beaver~~ Jerry Gainer

DATE: 11-12-02

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

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

Message: _____



Analysis for Application: G15802

Location: 1.00 S-4.00 E-17-swne

Uses: NU 20.000 (P)

Basins

BASIN_NUM	BASIN_NAME
3	Sandy

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY	ZIP	PHONE
20	NW	1190163	1859	Mike McCord	1678 S. Beavercreek Rd	Oregon City	97045	503-657-

Records Found: 1

WAB

BASIN	WID	LINK1	LINK2
3	71545	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

County

COUNTY	FIPS
Multnomah	41051

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 1.00 S-4.00 E-17-nwne

Uses: NU 20.000 (P)

Basins

BASIN_NUM	BASIN_NAME
3	Sandy

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY	ZIP	PHONE
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Records Found: 1

WAB

BASIN	WID	LINK1	LINK2
3	71545	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

County

COUNTY	FIPS
Multnomah	41051

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0



The Oregon Administrative Rules contain OARs filed through October 15, 2002

WATER RESOURCES DEPARTMENT

DIVISION 503

SANDY BASIN PROGRAM

690-503-0010

Definitions

As used in this rule, unless the context requires otherwise:

- (1) The Sandy Basin is as shown by Water Resources Department Map No. 3.6 or 2C.6.
- (2) "Classification" or "classified" means the allowed and preferred beneficial use(s) of a given surface or groundwater source for which future uses of water shall be permitted. Except as otherwise provided by the Commission, the Department shall not issue permits to appropriate, and no use shall be initiated of, any of the surface or groundwaters of the Sandy Basin for any uses except those for which the waters are classified. A classification does not affect legal uses existing on the date of adoption or alteration of the classification. A classification does not affect the transfer to another beneficial use of any water right with a priority date prior to adoption of these rules.
- (3) "Aesthetic Use" means use of water within its natural course for maintaining and enhancing scenic values.
- (4) "Aquifer" means a water-bearing body of naturally occurring earth materials that is sufficiently permeable to yield useable quantities of water to wells or springs.
- (5) "Commission" means the Water Resources Commission.
- (6) "Department" means the Water Resources Department.
- (7) "Commercial Use" means use of water at a place where commodities or services are bought or sold, such as a gas station, restaurant, motel, etc.
- (8) "Domestic Use" means use of water for human consumption, household purposes, watering livestock

necessary for the sustenance of a family and related accessory uses.

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

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

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

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

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

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

(15) "Municipal Use" means the delivery and use of water through the water service system of an incorporated municipality or nonprofit corporation and includes quasi-municipal uses as defined in OAR Chapter 690, Division 11.

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

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

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

Stat. Auth.: ORS 536.220, ORS 536.300 & ORS 536.310

Stats. Implemented:

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

690-503-0020

Policies

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

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

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

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

Stat. Auth.: ORS 536.220, ORS 536.300 & ORS 536.310

Stats. Implemented:

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

690-503-0030

Objectives

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

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

(2) Protect existing rights.

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

(4) Minimize groundwater/surface water hydraulic interference.

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

Stat. Auth.: ORS 536.220, ORS 536.300 & ORS 536.310

Stats. Implemented:

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

690-503-0040

Surface Water Classifications

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

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

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

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

` (A) Latourell Creek -- Forming Latourell Falls;

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

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

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

(E) Young Creek -- Forming Shepperd Dell Falls;

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

(G) Coopey Falls Creek;

(H) Mist Falls Creek;

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

(J) Multnomah Creek -- Forming Multnomah Falls;

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

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

(M) Tumalt Creek;

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

(O) Moffatt Creek -- Forming Wahe Falls;

(P) Tanner Creek -- Forming Wahclella Falls.

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

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

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

Stat. Auth.: ORS 536.220, ORS 536.300 & ORS 536.310

Stats. Implemented:

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

690-503-0050

Groundwater Classification

Permits to use groundwater may be issued only for the following classified uses:

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

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

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

not
in
1/4
mile.
NA

[ED NOTE: The Figure referenced in this rule is not printed in the OAR Compilation. Copies are available from the agency.]

Stat. Auth.: ORS 536.220, ORS 536.300 & ORS 536.310

Stats. Implemented:

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

690-503-0060

Special Permit Conditions

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

- (1) Use of water from the well, as allowed herein, shall be regulated if the well displays:
- (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The permittee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well:
- (a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins;
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15;
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, or the permittee/appropriator;
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department;
 - (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall be received not later than 30 days from the date of measurement.
- (4) The Department shall determine when any of the declines cited in section (1) of this rule are evidenced by the well measurement required in section (3) of this rule.

Stat. Auth.: ORS 536.220, ORS 536.300 & ORS 536.310

Stats. Implemented:

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

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Water Availability for WID 71545

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WATER AVAILABILITY TABLE															
Water Availability as of 11/ 1/2002 for															
BEAVER CR > SANDY R - AT MOUTH															
Watershed ID #:		71545		Basin: SANDY						Exceedance Level: 80					
Time: 09:40		Date: 11/01/2002													
Select an Item Number for More Details															

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto	

1	71480	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	
2	71545	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	

STREAM NAMES		
Water Availability as of 11/ 1/2002 for		
BEAVER CR > SANDY R - AT MOUTH		
Watershed ID #:	71545	Basin: SANDY
Time: 09:40		Exceedance Level: 80
		Date: 11/01/2002

Item	Watershed ID	Stream Name

1	71480	SANDY R > COLUMBIA R - AT MOUTH
2	71545	BEAVER CR > SANDY R - AT MOUTH

LIMITING WATERSHEDS															
Water Availability as of 11/ 1/2002 for															
BEAVER CR > SANDY R - AT MOUTH															
Watershed ID #:		71545		Basin: SANDY						Exceedance Level: 80					
Time: 09:40		Date: 11/01/2002													

Mnth	Limiting Watershed	Stream Name										Water Net Water Avail? Available			

1	71480	SANDY R > COLUMBIA R - AT MOUTH										NO	-1219.0		
2	71480	SANDY R > COLUMBIA R - AT MOUTH										NO	-969.0		
3	71480	SANDY R > COLUMBIA R - AT MOUTH										NO	-966.0		
4	71480	SANDY R > COLUMBIA R - AT MOUTH										NO	-936.0		

5	71480	SANDY R > COLUMBIA R - AT MOUTH	NO	-1046.0
6	71480	SANDY R > COLUMBIA R - AT MOUTH	NO	-717.0
7	71480	SANDY R > COLUMBIA R - AT MOUTH	NO	-316.0
8	71480	SANDY R > COLUMBIA R - AT MOUTH	NO	-18.3
9	71480	SANDY R > COLUMBIA R - AT MOUTH	NO	-202.0
10	71480	SANDY R > COLUMBIA R - AT MOUTH	NO	-422.0
11	71480	SANDY R > COLUMBIA R - AT MOUTH	NO	-1344.0
12	71480	SANDY R > COLUMBIA R - AT MOUTH	NO	-779.0
Stor	71545	BEAVER CR > SANDY R - AT MOUTH	YES	381.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 11/ 1/2002 for

SANDY R > COLUMBIA R - AT MOUTH

Watershed ID #: 71480

Basin: SANDY

Exceedance Level: 80

Time: 09:40

Date: 11/01/2002

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	1810.00	1080.00	52.60	681.00	0.00	1900.00	-1219.00
2	2040.00	1060.00	52.50	931.00	0.00	1900.00	-969.00
3	2000.00	966.00	0.20	1030.00	0.00	2000.00	-966.00
4	2190.00	1130.00	0.23	1060.00	0.00	2000.00	-936.00
5	1940.00	986.00	0.39	954.00	0.00	2000.00	-1046.00
6	1190.00	507.00	0.47	683.00	0.00	1400.00	-717.00
7	726.00	241.00	0.85	484.00	0.00	800.00	-316.00
8	539.00	156.00	0.85	382.00	0.00	400.00	-18.30
9	503.00	205.00	0.40	298.00	0.00	500.00	-202.00
10	561.00	333.00	0.08	228.00	0.00	650.00	-422.00
11	1160.00	952.00	52.20	156.00	0.00	1500.00	-1344.00
12	1880.00	1110.00	52.70	721.00	0.00	1500.00	-779.00
Stor	1510000	524000	12700	975000	0	997000	56400

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 11/ 1/2002 for

SANDY R > COLUMBIA R - AT MOUTH

Watershed ID #: 71480

Basin: SANDY

Exceedance Level: 80

Time: 09:40

Date: 11/01/2002

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1.09	0.00	1069.21	1.38	0.00	5.25	52.03	0.00	1130.00
2	1.00	0.00	1049.21	1.38	0.00	5.25	52.03	0.00	1110.00
3	0.13	0.04	959.21	1.38	0.00	5.25	0.04	0.00	966.00
4	0.15	0.13	1119.21	1.38	0.00	5.25	0.04	0.00	1130.00
5	0.13	1.31	978.21	1.38	0.00	5.25	0.04	0.00	986.00
6	0.06	2.10	498.24	1.38	0.00	5.25	0.04	0.00	507.00
7	0.00	3.98	231.39	1.38	0.00	5.25	0.04	0.00	242.00
8	0.03	3.17	147.39	1.38	0.00	5.35	0.04	0.00	157.00
9	0.00	1.08	197.39	1.38	0.00	5.25	0.04	0.00	205.00
10	0.00	0.13	326.21	1.38	0.00	5.25	0.04	0.00	333.00
11	0.50	0.00	945.21	1.38	0.00	5.25	52.03	0.00	1000.00
12	1.22	0.00	1099.21	1.38	0.00	5.25	52.03	0.00	1160.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 11/ 1/2002 for

SANDY R > COLUMBIA R - AT MOUTH

Watershed ID #: 71480

Basin: SANDY

Exceedance Level: 80

Time: 09:40

Date: 11/01/2002

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 11/ 1/2002 for

SANDY R > COLUMBIA R - AT MOUTH

Watershed ID #: 71480

Basin: SANDY

Exceedance Level: 80

Time: 09:40

Date: 11/01/2002

-----ISWRs-----								
APP #	71480A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	1900.00	0.00	0.00	0.00	0.00	0.00	0.00	1900.00
2	1900.00	0.00	0.00	0.00	0.00	0.00	0.00	1900.00
3	2000.00	0.00	0.00	0.00	0.00	0.00	0.00	2000.00
4	2000.00	0.00	0.00	0.00	0.00	0.00	0.00	2000.00
5	2000.00	0.00	0.00	0.00	0.00	0.00	0.00	2000.00
6	1400.00	0.00	0.00	0.00	0.00	0.00	0.00	1400.00
7	800.00	0.00	0.00	0.00	0.00	0.00	0.00	800.00
8	400.00	0.00	0.00	0.00	0.00	0.00	0.00	400.00
9	500.00	0.00	0.00	0.00	0.00	0.00	0.00	500.00
10	650.00	0.00	0.00	0.00	0.00	0.00	0.00	650.00
11	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00
12	1500.00	0.00	0.00	0.00	0.00	0.00	0.00	1500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 11/ 1/2002 for

BEAVER CR > SANDY R - AT MOUTH

Watershed ID #: 71545

Basin: SANDY

Exceedance Level: 80

Time: 09:40

Date: 11/01/2002

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	36.90	0.43	52.20	-15.80	0.00	14.00	-29.80
2	39.80	0.40	52.20	-12.80	0.00	14.00	-26.80
3	37.50	0.07	0.00	37.40	0.00	14.00	23.40
4	32.50	0.11	0.01	32.40	0.00	14.00	18.40
5	16.70	0.59	0.14	16.00	0.00	14.00	1.96
6	13.40	0.92	0.23	12.30	0.00	3.00	9.25
7	9.58	1.69	0.44	7.45	0.00	1.00	6.45
8	7.19	1.35	0.38	5.46	0.00	1.00	4.46

9	7.07	0.50	0.12	6.46	0.00	1.00	5.46
10	9.75	0.11	0.01	9.63	0.00	1.00	8.63
11	20.10	0.21	52.00	-32.10	0.00	14.00	-46.10
12	36.40	0.44	52.30	-16.30	0.00	14.00	-30.30
Stor	21600	413	12500	10900	0	6320	7910

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 11/ 1/2002 for
BEAVER CR > SANDY R - AT MOUTH

Watershed ID #:71545

Basin:SANDY

Exceedance Level: 80

Time: 09:40

Date: 11/01/2002

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	0.62	0.00	0.00	0.00	0.00	0.05	52.00	0.00	52.70
2	0.56	0.00	0.00	0.00	0.00	0.05	52.00	0.00	52.60
3	0.00	0.02	0.00	0.00	0.00	0.05	0.00	0.00	0.07
4	0.00	0.07	0.00	0.00	0.00	0.05	0.00	0.00	0.12
5	0.00	0.68	0.00	0.00	0.00	0.05	0.00	0.00	0.74
6	0.00	1.09	0.00	0.00	0.00	0.05	0.00	0.00	1.15
7	0.00	2.07	0.00	0.00	0.00	0.05	0.00	0.00	2.13
8	0.03	1.65	0.00	0.00	0.00	0.05	0.00	0.00	1.73
9	0.00	0.56	0.00	0.00	0.00	0.05	0.00	0.00	0.61
10	0.00	0.07	0.00	0.00	0.00	0.05	0.00	0.00	0.12
11	0.16	0.00	0.00	0.00	0.00	0.05	52.00	0.00	52.20
12	0.64	0.00	0.00	0.00	0.00	0.05	52.00	0.00	52.70

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 11/ 1/2002 for
BEAVER CR > SANDY R - AT MOUTH

Watershed ID #:71545

Basin:SANDY

Exceedance Level: 80

Time: 09:40

Date: 11/01/2002

Reservations									TOTAL
APP #	0	0	0	0	0	0	0	0	
Status									
Use									
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 11/ 1/2002 for

BEAVER CR > SANDY R - AT MOUTH

Watershed ID #: 71545

Basin: SANDY

Exceedance Level: 80

Time: 09:40

Date: 11/01/2002

-----ISWRs-----								
APP #	71545A	0	0	0	0	0	0	MAXIMUM
Status	Cert.							
1	14.00	0.00	0.00	0.00	0.00	0.00	0.00	14.00
2	14.00	0.00	0.00	0.00	0.00	0.00	0.00	14.00
3	14.00	0.00	0.00	0.00	0.00	0.00	0.00	14.00
4	14.00	0.00	0.00	0.00	0.00	0.00	0.00	14.00
5	14.00	0.00	0.00	0.00	0.00	0.00	0.00	14.00
6	3.00	0.00	0.00	0.00	0.00	0.00	0.00	3.00
7	1.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00
8	1.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00
9	1.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00
10	1.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00
11	14.00	0.00	0.00	0.00	0.00	0.00	0.00	14.00
12	14.00	0.00	0.00	0.00	0.00	0.00	0.00	14.00

1

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

MEMO

To: Juno Pandian
From: Tracy Eichenlaub, Well Construction Specialist
Subject: Review of Water Right Application G-15802
Date: October 24, 2002

The attached application was forwarded to the Enforcement Section by Water Rights. Donn Miller reviewed the application. Please refer to Donn's referral and the well log (MULT 02540). I agree with Donn's conclusion that the well is commingling and does not have an adequate surface seal. Donn doesn't name a depth that the well should be sealed to but I think that the well needs to be sealed to 267 feet below ground surface to bring it into compliance with current minimum well construction standards.

I concur with Donn, my recommendation is that the Department does **not issue a permit** for this well unless it is brought into compliance with current minimum well construction standards.

I concur
Juno Pandian

INTEROFFICE MEMORANDUM

Water Rights Section

TO: Juno Pandian

October 14, 2002

FROM: Jerry Gainey

RE: GW File Number G-15802

The attached application fee is being referred to you for your review/concurrence with the recommendation by Donn Miller, Groundwater/Hydrology Section. See groundwater review form.

Please route to me when finished.

Thanks.

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # G-15802

ROUTED TO: WR's, Jerry G

TOWNSHIP/

RANGE-SECTION: 15/4E-17

CONDITIONS ATTACHED? ☒ Yes ☐ No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: D M

MEMO

Oct 4, 2002

FROM GW: D. Miller
(Reviewer's Name)

☒ Yes☐ No☒ Yes☐ No☒

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

[illegible]

TO: Water Rights Section

Oct 7, 2002

FROM: Groundwater/Hydrology Section

Don Miller

Reviewer's Name

SUBJECT: Application G- 15802

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
- a. ☐ will, or likely be available in the amounts requested without injury to prior rights
 - b. ☐ will not and/or within the capacity of the resource; or
 - c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ☒ The permit should contain condition #(s) 7 G;
 - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☒ The permit should be conditioned as indicated in item 4 below; or
- Dw 6/12/03*
4. a. ☐ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
- b. ☐ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
- c. ☒ The permit should allow groundwater production only from the Troutdale Sandstone Aquifer groundwater reservoir between approximately 280 ft. and 450 ft. below land surface;
- d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions.
- e. ☐ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

(Well Construction Considerations on Reverse Side)

OVER

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

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:

- ☒ a. review of the well log;
- b. field inspection by _____;
- c. report of CWRE _____;
- d. other: (specify) _____

6. THE WELL construction deficiency:

- ☒ a. constitutes a health threat under Division 200 rules;
- ☒ b. commingles water from more than one groundwater reservoir;
- c. permits the loss of artesian head;
- ☒ d. permits the de-watering of one or more groundwater reservoirs;
- e. other: (specify) _____

7. THE WELL construction deficiency is described as follows: the well develops the Troutdale Sandstone aquifer (primarily) thru the perforated liner and the Troutdale Gravel aquifer (90'-243') thru "mechanical seal". Seal fails to provide proper protection from surface water contamination as seal is 24' to 30'.

8. THE WELL a. _____ was, or constructed according to the standards in effect at the time of
b. _____ was not original construction or most recent modification.
☒ c. I don't know if it met standards at the time of construction.

RECOMMENDATION:

A. _____ I recommend including the following condition in the permit:

"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."

B. _____ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.

☒ C. REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____, 199_____
(Signature)

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

_____, 199_____
(Signature)

Water Resources Department

MEMO

Oct 4, 2002

TO Application G- 15802

FROM GW: D. M. Miller
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☒ Yes

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

☐ No

☒ Yes

Use the Scenic Waterway condition (Condition 7J).

☐ No

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

☒

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

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

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

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

G-15802

TO: Water Rights Section

Oct 7, 2002

FROM: Groundwater/Hydrology Section Don M. Allen

Reviewer's Name

SUBJECT: Application G- 15802

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
- a. ☐ will, or likely be available in the amounts requested without injury to prior rights
 - b. ☐ will not and/or within the capacity of the resource; or
 - c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ☒ The permit should contain condition #(s) 7 G;
 - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☒ The permit should be conditioned as indicated in item 4 below; or
- DWM 6/12/03*
4. a. ☐ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
- b. ☐ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
- c. ☒ The permit should allow groundwater production only from the Troutdale Sandstone Aquifer groundwater reservoir between approximately 280 ft. and 450 ft. below land surface;
- d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions.
- e. ☐ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

OVER

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

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:

- a. ☒ review of the well log;
- b. ☐ field inspection by _____;
- c. ☐ report of CWRE _____;
- d. ☐ other: (specify) _____

6. THE WELL construction deficiency:

- a. ☒ constitutes a health threat under Division 200 rules;
- b. ☒ commingles water from more than one groundwater reservoir;
- c. ☐ permits the loss of artesian head;
- d. ☒ permits the de-watering of one or more groundwater reservoirs;
- e. ☐ other: (specify) _____

7. THE WELL construction deficiency is described as follows: the well develops the Troutdale Sandstone aquifer (primarily) thru the perforated liner and the Troutdale Gravel aquifer (60'-243') thru "mechanical seal". Seal fails to provide proper protection from surface water contamination as seal is 24' to 30'.

8. THE WELL a. ☐ was, or constructed according to the standards in effect at the time of
b. ☐ was not original construction or most recent modification.
c. ☒ I don't know if it met standards at the time of construction.

RECOMMENDATION:

A. ☐ I recommend including the following condition in the permit:

"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."

B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.

C. ☒ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____, 199_____
(Signature)

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

_____, 199_____
(Signature)

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE # G-15802

ROUTED TO: WR's, Jerry G

TOWNSHIP/

RANGE-SECTION: 15/4E-17

CONDITIONS ATTACHED? ☒ Yes ☐ No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: D. M. O.

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Ground Water/Hydrology
 FROM: ~~Doug Woodcock~~ Donna Miller
 SUBJECT: Groundwater Application G- 15802

Date 10/4/02

Applicant(s) seek 40 acra gpm (1 cfs) from 1 wells in the Sandy basin
 Applicants Name: Leon Sandy Bingham sub basin
 Proposed Use: Nursery Use sub basin

Well MULT WRD# 2540 T 15 R 4E S 17 QQ acb County Multnomah

Legal Description 860' N + 300' E from center of Section 17

where
 surface
 water is
 lower than
 head of
 water in
 well

Well is _____ ft from _____ (river/stream)

Well is _____ ft from _____ (river/stream)

Well Elevation 570 (573) ft River/Stream elevation 1 ft.

Well Elevation - River/Stream elevation _____ ft.

Well depth 402 ft SWL 190 ft on 4/6/54

Sealed to 24 to 30 ft Depth first water found _____ ft

Cased to 385 ft Perforations/screens _____ ft

Lined to 382 to 402 ft Perforations/screens _____ ft

Well test and types 300 gpm / 2' dd / 5 hrs

(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES / NO

Potential to cause substantial interference? _____

Well _____ WRD# _____ T _____ R _____ S _____ QQ _____ County _____

Legal Description _____

Well is _____ ft from _____ (river/stream)

Well is _____ ft from _____ (river/stream)

Well Elevation _____ ft River/Stream elevation _____ ft.

Well Elevation - River/Stream elevation _____ ft.

