

R-72359

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STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

IVERSON FAMILY FARMS INC.
33739 S MERIDIAN RD
WOODBURN OR 97071

confirms the right to store water perfected under the terms of Permit R-11827. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-72359

SOURCE OF WATER: SURFACE RUNOFF, TRIBUTARY OF PUDDING RIVER

STORAGE FACILITY: IVERSON RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED AND MAINTAINED UNDER APPLICATION S-72360, PERMIT S-52392, FOR AGRICULTURE USE, PRIMARY IRRIGATION, AND SUPPLEMENTAL IRRIGATION FOR NURSERY OPERATIONS AND WILDLIFE USE

VOLUME OF USE: 178.8 ACRE-FEET EACH YEAR

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 TO APRIL 30 OF EACH YEAR

DATE OF PRIORITY: APRIL 28, 1992

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	1 W	WM	24	SW SE	73	1220 FEET NORTH AND 2880 FEET EAST FROM SW CORNER, SECTION 24

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
5 S	1 W	WM	24	NE SW	73
5 S	1 W	WM	24	SE SW	73
5 S	1 W	WM	24	SW SE	73

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

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

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment.

The dam shall be operated and maintained according to the final specifications and as-built drawings as approved by the Water Resources Department on February 8, 2001, on file with the Department.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representatives.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches

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

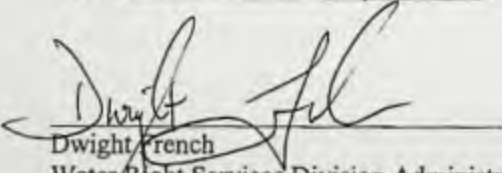
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The right to store water for the above purpose is restricted to beneficial use at the place of use described.

Issued AUG 03 2016


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



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

DATE MAILED: August 3, 2016

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Certificate

Application: R-72359

Permit: R-11827

Certificate: 91549

Permit/Certificate Holder:

IVERSON FAMILY FARMS INC.
33739 S MERIDIAN RD
WOODBURN OR 97071

Copies Mailed
by: <u>Connie Vance</u> (STAFF)
on: <u>AUG 03 2016</u> (DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District #: 16
2. ~~Data Center (include copy of map)~~
3. Water Availability ✓
4. Vault ✓
5. File ✓

Other persons to receive copies: (include map):

1. Greg Kupillas, CWRE
PACIFIC HYDRO-GEOLOGY INC. ✓

ROSS EVERETT
33739 S MERIDIAN RD
WOODBURN, OR 97071

FILE# R 72359

Application No. R 72359

Permit No. R-11827

Certificate No. 91549

Mailbox

Stream Index, Page No. 2

02-11-92-0412-0022-10

I-15 R-11827-0022-10
Dom FILE

Date filed _____

Priority _____

Action suspended until 3/12

Return to applicant _____

Date of approval 6-12-96

CONSTRUCTION

Date for beginning 6-12-97

Date for completion 10-1-98

Extended to 10-1-02, 10-1-2012

Date for application of water 10-1-99

Extended to 10-1-02, 10-1-06

10-1-2012

PROSECUTION OF WORK

Form "A" filed 7/30/97

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received COBU 6/3/2013

Date Certificate issued AUG 03 2016

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
10/16/2007	IVERSON FAMILY FARMS INC	33739 S MERIDIAN RD WOODBURN OR 97071		

REMARKS

Map in SCB's cabinet # 69
118 sent 8/12/97

FEES PAID

Date	Amount	Receipt No.
4-28-92	\$200.00	85974
5-24-96	134.00	002617
9-28-98	200.00	24982
10-1-99	100.00	33511
10-1-03	150.00	63394
10-1-03	Cert. Fee 100.00	63395
10-1-07	FEES REFUNDED	000 9002

Date	Amount	Receipt #
6-3-13	150.00	108453

NOTICE OF BEGINNING OF CONSTRUCTION

I, Ross Iverson, the holder of Permit No. -to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 14th day of October, 1996.Remarks: Construction has begun

The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment required for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 28 day of July, 1997.Ross Iverson
(Signature of Applicant)33739 S Meridian Rd Woodburn OR 97071
(Address)

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

SP*35567-690

NOTICE OF BEGINNING OF CONSTRUCTION

I, Ross Iverson, the holder of Permit No. -to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 6th day of May, 1997.Remarks: Ordered canal gate and associated supplies.

The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment required for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 15 day of July, 1997.Ross Iverson
(Signature of Applicant)33739 S Meridian Rd Woodburn OR 97071
(Address)

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

SP*35567-690

Engineer is working on Plans & Specs. Return to me when plans are received 7/30/92 RD

Design (Plans & Specs) approved 12/23/92. See letter dated 12/22/92 AND 10/9/95 plus list of permit conditions. Return 1 copy of approved drawings to applicant if/when permit is issued. 10/9/95 Denney Safety

RECEIVED
JUL 21 1997
WATER RESOURCES DEPT.
SALEM, OREGON

R-72359

IVERSON FAMILY FARMS INC

33739 S MERIDIAN RD

WOODBURN OR 97071

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STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

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IVERSON FAMILY FARMS INC.
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APPLICATION FILE NUMBER: R-72359

SOURCE OF WATER: SURFACE RUNOFF, TRIBUTARY OF PUDDING RIVER

STORAGE FACILITY: IVERSON RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED AND MAINTAINED UNDER APPLICATION S-72360, PERMIT S-52392, FOR AGRICULTURE USE, PRIMARY IRRIGATION, AND SUPPLEMENTAL IRRIGATION FOR NURSERY OPERATIONS AND WILDLIFE USE

VOLUME OF USE: 178.8 ACRE-FEET EACH YEAR

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Measurement, recording and reporting conditions:

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

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment.

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Issued _____.

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

Mailing List for Certificate

Application: R-72359

Permit: R-11827

Certificate:

Permit/Certificate Holder:

IVERSON FAMILY FARMS INC.
33739 S MERIDIAN RD
WOODBURN OR 97071 ✓

Copies of Final Certificate to be sent to:

1. Watermaster District #: 16 ✓
- ~~2. Data Center (include copy of map)~~
- ~~3. Water Availability~~
- ~~4. Vault~~
5. File ✓

Other persons to receive copies: (include map):

1. Greg Kupillas, CWRE ✓
PACIFIC HYDRO-GEOLOGY INC.

Copies Mailed

by: Connie Vance
(STAFF)

on: MAR 18 2016
(DATE)

PROPOSED

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

PROPOSED

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PROPOSED

Measurement, recording and reporting conditions:

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- B. The water user 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.

The water user shall maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided. The water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment.

The earthen dam and reservoir shall be operated and maintained according to the approved plans and specifications dated December 23, 1992, on file with the Water Resources Dam Safety Program.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representatives.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches

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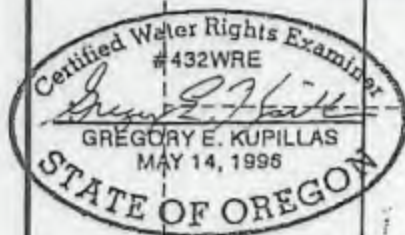
Issued _____

PROPOSED

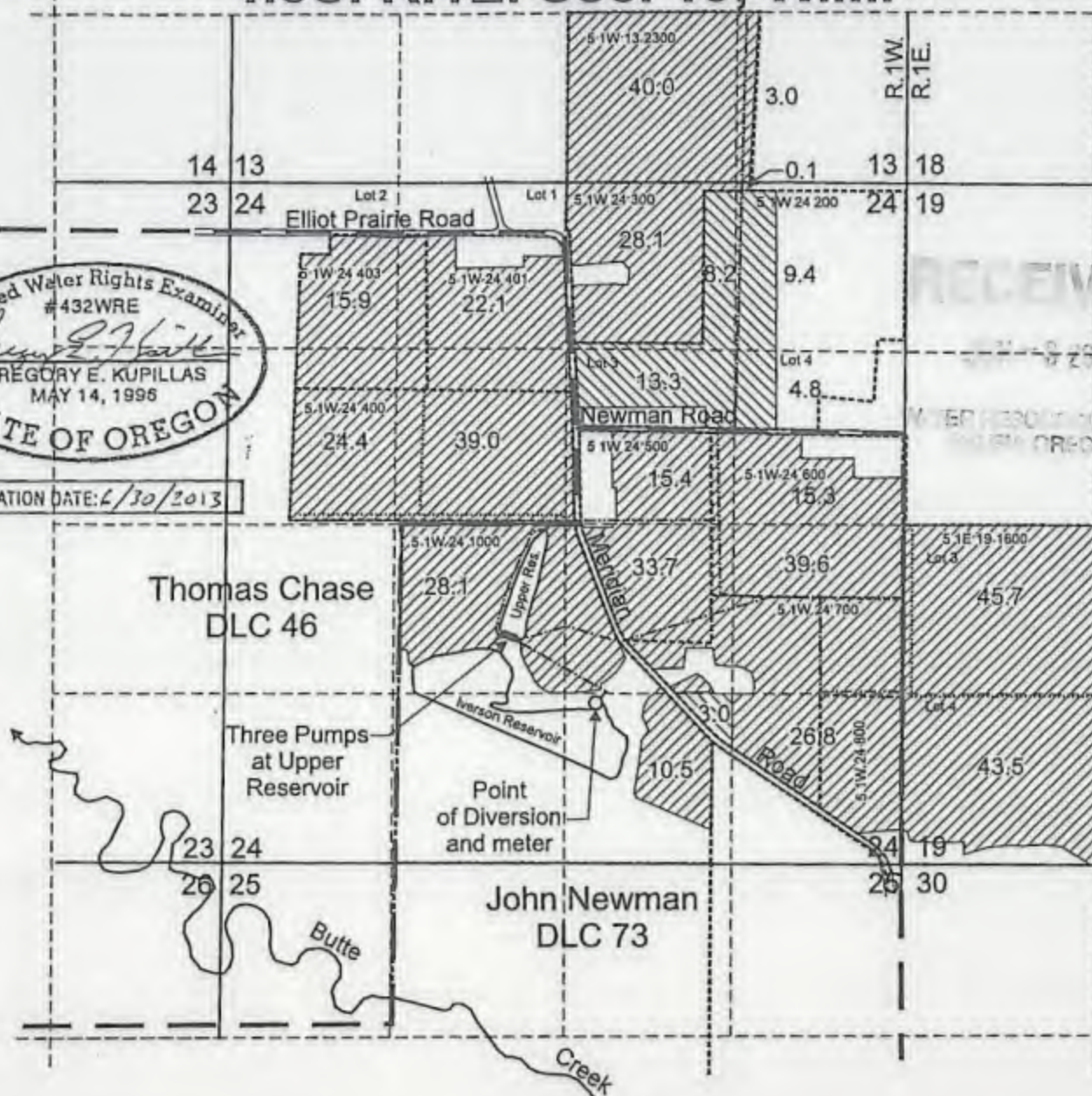
Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

PROPOSED

T.5S. R.1W. Sec. 13 & 24 T.5S. R.1E. Sec. 19, W.M.



EXPIRATION DATE: 4/30/2013



Point of Diversion is located 1,220 feet north and 2,880 feet east from the SW corner, Section 24.

- Area covered by Primary Irrigation and Agricultural Use (Nursery Operations) (38.7 Acres).
- Area covered by Supplemental Irrigation and Agricultural Use (Nursery Operations) (431.1 Acres).

- Tax lot boundary
- Irrigation mainline buried

- Donation Land Claim boundary
- Irrigation mainline above ground

Scale: 1" = 1,320'



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.



Pacific Hydro-Geology Inc.

Claim of Beneficial Use Map
Application R-72359; Permit R-11827 &
Application S-72360; Permit S-52392

Iverson Family Farms, Inc.
T.5S. R.1W. Sec. 13 & 24; T.5S. R.1E. Sec. 19, W.M.

04/2013



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

DATE MAILED: MAR 18 2016

NOTICE

Reference: Application R-72359 Permit R-11827

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

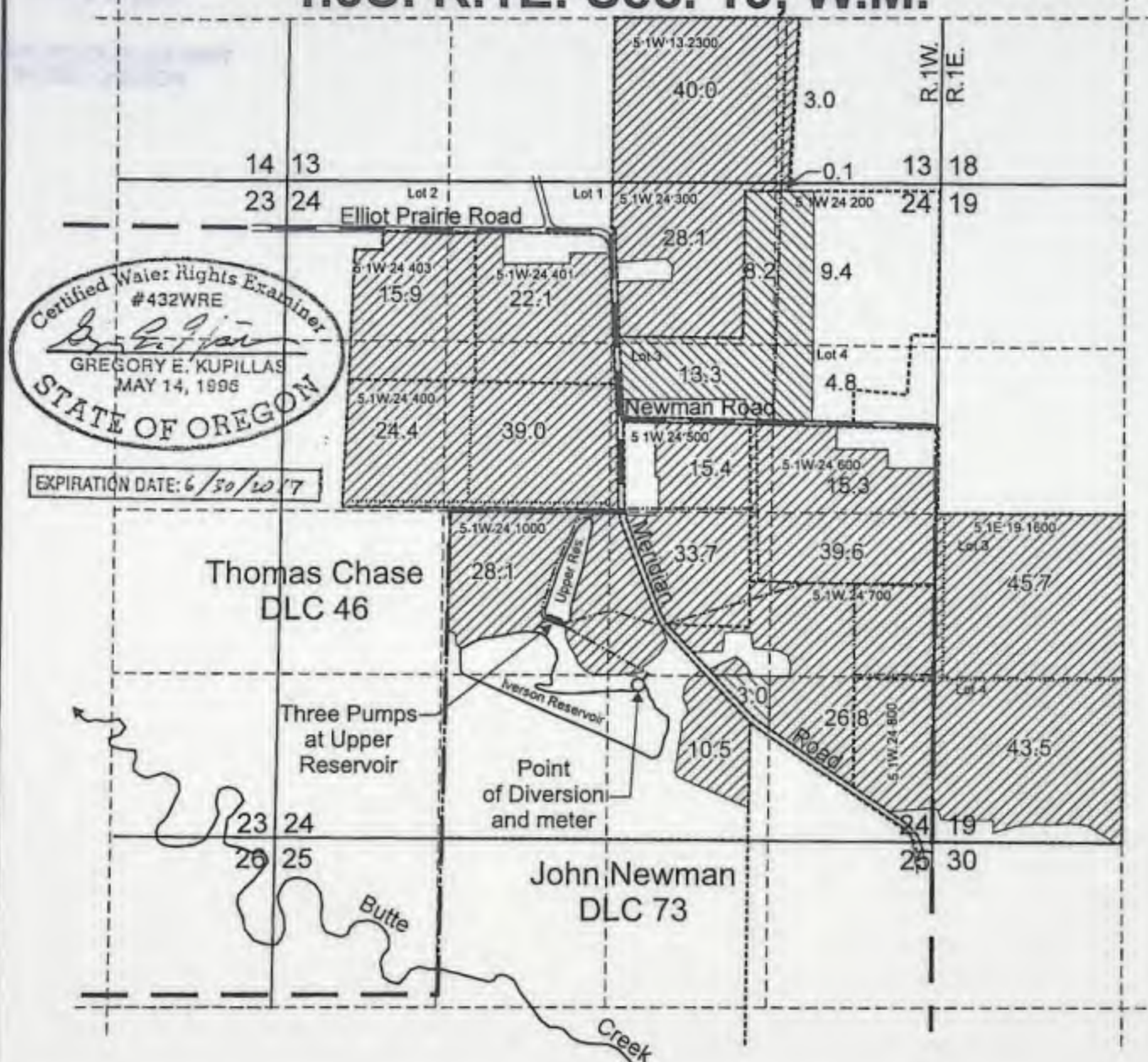
If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you have any other questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Water Right Services Administrator

T.5S. R.1W. Sec. 13 & 24 T.5S. R.1E. Sec. 19, W.M.



Point of Diversion is located 1,220 feet north and 2,880 feet east from the SW corner, Section 24.

Area covered by Primary Irrigation and Agricultural Use (Nursery Operations) (38.7 Acres).

Area covered by Supplemental Irrigation and Agricultural Use (Nursery Operations) (431.2 Acres).

----- Tax lot boundary

----- Irrigation mainline buried

Scale: 1" = 1,320'



— — — — — Donation Land Claim boundary

..... Irrigation mainline above ground

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.

Claim of Beneficial Use Map
Application R-72359; Permit R-11827 &
Application S-72360; Permit S-52392

Iverson Family Farms, Inc.

Pacific Hydro-Geology Inc.

Rvsd 05/2016 T.5S. R.1W. Sec. 13 & 24; T.5S. R.1E. Sec. 19, W.M.

BJORK Mary F

From: Greg Kupillas <phggek@bctonline.com>
Sent: Thursday, May 19, 2016 9:21 AM
To: 'BJORK Mary F'
Subject: RE: Proposed Cert for Permit R-11827

Mary,

I will bring in the revised maps on my next trip into the Department, which will likely be next week sometime. Thanks for the heads-up on the updated language. I have no concerns about the proposed new language.

Regards,

Greg

From: BJORK Mary F [<mailto:mary.f.bjork@state.or.us>]
Sent: Wednesday, May 18, 2016 3:45 PM
To: Greg Kupillas
Cc: CLARK Gerry E; BJORK Mary F
Subject: RE: Proposed Cert for Permit R-11827

Hi Greg,

Thanks for the moment to discuss your concerns today. Attached to this email is a pdf of the COBU Map for Application R-72359, Permit R-11827, and Application S-72360, Permit S-52392. As discussed, I will expect a revised map from you **for each file**, updating the total listed acres covered by Supplemental Irrigation and Agricultural Use (Nursery Operations), from 431.1 Acres, to 431.2 Acres.

Also, I will revise the Proposed Certificate for Application R-72359, Permit R-11827 by deleting the fish conditions that are not relevant to the claimed source of runoff.

One last item, as Gerry mentions, the language relating to plans and specs, will be updated From –

The earthen dam and reservoir shall be operated and maintained according to the approved plans and specifications dated December 23, 1992, on file with the Water Resources Dam Safety Program.

To –

The dam shall be operated and maintained according to the final specifications and as-built drawings as approved by the Water Resources Department on February 8, 2001, on file with the Department.

Please let me know if you have any questions or additional concerns.

Regards,

Mary

Mary Bjork | Certificate Specialist, Water Rights Services Division
Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

From: CLARK Gerry E
Sent: Monday, May 16, 2016 3:36 PM
To: Greg Kupillas
Cc: BJORK Mary F
Subject: RE: Proposed Cert for Permit R-11827

Greg,

Thank you for your comments. Mary and I will discuss them and get back to you with a plan.

Since the time that the proposed certificate was mailed for the reservoir permit, we have developed language to reflect "as-built" data rather than plans and specs. We may be updating the reservoir certificate to reference the as-builts.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: Greg Kupillas [<mailto:phggek@bctonline.com>]
Sent: Monday, May 16, 2016 3:17 PM
To: 'Gerry Clark'
Subject: Proposed Cert for Permit R-11827

Gerry,

I think we are up against the 60-day review period for the proposed certificate for permit R-11827. Just last Friday, I finally sat down to look it over, along with two other proposed certificates for Iverson Family Farms (Permit S-52392 and Transfer 7567). In reviewing the proposed certificates, the only issue that came to my attention was the conditions concerning fish screening and fish passage in the proposed certificate for permit R-11827. I believe the fish screening/bypass device and fish passage conditions originally stated in the permit applied to the diversion at Butte Creek. The reservoir fills every season from runoff without the need to divert water from Butte Creek; therefore, the Butte Creek diversion point has never been used, nor was it included in the COBU. So, it seems that these conditions are no longer relevant (as mentioned in the COBU), and should not be included in the certificate. Please take a look at this and let me know what you think.

Also, there was one other minor issue that I think we can resolve easily enough. I noticed that the number of supplemental acres we included in the COBU for Permit S-52392 were short by 0.1 acres. This was due, I think, to us missing a small 0.1 acre piece in the NE NE of Section 24 when tallying up the acres for the supplemental use. Your reviewer got it correct. However, the COBU map still lists the supplemental acreage as 431.1 acres, when it should be 431.2 acres. We can submit an amended COBU map so the map correctly reflects the actual acreage.

Regards,

Greg

BJORK Mary F

From: BJORK Mary F
Sent: Wednesday, May 18, 2016 3:45 PM
To: Greg Kupillas
Cc: CLARK Gerry E; BJORK Mary F
Subject: RE: Proposed Cert for Permit R-11827
Attachments: COBU Map.pdf

Hi Greg,

Thanks for the moment to discuss your concerns today. Attached to this email is a pdf of the COBU Map for Application R-72359, Permit R-11827, and Application S-72360, Permit S-52392. As discussed, I will expect a revised map from you **for each file**, updating the total listed acres covered by Supplemental Irrigation and Agricultural Use (Nursery Operations), from 431.1 Acres, to 431.2 Acres.

Also, I will revise the Proposed Certificate for Application R-72359, Permit R-11827 by deleting the fish conditions that are not relevant to the claimed source of runoff.

One last item, as Gerry mentions, the language relating to plans and specs, will be updated From –

The earthen dam and reservoir shall be operated and maintained according to the approved plans and specifications dated December 23, 1992, on file with the Water Resources Dam Safety Program.

To –

The dam shall be operated and maintained according to the final specifications and as-built drawings as approved by the Water Resources Department on February 8, 2001, on file with the Department.

Please let me know if you have any questions or additional concerns.

Regards,

Mary

Mary Bjork | Certificate Specialist, Water Rights Services Division

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804 | Fax: 503.986.0901

Email: mary.f.bjork@ wrd.state.or.us | Web: <http://www.wrd.state.or.us>

From: CLARK Gerry E
Sent: Monday, May 16, 2016 3:36 PM
To: Greg Kupillas
Cc: BJORK Mary F
Subject: RE: Proposed Cert for Permit R-11827

Greg,

Thank you for your comments. Mary and I will discuss them and get back to you with a plan.

Since the time that the proposed certificate was mailed for the reservoir permit, we have developed language to reflect "as-built" data rather than plans and specs. We may be updating the reservoir certificate to reference the as-builts.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: Greg Kupillas [mailto:phggek@bctonline.com]

Sent: Monday, May 16, 2016 3:17 PM

To: 'Gerry Clark'

Subject: Proposed Cert for Permit R-11827

Gerry,

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Regards,

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application #	R 72359	Permit #	R 11827	Transfer #	
WRD Reviewer	Mary Bjork	Date	2-5-16		
WRD Peer Reviewer	Jessica Joye	Date	2-23-16		

Research

- ✓ Organize file in chronological order
- ✓ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments ^{flagged} Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests ^{print-out}
- ✓ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ✓ Water Organization identified using AOI? ☒ No ☐ Yes
If "Yes" cc: _____ & Add to Mailing List
- ✓ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor TL 1000 Ross & Dorothy Iverson LLC 33739 Meridian
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ✓ Print Platcard & check for Place of Use Conflict? ☒ No ☐ Yes
If "Yes", provide copy of certificate & relevant map
- ✓ Print BLM Cadastral Survey
- ✓ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ☐ No ☒ Yes DLC 73
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- * YES Fish Conditions ^(ODFW aert screening) by pass ^{not required by ODFW}
- YES Meter/measuring device shall → installed SEPT 2011
- YES Water Use Reporting shall → Reported 2000 to Current WY
- N/A Pump Test (post December 19, 1988)
- YES Other Conditions Plans & Specs → Approved 12-23-92 / 2-8-01 ^{Approved As-Built}
- N/A SWL Written Cert. fr. Engineer 11-8-00
- YES C-Date 10-1-99 EXT → 10-1-12 → Accomplished JUNE 2010
- PI-6-12-96 A-6-12-97 B-10-1-98
- Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)
OK 10-14-96 → 2003
5-6-97 OK EXT

NOTES:

CWRE - G. Kupillas

- * pg 7 Cobu states FI form for T-7567 (Related, same pod Butte Cr) by pass not required at this pump, however n/a on this file as Butte Cr POD not developed as source.
- * flagged ODFW Letter stating fish passage not required for this off channel Res

Determination

___ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

✓ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s).

— *only developed one source*

— *developed less volume*

___ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

___ Stamp PROPOSED or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

___ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

___ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

___ Record marking: App _____	Permit _____	Cert _____
App _____	Permit _____	Cert _____
App _____	Permit _____	Cert _____
App _____	Permit _____	Cert _____

NOTES:

permit for JT of 185.6 AF fr. Runoff + Butte Cr
Developed 178.8 AF fr. Runoff Only

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROSS IVERSON
33739 S. MERIDIAN RD.
WOODBURN, OREGON 97071

→ Assigned

PHONE: (503) 634-2331

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

APPLICATION FILE NUMBER: R-72359

SOURCE OF WATER: SURFACE RUNOFF AND BUTTE CREEK, TRIBUTARIES OF PUDDING RIVER

STORAGE FACILITY: IVERSON RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED AND MAINTAINED UNDER APPLICATION S-72360, PERMIT 52392, FOR AGRICULTURAL USE, PRIMARY IRRIGATION, AND SUPPLEMENTAL IRRIGATION FOR NURSERY OPERATIONS AND WILDLIFE USE

VOLUME OF USE: 185.6 ACRE-FEET EACH YEAR

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 TO APRIL 30 OF EACH YEAR.

DATE OF PRIORITY: APRIL 28, 1992

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 12.6 ACRES AND THE MAXIMUM DEPTH OF WATER WILL BE 20.0 FEET. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 15.0 FEET.

DAM LOCATION: NE 1/4 SW 1/4, SE 1/4 SW 1/4, AND SW 1/4 SE 1/4, SECTION 24, T5S, R1W, W.M.; 3840 FEET SOUTH & 4640 FEET EAST FROM THE NW CORNER OF CHASE DLC 46

POINT OF DIVERSION: NE 1/4 NW 1/4, SECTION 25, T5S, R1W, W.M.; 6060 FEET SOUTH AND 4540 FEET EAST FROM THE NW CORNER OF CHASE DLC 46

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED WITHIN:

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SW 1/4 SE 1/4

SECTION 24

TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

Application R-72359 Water Resources Department

PERMIT R-11827

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided. The applicant is hereby directed to contact an ODFW Fish Passage Program coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment.

 No water shall be stored until this department receives ^{Rec'd} written certification from the engineer of record that construction was performed under the supervision of a professional engineer licensed in Oregon, and has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set of as built drawings must accompany the engineer's written certification of completion.

The earthen dam and resultant reservoir shall be constructed, operated, and maintained according to the approved plans and specifications dated December 23, 1992, on file with the Water Resources Dam Safety Program.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resource Department or the Director's authorized representatives.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

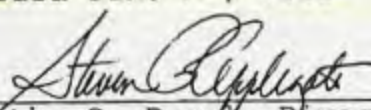
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1999.

Issued June 12, 1996


for Martha O. Pager, Director
Water Resources Department

Application R-72359 Water Resources Department
Basin 02 Volume 15 Butte Creek & Misc.
MGMT CODES 2AD, 2AW, 2BD, 2BW, 2CD, 2CW

PERMIT R-11827
District 16

COPY

**CLAIM OF
BENEFICIAL USE
for Reservoir Permits by
CWRE's (not self-certified)**



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

A fee of \$150 must accompany this form to be accepted for permits
with a priority date of July 9, 1987, or later. (ORS 536.050(1))

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**SECTION 1
GENERAL INFORMATION**

WATER RESOURCES DEPT
SALEM, OREGON

1. File Information

APPLICATION # R-72359	PERMIT # (IF APPLICABLE) R-11827	PERMIT AMENDMENT # (IF APPLICABLE)
---------------------------------	--	------------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Iverson Ag Properties, Inc.		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 33739 S. Meridian Road			
CITY Woodburn	STATE OR	ZIP 97071	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. **The COBU must be signed by each permit holder of record.**

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

PERMIT HOLDER OF RECORD Ross Iverson			
ADDRESS 33739 S. Meridian Road			
CITY Woodburn	STATE OR	ZIP 97071	

ADDITIONAL PERMIT HOLDER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: **September 20, 2012**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Barb Iverson	September 20, 2012	General Manager, Iverson Family Farms, Inc.

--	--	--

6. County: **Clackamas**

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

**Mark "NA" if there are no owners of property not included in this claim

OWNER OF RECORD		
NA		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL OWNER OF RECORD		
NA		
ADDRESS		
CITY	STATE	ZIP

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WATER RESOURCES DEPT
SALEM, OREGON

SECTION 2
SYSTEM DESCRIPTION

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A. Reservoir(s)

WATER RESOURCES DEPT
SALEM, OREGON

1. Reservoir source and, if from surface water, the tributary:

RESERVOIR NAME OR NUMBER	SOURCE	TRIBUTARY
Iverson Reservoir	Surface runoff	Pudding River

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

RESERVOIR NAME OR NUMBER	USES	SEASON OR MONTHS WHEN WATER WAS STORED	VOLUME STORED (AF)
Iverson Reservoir	Agricultural ✓	November 1 to April 30	178.8 AF
	Primary Irrigation ✓		
	Supplemental Irrigation for Nursery Operations and Wildlife ✓		
Total Quantity of Water Stored			178.8 AF

3. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of diversion to the reservoir:

Once the Upper Reservoir (Monitor Reservoir) is full, the overflow water fills the Lower Reservoir (Iverson Reservoir) along with additional surface runoff. As the water levels within the Upper Reservoir drop, water is pumped from the Lower Reservoir using a General Electric 75 hp centrifugal pump with a McCrometer meter back into the Upper Reservoir.

SECTION 2
SYSTEM DESCRIPTION (B through F)

Are there multiple reservoirs?

NO

If "YES" you will need to copy and complete Sections 2B through 2F for each reservoir.

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

Iverson Reservoir

B. Reservoir Location

1. Is the reservoir on-channel?

Not on Claim Map NO

2. Provide dam outlet location and/or point of diversion(s).

↓ & Appears in Error, S/B fr. SE corner

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
5S	1W	W.M.	24	SW SE		73	Dam Outlet Location: 660 feet north and 2,310 feet west from the SW corner, Section 24.

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), and Quarter-Quarters (QQ).

C. Diversion and Delivery System Information

Decided Not to Capture on Cert, went w/ POD on Claim map - 1220' N + 2880' E fr SW corner

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport the water from the point(s) of diversion to the reservoir.

1. Is a pump used?

NO

If "NO" items 2 through item 5 may be deleted.

6. Additional notes or comments related to the system:

The reservoir receives water from runoff and water overflowing the upper Monitor Reservoir. Water is pumped out of the Iverson Reservoir to fill Monitor Reservoir, when needed, for the secondary use under Application S-72360, Permit S-52392.

D. 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.

E. 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.

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JUN - 3 2013

WATER RESOURCES DEPT
SALEM, OREGON

WR

F. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications?

YES

If "YES", answer items 2; items 3 through 8 relating to this section may be deleted.

If "NO", skip items 2; answer items 3 through 8.

2. Complete the table:

HAVE THE DOCUMENTS BEEN SUBMITTED? YES OR NO	WHEN WERE THE DOCUMENTS SUBMITTED?	HAVE THEY BEEN APPROVED BY THE DEPARTMENT?	NUMBER OF ACRE FEET STORED
Yes	August 19, 1999	Yes, see Dam File 1-15	178.8

3. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table and items 4 through 8.

MAXIMUM DEPTH	AVERAGE DEPTH	SURFACE AREA (IN ACRES)	VOLUME (IN ACRE FEET)
NA			

SECTION 3 CONDITIONS

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 any 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 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 extension final order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	June 12, 1996		
BEGIN CONSTRUCTION (A)	June 12, 1997	1997	Cleared ground, removed fences, secured wet ground, cleared out ditches, removed trees, and took out bridges.
COMPLETE CONSTRUCTION (B)	October 1, 1998 (Extended 10-1-12)	Phase 1 - 1999 Phase 2 - 2000 Phase 3 - 2003	Completed construction of the dam, constructed a portable pumping station, and installed irrigation system
COMPLETE APPLICATION OF WATER (C)	October 1, 1999 (Extended 10-1-12)	June 2010	Used water from Iverson Reservoir for irrigation of Primary places of use.

* 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)?

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YES

3. 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 3b through 3f 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
Iverson Reservoir	Staff Gauge	NA	Working	3.8	September 2011

If a meter has been installed, items 6d through 6g relating to this section may be deleted.

4. Recording and reporting conditions

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

If "NO", item 4b relating to this section may be deleted.

- b. Have the reports been submitted? **NO**

METHOD OF SUBMITTING REPORT (PAPER OR ELECTRONIC)	WATER USER REPORTING ID
Electronic and paper	9688

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

5. Fish Screening

- a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **YES**

If "NO", items 5b through 5e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

- b. Has the fish screening been installed? **YES**

- c. When was the fish screening installed?

DATE	BY WHOM
June 10, 2007	Iverson Family Farms Inc.

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

- d. If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs):

- Has the self-certification form previously been submitted to the Department? **NA**
- If not, go to <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>, complete and attach a copy of the self-certification form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

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JUN - 3 2013

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump** or the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? YES
- If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES

If "NO", items 6b and 6c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Have by-pass device been installed? NO

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

DESCRIPTION (I.E. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
Fish Screen Inspection Form for the T-7567 using the same point of diversion noted a fish bypass device was not required at this pump. In any case, both the fish screen and bypass device conditions in this permit are not applicable to this Claim of Beneficial Use, because the permit holder has chosen not to use the point of diversion at Butte Creek to fill the reservoir.		RECEIVED JUN - 3 2013 WATER RESOURCES DEPT SALEM, OREGON

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

- a. Was the water user required to restore the riparian area if it was disturbed? NO
- b. Was a fishway required? NO
- c. Was submittal of a letter from an engineer required prior to storage of water? YES
- d. Was submittal of a water management and conservation plan required? NO
- e. Other conditions? YES

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

c) Condition:

No water shall be stored until this department receives written certification from the engineer of record that construction was performed under the supervision of a professional engineer licensed in Oregon, and has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set of as built drawings must accompany the engineer's written certification of completion.

c) Compliance:

See Dam File I-15 for as-built drawings submitted August 19, 1999.

e1) Condition:

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

e1) Compliance:

The outlet gate bolt is greased and turned at the end of each summer season.

e2) Condition:

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment.

e2) Compliance:

Dam inspections are required every two years and the last one was done in 2011.

e3) Condition:

The earthen dam and resultant reservoir shall be constructed, operated, and maintained according to the approved plans and specifications dated December 23, 1992, on file with the Water Resources Dam Safety Program.

e3) Compliance:

See Dam File I-15 for as-built drawings submitted August 19, 1999.

e4) Condition:

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resource Department or the Director's authorized representatives.

e4) Compliance:

No alterations have been made from the original submitted drawings.