Well depth _____ ft SWL _____ ft on _____

Sealed to _____ ft Depth first water found _____ ft

Cased to _____ ft Perforations/screens _____ ft

Lined to _____ ft Perforations/screens _____ ft

Well test and types _____

(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES / NO

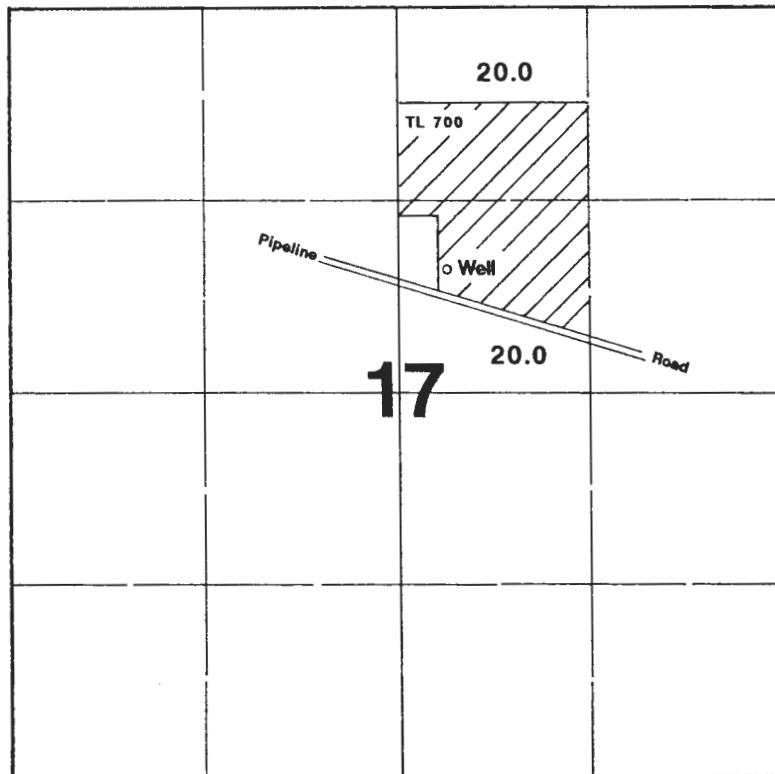
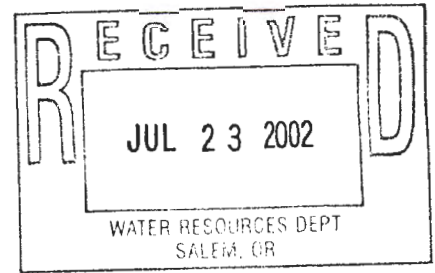
Potential to cause substantial interference? _____

Comments: Well Develops Troutdale Sandstone aquifer ... primarily.
Based on a file-road, this appears to be a developed use of the resource.

The local topography and gw level maps in USGS WSP 2470-A
lead me to conclude that the Troutdale Sandstone aquifer at the
well location conveys water to discharge at the Sandy River about
2 miles north of the well.

References Used: USGS WSP-2470-A, USGS OFR-90-126,
USGS WRIR 90-4196

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



1" = 1320'



Well is located 860'N & 300'E from the center of Section 17.

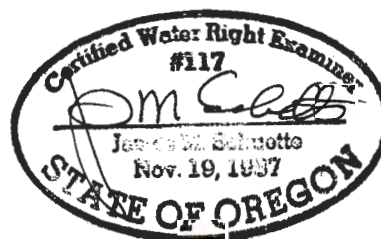
Application Map

Leon & Sandy Bingham

Application #:

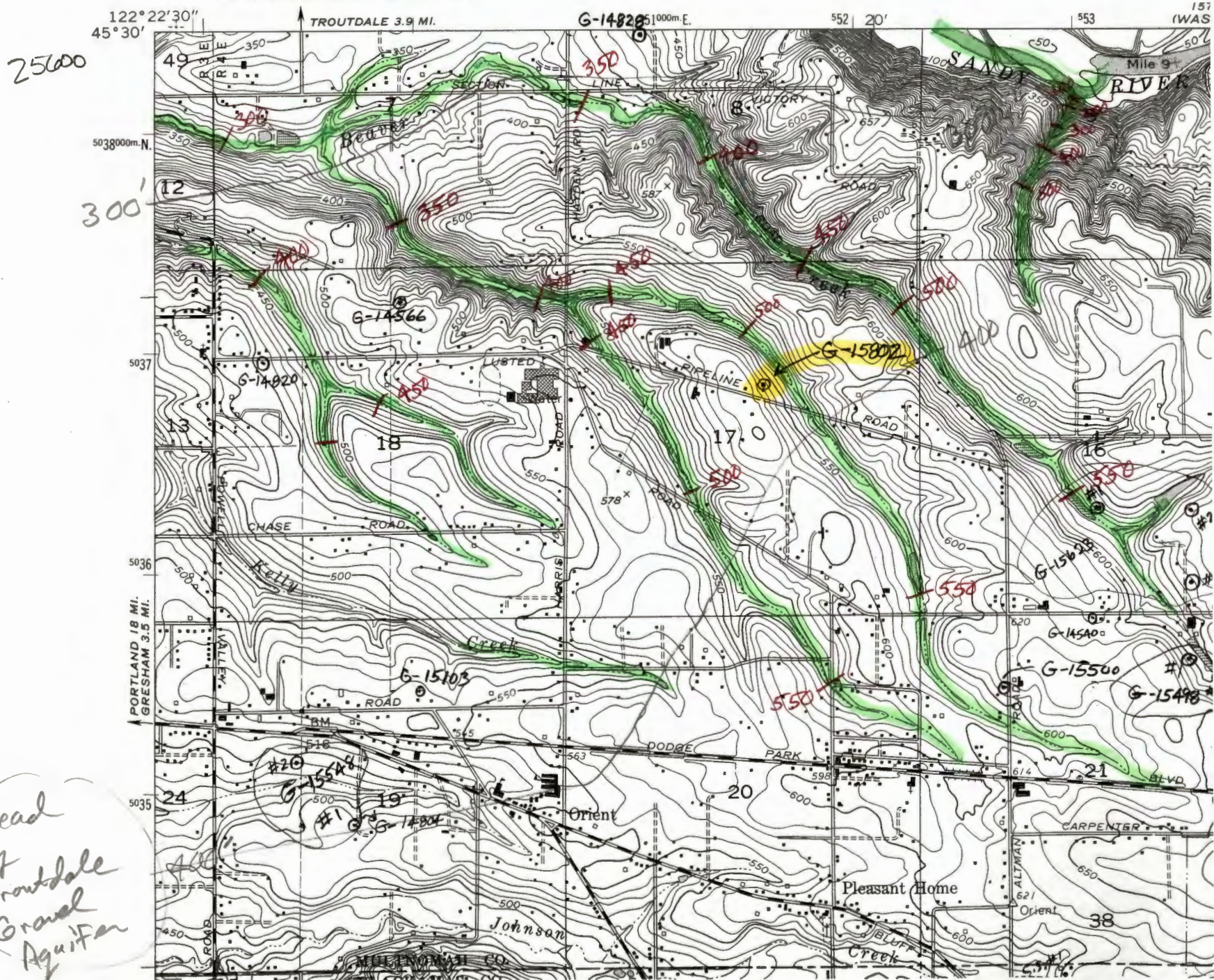
Permit #:

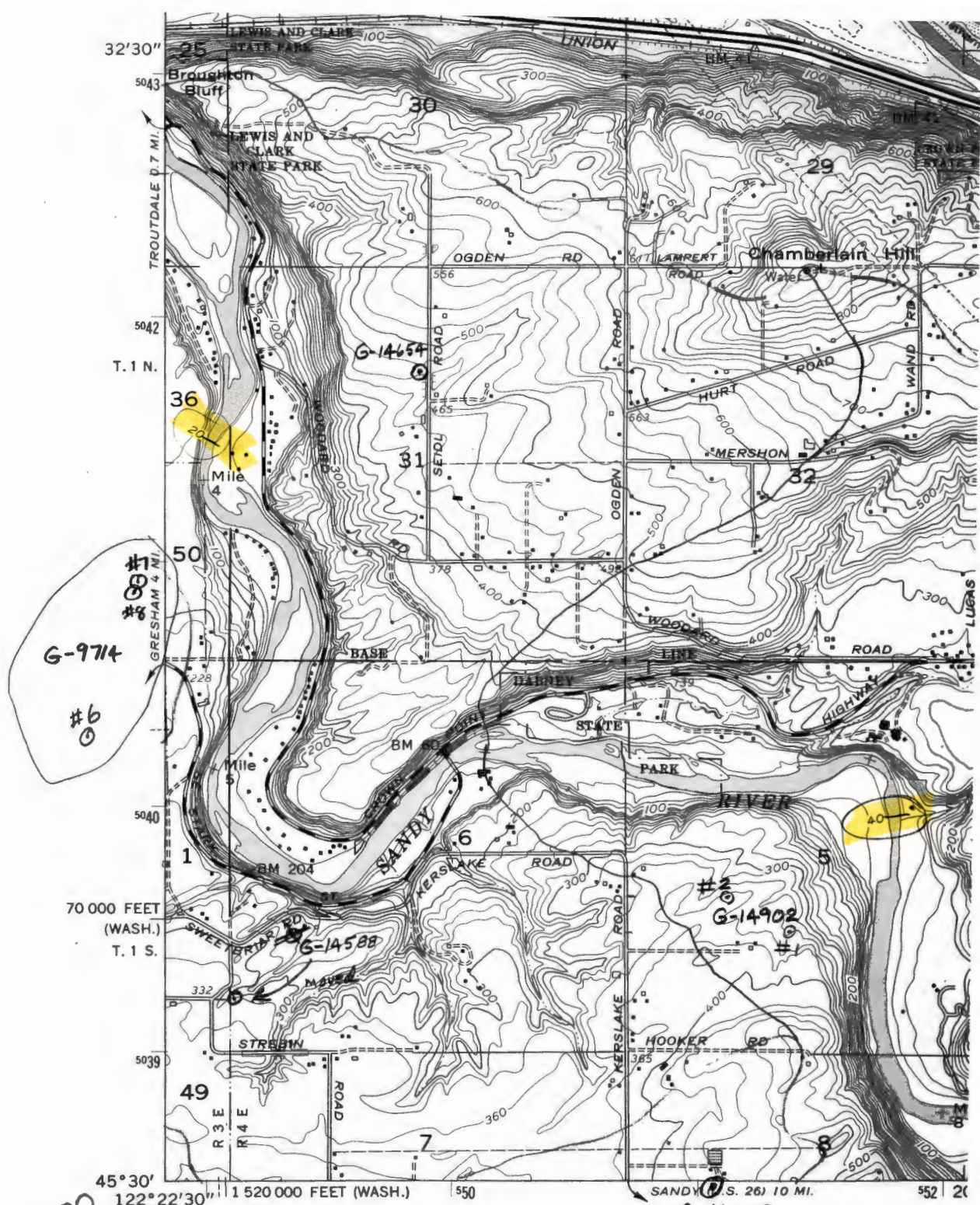
This Map Was Prepared For The Purpose Of Identifying The Location Of A Water Right Only And Is Not Intended To Provide Legal Dimensions Or Location Of Property Ownership Lines.



1575 III SW
(GAMAS)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





25600
(DAMASCUS)
1574 N NW

Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

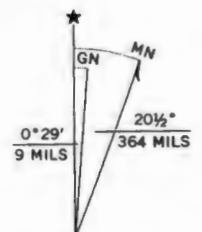
Topography from aerial photographs by photogrammetric methods and by planetable surveys 1954. Aerial photographs taken 1951 Revised from aerial photographs taken 1960. Field check 1961

Selected hydrographic data compiled from USC&GS Chart 6156 (1959) This information is not intended for navigational purposes

Polyconic projection. 1927 North American datum 10,000-foot grids based on Washington coordinate system, south zone, and Oregon coordinate system, north zone 1000-meter Universal Transverse Mercator grid ticks, zone 10, shown in blue

Red tint indicates area in which only landmark buildings are shown

Fine red dashed lines indicate selected fence lines



UTM GRID AND 1975 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

STATE OF OREGON
Water Resources Department
158 12th St. N.E.
Salem, OR 97310

REVIEWER Donna Miller

DATE: 10/4/02

DIVISION 9 CHECKLIST
Application # G-15802

OAR 690-09-040

Hydraulically Connected to Sandy R [and/or S.R. tribs] (surface water source)

(4)(a) the point of appropriation is a horizontal distance less than 1/4 mile from the surface water source to which it's connected? Y or N Est. pt. of connection ~ 2 miles

(b) the rate of appropriation is greater than five cubic feet per second and less than one mile from the surface water source (to which it's connected)? Y or N N

© the rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right and less than one mile from the surface water source (to which it is connected)? Y or N N

the rate of appropriation is greater than one percent of the discharge that is equaled or exceeded 80 percent of the time, as determined or estimated by the Department and less than one mile from the surface water source (to which it is connected)? Y or N N

(d) the ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation and the point of appropriation is less than 1/4 mile from the surface water source? Y or N N

(5) Other Considerations

(a) the potential for a reduction in streamflow or surface water supply yes

(b) the potential to impair or detrimentally affect the public interest as expressed by an applicable closure on surface water appropriation, minimum perennial streamflow, or instream water right with a senior priority yes

(c) the percentage of the ground water appropriation that was, or would have become, surface water most / all

(d) the potential interference would be immediate or delayed delayed

(e) the potential for a cumulative adverse impact on streamflow or surface water supply sure

(1) OWNER:

Name A. R. BRUHN
Address Rt. 2 Box 617 Gresham Oregon

(2) LOCATION OF WELL:

County Multnomah Owner's number, if any—
S.W. 1/4 N.E. 1/4 Section 17 T. 1 S. R. 4 E. W.M.
Bearing and distance from section or subdivision corner S 52° 30'
2980 ft. from the N.E. corner, Section
17

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 11.

PROPOSED USE (check):

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

(5) TYPE OF WELL:

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

(6) CASING INSTALLED: Threaded ☐ Welded ☒
8 " Diam. from 0 ft. to 385 ft. Gage Stand
ard
(6) " Diam. from _____ ft. to _____ ft. Gage _____
Perf. 8 " Diam. from 382 ft. to 402 ft. Gage Stand
ard

(7) PERFORATIONS: Perforated? ☒ Yes ☐ No
Type of perforator used Torch (6 Inch Liner)
SIZE of perforations 1/8 in. by 12 in.
~~XXXXXXXX~~ perforations from _____ ft. to _____ ft.
20 ft. liner perforations from with bottom 18 ft. ft
perf. / perforations from 24 Perf. ft. to 8 ft. ft
Total ~~XXXXXXXX~~ perforations 432 ~~XXXXXXXXXXXXXXXXXXXX~~
_____ perforations from _____ ft. to _____ ft.

SCREENS:

Well screen installed ☐ Yes ☐ No

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

(8) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel: Between 24 to 30
Gravel placed from _____ ft. to _____ ft.
Was a surface seal provided? ☒ Yes ☐ No To what depth 24 to 30
Material used in seal—Cement Sand & Gravel
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ Depth of strata (Well Depth) _____
Method of sealing strata off (First test at 195 ft)
25 G.P.M. Petered out

(9) WATER LEVELS:

Static level 190 ft. below land surface Date 4/6/54
Artesian pressure _____ lbs. per square inch Date _____
Log Accepted by A. R. Bruhn
(Signed) A. R. Bruhn Date January 31, 1959
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level Bottner well
Was a pump test made? ☒ Yes ☐ No If yes, by whom? Drilling
Yield: 50 gal./min. with 1 1/3 ft. drawdown after 2 hrs.
" 100 " 1 1/2 " 2 "
" 200 " 1 " 3 "
Baller test 300 gal./min. with 2 ft. drawdown after 5 hrs.
1/4/54 2nd & final Test 4/6/1954
Temperature of water _____ Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well 8 inch w/
6 inch liner
Depth drilled 402 ft. Depth of completed well 402 ft.
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	1	3
Yellow Clay	3	60
Cemented Gravel	60	161
Fine Blk Sand	161	164
Coarse Blk Sand	164	177
Fine sand	177	179
Coarse Blk. Sand	179	195
Cemented Gravel	195	243
Sand & Clay	243	247
Light Brown Clay	247	261
Fine Pea Gravel	261	262
Brown Clay	262	275
Red Clay	275	287
Coarse Sand Stone	287	300
Cemented Gravel	300	400
Coarse sand w/little Pea	400	402
Gravel		
Water Bearing		

Work started Feb. 5th 1954 Completed April 6 1954

(13) PUMP:

Manufacturer's Name Myers 6 Inch Stroke Pump
Type: Rod H.P. 1
Pumping 200 P.Hr.

Well Driller's Statement:

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

NAME HAakon I. Bottner WELL DRILLING

(Person, firm, or corporation) (Type or print)
Address 11544 N. E. GLISAN ST.

Driller's well number _____

(Signed) H. Bottner

License No. 109 (Well Driller) Date Oct 15 1956

NOTICE TO WATER WELL CONTRACTOR

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

STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

RECEIVED

FEB 28 1968

WATER WELL REPORT

STATE ENGINEER

STATE OF OREGON

SALEM, OREGON (Please type or print)

State Well No. 1/4-17 #

State Permit No. _____

(1) OWNER: (Powell Vall Nursery)

Name Lathie & Mollie Belcher

Address Rt. 2 Box 257 Gresham, Oregon

(2) LOCATION OF WELL:

County Multnomah Driller's well number _____

S.E. 1/4 N.E. 1/4 Section 17 T. 1S. R. 4E of W.M.

Bearing and distance from section or subdivision corner

38 ft. No. of S.E. Corner West 1107 ft
uth line, N.E. Corner

(3) TYPE OF WORK (check):

Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

Abandonment, describe material and procedure in Item 13.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐ Rotary ☐ Driven ☐
Irrigation ☒ Test Well ☐ Other ☐ Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(5) TYPE OF WELL:

(6) CASING INSTALLED:

Threaded ☐ Welded ☒
8 " Diam. from 0 ft. to 460 ft. Gage 279
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(7) PERFORATIONS:

Perforated ☒ Yes ☐ No

Type of perforator used Single knife drive down

Size of perforations 3/8 in. by 1 1/2 in.
180 perforations from 170 ft. to 180 ft.
180 perforations from 350 ft. to 360 ft.
180 perforations from 385 ft. to 395 ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

(8) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____

Model No. _____

Slot size _____ Set from _____ ft. to _____ ft.

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(9) CONSTRUCTION: 1st. Seal @ 80 ft.

2nd. " @ 28 ft.

Well seal—Material used in seal Sand & cement

* Depth of seal See Above ft. Was a packer used? no

Diameter of well bore to bottom of seal 10 in.

Were any loose strata cemented off? ☐ Yes ☒ No Depth _____

Was a drive shoe used? ☒ Yes ☐ No

Was well gravel packed? ☐ Yes ☒ No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

(10) WATER LEVELS:

Static level 178 ft. below land surface Date 7/19/66

Artesian pressure _____ lbs. per square inch Date _____

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

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

Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.

" " " " " "

" " " " " "

Bailer test 40 gal./min. with 80 ft. drawdown after 6 hrs.

Artesian flow _____ g.p.m. Date _____

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

(12) WELL LOG:

Diameter of well below casing 8"

Depth drilled 467 ft. Depth of completed well 467 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	0	3
Clay, yellow	3	25
Gravel, cemented	25	38
Gravel & sand, mixed	38	48
Clay, blue	48	59
Rock, black soft	59	70
Gravel, cemented	70	158
Clay, yellow	158	169
Gravel, water bearing	169	183
Clay, yellow	183	220
Gravel	220	225
Clay, red	225	250
Clay, brown	250	273
Clay, hard packed	273	308
Gravel, cemented	308	385
Gravel & sand water bearing	385	402
Clay, blue	402	428
Clay, brown	428	435
Clay, gray	435	447
Sand	447	461
Clay, gray	461	467

Work started May 26 1966 Completed July 15 1966

Date well drilling machine moved off of well July 19 1966

(13) PUMP:

Manufacturer's Name _____

Type: _____ H.P. _____

Water Well Contractor's Certification:

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

NAME HAAKON BOTTNER DRILLING COMPANY
(Person, firm or corporation) (Type or print)

Address 3424 S.E. 17th AVENUE
Portland, OREGON 97236

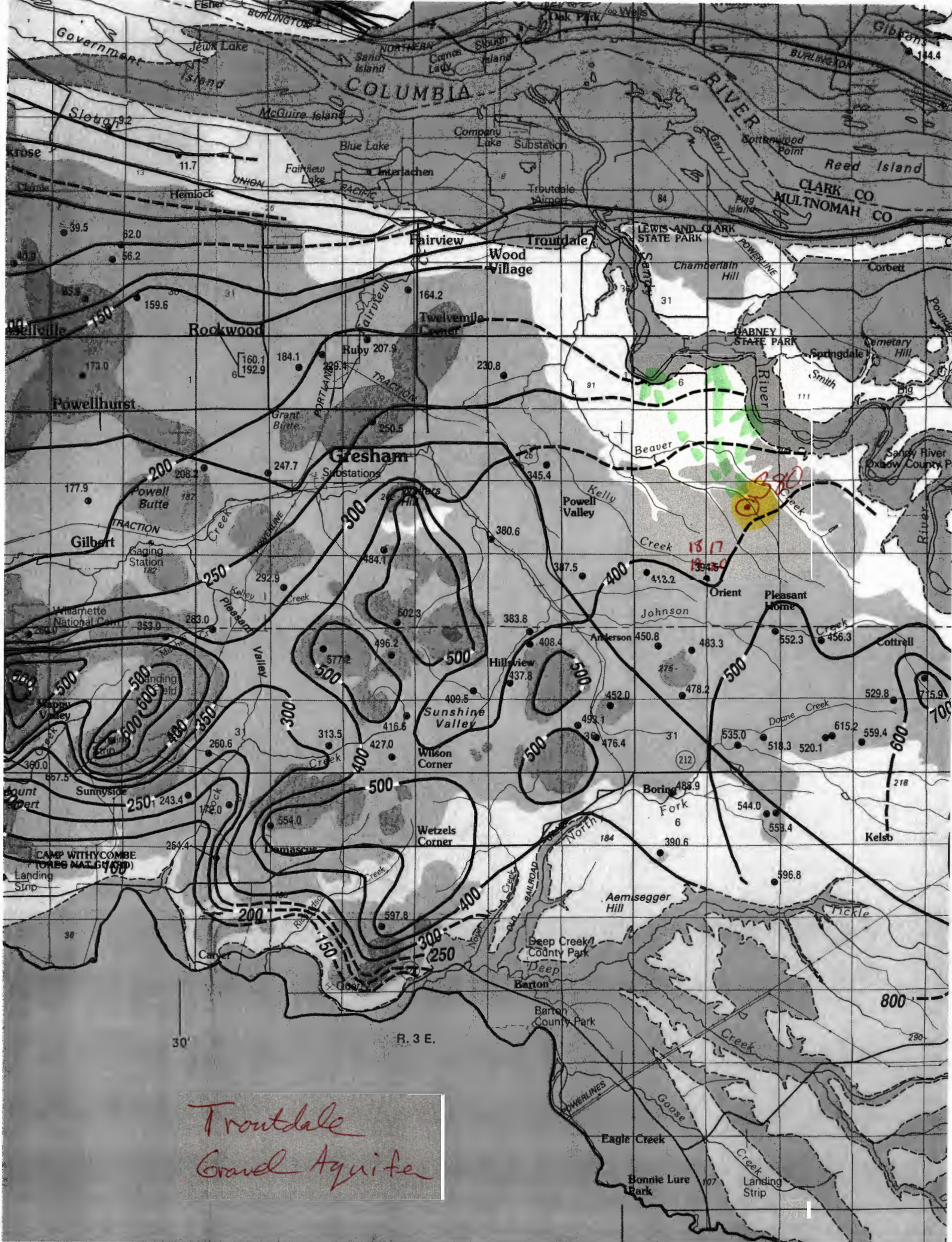
Drilling Machine Operator's License No. 295

[Signed] Haakon Bottner
(Water Well Contractor)

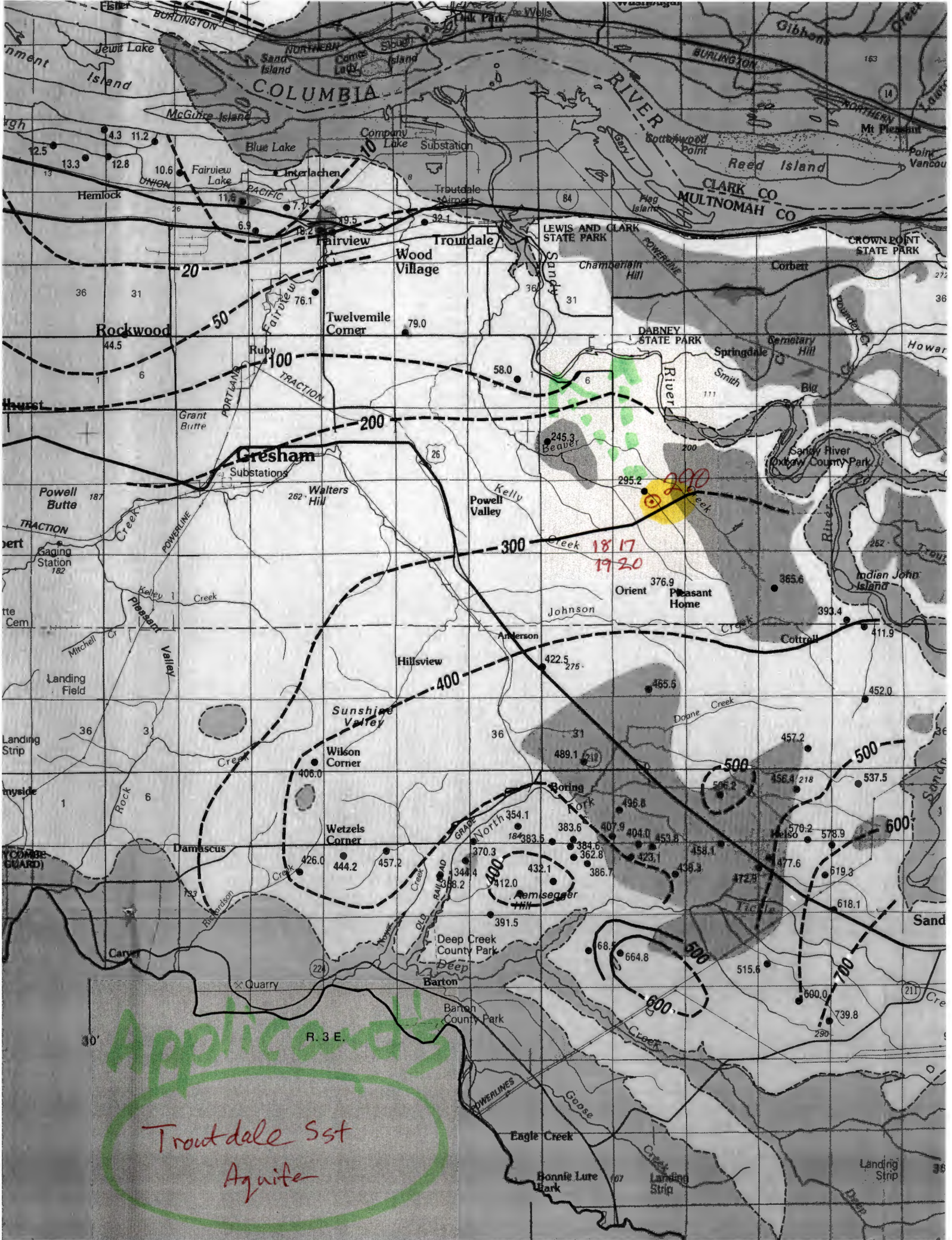
Contractor's License No. 109 Date 7/24 1966

Table 1.--Altitude of top of hydrogeologic units for selected wells, in feet
above or below (-) sea level--Continued

Log- ID	Location number	Uncon- solidated sedimentary rocks	Troutdale gravel	Confining unit 1	Troutdale sandstone	Confining unit 2	Sand and gravel	Undifferentiated fine-grained sediments	Older rocks
900306	01S/04E-11ACC	150	--	--	--	--	--	110	20
10774	01S/04E-14CBB	112	--	--	--	--	91	--	--
10775	01S/04E-14CCC	140	--	--	--	--	--	125	-205
10776	01S/04E-15BAB	80	--	--	--	--	--	45	--
10777	01S/04E-15CBC	--	648	--	416	333	258	--	--
10778	01S/04E-16ADB	--	672	--	469	87	--	--	-341
10779	01S/04E-16ADC	--	672	422	367	--	--	--	--
mult 2540 900324	01S/04E-17ACB	--	573	330 (243)	286 (287)	--	--	--	--
10780	01S/04E-17BAD	--	515	332	207	113	41	--	--
900500	01S/04E-17DCB	--	528	284	164	--	--	--	--
900498	01S/04E-18ACD	--	485	285	130	--	--	--	--
900325	01S/04E-18ADC1	--	525	235	164	-16	--	--	--
900326	01S/04E-18ADC2	--	523	213	163	-16	--	--	--
900327	01S/04E-18DAA	--	549	255	194	--	--	--	--
900499	01S/04E-18DAA2	--	550	225	142	--	--	--	--
900328	01S/04E-18DDC	--	550	253	--	--	--	--	--
10781	01S/04E-19BBB	--	533	202	--	--	--	--	--
900359	01S/04E-19BCBB	--	520	203	--	--	--	--	--
10782	01S/04E-20BCB	--	573	273	--	--	--	--	--
900329	01S/04E-20DAA	--	612	332	266	--	--	--	--
10783	01S/04E-21DDC	--	612	--	450	220	--	--	--
900501	01S/04E-22BAB	--	673	551	544	--	--	--	--
900330	01S/04E-22BDC	--	653	--	473	--	--	--	--
8182	01S/04E-22DCC	--	650	--	443	232	--	--	--
900331	01S/04E-23CDC	--	475	--	410	--	--	--	--
7115	01S/04E-26ACB	--	537	--	--	--	--	--	--
7091	01S/04E-26BAA	--	500	--	467	--	--	--	--
7101	01S/04E-26CCB	--	730	--	--	--	--	--	--
7459	01S/04E-26CCC	--	746	446	416	--	--	--	--
7135	01S/04E-28ABC	--	603	--	--	--	--	--	--
7129	01S/04E-28ADA	--	646	--	358	--	--	--	--
900309	01S/04E-28ADD1	--	660	337	316	220	--	--	-434
7139	01S/04E-28BAC	--	589	--	--	--	--	--	--
7128	01S/04E-28DDB	--	663	352	315	--	--	--	--
900447	01S/04E-29AAA	--	560	--	--	--	--	--	--
7146	01S/04E-29BDA	--	566	--	326	--	--	--	--
7143	01S/04E-29CAA	--	592	381	335	117	--	--	--
7152	01S/04E-29CAA	--	585	--	--	--	--	--	--
900444	01S/04E-29DCC	--	580	399	335	124	--	--	--
7209	01S/04E-30ADB	--	611	--	--	--	--	--	--
7164	01S/04E-30ADD	--	615	--	--	--	--	--	--
7192	01S/04E-30BDA	--	540	--	--	--	--	--	--
7183	01S/04E-30CBB	--	581	--	294	--	--	--	--
7244	01S/04E-30CCB	--	601	--	--	--	--	--	--
7236	01S/04E-30DCD	--	605	--	--	--	--	--	--
900448	01S/04E-31CBB	--	571	282	241	78	48	--	--
7239	01S/04E-31CCD	--	535	279	249	--	--	--	--
7277	01S/04E-32CAD	--	538	--	--	--	--	--	--
7253	01S/04E-32DAB	--	576	--	--	--	--	--	--
7312	01S/04E-33DBA	--	625	--	--	--	--	--	--
7343	01S/04E-33DBA	--	625	--	--	--	--	--	--
7368	01S/04E-34ABB	--	710	--	--	--	--	--	--
7356	01S/04E-34CBA	--	675	--	--	--	--	--	--
7394	01S/04E-34DBD	--	705	575	513	--	--	--	--
7460	01S/04E-35BAA	--	717	--	568	402	--	--	--
900443	01S/04E-35BCB	--	740	--	450	--	--	--	--
900502	01S/05E-31ACA	--	--	--	--	--	502	590	340
5098	02N/01E-01AAD	270	--	--	--	--	--	--	--
5095	02N/01E-01DAB1	273	109	--	--	--	--	--	--
900680	02N/01E-02BAA	200	90	--	--	--	--	-212	--
900679	02N/01E-02CAB	220	100	--	--	--	--	-230	--
900320	02N/01E-02DDCC	243	100	--	--	--	--	--	--
5103	02N/01E-03CCB1	218	85	--	--	--	--	--	--
11571	02N/01E-04BAD1	215	70	--	--	--	--	--	--
5105	02N/01E-07BCB	20	--	--	--	--	--	--	--
5107	02N/01E-07CBB1	20	--	--	--	--	--	--	--
5108	02N/01E-09CAD1	30	-48	--	--	--	--	--	--
5109	02N/01E-09DBB1	50	-83	--	--	--	--	--	--
5116	02N/01E-10AAD1	195	78	--	--	--	--	--	--
900321	02N/01E-10CBCC	153	102	--	--	--	--	-230	--
900381	02N/01E-11AAB1	238	114	--	--	--	--	--	--
900227	02N/01E-11ABC1	258	79	--	--	--	--	--	--
900383	02N/01E-11BAB1	225	85	--	--	--	--	--	--
11575	02N/01E-11BAB2	226	85	--	--	--	--	--	--
11574	02N/01E-11BAB3	227	84	--	--	--	--	--	--
900382	02N/01E-11BAB4	250	103	--	--	--	--	--	--
11563	02N/01E-11BAB5	230	85	--	--	--	--	-359	--
11572	02N/01E-11BAC1	230	81	--	--	--	--	--	--
5118	02N/01E-11CDC1	220	--	--	--	--	--	--	--
5120	02N/01E-12AAA1	281	165	--	--	--	--	--	--



Troutdale
Gravel Aquifer



Applicand's

Troutdale Sst
Aquifer

Table 1.--Records of selected wells in the Portland Basin--Continued

Well location number	Well identification number	Owner	Date drilled	Latitude	Longitude	Altitude	Depth of well (feet)	Depth of open interval (feet)		Well diameter (inches)	Test method	Well performance			Water level		Specific conductance	Remarks
								Top	Bottom			Yield (gal/min)	Draw-down (feet)	Test period (hours)	Feet below datum	Date		
MULTNOMAH COUNTY, OREGON--Continued																		
1S/4E-15CBC(M)	10777	MOLLER'S NURSERY INC.	1980	452848	1221828	648	520.0	410.0	520.0	--	P	250.0	70.0	8.0	410.0(D)	3/ 1/80	155	I
1S/4E-16ADB(H)	10778	MOLLER'S NURSERY INC.	1969	452907	1221851	672	1031.0	456.0	469.0	8.0	P	150.0	12.0	5.0	450.0(D)	8/14/69	--	G I
								489.0	497.0									
								533.0	537.0									
								563.0	567.0									
								620.0	625.0									
								630.0	635.0									
								798.0	803.0									
								890.0	894.0									
								940.0	948.0									
								1014.0	1031.0									
1S/4E-16ADC(H)	10779	A.W. SHERWOOD	--	452903	1221850	672	480.0	383.0	480.0	8.0	P	150.0	15.0	6.0	375.0(D)	6/ 1/56	110	I
1S/4E-17ACB(G)	900324	LEON BINGHAM	1954	452907	1222023	573	402.0	384.0	402.0	8.0	P	50.0	0.3	2.0	190.0(D)	4/ 6/54	--	I
1S/4E-17BAD(C)	10780	DAROLD BELCHER	1966	452918	1222028	515	467.0	170.0	180.0	8.0	B	40.0	80.0	6.0	219.8	3/31/88	--	I
								350.0	360.0									
								385.0	395.0									
1S/4E-17DCB(Q)	900500	CITY OF PORTLAND	1979	452841	1222019	578	430.0	--	--	10.0	N	--	--	--	--	--/--/--	--	
1S/4E-17DDA(R)	10787	LUNDBOM	1977	452842	1221952	563	360.0	278.0	360.0	8.0	A	125.0	--	1.0	194.0	9/19/89	--	
1S/4E-18ACD(G)	900498	CITY OF PORTLAND	1979	452902	1222128	495	445.0	--	--	10.0	N	--	--	--	80.0(D)	7/17/79	--	
1S/4E-18ADC1(H)	900325	GRESHAM UNION HIGH SCHOOL DISTRICT	1968	452904	1222113	525	541.0	150.0	157.0	12.0	P	225.0	220.0	15.0	163.3	2/ 2/88	183	B H I O
								231.0	237.0									
								290.0	301.0									
								351.0	360.0									
								372.0	380.0									
								411.0	422.0									
								455.0	466.0									
								472.0	541.0									
1S/4E-18ADC2(H)	900326	GRESHAM UNION HIGH SCHOOL DISTRICT	1974	452904	1222116	523	540.0	370.0	462.0	10.0	P	250.0	217.0	24.0	179.0(D)	9/ 6/74	--	C
								466.0	540.0									
1S/4E-18BCD(E)	6651	CARL EKSTROM	--	452900	1222203	510	350.0	160.0	260.0	8.0	P	60.0	40.0	2.0	137.0(D)	12/24/67	--	
								302.0	350.0									
1S/4E-18DAA(J)	900327	GRESHAM UNION HIGH SCHOOL DISTRICT	1980	452858	1222107	549	450.0	250.0	290.0	8.0	P	180.0	59.0	8.0	180.0(D)	10/28/80	170	I
								350.0	450.0									
1S/4E-18DAA2(J)	900499	CITY OF PORTLAND	1978	452858	1222106	550	470.0	--	--	10.0	N	--	--	--	40.0(D)	4/11/78	--	
1S/4E-18DDC(R)	900328	ARCHIE HODGES	1960	452833	1222114	550	300.0	185.0	195.0	8.0	P	197.0	78.0	8.0	157.0(D)	5/26/60	--	I
								205.0	217.0									
								228.0	234.0									
								291.0	294.0									
1S/4E-198BD(D)	10781	JOHN HOLMLUND	1976	452821	1222201	533	353.0	155.0	320.0	8.0	B	50.0	7.0	1.0	119.8	3/31/88	--	I
								330.0	353.0									
1S/4E-19BCB(E)	900359	NORTHWEST NATURAL GAS	1972	452820	1222214	520	402.0	--	--	9.0	N	--	--	--	--	--/--/--	--	
1S/4E-20BCB(E)	10782	JOHN HOLMLUND NURSERY COMPANY	1986	452816	1222102	573	315.0	150.0	300.0	--	B	50.0	127.0	0.5	178.5	4/ 1/88	--	I
								300.0	315.0									
1S/4E-20DAA(J)	900329	JOHN WILLIAMS	1969	452805	1221954	612	413.0	328.0	331.0	8.0	P	150.0	33.0	2.0	235.1	4/ 1/88	--	I
								346.0	375.0									
								379.0	413.0									
1S/4E-21DDC(R)	10783	MOLLER'S NURSERY INC.	1974	452742	1221845	612	400.0	295.0	395.0	--	P	440.0	11.0	6.0	252.0(D)	11/18/74	--	I
1S/4E-22BAB(C)	900501	CITY OF PORTLAND	1977	452828	1221815	673	400.0	--	--	10.0	N	--	--	--	--/--/--	--		
1S/4E-22BDC(F)	900330	DAVE KELLER	1986	452808	1221815	653	390.0	390.0	390.0	6.0	A	30.0	--	2.0	287.4	3/31/88	155	B H I O
1S/4E-22DDC(L)	9182	MOLLER'S NURSERY INC.	1972	452743	1221757	650	420.0	335.0	420.0	7.0	P	240.0	1.0	2.0	--	--/--/--	--	I
1S/4E-23DDC(P)	900331	MIKE BISSELL	1984	452745	1221704	475	155.0	80.0	155.0	6.0	A	15.0	--	1.0	81.6	4/ 1/88	209	B H O
2N/1W-7ADD1(H)	5721	PACIFIC COAST NURSERY	1961	454018	1225045	35	106.0	85.0	100.0	8.0	P	85.0	0.0	1.0	38.0(D)	5/12/61	--	I
2N/1W-14CAD1(L)	5740	PACIFIC COAST NURSERY	1979	453911	1224631	20	257.0	220.0	250.0	10.0	P	1040.0	3.5	6.0	16.5(D)	3/ 6/79	--	I
2N/1W-16BCC1(E)	5773	PACIFIC COAST NURSERY	1974	453926	1224929	30	72.0	72.0	72.0	--	P	250.0	7.0	4.0	23.6	4/ 7/89	--	I
2N/1W-17DDA1(R)	5763	PACIFIC COAST NURSERY	1977	453910	1224939	30	104.0	60.0	99.0	8.0	P	150.0	3.0	2.0	21.0	4/ 7/89	--	I
								103.0	104.0									
2N/1W-17DDA2(R)	5775	PACIFIC COAST NURSERY	1957	453909	1224936	20	54.0	54.0	54.0	8.0	P	200.0	2.0	2.0	13.0(D)	3/25/57	--	I
2N/1W-24BAC1(C)	800515	U.S. GEOLOGICAL SURVEY	1987	453849	1224528	24	24.3	19.3	24.3	2.0	N	--	--	--	18.0	3/ 1/89	--	B H O
2N/1W-24BAC2(C)	800516	U.S. GEOLOGICAL SURVEY	1987	453849	1224528	24	84.0	78.7	83.7	2.0	N	--	--	--	18.2	3/ 1/89	--	B H O
2N/1W-24BCC1(E)	800517	U.S. GEOLOGICAL SURVEY	1987	453835	1224546	31	29.4	24.4	29.4	2.0	N	--	--	--	21.8	3/ 1/89	--	B H O
2N/1W-24BCC2(E)	800518	U.S. GEOLOGICAL SURVEY	1987	453835	1224546	31	82.1	77.1	82.1	2.0	N	--	--	--	25.4	3/ 1/89	--	B H O
2N/1W-27CAC1(L)	5826	ALDERCREEK LUMBER	1959	453727	1224757	20	195.0	195.0	195.0	8.0	P	200.0	34.0	3.0	16.0(D)	10/ 3/59	--	C
2N/1W-27DCC1(P)	5829	ALDERCREEK LUMBER	1959	453717	1224756	30	214.0	--	--	8.0	N	--	--	--	--/--/--	--		C
2N/1W-35DAC(J)	900567	SCHWITZER STEEL PRODUCTS	--	453638	1224603	30	123.0	86.0	98.0	12.0	O	1250.0	41.0	--	14.0(D)	7/22/43	--	C
								102.0	114.0									
2N/1W-35DDB(R)	900571	SCHWITZER STEEL PRODUCTS	1943	453628	1224600	40	120.0	65.0	74.0	12.0	O	1200.0	14.0	--	27.2	6/13/88	--	C
								80.0	90.0									
								103.0	112.0									
2N/1W-35DDBB(R)	900568	SCHWITZER STEEL PRODUCTS	1943	453633	1224604	40	118.0	85.0	94.0	12.0	O	1600.0	10.5	--	21.0(D)	4/23/43	--	C
								95.0	105.0									
2N/1W-35DDBD(R)	900569	SCHWITZER STEEL PRODUCTS	1943	453631	1224602	40	121.0	95.0	98.0	12.0	O	1100.0	2.0	--	26.0(D)	10/18/43	--	C
								100.0	115.0									
2N/1W-35DDCA(R)	900570	SCHWITZER STEEL PRODUCTS	1943	453626	1224559	44	105.0	72.0	81.0	12.0	D	1100.0	5.0	--	27.0(D)	10/13/43	--	C
								85.0										

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 15802

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G	7302	G 6753	1.00S 3.00E12NENE IR	0.2400	C
2	GR	432	GR 418	1.00S 4.00E 4SWSW IR	80.0000	G
3	G	12632	G 11650	1.00S 4.00E 8NWNW IR	0.2500	C
4	GR	283	GR 2435	1.00S 4.00E 7SWNW IR	75.0000	G
5	G	10602	G 9616	1.00S 4.00E 7SENE IR	0.2400	C
6	G	1479	G 1356	1.00S 4.00E 8SWNW IR	0.3600	C
6	GR	999	GR 965	1.00S 4.00E 8SWNW IR	270.0000	G
7	GR	3476	GR 3210	1.00S 4.00E 7NWSE IR	40.0000	G
8	G	3649	G 3428	1.00S 4.00E17NENW IS	0.0300	C
9	G	4671	G 4399	1.00S 4.00E18SWNW IR	0.2600	C
9	G	12862	G 11632	1.00S 4.00E18SWNW AG	90.0000	G
9	G	12862	G 11632	1.00S 4.00E18SWNW AG	200.0000	G
9	G	12862	G 11632	1.00S 4.00E18SWNW NU	90.0000	G
9	G	12862	G 11632	1.00S 4.00E18SWNW NU	200.0000	G
10	G	265	G 202	1.00S 4.00E16SENE IR	0.1100	C
10	G	1751	G 1613	1.00S 4.00E16SENE IR	0.3500	C
11	G	4194	G 3959	1.00S 4.00E18SENE AH	0.5600	C
11	G	4194	G 3959	1.00S 4.00E18SENE IR	0.2300	C
11	G	6686	G 6091	1.00S 4.00E18SENE AH	0.5600	C
11	G	6686	G 6091	1.00S 4.00E18SENE IS	0.2300	C
12	G	11498	G 10593	1.00S 4.00E18NWSW IR	0.2900	C
12	G	12749	G 12343	1.00S 4.00E18NWSW AG	0.5600	C
12	GR	2822	GR 2662	1.00S 4.00E18NWSW IR	250.0000	G
13	G	12635	G 11445	1.00S 4.00E16NESE NU	0.6700	C
14	G	9940	G 9005	1.00S 4.00E15NWSW IR	0.4000	C
15	GR	1102	GR 1490	1.00S 4.00E17NWSE IR	30.0000	G
16	G	12863	G 12008	1.00S 4.00E18SWSE IR	0.4400	C
16	GR	95	GR 91	1.00S 4.00E18SWSE IR	140.0000	G
17	G	1714	G 1589	1.00S 4.00E18SESE IR	0.2300	C
17	G	2145	G 1989	1.00S 4.00E18SESE IR	0.1000	C
18	G	13032	G 11814	1.00S 4.00E16SWSW AG	0.1500	C
18	G	13032	G 11814	1.00S 4.00E16SWSW NU	556.0000	G
19	G	13150	G 12014	1.00S 4.00E17SWSW NU	250.0000	G
19	G	13172	G 12015	1.00S 4.00E17SWSW IR	0.2160	C
20	G	8562	G 8029	1.00S 4.00E17SESE IC	0.4500	C
21	G	12403	G 11397	1.00S 4.00E17SWSE NU	0.0594	C
22	G	11719	G 10878	1.00S 4.00E19NWNW IR	195.0000	G
23	G	12368	G 11221	1.00S 4.00E19NWNE NU	0.8060	C
24	G	5044	G 4754	1.00S 4.00E20NENE IR	0.2000	C
25	G	9181	G 8497	1.00S 4.00E20SENE IR	0.1300	C
26	G	1361	G 1261	1.00S 4.00E21SENE IM	0.2200	C
27	G	13088	G 12269	1.00S 4.00E19NWSW IR	101.0000	G
28	G	12292	G 11177	1.00S 4.00E19NESW NU	0.5000	C
29	G	1743	G 1594	1.00S 4.00E19NWSE IR	0.2200	C
30	G	12791	G 11663	1.00S 4.00E19SESW AG	60.0000	G
30	G	12791	G 11663	1.00S 4.00E19SESW IR	60.0000	G
31	G	7082	G 6553	1.00S 4.00E21SESE IR	0.9800	C
32	G	10470	G 9689	1.00S 4.00E29NWNW IR	0.0200	C