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SECTION 4 VARIATIONS

Include a description of variations from the permit, permit amendment final order, or extension final order. (i.e. "The permit allowed three reservoirs. The water user only developed one of the reservoirs." or "The permit allowed for the storage of 40.0 AF. The water user only stored 10.0 AF.")

1. The permit allowed 185.6 AF of storage but according to the as-built described in Dam File I-15 the actual storage volume of the reservoir is 178.8 AF.
2. The permit authorized appropriation of water from a diversion point located on Butte Creek. However, the permit holder has chosen not to use this point of diversion for filling the reservoir; therefore, the point of diversion on Butte Creek is not claimed.

SECTION 5 ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Claim of Beneficial Use Map	Claim of Beneficial Use Map
BLM Cadastral Map	BLM Cadastral Map T.5S. R.1W. showing DLC and Government Lot locations
2011-2012 Water Use Reporting and Recording Form	Water use reporting for 2011-2012 water year

SECTION 6 CLAIM SUMMARY

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)
Iverson Reservoir	185.6 AF	178.8 AF

SECTION 7 CLAIM OF BENEFICIAL USE MAP

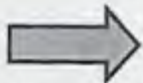
The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

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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 COBU map was prepared using tax assessor's maps 5 1W 13, 5 1W 24, 5 1W 25, and 5 1E 19, overlain by a 2009, orthographically corrected aerial photography obtained on line from Oregon State University's Oregon Imagery Explorer Natural Resources Library.



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
- ☐ 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
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ 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

RECEIVED

JUN - 3 2013

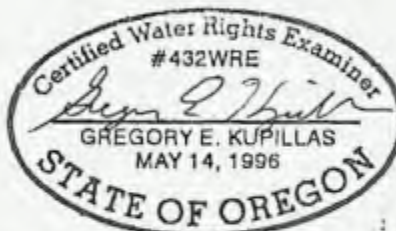
WATER RESOURCES DEPT
SALEM, OREGON

SECTION 8 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



EXPIRATION DATE: 6/30/2013

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WATER RESOURCES DEPT
SALEM, OREGON

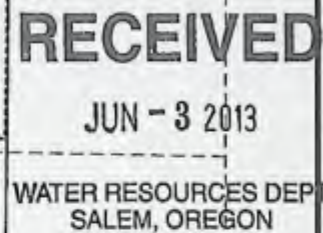
CWRE NAME Gregory E. Kupillas		PHONE NO. 503-632-5016	ADDITIONAL CONTACT NO. 503-939-3167 (cell)
ADDRESS 18487 S. Valley Vista Rd.			
CITY Mulino	STATE OR	ZIP 97042	EMAIL phggek@bctonline.com

Permit Holder's of Record Signature or Acknowledgement

This Claim of Beneficial Use must be signed by each permit or transfer holder of record.

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	DATE
	Barb Iverson, General Manager, Iverson Family Farms, Inc.	4/18/13



04/2013

R-11827



Boatwright Engineering Inc.

2613 12th ST SE, SALEM, OREGON 97302
civil engineers • land surveyors

(503) 363-9225 (FAX) 363-1051

November 8, 2000

Mr. John Falk
Oregon Water Resources
Commerce Building
158 12th Street NE
Salem, Oregon 97310-0210

RE: LETTER OF COMPLETION - IVERSON DAM
FILE I-15

Dear John,

This letter is to serve as notification that work has been completed on Iverson's Dam and that the work performed was in accordance with the approved plans and specifications. The as-built drawings were submitted on 11/7/00 for your reference and file.

This storage reservoir was built during two construction seasons in 1999 and 2000. The south half was built during 1999 with trickle tube, drain outlet and overflow outlet system; storing water during 1999-2000. Construction of the north half was completed in 2000, requiring the south half to be drained, allowing the outlet piping and bi-pass channel to serve both phases of construction. Fill around the existing well within the north half impoundment and wet soils reduced the storage volumes to those shown on the plans of record.

Enclosed are 14 ground level photos taken during the construction of the north pond during the summer of 2000 for your reference.

I, Martin G. Boatwright, Registered Professional Engineer, Number 4865 in the State of Oregon certify that the structure and facilities were constructed in compliance with the plans and specifications. If you have any questions please call me at 503-363-9225.

Yours truly,

Martin G. Boatwright, P.E.

Enclosure: Photos

CC: Iverson Brothers Bulb Farms



Water Use Report Based on Water Right



Permit: R 11827 *

IVERSON, BARB IVERSON FAMILY FARMS INC. 33739 S MERIDIAN RD
WOODBURN, OR 97071

Records per page: 100

Acre-feet (AF) of Water Used

Water Year*	Report ID	Facility	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total Water Used	Irrigated Acres
2000	51004	DAM	7.00	28.80	52.70	74.90	74.90	74.90	74.90	74.70	73.80	72.00	0.00	9.00	74.90	
2000	51005	IVERSON RES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2001	51004	DAM	90.00	30.00	65.00	97.00	105.00	140.00	170.00	179.00	175.00	170.00	165.00	160.00	179.00	
2001	51005	IVERSON RES	0.00	0.00	0.00	0.00	30.00	30.00	0.00	0.00	0.00	0.00	0.00	0.00	30.00	
2002	51004	DAM	160.00	170.00	179.00	179.00	179.00	179.00	179.00	179.00	175.00	150.00	115.00	110.00	179.00	
2002	51005	IVERSON RES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2003	51004	DAM	105.00	150.00	179.00	179.00	179.00	179.00	179.00	179.00	175.00	140.00	100.00	90.00	179.00	
2003	51005	IVERSON RES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2004	51004	DAM	70.00	140.00	70.00	40.00	160.00	145.00	160.00	180.00	175.00	160.00	140.00	50.00	180.00	
2004	51005	IVERSON RES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00	0.00	0.00	0.00	0.00	25.00	
2005	51004	DAM	75.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00	180.00	190.00	100.00	190.00	
2005	51005	IVERSON RES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.00	30.00	0.00	30.00	
2006	51004	DAM	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00	90.00	90.00	90.00	60.00	90.00	
2006	51005	IVERSON RES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00	80.00	50.00	0.00	80.00	
2015	51005	IVERSON RES	160.20	160.50	170.85	170.85	170.85	170.85	170.85	170.85	160.20	140.00	120.60	100.60	170.85	
2016	51005	IVERSON RES	0.00	0.00	0.00										0.00	

*The water year is named for the calendar year in which it ends. Example: the 2014 water year begins Oct. 1, 2013 and ends Sep. 30, 2014.

- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right being queried from water used by other rights using this same POD.
- Monthly amounts indicate:
 - For diverted rights, the total amount diverted during the month;
 - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water Use amounts have all been converted to "acre-feet" (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received, stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.



County:	Clackamas
Taxlot:	51W24 01000
Owner1:	ROSS N IVERSON&DOROTHY R IVERSON LLC
Owner2:	NULL
Owner Address:	33739 S MERIDIAN RD WOODBURN OR 97071
Site Address:	33739 S MERIDIAN RD WOODBURN 97071
Acres:	109.1
TRSQQ:	WM5.00S1.00W24XXXX
Effective Date:	January 1, 2014

SECTION 24 T.5S. R.1 W. W.M.

CLACKAMAS COUNTY

 $(^{\circ} = 400^{\circ})$

D.L.C.'S
THOMAS CHASE NO. 46
JOHN NEWMAN NO. 73

5 IW 24



SEE MAP 5 IW 25

5 IW 24

BOOK 39

BJORK Mary F

From: BJORK Mary F
Sent: Tuesday, February 02, 2016 2:04 PM
To: propertytaxinfo@clackamas.us
Cc: BJORK Mary F
Subject: Current Property Owners/Addresses - Water Rights

Hi,

I am reviewing a water right claim and need to confirm the current Clackamas County property owners and mailing addresses for the listed tax lots in T5S R1W, sections 13&24, and T5S R1E, section 19.

5 1W 13 2300
5 1W 24 200
5 1W 24 300
5 1W 24 400
5 1W 24 401
5 1W 24 403
5 1W 24 500
5 1W 24 600
5 1W 24 700
5 1W 24 1000
5 1E 19 1600

Thank you for any assistance you can provide with this information.

Regards,

Mary

Mary Bjork | Certificate Specialist, Water Rights Services Division

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804 | Fax: 503.986.0901

Email: mary.f.bjork@wrds.state.or.us | Web: <http://www.wrds.state.or.us>

Map	Owner	Mailing1	Mailing	State	zip
51W24 00401	SCHNEIDER SHARON L	33085 S MERIDIAN RD	WOODBURN	OR	97071
51W24 00500	IVERSON JON D & KATHERINE N	33502 S MERIDIAN RD	WOODBURN	OR	97071
51W24 01000	ROSS N IVERSON&DOROTHY R IVERSON LLC	33739 S MERIDIAN RD	WOODBURN	OR	97071
51W24 00400	SCHNEIDER SHARON L	33085 S MERIDIAN RD	WOODBURN	OR	97071
51W24 00403	SCHNEIDER SHARON L	33085 S MERIDIAN RD	WOODBURN	OR	97071
51E19 01600	IVERSON ROSS N TRUSTEE	NO MAILING ADDRESS	AVAILABLE		
51E19 01600	IVERSON DOROTHY R TRUSTEE	NO MAILING ADDRESS	AVAILABLE		
51E19 01600	IVERSON STEVEN R	5989 S NEWMAN RD	WOODBURN	OR	97071
51E19 01600	BEYER KAREN A	NO MAILING ADDRESS	AVAILABLE		
51E19 01600	IVERSON NELS R	NO MAILING ADDRESS	AVAILABLE		
51E19 01600	IVERSON KENNETH M	32934 S VERNA ST	WOODBURN	OR	97071
51E19 01600	IVERSON BARBARA J	NO MAILING ADDRESS	AVAILABLE		
51E19 01600	IVERSON PAUL R	33988 S MERIDIAN RD	WOODBURN	OR	97071
51W13 02300	LUCAS ARLENE M TRUSTEE	16401 SW 126TH TER	TIGARD	OR	97224
51W24 00700	IVERSON AG PROPERTIES LLC	33739 S MERIDIAN RD	WOODBURN	OR	97071
51W24 00200	IVERSON AG PROPERTIES LLC	33739 S MERIDIAN RD	WOODBURN	OR	97071
51W24 00200	ROSS N IVERSON&DOROTHY R IVERSON LLC	NO MAILING ADDRESS	AVAILABLE		
51W24 00600	IVERSON ROSS N TRUSTEE	NO MAILING ADDRESS	AVAILABLE		
51W24 00600	IVERSON DOROTHY R TRUSTEE	NO MAILING ADDRESS	AVAILABLE		
51W24 00600	IVERSON STEVEN R	5989 S NEWMAN RD	WOODBURN	OR	97071
51W24 00600	BEYER KAREN A	NO MAILING ADDRESS	AVAILABLE		
51W24 00600	IVERSON NELS R	NO MAILING ADDRESS	AVAILABLE		
51W24 00600	IVERSON KENNETH M	32934 S VERNA ST	WOODBURN	OR	97071
51W24 00600	IVERSON BARBARA J	NO MAILING ADDRESS	AVAILABLE		
51W24 00600	IVERSON PAUL R	33988 S MERIDIAN RD	WOODBURN	OR	97071
51W24 00300	LUCAS ARLENE M TRUSTEE	16401 SW 126TH TER	TIGARD	OR	97224

No Conflicts

Oregon Water Resources Department
Water Rights Platcard Report
[Main](#) [Help](#)
[Return](#) [Contact Us](#)

Search Criteria

Meridian: Township: Range: Section: Records per Page:
[Platcards Maps!](#)
[Learn about](#) • [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:34541 OR CN Additional Info: ROSS IVERSON App: S40459 Permit: S30158 Cert: 34541	T7567	12/7/1964	IRRIGATION	CN	73											37.8			4.6		6.4	6.8		
Select Cert:75523 OR * Additional Info: IVERSON BROTHERS BULB FARM INC. App: S55486 Permit: S41509 Cert: 75523		3/15/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		73											31.6			0.9	21.3	14.8	3	10.8	
Select Inchoate: T 7567 CF (REG) * Additional Info: BARB IVERSON App: S40459 Permit: S30158		12/7/1964	IRRIGATION		73											(30.8)					(4.9)	(6.8)		
Select Permit: S 52392 * Additional Info: BARB IVERSON App: S72360 Permit: S52392		4/28/1992	NURSERY USES					9.4	36.3	24.8	20.1	22.1	26.8	37.4	39	28.6			0.9	39.6	34.1	14	26.5	
Select Permit: S 52392 * Additional Info: BARB IVERSON App: S72360 Permit: S52392		4/28/1992	SUPPLEMENTAL IRRIGATION (Suppl'mtl)						28.8	20.8	15.3	22.1	26.8	37.4	39	28.6			0.9	39.6	34.1	10.9	26.5	
Select Cert:42785 OR * Additional Info: ROSS IVERSON App: G4004 Permit: G3756 Cert: 42785		7/21/1967	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		73											25.3					5.4			
Select Cert:42785 OR * Additional Info: ROSS IVERSON App: G4004		7/21/1967	TEMPERATURE CONTROL		73											9					5.4			

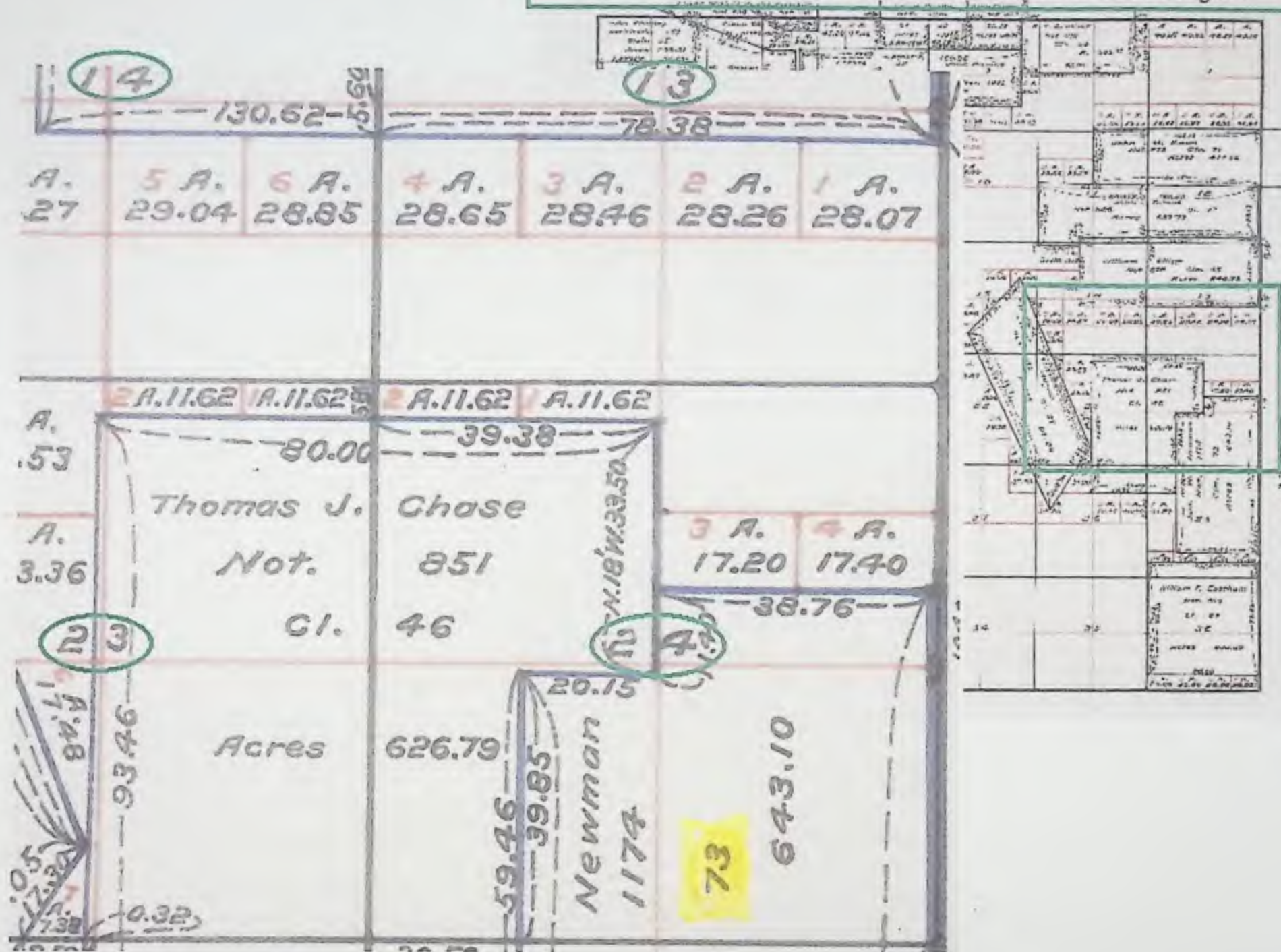
http://apps.wrd.state.or.us/apps/wr/wrinfo_stage/wr_platcard.aspx?ddl_meridian=0&tb_township=5&ddl_township_char=0&tb_r... 2/5/2016

http://apps.wrd.state.or.us/apps/wr/wrinfo_stage/wr_platcard.aspx?ddl_meridian=0&tb_township=5&ddl_township_char=0&tb_r... 2/5/2016

Select	Cert:	Date:	Description:	Area:
	<u>Additional Info:</u> BUTTE CREEK ORCHARDS INC. App: S18826 Permit: S14464 Cert: 43544			
☐	Cert:47150 OR *	9/23/1971	IRRIGATION	73
	<u>Additional Info:</u> TED VAN VEEN App: G5628 Permit: G5461 Cert: 47150			
☐	Cert:47151 OR *	9/30/1975	IRRIGATION	
	<u>Additional Info:</u> VAN VEEN NURSERY App: G6771 Permit: G6289 Cert: 47151			
☐	Cert:47151 OR *	9/30/1975	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	
	<u>Additional Info:</u> VAN VEEN NURSERY App: G6771 Permit: G6289 Cert: 47151			
☐	Cert:47153 OR *	8/13/1973	IRRIGATION	73
	<u>Additional Info:</u> VAN VEEN NURSERY App: G6267 Permit: G5902 Cert: 47153			
☐	Cert:47153 OR *	8/13/1973	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	
	<u>Additional Info:</u> VAN VEEN NURSERY App: G6267 Permit: G5902 Cert: 47153			
☐	Cert:55374 OR *	5/24/1978	IRRIGATION	73
	<u>Additional Info:</u> FOTEI SHADRIN App: S57446 Permit: S43711 Cert: 55374			
☐	Cert:55375 OR *	5/24/1978	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	
	<u>Additional Info:</u> FOTEI SHADRIN App: G8820 Permit: G8359 Cert: 55375			
☐	Cert:60849 OR CN	T7567 1/5/1982	GREENHOUSE CN	73
	<u>Additional Info:</u> VAN VEEN NURSERY App: G7760 Permit: G9485 Cert: 60849			

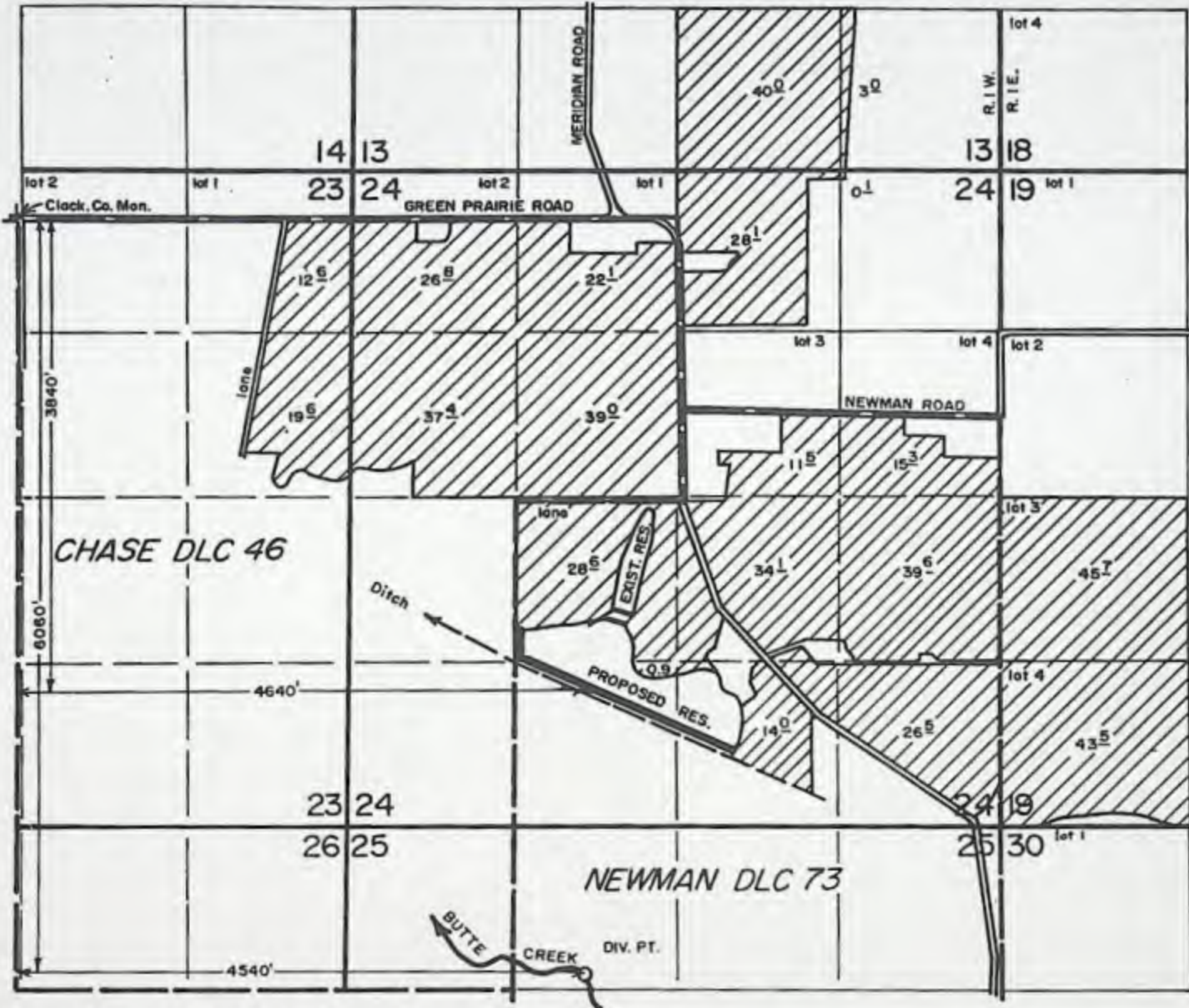
Acreage Legend:	12.25 Regular acreage	42.25 Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
-----------------	-----------------------	--------------------------------------	--	------------------------------------	----------------------------

Township N^o 5 South Range N^o 1 West Willamette Meridian, Oregon.



Township 5 South, Ranges 1 West & 1 East, W.M.

Section 24 and Portions of Sections 13, 14, 23, 25 and 26
in Range 1 West & Portions of Sections 19 and 30 in Range 1 East



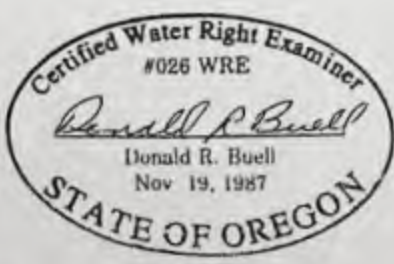
RECEIVED

APR 21 1987

WATER RESOURCES DEPT.
SALEM, OREGON

Appl. No. R-72359
Per. No. _____

Application Map
for
ROSS IVERSON



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.



Oregon

John A. Kitzhaber, M.D., Governor

February 8, 2001

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

Martin G. Boatwright, P.E.
Boatwright Engineering, Inc.
2613 12th Street SE
Salem, OR 97302

Re: Iverson Dam, (File I-15)
Reservoir Application R-72359
Reservoir Permit R-11827

Dear Mr. Boatwright:

Thank you for submitting your letter certifying completion of construction for the referenced project located in **Section 24, T5S, R1W, Clackamas County**, together with the accompanying set of as-constructed drawings. Our receipt of these items satisfies the dam safety requirements for construction of the dam and the impoundment of water, not to exceed 178.8 acre-feet maximum reservoir storage @ elevation 75.25 feet. The height of the embankment at maximum centerline section is approximately 17 feet above natural ground surface. We understand all elevations shown on the asbuilts are assumed datum.

Based on the asbuilt drawings, the following physical data was assembled:

Crest primary spillway (vertical riser w/o flashboards)	71.88'
Crest emergency spillway	73.1'
Maximum storage (w/flashboards)	75.25'
Top of dam	77.3'

We understand all waters used to fill the reservoir originate from a combination of springs, natural runoff and Butte Creek. Because the size of the dam and reservoir exceed the established limits for exempt structures (greater than or equal to 10 feet height and 9.2 acre-feet storage), this project has been added to the state inventory of dams and reservoirs. As required by statute, the dam will be inspected on a regular basis for purposes of public safety by one or more employees of the Water Resources Department. We have tentatively scheduled the next inspection of this dam for autumn, 2001.

Thank you for your cooperation. We appreciate your efforts to achieve a good quality project. If you have any questions, please do not hesitate to let me know.

Sincerely,

John Falk, PE
Safety of Dams

c: Ross Iverson - Iverson Brothers Farms
OWRD Water Rights Section
Bill Ferber - Watermaster Dist. #16

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

*Waiting for
map from
Greg K.*

THIS CERTIFICATE ISSUED TO

IVERSON FAMILY FARMS INC.
33739 S MERIDIAN RD
WOODBURN OR 97071

confirms the right to store water perfected under the terms of Permit R-11827. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-72359

SOURCE OF WATER: SURFACE RUNOFF, TRIBUTARY OF PUDDING RIVER

STORAGE FACILITY: IVERSON RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED AND MAINTAINED FOR AGRICULTURE USE, PRIMARY IRRIGATION, SUPPLEMENTAL IRRIGATION FOR NURSERY OPERATIONS AND WILDLIFE USE

*Revised
Certificate*

VOLUME OF USE: 178.8 ACRE-FEET EACH YEAR

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 TO APRIL 30 OF EACH YEAR

DATE OF PRIORITY: APRIL 28, 1992

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	1 W	WM	24	SW SE	73	1220 FEET NORTH AND 2880 FEET EAST FROM SW CORNER, SECTION 24

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
5 S	1 W	WM	24	NE SW	73
5 S	1 W	WM	24	SE SW	73
5 S	1 W	WM	24	SW SE	73

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

IVERSON FAMILY FARMS INC.
33739 S MERIDIAN RD
WOODBURN OR 97071

confirms the right to store water perfected under the terms of Permit R-11827. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-72359

SOURCE OF WATER: SURFACE RUNOFF, TRIBUTARY OF PUDDING RIVER

STORAGE FACILITY: IVERSON RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED AND MAINTAINED UNDER APPLICATION S-72360, PERMIT S-52392, FOR AGRICULTURE USE, PRIMARY IRRIGATION, AND SUPPLEMENTAL IRRIGATION FOR NURSERY OPERATIONS AND WILDLIFE USE

VOLUME OF USE: 178.8 ACRE-FEET EACH YEAR

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 TO APRIL 30 OF EACH YEAR

DATE OF PRIORITY: APRIL 28, 1992

The point of diversion is located as follows:

TwP	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	1 W	WM	24	SW SE	73	1220 FEET NORTH AND 2880 FEET EAST FROM SW CORNER, SECTION 24

The area submerged by this reservoir is as follows:

TwP	Rng	Mer	Sec	Q-Q	DLC
5 S	1 W	WM	24	NE SW	73
5 S	1 W	WM	24	SE SW	73
5 S	1 W	WM	24	SW SE	73

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Measurement, recording and reporting conditions:

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

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment.

The dam shall be operated and maintained according to the final specifications and as-built drawings as approved by the Water Resources Department on February 8, 2001, on file with the Department.

~~The dam shall be operated and maintained according to the final specifications and as-built drawings as approved by the Water Resources Department on February 8, 2001, on file with the Department.~~

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representatives.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches

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

This right 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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The right to store water for the above purpose is restricted to beneficial use at the place of use described.

Issued _____.

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

STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

IVERSON FAMILY FARMS INC.
33739 S MERIDIAN RD
WOODBURN OR 97071

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APPLICATION FILE NUMBER: R-72359

SOURCE OF WATER: SURFACE RUNOFF, TRIBUTARY OF PUDDING RIVER

STORAGE FACILITY: IVERSON RESERVOIR

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VOLUME OF USE: 178.8 ACRE-FEET EACH YEAR

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DATE OF PRIORITY: APRIL 28, 1992

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The area submerged by this reservoir is as follows:

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5 S	1 W	WM	24	SE SW	73
5 S	1 W	WM	24	SW SE	73

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Measurement, recording and reporting conditions:

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

~~The water user shall maintain and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.~~

~~The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided. The water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.~~

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment.

The dam shall be operated and maintained according to the final specifications and as-built drawings as approved by the Water Resources Department on February 8, 2001, on file with the Department.

~~The earthen dam and reservoir shall be operated and maintained according to the approved plans and specifications dated December 23, 1992, on file with the Water Resources Dam Safety Program 4.~~

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representatives.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches

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

This right 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.

BJORK Mary F

From: BJORK Mary F
Sent: Wednesday, May 18, 2016 3:45 PM
To: Greg Kupillas
Cc: CLARK Gerry E; BJORK Mary F
Subject: RE: Proposed Cert for Permit R-11827
Attachments: COBU Map.pdf

Hi Greg,

Thanks for the moment to discuss your concerns today. Attached to this email is a pdf of the COBU Map for Application R-72359, Permit R-11827, and Application S-72360, Permit S-52392. As discussed, I will expect a revised map from you for each file, updating the total listed acres covered by Supplemental Irrigation and Agricultural Use (Nursery Operations), from 431.1 Acres, to 431.2 Acres.

Also, I will revise the Proposed Certificate for Application R-72359, Permit R-11827 by deleting the fish conditions that are not relevant to the claimed source of runoff.

One last item, as Gerry mentions, the language relating to plans and specs, will be updated From –

The earthen dam and reservoir shall be operated and maintained according to the approved plans and specifications dated December 23, 1992, on file with the Water Resources Dam Safety Program.

To –

The dam shall be operated and maintained according to the final specifications and as-built drawings as approved by the Water Resources Department on February 8, 2001, on file with the Department.

Please let me know if you have any questions or additional concerns.

Regards,

Mary

Mary Bjork | Certificate Specialist, Water Rights Services Division

Oregon Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503.986.0804 | Fax: 503.986.0901

Email: mary.f.bjork@wrdd.state.or.us | Web: <http://www.wrd.state.or.us>

From: CLARK Gerry E
Sent: Monday, May 16, 2016 3:36 PM
To: Greg Kupillas
Cc: BJORK Mary F
Subject: RE: Proposed Cert for Permit R-11827

Greg,

Thank you for your comments. Mary and I will discuss them and get back to you with a plan.

Since the time that the proposed certificate was mailed for the reservoir permit, we have developed language to reflect "as-built" data rather than plans and specs. We may be updating the reservoir certificate to reference the as-builts.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: Greg Kupillas [mailto:phggek@bctonline.com]

Sent: Monday, May 16, 2016 3:17 PM

To: 'Gerry Clark'

Subject: Proposed Cert for Permit R-11827

Gerry,

I think we are up against the 60-day review period for the proposed certificate for permit R-11827. Just last Friday, I finally sat down to look it over, along with two other proposed certificates for Iverson Family Farms (Permit S-52392 and Transfer 7567). In reviewing the proposed certificates, the only issue that came to my attention was the conditions concerning fish screening and fish passage in the proposed certificate for permit R-11827. I believe the fish screening/bypass device and fish passage conditions originally stated in the permit applied to the diversion at Butte Creek. The reservoir fills every season from runoff without the need to divert water from Butte Creek; therefore, the Butte Creek diversion point has never been used, nor was it included in the COBU. So, it seems that these conditions are no longer relevant (as mentioned in the COBU), and should not be included in the certificate. Please take a look at this and let me know what you think.

Also, there was one other minor issue that I think we can resolve easily enough. I noticed that the number of supplemental acres we included in the COBU for Permit S-52392 were short by 0.1 acres. This was due, I think, to us missing a small 0.1 acre piece in the NE NE of Section 24 when tallying up the acres for the supplemental use. Your reviewer got it correct. However, the COBU map still lists the supplemental acreage as 431.1 acres, when it should be 431.2 acres. We can submit an amended COBU map so the map correctly reflects the actual acreage.

Regards,

Greg

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump** *or* the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? YES
- If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES

If "NO", items 6b and 6c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Have by-pass device been installed? NO

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

DESCRIPTION (I.E. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
Fish Screen Inspection Form for the T-7567 using the same point of diversion noted a fish bypass device was not required at this pump. In any case, both the fish screen and bypass device conditions in this permit are not applicable to this Claim of Beneficial Use, because the permit holder has chosen not to use the point of diversion at Butte Creek to fill the reservoir.		RECEIVED JUN - 3 2013 WATER RESOURCES DEPT SALEM, OREGON

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

- a. Was the water user required to restore the riparian area if it was disturbed? NO
- b. Was a fishway required? NO
- c. Was submittal of a letter from an engineer required prior to storage of water? YES
- d. Was submittal of a water management and conservation plan required? NO
- e. Other conditions? YES

AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A
WATER RIGHT PERMIT

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MAR 08 2004

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon)
County of Marion) ss

I/We (or authorized agent), Ross & Dorothy Iverson,
residing at 33789 S. Mendocino Rd. Woodburn OR 97071,
telephone number 503-634-2331, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number 200, within the NW¼ NE¼ and SW¼ NE¼, Section 24, Township 5 S, Range 1 W, of the Willamette Meridian, in Clackamas County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. A portion of water right permit number 52392 issued to Ross Iverson, with a date of priority of April 28, 1992 for use of water from Iverson Reservoir, constructed under application R-72359, Permit R-11827, for the purpose of primary irrigation on 10.0 acres is appurtenant to my/our property;
3. Upon approval of T-7567 I/we have obtained a source of water with an earlier priority for the primary irrigation of the portion of this water right shown on the attached map and described as follows:
The right to the use of water from Iverson Reservoir for the irrigation of 10.0 acres located:

NW¼ NE¼	0.7 Acre
SW¼ NE¼	9.3 Acres

Section 24
Township 5 South, Range 1 West, WM;
4. I/we request the water right be diminished from a right for primary irrigation to a right for supplemental irrigation of the above described lands;
5. The appurtenant water right is not located within the boundaries of an irrigation district; and

(MORE - PAGE 1 of 2)

**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A
WATER RIGHT CERTIFICATE**
(CONTINUED – PAGE 2 of 2)

6. I/We agree that if this change is approved, it is permanent and the right to the use of water from Iverson Reservoir cannot be changed back to the primary source. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from Iverson Reservoir for irrigation of these lands.

Sam Iverson

Signature of legal owner as listed on deed, or authorized agent

3-5-04

Date

Dorothy Iverson

Signature of legal co-owner as listed on deed
(if applicable)

3/5/04

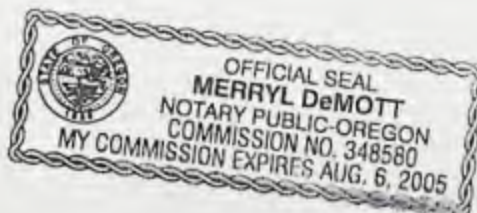
Date

Subscribed and Sworn to Before Me this 5 day of March, 2004.

Merryl DeMott
Notary Public for Oregon

My Commission Expires Aug 6, 2005

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MAR 08 2004
WATER RESOURCES DEPT
SALEM, OREGON



PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE WATER RIGHT AND/OR LANDS TO BE DIMINISHED CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S).

January 2003

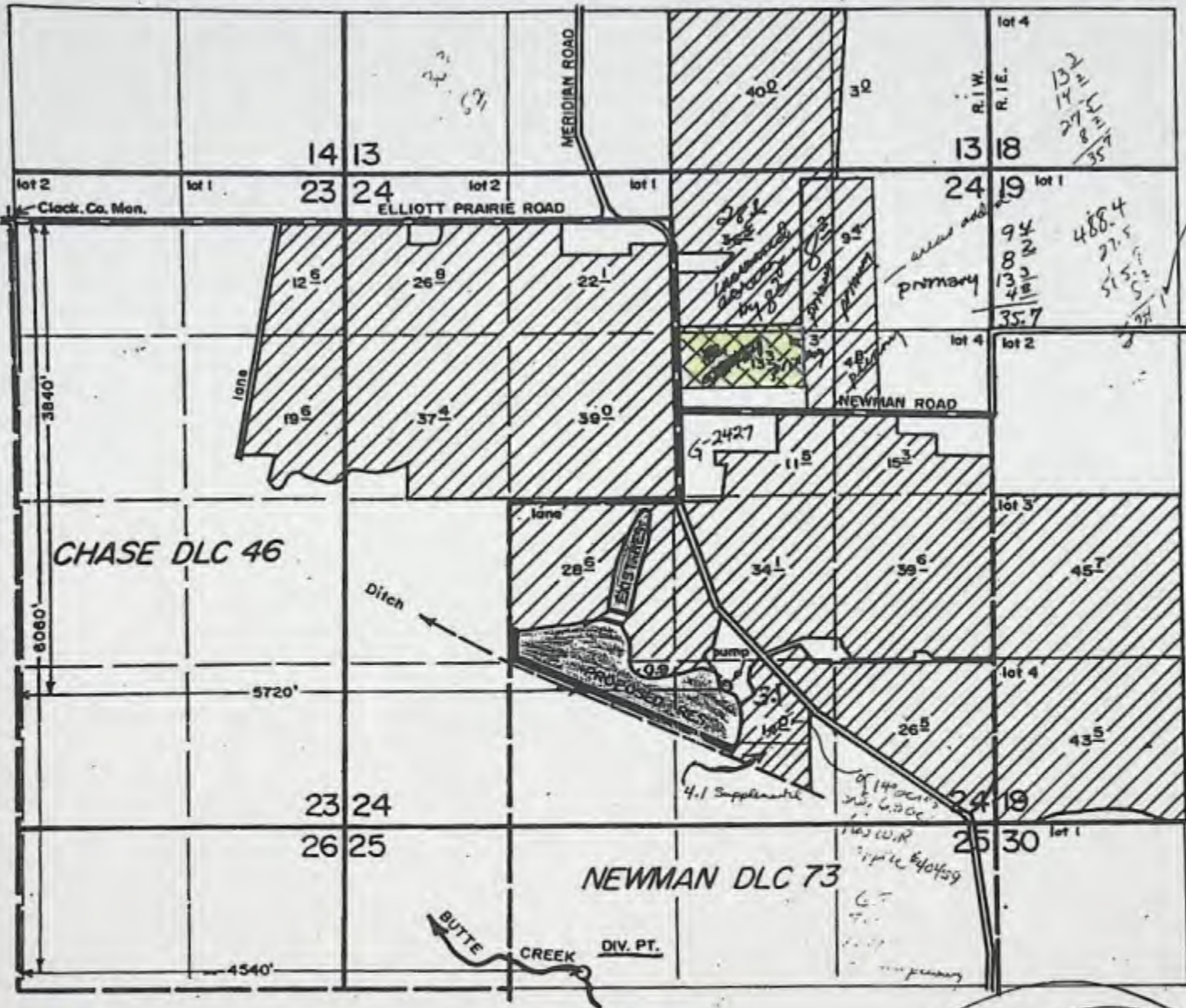
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Township 5 South, Ranges 1 West & 1 East, W.M.

NOV 20 1995

Section 24 and Portions of Sections 13, 14, 23, 25 and 26
in Range 1 West & Portions of Sections 19 and 30 in Range 1 East

WATER RESOURCES DEPT
SALEM, OREGON

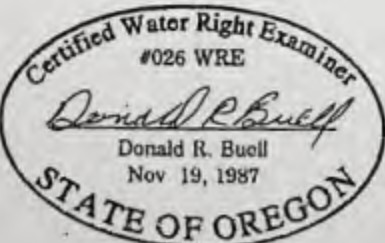


Portion of Pen. 52392 being diminished

Appl. No. 7231eD
Per. No. 52392

MAR 08 2004

WATER RESOURCES DEPT
SALEM, OREGON



Application Map
for
ROSS IVERSON

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.

CLAIM OF BENEFICIAL USE for Reservoir Permits by CWRE's (not self-certified)



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

A fee of \$150 must accompany this form to be accepted for permits
with a priority date of July 9, 1987, or later. (ORS 536.050(1))

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JUN - 3 2013

SECTION 1 GENERAL INFORMATION

WATER RESOURCES DEPT
SALEM, OREGON

1. File Information

APPLICATION # R-72359	PERMIT # (IF APPLICABLE) R-11827	PERMIT AMENDMENT # (IF APPLICABLE)
---------------------------------	--	------------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Iverson Ag Properties, Inc.		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 33739 S. Meridian Road			
CITY Woodburn	STATE OR	ZIP 97071	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. **The COBU must be signed by each permit holder of record.**

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

PERMIT HOLDER OF RECORD Ross Iverson		
ADDRESS 33739 S. Meridian Road		
CITY Woodburn	STATE OR	ZIP 97071

ADDITIONAL PERMIT HOLDER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: **September 20, 2012**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Barb Iverson	September 20, 2012	General Manager, Iverson Family Farms, Inc.

--	--	--

6. County: **Clackamas**

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

**Mark "NA" if there are no owners of property not included in this claim

OWNER OF RECORD		
NA		
ADDRESS		
CITY	STATE	ZIP

ADDITIONAL OWNER OF RECORD		
NA		
ADDRESS		
CITY	STATE	ZIP

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JUN - 3 2013

WATER RESOURCES DEPT
SALEM, OREGON

SECTION 2 SYSTEM DESCRIPTION

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JUN - 3 2013

A. Reservoir(s)

WATER RESOURCES DEPT
SALEM, OREGON

1. Reservoir source and, if from surface water, the tributary:

RESERVOIR NAME OR NUMBER	SOURCE	TRIBUTARY
Iverson Reservoir	Surface runoff	Pudding River

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

RESERVOIR NAME OR NUMBER	USES	SEASON OR MONTHS WHEN WATER WAS STORED	VOLUME STORED (AF)
Iverson Reservoir	Agricultural	November 1 to April 30	178.8 AF
	Primary Irrigation		
	Supplemental Irrigation for Nursery Operations and Wildlife		
Total Quantity of Water Stored			178.8 AF

3. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of diversion to the reservoir:

Once the Upper Reservoir (Monitor Reservoir) is full, the overflow water fills the Lower Reservoir (Iverson Reservoir) along with additional surface runoff. As the water levels within the Upper Reservoir drop, water is pumped from the Lower Reservoir using a General Electric 75 hp centrifugal pump with a McCrometer meter back into the Upper Reservoir.

SECTION 2
SYSTEM DESCRIPTION (B through F)

Are there multiple reservoirs?

NO

If "YES" you will need to copy and complete Sections 2B through 2F for each reservoir.

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

Iverson Reservoir

B. Reservoir Location

1. Is the reservoir on-channel?

NO

2. Provide dam outlet location and/or point of diversion(s).

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
5S	1W	W.M.	24	SW SE		73	Dam Outlet Location: 660 feet north and 2,310 feet west from the SW corner, Section 24.

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), and Quarter-Quarters (QQ).

C. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport the water from the point(s) of diversion to the reservoir.

1. Is a pump used?

NO

If "NO" items 2 through item 5 may be deleted.

6. Additional notes or comments related to the system:

The reservoir receives water from runoff and water overflowing the upper Monitor Reservoir. Water is pumped out of the Iverson Reservoir to fill Monitor Reservoir, when needed, for the secondary use under Application S-72360, Permit S-52392.

D. 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.

E. 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.

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JUN - 3 2013

WATER RESOURCES DEPT
SALEM, OREGON

F. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications? **YES**

If "YES", answer items 2; items 3 through 8 relating to this section may be deleted.

If "NO", skip items 2; answer items 3 through 8.

2. Complete the table:

HAVE THE DOCUMENTS BEEN SUBMITTED? YES OR NO	WHEN WERE THE DOCUMENTS SUBMITTED?	HAVE THEY BEEN APPROVED BY THE DEPARTMENT?	NUMBER OF ACRE FEET STORED
Yes	August 19, 1999	Yes, see Dam File I-15	178.8

3. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table and items 4 through 8.

MAXIMUM DEPTH	AVERAGE DEPTH	SURFACE AREA (IN ACRES)	VOLUME (IN ACRE FEET)
NA			

SECTION 3 CONDITIONS

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 any 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 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 extension final order:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	June 12, 1996		
BEGIN CONSTRUCTION (A)	June 12, 1997	1997	Cleared ground, removed fences, secured wet ground, cleared out ditches, removed trees, and took out bridges.
COMPLETE CONSTRUCTION (B)	October 1, 1998 (Extended 10-1-12)	Phase 1 – 1999 Phase 2 – 2000 Phase 3 - 2003	Completed construction of the dam, constructed a portable pumping station, and installed irrigation system
COMPLETE APPLICATION OF WATER (C)	October 1, 1999 (Extended 10-1-12)	June 2010	Used water from Iverson Reservoir for irrigation of Primary places of use.

* 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)?

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YES

3. 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 3b through 3f 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
Iverson Reservoir	Staff Gauge	NA	Working	3.8	September 2011

If a meter has been installed, items 6d through 6g relating to this section may be deleted.

4. Recording and reporting conditions

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

If "NO", item 4b relating to this section may be deleted.

- b. Have the reports been submitted? **NO**

METHOD OF SUBMITTING REPORT (PAPER OR ELECTRONIC)	WATER USER REPORTING ID
Electronic and paper	9688

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

5. Fish Screening

- a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **YES**

If "NO", items 5b through 5e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

- b. Has the fish screening been installed? **YES**

- c. When was the fish screening installed?

DATE	BY WHOM
June 10, 2007	Iverson Family Farms Inc.

Reminder: If the permit or transfer final order was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

- d. If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs):

- Has the self-certification form previously been submitted to the Department? **NA**
- If not, go to <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>, complete and attach a copy of the self-certification form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

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JUN - 3 2013

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump** or the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? YES
- If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES

If "NO", items 6b and 6c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Have by-pass device been installed? NO

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

DESCRIPTION (I.E. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
Fish Screen Inspection Form for the T-7567 using the same point of diversion noted a fish bypass device was not required at this pump. In any case, both the fish screen and bypass device conditions in this permit are not applicable to this Claim of Beneficial Use, because the permit holder has chosen not to use the point of diversion at Butte Creek to fill the reservoir.		RECEIVED JUN - 3 2013 WATER RESOURCES DEPT SALEM, OREGON

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

- a. Was the water user required to restore the riparian area if it was disturbed? NO
- b. Was a fishway required? NO
- c. Was submittal of a letter from an engineer required prior to storage of water? YES
- d. Was submittal of a water management and conservation plan required? NO
- e. Other conditions? YES

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

c) Condition:

No water shall be stored until this department receives written certification from the engineer of record that construction was performed under the supervision of a professional engineer licensed in Oregon, and has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set of as built drawings must accompany the engineer's written certification of completion.

c) Compliance:

See Dam File I-15 for as-built drawings submitted August 19, 1999.

e1) Condition:

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

e1) Compliance:

The outlet gate bolt is greased and turned at the end of each summer season.

e2) Condition:

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment.

e2) Compliance:

Dam inspections are required every two years and the last one was done in 2011.

e3) Condition:

The earthen dam and resultant reservoir shall be constructed, operated, and maintained according to the approved plans and specifications dated December 23, 1992, on file with the Water Resources Dam Safety Program.

e3) Compliance:

See Dam File I-15 for as-built drawings submitted August 19, 1999.

e4) Condition:

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resource Department or the Director's authorized representatives.

e4) Compliance:

No alterations have been made from the original submitted drawings.

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JUN - 3 2013

SECTION 4

VARIATIONS

Include a description of variations from the permit, permit amendment final order, or extension final order. (i.e. "The permit allowed three reservoirs. The water user only developed one of the reservoirs." or "The permit allowed for the storage of 40.0 AF. The water user only stored 10.0 AF.")

1. The permit allowed 185.6 AF of storage but according to the as-built described in Dam File I-15 the actual storage volume of the reservoir is 178.8 AF.
2. The permit authorized appropriation of water from a diversion point located on Butte Creek. However, the permit holder has chosen not to use this point of diversion for filling the reservoir; therefore, the point of diversion on Butte Creek is not claimed.

SECTION 5

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Claim of Beneficial Use Map	Claim of Beneficial Use Map
BLM Cadastral Map	BLM Cadastral Map T.5S. R.1W. showing DLC and Government Lot locations
2011-2012 Water Use Reporting and Recording Form	Water use reporting for 2011-2012 water year

SECTION 6

CLAIM SUMMARY

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)
Iverson Reservoir	185.6 AF	178.8 AF

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.

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JUN - 3 2013

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 COBU map was prepared using tax assessor's maps 5 1W 13, 5 1W 24, 5 1W 25, and 5 1E 19, overlain by a 2009, orthographically corrected aerial photography obtained on line from Oregon State University's Oregon Imagery Explorer Natural Resources Library.



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
- ☐ 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
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ 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

RECEIVED

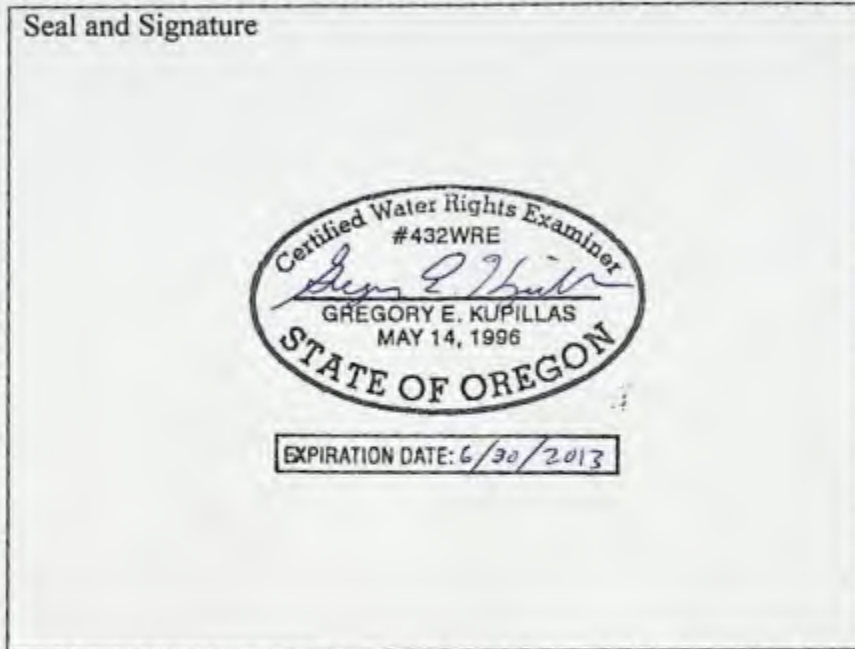
JUN - 3 2013

WATER RESOURCES DEPT
SALEM, OREGON

SECTION 8 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.



RECEIVED

JUN - 3 2013

WATER RESOURCES DEPT
SALEM, OREGON

CWRE NAME Gregory E. Kupillas		PHONE NO. 503-632-5016	ADDITIONAL CONTACT NO. 503-939-3167 (cell)
ADDRESS 18487 S. Valley Vista Rd.			
CITY Mulino	STATE OR	ZIP 97042	EMAIL phggek@bctonline.com

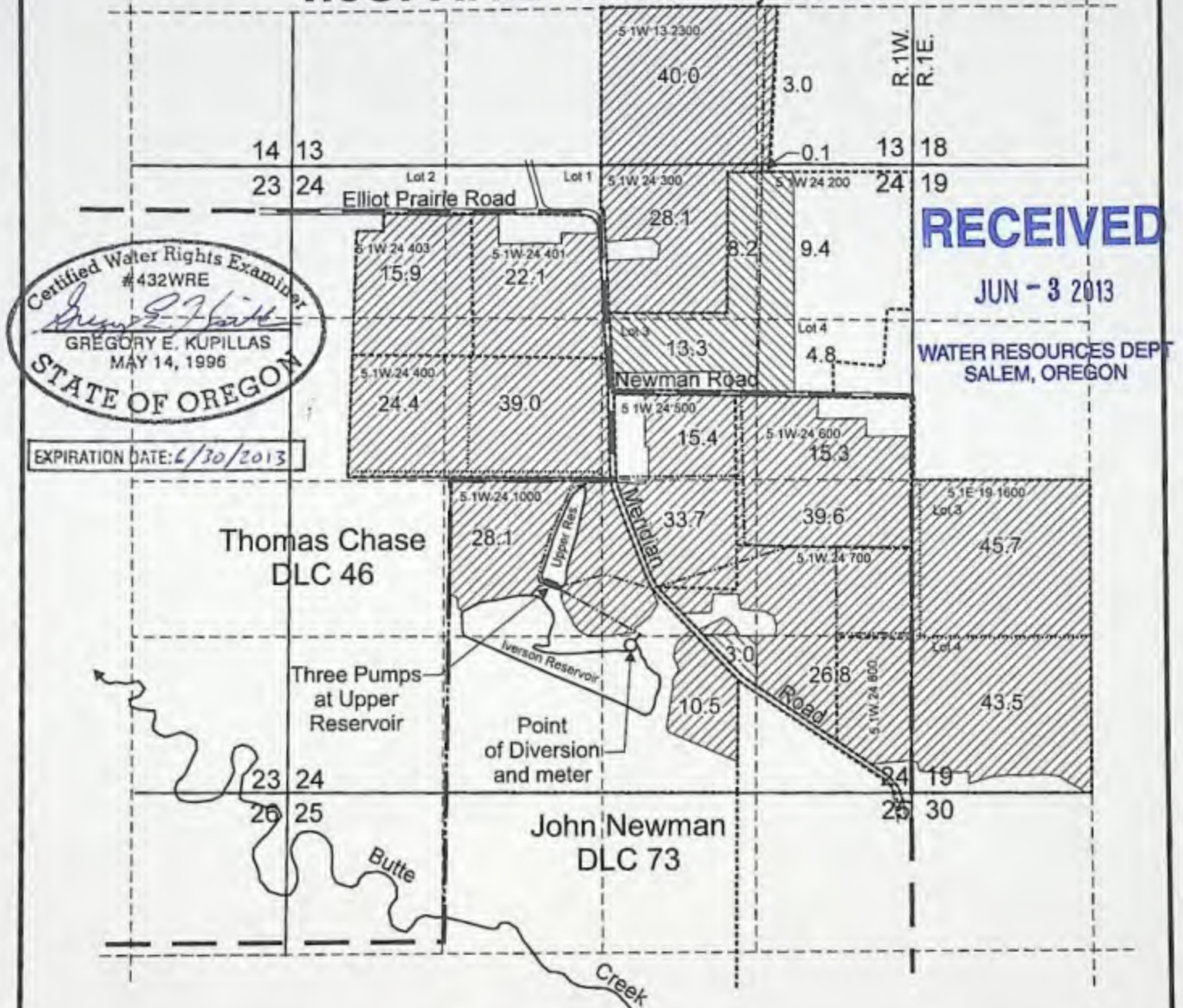
Permit Holder's of Record Signature or Acknowledgement

This Claim of Beneficial Use must be signed by each permit or transfer holder of record.

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	DATE
	Barb Iverson, General Manager, Iverson Family Farms, Inc.	4/18/13

T.5S. R.1W. Sec. 13 & 24 T.5S. R.1E. Sec. 19, W.M.



Point of Diversion is located 1,220 feet north and 2,880 feet east from the SW corner, Section 24.

Area covered by Primary Irrigation and Agricultural Use (Nursery Operations) (38.7 Acres).

Area covered by Supplemental Irrigation and Agricultural Use (Nursery Operations) (431.1 Acres).

----- Tax lot boundary

----- Irrigation mainline buried

----- Donation Land Claim boundary

----- Irrigation mainline above ground

Scale: 1" = 1,320'



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.



Pacific Hydro-Geology Inc.

Claim of Beneficial Use Map
Application R-72359; Permit R-11827 &
Application S-72360; Permit S-52392

Iverson Family Farms, Inc.
T.5S. R.1W. Sec. 13 & 24; T.5S. R.1E. Sec. 19, W.M.

04/2013

IversonR72359COBU.cdr

2011

Oregon Water Resources Department
October through September
Water Use Recording and Reporting Form

2012

Consult the water right (permit, certificate, order) to determine applicable reporting conditions; the measurement, recording, and reporting conditions identified in a permitted or certified water right typically follow the place of use description. Use the columns below to document measurements for each authorized point of diversion/appropriation or reservoir. We ask that zeros be reported for any given month when water is not being used. Keep a copy of all measurement reports for your records. We encourage you to submit your water use data via our online utility when available, and to use the Monthly Water Use Forms for record keeping purposes. To lookup water rights, access the water use reporting webpage/online utility, or to obtain additional forms visit our web site: <http://www.wrd.state.or.us>

Iverson Ag Properties, Inc.

9688

Water Right Holder's Name

Water Right Holder's Business Name or Entity Name

USER ID#

iverson@monitorcoop.com

33739 S. Meridian Road, Woodburn, OR, 97071503-932-58

Water Right Holder's Email

Water Right Holder's Complete Mailing Address

Phone Number

Facility Report ID	→ →	Reservoir storage 51005 Application: R - 72359 Permit: R - 11827 Other:	Reservoir out 51006 Application: S - 72360 Permit: S - 52392 Other:	Application: - Permit: - Other:	Application: - Permit: - Other:
Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)					
October	- 20 11				
November	- 20 11	170.85			
December	- 20 11	170.85			
January	- 20 12	170.85			
February	- 20 12	170.85			
March	- 20 12	170.90			
April	- 20 12	170.85			
May	- 20 12	170.85			
June	- 20 12	170.84			
July	- 20 12	170.39	0		
August	- 20 12	160.63	12.872		
September	- 20 12	150.34	0		
TOTAL *					
Unit of Measurement		☐ G ☐ KG ☐ MG ☒ AF	☐ G ☐ KG ☐ MG ☒ AF	☐ G ☐ KG ☐ MG ☐ CF	☐ G ☐ KG ☐ MG ☐ CF

Describe the method of measurement used: Staff Gage and meter. If used for irrigation, total number of acres irrigated: 469.8

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

5/30/2013 Barbara Iverson
 Date Signature

Barbara Iverson V. president
 Name and Title (print)

Iverson Ag Properties
 Company

503 634 2331
 Phone Number

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

Completion Checklist for Claims of Beneficial Use

Date Received 6-3-13 CWRE Greg Kupillas

By [Signature]

File Marked yes

Claim Logged yes

Application # R-72359 \$150.00 Fee ☒

Transfer # _____ No Fee Required

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 or format 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 permittee or transfer holder (OAR 690-014-0100)



Oregon

John A. Kitzhaber, MD, 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

June 10, 2013

ROSS IVERSON
33739 S MERIDIN RD
WOODBURN OR 97071

On June 3, 2013 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application R-72359 Permit R-11827
Application S-72360 Permit S-52392

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: http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

Customer Service phone: (503) 986-0801

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

Your receipt was given to your agent.

Cc: file



Oregon

John A. Kitzhaber, MD, 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

November 21, 2011

IVERSON FAMILY FARMS-INC.
33739 S MERIDIAN RD
WOODBURN, OR 97071

REFERENCE: Application R-72359 / Permit R-11827
 Application S-72360 / Permit S-52392

Dear Permit Holder:

The Water Right Services Division received your written progress reports for Permits R-11827 and S-52392. Receipt of the progress reports were published on the Department's weekly Public Notice, dated September 27, 2011. The Department did not receive any public comments on the progress reports.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permits and extensions has been demonstrated.

If you have any questions, please feel free to contact me by telephone at (503) 986-0812.

Sincerely,

Jerry Gainey
Extensions
Water Right Services Division

Enclosure

cc: Application S-72360
 Watermaster District 16 - Mike McCord

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report was Due: 10/1/2011 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: 9/22/2011

Report Complete: ☒ YES

☐ NO – Send letter requesting missing information.
☐ letter mailed on: _____

2. Support Staff: Publish on the Department's Public Notice

☒ 315 ☐ 320 OAR Division under which Progress Report was required

☒ Publish on Public Notice Date: 9-27-11

☒ Update workflow in WRIS (Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and add record for Checkpoint Public Notice ("EP2))

☒ Return file to Jerry Gainey.

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: 11-17-11

☐ Update Progress Report Worksheet.xls

☐ Send to permit holder + anyone who made comments after 30 day public notice
CC: Watermaster _____

File _____

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Iverson Family Farms, Inc. Attn: _____

Application: R- 72359

Permit: R- 11827

County: Clackamas

Source: Surface runoff and Butte Creek, tributaries of Pudding River

Use: To be appropriated and maintained under Permit 52392 for agricultural use, primary irrigation, and supplemental irrigation for nursery operations and wildlife use

Last report



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

Extension of Time Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Iverson Family Farms, Inc.

Application R-72359

Permit R-11827

Report Due no later than October 1, 2011

Diligence Progress Report for 2011

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit R-11827

DATE WORK WAS DONE	WORK ACCOMPLISHED and FINANCIAL INVESTMENT SINCE OCTOBER 1, 2006 <i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	FINANCIAL INVESTMENT
July, Aug 2010	Water was used from the reservoir for irrigation.	\$ 0

2. **Compliance with terms and conditions of the permit and/or previous extension.**

The reservoir has been filled and all permit conditions have been met except reporting the use. A staff gage is in place in the reservoir, and we now understand that we are to record our use from the reservoir based on monthly staff gage readings.

3. **Total number of acres irrigated to date =** NA *(if applicable)*

4. **Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.**

Maximum rate used to date = _____ cfs (cubic feet per second), or

Maximum rate used to date = _____ gpm (gallons per minute), or

Acre Feet stored to date = 185.6 AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature *Robert Iverson*

Date 9/20/11

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

RECEIVED

SEP 22 2011

WATER RESOURCES DEPT
SALEM, OREGON

NO DATE

Do NOT USE
* 10/9/95

Oregon

John R. Woodroof, P.E.
WATER RIGHTER'S INC.
4333 Bryan Street South
Salem, OR 97302

WATER
RESOURCES
DEPARTMENT

Dear John,

REFERENCE: File R-72359

The plans and specifications for the IVERSON RESERVOIR have been reviewed, approved and permits issued. Copies of the approved plans and specifications have been forwarded to ROSS IVERSON. Because this structure exceeds the size limits for exempt structures, construction must be supervised by a qualified engineer. Since your office prepared the plans and specifications, I will assume that you will provide the required supervision and inspection. If this is incorrect, please advise me immediately.

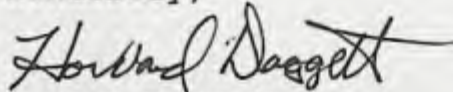
Any deviations from the approved plans will require prior approval from this office. In the event that any deviations become necessary during construction, engineers are available from this office to work with you and are authorized to grant immediate approval in the field.

No fill shall be placed until excavation of the cutoff trench has been approved by the engineer. A new topographical map and area-capacity curve must be submitted to this department if earth material is removed from the storage area during construction, unless the neat lines agree with the lines shown on the plans.

On completion please issue this Department certification that all construction was performed in accordance with the approved plans and specifications and submit as constructed drawings showing all changes. The certification must be completed before the applicant can store water under the terms of the permit.

Please advise this office when construction starts so that we may schedule periodic field inspections. We are especially interested in seeing the foundation when the cutoff trench is completed.

Sincerely,



Howard Daggett
Dam Safety Coordinator

cc: Ross Iverson
Don Buell, P.E., CWRE



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130



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

Request for Assignment

If for multiple rights, a separate form and fee for each right will be required.

I, Ross Iverson
(Name of Applicant / Permit / Transfer Holder)

33739 S. Meridian Rd Woodburn OR 97071 5036342331
(Mailing address) (City) (State) (Zip) (Phone #)

☒ ...hereby assign all my interest in and to application/permit/transfer;

☐ ...hereby assign all my interest in and to a portion of application/permit/transfer;

(You must include a map showing the portion of the application/permit to be assigned.)

☐ ...hereby assign a portion of my interest in and to the entire application/permit/transfer;

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OCT 16 2007

WATER RESOURCES DEPT
SALEM, OREGON

Application # R-72359, Permit # R-11827; Transfer # _____
-OR-

GR Statement # _____, GR Certificate of Registration # _____

as filed in the office of the Water Resources Director, to:

Iverson Family Farms Inc.
(Name of New Owner)

33739 S. Meridian Rd Woodburn OR 97071 503 634 2331
(Mailing address) (City) (State) (Zip) (Phone #)

NOTE: If there are other owners of the property described in this Application, Permit, Transfer or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 15th day of October, 2007.

Applicant/Permit holder Ross Iverson

Applicant/Permit holder Iverson Family Farms Inc. per Barbara Iverson

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 # 90202
For Director by Jerry Sauter, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form *must* be submitted to the Department along with a recording fee of \$50.

7002.9.1.01
M91554-20
P.H.S. 10.16.2007

Iverson Family Farms Inc
33739 S. Meridian Road
Woodburn, OR 97071

Owners:
Ken Iverson – President
32934 S. Verna Street
Woodburn, OR 97071

Nels Iverson – Secretary
1222 Miller Road SE
Jefferson, OR 97352

Barbara Iverson – Vice President
5858 S. Newman Road
Woodburn, OR 97071

Paul Iverson – Vice President
33988 S. Meridian Road
Woodburn, OR 97071

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OCT 16 2007
WATER RESOURCES DEPT
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **90202**

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

INVOICE # _____

RECEIVED FROM: Johnson Family Farms

BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 8761 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

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

K-72259 - 50.00
S-72360 - 50.00

\$ _____

0410 RESEARCH FEES

\$ _____

0408 MISC REVENUE: (IDENTIFY) _____

Assignment

\$ 100.00

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$ _____

0240 EXTENSION OF TIME

\$ _____

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$ _____

0202

RECORD FEE

\$ _____

0203 GROUND WATER

\$ _____

0204

\$ _____

0205 TRANSFER

\$ _____

WELL CONSTRUCTION

EXAM FEE

\$ _____

0219

LICENSE FEE

\$ _____

0218 WELL DRILL CONSTRUCTOR

0220

\$ _____

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$ _____

CARD # _____

0210 MONITORING WELLS

\$ _____

CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$ _____

0231 HYDRO LICENSE FEE (FW/WRD)

\$ _____

HYDRO APPLICATION

\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$ _____

RECEIPT: **90202**

DATED: 10-16-07 BY: L. P. ...