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 15802

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G	13476	G 12140	1.00S 3.00E25SESW 7BG
1	G	13476	G 12140	1.00S 3.00E25SESW 7BR
1	G	13476	G 12140	1.00S 3.00E25SESW 7DG
1	G	13476	G 12140	1.00S 3.00E25SESW 7DR
1	G	13476	G 12140	1.00S 3.00E25SESW 7BG
1	G	13476	G 12140	1.00S 3.00E25SESW 7BR
1	G	13476	G 12140	1.00S 3.00E25SESW 7DG
1	G	13476	G 12140	1.00S 3.00E25SESW 7DR
1	G	13709	G 12365	1.00S 3.00E25SESW
1	G	13709	G 12365	1.00S 3.00E25SESW
1	G	13709	G 12365	1.00S 3.00E25SESW
2	G	12635	G 11445	1.00S 4.00E16NESE 4G
3	G	12863	G 12008	1.00S 4.00E18SWSE 4KG
3	GR	95	GR 91	1.00S 4.00E18SWSE

4	G	13150	G	12014	1.00S	4.00E17SWSW	4IG
4	G	13150	G	12014	1.00S	4.00E17SWSW	4IR
4	G	13150	G	12014	1.00S	4.00E17SWSW	4KG
4	G	13172	G	12015	1.00S	4.00E17SWSW	4IG
4	G	13172	G	12015	1.00S	4.00E17SWSW	4IR
5	G	12403	G	11397	1.00S	4.00E17SWSE	4G
6	G	12791	G	11663	1.00S	4.00E19SESW	4GG
6	G	12791	G	11663	1.00S	4.00E19SESW	4GG
7	G	13276	G	11981	1.00S	4.00E29SWNE	4IG
7	G	13276	G	11981	1.00S	4.00E29SWNE	4IR
7	G	13276	G	11981	1.00S	4.00E29SWNE	4IG
7	G	13276	G	11981	1.00S	4.00E29SWNE	4IR
8	G	13935	G	12682	1.00S	4.00E30NWSW	7BG
8	G	13935	G	12682	1.00S	4.00E30NWSW	7BR
8	G	13935	G	12682	1.00S	4.00E30NWSW	7HG
8	G	13935	G	12682	1.00S	4.00E30NWSW	7HR
8	G	13935	G	12682	1.00S	4.00E30NWSW	7BG
8	G	13935	G	12682	1.00S	4.00E30NWSW	7BR
8	G	13935	G	12682	1.00S	4.00E30NWSW	7HG
8	G	13935	G	12682	1.00S	4.00E30NWSW	7HR
8	GR	865	GR	838	1.00S	4.00E30NWSW	
9	G	13938	G	12707	1.00S	4.00E31NWNW	7BG
9	G	13938	G	12707	1.00S	4.00E31NWNW	7BR
9	G	13938	G	12707	1.00S	4.00E31NWNW	7HG
9	G	13938	G	12707	1.00S	4.00E31NWNW	7HR
9	G	13938	G	12707	1.00S	4.00E31NWNW	7BG
9	G	13938	G	12707	1.00S	4.00E31NWNW	7BR
9	G	13938	G	12707	1.00S	4.00E31NWNW	7HG
9	G	13938	G	12707	1.00S	4.00E31NWNW	7HR
10	G	12505	G	12505	1.00S	4.00E35NESW	7GG
10	G	12505	G	12505	1.00S	4.00E35NESW	7GR
10	G	12505	G	12505	1.00S	4.00E35NESW	7JG
10	G	12505	G	12505	1.00S	4.00E35NESW	7JR
10	G	12505	G	12505	1.00S	4.00E35NESW	7GG
10	G	12505	G	12505	1.00S	4.00E35NESW	7GR
10	G	12505	G	12505	1.00S	4.00E35NESW	7JG
10	G	12505	G	12505	1.00S	4.00E35NESW	7JR
11	G	13526	G	12055	2.00S	3.00E 2NWSW	7BG
11	G	13526	G	12055	2.00S	3.00E 2NWSW	7BR
11	G	13526	G	12055	2.00S	3.00E 2NWSW	7CG
11	G	13526	G	12055	2.00S	3.00E 2NWSW	7CR
11	G	13526	G	12055	2.00S	3.00E 2NWSW	7BG
11	G	13526	G	12055	2.00S	3.00E 2NWSW	7BR
11	G	13526	G	12055	2.00S	3.00E 2NWSW	7CG
11	G	13526	G	12055	2.00S	3.00E 2NWSW	7CR

APPLICATION G 15802 FALLS WITHIN THESE QUAD(S)

SANDY

The following OWRD Groundwater Management Areas are within the map extent:

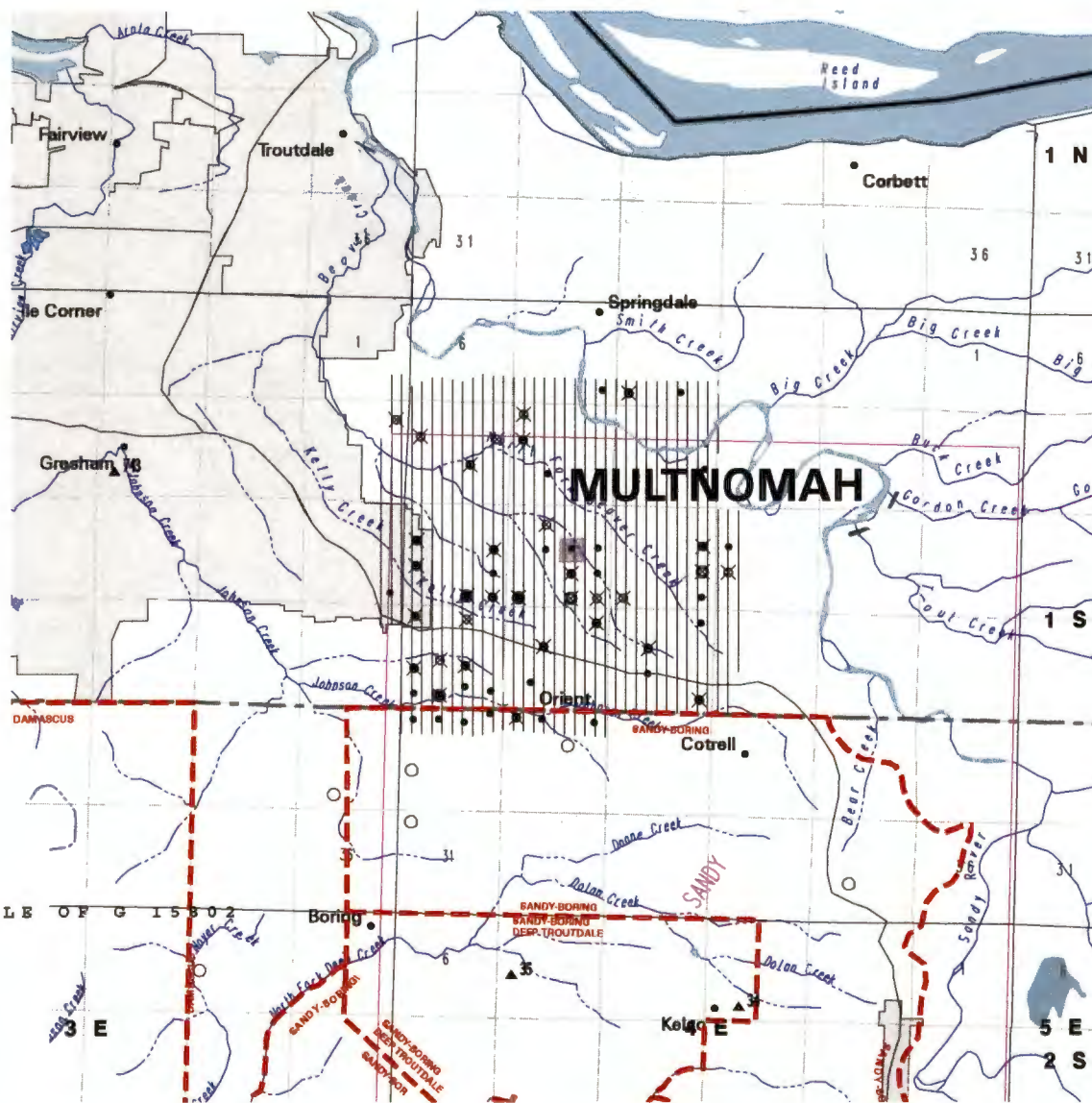
\$RECNO	NAME1	NAME2	SUB-AREA	STATUS
1	DAMASCUS			LIMI
2	SANDY-BORING			LIMI
3	SANDY-BORING	DEEP TROUTDALE		LIMI
4	SANDY-BORING			LIMI

Wells in the vicinity of application G 15802

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ✱ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- Conditioned, permitted well(s) in this 1/4-1/4 section within 5 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- - - Regulated GW Area

WELLS WITHIN 1 MILE OF G 15802

DO	80
ID	8
IM	4
IR	38
MU	2



New Application Route Slip

Receipting

C.V.

Data Center

SD 7.26.02

Ground Water

YES 10/7/02
Dw m NO

Bill Fujii

YES NO

→ If for "Municipal" or "Quasi-Muni,"

John Falk

YES NO

→ Please Note — if application is for:

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

**Water Rights
Support**

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

**CASEWORKER
ASSIGNED:**

Terry Grimes

Standard Application "Completeness" Checklist

Minimum Requirements (OAR 690-310-040)

Application # G-15802

Priority Date: 7/23/02

Use(s): IRRIGATION

40 ACRES

Rate: 1 CFS

County: MULTNOMAH

Township: 1S

Range: 4E

Section: 17

POD ¼ ¼: SW/NE

POU ¼ ¼: W 1/2 NE1/4 OF SEC. 17

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

OK Source and tributary listed

OK Property ownership indicated? If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: Lands, not owned by applicant, upon which the source is locatedor..... any Lands, not owned by applicant, which are crossed by the diversion works.) **NOTE:** An easement or agreement **DOES NOT** need to be submitted at this time, but will be required before a permit will be issued.

OK If a groundwater application...is the groundwater development section completed?

OK Proposed Use of the water.... Is each proposed use identified?

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

OK Form I (Irrigation)

N/A Form M (Municipal or Quasi-Municipal)

N/A Form R (Mining)

N/A Form Q (Commercial or Industrial)

N/A Spring Description Sheet (if source is a Spring)

OK Amount of water from each source listed in GPM, CFS or AF?

OK Acreage being proposed, if applicable.

OK Season being requested by applicant.

- OK** The **water management section** has been completed? If system has not been designed, the applicant may estimate this information.
- OK** **Resource protection system** completed on Surface Water application?
- OK** Are the **dates of construction** indicated? If system already completed, applicant should indicate **existing**.
- OK** Is the **application signed in ink by the applicant**? If the application is in the name of an organization or corporation, the authorized agent must sign the application.
- OK** Is a **copy of the deed, land sales contract or title insurance policy included**? We cannot accept a copy of the tax bill.
- OK** A **completed Land-Use Form** or receipt signed by the appropriate planning department officials enclosed? *Does the use on land-use form match the proposed use on the application?*
- OK** Does the map meet map requirements of OAR 690-310-050?

OK Town, Range, Sec, $\frac{1}{4}$ and Tax Lot #

OK Scale of the Map

OK Reference corner on map

OK North Directional Symbol

OK $\frac{1}{4}$ $\frac{1}{4}$'s clearly identified

OK POD clearly identified

OK POU clearly identified

OK Location Coordinates for each POD

OK Location of House, if Domestic

OK Number of acres per $\frac{1}{4}$ $\frac{1}{4}$, if Irrigation

OK Location of Bldg, if Comm/Indus

OK Location of Stock Tanks, if Livestock

OK Muni/Quasi-Muni Service Boundaries

OK Other

OK Correct fees enclosed?

Base Fee \$250.00

Total Paid \$400.00

plus \$150.00

plus \$

Total Amount of
Water Requested: 1 CFS

Total Exam Fee \$400.00

Total Exam Fee \$ 400.00

Recording Fee \$ 175.00 TO BE RECEIVED

Completeness Check by: ROGER WRIGHT

Date: 7/23/02



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301
(503) 986-0900
www.wrd.state.or.us

JUN 09 2014

SALEM, OR

Request for Assignment By Proof of Ownership (If Water Right Holder is Not Available)

If for multiple rights, a separate form and fee for each right will be required.

1. Larry Myers

(Name of Party Requesting Assignment)

8313 SE 162nd Ave Portland, OR 97236 503 320 7318
(Mailing Address) (City) (State) (Zip) (Phone #)

☒ hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;

☐ hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application permit transfer license GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # G-15802 ; Permit # _____ : Transfer# _____
-OR-

License # _____ GR Statement # _____ ; GR Certificate of Registration # _____

Leon Bingham & Sandy Bingham
(Name of Holder of Record)

(Mailing Address)

(City) (State) (Zip) (Phone #)

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 6/7 day of _____, 20 14.

Party Requesting Assignment

Party Requesting Assignment

Larry Myers
Larry Myers

ASSIGNED BY PROOF
6/10/2014

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 112323
For Director by Jerry Sauter, Program Analyst in

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.



Oregon

John A. Kitzhaber, MD, Governor

June 10, 2014

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

Sester Farms, Inc.
33205 S.E. Oxbow Drive
Gresham, Oregon 97080

Reference: Application G-15802

The assignment by proof from Leon and Sandy Bingham to Larry Myers has been recorded in the records of the Water Resources Department.

The Departments records will now show Larry Myers as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 112323 covering the recording fee is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 112323

cc: Watermaster 20

Larry Myers

Leon and Sandy Bingham

Data Center, OWRD (cover letter & request)

Hydrographics

File



After recording return to:
Larry Myers
31317 SE Pipeline Road
Gresham, OR 97080

Until a change is requested all tax statements
shall be sent to the following address:
Larry Myers
31317 SE Pipeline Road
Gresham, OR 97080

File No.: 7012-575471 (BB)
Date: May 08, 2005

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk

A37 3 ATTDS
Total : 31.00

2005-083519 05/10/2005 11:04:34am

575471-6R

FATCO. NO.

STATUTORY WARRANTY DEED

James M. Fujii, Grantor, conveys and warrants to **Larry Myers**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **\$472,520.00**. (Here comply with requirements of ORS 93.030)

Dated this 9 day of May, 2005.

RECEIVED BY OWRD

JUN 09 2014

SALEM, OR

3

APN: R341942

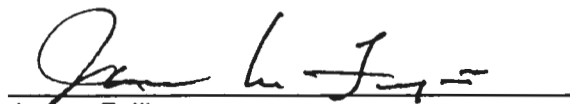
Statutory Warranty Deed
- continued

File No.: 7012-575471 (88)
Date: 05/08/2005

RECEIVED BY OWRD

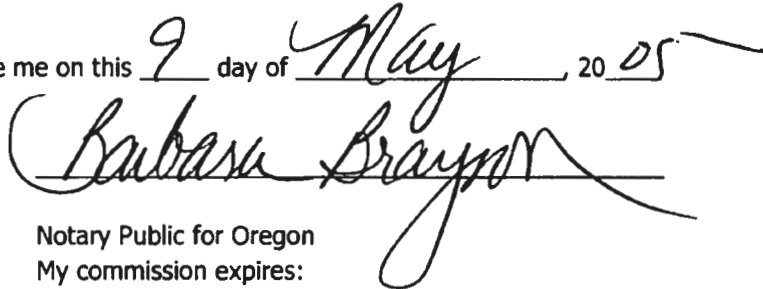
JUN 09 2014

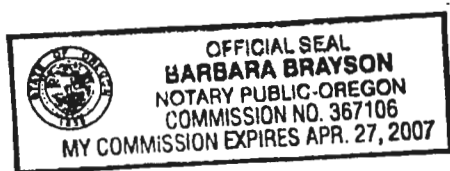
SALEM, OR


James Fujii

STATE OF Oregon)
County of Multnomah) ss.

This instrument was acknowledged before me on this 9 day of May, 2005
by **James Fujii**.


Notary Public for Oregon
My commission expires:



APN: **R341942**

Statutory Warranty Deed
- continued

File No.: **7012-575471 (88)**
Date: **05/08/2005**

RECEIVED BY OWRD

EXHIBIT A

JUN 09 2014

LEGAL DESCRIPTION:

SALEM, OR

The following described property in Section 17, Township 1 South, Range 4 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, more particularly described as:

Beginning at the North one-quarter corner of said Section 17; thence South 0°0' West, along the North and South center line through the said Section 17, a distance of 673.36 feet to a point, which point is the Southwest corner of the tract of land conveyed to C.G. Schneider, Deed recorded January 31, 1950, in Book 1380, Page 493 and the true point of beginning; thence continuing Southerly along the center line of said section, a distance of 782.02 feet to an iron pipe set in said center line; thence South 89°56' East, 240.10 feet to an iron pipe; thence South 0°04' West, 520.52 feet, more or less, to the center line of the Pipe Line Road, now County Road No. 1979; thence South 73°45' East, along the center line of said road, 1117.27 feet to a point in the East line of the Westerly one-half of the Northeasterly one-quarter of said section; thence North 0°06' East, 1631.86 feet, more or less, along said subdivision line to a stake marking the Southeast corner of said Schneider tract; thence South 89°17' West, 1314.25 feet, tracing the South line of the Schneider tract to the place of beginning;

Except that part in said Pipe Line Road.



STATE OF OREGON
COUNTY OF MULTNOMAH } ss

I do hereby certify that the foregoing copy
of Warranty Deed

has been by me compared with the original,
and that it is a correct transcript therefrom
and the whole of such original, as the name
appears on file and of record in our office and
in our care and custody. IN TESTIMON
WHEREOF, I have hereunto set my hand and
affixed our seal this

5th day of June, 2014

Vol/Page: 2005 - 083519

Recorded: May 10, 2005

MULTNOMAH COUNTY RECORDING DEPT.

BY: Tom Creswell

REC'D TV

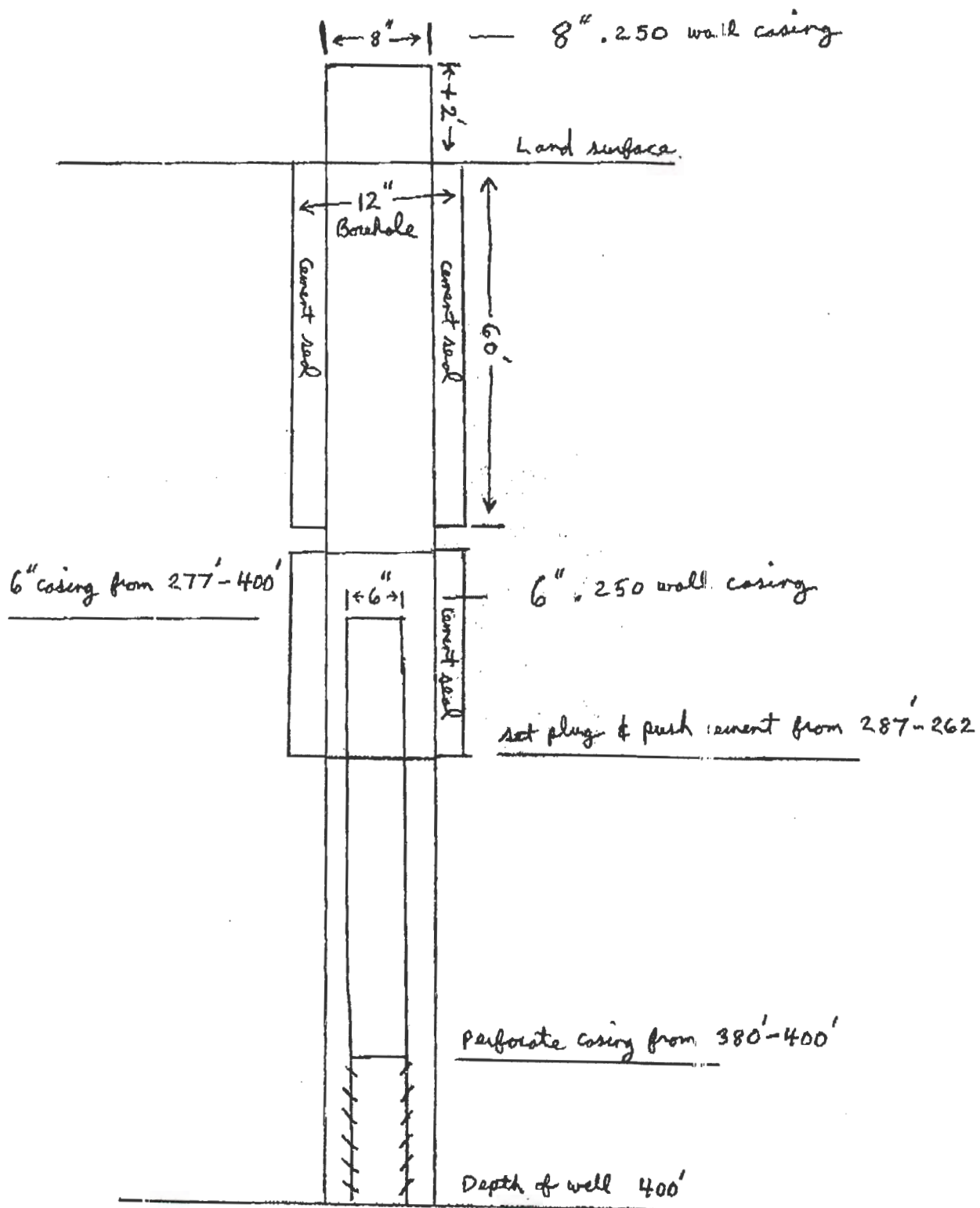
OLSEN - PULLIAM
WELL DRILLING & PUMPS
9480 S.E. 172ND • BORING, OR 97009 • (503) 665-3353

FAX COVER LETTER

To: Gordon From: Adek
Fax Number: 503-663-~~7657~~5921 Fax Number: (503) 665-5285
Company: Sester Farm
Date: 5/30/14 # of Pages (including cover) 2
Message: Re: Well diagram for state G.R. Dept
Vance # 503-789-5764

RECEIVED
JUN 02 2014
OWRD

OLSEN - PULLIAM WELL DRILLING & PUMPS

9480 S.E. 172ND • BORING OR 97009 • 665-3353

TED PULLIAM WELL DRILLING INC

PO BOX 505
GRESHAM OR 97030

Estimate

DATE	ESTIMATE #
1/22/2014	260

NAME / ADDRESS
SESTER FARM, INC 33205 SE OXBOW GRESHAM OR 97080

*Abandonment
of existing Well
Required by State*

P O NO.	