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

October 17, 2007

Iverson Family Farms, Inc.
33739 S. Meridian Rd.
Woodburn, Oregon 97071

Reference: Application R-72359, Permit S-11827
Application S-72360, Permit S-52392

The assignment from Ross Iverson to Iverson Family Farms, Inc., has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 90202 covering the recording fee of \$100 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 90202

cc: Watermaster 20
Data Center, OWRD (Complete Copy of Assignment Request)
File

IVERSON FAMILY FARMS INC

Oregon Water Resources Department

10/15/2007

8761

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/15/2007	Bill		50.00	50.00		50.00
10/15/2007	Bill		50.00	50.00		50.00
				Check Amount		100.00

RECEIVED

OCT 16 2007

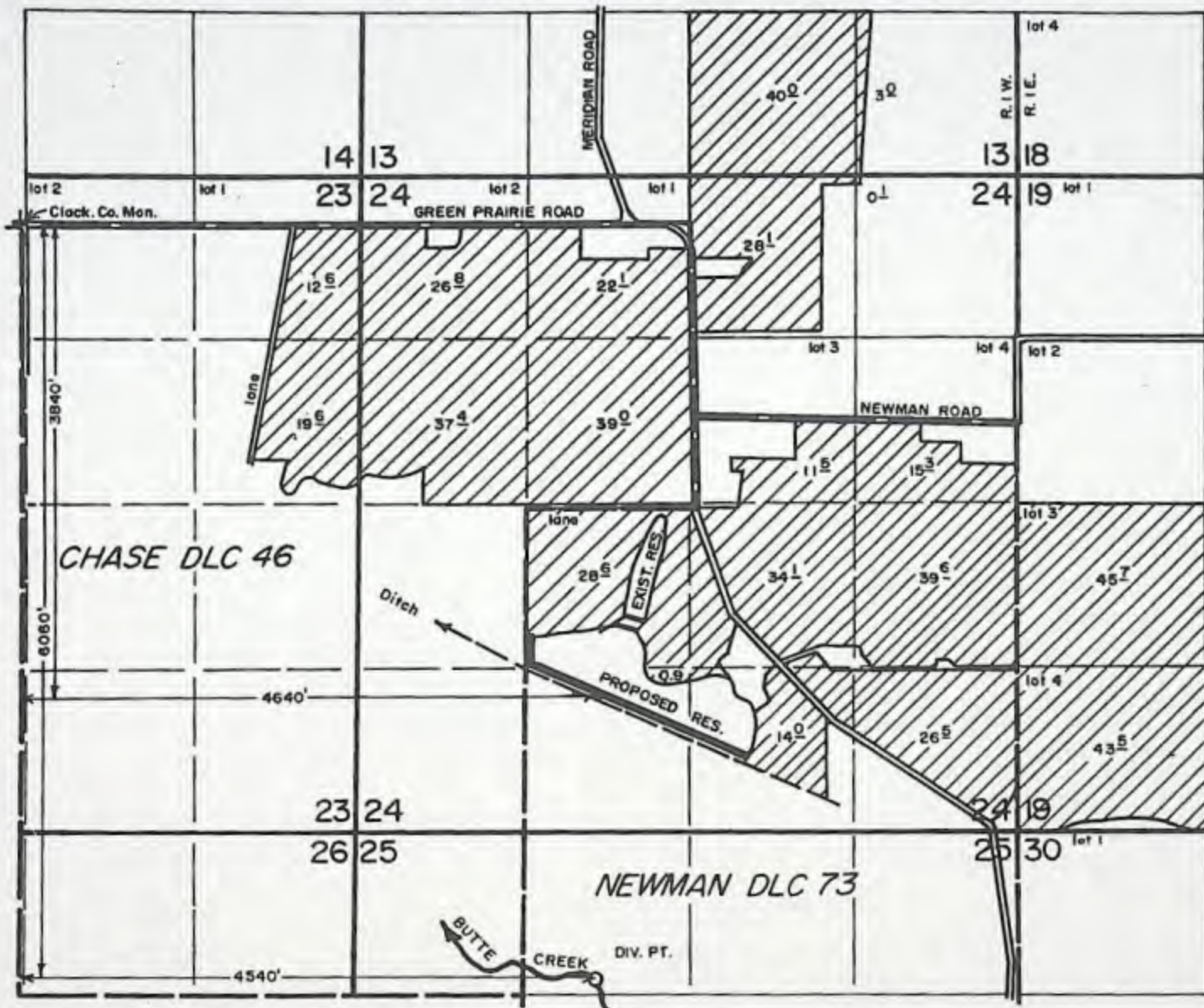
**WATER RESOURCES DEPT
SALEM OREGON**

Checking - Columbia

100.00

Township 5 South, Ranges 1 West & 1 East, W.M.

Section 24 and Portions of Sections 13, 14, 23, 25 and 26
in Range 1 West & Portions of Sections 19 and 30 in Range 1 East



RECEIVED

APR 28 1987

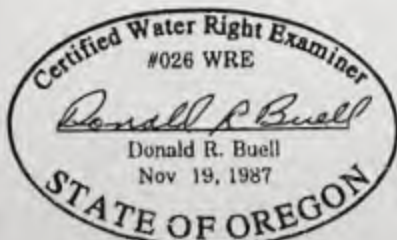
WATER RESOURCES DEPT
SALEM, OREGON

Appl. No. R-72359

Per. No. _____

Application Map
for

ROSS IVERSON



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.

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROSS IVERSON
33739 S. MERIDIAN RD.
WOODBURN, OREGON 97071

PHONE: (503) 634-2331

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

APPLICATION FILE NUMBER: R-72359

SOURCE OF WATER: SURFACE RUNOFF AND BUTTE CREEK, TRIBUTARIES OF PUDDING RIVER

STORAGE FACILITY: IVERSON RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED AND MAINTAINED UNDER APPLICATION S-72360, PERMIT 52392, FOR AGRICULTURAL USE, PRIMARY IRRIGATION, AND SUPPLEMENTAL IRRIGATION FOR NURSERY OPERATIONS AND WILDLIFE USE

VOLUME OF USE: 185.6 ACRE-FEET EACH YEAR

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 TO APRIL 30 OF EACH YEAR.

DATE OF PRIORITY: APRIL 28, 1992

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 12.6 ACRES AND THE MAXIMUM DEPTH OF WATER WILL BE 20.0 FEET. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 15.0 FEET.

DAM LOCATION: NE 1/4 SW 1/4, SE 1/4 SW 1/4, AND SW 1/4 SE 1/4, SECTION 24, T5S, R1W, W.M.; 3840 FEET SOUTH & 4640 FEET EAST FROM THE NW CORNER OF CHASE DLC 46

POINT OF DIVERSION: NE 1/4 NW 1/4, SECTION 25, T5S, R1W, W.M.; 6060 FEET SOUTH AND 4540 FEET EAST FROM THE NW CORNER OF CHASE DLC 46

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED WITHIN:

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SW 1/4 SE 1/4
SECTION 24

TOWNSHIP 5 SOUTH, RANGE 1 WEST, 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided. The applicant is hereby directed to contact an ODFW Fish Passage Program coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment.

No water shall be stored until this department receives written certification from the engineer of record that construction was performed under the supervision of a professional engineer licensed in Oregon, and has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set of as built drawings must accompany the engineer's written certification of completion.

The earthen dam and resultant reservoir shall be constructed, operated, and maintained according to the approved plans and specifications dated December 23, 1992, on file with the Water Resources Dam Safety Program.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resource Department or the Director's authorized representatives.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

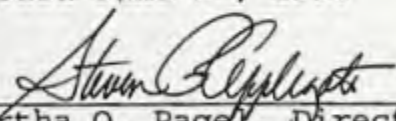
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1999.

Issued June 12, 1996


for Martha O. Pager, Director
Water Resources Department

Application R-72359 Water Resources Department
Basin 02 Volume 15 Butte Creek & Misc.
MGMT CODES 2AD, 2AW, 2BD, 2BW, 2CD, 2CW

PERMIT R-11827
District 16

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-72359

Final Order
Extension of Time for Permit Number R-11827

Appeal Rights

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.

Application History

The Department issued Permit R-11827 on June 12, 1996. The permit called for completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. On October 9, 2007, Iverson Family Farms, Inc. submitted to the Department an Application for Extension of Time for Permit R-11827. In accordance with OAR 690-315-0050(2), on November 27, 2007, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2012 and the time to fully apply water to beneficial use to October 1, 2012. The protest period closed January 11, 2008, in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2011**. *A form is enclosed for your use.*

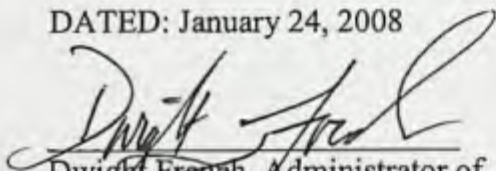
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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

Order

The extension of time for Application R-72359, Permit R-11827, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2012. The deadline for applying water to full beneficial use is extended to October 1, 2012.

DATED: January 24, 2008


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

-
- If you have any questions about statements contained in this document, please contact Kim French at (503) 986-0813.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-



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

Extension of Time Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Iverson Family Farms, Inc.

Application R-72359

Permit R-11827

Report Due no later than October 1, 2011

Diligence Progress Report for 2011

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit R-11827

DATE WORK WAS DONE	WORK ACCOMPLISHED and FINANCIAL INVESTMENT SINCE OCTOBER 1, 2006 <i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	FINANCIAL INVESTMENT

2. Compliance with terms and conditions of the permit and/or previous extension.

3. Total number of acres irrigated to date = _____ (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = _____ cfs (cubic feet per second), or

Maximum rate used to date = _____ gpm (gallons per minute), or

Acre Feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown ☐ Yes ☐ No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

Mailing List for Extension FO Copies

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

FO Date: January 24, 2008

Copies Mailed

Application R-72359

Permit R-11827

By: QNS
On: 1/24/08

Original mailed to permit holder

Iverson Family Farms, Inc.
33739 S. Meridian Road
Woodburn, OR 97071

Copies sent to:

1. WRD - App. File R-72359/ Permit R-11827
2. WRD - Support Staff, Salem...*Permit record update*

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM day of signature date)

4. WRD - Water Master District 16 - Mike McCord, Salem
Done by yx Date 1/24/08

CASEWORKER: KRF

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit R-11827, Water Right Application R-72359)
in the name of Iverson Family Farms, Inc.) **PROPOSED FINAL ORDER**

Permit Information

Application File R-72359 Permit R-11827

Basin: 2 – Willamette/ Watermaster District 16

Date of Priority: April 28, 1992

Authorized Use of Water

Source of Water:	Surface Runoff and Butte Creek, Tributaries of Pudding River
Purpose of Use:	Stored Water to be Appropriated and Maintained Under Permit S-52392, for Agricultural Use, Primary Irrigation and Supplemental Irrigation for Nursery Operations and Wildlife Use
Maximum Rate:	185.6 Acre-Feet (AF) per year

**This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315**

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit R-11827, water right Application R-72359.
A copy of Permit R-11827 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant an extension of time for complete construction of the water system from October 1, 2006 to October 1, 2012, and
- grant an extension of time to apply water to full beneficial use from October 1, 2006 to October 1, 2012.
- make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second
AF – acre-feet

AUTHORITY

Generally, see ORS 537.230 and OAR Chapter 690 Division 315.

ORS 537.230(1) and (3) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(6) allows the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit R-11827 was granted to Ross Iverson by the Department on June 12, 1996. On October 16, 2007, the permit was assigned to Iverson Family Farms, Inc. The permit authorizes the storage of up to 185.6 AF of water from surface runoff and the Butte Creek, to be appropriated and maintained under Permit S-52392, for agricultural use, primary irrigation and supplemental irrigation for nursery operations and wildlife use. The permit specified actual construction of the water system was to begin by June 12, 1997, construction of the water system was to be completed by October 1, 1998, and complete application of water was to be made on or before October 1, 1999.
2. Two prior permit extensions have been granted for Permit R-11827 resulting in the completion dates for construction being extended to October 1, 2006 and full application of water being extended to October 1, 2006.
3. The permit holder submitted an "Application for Extension of Time" to the Department on October 9, 2007 requesting the time to complete construction of the water system under the terms of Permit R-11827 be extended from October 1, 2006 to October 1, 2012 and the time to apply water to full beneficial use under the terms of Permit R-11827 be extended from October 1, 2006 to October 1, 2012.
4. Notification of the Application for Extension of Time for Permit R-11827 was published in the Department's Public Notice dated October 23, 2007. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248² and/or 539.010(5)³.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

5. On October 9, 2007, the Department received a completed Application for Extension of Time and the fee required by ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

6. Actual construction of the water system began prior to the deadline specified in the permit, being June 12, 1997.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 539.010(5) applies to surface water and ground water permits.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

7. As of October 9, 2007, the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2012, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms of Permit R-11827 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

9. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Construction of the water system began prior to the time specified in the permit, being June 12, 1997.
 - b. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame under Permit R-11827.
 - c. Since October 1, 2002, the following was accomplished:
 - A fish screen was installed and approved by ODFW.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

10. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit R-11827 on June 12, 1996, the permit holder has stored 178.8 AF of water from the Butte Creek.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

11. The water right permit holder's conformance with the permit or previous extension conditions.

- a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

12. Financial investments made toward developing the beneficial water use.
 - a. As of October 9, 2007, the permit holder has invested approximately \$271,285, which is 100 percent of the total projected cost for complete development of this project. The permit holder does not anticipate any additional investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

13. As of October 9, 2007, the permit holder has invested approximately \$271,285 which is 100 percent of the total projected cost for complete development of this project. The permit holder does not anticipate any additional investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

14. The Department has found good faith of the appropriator under Permit R-11827.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

15. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit R-11827; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of diversion is located on Butte Creek. Butte Creek is not located within or above any state or federal scenic waterway, however it is located within an area ranked "high" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is not located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in

consultation with Oregon Department of Fish and Wildlife. Butte Creek is listed by the Department of Environmental Quality as a water quality limited stream.

16. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of October 9, 2007, the permit holder has invested approximately \$271,285.
17. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
18. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
19. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

20. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

21. Delay in the development of this project was not caused by any other governmental requirements.

Unforeseen Events [OAR 690-315-0040(2)(h)]

22. Unforeseen events extended the length of time needed to fully develop and perfect Permit R-11827, caused mainly by financial constraints, a drop in the potato market and the loss of a very large customer, which caused the permit holders to have to change their cropping program.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2012⁴, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 19 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit R-11827.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

extend the time for complete construction of the water system under Permit R-11827 from October 1, 2006 to October 1, 2012.

extend the time to apply water to beneficial use under Permit R-11827 from October 1, 2006 to October 1, 2012.

Subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2011**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after

⁴Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: November 27, 2007


Dwight French
Administrator
Water Rights & Adjudications Division

*If you have any questions,
please check the information
box on the last page for the
appropriate names and
phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may protest and request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than **January 11, 2008** being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050, if petitioner is other than the water right permit holder.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
- a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have any questions about statements contained in this document, please contact Kim French at 503-986-0813.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Rights and Adjudications Division
725 Summer St NE, Suite A
Fax: 503-986-0901 Salem, OR 97301-1266
-

Mailing List for Extension PFO Copies

PFO Date: November 27, 2007

Application R-72359
Permit R-11827

Copies Mailed

By: OS
On: 11/27/07

Original mailed to Applicant:

Iverson Family Farms, Inc.
33739 S. Meridian Road
Woodburn, OR 97071

Copies sent to:

1. WRD - App. File R-72359/ Permit R-11827

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving via e-mail (10 AM Tuesday of signature date)

3. PFO: WRD – Watermaster District 16 – Mike McCord, Salem
Done by h Date 11/27/07

CASEWORKER: KRF

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: R- 72359 Permit: R- 11827 Permit Amendment? No ☒ Yes ☐ T- _____

Permit Holder's Name: Iverson Family Farms, Inc.

Permit Holder's Mailing Address: 33739 S. Meridian Road, Woodburn, OR 97071

Phone Number: _____

POD Location: Township 5S Range 1W Section 24 $\frac{1}{4}\frac{1}{4}$ NESW; SESW; SWSE

Drainage Basin: 2 County: Clackamas Watermaster District: 16 Watermaster: Mike McCord

Date Permit was issued: 6/12/1996

Priority Date: 4/28/1992

Date of PN: 10/23/2007

Source: Surface runoff and Butte Creek, tributaries of Pudding River

Use: Stored water to be appropriated and maintained under Permit S-52392, for agricultural use, primary irrigation and supplemental irrigation for nursery operations and wildlife use

"Q": 185.6 acre-feet per year

Orig "A" Date: 6/12/1997

Orig "B" Date: 10/1/1998

Orig "C" Date: 10/1/1999

Extension
request rec'd: 10/9/2007

Last Authorized
"B" Date: 10/1/2006

Last Authorized
"C" Date: 10/1/2006

Request Number (1, 2, 3...): 3

Proposed
"B" Date: 10/1/2012

Proposed
C Date: 10/1/2012

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒	☐	Install meter
☒	☐	Submit annual WU reports
☒	☐	Install, maintain and operate fish screening and by-pass devices prior to the diversion of water
☒	☐	Dam and reservoir constructed according to plans and specs dtd 12/23/92
☒	☐	Permittee to contact ODFW Fish Passage Coordinator before beginning construction of in-channel obstruction

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- ☒ ☐ Work was accomplished within the time allowed in the permit or previous extension
- ☒ ☐ Water right permit holder conformed with the permit or previous extension conditions
- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 178.8 cfs/gpm/af of the total permitted quantity of water on _____ acres
- ☒ ☐ Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$271,285 Estimated Remaining Cost: \$0

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes ☒ No ☐

Application: R- 72359 Permit: R- 11827 Township 5S Range 1W Section 24

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

Identify the closest surface water or localized water basin. Butte Creek
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

- Yes No
☐ ☒ above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map
☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
☐ ☒ within a critical or limited Ground Water Area? Name of area
☒ ☐ within a sensitive, threatened or endangered species area source: "/gisdata/dev/projects/salmon/div33map.aml"
☒ ☐ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list
☒ ☐ within an area ranking ☐ low / ☐ moderate / ☒ high for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

Conditions to be included in Extension PFO (if applicable)? Yes ☒ No ☐

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

☒ 5-year Progress Report Checkpoints (Years: 2011)

☐ Other: _____

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

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

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

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

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

☒ **COBU Requirement - Ground Water - post July 9, 1987**

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

Application # R-72359 Permit # R-11827

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

♦ **WRIG...**

Money Received on: 10/9/07

♦ **Kim French...**

☒ Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

♦ **Jonnine Skaug...**

☒ Publish on Public Notice (initial 30-day comment): Date of notice 10-23-07 JIS

☒ Update WRIS Database

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

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **90057**

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

INVOICE # _____

RECEIVED FROM: Iverson Family
BY: Farms Inc

APPLICATION	K-12359
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 8708 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 350.00

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

**RECEIVED
OVER THE COUNTER**

MISCELLANEOUS
0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$ 350.00

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY) _____			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **90057**

DATED: 10-9-07 BY: L. Pauline

IVERSON FAMILY FARMS INC

Water Resources Department

Extension reservoir

10/9/2007

8709

350.00

RECEIVED
OVER THE COUNTER

Checking - Columbia R-72359

350.00



Oregon

Theodore R. Kulungoski, 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

October 23, 2007

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE # R-72359 (PERMIT # R-11827)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Kim French at (503) 986-0813. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "www.wrd.state.or.us".

Division 315 - Other Than Muni or Quasi-Muni
Extension of Time Application - Completeness Checklist
OAR 690-315-0020

Place a check in the box if the item is satisfied	
✓	The appropriate extension of time fee (as specified in ORS 536.050). [OAR 690-315-0020(3)] \$350 – applications received on or after July 1, 2007
✓	The name and mailing address of the water right permit holder(s); [OAR 690-315-0020(3)(a)]
✓	The application number and the permit number for which an extension is requested; [OAR 690-315-0020(3)(b)]
✓	If the water right permit holder receives delivery of the subject water right permit from a municipality, municipal corporation, or other special district, the applicant shall provide the name of the entity and evidence that a copy of the application for extension of time has been provided to the entity responsible for delivering the water; [OAR 690-315-0020(3)(c)]
✓	Evidence of the actions taken to begin actual construction within the time period in the permit or previous extension: • "Actual construction" means physical work performed towards completion of the water system, which demonstrates both the present good faith of the water right permit holder and the water right permit holder's intention to complete the project with reasonable diligence ("Actual construction" does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying). [OAR 690-315-0020(3)(d)]
✓	Evidence of progress made toward completion of the water development and application to full beneficial use, which includes but is not limited to: [OAR 690-315-0020(3)(e)] • The annual accomplishments toward perfecting the water right under the terms and conditions of the permit, including the dates on which each condition contained in the relevant permit and any previous extension(s) was satisfied or the reason the condition was not satisfied; • The maximum rate of diversion, if any, made to date; and • If for irrigation, a listing by year of the number of acres irrigated each year since permit issuance, the total number of acres irrigated to date under the permit or previous extension, and a copy of the application map showing the acres irrigated.
✓	A description of financial expenditures made toward completion of the water development; [OAR 690-315-0020(3)(f)]
✓	An estimate of the cost to complete the water development; [OAR 690-315-0020(3)(g)]
✓	A summary of any additional unforeseen events which delayed completion of the water development or application of water to full beneficial use, including other governmental requirements, if any, relating to the project which have significantly delayed completion of construction or perfection of the right; [OAR 690-315-0020(3)(h)]
✓	The date by which the water development will be completed and water put to full beneficial use; [OAR 690-315-0020(3)(i)]
✓	A summary of the applicant's plan and schedule to complete construction and/or perfect the water right; [OAR 690-315-0020(3)(j)]
✓	Justification of why the requested time is needed to complete the project and/or apply the water to full beneficial use; [OAR 690-315-0020(3)(k)]
	A description of any undue hardship to the applicant which will result from denial of the extension, and that there are no other reasonable alternatives for meeting water use needs; [OAR 690-315-0020(3)(l)] <i>(NOTE: The permit holder is not asked to answer this specific question when filling out the Extension of Time Application. The Department decided this was a finding that should be determined by staff. In order to make this determination, review the Extension of Time Application and documentation in the file record. Generally, a denied extension of time may result in possible loss of investments made in the project, loss of future property value, and/or loss of future income.</i>
	Any other information the applicant determines is relevant to evaluate the application in accordance with applicable statutes and these rules; [OAR 690-315-0020(3)(m)]
	Any other information required in the application form that is necessary to evaluate the application in accordance with applicable statutory requirements; and [OAR 690-315-0020(3)(n)]
✓	Signature(s) of the water right permit holder(s).
Name of Reviewer: <u>Km Faguet</u> Date: <u>10/1/51</u>	



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

Application for Extension of Time for a Water Right Permit

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this
application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, Iverson Family Farms, Inc.

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

<u>33739 S. Meridian Road</u>	<u>Woodburn</u>	<u>OR</u>	<u>97071</u>
ADDRESS	CITY	STATE	ZIP
<u>(503) 634-2331</u>	<u>iverson@monitorcoop.com</u>		
PHONE	E-MAIL ADDRESS		

the permit holder of: Application Number - R-72359

 Permit Number - R-11827
 [OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

- ☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2006, be extended to October 1, 2012,

and/or the time in which to:

- ☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2006, be extended to October 1, 2012.

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Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$350.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$350 STATUTORY FEE TO:

Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301



GENERAL TIPS:

- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

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SALEM, OREGON

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

[OAR 690-315-0020(3)(d)]

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? [yes/no] Yes



TIP: *Not all permits specify a date by which construction was to begin.*

Date construction began is: August 1999

Details of construction: Construction was in two phases. The south half was built in 1999
with trickle tube, drain outlet, and overflow outlet systems. Construction of the north half was
completed in 2000, requiring the south half to be drained, allowing outlet piping and bi-pass
channel to serve both phases of construction.

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WATER RESOURCES DEPT
SALEM, OREGON**

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? [yes/no] No

- A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP:

The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	Pre-existing	A dedicated electric meter was installed for the pump used for other, older water rights.
4	Ongoing	The outlet gate is cycled once each year according to this condition.
5	Ongoing	The dam, spillway, and other structures have been maintained as required.
6	11/8/2000	Letter from Boatwright Engineering.
7	11/8/2000	Letter from Boatwright Engineering.
8	10/1/06	The structure has not been enlarged, modified, altered, or otherwise changed.
9	10/15/99	The outlet gate was completed.

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

- B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
2	10/1/08	To date, no water has been pumped from the stream into the reservoir.
3	6/10/07	Our first, homemade fish screen did not meet ODFW standards.

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

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3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

INSERT DATES	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*

INSERT DATES	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
	The permit was signed - find date above signature on last page of permit.	
	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
Fall 1999	Cleared site and completed Phase I	\$172,800
10/1/1999	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

INSERT DATES	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
11/15/00	Completed Phase II	\$94,480
Total Cost to Date		\$267,280

* If exact cost is not known, you must provide your best estimate.

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- B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use chronological order.

CHART-D

INSERT DATES	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2002	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
Fall 2006	Manufactured our own fish screen according to specifications from Ernst Hardware	\$1,000
Fall 2006	Had homemade fish screen inspected by ODFW, but did not meet requirements.	\$0
10/1/2006	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

INSERT DATES	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
6/10/07	Purchased and installed new Pump-Rite T-1000 fish screen	\$3,005
7/5/07	Obtained approval of fish screen from ODFW	\$0
Total Cost to Date		\$4,005

* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. Cost of project to date: \$271,285
(The total cost from CHART-C and CHART-D)

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5. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit and/or prior extensions of time, if any, made to date.



TIP: Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Maximum rate = _____ cfs (cubic feet per second) or,

Maximum rate = _____ gpm (gallons per minute) or,

Acre Feet Stored = 178.8 AF

6. Provide the total number of acres irrigated to date under this permit.

Total acres irrigated to date: None

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
4/2008 - 9/2008	Put water to the full secondary use.	\$ 0
Year:	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$ 0

8. Estimated remaining cost to complete the project: \$ 0
(The total cost from CHART-E)

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SALEM, OREGON

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances.

- A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

Not applicable

- B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

We have experienced severe reductions in revenues dating back to 2002. Since then, we have had to make significant changes to our cropping program, and have been struggling to pay our debts and meet our other financial obligations. As a result, we have had to limit or delay new equipment purchases. In August 2007, we sold one of our farms, which put us in a better position to finish the project.

- C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

Not applicable

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SALEM, OREGON

D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

The loss of our large contract with Kettle Chips, and subsequent drop in the market for potatoes,
has forced us to quit growing potatoes and completely change our cropping program. As a
result, we have not yet needed to use the water from the reservoir for irrigation. Consequently,
we have not had the opportunity to put the stored water to the full beneficial use.

[OAR 690-315-0020(3)(k)]

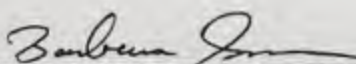
- 10. Justify the time requested to complete the project and/or apply the water to full beneficial use.** Your justification should combine information from your answers from Questions 2, 3-A, 3-B, 7 and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

We believe we can finish the project in the allotted time. We are now able to afford the
equipment needed to finish the project. The weather also determines the amount of water
needed, which is the reason for asking for multiple years in the extension.

- 11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.**

We had a change in management in our office in the Fall of 2004. Much of the information
concerning the permit was not passed on. I now understand what needs to be done to meet
the criteria of the permit and will make sure it gets taken care of.

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


Signature

10/7/2007
Date

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Instructions for Filling Out Extension of Time Application For Water Right Permits

The following instructions are numbered to correspond with the APPLICATION FOR EXTENSION OF TIME. Each question is shown in *italics*, followed by guidance that may help you respond to the question. When reviewing these instructions, it will be helpful to have a copy of your water right permit at hand.

If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).

1. *Did the actual construction of the water system /well drilling begin within the time specified in the permit? [yes/no]*

Actual Construction - any physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying. OAR 690-315-0020(3)(d)(A)and(B).

Each water right permit contains specific dates by which permit holders are to have completed a certain level of development of the right. Generally, these dates appear toward the end of a permit. Among the dates that may be cited are the following:

- A. **A-date:** Actual construction work shall begin on or before [date certain];
- B. **B-date:** Construction shall be completed on or before [date certain];
- C. **C-date:** Complete application of the water shall be made on or before [date certain]

For convenience, these are often referred to as the "A-date", "B-date", and "C-date", respectively. Not all permits will include all three dates. Some newer permits may not include a "B-date," and even more recent permits may not include an "A-date". However, all permits should include a "C-date". By statute, if the "A-date" is specified in a permit, a permit extension cannot be granted when there is no evidence of actions taken to begin **actual construction** by that date" with a few exceptions (permits for municipal use or projects requiring federal hydropower licenses). Permit extensions may be granted for both the B-date and C-date.

If the permit specifies an "A-date" it is very important to have written confirmation in the OWRD's official water right file that **actual construction** began on or before that "A-date". In submitting such confirmation, give dated details of all **actual construction** work completed prior to the "A-date" stipulated in the permit.

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2. *Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? [yes/no]*

A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.

Depending on the vintage of the water right permit issued by OWRD, the location of the conditions on the permit may vary. Most, but not all, permits issued before 1990, did not include conditions. If these permits contained conditions they would generally appear on the permit just above the State Engineer's or Water Resources Director's signature. In the early 1990's conditions became more common. Conditions associated with the point of diversion or point of appropriation might be listed immediately following the description of the point of diversion or appropriation. Conditions associated with the place of use, might be listed immediately following the description of the place of use. From the mid-1990's to present, conditions may be listed under separate subtitles in the permit such as "Measurement, Recording, and Reporting Conditions" or "Standard Conditions."

Conditions requiring a written response in the extension of time application include those which:

- Stipulate a specific date by which the permit holder was to have accomplished a specific action, such as a condition that requires plans and specifications for a reservoir, a groundwater monitoring plan or some other document which "...shall be submitted...within (for example) two years of permit issuance."
- Are triggered by the use of water, but do not stipulate a specific date. These conditions represent a milestone in development of the project and use of water, such as the permit holder "shall install...a water meter or other suitable measuring device approved by the Director...before any use of water begins." Another common condition triggered by the use of water is that "fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications."



TIP: Any supporting documentation submitted to demonstrate compliance with time-sensitive permit conditions or any conditions from prior permit extension(s) must be clearly referenced and may include, but is not limited to: well construction logs; static water level measurement reports, annual water use reports; and/or a plan to monitor the effect of water use on ground water aquifers utilized under the permit.

If needed, you may contact the OWRD for assistance in identifying and/or interpreting which conditions in the water permit are pertinent to the extension application.

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In responding to question 2 A) on the application:

Step (1) Hand-number each condition on a copy of your permit. Refer to each condition in Chart-A by this number (place the number in the column "**Condition No.**"). Submit the hand-numbered copy of the permit along with the application.

Step (2) List all pertinent permit conditions in Chart-A, and explain how you have complied with them ("**Describe How Permit Condition Has Been Satisfied**").

Step (3) Indicate the date the condition was met ("**Date Satisfied**").

Step (4) Repeat steps (1), (2), and (3) for any conditions contained in any order approving a permit amendment and/or prior final order for an approved extension of time.

B) *If you have NOT complied with all applicable conditions, explain the reasons why and indicate a date certain, when, in the near future, you will be in compliance.*

If a permit holder is not in compliance with time-sensitive conditions, OWRD may take one of three actions:

1. Suspend processing of the application until the permit holder complies with them;
or
2. Establish time certain performance deadlines by which the conditions must be complied with and include them as conditions on the extension order; or
3. Deny the permit extension.

If you are considering applying for a permit extension and you are not in compliance with time-sensitive conditions, you may want to hold off filing the extension application until you have complied with the conditions. If you are not in compliance, but wish to proceed with the extension application, you should explain how, and the dates by which, you will comply with the conditions in Chart-B. If the extension is allowed, OWRD will likely not grant much time (less than one year) for the permit holder to comply with time-sensitive conditions.

In responding to question 2 B) on the application:

Step (1) Hand-number each condition on a copy of your permit. Refer to each condition in Chart-B by this number (place the number in the column "**Condition No.**"). Submit the hand-numbered copy of the permit along with the application.

Step (2) List all pertinent permit conditions in Chart-A, and explain why you have not complied with them ("**Explain Why Each Permit Condition Has NOT Been Satisfied**").

Step (3) Indicate the date the condition will be met ("**Date Will Comply**").

Step (4) Repeat steps (1), (2), and (3) for any conditions contained in any order approving a permit amendment and/or prior final order for an approved extension of time.

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3. *Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).*

Permitted Time Period - period of time between the date when the permit was signed and the date specified in the permit for complete application of water

Time Period of the Previous Extension

For 2nd Application for Extension of Time - period of time between the date specified in the permit for complete application of water and the new "extended to date" for complete application of water specified in the 1st approved extension.

For 3rd or Application for Extension of Time - period of time between the "extended from date" for complete application of water and the "extended to date" for complete application of water specified in the most recently approved extension.

- A) *CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.*

Chart-C must be filled out by all applicants regardless of how many extensions have been granted in the past. List all materials and equipment purchases made within the applicable time period, the system components installed and components brought into use within the time period. Identify costs by each line item to assist in responding to Question 4 on the application for extension.

- B) *If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use chronological order.*

Chart-D must be filled out by all applicants who have been granted an extension in the past (that is, this is your 2nd, 3rd, or 4th, etc. request) List all materials and equipment purchases made within the applicable time period, the system components installed and components brought into use within the time period. Identify costs by each line item to assist in responding to Question 4 on the application for extension.

4. *Cost of project to date _____.*

Indicate the amount invested in developing the water use system to date. This will be a total of the costs indicated on Chart-C and Chart-D from Question 3. If exact cost is not known, you must provide your best estimate.

5. *What is the maximum rate, or duty if applicable, of diversion, if any, made to date?*

Indicate the rate (not the volume) of water you are beneficially using under this permit in **cubic feet per second** or **gallons per minute** for surface water and ground water permits. If you are using stored water, indicate the amount in acre-feet.

6. *What is the total number of acres irrigated to date under this permit?*

If your permit authorizes the irrigation of land, indicate the maximum number of acres to which you have applied water under this permit.

7. *Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.*

Fill out Chart-E, making your best estimate of the future time line and costs for work necessary to complete construction and/or apply water to full beneficial use under the terms and conditions of the permit.

8. *Estimated remaining cost to complete the project _____.*

Indicate your estimate of the remaining investment necessary to fully construct the system and put water to beneficial use. This will be a total of the costs indicated in Chart-E from Question 7.

9. *List the reasons why the project was not constructed, and/or water was not beneficially used within the permitted time limits. Provide supporting information for the reason(s) that best fits your circumstances.*

It may be appropriate to respond in more than one category. Respond in category D) if the reasons for delay do not fit in any other category.

- A) *The project is of a size and scope that was originally planned to be phased it in over a time frame longer than the one allowed in the permit.*

Useful supporting information might include an excerpt from a business plan or a phasing schedule showing how the project is to be fully developed and water applied in increments. The supporting information can be simple and straightforward. This information would also be useful in evaluating the time needed to complete the project and beneficially use water.

For group domestic permits, historic population and employment information, growth forecasts and/or build-out status, including total number of residential units and other uses built, the number remaining to be built and absorption rates should be identified.

- B) *The financial resources needed to develop the project precluded completion of the project within authorized time frames.*

If financing was critical to development of the project, indicate the contract number, financing entity, date when you originally applied for financing and date the financing agreement was executed. It is not necessary to submit a copy of the agreement nor to disclose the terms of the agreement. If cash flow is a constraint to developing the project, develop a phasing plan indicating the investments made annually to date and estimated annual investments anticipated until the project is completed and water applied.

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- C) *Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.*

If it was necessary to obtain specific permits (land use approvals, wetland fill and removal permits, individual waste disposal system, or other water quality permits, etc.) to proceed with work under the water right permit, indicate the permits, date permit applications were filed, and date permits were issued by the appropriate authorities. If delays were caused by a general need to comply with government requirements, including specific conditions of the water right permit or other permits, provide a brief explanation of the requirements and, the good faith effort and general timeframes involved in complying with those requirements that delayed development of the water project under the permit.