DESCRIPTION	QTY	COST	TOTAL
ABANDONMENT:			
MOBILIZATION & SETUP FEE	1	360.00	360.00
ESTIMATED LABOR TO PULL 6" CASING FROM WELL 382' 402' (FISHING WITH CASING SPEAR)	3	350.00	1,050.00
ESTIMATED LABOR TO COMPLETELY PERFORATE 8" CASING FROM 385' TO LAND SURFACE	4	350.00	1,400.00
ESTIMATED 100 SACKS CEMENT PUMPED UNDER PRESSURE FROM 40 FEET TO LAND SURFACE (INCLUDES LABOR TO INSTALL SEAL. +100 - -100 SACKS. PRICE WILL BE ADJUSTED. UNIT PRICE REMAINS THE SAME.	100	15.00	1,500.00
ESTIMATED 5 HOURS LABOR TO PULL PUMP FROM WELL. THAT IS TO BE ABANDONED AND REINSTALL PUMP INTO NEW DRILLED WELL.	5	125.00	625.00
ESTIMATED TOTAL			4,935.00
ESTIMATE GOOD FOR 30 DAYS. FINANCE CHARGE OF 1.5% ON PAST DUE ACCOUNTS		TOTAL	\$4,935.00

Acceptance of Proposal:

The above prices, specifications and conditions are satisfactory and are hereby accepted. **SIGNATURE**
You are authorized to do the work as specified.

Phone #	Fax #
503-665-3353	503-665-5285

RECEIVED
JUN 02 2014
OWRD

Sester Farms

Box 1



SESTER FARMS, INC.

Consistent Quality

Specializing in Colorado Spruce • Bareroot & Container Trees • Root Pruned Plants

June 29, 2014

Oregon Water Resources,

RE: Application G 15802

We are the tenant on the property which is in field production and wish to solve the long standing problem and get everything in compliance. We have the owner's agreement to abandon the existing well and drill a new well 12' west. I have attached the power of attorney from the land owner to deal directly with you on his behalf. It is the purpose to bring a new well into compliance and then preserve the water rights on the 40 acres.

It is important to get this done for the current irrigation season as there are crops planted that need water to mature profitably.

Sincerely,

Gordon Sester, controller

RECEIVED
JUN 02 2014
OWRD

Myers Garage Doors, Inc.
8313 SE 162nd Ave.
Portland, OR 97236
(503) 761-5674 Portland
(360) 695-0625 Vancouver
(503) 761-8554 Fax
www.myersgaragedoors@yahoo.com

05/23/14

I hereby authorize Sister Farms to peruse well and water arrangements at 31317 SE Pipeline and give them the power to make decisions regarding this matter.



Larry Myers
Owner
503 320 7518

RECEIVED
JUN 02 2014
OWRD

15
16



After recording return to:
Larry Myers
31317 SE Pipeline Road
Gresham, OR 97080

Until a change is requested all tax statements
shall be sent to the following address:
Larry Myers
31317 SE Pipeline Road
Gresham, OR 97080

File No.: 7012-575471 (BB)
Date: May 08, 2005

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk

A37 3 ATADS
Total : 31.00

2005-083519 05/10/2005 11:04:34am

STATUTORY WARRANTY DEED

James M. Fujii, Grantor, conveys and warrants to **Larry Myers**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **\$472,520.00**. (Here comply with requirements of ORS 93.030)

Dated this 9 day of May, 2005.

RECEIVED
JUN 02 2014
OWRD

3

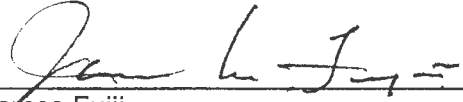
575471-GR

FATCO. NO.

APN: R341942

Statutory Warranty Deed
- continued

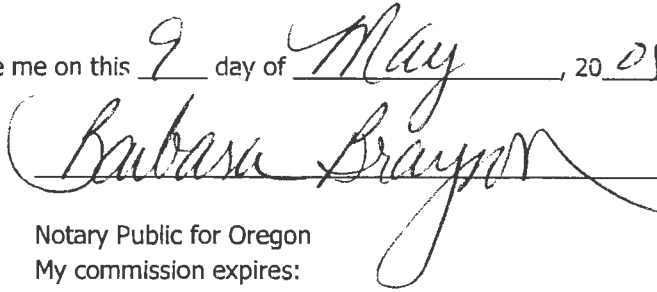
File No.: 7012-575471 (BB)
Date: 05/08/2005



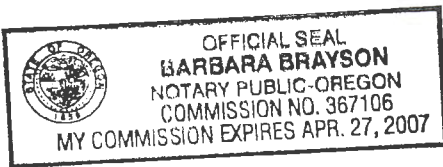
James Fujii

STATE OF Oregon)
)ss.
County of Multnomah)

This instrument was acknowledged before me on this 9 day of May, 2005
by **James Fujii**.



Notary Public for Oregon
My commission expires:



APN: **R341942**

Statutory Warranty Deed
- continued

File No.: **7012-575471 (BB)**
Date: **05/08/2005**

EXHIBIT A

LEGAL DESCRIPTION:

The following described property in Section 17, Township 1 South, Range 4 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, more particularly described as:

Beginning at the North one-quarter corner of said Section 17; thence South 0°0' West, along the North and South center line through the said Section 17, a distance of 673.36 feet to a point, which point is the Southwest corner of the tract of land conveyed to C.G. Schneider, Deed recorded January 31, 1950, in Book 1380, Page 493 and the true point of beginning; thence continuing Southerly along the center line of said section, a distance of 782.02 feet to an iron pipe set in said center line; thence South 89°56' East, 240.10 feet to an iron pipe; thence South 0°04' West, 520.52 feet, more or less, to the center line of the Pipe Line Road, now County Road No. 1979; thence South 73°45' East, along the center line of said road, 1117.27 feet to a point in the East line of the Westerly one-half of the Northeasterly one-quarter of said section; thence North 0°06' East, 1631.86 feet, more or less, along said subdivision line to a stake marking the Southeast corner of said Schneider tract; thence South 89°17' West, 1314.25 feet, tracing the South line of the Schneider tract to the place of beginning;

Except that part in said Pipe Line Road.

RECEIVED
JUN 02 2014
OWRD



Transnation
A LANDSTAR COMPANY

After Recording, Return to:
James M. Fujii
31317 SE Pipeline Rd
Troutdale, OR 97060

Until a change is requested, tax statements
shall be sent to the following address:
same as above

STATUTORY WARRANTY DEED
(Individual)

Recorded in MULTNOMAH COUNTY, OREGON
C. Swick, Deputy Clerk
A37 2 ATLJH
Total : 26.00

2003-193804 08/19/2003 02:57:06pm

Leon P. Bingham and Sandra L. Bingham

conveys and warrants to
James M. Fujii

the following described real property in the State of Oregon and County of Multnomah
free of encumbrances, except as specifically set forth herein:

The following described property in Section 17, Township 1 South, Range 4 East of the
Willamette Meridian, in the County of Multnomah and State of Oregon, more particularly
described as:

Beginning at the North one-quarter corner of said Section 17; thence South 0°0' West,
along the North and South center line through the said Section 17, a distance of 673.36
feet to a point, which point is the Southwest corner of the tract of land conveyed to C.G.
Schneider, Deed recorded January 31, 1950, in Book 1380, Page 493 and the true point of
beginning; thence continuing Southerly along the center line of said section, a distance
(Continued)

Tax Account Number(s): R341942

This property is free of encumbrances, EXCEPT:
Covenants, conditions, restrictions, rights of way, easements and reservations now of
record.

2003-04 taxes which are a lien but not yet payable.

The true consideration for this conveyance is \$440,000.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLA-
TION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRU-
MENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY
OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAW-
SUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN CRS 30.930.

DATED this 13 day of August, 2003.

Leon P. Bingham

Sandra L. Bingham

STATE OF OREGON, COUNTY OF Multnomah ss.

The foregoing instrument was acknowledged before me this 13 day of August, 2003, by Leon
P. Bingham and Sandra L. Bingham.

Notary Public for Oregon

My Commission Expires: 11-16-05



Order No.: 1662497m

RECEIVED

JUN 02 2014

OWRD

8-19-03

STATUTORY WARRANTY DEED
(CONTINUED)

LEGAL DESCRIPTION (Continued)

Order No.: 1662497m

of 782.02 feet to an iron pipe set in said center line; thence South 89°56' East, 240.10 feet to an iron pipe; thence South 0°04' West, 520.52 feet, more or less, to the center line of the Pipe Line Road, now County Road No. 1979; thence South 73°45' East, along the center line of said road, 1117.27 feet to a point in the East line of the Westerly one-half of the Northeasterly one-quarter of said section; thence North 0°06' East, 1631.86 feet, more or less, along said subdivision line to a stake marking the Southeast corner of said Schneider tract; thence South 89°17' West, 1314.25 feet, tracing the South line of the Schneider tract to the place of beginning;

EXCEPT that part in said Pipe Line Road.

8-19-03

PLAHN Joel M

From: PLAHN Joel M <joel.m.plahn@state.or.us>
Sent: Wednesday, April 23, 2014 8:14 AM
To: Gary Blacklidge; Jerry Sauter; PLAHN Joel M
Cc: FRENCH-GORSKI Kim R
Subject: RE: Application G 15802 31317 Pipeline Road, Gresham, Oregon
Attachments: Request for Assignment App G-15802.pdf; GW App G-15802.pdf; G-15802 App Map.pdf

Hi Gary,

We still need the Request for Assignment Form completed and returned with a recording fee of \$85. The request will then go to Jerry Sauter for processing. Please also complete Section 3 and 4 on the attached doc named "GW App G-15802" this will describe the proposed new construction of the new well. Please include a cover letter requesting the new well replace the old well and that the old well will be abandoned. Last thing include the location of the new well on the attached map.

Thanks, Joel

From: Gary Blacklidge [mailto:Gary.Blacklidge@greenemarkley.com]
Sent: Monday, April 21, 2014 11:18 AM
To: PLAHN Joel M; Jerry Sauter
Subject: RE: Application G 15802 31317 Pipeline Road, Gresham, Oregon

Joel:

I have attached a copy of the deed from the original applicant, Leon Bingham, to James M. Fujii in August, 2003, and a copy of the deed in May of 2005 from James M. Fujii to my client and the current owner of the property, Larry Myers. As you can see, Mr. Myers has owned the property for nine years and I understand that he would like to assume the applicant's obligations under the application. Please confirm that he will be able to do so through our providing this information since Mr. Bingham has long since sold his interest in this property.

Based on our conversation last week, I understand that the next step would be for Mr. Myers to submit the written proposal for drilling the new well near the old one and abandoning the old well. If there is any preferred format, please let me know.

Thank you for your assistance in helping get this cleared up. Gary

The information contained in this email message is privileged and confidential. It is intended only for the use of the intended recipient. If you received this communication in error, please reply to the sender indicating that fact and delete the copy you received. In addition, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Thank you.

Gary Blacklidge
Greene & Markley, P.C.
1515 SW Fifth Ave., Suite 600
Portland, OR 97201
Telephone: (503)295-2668
Fax: (503)224-8434

From: PLAHN Joel M [<mailto:joel.m.plahn@state.or.us>]
Sent: Monday, April 21, 2014 7:59 AM
To: Gary Blacklidge; Jerry Sauter
Subject: RE: Application G 15802 31317 Pipeline Road, Gresham, Oregon

I believe a copy of the deed will be sufficient for obtaining an assignment of the application. I have copied Jerry Sauter because he is the staff member who reviews the assignments.

Thanks, Joel

From: Gary Blacklidge [<mailto:Gary.Blacklidge@greenemarkley.com>]
Sent: Thursday, April 17, 2014 3:58 PM
To: PLAHN Joel M
Subject: RE: Application G 15802 31317 Pipeline Road, Gresham, Oregon

Joel: this may be a problem. The original applicant was an owner of the property two owners back over ten years ago. He was not who Mr. Myers purchased from. We have no way of knowing where he is or even if he is still alive. Since the application is for a well on land that Mr. Myers owns, the well goes with his property. Now he has the burden of correcting the defect. Would not a copy of his deeds for the property from Bingham to Myers confirm that Myers acquired whatever interest Bingham had in the application for a well on this property? If not, is there some other way we can substitute Myers in the application without having to find and obtain a signature from Bingham? Thank you for your assistance. Gary

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Gary Blacklidge
Greene & Markley, P.C.
1515 SW Fifth Ave., Suite 600
Portland, OR 97201
Telephone: (503)295-2668
Fax: (503)224-8434

From: PLAHN Joel M [<mailto:joel.m.plahn@state.or.us>]
Sent: Thursday, April 17, 2014 3:45 PM
To: Gary Blacklidge
Cc: PLAHN Joel M
Subject: RE: Application G 15802 31317 Pipeline Road, Gresham, Oregon

Hi Gary,

Attached is the request for assignment form. Let me know if you have any questions.

Thanks, Joel

From: Gary Blacklidge [<mailto:Gary.Blacklidge@greenemarkley.com>]
Sent: Wednesday, April 16, 2014 2:51 PM
To: PLAHN Joel M
Subject: RE: Application G 15802 31317 Pipeline Road, Gresham, Oregon

Joel:

I heard from Larry Myers today. He has been negotiating with Mr. Sester for drilling a new well and abandoning the old. He had several questions that he would like answered. They are as follows:

1. If Mr. Myers goes to the expense of drilling a new well and abandoning the old, and the new well has no defects, is he guaranteed on getting the approval and permit for the water rights after going to that expense? If the answer is no, then what might cause the disapproval or denial?
2. If Mr. Myers obtains the approval and permit for the well and water rights, how long is it good for? Are the circumstances under which the water rights might be lost limited to those set forth in the permit, or are there other circumstances under which the water rights might be terminated?
3. Is the draft permit binding on Mr. Myers or can it be modified? For instance, the use of the water appears to be limited to "nursery operations." Yet it also refers to "any other crop." Based on that language, could the water be used, for example, on strawberries or cane berries as long as it did not exceed the limits set forth in the permit?

Joel, thank you for your time and assisting us with understanding this process. Gary

The information contained in this email message is privileged and confidential. It is intended only for the use of the intended recipient. If you received this communication in error, please reply to the sender indicating that fact and delete the copy you received. In addition, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Thank you.

Gary Blacklidge
Greene & Markley, P.C.
1515 SW Fifth Ave., Suite 600
Portland, OR 97201
Telephone: (503)295-2668
Fax: (503)224-8434

From: PLAHN Joel M [<mailto:joel.m.plahn@state.or.us>]
Sent: Monday, April 07, 2014 8:42 AM
To: Gary Blacklidge; Gordon Sester <gordon@SesterFarms.com> (gordon@SesterFarms.com)
Cc: KIM Amy J; PLAHN Joel M; FRENCH-GORSKI Kim R; MCCARTY Patricia E
Subject: RE: Application G 15802 31317 Pipeline Road, Gresham, Oregon

Hello Gary,

I have attached the signed Settlement Agreement that will explain the history of Application G-15802. The Department was preparing to issue a final order rejecting this application for failure to submit the information required by the Settlement Agreement. However, after speaking with Gordon Sester the lease of the property it was decided to give some more time before denying the application. After speaking with Gordon I understand that it would be more expansive to attempt to fix the existing well than it would be to drill a new well. Gordon's plan was to obtain approval from the landowner then propose to the Department that the existing well be abandon and a new well be drilled. Once the Department reviews and approves the proposal construction would begin. I would be more than happy to discuss this water right application with you at your convenience.

Thanks, Joel Plahn

NW Region Assistant Watermaster
503-986-0896 Office
503-508-2394 Cell
725 Summer St NE, Suite A
Salem, OR 97301

From: Gary Blacklidge
Sent: Thursday, April 03, 2014 3:32 PM
To: 'jerry.w.gainey@wrд.state.or.us'
Subject: Application G 15802 31317 Pipeline Road, Gresham, Oregon

Dear Jerry: I represent Larry Myers, owner of the real property referenced above. Mr. Myers bought the property in May 2005 from James Fujii.

Mr. Myers recently learned from his tenant that there is a problem with the well on the property. He is advised that the well casing was not properly sealed years ago and that the aquifers are commingling. I am not sure how anyone would be able to know or tell, but I assume that there are ways of proving that is the situation.

We have learned that the least expensive fix is to drill a new well and decommission the existing well. And that will cost over \$50,000. We are not sure why the original owner/applicant did not pursue the contractor who put in the well to either fix it or drill another.

Mr. Myers does not have the wherewithal to incur the expense of drilling a new well and decommissioning the existing well. But he does not want to lose the priority of his water right. Therefore, we would like to explore alternatives, such as abandoning this well and retaining the priority of the water right for this property.

Please let me know what alternatives you believe are available for Mr. Myers. Thank you, Gary

The information contained in this email message is privileged and confidential. It is intended only for the use of the intended recipient. If you received this communication in error, please reply to the sender indicating that fact and delete the copy you received. In addition, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Thank you.

Gary Blacklidge
Greene & Markley, P.C.
1515 SW Fifth Ave., Suite 600
Portland, OR 97201
Telephone: (503)295-2668
Fax: (503)224-8434

PLAHN Joel M

From: Gary Blacklidge <Gary.Blacklidge@greenemarkley.com>
Sent: Monday, April 07, 2014 10:35 AM
To: PLAHN Joel M
Subject: RE: Application G 15802 31317 Pipeline Road, Gresham, Oregon

Joel:

Thank you for your email and the information about the settlement agreement. None of this was disclosed to Mr. Myers when he purchased the property. Since he did not purchase from Mr. Bingham, we do not know whether the person Mr. Myers purchased the property from knew of the issue with the well.

I will provide this information to Mr. Myers. A question he has is how long he can retain the water right if he simply abandons the existing well and does not immediately re-drill another well, but drills another at a later date.

For my own understanding of the current situation, is it correct that, based on the application, the priority is simply reserved, but that there is no water right until the application is approved?

Thank you for your assistance. Gary

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Gary Blacklidge
Greene & Markley, P.C.
1515 SW Fifth Ave., Suite 600
Portland, OR 97201
Telephone: (503)295-2668
Fax: (503)224-8434

From: PLAHN Joel M [<mailto:joel.m.plahn@state.or.us>]
Sent: Monday, April 07, 2014 8:42 AM
To: Gary Blacklidge; Gordon Sester <gordon@SesterFarms.com> (gordon@SesterFarms.com)
Cc: KIM Amy J; PLAHN Joel M; FRENCH-GORSKI Kim R; MCCARTY Patricia E
Subject: RE: Application G 15802 31317 Pipeline Road, Gresham, Oregon

Hello Gary,

I have attached the signed Settlement Agreement that will explain the history of Application G-15802. The Department was preparing to issue a final order rejecting this application for failure to submit the information required by the Settlement Agreement. However, after speaking with Gordon Sester the lease of the property it was decided to give some more time before denying the application. After speaking with Gordon I understand that it would be more expansive to attempt to fix the existing well than it would be to drill a new well. Gordon's plan was to obtain approval from the landowner then propose to the Department that the existing well be abandon and a new well be drilled. Once the Department reviews and approves the proposal construction would begin. I would be more than happy to discuss this water right application with you at your convenience.

Thanks, Joel Plahn

NW Region Assistant Watermaster
503-986-0896 Office
503-508-2394 Cell
725 Summer St NE, Suite A
Salem, OR 97301

From: Gary Blacklidge
Sent: Thursday, April 03, 2014 3:32 PM
To: 'jerry.w.gainey@wrdd.state.or.us'
Subject: Application G 15802 31317 Pipeline Road, Gresham, Oregon

Dear Jerry: I represent Larry Myers, owner of the real property referenced above. Mr. Myers bought the property in May 2005 from James Fujii.

Mr. Myers recently learned from his tenant that there is a problem with the well on the property. He is advised that the well casing was not properly sealed years ago and that the aquifers are commingling. I am not sure how anyone would be able to know or tell, but I assume that there are ways of proving that is the situation.

We have learned that the least expensive fix is to drill a new well and decommission the existing well. And that will cost over \$50,000. We are not sure why the original owner/applicant did not pursue the contractor who put in the well to either fix it or drill another.

Mr. Myers does not have the wherewithal to incur the expense of drilling a new well and decommissioning the existing well. But he does not want to lose the priority of his water right. Therefore, we would like to explore alternatives, such as abandoning this well and retaining the priority of the water right for this property.

Please let me know what alternatives you believe are available for Mr. Myers. Thank you, Gary

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Gary Blacklidge
Greene & Markley, P.C.
1515 SW Fifth Ave., Suite 600
Portland, OR 97201
Telephone: (503)295-2668
Fax: (503)224-8434

Patricia McCarty

From: Patricia McCarty
Sent: Thursday, January 02, 2014 10:51 AM
To: Joel Plahn
Subject: RE: G-15802 Protest/Sester

Nope, but I can find out.

Patricia

From: Joel Plahn
Sent: Thursday, January 02, 2014 10:37 AM
To: Patricia McCarty
Cc: PLAHN Joel M (joel.m.plahn@state.or.us)
Subject: G-15802 Protest/Sester

Hi Patricia,

I spoke with Gordon this morning regarding G-15802. He understands the existing well will need to be abandoned and a new well constructed in order for a Permit to be issued. Gordon is going to speak with the landowner to confirm he would like to move forward. I will assist Gordon with the assignment and get back with you once all that is complete. Do you know how close the new well will need to be drilled to the existing or if an additional GW review will need to be completed?

Thanks, Joel Plahn

NW Region Assistant Watermaster
503-986-0896 Office
503-508-2394 Cell
725 Summer St NE, Suite A
Salem, OR 97301

1-7-14- Joel: } Josh H reviewed
this request & said the
proposed well will need a
groundwater review - with all
the appropriate paperwork -
Patricia

Joel Plahn

From: Joel Plahn <joel.m.plahn@state.or.us>
Sent: Thursday, January 02, 2014 10:37 AM
To: Patricia McCarty
Cc: PLAHN Joel M
Subject: G-15802 Protest/Sester

Hi Patricia,

I spoke with Gordon this morning regarding G-15802. He understands the existing well will need to be abandoned and a new well constructed in order for a Permit to be issued. Gordon is going to speak with the landowner to confirm he would like to move forward. I will assist Gordon with the assignment and get back with you once all that is complete. Do you know how close the new well will need to be drilled to the existing or if an additional GW review will need to be completed?

Thanks, Joel Plahn

NW Region Assistant Watermaster
503-986-0896 Office
503-508-2394 Cell
725 Summer St NE, Suite A
Salem, OR 97301

Olson Well Service

Steve shnider

James Fuji Died
this week

Leon sold to jim Fuji
Fuji sold Lorry Myer

Gerry Clark

From: Gerry Clark
Sent: Friday, March 16, 2012 4:36 PM
To: gordon@sesterfarms.com
Subject: Application G-15802 - Settlement Agreement
Attachments: 20120316162825229.pdf

Gordon,

I have attached a copy of the signed settlement agreement and the "Draft" permit for your reference.

Please let me know if you have any additional questions concerning this file.

Gerry

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

Phone: 503-986-0811
Fax: 503-986-0901

WRD Home Page: www.wrd.state.or.us

March 21, 2012

Please notify
Gordon Sester
Sester Farms
33205 SE Oxbow Dr.
Gresham OR 97080
503-519-1575

concerning cancellation/
rejection of this
application.

He is interesting
leasing this land.

Gerry C. 60811

Gerry Clark

From: Gerry Clark
Sent: Friday, March 16, 2012 2:13 PM
To: 'gordon@sesterfarms.com'
Subject: Application File G-15802 - Status

Gordon,

I have read through the above referenced file to determine its current status. Below is a general description of the path that has gotten us to where we are today:

The Department originally proposed to deny the application because the well was improperly constructed; it was constructed in a way that allowed comingling between multiple aquifers.

Mr. Bingham protested the denial and both he and the Department entered into an agreement that required Mr. Bingham to have the well fixed by a licensed and bonded driller.

Upon the driller submitting evidence that the well had been fixed, and the Department's Enforcement Section determining that the well met construction standards, the Department would then issue the permit; there were also recording fees required. This agreement was signed by Mr. Bingham in July of 2003.

Following the signing of the agreement, the Department made several attempts to contact Mr. Bingham regarding the status of the well repair. The Department received no response.

In August of 2004, the Department made a final attempt to contact Mr. Bingham regarding the status of the repair. That notice included a deadline for response of September 23, 2004, and stated that if the requested information was not received, "...we will reject the above referenced application consistent with ORS 537.153".

The Department did not receive any information from the Bingham's regarding the repair of the well.

Based on discussion with the Water Rights Program Manager, the Department will be issuing a final order rejecting this application for failure to submit the information required by the Settlement Agreement.

The current landowner would have the opportunity to request reconsideration of the final order once it has been issued.

Please let me know if you have any additional questions.

Gerry

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

Phone: 503-986-0811

Fax: 503-986-0901

WRD Home Page: www.wrd.state.or.us



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 23, 2004

James M. Fujii
31317 Pipeline Rd
Gresham, Oregon 97080

Reference: Application G-15802

Dear Mr. Fujii:

Mike McCord, Watermaster District 20, informed me that you are the new owner of lands the above referenced application was applied for.

Please find enclosed a copy of a signed settlement agreement and draft permit. Also, I'm enclosing letters sent to Mr. Leon Bingham requesting information regarding the application. Mr. Bingham has not replied to any of the letters. Please provide the action you will undertake regarding the requirements of the settlement agreement not later than **November 22, 2004**.

If you need to request additional time your request will need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time line, which identifies when you anticipate being ready to continue with the application process.

If you have any questions, please contact me at 503-986-0812.

Sincerely,

Jerry W. Gainey
Water Right Application Caseworker

enclosures

cc: Mike McCord, Watermaster District 20
File



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

August 31, 2004

CERTIFIED — RETURN RECEIPT REQUESTED

LEON & SANDY BINGHAM
1007 SE 73RD AVENUE
PORTLAND OR 97215-2226

REFERENCE: File G-15802

Our office is in receipt of a notice from the U.S. Post Office stating that you have a new mailing address. Since you have moved/changed your mailing address, please inform this office of your new address and telephone number. You have a file pending issuance of a permit to appropriate water and we need something in writing to put into your file to verify your new address. If you have sold the land, please inform us of this fact by completing and returning the enclosed Assignment Form with the required fees so this file can be assigned to the new owner in order to pursue this process. If you don't have any more interest in this application, we need a letter stating such so we can close the file.

If you have any questions please feel free to contact the caseworker that is handling your file, Jerry Gainey. He can be reached at (503) 986-0812; or myself at (503) 986-0806.

Sincerely,

TIMMIE C. BRANDT
Office Specialist I

TCB
Enclosure - Assignment Form

Water Resources Department
725 Summer St NE Suite A
Salem, OR 97301-1266

ADDRESS SERVICE REQUESTED

Oregon



7004 1160 0007 2344 0018
7004 1160 0007 2344 0018

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

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

Postmark
Here

FILE#: G-15802

Sent To

Street, Apt. №
or PO Box №.
City, State, Zip
**LEON & SANDY BINGHAM
1007 SE 73RD AVENUE
PORTLAND OR 97215**

PS Form 3800

*Certified 8/24/04 letter returned
to WRD w/notice of new address
on 8/13/04. The whole envelope
along with my letter of 8/13/04
asking confirmation of their
new address was mailed via
certified mail on 8/31/04.*

— JLB

CERTIFIED MAIL™



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

CERTIFIED MAIL

August 24, 2004

Leon and Sandy Bingham
31317 Pipeline Rd
Gresham, Oregon 97080

Reference: Application G-15802

Dear Mr. and Mrs. Bingham:

On August 12, 2004 and on July 20, 2004, a certified letter was sent to you regarding the above reference application. The August 12, 2004, certified letter was returned to the Department reflecting a new address. The July 20, 2004, certified letter was returned to the Department and stamped by the US Postal Service as unclaimed. We are sending you a new letter requesting your attention to the action required to obtain a permit for the above referenced application.

On August 13, 2003, a copy of the signed settlement agreement and draft permit and draft final order was sent to you. In the settlement agreement, a licensed, bonded, driller shall submit to the OWRD, start cards and well logs indicating that MULT 02540 has been cased and sealed to a depth of 267 feet below land surface ("bls"). Further, prior to obtaining a permit Applicant shall submit \$175.00 permit recording fee to OWRD. As the date of this letter, the Department has not received the information or any correspondence regarding the above referenced application.

House Bill 2268 was enacted by the 2003 Legislature increasing the permit recording fees to \$250.00 and became effective October 1, 2003. As of the date of this letter, the Department has not received the requested permit recording fees. Since you have failed to pay the permit recording fees of \$175.00 prior to October 1, 2003, the new permit recording fees of **\$250.00** will be assessed.. Permit recording fees in the amount of **\$250.00** are required.

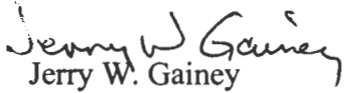
Please submit this information by **September 23, 2004** and reference the application number when sending any correspondence regarding this application. If we do not receive the information requested or a request for an additional administrative hold by the date referenced, August 19, 2004, we will reject the above referenced application consistent with ORS 537.153. If your application is rejected, the priority date associated with your applications will be lost.

Leon and Sandy Bingham
G-15802

Page 2
August 24, 2004

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503) 986-0812.

Sincerely,


Jerry W. Gainey

Water Right Application Caseworker

cc: Mike McCord, Watermaster District #20
James Schuette, CWRE #117
File G-15802

Oregon Water Resources Department



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: Mike McCord
Date: 7/16/04
From: Jerry Gainey

Fax Number: WM #20
Pages: 10, including cover sheet
Phone: 503-986-0812

Comments:

Settlement agreement / draft permit - G-15802, Bingham
Thanks
Jerry

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**



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

CERTIFIED MAIL

August 12, 2004

Leon and Sandy Bingham
31317 Pipeline Rd
Gresham, Oregon 97080

Reference: Application G-15802

Dear Mr. and Mrs. Bingham:

On July 20, 2004, a certified letter was sent to you regarding the above reference application. The certified letter was returned to the Department and stamped by the US Postal Service as unclaimed. We are sending you a new letter requesting your attention to the action required to obtain a permit for the above referenced application.

On August 13, 2003, a copy of the signed settlement agreement and draft permit and draft final order was sent to you. In the settlement agreement, a licensed, bonded, driller shall submit to the OWRD, start cards and well logs indicating that MULT 02540 has been cased and sealed to a depth of 267 feet below land surface ("bls"). Further, prior to obtaining a permit Applicant shall submit \$175.00 permit recording fee to OWRD. As the date of this letter, the Department has not received the information or any correspondence regarding the above referenced application.

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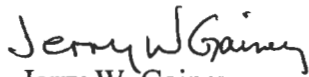
Please submit this information by **September 13, 2004** and reference the application number when sending any correspondence regarding this application. If we do not receive the information requested or a request for an additional administrative hold by the date referenced, August 19, 2004, we will reject the above referenced application consistent with ORS 537.153. If your application is rejected, the priority date associated with your applications will be lost.

Leon and Sandy Bingham
G-15802

Page 2
August 12, 2004

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503) 986-0812.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerry W. Gainey". The signature is fluid and cursive, with the first name "Jerry" and last name "Gainey" being clearly legible.

Jerry W. Gainey
Water Right Application Caseworker

cc: Mike McCord, Watermaster District #20
James Schuette, CWRE #117
File G-15802



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

CERTIFIED MAIL

July 20, 2004

Leon and Sandy Bingham
31317 Pipeline Rd
Gresham, Oregon 97080

Reference: Application G-15802

Dear Mr. and Mrs. Bingham:

On August 13, 2003, a copy of the signed settlement agreement and draft permit and draft final order was sent to you. In the settlement agreement, a licensed, bonded, driller shall submit to the OWRD, start cards and well logs indicating that MULT 02540 has been cased and sealed to a depth of 267 feet below land surface ("bls"). Further, prior to obtaining a permit Applicant shall submit \$175.00 permit recording fee to OWRD. As the date of this letter, the Department has not received the information or any correspondence regarding the above referenced application.

House Bill 2268 was enacted by the 2003 Legislature increasing the permit recording fees to \$250.00 and became effective October 1, 2003. As of the date of this letter, the Department has not received the requested permit recording fees. Since you have failed to pay the permit recording fees of \$175.00 prior to October 1, 2003, the new permit recording fees of **\$250.00** will be assessed.. Permit recording fees in the amount of **\$250.00** are required.

Please submit this information by **August 19, 2004** and reference the application number when sending any correspondence regarding this application. If we do not receive the information requested or a request for an additional administrative hold by the date referenced, August 19, 2004, we will reject the above referenced application consistent with ORS 537.153. If your application is rejected, the priority date associated with your applications will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503) 986-0812.

Sincerely,


Jerry W. Gaaney
Water Right Application Caseworker

cc: Mike McCord, Watermaster District #20
James Schuette, CWRE #117
File G-15802

X-Sender: eichentl@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 6.0.3.0
Date: Thu, 15 Jul 2004 09:43:17 -0700
To: jerrywgainey <jerry.w.gainey@wrđ.state.or.us>
From: Tracy Eichenlaub <Tracy.L.EICHENLAUB@wrđ.state.or.us>
Subject: Re: Well Construction
Cc: Kristopher.R.BYRD@wrđ.state.or.us
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=0.0 required=5.0 tests=HTML_MESSAGE autolearn=ham
version=2.63
X-Spam-Level:

Hi Jerry,
I do not find a start card or well log under the name of Bingham in Multnomah County. I also
checked
by T R S - nothing. So, I would say they have not repaired the well.
I noticed the Settlement Agreement said to work w/Kris on the well repair. Kris, do you know
anything
about this well being repaired?
Tracy

At 03:38 PM 7/14/04, you wrote:

Tracy,

I'm reviewing an application, G 15802, Leon Bingham, that was protested and a settlement
agreement reached, July 2003. In the settlement agreement Mr. Bingham was required to
reconstruct the well, MULT 02540. Do you know if this has been completed and does the
well meet minimum well construction standards as described in OAR 690 division 210. The
well was/is to be cased and sealed to a depth of 267 feet below land surface.

Thanks
Jerry

=====

Jerry Gainey mailto:Jerry.W.GAINEY@wrđ.state.or.us	
Water Right Application Caseworker ftp://ftp.wrd.state.or.us	
Oregon Water Resources Department	
725 Summer Street NE, Suite A, Salem, OR 97301-1271	http://www.wrd.state.or.us
Voice: (503)-986-0812 FAX: (503)-986-0901	

=====

Ms. Tracy Eichenlaub
Well Construction Specialist
Enforcement Section
OWRD
725 Summer St NE Ste A



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

VIA MAIL

August 13, 2003

Leon Bingham
31317 Pipeline Rd.
Gresham, OR 97080

RE: Water Right Application G 15802 in the Name of Leon and Sandy Bingham

Dear Mr. Bingham:

Enclosed is a copy of the signed settlement agreement and draft permit and draft final order. I appreciate your willingness to resolve the issues in your protest without a contested case hearing. As provided in the agreement, a permit will be issued to you once the wells have been reconstructed so as to comply with our well construction standards per approval by our Enforcement Section, and upon payment of any outstanding permit recording fees.

I suggest that your driller coordinate with Kristopher Byrd, well inspector, so that Mr. Byrd may work with your driller at the well sites to verify progress and that the wells are sealed to their proper depths. Mr. Byrd may be reached at: (503) 378-8455 ext. 226.

Please don't hesitate to call me if you have any questions or want to discuss this agreement further: (503) 378-8455 ext. 239.

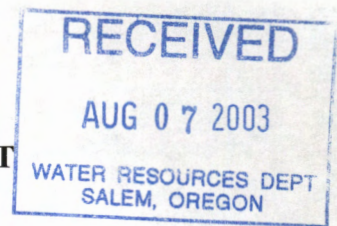
Sincerely,

Renee Moulun
Protest Program Coordinator

Enclosures (as specified)

Cc: Juno Pandian
Kristopher Byrd

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

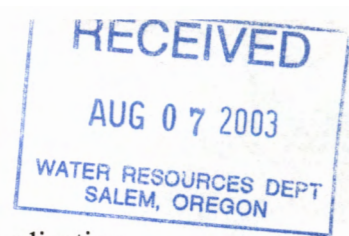


In the Matter of Water Right Application)
G 15802 in the Name of Leon and Sandy) SETTLEMENT AGREEMENT
Bingham) APPLICATION G 15802
Applicant and Protestant)

The Oregon Water Resources Department (“OWRD”) and Leon Bingham on behalf of Applicant Leon and Sandy Bingham (“Applicant”) do hereby stipulate and agree as follows:

Stipulations

- I. On July 23, 2002, Applicant submitted an application (application G 15802) to OWRD for 448.0 gallons per minute (0.998 cubic foot per second) of water from a well in the North Fork Beaver Creek Basin for nursery use on 40.0 acres in Multnomah County.
- II. The well described in application G 15802 is described in well log MULT 02540. The OWRD has determined in a memo dated October 24, 2002, that this well is commingling in violation of OAR 690-200-0043.
- III. The term “commingling of aquifers” as it is used in this Agreement is defined at OAR 690-210-0080 which provides that “[i]n no case shall a well be constructed to allow commingling or leakage of groundwater within an individual well by gravity flow or artesian pressure from one aquifer to another.”
- IV. Pursuant to OAR 690-009-0040(5) a well that is determined to be hydraulically connected to a surface water source may be determined by the OWRD to have the potential to cause substantial interference with the surface water source.
- V. Pursuant to ORS 537.621, in reviewing ground water applications, the OWRD is required to determine whether the proposed use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. The OWRD shall presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.
- VI. On January 21, 2003, the OWRD issued its Proposed Final Order (“PFO”) for application G 15802 proposing denial because the proposed use does not comply with the rules of the Water Resources Commission and because the proposed use was determined to have the potential to cause substantial interference with the Sandy River.



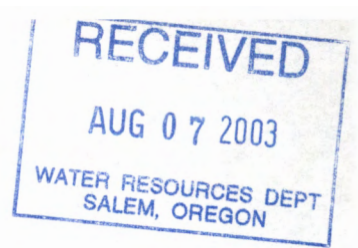
- VII. On February 20, 2003, Applicant timely filed a protest to the PFO for application G 15802.
- VIII. The parties to this agreement agree that the issues raised in Applicant's protest can be resolved solely on the following terms.

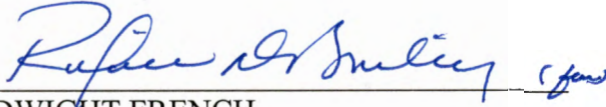
Agreement

1. Applicant waives the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Agreement and Final Order.
2. In signing this Agreement Applicant withdraws with prejudice his protest to the PFO for application G 15802.
3. Each party to this Agreement represents, warrants and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of this Agreement.
4. Prior to receiving a permit for application G 15802 a licensed, bonded, driller shall submit to the OWRD, start cards and well logs indicating that MULT 02540 has been cased and sealed to a depth of 267 below land surface ("bls").
5. Upon receipt of the well log for the well described in paragraph 4 above, the OWRD's Enforcement Section will determine whether the well meets minimum well construction standards as described in OAR chapter 690 division 210. A permit for the well shall be issued only upon determination by the Enforcement Section that the well meets OWRD's well construction standards.
6. Applicant agrees to the following Special Condition to be placed on the permit for application G 15802:

Ground water from this well shall only be produced from the Troutdale Sandstone ground water reservoir between approximately 280 ft and 450 ft. below land surface.
7. Prior to obtaining a permit Applicant shall submit \$175.00 permit recording fee to OWRD.
8. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.

/// /// ///





DWIGHT FRENCH
Manager, Water Rights Division
Oregon Water Resources Department
158 12th St. N.E., Salem, OR 97301
(503) 378-8455 ext. 268

8-13-03

DATE



LEON BINGHAM on behalf of
LEON AND SANDY BINGHAM
31317 Pipeline Rd.
Gresham, OR 97080
(503) 663-6207

31 July 03

DATE

COUNTY OF MULTNOMAH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LEON AND SANDY BINGHAM
31317 PIPELINE ROAD
GRESHAM, OR 97080

(503) 663-6207

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

APPLICATION FILE NUMBER: G-15802

SOURCE OF WATER: A WELL IN NORTH FORK BEAVER CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 40.0 ACRES

MAXIMUM RATE: 0.998 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JULY 23, 2002

WELL LOCATION: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 17, T1S, R4E, W.M.; 860 FEET NORTH & 300 FEET EAST FROM C $\frac{1}{4}$ CORNER, SECTION 17

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, during the period of allowed use specified above, that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 ACRES
SECTION 17
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

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

Ground water from this well shall only be produced from the Troutdale Sandstone ground water reservoir between approximately 280 feet and 450 feet below land surface.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

- (1) Use of water from the well, as allowed herein, shall be regulated if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

- (2) The permittee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

STANDARD CONDITIONS

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of

water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

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

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

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

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

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

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

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

Complete application of the water to the use shall be made on or before October 1, 2007. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued

-D R A F T-

Paul R. Cleary, Director
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

VIA MAIL

July 8, 2003

Leon and Sandy Bingham
31317 Pipeline Rd.
Gresham, OR 97080

RE: Water Right Application G 15802 in the Name of Leon and Sandy Bingham

Dear Mr. Bingham:

Pursuant to our telephone conversation of July 7, 2003, I am enclosing a settlement agreement that provides the conditions under which we may issue you a permit for application G 15802. In addition, I am enclosing a draft permit and Final Order Incorporating Settlement Agreement. Please review the agreement and comment and return to me, or sign and return as appropriate.

Do not hesitate to call me if you have any questions or wish to discuss: (503) 378-8455 ext. 239.

Sincerely,

Renee Moulun
Protest Program Coordinator

Enclosures (3)

Cc: Juno Pandian, Enforcement Manager

*Said they will
sign and mail
7/30 or 7/31*

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)
G 15802 in the Name of Leon and Sandy) SETTLEMENT AGREEMENT
Bingham) APPLICATION G 15802
Applicant and Protestant)

The Oregon Water Resources Department ("OWRD") and Leon Bingham on behalf of Applicant Leon and Sandy Bingham ("Applicant") do hereby stipulate and agree as follows:

Stipulations

- I. On July 23, 2002, Applicant submitted an application (application G 15802) to OWRD for 448.0 gallons per minute (0.998 cubic foot per second) of water from a well in the North Fork Beaver Creek Basin for nursery use on 40.0 acres in Multnomah County.
- II. The well described in application G 15802 is described in well log MULT 02540. The OWRD has determined in a memo dated October 24, 2002, that this well is commingling in violation of OAR 690-200-0043.
- III. The term "commingling of aquifers" as it is used in this Agreement is defined at OAR 690-210-0080 which provides that "[i]n no case shall a well be constructed to allow commingling or leakage of groundwater within an individual well by gravity flow or artesian pressure from one aquifer to another."
- IV. Pursuant to OAR 690-009-0040(5) a well that is determined to be hydraulically connected to a surface water source may be determined by the OWRD to have the potential to cause substantial interference with the surface water source.
- V. Pursuant to ORS 537.621, in reviewing ground water applications, the OWRD is required to determine whether the proposed use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525. The OWRD shall presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.
- VI. On January 21, 2003, the OWRD issued its Proposed Final Order ("PFO") for application G 15802 proposing denial because the proposed use does not comply with the rules of the Water Resources Commission and because the proposed use was determined to have the potential to cause substantial interference with the Sandy River.

- VII. On February 20, 2003, Applicant timely filed a protest to the PFO for application G 15802.
- VIII. The parties to this agreement agree that the issues raised in Applicant's protest can be resolved solely on the following terms.

Agreement

1. Applicant waives the opportunity to file exceptions to the Final Order Incorporating Settlement Agreement and any right to judicial review of this Agreement and Final Order.
2. In signing this Agreement Applicant withdraws with prejudice his protest to the PFO for application G 15802.
3. Each party to this Agreement represents, warrants and agrees that the person who executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of this Agreement.
4. Prior to receiving a permit for application G 15802 a licensed, bonded, driller shall submit to the OWRD, start cards and well logs indicating that MULT 02540 has been cased and sealed to a depth of 267 below land surface ("bls").
5. Upon receipt of the well log for the well described in paragraph 4 above, the OWRD's Enforcement Section will determine whether the well meets minimum well construction standards as described in OAR chapter 690 division 210. A permit for the well shall be issued only upon determination by the Enforcement Section that the well meets OWRD's well construction standards.
6. Applicant agrees to the following Special Condition to be placed on the permit for application G 15802:

Ground water from this well shall only be produced from the Troutdale Sandstone ground water reservoir between approximately 280 ft and 450 ft. below land surface.
7. Prior to obtaining a permit Applicant shall submit \$175.00 permit recording fee to OWRD.
8. The parties agree to entry of the Final Order Incorporating Settlement Agreement and issuance of a permit consistent with the attached draft permit.

/// /// ///

DWIGHT FRENCH
Manager, Water Rights Division
Oregon Water Resources Department
158 12th St. N.E., Salem, OR 97301
(503) 378-8455 ext. 268

DATE

LEON BINGHAM on behalf of
LEON AND SANDY BINGHAM
31317 Pipeline Rd.
Gresham, OR 97080
(503) 663-6207

DATE

DRAFT

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application	)	
G 15802 in the Name of Leon and Sandy	)	FINAL ORDER
Bingham	)	INCORPORATING SETTLEMENT
<i>Applicant and Protestant</i>	)	AGREEMENT

Based on the attached Settlement Agreement, which is incorporated herein and which includes the permit attached thereto, I find that the proposed use will protect the public welfare, safety and health.