- D) *Acts of God or other unforeseen events delayed full development of the water system and use of water.*

Natural disasters, severe weather, grave illnesses or death suffered by permit holders, family members, and business partners may be among the legitimate reasons that permit holders have not fully developed water systems and made beneficial use of water within permit timeframes. Supporting documentation to submit may include a list of the specific system or site damage caused by natural disasters or severe weather and the amount of delay and financial impact resulting from necessary repairs. For family illnesses and the like, a simple statement should be made indicating whether or not illness/accidents may have resulted in death or hospitalization and if resulting legal or ongoing health care/rehabilitation programs have affected the ability to complete the project authorized by the permit.

If there are other reasons for the delay that are not "Acts of God" and don't fit in categories A, B, and C, list them in this subsection and provide supporting information and estimates of the delay caused by the unforeseen events.

10. *Justify the time requested to complete the project and/or apply the water to full beneficial use.*

A justification should integrate information from Items 2, 3-A, 3-B, 7 and 9 of this Application for Extension of Time, but may include any other information or evidence to establish that the requested amount of time is reasonable. This can be a summary of why you need the amount of time you have requested.

11. *Provide any other information you wish the OWRD to consider while evaluating the extension of time application.*

This is your opportunity to include any other information you want the OWRD to have when considering your extension request.

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROSS IVERSON
33739 S. MERIDIAN RD.
WOODBURN, OREGON 97071

PHONE: (503) 634-2331

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

APPLICATION FILE NUMBER: R-72359

SOURCE OF WATER: SURFACE RUNOFF AND BUTTE CREEK, TRIBUTARIES OF PUDDING RIVER

STORAGE FACILITY: IVERSON RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED AND MAINTAINED UNDER APPLICATION S-72360, PERMIT 52392, FOR AGRICULTURAL USE, PRIMARY IRRIGATION, AND SUPPLEMENTAL IRRIGATION FOR NURSERY OPERATIONS AND WILDLIFE USE

VOLUME OF USE: 185.6 ACRE-FEET EACH YEAR

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 TO APRIL 30 OF EACH YEAR.

DATE OF PRIORITY: APRIL 28, 1992

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 12.6 ACRES AND THE MAXIMUM DEPTH OF WATER WILL BE 20.0 FEET. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 15.0 FEET.

DAM LOCATION: NE 1/4 SW 1/4, SE 1/4 SW 1/4, AND SW 1/4 SE 1/4, SECTION 24, T5S, R1W, W.M.; 3840 FEET SOUTH & 4640 FEET EAST FROM THE NW CORNER OF CHASE DLC 46

POINT OF DIVERSION: NE 1/4 NW 1/4, SECTION 25, T5S, R1W, W.M.; 6060 FEET SOUTH AND 4540 FEET EAST FROM THE NW CORNER OF CHASE DLC 46

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED WITHIN:

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SW 1/4 SE 1/4

SECTION 24

TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

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Application R-72359 Water Resources Department

PERMIT R-11827

Measurement, recording and reporting conditions:

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- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit. ①
- 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. ②

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water. ③

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided. The applicant is hereby directed to contact an ODFW Fish Passage Program coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times. ④

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment. ⑤

No water shall be stored until this department receives written certification from the engineer of record that construction was performed under the supervision of a professional engineer licensed in Oregon, and has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set of as built drawings must accompany the engineer's written certification of completion. ⑥

The earthen dam and resultant reservoir shall be constructed, operated, and maintained according to the approved plans and specifications dated December 23, 1992, on file with the Water Resources Dam Safety Program. ⑦

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resource Department or the Director's authorized representatives. ⑧

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches. ⑨

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.

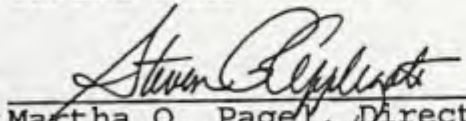
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1999.

Issued June 12, 1996

for 
Martha O. Pagel, Director
Water Resources Department

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Application R-72359 Water Resources Department
Basin 02 Volume 15 Butte Creek & Misc.
MGMT CODES 2AD, 2AW, 2BD, 2BW, 2CD, 2CW

PERMIT R-11827
District 16



OREGON DEPARTMENT OF FISH AND WILDLIFE
OREGON WATER RESOURCES DEPARTMENT

FISH SCREEN INSPECTION FORM

APPLICANT

Name: IVERSON FAMILY FARMS
Address: 33739 S. MERIDIAN Rd. Phone 503-634-2331
WOODBURN, ORE. 97071
Application Number: T-7567 Permit Number: _____
Water Right Amount (cfs) .76

DIVERSION

Stream: Butte CR. Tributary to: PUDDING RIVER

Address (if different than applicants): _____

Diversion Type: PUMP Location: T _____, R _____, Sec. _____

GPS Coordinates: 45.11176°N 122.75647°W SATS: _____

PUMP INFORMATION

Brand: _____ Horsepower: _____ Intake Size: 6"

SCREEN INFORMATION

Type: PUMP-RITE Installed by: LANDOWNER Date Installed: 8-6-10-07
T-1000

Date of Inspection: 7-5-07 Inspected by: BOB HAIR Agency: ODFW

Comments: _____



Screen meets current state criteria for fish protection.



Screen does not meet current state criteria for fish protection.



Another screen inspection should be done before water use begins.

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Return this form to: Brenda Lee S. Wilson, Water Rights Division, OR Water Resources Dept., 158 12th Street NE
Salem, OR 97310 / 1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: brendalee.s.wilson@wrdd.state.or.us

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-72359

Final Order
Extension of Time for Permit Number R-11827

Appeal Rights

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

Application History

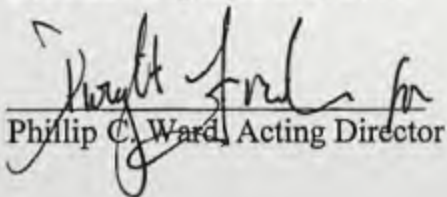
On October 1, 2003, Ross Iverson submitted an application to the Department for an extension of time for permit number R-11827. The Department issued permit number R-11827 on June 12, 1996. The permit called for completion of construction of the water development project by October 1, 1998, and by October 1, 1999. In accordance with OAR 690-315-0050(2), on June 29, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fill the reservoir and fully apply the stored water to beneficial use to October 1, 2006. The protest period closed August 13, 2004, in accordance with OAR 690-315-0060(1). F No protest was filed.

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

Order

The extension of time for Application Number R-72359, Permit Number R-11827, therefore, is approved. The deadline for completing construction is extended to October 1, 2006. The deadline to fill the reservoir and complete application of the stored water to full beneficial use is extended to October 1, 2006.

DATED: September 8, 2004


Phillip C. Ward, Acting Director

If you have any questions about statements contained in this document, please contact Lisa Juul at (503) 986-0808.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.

Extension "Final Order" Checklist

Application # R-72359 / Permit # R-11827

Permit Holder's Name Ross Iverson

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

✓ 1. Date Extension Request submitted: 10-1-03

✓ 2. Date permit was issued: 6-12-96

✓ 3. Original "B" Date from permit: 10-1-98
(Date for completion of construction)

✓ 4. Original "C" Date from permit: 10-1-99
(Date for complete application of water)

✓ 5. Extension PFO Date: 6-29-04

✓ 6. WRD recommends extending "B" Date to: 10-1-06

and extending the "C" Date to: 10-1-06

✓ 7. Any conditions from PFO: no

✓ 8. Protest Deadline Date from PFO: 8-13-04

✓ 9. Any written Protests or written Comments received within the Protest period?
Yes / No

Reviewer's Name: [Signature]

Date: 9/8/04

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

Mailing List for Extension FO Copies

Application #R-72359
Permit #R-11827

FO Date: September 8, 2004

Original mailed to:

Applicant: Ross Iverson
33739 S. Meridian Rd
Woodburn, OR 97071

Copies Mailed

By:
(SUPPORT STAFF)
on: 9-9-04
(DATE)

For Extension FO's - Copies sent to:

1. WRD - Appl. File #R-72359 / Permit #R-11827
2. WRD - Watermaster District: #20 - Mike McCord, Oregon City
3. WRD - North West Regional Manager - Dave Jarrett
4. WRD - John Falk, Safety of Dams
5. DEQ - Northwest Region - Andy Schaedel
6. ODFW - District #3 - Dick Caldwell, Clackamas
7. WRD - Support Staff, Salem

Other interested parties:

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

CASEWORKER: LJJ/JJU

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application	)	
for an Extension of Time for	)	
Permit #R-11827, Water Right	)	PROPOSED FINAL ORDER
Application #R-72359	)	
(Ross Iverson)	)	

Permit Information

Application File #R-72359 / Permit #R-11827

Basin: #2 - Willamette Basin / Watermaster District: #16

Date of Priority: April 28, 1992

Authorized Use of Water

Source of Water:	Surface Runoff and Butte Creek, tributaries of the Pudding River
Purpose or Use:	Agricultural Use, Primary Irrigation, Supplemental Irrigation for Nursery Operations, and Wildlife
Maximum Volume:	185.6 acre feet (af) each year

This Extension of Time request is being processed in accordance with Oregon Administrative Rule Chapter 690, Division 315.

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit #R-72359. A copy of Permit #R-11827 is enclosed.

R-

Summary of Proposed Final Order

The Department proposes to:

- grant the extension for complete construction from January 1, 2002, to October 1, 2006; and

Proposed Final Order: Permit #R-11827

Water not put
to use
- MC

er

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application	)	
for an Extension of Time for	)	
Permit #R-11827, Water Right	)	PROPOSED FINAL ORDER
Application #R-72359	)	
(Ross Iverson)	)	

Permit Information

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**This Extension of Time request is being processed in accordance
with Oregon Administrative Rule Chapter 690, Division 315.**

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit #R-11827, water right Application #R-72359. A copy of Permit #R-11827 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 2002, to October 1, 2006; and

- grant the extension for complete application of water from October 1, 2002 to October 1, 2006.

AUTHORITY

ORS 537.230(2) provides in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

FINDINGS OF FACT

Background

1. Permit #R-11827 was granted by the Water Resources Department on June 12, 1996. The permit authorizes the storage of up to 185.6 af of water from surface runoff and Butte Creek, tributaries of the Pudding River, for agricultural use, primary irrigation, supplemental irrigation for nursery operations and wildlife. The permit specified that construction of the water system was to be completed by October 1, 1998, and complete application of water was to be made on or before October 1, 1999.
2. One prior extension of time has been approved for Permit #R-11827. It resulted in the completion dates for construction and beneficial use of water being extended to October 1, 2002.

3. The permit holder (represented by Gregory E. Kupillas, CWRE) submitted a letter to the Department on May 25, 2004, requesting the time in which to complete construction of the water system and to accomplish beneficial use of water to the full extent under the terms of Permit #R-11827 be revised from October 1, 2003 to October 1, 2006.
4. Notification of the permit holder's extension of time request for Permit #R-11827 was published on the Department's Public Notice dated October 7, 2003. No public comment on the extension application was received.

Review Criteria [OAR 690-315-0040(1)(2)]

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248¹, and 539.010(5).

Other Governmental Requirements [ORS 537.230(2)]

5. Delay in the development of this project was not caused by any other governmental requirements.

Start of Construction [ORS 537.230]

6. Construction of the water system under Permit #R-11827 began within the time specified in the permit, being June 12, 1997.

Financial Investment [ORS 539.010(5)]

7. As of October 1, 2003, the permit holder had invested a total of \$300,000 into the project, consisting of completion of dikes, spillway, and overflow, clearing of vegetation, establishment of a pump site and the installation of a flow meter in a temporary discharge line from the reservoir. An additional \$42,500 investment is anticipated for the completion of this project.

Reasonable Diligence and Good Faith of the Appropriator [ORS 537.230(1) and 539.010(5)]

Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [ORS 537.260, OAR 690-315-0040(3)].

¹ ORS 537.248 applies to reservoir permits only.

In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction

8. The following construction was completed within the time allowed in the permit or previous extension:

- a. Construction of the water system began within the time specified in the permit, being June 12, 1997. The work completed during the period of time of the previous extension consists of completion of dikes, spillway, and overflow, clearing of vegetation, and the installation of a flow meter.

Beneficial Use of Water

9. The following beneficial use was made of the water during the permit or previous extension time limits:

- a. Since the issuance of Permit #R-11827 on June 12, 1996, the permit holder has stored no water from surface runoff and Butte Creek, tributaries of the Pudding River.
- b. Delay of full beneficial use of water under Permit #R-11827 was due to an inability to complete remaining construction resulting from significant losses in revenue.

Compliance with Conditions

10. The water right permit holder's conformance with the permit or previous extension conditions.

- a. The record does not raise concerns about the permit holder's compliance with conditions.

Financial Investments

11. Financial investments made toward developing the beneficial water use.

- a. As of October 1, 2003, the permit holder had invested approximately 88 percent of the total projected cost for complete development of this project. A total of \$300,000 has been invested into the project, consisting of completion of dikes, spillway, and overflow, clearing of vegetation, and the installation of a flow meter. An additional \$42,500 investment is anticipated for the completion of this project.

The Market and Present Demands for Water [ORS 539.010(5) and OAR 690-315-0040(4)]

In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

12. The amount of water available to satisfy other affected water rights and state scenic waterway flows.
 - a. The permitted point of diversion, authorized under Permit #R-11827, is not located within or above designated boundaries of a state scenic waterway.
13. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
 - a. The permitted point of diversion, authorized under Permit #R-11827, is located within a stream segment that has been identified by the Oregon Department of Fish and Wildlife as a "high" needs ranking area for streamflow restoration for fish.
 - b. The permitted point of diversion, authorized under Permit #R-11827, is located in the Pudding River Basin. The Pudding River has been identified by the Oregon Department of Environmental Quality as a water quality limited stream.
 - c. The permitted point of diversion, authorized under Permit #R-11827, is not located within a segment designated as a federal wild and scenic river.
14. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
 - a. The permitted point of diversion is located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife.
15. Economic investment in the project to date.
 - a. As of October 1, 2003, the permit holder had invested approximately 88 percent of the total projected cost for complete development of this project. A total of \$300,000 has been invested into the project, consisting of completion of dikes, spillway, and overflow, clearing of vegetation, and the installation of a flow meter. An additional \$42,500 investment is

anticipated for the completion of this project.

16. Other economic interests dependent on completion of the project.
 - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power.
 - a. None have been identified.

Fair Return Upon Investment [ORS 539.010(5)]

18. The income and use of water from the permitted water development will result in reasonable returns against the investment made in the project to date.

Duration of Extension [OAR 690-315-0040(1)(c), ORS 539.010(5)]

As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

19. As of October 1, 2003, the remaining work to be completed consists of completion of construction, and full application of water to beneficial use within valid time-frames under Permit #R-11827.
20. Inability to complete remaining construction is due to significant losses in revenue which extended the length of time needed to fully develop and perfect the permit.
21. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2006, to complete construction of the water system and to complete the application of water to beneficial use under the terms of Permit #R-11827 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230.
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).

3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Completion of construction and full application of water to beneficial use can be completed by October 1, 2006², as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

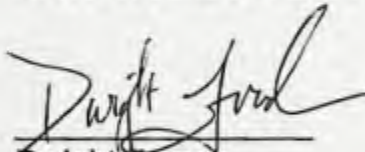
Proposed Order

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time for complete construction of the water system under Permit #R-11827 from October 1, 2002, to October 1, 2006; and

Extend the time for complete application of water to beneficial use under Permit #R-11827 from October 1, 2002, to October 1, 2006.

DATED: June 29, 2004


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.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested

² Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

case hearing must be in writing and must be received by the Water Resources Department no later than **Friday, August 13, 2004**, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.

2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - A. Upon review of the issues, the director finds there are significant disputes related to the proposed agency action; or
 - B. The applicant submitted a timely request for a contested case hearing.

If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503)986-0801. Address all other correspondence to:

**Water Rights Section
Oregon Water Resources Department
725 NE Summer Street, Suite A
Salem, OR 97301-1271
Fax #: (503)986-0901**

If you have any questions about statements contained in this document, please contact Lisa Juul at (503)986-0808.

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 telephone number is (503)986-0824.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503)986-0900.

Mailing List for Extension PFO Copies

Application #R-72359
Permit #R-11827

PFO Date: June 29, 2004

Original mailed to:

Applicant: Ross Iverson
33739 S. Meridian Rd
Woodburn, OR 97071

Copies Mailed
By: <u>TWJ²</u> (SUPPORT STAFF)
on: <u>6/29/04</u> (DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #R-72359 / Permit #R-11827
2. WRD - Watermaster District: - #2 (via e-mail) ✓
3. WRD - John Falk, Safety of Dams
4. DEQ - North West Region - Andy Schaedel
5. ODFW - District #3 - Dick Caldwell, Clackamas

Other interested parties:

c/o Pacific Hydro-Geology Inc.
Gregory Kupillas, CWRE
18477 S. Valley Vista Rd.
Mulino, OR 97042

CASEWORKER: LJJ/JJU

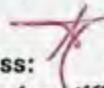
S:\groups\wr\extensions\P F O\Work_315 rules\72359.wpd

Application # R-72359 / Permit # R-11827

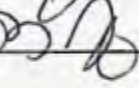
Route Slip ... Extension of Time

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

♦ **WRIG...**
Money Received: \$250.⁰⁰ on 10-1-03

♦ **Lisa Juul...**
Extension Completeness: 
(If NOT complete, send certified letter requesting add'l information.)

If Extension Appl complete and ^{\$250}~~\$200~~ fee submitted, route to...

♦ **Jonnine Fuss...**
Initial 30-day Public Notice: 10/7/03 
Update Extension Database: 10/7/03 
Files back to filing cabinets: 10/7/03 

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

♦ **Lisa Juul...**
Pull files for Ext PFO review: _____
Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

♦ **Jonnine Fuss...**
Prepare Ext PFO for mailing to applicant: _____
Mail to those who commented and paid copy fee: _____
Include Ext PFO on weekly Public Notice: _____

*Within 60 days after the close of the 45-day PFO Protest Period...
(PFO Protest Period ends 45 days from PFO sign date)...*

♦ **Lisa Juul...**
Issue an Extension FO: _____

EXTENSION REVIEW CHECKLIST for PFO... per Div. 315 Rules

Application #: R-72359 / Permit #: R-11827

Permittee's Name: Ross Iverson

Permittee's Mailing Address: 33739 S. Meridian Rd, Woodburn, OR 97071

POD Location: Township 5-S Range 1-W Section 24 $\frac{1}{4}$ $\frac{1}{4}$ 25 ^{24 - NESW, SESW & SWSE} _{25 - NENW}

Stream Basin: _____ County: Clackamas

1. Has the applicant completely filled out the updated Extension Application form? Yes / No \$250 - OK
***If "No" has certified request for the new extension form been sent? Yes / No

2. Shortcomings of Extension Request..... based upon review of updated extension form Yes / No
*** (NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)

Reason for delay?

Reservoir constr. complete? --- No --- then no water stored?

3. Date Permit was issued: 6-12-96 (priority = 4-28-92)

4. Source: Surface Runoff of Butte Creek, tribs of Pudding River
To be Appropriated under Agricultural Use, Primary Irrigation,

5. Use: Permit # S-52392 for: Suppl Irrig for Nursery Oper. & Wildlife

6. "Q": 185.6 AF each year

7. Original "B" Date: 10-1-98 Original "C" Date: 10-1-99

8. Conditions of Permit: Orig "A" Date: 6-12-97

- Before use begins → shall install meter or other suitable meas. device
- shall keep monthly record of water use & report annually, to WRD.
- prior to diversion → shall install fish screens & by-pass devices to ODFW specs.
- shall install & maintain conduit / gate assembly having minimum diameter of 8-inches.

9. Extension request received: 10-1-2003 Request Number (...1st 2nd, 3rd): 2nd

10. Last Authorized "B" Date: 10-1-02 Last Authorized "C" Date: 10-1-02

11. Proposed "B" Date: 10-1-03 Proposed C Date: 10-1-03

12. Amount Invested to date: \$ 300,000⁰⁰ Estimated Total Cost: \$ 342,500⁰⁰

(***Estimated Remaining Cost: \$ 42,500⁰⁰)

* as per letter received 5-25-04

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

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

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

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

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

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

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

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

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

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

___19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

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

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

___20. Conditions to be included on Extension PFO: _____

Extension "PFO" Dates

Checklist Last Revised: 9 / 12 / 2001

Mailing / Issuance Date: _____ **Reviewer's Name:** _____

Protest Deadline Date: _____ **Date:** _____

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

14. Work on the water development project completed to date includes: completion of dikes, spillway and overflow • clearing of vegetation
• Installation of flow meter.

15. The work remaining to be completed consists of: * see letter 5-25-04 *
• Installation of an ODFW approved fish screen
• construction on the reservoir pump site

16. Progress in perfecting the permit is being held up by: * see letter received 5-25-2004 *
• Inability to complete remaining construction due to significant losses in revenue.

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

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

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

- Permit holder has completed approximately 90 % of the construction.
- Permit holder has beneficially used 0 % of the total permitted quantity of water.
- Has the permit holder complied with conditions? Yes/ No
—If No, reasons why not? _____
- Permit holder has invested approximately 88 % of the total estimated cost to complete the project.
- Other: _____

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

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

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

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? —
- within or above a state scenic waterway? no
- within a ground water limited/critical area? —
- within a segment that has been identified as a federal wild and scenic river? no
- within an area that ODFW has identified as an ST&E Area? yes
- within an area that ODFW has identified as a high Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? yes
- Other: _____

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

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

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

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

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

☐ 5-year Progress Report Checkpoints

☐ Other: _____

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

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

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

☒ COBU Requirement - Surface Water - post July 9, 1987

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

☐ COBU Requirement - Ground Water - post July 9, 1987

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

NOTES:

Extension "PFO" Dates

Coordinator Checklist Last Revised: 3/4/ 2004

Mailing / Issuance Date: _____

WRD-Project Manager: _____

Protest Deadline Date: _____

Date: _____

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **63395**

INVOICE # _____

RECEIVED FROM: Iverson Family Farms Inc APPLICATION K 72357

BY: _____ PERMIT _____
TRANSFER _____

CASH: ☐ CHECK: # 2156 OTHER: (IDENTIFY) 1 TOTAL REC'D \$ 100.00

0401 TREASURY 0417 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____
OTHER: (IDENTIFY) \$ _____

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ 100.00

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **63395**

DATED: 10/1/03 BY: Linda Decker

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **63394**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: <u>Pacific Hydro-Geology</u>	APPLICATION <u>R72359</u>
BY: _____	PERMIT _____
	TRANSFER _____

CASH: ☐ CHECK: # 2267 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 150.00

0401 TREASURY 0417 WRD MISC CASH ACCT

0407 COPIES	\$ _____
OTHER: (IDENTIFY) _____	\$ _____
OTHER: (IDENTIFY) _____	\$ _____

**RECEIVED
OVER THE COUNTER**

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$ _____
0410 RESEARCH FEES	\$ _____
0408 MISC REVENUE: (IDENTIFY) _____	\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$ _____
0240 EXTENSION OF TIME	\$ <u>150.00</u>

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$ _____	0202 \$ _____	RECORD FEE \$ _____
0203 GROUND WATER	EXAM FEE \$ _____	0204 \$ _____	\$ _____
0205 TRANSFER	EXAM FEE \$ _____		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 \$ _____	LICENSE FEE \$ _____
LANDOWNER'S PERMIT		0220 \$ _____	

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$ _____	CARD # _____
0210 MONITORING WELLS	\$ _____	CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **63394**

DATED: 10/1/03

BY: Linda Doeffer

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Ross Iverson
NAME

33739 S. Meridian Road Woodburn OR 97071 (503) 634-2331
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. R-72359, Permit No. R-11827,
do hereby request that the time in which to:

- ☒ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2002, be extended to October 1, 2003,

and/or the time in which to:

- ☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 2002, be extended to October 1, 2003.

NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extension application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension application. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, you may contact the Department at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

OCT 1 2003

1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?
Yes
2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

Yes, for all conditions except for ODFW-approved fish screen.

A) Please describe how you have complied with each applicable permit condition (**NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review**). Applicable permit conditions include installation of a flow meter, water use reporting, installation of an ODFW-approved fish screen, and certain procedures for operation and maintenance of the reservoir. All conditions except for installation of an ODFW-approved fish screen have been complied with.

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.
The point of diversion at Butte Creek for the reservoir is part of an existing irrigation system for an older water right. We were unaware of the new condition in Permit R-11827 requiring replacement of the existing fish screen. We will install an ODFW-approved fish screen by June 1, 2003.

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

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:
Since the date of the last permit extension (July 18, 2000), we have completed construction of Phase I and Phase II (dikes completed, spillway and overflow constructed, etc.). The pump site has been established but a permanent pump, piping, and electrical system have not been completed. A portable pump is available to withdraw water from the reservoir. A flow meter has been installed in a temporary discharge line from the reservoir.

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:



Prior to the date of the last extension (July 18, 2000), we began Phase 1 activities, including clearing vegetation, starting construction of the dikes, and completing construction of the overflow structure.

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

A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:

Not applicable to storage of water under this reservoir permit.

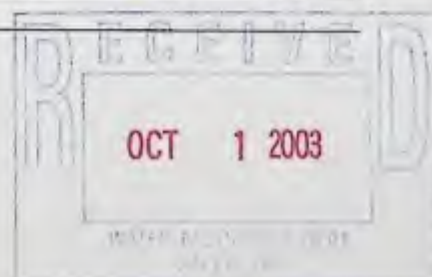
B) Number of Acres Irrigated (if an irrigation permit):

Not applicable to storage of water under this reservoir permit.

5. Cost of project to date 300,000.0 . Estimated remaining cost to complete the project \$42,500.00 .

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

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

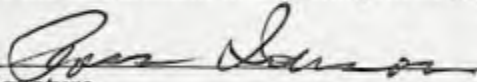


- B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.
Not applicable.

- C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.
Not applicable.

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

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


Signature

9-26-03
Date

MAIL COMPLETED APPLICATION and STATUTORY FEE OF \$100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES DEPARTMENT
158 12th STREET NE
SALEM, OREGON 97301-4172

revised: September 18, 2002



RECEIVED
OVER THE COUNTER

Pacific Hydro-Geology Inc.

18477 S. Valley Vista Rd.
Mulino, OR 97042
(503) 632-5016

File # R- 72359
RECEIVED

MAY 25 2004

WATER RESOURCES DEPT
SALEM OREGON

May 25, 2004

Ms. Lisa Juul
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-4172

Re: Request for Extension, Application R-72359, Ross Iverson

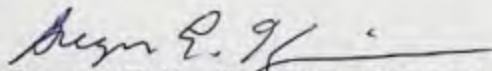
Dear Ms. Juul:

On behalf of the Iverson brothers, I am requesting an amendment to the Application for Extension of Time for Application R-72359 which was submitted on October 1, 2003. That application requested that the deadline to complete construction and accomplish beneficial use be extended to 2003. At the time of submittal, The Iversons believed that they would be able to install an ODFW-approved fish screen and complete the remaining construction on the reservoir pump site in time to meet the new deadline. However, because they have experienced significant losses in revenues in the past two years, they have been financially unable to complete the necessary work. This loss of revenues has occurred as a result of losing a large contract to provide potatoes to Kettle Chips. The potential revenues associated with this contract amounts to about 40% of The Iverson's total annual farm income. The loss of these revenues has resulted in an extreme financial strain on the Iverson's operations. Therefore, the Iversons wish to amend their original application to request that the date to complete construction and apply water to beneficial use be extended to October 1, 2006.

Application R-72359 is associated with a secondary permit, Application S-72360. Because this secondary use is directly linked to the reservoir permit, and cannot be exercised until the reservoir is ready for use, the Iversons also request that the date for applying water to beneficial use under Application S-72360 be extended to October 1, 2006.

Please call me at (503) 632-5016 if there are any questions, or additional information is required.

Sincerely,


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

cc: Steve Iverson, Iverson Brothers Bulb Farms

Pacific Hydro-Geology Inc.
18477 S. Valley Vista Rd.
Mulino, Oregon 97042

RECEIVED
OVER THE COUNTER

Attn: Lisa Junt

RECEIVED
MAY 25 2004
WATER RESOURCES DEPT
SALEM OREGON



Oregon

John A. Kitzhaber, M.D., Governor

February 8, 2001

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

Martin G. Boatwright, P.E.
Boatwright Engineering, Inc.
2613 12th Street SE
Salem, OR 97302

Re: Iverson Dam, (File I-15)
Reservoir Application R-72359
Reservoir Permit R-11827

Dear Mr. Boatwright:

Thank you for submitting your letter certifying completion of construction for the referenced project located in **Section 24, T5S, R1W, Clackamas County**, together with the accompanying set of as-constructed drawings. Our receipt of these items satisfies the dam safety requirements for construction of the dam and the impoundment of water, not to exceed 178.8 acre-feet maximum reservoir storage @ elevation 75.25 feet. The height of the embankment at maximum centerline section is approximately 17 feet above natural ground surface. We understand all elevations shown on the asbuilts are assumed datum.

Based on the asbuilt drawings, the following physical data was assembled:

Crest primary spillway (vertical riser w/o flashboards)	71.88'
Crest emergency spillway	73.1'
Maximum storage (w/flashboards)	75.25'
Top of dam	77.3'

We understand all waters used to fill the reservoir originate from a combination of springs, natural runoff and Butte Creek. Because the size of the dam and reservoir exceed the established limits for exempt structures (greater than or equal to 10 feet height and 9.2 acre-feet storage), this project has been added to the state inventory of dams and reservoirs. As required by statute, the dam will be inspected on a regular basis for purposes of public safety by one or more employees of the Water Resources Department. We have tentatively scheduled the next inspection of this dam for autumn, 2001.

Thank you for your cooperation. We appreciate your efforts to achieve a good quality project. If you have any questions, please do not hesitate to let me know.

Sincerely,

John Falk, PE
Safety of Dams

c: Ross Iverson - Iverson Brothers Farms
OWRD Water Rights Section
Bill Ferber - Watermaster Dist. #16

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R 72359

Final Order
Extension of Time for Permit Number R 11827

Application History

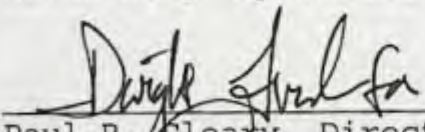
On DECEMBER 10, 1998, ROSS IVERSON submitted an application to the Department for an extension of time for permit number R 11827. The Department issued Permit number R 11827 on JUNE 12, 1996. The permit called for completion of construction of the water development project by October 1, 1998 and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-320-0010(8), on FEBRUARY 15, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2002, and/or the time to fully apply water to beneficial use to October 1, 2002. The protest period closed MARCH 31, 2000. No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

Order

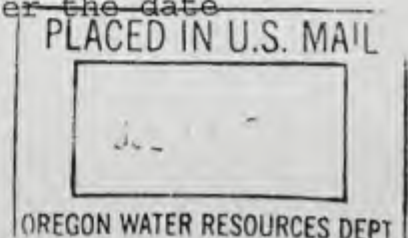
The extension of time for Application R 72359, Permit Number R 11827, therefore, is approved. The deadline for completing construction is extended to October 1, 2002. The deadline for applying water to full beneficial use is extended to October 1, 2002.

DATED July 18, 2000


Paul R. Cleary, Director

Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.



**Oregon Water Resources Department
Water Rights Division**

Water Right Permit Extension Application
for Permit Number R-11827

Water Right Application Number R-72359

Proposed Final Order

This Proposed Final Order applies only to permit number R-11827.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1998, to October 1, 2002, and
grant the extension for complete application of water from October 1, 1999, to October 1, 2002.

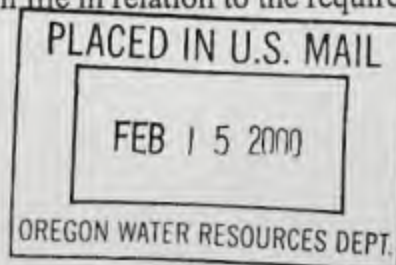
Application History

Permit no. R-11827 was granted by the Water Resources Department on June 12, 1996. The permit authorizes storage of 185.6 acre-feet of water in Iverson Reservoir for nursery operations in the Butte Creek basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. R-11827 is attached.

On December 10, 1998, the Department received an application from Ross Iverson for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2002 to complete construction of the water system and until October 1, 2002 to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements



db v
copies v

of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up by the limited season in which work can be accomplished and the size and scope of the project was much larger than originally thought. Construction was not able to continue for the entire construction season that was expected, due to early rains in September. Additionally, there were financial difficulties complicated by the timing of the construction.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes draining and removal of approximately 80% of the top soil from the proposed reservoir area, placement of mainlines, installation of the drain tube and core trench.
 - b) The applicant has invested approximately \$ 152,000 of an estimated total water system project cost of \$ 232,000.
 - c) The work remaining to be completed consists of the remaining construction of the reservoir.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence. Perfection of the permit has been delayed by the size and scope of the project, weather, and finances.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction should be extended to October 1, 2002, and the length of time requested for completion of the application of water should be extended to October 1, 2002, as requested by the applicant.

Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use

- pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2002, to complete construction and until October 1, 2002, to complete the application of water.

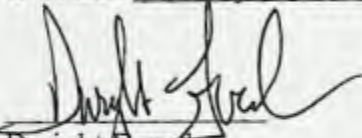
Recommendation

The Department proposes to issue an order to:

extend the permit time to complete construction from October 1, 1998, to October 1, 2002, and

extend the permit time to complete application of water from October 1, 1999, to October 1, 2002.

DATED: February 15, 2000



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 Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) The \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **March 31, 2000**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

This document was prepared by Russell W. Klassen. 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 toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

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 Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **24982**

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

INVOICE # _____

RECEIVED FROM: Iverson Brothers
BY: Bull Farm Inc

APPLICATION	R-72357
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 24-201 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY) _____

OTHER: (IDENTIFY) _____

see 25015-

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY) _____

(New) TC165 DEPOSIT LIAB. (IDENTIFY) _____

(Existing) TC168

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

PCA#

EXAM FEE
\$
\$
\$
EXAM FEE
\$

0202

0204

0206

0219

0220

\$
\$
\$
\$

RECORD FEE

\$
\$
\$
\$
\$

LICENSE FEE

0240 OTHER (IDENTIFY) *Extension*

\$100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY) _____

\$
\$

CARD #
CARD #

0538 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0487 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HYDRO APPLICATION

\$
\$
\$

RECEIPT # **24982**

DATED 5-28-98 BY M. M. K.