Therefore, it is ORDERED that, pursuant to ORS 537.625, Application G 15802 is approved and a permit shall issue.

DATED this __ day of July, 2003

Paul R. Cleary, Director
Oregon Water Resources Department

COUNTY OF MULTNOMAH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LEON AND SANDY BINGHAM
31317 PIPELINE ROAD
GRESHAM, OR 97080

(503) 663-6207

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

APPLICATION FILE NUMBER: G-15802

SOURCE OF WATER: A WELL IN NORTH FORK BEAVER CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 40.0 ACRES

MAXIMUM RATE: 0.998 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JULY 23, 2002

WELL LOCATION: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 17, T1S, R4E, W.M.; 860 FEET NORTH & 300 FEET EAST FROM C $\frac{1}{4}$ CORNER, SECTION 17

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, during the period of allowed use specified above, that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 ACRES
SECTION 17
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

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

Ground water from this well shall only be produced from the Troutdale Sandstone ground water reservoir between approximately 280 feet and 450 feet below land surface.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

- (1) Use of water from the well, as allowed herein, shall be regulated if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

- (2) The permittee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

STANDARD CONDITIONS

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of

water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

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

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

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

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

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

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

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

Complete application of the water to the use shall be made on or before October 1, 2007. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued

-D R A F T-

Paul R. Cleary, Director
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

Mailing List for FO Copies

Application # G-15802

Mailing List Print Date: July 7, 2003

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

Applicant: LEON AND SANDY BINGHAM, 31317 PIPELINE ROAD, GRESHAM, OR 97080

For FO W/DRAFT PERMIT - Copies sent to:

1. WRD - File #G-15802
2. WRD - Ken Stahr
3. WRD - NWR Well Inspector

Copies Mailed
By: _____
(SUPPORT STAFF)
on: _____

For FO w/ Draft Permit - FO and Map Copies sent to:

4. WRD - Watermaster District #: 20
5. WRD - Regional Manager: NWR

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

1. James M. Schuette, CWRE #117

CASEWORKER: gaineyjw

Conf. Leon Brigham

7/7/23

Would be willing to case and reap
to 207 b15.

- Please go ahead and dig +
settlement and send

Conf. D. Keller

6/23/03

If re-construct the well seal to 267 bls
then can issue permit. No div. 09
problem pursuant to new GW review form.

J. Schwette (503) 585-5578
CWR for Brigham

-Brigham cell: (503) 791-4829

6/23/03

Schwette will call Brighams if
get back to me.

H

H

H

Left msg on cell 7/3/03

Spoke w/ Schwette 7/3/03



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

VIA MAIL

June 16, 2003

Leon and Sandy Bingham
31317 Pipeline Rd.
Gresham, OR 97080

RE: Water Right Application G 15802 in the Name of Leon and Sandy Bingham

Dear Mr. and Mrs. Bingham:

I am writing to update you on your water right application G 15802. As you are aware, you filed a protest to the Proposed Final Order for this application on February 20, 2003. We are currently re reviewing the application taking into account the fact that you appear willing to repair your existing well or drill a new well in order to comply with the Department's well construction standards. Specifically, in our re review we are trying to ascertain whether repairing or drilling a new well will address issues of interference with surface water sources.

This re review may take some time as Department staff are currently in the process of re reviewing several applications. Please be sure that we will work as quickly as possible to provide you with our conclusion regarding interference.

Pursuant to our statutes and rules, the Department is required to either send a protested matter to contested case hearing or issue a final order within 60 days after the close of the protest period. The applicant, however, has authority to request that we place the application on hold in order to pursue resolution of protest issues through settlement. Placing an application on hold does not affect your right to a hearing. I encourage you to place this application on hold for 90 days to allow re review of your application.

If you choose to place your application on hold, please provide me with a letter requesting as such. Also, please don't hesitate to call me if you have any questions or concerns: (503) 378-8455 ext. 239.

Sincerely,

Renee Moulun
Protest Program Coordinator

✓ CC: Jim Schutte



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

VIA MAIL

June 16, 2003

Leon and Sandy Bingham
31317 Pipeline Rd.
Gresham, OR 97080

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Sincerely,

Renee Moulun
Protest Program Coordinator

ReneeM

From: Renee Moulun [Renee.M.MOULUN@wrd.state.or.us]
Sent: Monday, June 16, 2003 11:23 AM
To: Donn Miller (E-mail)
Cc: Dwight French (E-mail)
Subject: G 15802 Bingham

Hi Donn:

I checked with Dwight and he agreed it would be a good idea to re review application G 15802 pursuant to the newest form that GW is developing. As you recall, I was wondering if applicants cased and sealed their well to 267 bls would or would not address the division 09 concerns (under para. 5) with the Sandy R. I'll bring the file up for you.

Thanks for your help on this.

Renee

G 15802 Bingham

When isolating primary water a large ~~seal~~ ~~water~~ ~~water~~
as an obstacle under water

Cyf. R. Miller

10/10/03

Obstacle - Sandy basin and as assessed specific
consideration per new form.

May need a re-review per new, new
form and Dan doesn't know if a
re-review will produce a diff.
answers.

Dan doesn't know if sealing to 207 will resolve
the Dir 09. concern w/ Sandy R. He would like
to do a re-review per new.

- Ask DF if he wants lenient to
re-review per new form.

If the well is sealed
to 207 b/s will
it interfere w/
Sandy R.?

February 20, 2003

Dwight French-Water Rights Section Manager
Oregon Water Resources Department
158 12th St. NE
Salem, Oregon 97301-4172

Re: Proposed Final Order
File G-15802



Dear Mr. French;

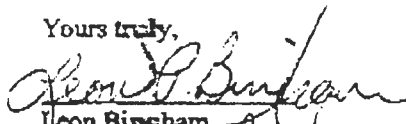
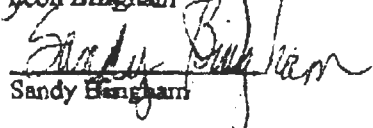
We, Leon and Sandy Bingham the applicants of the reference file, have reviewed the proposed final order for said file. We disagree with the findings contained in this order and are submitting this letter as a protest to the findings. We are filing this protest for the following reasons:

- It is our intent to use the 40.0 acres of property for nursery operations for which use the soils will sustain. The property is not zoned for housing development, so without water for agricultural use, the property valued at \$ 500,000, is now basically worthless.
- The well is located over a quarter mile from the nearest surface water source and is not located within a critical groundwater area. The proposed use is compatible with applicable land use laws and the Sandy Basin Program allows the proposed use.
- Although you say the well is not constructed properly and may interfere with the Sandy River, no details are given as to what remedies are required. Are we supposed to guess as to what is required? Does this mean NO wells will EVER be allowed in this area?
- We may consider repairs to the existing well or, if more economical, drill a new well.

Therefore, for the above reasons, we are requesting a contested case hearing. We will be awaiting your response. Please cc our CWRE Jim Schuette, with all correspondence concerning this matter.

If you have any further questions or require any additional information, please give me a call.

Yours truly,


Leon Bingham

Sandy Bingham

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15802

Proposed Final Order

Summary of Recommendation: The Department recommends that the application be denied.

Application History

On July 23, 2002, Leon and Sandy Bingham submitted an application to the Department for the following water use permit:

- Amount of Water: 448.0 gallons per minute (0.998 cubic foot per second(CFS))
- Use of Water: Nursery use on 40.0 acres
- Source of Water: A well in North Fork Beaver Creek Basin
- Area of Proposed Use: Multnomah County within Section 17, Township 1 South, Range 4 East, W.M.

On November 12, 2002, the Department mailed the applicant notice of its Initial Review, determining that *"the use of 0.998 cubic foot per second of water from a well in North Fork Beaver Creek Basin for agriculture use (nursery use) ON 40.0 acres is not allowable, and it appears unlikely that you will be issued a permit."* The applicant did not notify the Department to stop processing the application within 14 days of that date.

On November 26, 2002, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record

- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Sandy Basin Program allows the use of water for nursery use.

Senior water rights exist on a well in North Fork Beaver Creek Basin, or on downstream waters.

A well in North Fork Beaver Creek Basin is above the Sandy River State Scenic Waterway.

The Groundwater Section finds, per OAR 390.835(9), there is not a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source, namely Sandy River.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended denial of the application.

The Department's Enforcement Section has stated that the well is not properly constructed with current minimum well construction standards.

An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology section. A copy of this assessment is in the file. The proposed use of groundwater will, if properly conditioned, avoid injury to existing rights and the resource.

Because the proposed use of water would have the potential with substantial interference with surface water, an assessment of surface water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is not available for further appropriation (at an 80 percent exceedance probability) at any time of the year.

The proposed well is not within a designated critical ground water area.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The Sandy Basin Program allows the proposed use.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water **is not** available for the proposed use.

The proposed use would not injure other water rights.

The proposed use does not comply with other rules of the Water Resources Commission not otherwise described above. The well is not properly constructed with current minimum well construction standards.

The proposed use is compatible with applicable land use plans.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption **has not** been established.

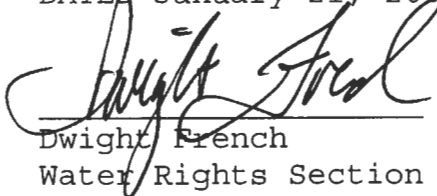
The application therefore has been processed without the statutory presumption.

The Department therefore concludes that water **is not** available in the amount of water necessary for the proposed use and the proposed use would not ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the application be denied.

DATED January 21, 2003


Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.
- *Persons other than the applicant who support the proposed final order may request standing for the purposes of*

participating in any contested case proceeding on the proposed final order or for judicial review of a final order.

- Requests for standing shall meet the requirements described in OAR 690-310-160 and shall be accompanied by the \$50.00 standing fee established under ORS 536.050.

Your protest or request for standing must be received in the Water Resources Department no later than **March 7, 2003**.

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

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

This document was prepared by Jerry Gainey. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 1-503-378-8455 extension 458.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her extension number is 239.

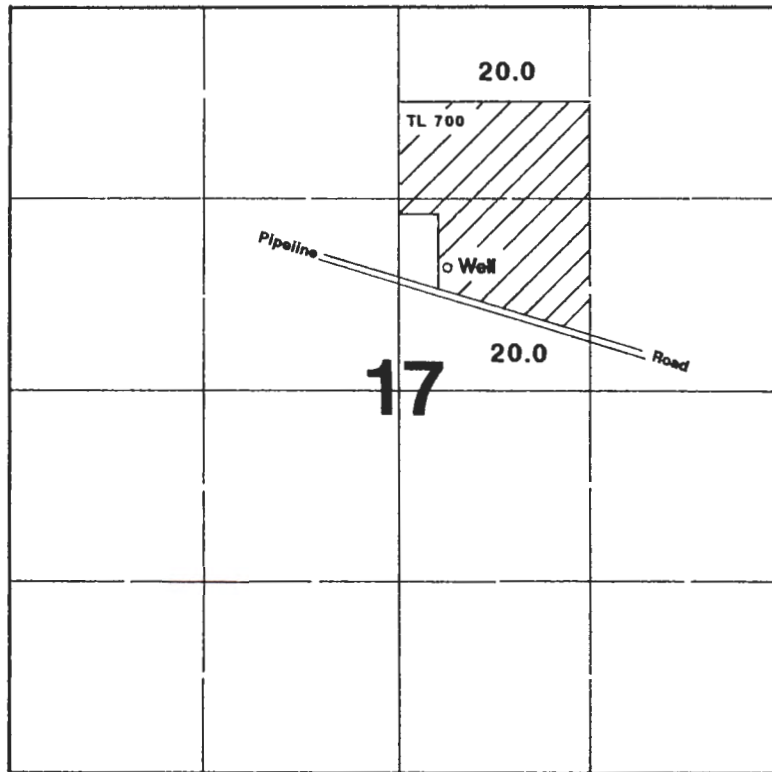
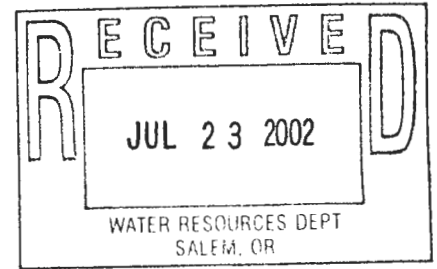
If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301

Fax: (503)378-6203

Gaineyjw- WEEK 390

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



1" = 1320'



Well is located 860'N & 300'E from the center of Section 17.

Application Map

Leon & Sandy Bingham

Application #:

Permit #:

This Map Was Prepared For The Purpose Of Identifying The Location Of A Water Right Only And Is Not Intended To Provide Legal Dimensions Or Location Of Property Ownership Lines.

app# G-15802
Permit #



Mailing List for PFO Copies

Application #G-15802

PFO Date January 14, 2003

Original mailed to:

Applicant: LEON AND SANDY BINGHAM, 31317 PIPELINE RD, GRESHAM, OREGON 97080

Copies sent to:

1. WRD - File # G-15802
2. Water Availability: Ken Stahr

PFO and Map Copies sent to:

3. WRD - Watermaster # District 20
4. Regional Manager: NWR
5. Oregon State Parks
6. ODFW District Biologist: Dick Caldwell

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

7. James M. Schuette, CWRE #117

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

CASEWORKER: Gaineyjw- WEEK 390

Copies Mailed
By: <u>JLB</u> (SUPPORT STAFF)
on: <u>1/23/03</u> (DATE)



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

November 8, 2002

LEON AND SANDY BINGHAM
31317 PIPELINE RD
GRESHAM, OREGON 97080

(503) 663-6207

Reference: File G-15802

Dear Mr. and Mrs. Bingham:

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

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

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from a well in North Fork Beaver Creek Basin for agriculture use (nursery use) **is a classified use** under OAR 690-503, the Sandy Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source, namely Sandy River. Therefore limitations to the surface water source must be applied to this application also.
4. Water in the amount of 0.998 cubic foot per second for agriculture use (nursery use) **is not available** at any time of the year.
5. Because water is not available for a full season, nursery use cannot be allowed.
6. The Department's Enforcement Section has stated that the well is not properly constructed and has recommended that a permit not be issued unless it is brought into



compliance with current minimum well construction standards.

Summary of Allowable Water Use

Because items #4 and #6 above are unfavorable, the use of 0.998 cubic foot per second of water from a well in North Fork Beaver Creek Basin for agriculture use (nursery use) ON 40.0 acres is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, November 22, 2002**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

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

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

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

may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

2. (1) Use of water from the well, as allowed herein, shall be regulated if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The permittee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be received not later than 30 days from the

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

3. Groundwater production only from the Troutdale Sandstone Aquifer groundwater reservoir between approximately 280 feet and 450 feet below land surface.
4. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
5. The tentative priority date for this application is JULY 23, 2002.

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

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at 503-378-8455 extension 201. Feel free to call me at 503-378-8455 extension 458 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: 503-378-6203.

Sincerely,


Jerry W. Gaaney

Water Right Processing Technician

enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-15802
wab 03-71545
pou 03-71545
gw A

APPLICATION FACT SHEET

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

Application File Number: G-15802

Applicant: LEON AND SANDY BINGHAM

County: MULTNOMAH

Watermaster: District 20

Priority Date: JULY 23, 2002

Source: A WELL IN NORTH FORK BEAVER CREEK BASIN

Use: NURSERY USE ON 40.0 ACRES

Quantity: 0.998 CUBIC FOOT PER SECOND

Basin Name & Number: Sandy, #03

Stream Index Reference: Volume 2 BEAVER CR MISC

Well Location: SWNE, SECTION 17, T1S, R4E, W.M.; 860 FEET NORTH & 300 FEET EAST
FROM C 1/4 CORNER, SECTION 17

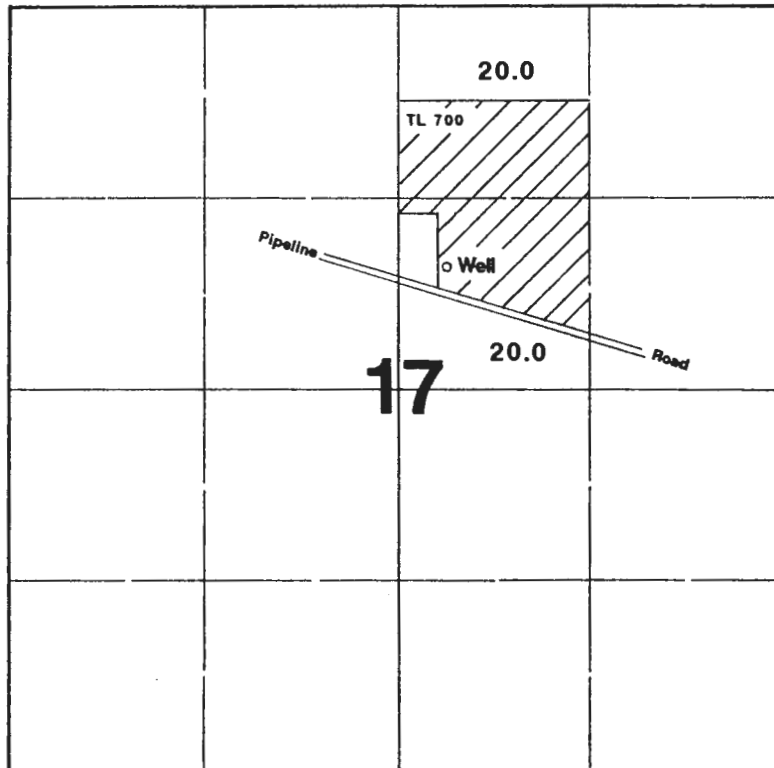
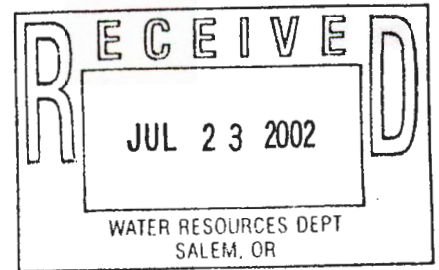
Place of Use: NWNE 20.0 ACRES, SWNE 20.0 ACRES, SECTION 17, TOWNSHIP 1
SOUTH, RANGE 4 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, November 22, 2002

PUBLIC NOTICE DATE: Tuesday, November 26, 2002

30 DAY COMMENT DEADLINE DATE: Thursday, December 26, 2002

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



1" = 1320'



Well is located 860'N & 300'E from the center of Section 17.

Application Map

Leon & Sandy Bingham

Application #:

Permit #:

This Map Was Prepared For The Purpose Of Identifying The Location Of A Water Right Only And Is Not Intended To Provide Legal Dimensions Or Location Of Property Ownership Lines.

app# 6-15802
Permit #



Mailing List for IR Copies

8

Application #G-15802

IR Date: November 12, 2002

Original mailed to:

~~Applicant:~~ LEON AND SANDY BINGHAM, 31317 PIPELINE RD, GRESHAM, OREGON 97080

Copies sent to:

- ~~1.~~ WRD - File # G-15802
- ~~2.~~ WRD - Water Availability: Ken Stahr
- ~~3.~~ State Parks, 1115 Commercial St, Salem OR 97301

IR, Map, and Fact Sheet Copies sent to:

- ~~4.~~ WRD - Regional Manager: NWR
- ~~5.~~ WRD - NWR Well Inspector

Copies Mailed By: <u>JB</u> (SUPPORT STAFF) on: <u>11/12/02</u> (DATE)
--

Note to Support: staple Division 33 Review Forms to front of copy packet for the following:
1) Watermaster 2) ODFW 3) DEQ (if indicated below)

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

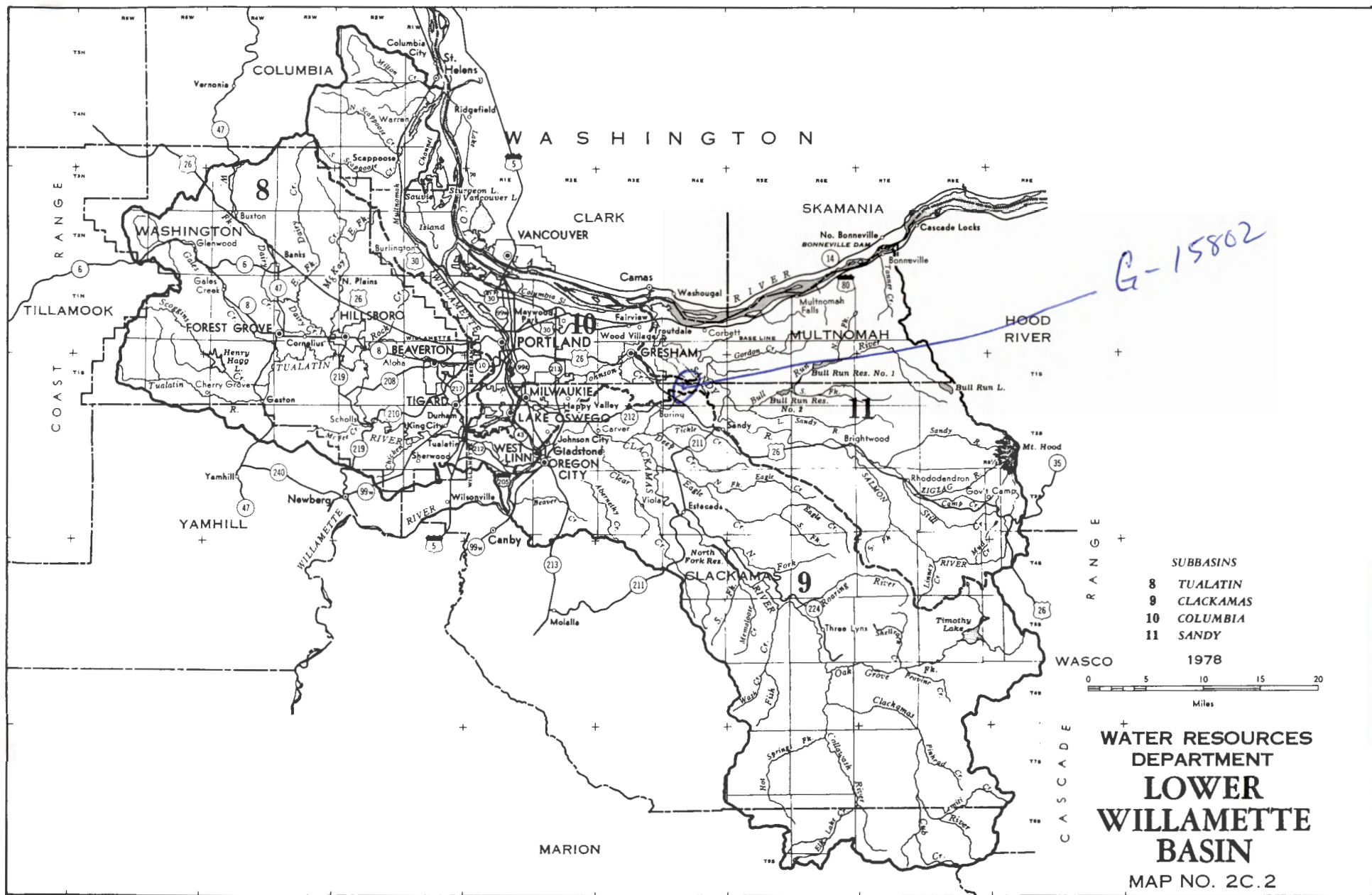
- ~~6.~~ WRD - Watermaster # District 20 + **Watermaster Form**
- ~~7.~~ ODFW District Biologist: Dick Caldwell, 17330 SE Evelyn Street, Clackamas, OR 97015 + **ODFW Form 2 (L. Col./Statewide)**
- ~~8.~~ DEQ (Portland): Andy Schaedel, 2020 SW Fourth Ave, Portland OR 97201 + **DEQ Form**
- ~~9.~~ DOA (N.Salem/Keizer): Paul Measeles

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

- ~~10.~~ James M. Schuette, CWRE #117, 3000 Marker St NE, Ste 510, Salem OR 97301

ID# JWG

COPYRIGHT IR



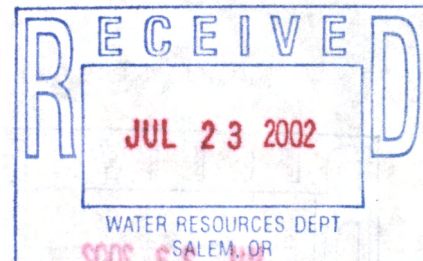


State of Oregon
Water Resources Department
 158 12th Street NE, Salem, OR 97310
 (503)378-8455 • (800)624-3199
 www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

1. APPLICANT INFORMATION



A. Individuals

Applicant: LEON BINGHAM
First Last

Co-applicant: SANDY BINGHAM
First Last

Mailing address: 31317 SE PIPELINE RD
Gresham OREGON 97080
City State Zip

Phone: 503-663-6207
Home Work Other

*Fax: _____ *E-Mail address: lbingha@worldnet.att.net

B. Organizations

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

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

For Department Use

App. No. G-15802

Permit No. _____

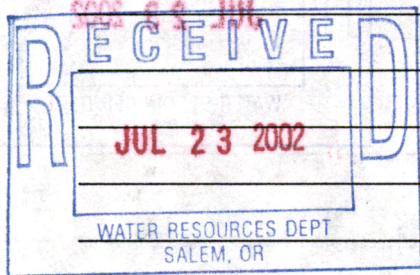
Date _____

2. PROPERTY OWNERSHIP

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

- ☒ Yes (Skip to section 3 "Ground water Development.")
- ☐ No Please check the appropriate box below.
- ☐ I have a recorded easement or written authorization permitting access.
 - ☐ I do not currently have written authorization or easement permitting access.