Distribution: White Copy-Original, Yellow Copy-Fiscal, Blue Copy-File, Bull Copy-Fiscal

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **33512**

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

INVOICE # _____

RECEIVED FROM: Tiverson Brothers
BY: Bull Farm Trail

APPLICATION	C-72360
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 24.201 ☐ OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY) _____

\$

(New)

TC162

DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

0240 OTHER (IDENTIFY) E.T. OF TIME \$100.00

0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD #

0210

MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302

LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

RECEIPT #

33512

DATED: 12-1-99

BY: Roger Whight

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **33511**

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

INVOICE # _____

RECEIVED FROM: Tyerson Brothers
BY: Bull Farm, Inc.

APPLICATION	K-72559
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 24201 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

\$

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

0240 OTHER (IDENTIFY) EXT. OF TIME \$ 100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

RECEIPT # **33511**

DATED: 10-1-99 BY: Roger L. Wright

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

RECEIVED

OCT 01 1999

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME
TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Ross Iversen
NAME

33739 S Meridian Rd Woodburn ORE 97071 634-2331
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. 872359, Permit No. 811827, do
hereby request that the time in which to: 9572360 9552392

☒ complete the construction of diversion/appropriation works and/or purchase and installation of the
equipment necessary to the use of water, which time now expires on October 1, 1999, be extended
to October 1, 2002,

and/or the time in which to:

☐ accomplish beneficial use of water to the full extent under the terms of the permit, which time now
expires on October 1, _____, be extended to October 1, _____.

**NOTE: The extension of time requested should be long enough to finish the project. Should this
request be approved, it will be the Department's expectation that you will complete your project
within the new time period allowed. Future extensions may not be granted.**

Attached is an instruction sheet to assist you in completing the information on the permit
extensions application form. Oregon Water Law and Administrative Rules requires this
information to be considered by the Water Resources Department when reviewing a permit
extension. All items must be completed or the application will be returned. Please feel free to
provide the Department with any additional information that would aid us in making our
decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, please
contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and
request assistance from the Water Rights Division, permit extensions personnel.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]?
Yes

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been
accomplished consistent with the limitations and conditions of this permit [yes/no]? Yes

dlb

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review).

We are using a professional engineer licensed in Oregon to supervise the construction.
As for many of the conditions, we are not to in construction.

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

As construction continues, all conditions will be complied to.

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

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

We hired a contractor who is currently working on site. We removed remaining vegetation. The drain tube has been installed & concrete poured. The core trench has been completed. The dikes are partially completed. Work is ongoing & if the weather holds we should complete phase 1.

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

We cleared vegetation from the site. Also cleared trees & fences. Realigned irrigation lines which passed through site.

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

Not yet.

OCT 01 1999

4-Cost of project to date 152,000. Estimated remaining cost to complete the project 80,000.
WATER RESOURCES DEPT.
Salem, Oregon

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

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit. The project was a little more involved than we first thought. One plans were drawn, bids were put out. With time running out for good weather, new plans were drawn with 2 phases so it would be possible to finish one phase before beginning a second. Bids were again put out. Once a contractor was hired, we had to wait for them to start.
If you have any questions on this, talk to Martin @ Boutwright Engineering 503 363 9225

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes. Our banker advised us not to proceed in 1998 as wet weather hindered our crops. In 1999 he agreed we could go ahead but to split the project in 2 phases to make it more affordable as the overall cost was more than anticipated

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. Our original engineer quit, advising us that 1998-1999 was an "El Nino" year & we shouldn't proceed. When pressed he stated he really had no interest in the project. We had to hire another firm to continue.

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding. Nursery crops for sale locally & out of state, produce for local canneries, seed crops (flowers etc) & potatoes for fresh market & chips.

A) Has there been any change in this market since the permit was issued? no

B) Have these changes, if any, affected the economic feasibility of your project? no

7-Are there other present competing demands for water in your community? Increasing water regulations on Butte Creek, Unknowns of Endangered Species Act & salmon

A) Has there been any change in these demands for water since the permit was issued? Yes, we see a need to increase the winter flow for the fish in Butte Creek. this project allows us to draw less from Butte Creek & leave more for fish & wildlife habitat.

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands? no

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community? no

RECEIVED

OCT 01 1999

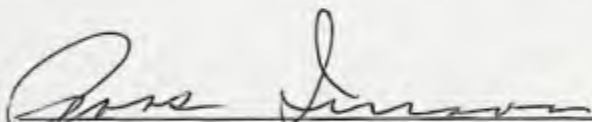
WATER RESOURCES DEPT.
SALEM, OREGON

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project? Yes We are a highly diversified farm. This project allows us to continue to diversify in trying to remain economically viable. This project also allows for habitat for wildlife + reduces our reliance on Butte Creek for water. By capturing runoff in the winter we will need less from Butte Creek in the summer. Right now, reliance on Butte Creek in a drier than normal year could be devastating for us.

9-If the extension request is denied, is the current level of water use economically feasible?

NO

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


Signature

9-30-99
Date

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

OCT 01 1999

INSTRUCTIONS FOR FILLING OUT PERMIT EXTENSION APPLICATION FORMS

WATER RESOURCES DEPT.
SALEM, OREGON

The following instructions are numbered to correspond with the "APPLICATION FOR EXTENSION OF TIME" form. Each question is shown in italics, followed by guidance that may help you respond to the question. When reviewing these instructions, it will be helpful have a copy of your water right permit at hand.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

Each water right permit contains specific dates by which permit holders are to have completed a certain level of development of the right. Generally, these dates appear toward the end of a permit. Among the dates that may be cited are the following:

- A. Actual construction work shall begin on or before [date certain];
- B. Construction shall be completed on or before [date certain];
- C. Complete application of the water shall be made on or before [date certain]

For convenience, these are often referred to as the A, B, and C-dates, respectively. Not all permits will include all three dates. Some may not include the "B-date." All permits should include an "A-date" and "C-date", however. By statute, a permit extension cannot be granted for the start of construction date (A-date) with a few exceptions (permits for municipal use or projects requiring federal hydropower licenses). Permit extensions may be granted for both the B-date and C-date.

The term "actual construction" means physical work performed towards completion of the water system. It does not include such things as planning a diversion system, formulating a business plan, securing financing, executing contracts, surveying or purchasing equipment. If actual construction has not commenced by the A-date, the permit is no longer valid. If a permit holder still wishes to pursue a water development project, the only option is to file a new water right permit application.

Thus, it is very important to have written confirmation in the Department's official water right file that actual construction began on or before the A-date. In submitting such confirmation, please indicate all actual construction work completed prior to the A-date stipulated in the permit.

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

A) Please describe how you have complied with each applicable permit condition.

Depending on the date the water right permit was issued by the Department, the location of the conditions on the permit may vary. Most, but not all, permits issued before 1990, did not include conditions. Generally, they would appear on the permit just above the State Engineer's or Water Resources Director's signature. In the early 1990's conditions became more common.

Conditions associated with the point of diversion or point of appropriation might be listed immediately following the description of the point of diversion or appropriation. Conditions associated with the place of use, might be listed immediately following the description of the place of use. From the mid 1990s to present, conditions may be listed under separate subtitles in the permit such as "Measurement, Recording, and Reporting Conditions" or "Standard Conditions."

Applicability of conditions - At time of permit extension review, the Department is only concerned with time-sensitive conditions. "Time-sensitive" means: a) that the permit conditions stipulated a specific date by which the permit holder was to have accomplished a specific action and that date has passed or is imminent; and/or b) the trigger for the condition, while not a date certain, was the permit holder reaching a milestone in development of the project and use of water. Examples of the former would be conditions that stipulate that plans and specifications for a reservoir, a water management and conservation plan, a groundwater monitoring plan or some other document "...shall be submitted...within two years of permit issuance." Examples of the latter are conditions that stipulate a permittee "...shall install..." a water meter or other suitable measuring device approved by the Director "...before any use of water begins." Another common condition triggered by the use of water is that "...fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications..." If the trigger for a condition is "...prior to issuance of a certificate," the Department does not consider it time-sensitive relative to a permit extension application.

In responding to question 2 A) on the application for extension, please list all time-sensitive permit conditions, explain how, and the dates by which, you have complied with them. You may want to hand number each condition on a copy of the permit, and cross-reference the appropriate condition by number in your response and submit that along with the application.

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

If a permit holder is not in compliance with time-sensitive conditions, the Department may take one of three actions:

1. Suspend processing of the application until the permit holder complies with them;
2. Establish time certain performance deadlines by which the conditions must be complied

OCT 01 1999

with and include them as conditions on the extension order; or

WATER RESOURCES OFF
SALEM, OREGON

3. Deny the permit extension.

If you are considering applying for a permit extension and you are not in compliance with time-sensitive conditions, you may want to hold off filing the extension application until you have complied with the conditions. If you are not in compliance, but wish to proceed with the extension application, you should explain how, and the dates by which, you will comply with the conditions in your response to question 2 B). If the extension is allowed, the Department will likely not grant much time (less than one year) for the permit holder to comply with time-sensitive conditions.

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

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

Please list all materials and equipment purchases made within the applicable time period, the system components installed and components brought into use within the time period. It may also be useful to identify costs by each line item to assist in responding to question 4 on the application for extension.

B) Prior to the past year or, if a prior extension was authorized, prior to the last permit extension period:

Please list all materials and equipment purchases made within the applicable time period, the system components installed and components brought into use within the time period. It may also be useful to identify costs by each line item to assist in responding to question 4 on the application for extension.

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

Indicate the amount of water you are beneficially using in cubic feet per second or gallons per minute for surface and groundwater permits. If you are using stored water, indicate the amount in acre-feet. And, if you are irrigating land, also indicate the acres being irrigated.

4-Cost of project to date _____. Estimated remaining cost to complete the project _____.

Please indicate the amount invested in developing the water use system to date, and your estimate

of the remaining investment necessary to fully construct the system and put water to beneficial use. Itemizing investments to date, as suggested in instructions for responding to questions 3 A) and 3 B), would be helpful.

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

NOTE: It may be appropriate to respond in more than one category. Respond in category D) if the reasons for delay do not fit in any other category.

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

For permits other than community water supplies, useful supporting information might include an excerpt from a business plan or a phasing schedule showing how the project is to be fully developed and water applied in increments. The supporting information can be simple and straightforward. This information would also be useful in evaluating the time needed to complete the project and beneficially use water.

For municipal, quasi-municipal, and group domestic permits, historic population and employment information, growth forecasts and/or build-out status, including total number of residential units and other uses built, the number remaining to be built and absorption rates should be identified.

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

If financing was critical to development of the project, indicate the contract number, financing entity, date when you originally applied for financing and date the financing agreement was executed. It is not necessary to submit a copy of the agreement nor to disclose the terms of the agreement. If cash flow is a constraint to developing the project, develop a phasing plan indicating the investments made annually to date and estimated annual investments anticipated until the project is completed and water applied.

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

If it was necessary to obtain specific permits (land use approvals, wetland fill and removal permits, individual waste disposal system or other water quality permits, etc.) to proceed with work under the water right permit, indicate the permits, date permit applications were filed, and date permits were issued by the appropriate authorities. If delays were caused by a general need

to comply with government requirements, including specific conditions of the water right permit or other permits, provide a brief explanation of the requirements and, the good faith effort and general timeframes involved in complying with those requirements that delayed development of the water project under the permit.

D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

Natural disasters, severe weather, grave illnesses or death suffered by permit holders, family members, and business partners may be among the legitimate reasons that permit holders have not fully developed water systems and made beneficial use of water within permit timeframes. Supporting documentation to submit may include a list of the specific system or site damage caused by natural disasters or severe weather and the amount of delay and financial impact resulting from necessary repairs. For family illnesses and the like, a simple statement should be made indicating whether or not illness/accidents may have resulted in death or hospitalization and if resulting legal or ongoing health care/rehabilitation programs have affected the ability to complete the project authorized by the permit.

If any other reasons are listed for delay, that are not "Acts of God" and don't fit in categories A, B, and C, list them in this subsection and provide supporting information and estimates of the delay caused by the unforeseen events.

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding.

The market for water and power must be considered for permit extensions by ORS 539.010(5). Please identify what the near and long term market will be for the end products from beneficial use of water (food and forage products for sale to local markets, food processing facilities, or for export; domestic water supply to enable home occupancy, etc.). The State Economic Development Department, centers for population and economic research at local universities, university extension offices, county and city planning departments, chambers of commerce and other institutions may have information to assist in responding to this consideration.

A) Has there been any change in this market since the permit was issued?

Please identify any changes in the market, or in your community that may affect water and power markets, since the permit was issued. Ask yourself or other individuals and organizations questions such as the following: Is the local economy in transition from predominantly agricultural or ranching base to a more diversified base that you might typically find in a suburban or urban community? Has population changed significantly? Have new major water using facilities located in the community, or committed to locating in the community. Have older mills and other facilities closed?

B) Have these changes, if any, affected the economic feasibility of your project?

If changes in markets have occurred since the permit was issued, or are now occurring, are they likely to affect your project by increasing or decreasing the demand for the end products beneficial use of water will provide by the time your project is operational?

7-Are there other present competing demands for water in your community?

Please list the competing demands for water in your community.

A) Has there been any change in these demands for water since the permit was issued?

Indicate whether or not demand is increasing for certain uses of water and/or decreasing for others.

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?

Please indicate if you are aware of any sources of water that might fulfill competing demands. This could range from new sources of water that people are investigating to reallocation of water from an historic use where demand is declining to a use where demand may be increasing.

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community?

Please indicate if you have noticed any decreasing flow in surface water and springs, declines in groundwater levels or water delivery problems that may be affecting you, your neighbors or others in the community.

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project?

Please indicate the anticipated return on investment in the water system. Is this return greater than the total construction cost of the water development project? For permits other than community water supplies, useful supporting information might include an excerpt from a business plan or an anticipated property appreciation schedule. For community water supply systems, a current schedule of rates should be submitted and a copy of the policy guiding rate-setting for improvements to the system. For certain uses, such as a pond to improve the aesthetics of a property, or fish and wildlife enhancement, the return on investment may not be strictly a financial return. In such instances please explain the primary benefits to be received from completion of the project and use of water.

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9-If the extension request is denied, is the current level of water use economically feasible? ^W OCT 01 1999

Please indicate if the permit for which you are requesting an extension is the sole water right permit for your property. If so, and you are making beneficial use of water currently, is the current use sufficient for your primary needs. Please list the needs that would not be filled if the permit were to be denied.

WATER RESOURCES DEPT.
SALEM, OREGON

If you hold other water rights please list them, including the application file number, source, rate of diversion/appropriation authorized, and beneficial use of water authorized and their status (permit issued, certificate issued, or application filed). Would the other water rights be sufficient to continue an economic use of the property, if the permit for which you are requesting an extension was denied?



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

April 26, 1999

STEVE IVERSON/ IVERSON BROTHERS BULB FARM INC.
33739 S. MERIDIAN RD.
WOODBURN, OR 97071

REFERENCE: File R 72359, 72360

Dear Mr. Iverson:

Regarding your letter of 4/15/99 and the request for an extension of time under permits R 11827 and 52392. It appears at this time you do not have enough work completed on the project for us to approve an extension of time. The amount of work progress you have reported would not meet the criteria of 'diligence' and 'good cause' required of an extension of time approval.

At this time we can hold off processing the request, with the possibility that by 10/1/99 you may be able to report a substantial amount of progress. You have until 10/1/99 under these permits to work on the project, and processing the request is not necessary at this time. If by that date you can show a lot of work done, we may be able to approve the request.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 16



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

February 5, 1999

ROSS IVERSON
33739 S MERIDIAN RD
WOODBURN, OR 97071

REFERENCE: File R 72359, 72360

Dear Mr. Iverson:

We received your request for an extension of time under permits R 11827 and 52392. More information is required before we can process your request.

These permits have a beginning of construction date of 6/12/97, which means some physical construction must have taken place by that date. What construction was done by that date? You filed a Notice of beginning construction form, but did not describe what physical construction had been accomplished.

We also need to know more about what construction work has been done after the beginning date. Has any excavation of the reservoir taken place? If so, about how much volume of material have there been excavated? Has any dam work, diversion works, or pipe installation taken place? We just need a more complete picture of what actual physical development has taken place.

What projected work will you accomplish before October 1, 2000 if your request is approved?

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 16

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DEC 10 1998
WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Ross Iverson

33739 S Meridian Rd ^{NAME} Woodburn OR 97071 503-634-2331
ADDRESS CITY STATE ZIP PHONE

record owner of application No. R-72359 permit No. R11827, do hereby request that the time in which to:

☒ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1998, be extended to October 1, 2002, and/or the time in which to

☐ accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 19 , be extended to October 1, .

The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]? yes

2-Have you put any water to use under this permit [yes/no]? no
If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? If no, please explain.
Which terms and/or conditions have not been completely fulfilled at this time. Construction has not been completed

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

(a) within past year Cleared trees and fences on site. Realigned irrigation lines which passed through site.

(b) prior to this past year Top Soil and Vegetation Removal

© and have accomplished beneficial use of water to the extent of
(amount of water used or acres irrigated) None

4-Cost of project to date \$ 4500. Projected cost for
completion of project \$ 175,000.

5-Have there been any unforeseen events which delayed development
of water system? financial constraints due to weather and crop

Market conditions Contractors bid doubled from 1997 to 1998.

Our engineer "bailed out" on this project

6-Have there been any significant government requirements that
have delayed the completion of construction or application of
water ? [please explain]

the delay of Water Resources in approving the application

7-What reasons was the project not completed within permit time
limits ? financial constraints Our banker advised us not to proceed

with this project in 1998.

8-Has there been any change in the demand for water or power
since permit was issued? (please explain) yes decreasing Crop Margins and Higher

Value Crops Require more efficient use of water in a more timely manner. This Requires
more water at same time. Water in mornings rather than day and night.

9-Has there been any change in the market for water or power
since the permit was issued? (please explain) No

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WATER RESOURCES DEPT.
SALEM, OREGON

10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)

Yes. Will allow for investment in labor saving irrigation systems. Will know
water is available.

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

No- limited water supplies available now do not allow for the growing of
irrigated crops on all the land every year. Water must be rotated. Farm land is high (Back)

12-Is there an alternative source of water available (yes/no please explain)? yes - Butte Creek and wells and existing pond. Quantities

of water available do not allow for all fields to be irrigated every
year. Water must be rotated. Certain fields must be planted in non-irrigated
(Back)

13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area? (please explain)

No - no water has been used under this permit

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

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

Signature Don Jensen

MAIL COMPLETED APPLICATION TO:
WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

Value and unirrigate crops to not provide a return high enough. Limited Supplies of water do not allow for the use of labor saving equipment (pivots or linear irrigation systems)

Crops each year.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 29, 1998

ROSS IVERSON
33739 S MERIDIAN RD
WOODBURN, OR

FILE#: R 72359
97071

Dear Water Right Permit Extension Applicant:

The Water Resources Commission has adopted new administrative rules that govern the processing of permit extension requests. New rules were necessary to make the permit extension process consistent with advice received from the Attorney General's office last summer. Many permit holders held their extension requests until the new rules are in place. Because of the Attorney General's advice, extensions will no longer be limited to one year in length for most permits and five years for municipalities and irrigation districts. You should request to extend your permit for the amount of time necessary to fully complete your project and put the water to beneficial use. Should the permit extension be approved, it is the Department's expectation that it will be the last extension granted.

In order to help staff to complete the processing of your extension application, we will need you to fill out the enclosed form. The new rules require that the Department consider this information when determining whether or not to approve an extension request. It is important for you to complete a response to all items on the form. If additional space is needed for your responses, please use a separate sheet of paper.

Please send the completed form at your earliest convenience to the following address:

Dallas Miller
Water Right Permit Extensions
Water Resources Department
158 12th Street NE
Salem, Oregon 97310

I would be happy to send you a copy of the new permit extension rules, upon request. If you have any questions, please contact me at 1-800-624-3199 extension 272. If I am not available, you may contact either Pat Lee (ext. 276) or Dwight French (ext 268).

Sincerely,

Dallas Miller
Water Rights Specialist



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 2, 1998

ROSS IVERSON
33739 S MERIDIAN RD
WOODBURN, OR 97071

Reference: Files 72360, R 72359 Permit 52392, R 11827

Dear Extension Applicant:

We have received your request for extension of time limits under your permits.

Because of action taken by the Oregon Attorney Generals Office the Water Resources Department is working on new administrative rules affecting the extension process. Anticipating this change in the rules, we will hold your application until the new rules are in effect.

If it is necessary that you have an extension of time before that, it may be possible if you can make the statement that water can be fully used within one year.

Your patience is appreciated and we will process your request as soon as possible. Enclosed is receipt 25015, 24982 for the \$100 recording fee submitted.

If you have questions please contact me at the address below or phone 1-800-624-3199 ext. 272.

Sincerely,

Dallas Miller
Natural Resource Specialist 2

cc: Watermaster Dist 16

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SEP 28 1998

File No. R-72359WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Ross Iverson33739 S Meridian Rd Woodburn OR 97071 503-634-2337
address city state zip phonerecord owner of permit No. R11827; do hereby request that the time in which to:

☒ complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1998, be extended to October 1, 1900, and/or the time in which to

☐ accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 19 , be extended to October 1, 19 .

I have accomplished the following described works and/or purchase and installation of equipment necessary to use of water under said permit.

- (1) within past year Cleared trees and fences on site. Realigned Irrigation lines which passed through site.
- (2) prior to this past year Top soil and Vegetation Removal.

- (3) and have accomplished beneficial use of water to the extent of (if for irrigation, state how many acres have been irrigated)

- (4) unable to complete construction and/or application of water within the permit time limits because financial constraints, our banker advised us not to proceed with this project this year (1998). Contractors

Ross Iverson
signature

9/26/98
date

MAIL APPLICATION AND STATUTORY FEE OF \$100 FOR EACH PERMIT TO:
WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OREGON 97310

C:\WPS1\FORMS\EXTFORM

Bid had doubled.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

September 21, 1998

ROSS IVERSON
33739 S MERIDIAN RD
WOODBURN, OR 97071

REFERENCE: R 72359, 72360

Dear Mr. Iverson:

In answer to your letter of 9/19/98 requesting an extension of time for permits R 11827, 52392. To get an extension of time requires submitting the enclosed form describing your progress and a \$100 fee for each permit.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 16

September 19, 1998

Iverson Brothers Bulb Farm Inc.
33739 S. Meridian Rd.
Woodburn, Oregon 97071
503-634-2331

Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310
Atten: Dick Baily

Water Right

09/19/1998 13:23 RE: File: S72350, R72359

IVERSON BROTHERS BUL

PAGE 02

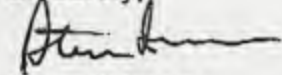
Dear Mr. Baily:

We are asking for an extension of these two applications. Due to financial constraints due in part to a wet spring and not being able to get crops planted in a timely fashion, our banker advised us not to proceed with this project this year. Another factor was the contractors bid was double that of last year.

Our original engineer, John Woodruff, quit before we got started and also advised us not to proceed due to "El Nino".

If an extension is not possible, we need to know about applying for new permits because we definitely need this water storage for our farming operation.

Sincerely,

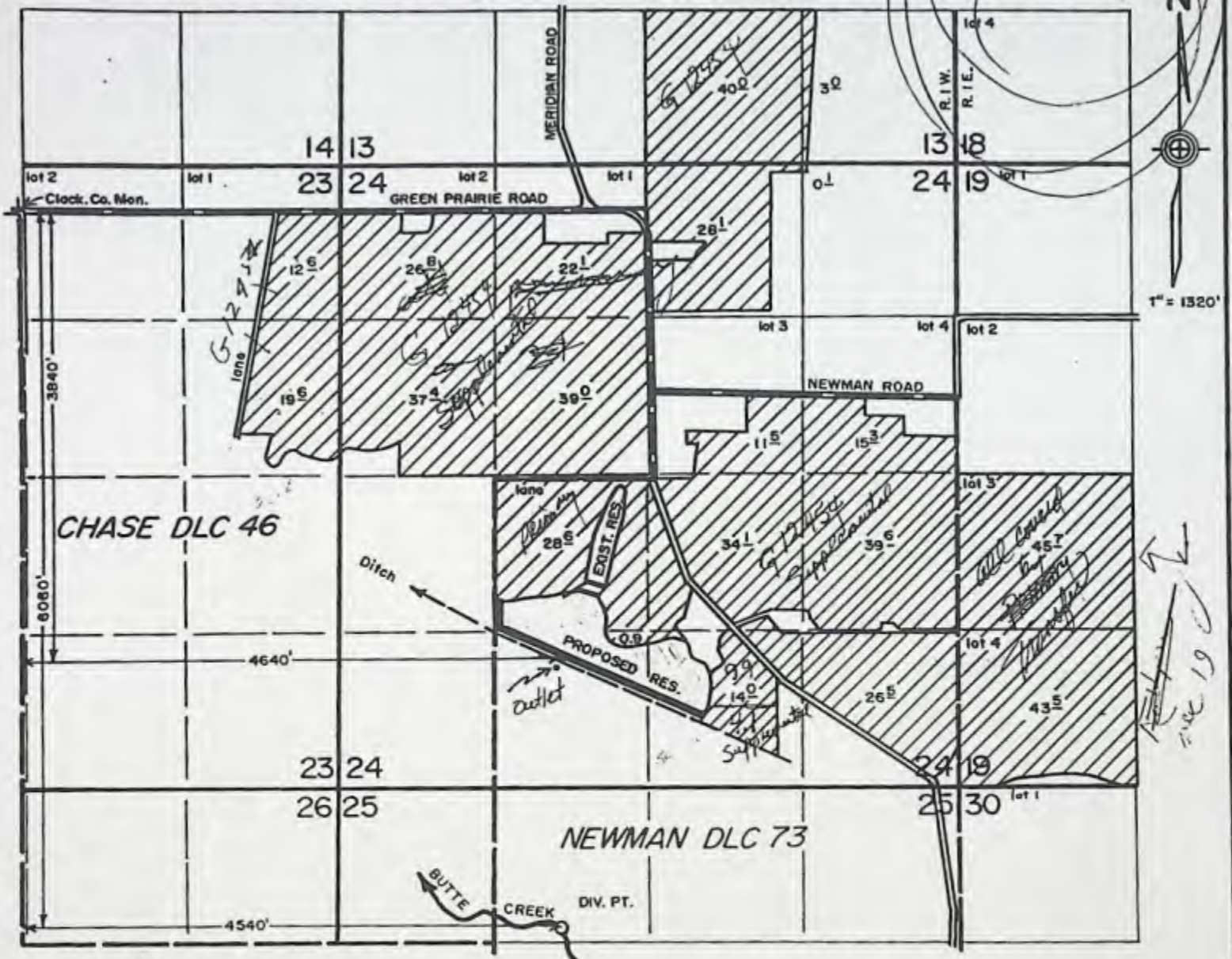


Steve Iverson

Township 5 South, Ranges 1 West & 1 East, W.M.

Section 24 and Portions of Sections 13, 14, 23, 25 and 26
in Range 1 West & Portions of Sections 19 and 30 in Range 1 East

Work Sheet
1/4/96



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APR 28 1987

WATER RESOURCES DEPT
SALEM, OREGON



Primary
Irrigation
remaining average
covered under
G 12454
area map

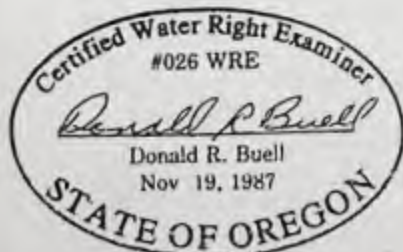
Appl. No. B-72359

Per. No. _____

Earlier Application

Application Map
for

ROSS IVERSON



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.

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # R-72359

WATERWATCH ☒

ODF&W - County: CLACKAMAS County

WATERMASTER #: DAVE JARRELL

REGIONAL MANAGER: TOM PAUL

CWRE: DON BUELL #026

DEQ

OREGON ASSOCIATION OF NURSERYMEN INC. ☒

KEN STAHR

DIVISION 33 LIST: ☐ ODFW - Portland Office; COLUMBIA RIVER INTERTRIBAL FISH COMMISSION;
☐ NORTHWEST POWER PLANNING COUNCIL; U.S. FISH & WILDLIFE SERVICE;
☐ AND NATIONAL MARINE FISHERIES

OTHER ADDRESSES:

Bill Parks DSL 775 Summer St NE Salem 97310 (Shuttle)

John Woodruff - #

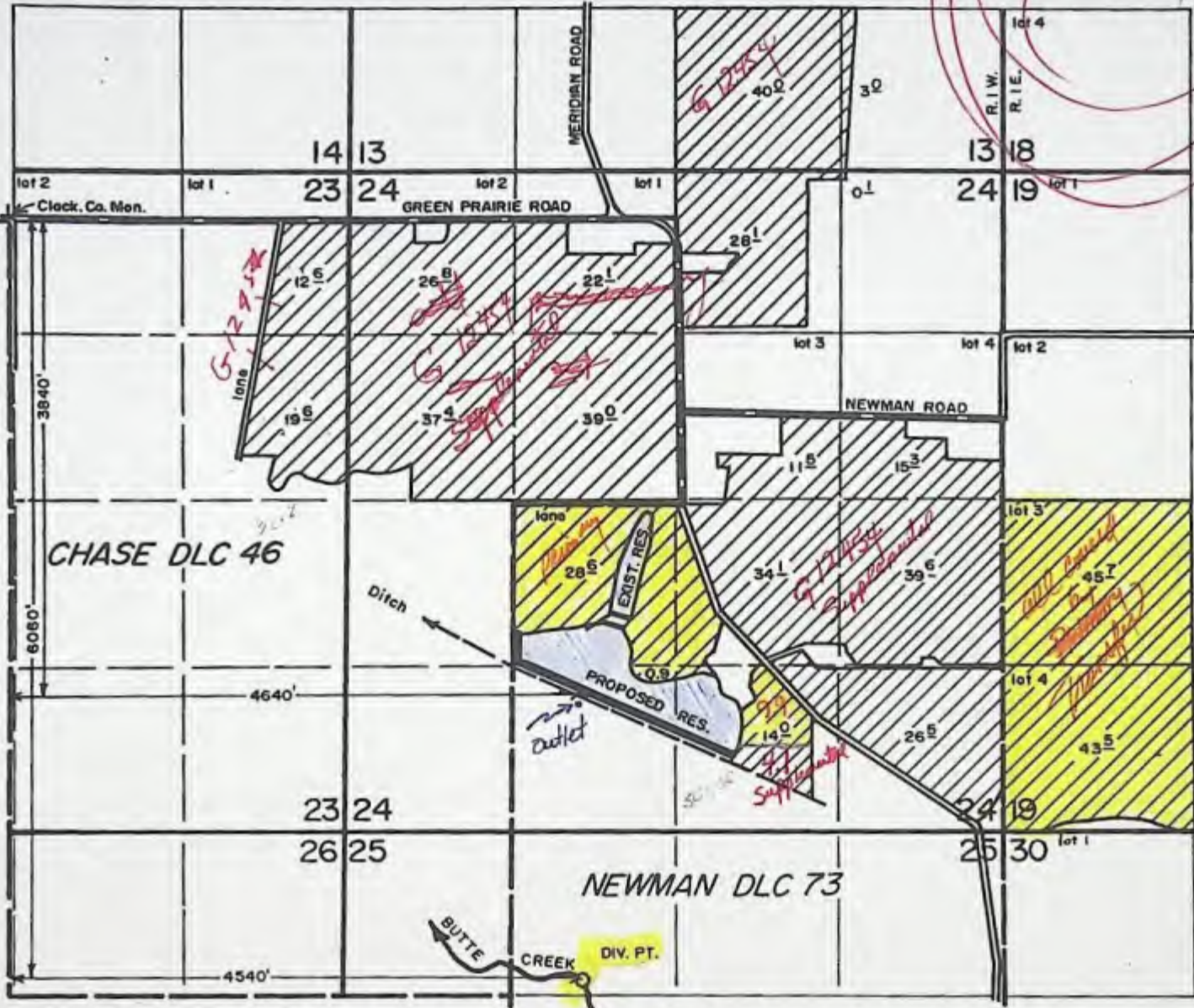
CASEWORKER (initials/date) JP 12/12/94

ORIGINAL TO APPLICANT 12/6/94

Township 5 South, Ranges 1 West & 1 East, W.M.