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



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

3. GROUND WATER DEVELOPMENT

A. Number of well(s): ONE B. Name of nearest surface water body: _____

C. Distance from well(s) to nearest stream or lake: 1) GREATER THAN ONE MILE
(winter stream only - $\pm 600'$ away)
2) _____ 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) $\pm 110'$
2) _____ 3) _____ 4) _____

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: SEE ATTACHED WELL LOG

Address: _____

Completion date: _____

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

RECEIVED
 JUL 23 2002
 WATER RESOURCES DEPT
 SALEM, OR

F. Artesian Flows

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

N/A

4. WATER USE

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

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

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

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
ONE	GRAVELS	NURSERY USE	448	40 MG	450

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 448
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: YEAR AROUND
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 40.0
(This number should be consistent with you application map.)

5. WATER MANAGEMENT

A. Diversion

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

- ☒ Pump (give horsepower and pump type) 25 HP Submersible
☐ Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- ☐ Ditch or canal (give average width and depth)
Width _____ Depth _____
Is the ditch or canal to be lined? ☐ Yes ☐ No
- ☒ Pipe (give diameter and total length)
Diameter 4" Length 800'
- ☐ Other (describe) _____

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? _____

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

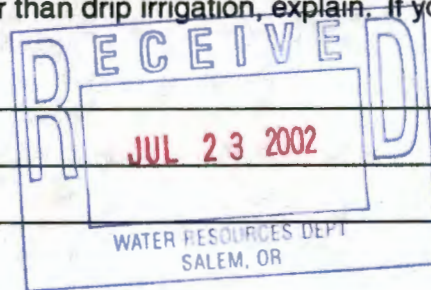
- | | | |
|--|---|---|
| ☐ Flood | ☒ High-pressure sprinkler | ☐ Low pressure sprinkler |
| ☐ Drip | ☐ Water cannons | ☐ Center pivot system |
| ☐ Hand lines | ☐ Wheel lines | |
| ☐ Siphon tubes or gated pipe with furrows | | |
| ☐ Other, describe _____ | | |

Distribution method

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

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.



6. PROJECT SCHEDULE

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

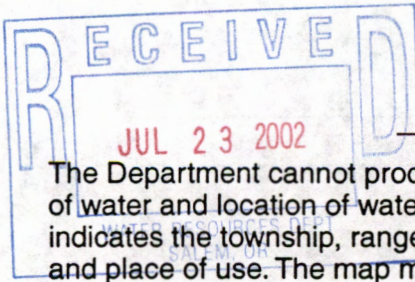
Proposed date construction will begin STARTED

Proposed date construction will be completed MARCH, 2004

Proposed date beneficial water use will begin OCTOBER, 2005

7. REMARKS

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



8. MAP REQUIREMENTS

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

9. SIGNATURE

By my signature below I confirm that I understand:

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

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

X George P. Bingham
Signature of Applicant

15 Jul 02
Date

X Steve Smith
Signature of Co-applicant

Aug 15 2002
Date

Before you submit your application be sure you have:

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



Oregon Water Resources Department

FORM I FOR IRRIGATION WATER USE

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

☒ Primary ☐ Supplemental

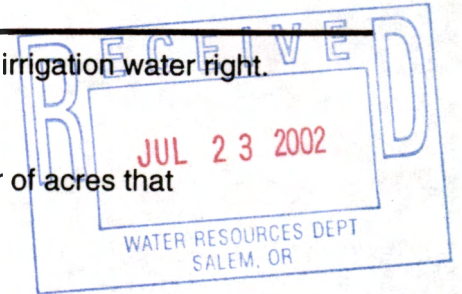
If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 40.0 Acres

Supplemental: _____ Acres

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

No. _____



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

- | | | |
|--------------------------|---|--|
| 1. <u>NURSEERY STOCK</u> | ☒ Full season | ☐ Partial season (from: _____ to _____) |
| 2. _____ | ☐ Full season | ☐ Partial season (from: _____ to _____) |
| 3. _____ | ☐ Full season | ☐ Partial season (from: _____ to _____) |
| 4. _____ | ☐ Full season | ☐ Partial season (from: _____ to _____) |

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

80.0 acre-feet

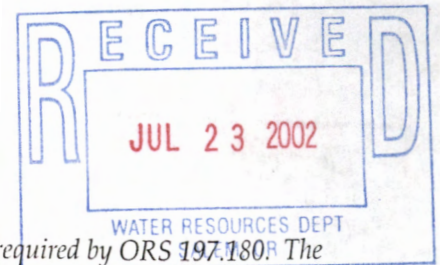
(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

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

- | | |
|--|---|
| ☐ Daily during daytime hours | ☐ Daily during nighttime hours |
| ☒ Two or three times weekly during daytime | ☐ Two or three times weekly during nighttime |
| ☐ Weekly, during daytime hours | ☐ Weekly, during nighttime hours |
| ☐ Other, explain: _____ | |



Oregon Water Resources Department Land Use Information Form



This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: LEON BINGHAM

Address: 31317 SE PIPELINE ROAD

City: Gresham State: OR Zip: 97080 Day Phone: (503) 799-4829

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

T1S, R4E, SECTION 17

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>700</u>	<u>EFU</u>	☒ Diverted	☒ Conveyed	☒ Used
		☐ Diverted	☐ Conveyed	☐ Used
		☐ Diverted	☐ Conveyed	☐ Used

List counties and cities where water is proposed to be diverted, conveyed, or used. MULTNOMAH

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): NURSERY USE

Briefly describe: IRRIGATION OF NURSERY STOCK

D. Source

Indicate the source for the proposed water use:

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

E. Quantity

Indicate the estimated quantity of water the use will require:

±400

☐ CFS

☒ GPM

☐ Acre-Feet

app # 6-15802

For Local Government Use Only

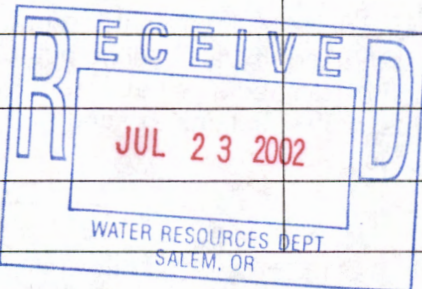
The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 11.15.2003 (A). Go to section B "Approval" below

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: LISA ESTRIN

Date: 7/16/02

Title: Planner

Phone: (503) 998-3043

Signature: Lisa Estrin

MULTNOMAH COUNTY
Land Use Planning Division
1600 SE 190th Ave.
Portland, Oregon 97233

C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

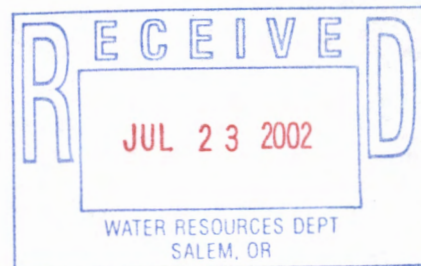
Until a change is requested all tax statements shall be sent to the following address.

WHEN RECORDED MAIL TO

LONG BEACH MORTGAGE COMPANY
P.O. BOX 201085
STOCKTON, CA 95202

ACCOUNT NUMBER 9746991-30315

TAX ACCOUNT NUMBER



DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on August 2, 2001. The grantor is LEON P BINGHAM and SANDRA L BINGHAM, AS TENANTS BY THE ENTIRETY

("Borrower"). The trustee is TRANSNATION TITLE

("Trustee"). The beneficiary is LONG BEACH MORTGAGE COMPANY

which is organized and existing under the laws of the State of Delaware, and whose address is 1100 TOWN & COUNTRY ROAD, ORANGE, CA 92868

("Lender"). Borrower owes Lender the principal sum of

Two Hundred Eighty Thousand and no/100-----

Dollars (U.S. \$ 280,000.00).

This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on September 1, 2031.

This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications of the Note; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in MULTNOMAH County, Oregon:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

which has the address of 31317 SE PIPELINE RD
Oregon 97080

GRESHAM
[Zip Code] ("Property Address");

[Street, City],

OREGON-Single Family-FNMA/FHLMC UNIFORM

INSTRUMENT Form 3038 9/90

 -6H(OR) (9603)

Amended 12/93

VMP MORTGAGE FORMS - (800)521-7291

Page 1 of 6

Initials: _____

TDOR1 (03/30/01) LH



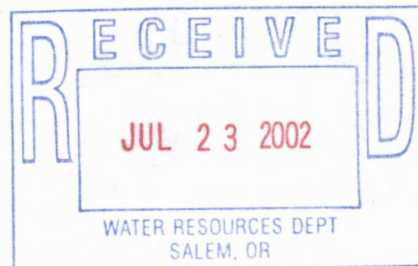
app # 6-15802

EXHIBIT "A"
Legal Description

The following described property in Section 17, Township 1 South, Range 4 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, more particularly described as:

Beginning at the North one-quarter corner of said Section 17; thence South 0°0' West, along the North and South center line through the said Section 17, a distance of 673.36 feet to a point, which point is the Southwest corner of the tract of land conveyed to C.G. Schneider, Deed recorded January 31, 1950, in Book 1380, Page 493; thence continuing Southerly along the center line of said section, a distance of 782.02 feet to an iron pipe set in said center line; thence South 89°56' East, 240.10 feet to an iron pipe; thence South 0°04' West, 520.52 feet, more or less, to the center line of the Pipe Line Road, now County Road No. 1979; thence South 73°45' East, along the center line of said road, 1117.27 feet to a point in the East line of the Westerly one-half of the Northeasterly one-quarter of said section; thence North 0°06' East, 1631.86 feet, more or less, along said subdivision line to a stake marking the Southeast corner of said Schneider tract; thence South 89°17' West, 1314.25 feet, tracing the South line of the Schneider tract to the place of beginning;

EXCEPT that part in said Pipe Line Road.



App # 6-15802

WATER WELL REPORT

STATE OF OREGON

State Well No.

State Permit No.

(1) OWNER:

Name A. R. BRUHN
Address Rt. 2 Box 617
Gresham Oregon

(2) LOCATION OF WELL:

County Multnomah Owner's number, if any—
S.W. 1/4 N.E. 1/4 Section 17 T. 1 S. R. 4 E. W.M.
Bearing and distance from section or subdivision corner S 52° 30'
2980 ft. from the N.E. corner, Section
17

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

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

(5) TYPE OF WELL:

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

(6) CASING INSTALLED:

Threaded ☐ Welded ☒

8" Diam. from 0 ft. to 385 ft. Gage Stand

(6)" Diam. from 0 ft. to 0 ft. Gage ard

Perf." Diam. from 382 ft. to 402 ft. Gage Stand
liner

(7) PERFORATIONS:

Perforated? ☒ Yes ☐ No

Type of perforator used Torch (6 Inch Liner)

SIZE of perforations 1/8 in. by 12 in.

~~XXXXXX~~ perforations from 0 ft. to 0 ft.

20 ft. liner perforations from with bottom 18 ft. ft.

perf. 24 Perforations to a ft. ft.

Total XXXXXX perforations 432 ~~XXXXXX~~ ft.

(8) SCREENS:

Well screen installed ☐ Yes ☐ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel: 1/4 to 3/8

Gravel placed from ft. to ft. between

Was a surface seal provided? ☒ Yes ☐ No To what depth 24 to 30

Material used in seal Cement Sand & Gravel

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? Depth of strata (Well Depth)

Method of sealing strata off (First test at 195 ft)

(10) WATER LEVELS: 25 G.P.M. Petered out

Static level 190 ft. below land surface Date 4/6/54

Artesian pressure lbs. per square inch Date

Log Accepted by:

[Signed] A. R. Bruhn Date January 31, 1950
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level Bottner we

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

Yield: 50 gal./min. with 1/3 ft. drawdown after 2 hrs.

" 100 " 1/2 " 2 "

" 200 " 1 " 3 "

Bailer to 300 gal./min. with 2 ft. drawdown after 5 hrs.

4/4/54 2nd & final test 4/6/1954

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

(12) WELL LOG:

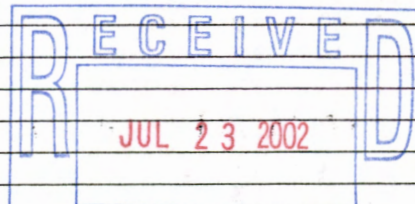
Diameter of well 8 Inch w/

Depth drilled 402 ft. Depth of completed well 402 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
<u>Top soil</u>	<u>1</u>	<u>3</u>
<u>Yellow Clay</u>	<u>3</u>	<u>60</u>
<u>Cemented Gravel</u>	<u>60</u>	<u>161</u>
<u>Fine Blk Sand</u>	<u>161</u>	<u>164</u>
<u>Coarse Blk Sand</u>	<u>164</u>	<u>177</u>
<u>Fine sand</u>	<u>177</u>	<u>179</u>
<u>Coarse Blk. Sand</u>	<u>179</u>	<u>195</u>
<u>Cemented Gravel</u>	<u>195</u>	<u>243</u>
<u>Sand & Clay</u>	<u>243</u>	<u>247</u>
<u>Light Brown Clay</u>	<u>247</u>	<u>261</u>
<u>Fine Pea Gravel</u>	<u>261</u>	<u>262</u>
<u>Brown Clay</u>	<u>262</u>	<u>275</u>
<u>Red Clay</u>	<u>275</u>	<u>287</u>
<u>Coarse Sand Stone</u>	<u>287</u>	<u>300</u>
<u>Cemented Gravel</u>	<u>300</u>	<u>400</u>
<u>Coarse sand w/little Pea</u>	<u>400</u>	<u>402</u>

Water Bearing



Work started Feb. 5th 1954 Completed April 6 1954

(13) PUMP:

Manufacturer's Name Iyers 6 Inch Stroke Pump

Type: ROD H.P. 1

Pumping 200 P.Hr.

Well Driller's Statement:

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

NAME HAARON I. BOTTNER WELL DRILLING

(Person, firm, or corporation) (Type or print)

Address 115th N. E. GLISAN ST.

Driller's well number

[Signed] [Signature] (Well Driller)

License No. 109 Date Oct 15 1956

RECEIVED
STATE OF OREGON

MULT
002540

MAR 20 1959

(1) OWNER:

Name A. R. BRUHN
Address Rt. 2 Box 617 Gresham Oregon

(2) LOCATION OF WELL:

County Multnomah Owner's number, if any—
S.W. 1/4 N.E. 1/4 Section 17 T. 1 S. R. 4 E. W.M.
Bearing and distance from section or subdivision corner S 52° 30'
2980 ft. from the N.E. corner, Section
17

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 11.

PROPOSED USE (check):

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

(5) TYPE OF WELL:

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

(6) CASING INSTALLED:

8 " Diam. from 0 ft. to 385 ft. Gage Stand
(6) " Diam. from ft. to ft. Gage ard
Perf. " Diam. from 382 ft. to 402 ft. Gage Stand
liner

(7) PERFORATIONS:

Perforated? ☒ Yes ☐ No
Type of perforator used Torch (6 Inch Liner)
SIZE of perforations 1/8 in. by 12 in.
~~XXXXXX~~ perforations from ft. to ft.
20 ft. liner perforations from with bottom 18 ft. ft.
perf. 1/8 " diam. from 24 ft. to 30 ft. ft.
Total XXXX perforations 432 ~~XXXXXXXXXXXXXX~~
perforations from ft. to ft.

SCREENS:

Well screen installed ☐ Yes ☐ No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Slot size Set from ft. to ft.

(8) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel: Between 24 to 30
Gravel placed from ft. to ft.
Was a surface seal provided? ☒ Yes ☐ No To what depth 24 to 30
Material used in seal—Cement Sand & Gravel
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? Depth of strata (Well Depth)
Method of sealing strata off (First test at 195 ft)

(9) WATER LEVELS:

Static level 190 ft. below land surface Date 4/6/54
Artesian pressure lbs. per square inch Date
Log Accepted by A. R. Bruhn
[Signed] A. R. Bruhn Date January 31, 1959
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level Bottomer well
Was a pump test made? ☒ Yes ☐ No If yes, by whom? Drilling
Yield: 50 gal./min. with 1/3 ft. drawdown after 2 hrs.
" 100 " 1/2 " 2 "
" 200 " 1 " 3 "
Ball test 200 gal./min. with 2 ft. drawdown after 5 hrs.
Artesian flow 2nd & final test 4/6/1954
Temperature of water Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well 8 inch w/ 6 inch liner
Depth drilled 402 ft. Depth of completed well 402 ft.

Formation: Describes by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	1	3
Yellow Clay	3	60
Cemented Gravel	60	161
Fine Blk Sand	161	164
Coarse Blk Sand	164	177
Fine sand	177	179
Coarse Blk. Sand	179	195
Cemented Gravel	195	243
Sand & Clay	243	247
Light Brown Clay	247	261
Fine Pea Gravel	261	262
Brown Clay	262	275
Red Clay	275	287
Coarse Sand Stone	287	300
Cemented Gravel	300	400
Coarse sand w/little Pea		
Gravel	400	402
Water Bearing		

Work started Feb. 5th 1954 Completed April 6 1954

(13) PUMP:

Manufacturer's Name Myers 6 Inch Stroke Pump
Type: Rod H.P. 1
Pumping 200 P.Hr.

Well Driller's Statement:

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

NAME HAAKON T. BOTTNER WELL DRILLING

(Person, firm, or corporation) (Type or print)
Address 11544 N. E. GLISAN ST.

Driller's well number

[Signed] H. Bottner
(Well Driller)

License No. 109 Date Oct 15 1956

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NEL 1/4 SEC. 17 T.1S. R.4E. W.M.
MULTNOMAH COUNTY
1" = 200'

IS 4E 17A
& INDEX



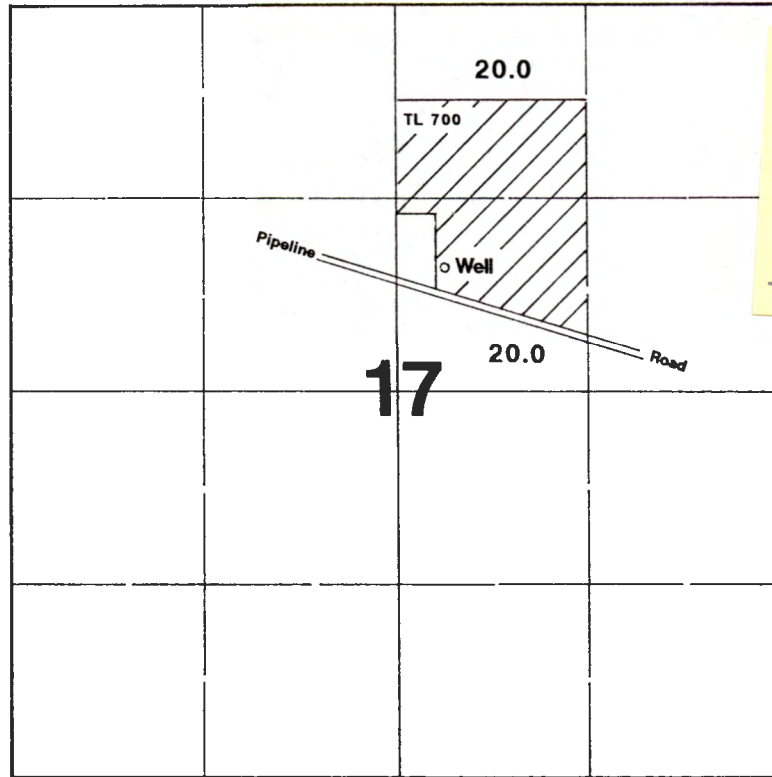
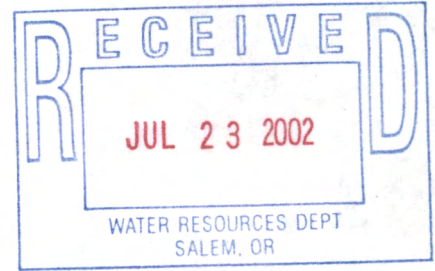
Well Located 150' N $\frac{1}{2}$ 50' E from SW corner of property

q:/mult/1s4e/1s4e17a.dgn Feb. 02, 2001 16:05:33

Leon Bingham
Sandy Bingham

app # 6-15802

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



app sending
revised map
w/ new well loc
don't use this map

1" = 1320'



Area Irrigated

Well is located 860'N & 300'E from the center of Section 17.

Application Map

Leon & Sandy Bingham

Application #:

Permit #:

This Map Was Prepared For The Purpose Of Identifying The Location Of A Water Right Only And Is Not Intended To Provide Legal Dimensions Or Location Of Property Ownership Lines.

app# 6-15802
Permit #