Section 24 and Portions of Sections 13, 14, 23, 25 and 26
in Range 1 West & Portions of Sections 19 and 30 in Range 1 East

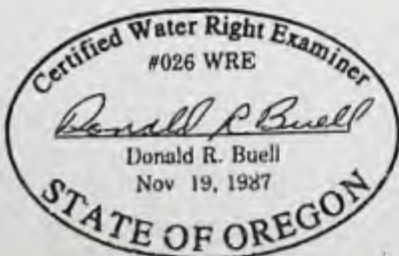
Work Sheet
1/11/96



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APR 28 1992

WATER RESOURCES DEP
SALEM, OREGON



= Primary
Irrigation
remaining acreage
covered under
G 12454
area map

Appl. No. R-72359

Per. No. _____

Earlier Application

Application Map
for

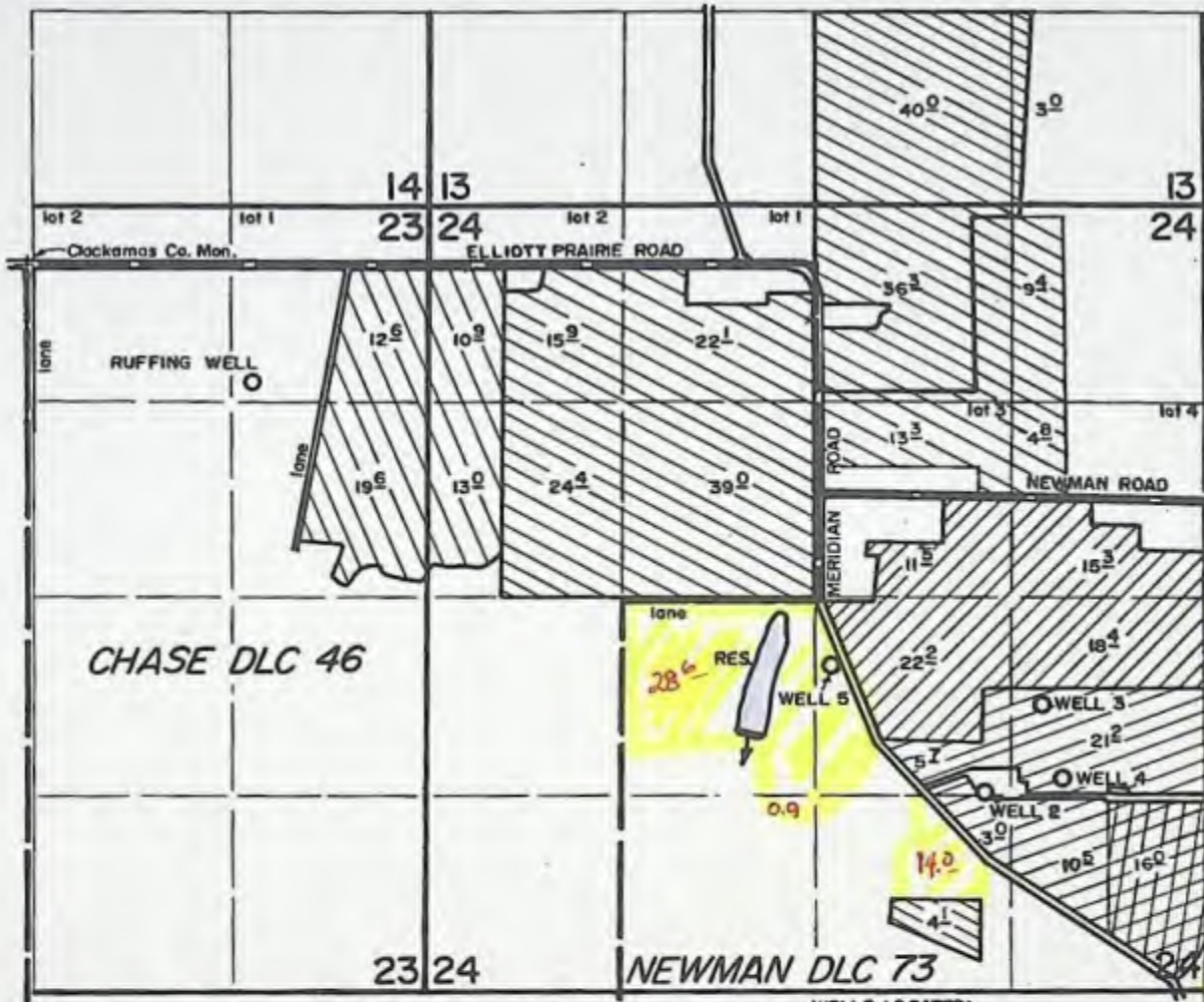
ROSS IVERSON

has been
with section
per applicant
request 11/20/75
S 71380
G 12454

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.

Township 5 South Range 1 West W.M.

Section 24 and Portions of Sections 13, 14 & 23



- | | | |
|--------|--|---|
| PRI. | | HOUSE-WELL, SUMP, WELLS 2 thru 5, |
| PRI. | | HOUSE-WELL, SUMP, WELLS 2 thru 5 |
| PRI. | | HOUSE-WELL, RUFFING WELL, SUMP, WELLS 2 thru 5 |
| SUPPL. | | NURSERY OPERATIONS - WELLS 2, 3, and 4 |
| PRI. | | NURSERY OPERATIONS & IRRIGATION - WELLS 2, 3, and 4 |

WELLS LOCATED:
 HOUSE-WELL, 2080' S. and 440' E.
 SUMP, 1370' S. and 560' W.
 No. 1, 1400' S. and 600' W.
 No. 2, 1280' S. and 1140' E.
 No. 3, 690' S. and 1530' E.
 No. 4, 1190' S. and 1670' E.
 No. 5, 440' S. and 110' E.;
 All from the E-SE cor. DLC 46.
 RUFFING WELL, 800' S. and 1530' E.
 from the NW cor. DLC 46.

Application Map
 for
 ROSS IVERSON

Donald L. Buell
 WRE 026

Sub. Date 3/21/91 for
 Appl. No. G-12454
 Per. No. R-11827

*work map
 for file S-723604
 R-12359*
RECEIVED

NOV 30 1995

WATER RESOURCES DEPT.
 SALEM, OREGON

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.

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # R-72359

WATERMASTER # 16

REGIONAL MANAGER: TOM PAUL

ODF&W - Marion County: MARION COUNTY

CWRE (if agent): DONALD R. BUELL

DEQ

OTHER STATE AGENCY IF NECESSARY: WILLIAM L. PARKS, DIVISION OF STATE LANDS, 775 SUMMER ST. NE, SALEM, OR 97310

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

POWER BUILDER UPDATER; FRONT COUNTER

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

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

FRANK SPIES, 5090 S. ELLIOT PRAIRIE, WOODBURN, OR 97071

MRS. RAYMOND MONNIER, 17614 MONNIER RD. NE, HUBBARD, OR 97071

STEVE SCHNEIDER, 33085 S. MERIDIAN RD., WOODBURN, OR 97071

ROY THAYER, 33502 S. MERIDIAN RD., WOODBURN, OR 97071

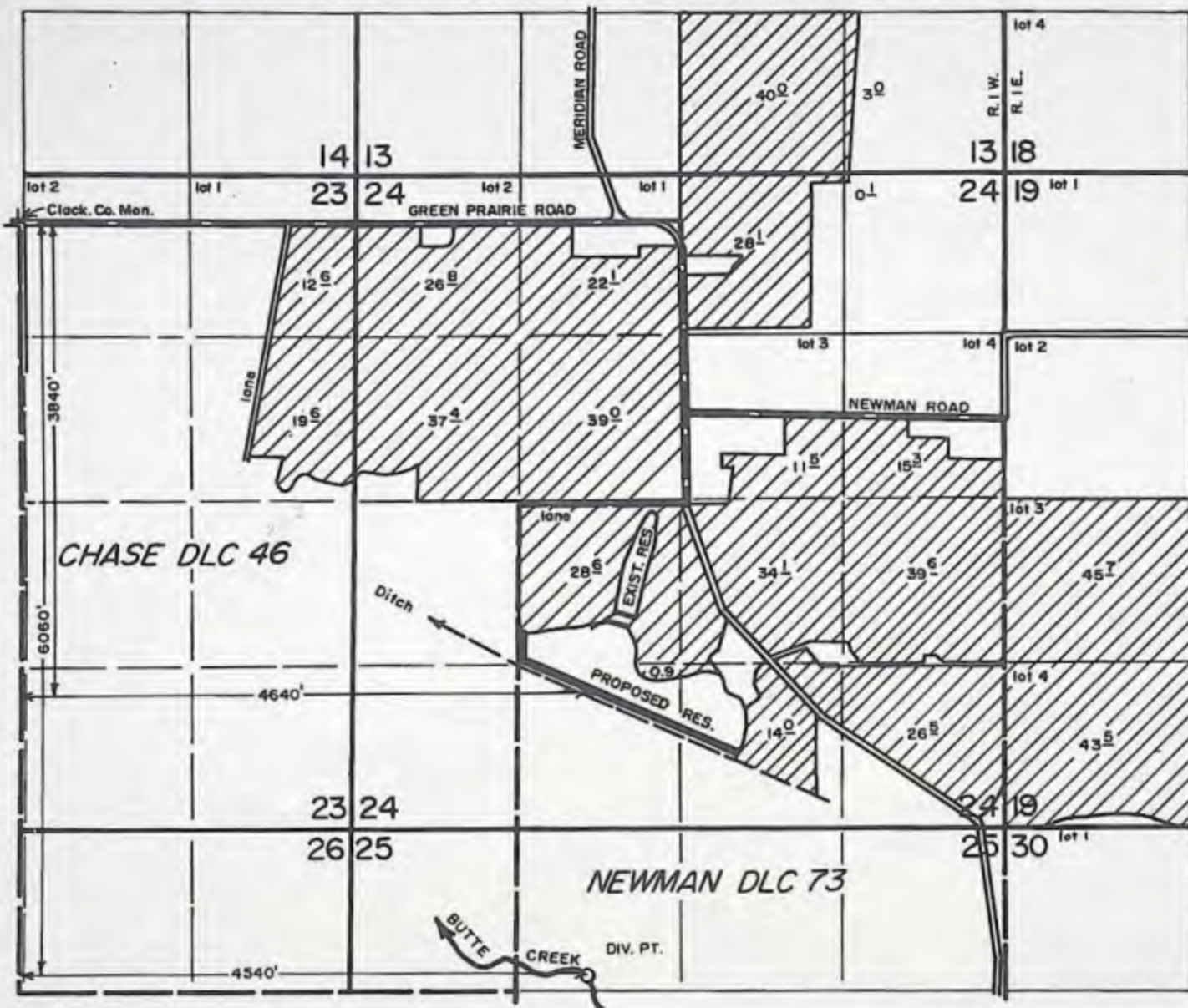
VAN VEEN NURSERY, 33814 S. MERIDIAN RD., WOODBURN, OR 97071

CLACKAMAS CO. PUBLIC WORKS, 168 WANER-MILNE RD., OREGON CITY, OR 97045

CASEWORKER : RMH

Township 5 South, Ranges 1 West & 1 East, W.M.

Section 24 and Portions of Sections 13, 14, 23, 25 and 26
in Range 1 West & Portions of Sections 19 and 30 in Range 1 East



RECEIVED

APR 28 1982

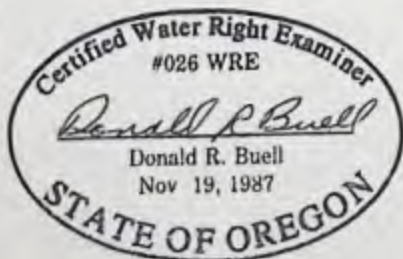
WATER RESOURCES DEP
SALEM, OREGON

Appl. No. R-72359

Per. No. _____

Application Map
for

ROSS IVERSON



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.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number R-72359

Final Order

Application History

On April 28, 1992, ROSS IVERSON submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 20, 1996. The protest period closed April 5, 1996, and no protest was filed.

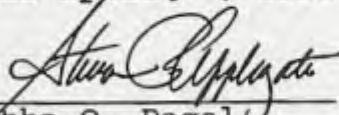
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the proposed permit condition relating to "dams or artificial obstructions within the channel of the subject stream."

Order

Upon payment of outstanding permit recording fees, Application R-72359 shall be approved as modified above and as conditioned in the attached draft permit.

Permit recording fees are required in the amount of \$ 134.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application R-72359.

DATED April 26, 1996


for Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.170, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 527.153(6) to the Department within 14 days after this order is issued. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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

STATE OF OREGON
COUNTY OF CLACKAMAS

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ROSS IVERSON
33739 S. MERIDIAN RD.
WOODBURN, OREGON 97071

PHONE: (503) 634-2331

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

APPLICATION FILE NUMBER: R-72359

SOURCE OF WATER: SURFACE RUNOFF AND BUTTE CREEK, TRIBUTARIES OF PUDDING RIVER

STORAGE FACILITY: IVERSON RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED AND MAINTAINED UNDER APPLICATION S-72360, PERMIT _____, FOR AGRICULTURAL USE, PRIMARY IRRIGATION, AND SUPPLEMENTAL IRRIGATION FOR NURSERY OPERATIONS AND WILDLIFE USE

VOLUME OF USE: 185.6 ACRE-FEET EACH YEAR

PERIOD OF USE: WATER MAY BE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 TO APRIL 30 OF EACH YEAR.

DATE OF PRIORITY: APRIL 28, 1992

THE AREA SUBMERGED BY THE RESERVOIR, WHEN FULL, WILL BE 12.6 ACRES AND THE MAXIMUM DEPTH OF WATER WILL BE 20.0 FEET. THE MAXIMUM HEIGHT OF THE DAM SHALL NOT EXCEED 15.0 FEET.

DAM LOCATION: NE 1/4 SW 1/4, SE 1/4 SW 1/4, AND SW 1/4 SE 1/4, SECTION 24, T5S, R1W, W.M.; 3840 FEET SOUTH & 4640 FEET EAST FROM THE NW CORNER OF CHASE DLC 46

POINT OF DIVERSION: NE 1/4 NW 1/4, SECTION 25, T5S, R1W, W.M.; 6060 FEET SOUTH AND 4540 FEET EAST FROM THE NW CORNER OF CHASE DLC 46

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED WITHIN:

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SW 1/4 SE 1/4
SECTION 24
TOWNSHIP 5 SOUTH, RANGE 1 WEST, 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream unless a fishway is provided. The applicant is hereby directed to contact an ODFW Fish Passage Program coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment.

No water shall be stored until this department receives written certification from the engineer of record that construction was performed under the supervision of a professional engineer licensed in Oregon, and has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set of as built drawings must accompany the engineer's written certification of completion.

The earthen dam and resultant reservoir shall be constructed, operated, and maintained according to the approved plans and specifications dated December 23, 1992, on file with the Water Resources Dam Safety Program.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resource Department or the Director's authorized representatives.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1999.

{DATE}

DRAFT

Martha O. Pagel, Director
Water Resources Department

Application R-72359 Water Resources Department
Basin 02 Volume 15 Butte Creek & Misc.
 MGMT CODES 2AD, 2AW, 2BD, 2BW, 2CD, 2CW

PERMIT DRAFT
District 16

FO CHECKLIST

186 AC FT

PFO TO FO CONVERSION

FILE # R72359

REVIEW DATE: 04 /10 /1996

WEEK # WEEK 30

INITIALS: LLS

In preparing the FO, you should check the following:

1. (Y) N Were comments or protests received in response to the PFO?
DEQ, ODFW *Deq Comment predates PFO*
2. / List names and addresses of ALL commentators (regardless of comment date) on the PFO CC list.
3. L39.00 Verify payment of recording fees (circle the appropriate option)
(1) Issue FO w/permit if fees are paid Prepare refund request for excess fees
(2) (2) Issue FO w/o permit if fees are lacking
(3)
0.25 x 136 *200 EXAM*
100 SO MEAT
39
339.00
4. (Y) N Has the applicant signed an oath of accuracy for the application?
5. Y / (N) Has ODFW asked for self certification on screening condition?
6. Y / (N) Is water use prohibited for one or more months of the normal use period?
7. Y/N If #6 = "Y", is short season letter on file?
8. N/A Assign permit numbers to files with oath, fees, and no protests or other unresolved issues
Repleve old "ODFW Dam" WITH New version

Route to: (circle one)
DENIAL FO w/o PERMIT FO & PERMIT COMMENTS
LARRY CORY JERRY DOUG

Modify FO as needed to:

INITIALS: CS

9. / Respond to significant comments, issues, or disputes related to the proposed use of water
10. / Include or exclude permit conditions and management codes
11. / Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)
12. / Correct PFO errors (such as POD or POU location (verify from map), Permit format)
13. (Y) / N Is further processing possible? If not state reason: _____

Once FO document is completed:

14. / Save WordPerfect document in M:\T\FO\WEEKXX & delete duplicates
15. / Print final draft of document and submit to team leader for review
16. (Y) / N Team leader review completed

RECEIVED

MAR 22 1996

Oregon

WATER RESOURCES DEPT.
SALEM, OREGON

March 20, 1996



DEPARTMENT OF
FISH AND
WILDLIFE

SALEM DISTRICT
OFFICE

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: Applications #R-72359 & S-72360; Proposed Final Orders
Iverson, Ross
Clackamas County
Butte Cr. and Iverson Reservoir; 185.6 acre-ft

Application R-72359 requests appropriation of water from Butte Cr. and surface runoff for storage in Iverson Reservoir. ODFW has previously stated that any withdrawal of water from Butte Cr. must be screened to prevent fish from entering the diversion. Since the reservoir is to be constructed off-channel, fish passage facilities will not be required on that dam. Any diversion structure placed in Butte Creek will require that fish passage be provided.

Application S-72360 requests appropriation of water stored in the reservoir for irrigation. Since fish will already have been screened out of the reservoir, additional fish screens on the irrigation pumps will not be necessary.

Thank you for the opportunity to review the PFOs.

Sincerely,

A handwritten signature in cursive script that reads "Wayne L. Hunt".

Wayne L. Hunt
Ass't District Fish Biologist

c: Liverman, HCD
Ross Iverson



4412 Silverton Road NE
Salem, OR 97305
(503) 378-6925
FAX (503) 378-6233

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of	)	PROPOSED
Reservoir Application	)	FINAL
R-72359 submitted by	)	ORDER
ROSS IVERSON		

FINDINGS OF FACT

Water Use Request

1. ROSS IVERSON requested to construct IVERSON RESERVOIR and to store the waters from SURFACE RUNOFF AND BUTTE CREEK, TRIBUTARIES OF PUDDING RIVER, TO BE APPROPRIATED AND MAINTAINED UNDER APPLICATION S-72360 for AGRICULTURAL USE AND SUPPLEMENTAL IRRIGATION FOR NURSERY OPERATIONS ON 524.0 ACRES AND WILDLIFE USES, within the WILLAMETTE BASIN.
2. The amount of water requested for storage each year is 185.6 ACRE-FEET.
3. The area to be submerged by the reservoir is located in Clackamas County within SECTION 24, TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.
4. The total area proposed to be submerged by the reservoir, when full, is 12.6 acres; the proposed maximum depth of water is 20.0 feet. The maximum height of the dam will not exceed 15.0 feet.
5. The request was made in Application R-72359 which was received by the Water Resources Department on April 28, 1992.

Affected Waters

1. SURFACE RUNOFF AND BUTTE CREEK, TRIBUTARIES OF PUDDING RIVER, is not within or above a State Scenic Waterway.
2. ODFW has advised that one or more species of game fish are present at the described dam location and/or point of diversion and requires applicant to provide fish screening pursuant to ORS 498.248.
3. There are senior water rights on BUTTE CREEK, TRIBUTARIES OF PUDDING RIVER, or on downstream waters.

Department Actions

1. The application was determined to be complete and not defective.
2. An Initial Review of the application was completed and a report of the results of that review was mailed to the applicant on NOVEMBER 22, 1995.
3. The Initial Review determined:

- a. The use is not prohibited by Statute.
 - b. The appropriation of water for storage 185.6 acre-feet for supplemental irrigation and wildlife habitat is allowed November 1 through June 30 under OAR 502, the Willamette Basin Program.
 - c. Water to be appropriated for the storage of 185.6 acre-feet is not available June 1 through October 31.
 - d. The Pudding River Drainage Basin has been identified as water quality limited by the Department of Environmental Quality, therefore use of water for storage is not allowed May 1 through October 31.
 - e. Water is available for storage and further appropriation (at a 50 percent exceedance probability) for the period NOVEMBER 1 THROUGH APRIL 30.
 - f. The appropriation of water for storage of 185.6 acre-feet from surface water run-off and Butte Creek for supplemental irrigation and wildlife habitat is allowed from November 1 to April 30 of each year.
 - g. The use would not injure existing water rights.
4. The report of Initial Review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.
 5. The applicant did not notify the Department to stop processing this application within 14 days after the report was mailed as provided in ORS 537.150(5).
 6. The Department proceeded with processing the application and on DECEMBER 12, 1995 published notice of the application in its weekly Public Notice of Water Rights.
 7. At the close of the 30 day comment period provided in ORS 537.150(7), the Department had not received comments on the application.

Assessment

1. In proceeding with evaluation of Application R-72359, the following criteria were found to be relevant by the Department.
 - a. The WILLAMETTE Basin Program (OAR Chapter 690, Division 502);
 - b. OAR Chapter 690, Division 502-040 (4), General Provisions;
 - c. A statement indicating that the applicant has written authorization or an easement permitting access to lands not owned by the applicant and an oath statement indicating that the information in the application is true and correct has not been received by the department.
 - d. The Clackamas County Comprehensive Plan and Zoning Ordinance;
 - e. Dam Construction Standards (OAR Chapter 690, Division 20);
 - f. The amount of water available in BUTTE CREEK, TRIBUTARY OF THE PUDDING RIVER;
 - g. Pending, senior applications and existing water rights of record;
 - h. Comments received.

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the Initial Review require modification. The proposed use of stored water was incorrectly identified with nursery use being left out in the initial review as was the request for a primary right for irrigation.
2. Based on comments and data received, the Department has determined that there may be game fish in the area of the point of diversion. The department has further determined that, to protect the resource, an additional condition on the proposed water use is necessary. The condition, as further described on the attached draft permit, would require fish screens.
3. The period of allowed use is NOVEMBER 1 THROUGH APRIL 30.
4. The Department finds that no more than 185.6 ACRE-FEET would be necessary for the proposed uses. The amount of water requested, 185.6 ACRE-FEET, is allowable for the proposed uses.
5. The proposed reservoir will cover existing water rights that can either be transferred or canceled.
6. Clackamas County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Clackamas County Comprehensive Land Use Plan.
7. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and proposed conditions, would not result in injury to existing water users.
8. The proposed use complies with all other rules of the Commission.
9. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
10. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that upon receipt of a signed statement that the applicant has written authorization or an easement permitting access to lands not owned by the applicant and an oath statement indicating that the information in the application is true and correct; Application R-72359

in the name of ROSS IVERSON be approved for storage for AGRICULTURAL USE, PRIMARY IRRIGATION, AND SUPPLEMENTAL IRRIGATION FOR NURSERY OPERATIONS AND WILDLIFE USE as provided in the attached draft permit.

DATED February 20, 1996



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

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

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

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

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on April 5, 1996.

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

DRAFT
STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO STORE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ROSS IVERSON
33739 S. MERIDIAN RD.
WOODBURN, OREGON 97071

PHONE: (503) 634-2331

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

APPLICATION FILE NUMBER: R-72359

SOURCE OF WATER: SURFACE RUNOFF AND BUTTE CREEK, TRIBUTARIES OF PUDDING RIVER

STORAGE FACILITY: IVERSON RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED AND MAINTAINED UNDER APPLICATION S-72360 for AGRICULTURAL USE, PRIMARY IRRIGATION, AND SUPPLEMENTAL IRRIGATION FOR NURSERY OPERATIONS AND WILDLIFE USE

VOLUME OF USE: 185.6 ACRE-FEET EACH YEAR

PERIOD OF USE: WATER MAYBE APPROPRIATED FOR STORAGE FROM NOVEMBER 1 TO APRIL 30

DATE OF PRIORITY: April 28, 1992

The area submerged by the reservoir, when full, will be 12.6 acres and the maximum depth of water will be 20.0 feet. The maximum height of the dam shall not exceed 15.0 feet.

DAM LOCATION: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, AND SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 24, T5S, R1W, W.M.; 3840 FEET SOUTH & 4640 FEET EAST FROM NW CORNER, CHASE DLC 46

POINT OF DIVERSION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 25, T5S, R1W, W.M.; 6060 FEET SOUTH AND 4540 FEET EAST FROM NW CORNER, CHASE DLC 46

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ SW $\frac{1}{4}$

SE $\frac{1}{4}$ SW $\frac{1}{4}$

SW $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 24

TOWNSHIP 5 SOUTH, RANGE 1 WEST, 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment.

No water shall be stored until this department receives written certification from the engineer of record that construction was performed under the supervision of a professional engineer licensed in Oregon, and has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set of as built drawings must accompany the engineer's written certification of completion.

The earthen dam and resultant reservoir shall be constructed, operated, and maintained according to the approved plans and specifications dated December 23, 1992, on file with the Water Resources Dam Safety Program.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resource Department or the Director's authorized representatives.

STANDARD CONDITIONS

The storage of water allowed herein is subject to the installation and maintenance of an fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. The reservoir shall be filled and complete application of the stored water to the use shall be made on or before October 1, 1999.

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

Application R-72359 Water Resources Department
Basin 02 Volume 15 Butte Creek & Misc.
RMH MGMT.CODE

PERMIT DRAFT
District 16

REC-100-10000

JAN 25 1996

WATER RESOURCES DIVISION
SALEM, OREGON

Oregon

January 11, 1996

Dwight French, Manager
Water Rights Division
Water Resources Department
158 12th Street, Northeast
Salem, Oregon 97310

DEPARTMENT OF
ENVIRONMENTAL
QUALITY

Re: Response to Technical Evaluation of Water Rights Application
for the Pudding River

File: R72359 Iverson
Source: Butte Creek
Flow: 250.0 AF
Use: irrigation, nursery, wildlife

File: R72360 Iverson
Source: Butte Creek
Flow: 250.0 AF
Use: irrigation, nursery

Dear Mr. French:

The Department has completed its review of the above referenced Technical Review of water rights application. The drainage basin in which this application is located has been identified as water quality limited by the Department. As a result of extensive analysis, Total Maximum Daily Loads (TMDLs) have been set for this basin. The estimated low flow normally occurs during the summer period of May 1st to October 31st of each year. The Department's analysis of water quality indicates that during periods of low flow, water quality problems exist. On August 5, 1993, the Department submitted application for instream water rights to provide pollution abatement flows in the above referenced basin.

These applications propose additional out of stream use of water which if granted would reduce available instream flows during the seasonal low flow period, thus increasing the identified water quality problems in this drainage basin. The Department recommends limiting the pond or reservoir water rights to high flow if it is available, and requests that this be verified with a meter when 2.0 acre feet or more are impounded. Large reservoirs covering 5 acres or more are required to obtain a DEQ stormwater permit to control runoff during construction.



811 SW Sixth Avenue
Portland, OR 97204-1390
(503) 229-5696
TDD (503) 229-6993
DEQ-1



RECEIVED

JAN 25 1996

WATER RESOURCES DIVISION
SALEM, OREGON

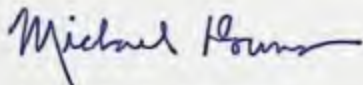
Page 2

The Department requests that for pollution prevention a farm management plan be developed to address water quality issues, including: 1) possible herbicide and pesticide use in the vicinity of the proposed pond or reservoir; 2) an erosion (sediment) plan with buffer strips; 3) a nutrient plan to prevent nitrate runoff into surface and groundwater; 4) potential flooding of the pond or reservoir if located in the 100 year floodplain with subsequent contamination release; 5) riparian restoration and 6) a plan to keep stock out of the stream.

If the pond, reservoir or diversion is designed for stock watering, operators are encouraged to establish off channel watering sites. The standard .005 Cfs or 3.62 AF per head is to be applied in requesting water. Metering for stock water is not needed. Any systems established in freeze zones or other situations where water may have to be left running should provide a closed loop return system, which would allow any overflow water to return to the stream. A NPS control management plan needs to be developed or the area fenced and the riparian zone replanted. In this case with these stipulations the Department would support WRD permits for year round flow in a TMDL basin.

If you have questions or wish to discuss this issue further, please feel free to contact Barbara Priest (503-229-5945) of my staff.

Sincerely,



Michael Downs
Administrator
Water Quality Division

MD:bjp:crw
SA\WC13\WC13913.doc
cc: Frederick Gelderman, NRCS
Kimberly Priestly, Waterwatch

Application No. R-72359

RECEIVED

APR 28 1992

State of Oregon
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEP
SALEM, OREGON

Application for a Permit to Construct a Reservoir

Applicant(s) ROSS IVERSON

(Please print or type - use dark ink)

Mailing Address: 33739 S. MERIDIAN ROAD

WOODBURN
City

OR
State

97071
Zip

634-2331
Daytime Phone No.

I (We) make application for a permit to construct IVERSON reservoir and store the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: SURFACE WATER RUN-OFF AND BUTTE CR.
a tributary of PUDDING RIVER

If not in channel of a stream, state how it is to be filled: BY SURFACE WATER RUN-OFF OR BY PUMP FROM BUTTE CR. IF S/W RUN-OFF IS INADEQUATE.

2. THE DAM: The maximum height of the structure will be 15 feet above stream bed or ground surface at the centerline.

The dam will be (check one) ☒ earthfill, ☐ concrete, ☐ flashboard, ☐ other.

If "other" give description: RESERVOIR WILL BE PARTIALLY EXCAVATED, SEE PLANS AND SPECS.

Give the location, description, and dimensions of the outlet conduit: SEE PLANS AND SPECS.

NOTE: All dams across natural stream channels must be provided with an outlet conduit, minimum diameter of 8", or be of such capacity and location as to pass the normal flow of the stream at any time.

3. THE USE(s) of the impounded water will be: NURSERY OPERATIONS. INCLUDING SUPPLEMENTAL IRRIGATION, AND WILDLIFE HABITAT. (SEE REMARKS)

4. **THE AMOUNT OF WATER** to be stored is: 250 185⁶ acre-feet.
The area submerged by the reservoir, when filled, will be 19.5 12⁶ acres,
and the maximum depth of water will be 26.0 20⁰ feet.
12-15-82 DAB

5. **SPILLWAY DESCRIPTION** (location and dimensions). State whether over or around the dam. SEE PLANS AND SPECS

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

Proposed date construction work will begin 11-1-93

Proposed date construction work will be completed 11-1-94

Proposed date water use will be completed 11-1-95

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

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

 Applicant x CWRE Other (Identify in REMARKS section)

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

 Applicant x CWRE Other (Identify in REMARKS section)

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

REMARKS: ITEM #3 - WATER WILL BE USED FOR IRRIGATION
DURING THE IRRIGATION SEASON AND WILL SERVE AS WATER-
FOWL HABITAT AS IT FILLS IN THE FALL AND WINTER.

OWNERSHIP/EASEMENT FORM

72389

RECEIVED

FEB - 1 1996

SOURCES DEPT.
SALMON, OREGON

1. Do you own all property related to this application?

YES / NO
(circle your answer)

If you answered "NO," please submit the names and addresses of the legal owners of all property related to this application that you do not own.

2. If you answered "NO" to question #1 above, do you have written authorization or an easement permitting access to the lands you do not own?

YES / NO / NOT APPLICABLE (I answered "YES" to #1.)
(circle your answer)

I understand that if I do not own all property associated with this application, I may be required to submit a copy of my written authorization or easement for access before a permit can be issued.

SIGNATURE: John Jensen TITLE: Owner DATE: 1-22-1996

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

REMARKS: ITEM #3 - WATER WILL BE USED FOR IRRIGATION
DURING THE IRRIGATION SEASON AND WILL SERVE AS WATER-
FOWL HABITAT AS IT FILLS IN THE FALL AND WINTER.

I/We certify that the information I have provided in application # 72359 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

<u>Iverson Ross</u>	<u>Owner</u>	<u>1-29-1996</u>
Name	Title	Date

____	____	____
Name	Title	Date

____	____	____
Name	Title	Date

____	____	____
Name	Title	Date

RECEIVED

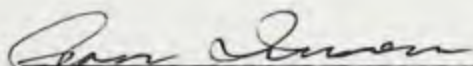
FEB - 1 1996

WATER RESOURCES DEPT.
SALEM, OREGON

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

REMARKS: ITEM #3 - WATER WILL BE USED FOR IRRIGATION
DURING THE IRRIGATION SEASON AND WILL SERVE AS WATER-
FOWL HABITAT AS IT FILLS IN THE FALL AND WINTER.

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


Signature of Applicant

4-28-92
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at SALEM, Oregon, on the 28th day of APRIL, 1992, at 1:45 o'clock, P M.

APPLICATION NO: _____



OREGON DEPARTMENT OF FISH AND WILDLIFE
Comments on Water Right Application(s)
R-72359 & 72360

RECEIVED

AUG - 5 1992

July 31, 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Steve Brown
Water Resources Department
3850 Portland Rd., NE
Salem, OR 97310

Dear Steve;

The Oregon Department of Fish and Wildlife (ODFW) has reviewed the subject water right application(s) and recommends WRD include the following condition(s) in the permit(s):

The permittee shall appropriate water from the subject stream only from November 1 through May 31 each year. No diminishment of instream flows are allowed below the point of diversion from June 1 through October 31.

The permittee shall install, maintain, and operate fish screening and by-pass devices in Butte Creek as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

The permittee shall not construct, operate or maintain any dam or artificial obstruction in the channel of Butte Creek.

Because the proposed reservoir will be off-channel, there is no requirement to provide for fish passage.

The reach of stream potentially impacted by the proposed withdrawal provides critical habitat elements (e.g., migration routes, spawning substrate, and/or rearing pools and riffles) for steelhead and rainbow and cutthroat trout (in Butte Creek). Without these conditions in place, the proposed appropriation(s) is/are likely to adversely affect these populations.

If the applicant disagrees with this analysis or is unwilling to agree to the recommended condition(s), ODFW recommends referral of the application(s) to the Water Resources Commission for determination of the public interest.

RECEIVED

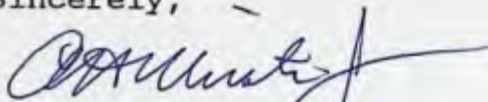
AUG - 5 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Steve Brown; R72359/72360
July 31, 1992
Page 2

ODFW hereby requests a copy of the report(s) of technical review when such is/are available.

Sincerely,



Albert H. Mirati, Jr.
Water Right Review Coordinator

c WaterWatch of Oregon (public information request)
Haxton/Hunt, Salem

File: WRD/WR

000 FEET

18

19

122

45

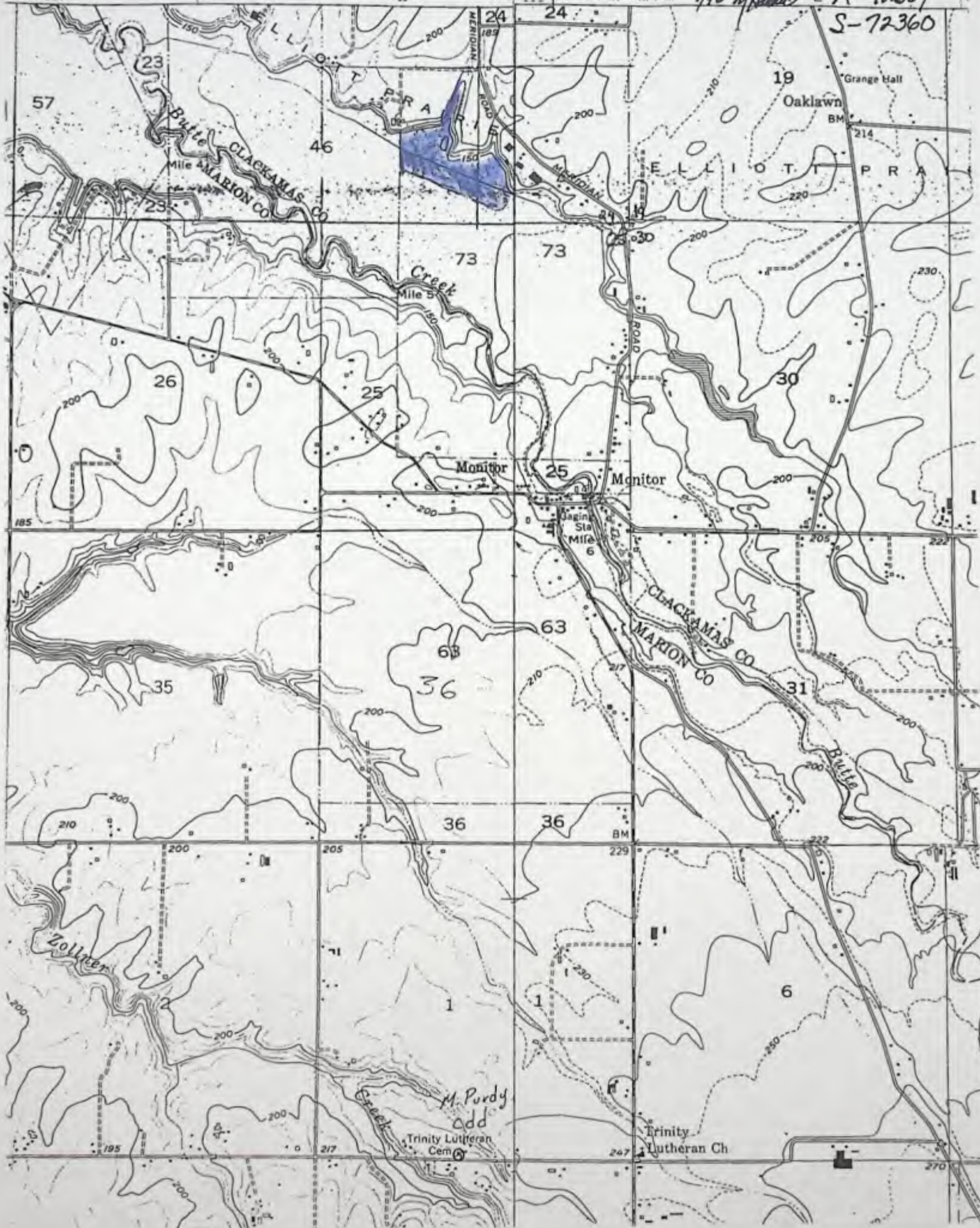
R. I. W. R. I. E.

Work Map

1/96 N.H.H.

R-72359

S-72360



R-72359

Oregon

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MAY 26 1992

WATER RESOURCES DEPT.
SALEM, OREGON

DIVISION OF
STATE LANDS

May 21, 1992

Ross Iverson
33739 S Meridian Rd.
Woodburn, OR 97071

STATE LAND BOARD
BARBARA ROBERTS
Governor
PHIL KEISLING
Secretary of State
ANTHONY MEEKER
State Treasurer

Dear Mr. Iverson:

We received notification of your water appropriations permit application from Water Resources concerning the project on Iverson Reservoir and store waters of surface runoff and Butte Creek, tributaries of Pudding River.

The project will require a removal permit from our agency if 50 cubic yards or more of material is removed or altered within the waterway, including wetlands. However, pursuant to ORS 196.800 - 196.990, a permit is not required for filling within the waterway for the purpose of constructing, operating, and maintaining dams or other diversions for which a water right or hydroelectric permit shall be issued under ORS Chapters 537 or 539, or under ORS 543.010 to 543.620, administered by the Water Resources Department. Fill for activities associated with dam or water diversions for purposes other than operating or maintaining the dam or water diversion (fishways, erosion protection, etc.) require permits under the Removal-Fill Law.

Enclosed are copies of the Removal-Fill Law and joint application forms for your information and/or use. If we can be of further assistance, please contact our office.

Sincerely,

William Parks

William L. Parks
Staff Biologist

WLP/dsh
bil:l

Enclosure: Permit Package

cc: Water Resources Department



775 Summer Street NE
Salem, OR 97310-1337
(503) 378-3805
FAX (503) 378-4844

RECEIVED

JAN - 8 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

Jan. 4, 1996



DEPARTMENT OF
FISH AND
WILDLIFE

SALEM DISTRICT
OFFICE

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: Application # R-72359; Initial Review
Iverson, Ross
Marion County
Butte Creek (Pudding R.); 185.6 Ac-ft

Because one or more species of game fish are present at the described points of diversion, ODFW will require the applicant to provide fish screening pursuant to ORS 498.248. Therefore, ODFW requests that WRD include the following condition as part of the proposed permit:

The permittee shall install and maintain fish screening and bypass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversions. The required screens and by-pass devices are to be in place, functional, inspected and approved by an ODFW representative prior to diversion of any water.

ORS 498.268 and ORS 509.605 provide that no person shall construct an artificial obstruction across a waterway in which anadromous, game or food fish exist unless that person provides a fishway deemed adequate by the Oregon Department of Fish and Wildlife. If the proposed diversion is in-channel and has the potential to block the free movement of fish in the subject stream, we request that the applicant be directed by permit condition to contact the ODFW Fish Passage Program coordinator before beginning construction.

Suggested condition language for above statement may read:

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of Butte Creek unless a fishway is provided. The applicant is hereby directed to contact the ODFW Fish Passage Program coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.



4412 Silverton Road NE
Salem, OR 97305
(503) 378-6925
FAX (503) 378-6233

Thank you for the opportunity to comment.

Sincerely,

Wayne L. Hunt

Wayne L. Hunt
Ass't District Fish Biologist

c: Elicker, HCD

RECEIVED

JAN - 8 1996

WATER RESOURCES DEPT.
SALEM, OREGON

WaterWatch

O F O R E G O N

RECEIVED

MAY 11 1992

WATER RESOURCES DEPT
SALEM, OREGON

May 8, 1992

Stephen C. Brown
Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RE: Application for Permit #R72359, 72360, Ross Iverson
Butte Cr. Basin, Marion Co., 250 af, Various

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? What exceedence level will the Department use when determining water availability?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, we request that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Given the importance of surface water sources, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR690-410-060(1). Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. OAR 690-410-060(2)(a). What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request a copy of the draft permit and consideration of and response to these questions.

Sincerely,

Jim Myron

bc: WaterWatch of Oregon, Inc. 921 S.W. Morrison, Suite 438 Portland, Oregon 97205 (503) 295-4039

October 9, 1995

Ross Iverson
33739 S. Meridian Road
Woodburn, OR 97071

WATER
RESOURCES
DEPARTMENT

RE: Proposed Earthen Dam
Application R-72359

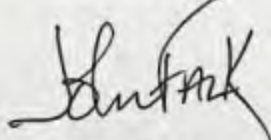
Dear Mr. Iverson,

As you probably remember by letter dated 12/22/92 by Mr. Howard Daggett, the plans and specifications for the referenced project located in Section 24, T5S, R1W, Clackamas County, have been reviewed and approved. Copies of the approved plans and specifications, together with your file, were returned to the Water Rights section for further consideration of your Application For A Permit To Construct A Reservoir. It is my understanding that the Water Rights section is now ready to begin final processing of your application.

Enclosed is a copy of a list of provisions that have been included conditional to your permit application. Assuming a permit is issued for this particular project, the items on this list are requirements that must be fulfilled during construction and/or prior to storage of water. You will be notified by letter if and when a permit is issued. A copy of the approved and stamped drawings will also be returned to you at that time.

If you have any questions, please do not hesitate to let me know. Use of the referenced application number will help us answer any questions regarding the status of your application. Thank you for your patience, and please pardon the delay(s).

Sincerely,



John Falk, PE
Dam Safety

cc: John R. Woodroof - Water Righter's Inc.
Dwight French - Water Rights
Dave Jarrett - Watermaster Dist. #16

enclosure



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

OVER ↘

MEMORANDUM

DATE: October 9, 1995
TO: Water Rights Section
FROM: John A. Falk
Dam Safety
SUBJECT: Conditions of Permit
Application R-72359
Iverson Reservoir

Please include the following items in the referenced Application for Permit as provisional to issuance of said Permit:

- The outlet gate shall be cycled at least once each year and shall be fully operational at all times.
- Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment.
- The earthen dam and resultant reservoir shall be constructed and maintained according to the approved plans and specifications, dated 12/23/92, on file with Oregon Water Resources Dam Safety program.
- No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction was performed under the supervision of a professional engineer licensed in Oregon, and has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set of asbuilt drawings must accompany the engineer's written certification of completion.
- The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative.

✓ OVER

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 12454 0	0 V														21.20 (NU)			
G 12454 0	0 V									4.10 (IR) (S)								
G 12454 0	0 V					15.30 (IR) (S)												
G 12454 0	0 V						22.10 (IR) (S)											
G 12454 0	0 V														18.40 (IR) (S)			
G 12454 0	0 V															22.20 (IR) (S)		
G 12454 0	0 V															5.70 (NU)		
G 12454 0	0 V							15.90 (IR) (S)										
G 12454 0	0 V																3.00 (NU)	
G 12454 0	0 V							10.90 (IR) (S)										
G 12454 0	0 V				11.50 (IR) (S)													
G 12454 0	0 V																	26.50 (NU)
G 12454 0	0 V								24.40 (IR) (S)									
G 12454 0	0 V								13.00 (IR) (S)									
G 12454 0	0 V																	0.10 (IR) (S)

Continuing with Township 5.00 S Range 1.00 W SECTION 24

11/16/1995

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE

S 71380 0	0 V																	10.50 (IR) (S)
S 71380 0	0 V																	18.40 (TR)
S 71380 0	0 V																	37.40 (TR)
S 71380 0	0 V																	39.00 (TR)
S 71380 0	0 V																	8.20 (TR) (S)
S 71380 0	0 V																	22.10 (TR)
S 71380 0	0 V																	1.60 (TR) (S)
S 72360 0	0 V																	26.50 (NU)
S 72360 0	0 V																	22.10 (NU)
S 72360 0	0 V																	28.10 (NU)
S 72360 0	0 V																	39.60 (NU)
S 72360 0	0 V																	0.10 (NU)
S 72360 0	0 V																	37.40 (NU)
S 72360 0	0 V																	14.00 (NU)
S 72360 0	0 V																	15.30 (NU)

Continuing with Township 5.00 S Range 1.00 W SECTION 24

11/16/1995

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
S 72360 0	0 V				11.50 (NU)													
S 72360 0	0 V									28.60 (NU)								
S 72360 0	0 V								26.80 (NU)									
S 72360 0	0 V									39.00 (NU)								

OREGON WATER RESOURCES PLAT CARD: Township 5.00 S Range 1.00 W SECTION 13

11/16/1995

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 12454 0	0 V																	3.00 (IR) (S)
G 12454 0	0 V																40.00 (IR) (S)	
S 71380 0	0 V																40.00 (IR)	
S 71380 0	0 V																	3.00 (IR)
S 72360 0	0 V																40.00 (NU)	

11/16/1995

[illegible]

OREGON WATER RESOURCES PLAT CARD: Township 5.00 S Range 1.00 E SECTION 19

11/16/1995

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
P 74759 0	0 V			(LV)														
S 72360 0	0 V												43.50 (NU)					
S 72360 0	0 V											45.70 (NU)						

OREGON WATER RESOURCES PLAT CARD: Township 5.00 S Range 1.00 E SECTION 30

11/16/1995

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 12831 0	0	V											(IR)					
G 12831 0	0	V											(IR)					

DAM NAME: Iverson
 APPL. NO.: 12-72359
 DAM FILE: I-15
 MAP FILE: 4-46

CHECKED BY: Daggett
 DATE: 12/15/92

CONCURRENCE OF APPLICATION AND PLANS

ITEM	APPL.	PLANS	CORRECTIONS MADE		REMARKS
			APPL.	PLANS	
Max Dam Ht.	15	15 ⁵	✓		OK
Conduit		8" to 36" out let	✓		OK
Capacity	250	185 ⁶	✓		Application needs amended
Surface Area	17 ⁵	12 ⁶	✓		Application needs amended
Wasteway		d=2 b=16 Z=2	✓		OK
Remarks			Don Buell amended application on 12/15/92 JD		10 ft of storage, 74 ac ft below ground level.
12 20 40 15					
12					

✓
NOVEMBER 22, 1995

12/12/95 Public Notice Date

WATER
RESOURCES
DEPARTMENT

ROSS IVERSON
33739 S MERIDIAN RD
WOODBURN, OREGON 97071

Reference: File R-72359

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the potential limitations to your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The appropriation of water for storage of 185.6 ACRE-FEET for supplemental irrigation and wildlife habitat is allowed November 1 through June 30 under OAR 502, the Willamette Basin Program.
4. Water to be appropriated for the storage of 185.6 AF is not available June 1 through October 31.
5. The Pudding River Drainage Basin has been identified as water quality limited by the Department of Environmental Quality, therefore use of water for storage is not allowed May 1 through October 31.

Summary of Initial Determinations

The appropriation of water for storage of 185.6 af from surface water run-off and Butte Creek for supplemental irrigation and wildlife habitat is allowed from November 1 to April 30 of each year.



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

ROSS IVERSON
November 22, 1995
Page two

WATER
RESOURCES
DEPARTMENT

Because of the Departments determination, your application ~~can be~~ moved to the next phase of the water rights application review process. However, due to #4 and #5 above your application will likely be limited as summarized above.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

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 **DECEMBER 6, 1995**. 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. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. You will be required to comply with state and federal water quality standards.
4. The priority date for this application is April 28, 1992.
5. The outlet gate shall be cycled at least once each year and shall be fully operational at all times.



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

ROSS IVERSON
November 22, 1995
Page three

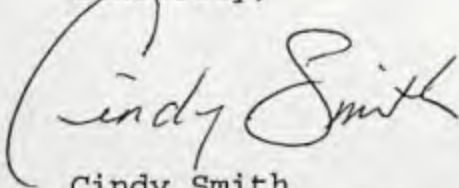
R-72359

6. Routine maintenance of the dam, spillway and appurtenant structures shall be performed as necessary to control weeds and brush, repair slumps and areas of erosion, and/or replace defective equipment.
7. The earthen dam and resultant reservoir shall be constructed and maintained according to the approved plans and specifications, dated 12/23/92, on file with the Oregon Water Resources Dam Safety program.
8. No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction was performed under the supervision of a professional engineer licensed in Oregon, and has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set of asbuilt drawings must accompany the engineer's written certification of completion.
9. The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resource Department or the Director's authorized representative.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 227 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Cindy Smith
Initial Reviewer

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

Land Use Information Permit No. Hydroelectric Licenses, Water Uses in Addition to Classified Uses

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, and/or used only on federal lands.

Applicant's Name: ROSS IVERSON
 Address: 33739 S. MERIDIAN RD.
 City: WOODBURN State: OR Zip: 97071 Day Phone: 634-2331

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

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
55-1W-13-2500	EFU-20			X
55-1W-23-100	EFU-20			X
55-1W-24-400, 401, 403, 300, 500, 600, 700, 800, 1000	EFU-20	X	X	X
55-1E-19-1600	EFU-20			X

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. CLACKAMAS

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

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

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 401. Go to section b) on reverse side.

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

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

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government can not provide the above requested land use information while the applicant waits.

City or County: CLACKAMAS COUNTY

Staff Contact: MIKE McALLISTER Phone: _____

Signature: Mike McAllister Date of Information Request: 4/28/92

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: MIKE McCallister

Title: PLANNER II

Date: 4/28/92

Phone: (658-8521)

Signature: Mike McCallister

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. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

EFU-20 zoning disturbed allows migration
and fish wildlife uses are affected

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: ROSS IVERSON
 Address: 33739 S. MERIDIAN RD
WOODBURN, OR 97071
 Phone: 634-2331

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): ROW CROPS - NURSERY
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☒ Fish and Wildlife (pond, hatchery, etc.): FARM POND
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☐ Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. _____ Gallons per minute. <u>250</u> Acre-Feet
☒ Reservoir or pond	
☐ Ground Water	

INITIAL REVIEW CHECKLIST

APPLICATION # R 72359
BASIN 2
WAB # 0104111000 *df*
POU-WAB ~~8104111~~ 0104111

1. ✓ ITEMS NOTED AS MISSING BY COMPLETENESS TEAM ARE NOW IN FILE
 2. ✓ GW - A, B, OR C (IF B OR C THEN 3b,d;4;5;6;8 DO NOT APPLY)
 3. DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...
 - a 2 BASIN PLAN
 - b ✓ LEGISLATIVE WITHDRAWAL (ORS 538)
 - c ✓ RULES
 - d ✓ SCENIC WATERWAY (OTHER THAN WA ORS 390.826)
 - e ✓ OTHER _____
 4. ✓ WATER AVAILABILITY (WA) CFS AF MONTHS
50 % BEFORE JULY 17, 1992; 80 % LIVE FLOW 50 % STORAGE AFTER JULY 17, 1992
 5. ✓ INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER AVAILABILITY SHEETS
 6. ✓ USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN THE FILE
 7. ✓ GROUND WATER REVIEW HAS BEEN EVALUATED (USE WA DATABASE IF GW A) REQUIRED CONDITIONS (GENERIC 7B) _____
 8. DIVISION 33 HAS BEEN ADDRESSED...
 - a N/A SEASON FOR DIRECT FLOW (ABOVE BONN ONLY) _____
 - b 0 WATER QUALITY PARAGRAPH
 - c N/A EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)
 9. ✓ PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP IS ATTACHED SHOWING THE CONFLICT WITH _____
 10. ✓ STORAGE IRRIGATION SEASON Nov 1 - Apr 30 (DECREE, BASIN PLAN, PERMIT, GENERIC)
 11. ✓ RATE & DUTY 180 + 25 (DECREE, BASIN PLAN, PERMIT, GENERIC)
GROUND WATER ALWAYS GENERIC FOR RATE AND DUTY
OF ACRES PRI _____ SUPP _____ NOT SURE _____
 12. ✓ ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND HIGHLIGHTED AND PACKET IS STAPLED TOGETHER
 13. ✓ ISSUES HINDERING PROCESS _____
 14. 16 WATERMASTER #
 15. ✓ REGNL MANGER - SEND COPY (SW, SC, E) DO NOT SEND COPY TO (NW, NC)
 16. _____ BASIN # AND WAB # ARE ADDED & SPELL ✓ HAS BEEN COMPLETED
 17. ✓ LETTER WAS SAVED FROM M:\T\IR\WORK TO M:\T\IR\SENT
- NAME Cindy Smith DATE 11/16/95

OREGON ADMINISTRATIVE RULES
CHAPTER 690, DIVISION 502 — WATER RESOURCES DEPARTMENT

program to document changes in quality and provide data for aquifer management;

(d) Minimize impairment of surface water uses resulting from hydraulic connection between groundwater and surface water;

(e) Encourage the development of programs for making groundwater resource information available to the public and local agencies.

(3) Municipal and domestic water systems: Support coordinated water service planning and consolidation by water purveyors to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin.

(4) Reservoir coordination:

(a) Promote funding to study and implement the Willamette River Basin Review Study reconnaissance phase recommendations with significant potential to assist the state in meeting its resource management objectives;

(b) Formalize reservoir operation guidelines with the Corps of Engineers to meet state water management objectives and enter into a memorandum of understanding or other agreement that defines the reservoir coordination process and water management objectives.

(5) Water conservation:

(a) Implement programs to eliminate wasteful water use;

(b) Improve the efficiency of water use through implementation of voluntary conservation measures;

(c) Give priority to developing subbasin conservation plans and providing public assistance in areas of known over-appropriation of surface water and groundwater and in water quality problem areas as listed by the Department of Environmental Quality.

(6) Land use coordination: Promote effective state and local water resource planning and protection and efficient water use through coordination with land use programs.

Stat. Auth.: ORS 536.300 & 536.340

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

Objectives

690-502-030 The objectives of the Commission in managing the waters of Willamette Basin are to:

(1) Retain minimum perennial streamflows as provided in OAR 690-502-050 to 690-502-150 until the process for conversion to instream water rights is completed.

(2) Promote public instream uses and values in headwaters streams exhibiting high instream values.

(3) Meet public instream needs for fish life, wildlife, recreation and pollution abatement.

(4) Protect instream values in state scenic waterways as described in ORS 390.835 and support management of national wild and scenic rivers.

(5) Minimize the potential of future permits to over-appropriate water.

(6) Consider reservations for future uses within the context of planned and reasonably expected mixes of land uses and economic development in the basin or subbasin(s) consistent with the public interest. Establish reservations that provide for appropriate mix(es) of future uses as established by local or regional plans; e.g., comprehensive plans,

water supply plans, economic development plans, urban reserves, and other relevant resource development and protection plans. Generally, design, condition or subordinate reservations such that water can be allocated to meet future municipal and irrigation needs without disadvantaging either use in a way that is consistent with the public interest.

(7) Coordinate with the Department of Environmental Quality in efforts to meet total maximum daily loads in designated drainages by limiting new surface water appropriations during the low-flow season and placing conditions on permits requiring efficiency measures. These drainages include, but are not limited to, the Coast Fork of the Willamette, Tualatin, Yamhill, Pudding, Rickreall Creek and Columbia Slough.

(8) Increase basinwide water use efficiency.

(9) Coordinate with the Northwest Power Planning Council in meeting the objectives of the "protected areas" designation when evaluating hydroelectric permit applications.

(10) Protect and encourage use of water which sustains economic development.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

General Provisions

690-502-040 (1) Water availability: The classifications in OAR 690-502-050 through 690-502-150 limit access to natural streamflow during periods when remaining available supplies are insufficient to meet existing water rights and public instream uses 80 percent of the time. When improved water availability data show that there is insufficient natural flow to support a classification, any permit issued shall further restrict or condition the time of use to when water is available.

(2) Limited licenses: The uses of surface water for which limited licenses may be issued are prescribed in ORS 537.143(1). Applications for limited licenses may be accepted in the Willamette Basin unless expressly prohibited by statute, order of the State Engineer or the Commission, or by the classifications in OAR 690-502-050 through 690-502-150.

(3) Surface water applications: Applications to use surface water filed after April 18, 1991, shall be processed under the classifications established in OAR 690-502-050 through 690-502-150. Applications filed on or before April 18, 1991, shall be processed under the classification in effect at the time of the application.

(4) Storage:

(a) Unless expressly prohibited by statute, order or administrative rule, the surface waters of the Willamette River and tributaries are classified for storage from November 1 to June 30. A storage permit may be issued for a shorter time period and/or conditioned based on water availability or compatibility with other uses and needs;

(b) Secondary applications to maintain reservoir levels throughout the year may be processed if the proposed use is consistent with the classification;

(c) Water legally stored may be released or used at any time for any beneficial purpose, such as

WATER AVAILABILITY TABLE

Basin: WILLAMETTE

Exceedance Level: 50

Water Availability Subbasin: 0104111000000000 (and Nested Subbasins)

Time: 09:28

Date: 11/16/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0100000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	0104000000000000	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	YES	YES
3	0104100000000000	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	YES	YES
4	0104110000000000	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	YES	YES
5	0104111000000000	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES	YES

Tmol

STREAM NAMES

Basin: WILLAMETTE

Water Availability Subbasin: 0104111000000000 (and Nested Subbasins)

Time: 09:28

Date: 11/16/1995

WAB #	Stream Name	Tributary to
0100000000000000	WILLAMETTE R	COLUMBIA R
0104000000000000	MOLALLA R	WILLAMETTE R
0104100000000000	PUDDING R	MOLALLA R
0104110000000000	PUDDING R	MOLALLA R
0104111000000000	BUTTE CR	PUDDING R

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0104111000000000

Basin: WILLAMETTE

Exceedance Level: 50

Time: 09:28

Date: 11/16/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0104111000000000	BUTTE CR	YES	269.0
2	0104111000000000	BUTTE CR	YES	255.0
3	0104111000000000	BUTTE CR	YES	198.0
4	0104111000000000	BUTTE CR	YES	152.0
5	0104111000000000	BUTTE CR	YES	66.8
6	0104111000000000	BUTTE CR	NO	-18.0
7	0104000000000000	MOLALLA R	NO	-57.6
8	0104000000000000	MOLALLA R	NO	-54.2
9	0104000000000000	MOLALLA R	NO	-24.3
10	0104000000000000	MOLALLA R	NO	-159.0
11	0104111000000000	BUTTE CR	YES	103.0
12	0104111000000000	BUTTE CR	YES	279.0
Stor	0104111000000000	BUTTE CR	YES	79300.0

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: WILLAMETTE R

> COLUMBIA R

Water Availability Subbasin: 0100000000000000

Exceedance Level: 50

Time: 09:28

Date: 11/16/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	52400.00	1400.00	51000.00	274.00	50700.00	1500.00	49200.00
2	50600.00	7900.00	42700.00	275.00	42400.00	1500.00	40900.00
3	42800.00	6500.00	36300.00	271.00	36000.00	1500.00	34500.00
4	36900.00	6500.00	30400.00	272.00	30100.00	1500.00	28600.00
5	28200.00	3500.00	24700.00	278.00	24400.00	1500.00	22900.00
6	15300.00	1500.00	13800.00	405.00	13400.00	1500.00	11900.00
7	7780.00	1650.00	6130.00	354.00	5780.00	1500.00	4280.00
8	5450.00	1460.00	3990.00	320.00	3670.00	1500.00	2170.00
9	5650.00	1090.00	4560.00	313.00	4250.00	1500.00	2750.00
10	8240.00	360.00	7880.00	206.00	7670.00	1500.00	6170.00
11	25000.00	400.00	24600.00	263.00	24300.00	1500.00	22800.00
12	54700.00	500.00	54200.00	274.00	53900.00	1500.00	52400.00
Stor	19900000	1960000	18000000	210000	17800000	1080000	16700000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: WILLAMETTE R

> COLUMBIA R

Water Availability Subbasin: 0100000000000000

Time: 09:28

Date: 11/16/1995

-----ISWRs-----							
APP # :	181A	0	0	0	0	RESULTANT	
STATUS:	Cert.						
1	1500.0	0.0	0.0	0.0	0.0	1500.0	C
2	1500.0	0.0	0.0	0.0	0.0	1500.0	C
3	1500.0	0.0	0.0	0.0	0.0	1500.0	C
4	1500.0	0.0	0.0	0.0	0.0	1500.0	C
5	1500.0	0.0	0.0	0.0	0.0	1500.0	C
6	1500.0	0.0	0.0	0.0	0.0	1500.0	C
7	1500.0	0.0	0.0	0.0	0.0	1500.0	C
8	1500.0	0.0	0.0	0.0	0.0	1500.0	C
9	1500.0	0.0	0.0	0.0	0.0	1500.0	C
10	1500.0	0.0	0.0	0.0	0.0	1500.0	C
11	1500.0	0.0	0.0	0.0	0.0	1500.0	C
12	1500.0	0.0	0.0	0.0	0.0	1500.0	C

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: MOLALLA R

> WILLAMETTE R

Water Availability Subbasin: 0104000000000000

Exceedance Level: 50

Time: 09:28

Date: 11/16/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	3950.00	20.00	3930.00	7.34	3920.00	500.00	3420.00
2	3670.00	20.00	3650.00	7.39	3640.00	500.00	3140.00
3	2960.00	10.00	2950.00	7.09	2940.00	500.00	2440.00
4	2400.00	10.00	2390.00	8.02	2380.00	500.00	1880.00
5	1550.00	50.00	1500.00	12.70	1487.00	500.00	987.00
6	712.00	79.00	633.00	16.70	616.00	500.00	116.00
7	303.00	136.00	167.00	24.60	142.40	200.00	-57.60
8	178.00	112.00	66.50	20.70	45.80	100.00	-54.20
9	186.00	48.00	138.00	12.30	125.70	150.00	-24.30
10	307.00	11.00	296.00	4.75	291.00	450.00	-159.00
11	1790.00	10.00	1780.00	5.57	1770.00	500.00	1270.00
12	4000.00	20.00	3980.00	7.26	3970.00	500.00	3470.00
Stor	1320000	31500	1290000	8050	1280000	293000	1000000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: MOLALLA R

> WILLAMETTE R

Water Availability Subbasin: 0104000000000000

Time: 09:28

Date: 11/16/1995

-----ISWRs-----							
APP # :	69796A	0	0	0	0	RESULTANT	
STATUS:	Cert.						
1	500.0	0.0	0.0	0.0	0.0	500.0	C
2	500.0	0.0	0.0	0.0	0.0	500.0	C
3	500.0	0.0	0.0	0.0	0.0	500.0	C
4	500.0	0.0	0.0	0.0	0.0	500.0	C
5	500.0	0.0	0.0	0.0	0.0	500.0	C
6	500.0	0.0	0.0	0.0	0.0	500.0	C
7	200.0	0.0	0.0	0.0	0.0	200.0	C
8	100.0	0.0	0.0	0.0	0.0	100.0	C
9	150.0	0.0	0.0	0.0	0.0	150.0	C
10	450.0	0.0	0.0	0.0	0.0	450.0	C
11	500.0	0.0	0.0	0.0	0.0	500.0	C
12	500.0	0.0	0.0	0.0	0.0	500.0	C

Date: 11/16/1995

Date: 11/16/1995

APP # :	69998A	73532A	ISWRs				RESULTANT
STATUS:	Cert.	App.	0	0	0		
1	80.0	36.0	0.0	0.0	0.0	80.0	C
2	80.0	36.0	0.0	0.0	0.0	80.0	C
3	80.0	36.0	0.0	0.0	0.0	80.0	C
4	80.0	36.0	0.0	0.0	0.0	80.0	C
5	80.0	36.0	0.0	0.0	0.0	80.0	C
6	60.0	36.0	0.0	0.0	0.0	60.0	C
7	50.0	36.0	0.0	0.0	0.0	50.0	C
8	40.0	36.0	0.0	0.0	0.0	40.0	C
9	40.0	36.0	0.0	0.0	0.0	40.0	C
10	60.0	36.0	0.0	0.0	0.0	60.0	C
11	80.0	36.0	0.0	0.0	0.0	80.0	C
12	80.0	36.0	0.0	0.0	0.0	80.0	C

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: PUDDING R

> MOLALLA R

Water Availability Subbasin: 0104110000000000

Exceedance Level: 50

Time: 09:28

Date: 11/16/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	2220.00	30.00	2190.00	4.21	2186.00	36.00	2150.00
2	2120.00	30.00	2090.00	4.23	2086.00	36.00	2050.00
3	1680.00	10.00	1670.00	4.03	1666.00	36.00	1630.00
4	1190.00	20.00	1170.00	4.86	1166.00	36.00	1130.00
5	710.00	38.00	672.00	8.47	664.00	36.00	628.00
6	335.00	61.00	274.00	11.20	263.00	36.00	227.00
7	147.00	94.80	52.20	17.30	34.91	36.00	-1.09
8	89.60	79.00	10.60	14.20	-3.60	36.00	-39.60
9	88.70	46.80	41.90	7.75	34.15	36.00	-1.85
10	139.00	18.00	121.00	2.06	118.90	36.00	82.90
11	916.00	24.00	892.00	2.71	889.00	36.00	853.00
12	2110.00	30.00	2080.00	4.14	2076.00	36.00	2040.00
Stor	703000	28800	675000	5100	670000	25900	646000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: PUDDING R

> MOLALLA R

Water Availability Subbasin: 0104110000000000

Time: 09:28

Date: 11/16/1995

-----ISWRs-----						
APP # :	151A	73532B	73533A	73534A	0	RESULTANT
STATUS:	Cert.	App.	App.	App.		
1	35.0	36.0	16.0	11.0	0.0	36.0 A
2	35.0	36.0	16.0	11.0	0.0	36.0 A
3	35.0	36.0	16.0	11.0	0.0	36.0 A
4	35.0	36.0	16.0	11.0	0.0	36.0 A
5	35.0	36.0	16.0	11.0	0.0	36.0 A
6	35.0	36.0	16.0	11.0	0.0	36.0 A
7	35.0	36.0	16.0	11.0	0.0	36.0 A
8	35.0	36.0	16.0	11.0	0.0	36.0 A
9	35.0	36.0	16.0	11.0	0.0	36.0 A
10	35.0	36.0	16.0	11.0	0.0	36.0 A
11	35.0	36.0	16.0	11.0	0.0	36.0 A
12	35.0	36.0	16.0	11.0	0.0	36.0 A

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: BUTTE CR

> PUDDING R

Water Availability Subbasin: 0104111000000000

Exceedance Level: 50

Time: 09:28

Date: 11/16/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	346.00	1.00	345.00	0.61	344.00	75.00	269.00
2	332.00	1.00	331.00	0.62	330.00	75.00	255.00
3	274.00	0.00	274.00	0.62	273.00	75.00	198.00
4	229.00	1.00	228.00	0.91	227.00	75.00	152.00
5	148.00	4.00	144.00	2.17	141.80	75.00	66.80
6	67.80	9.00	58.80	1.76	57.00	75.00	-18.00
7	27.00	15.70	11.30	3.05	8.30	25.00	-16.70
8	14.70	12.50	2.18	2.42	-0.20	12.00	-12.20
9	16.80	6.20	10.60	1.19	9.40	20.00	-10.60
10	27.00	0.50	26.50	0.09	26.40	75.00	-48.60
11	179.00	0.00	179.00	0.51	178.00	75.00	103.00
12	356.00	1.00	355.00	0.61	354.00	75.00	279.00
Stor	121000	3110	118000	871	117000	43800	79300

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: BUTTE CR

> PUDDING R

Water Availability Subbasin: 0104111000000000

Time: 09:28

Date: 11/16/1995

-----ISWRs-----							
APP # :	69799A	0	0	0	0	RESULTANT	
STATUS:	Cert.						
1	75.0	0.0	0.0	0.0	0.0	75.0	C
2	75.0	0.0	0.0	0.0	0.0	75.0	C
3	75.0	0.0	0.0	0.0	0.0	75.0	C
4	75.0	0.0	0.0	0.0	0.0	75.0	C
5	75.0	0.0	0.0	0.0	0.0	75.0	C
6	75.0	0.0	0.0	0.0	0.0	75.0	C
7	25.0	0.0	0.0	0.0	0.0	25.0	C
8	12.0	0.0	0.0	0.0	0.0	12.0	C
9	20.0	0.0	0.0	0.0	0.0	20.0	C
10	75.0	0.0	0.0	0.0	0.0	75.0	C
11	75.0	0.0	0.0	0.0	0.0	75.0	C
12	75.0	0.0	0.0	0.0	0.0	75.0	C

TECHNICAL REVIEW CHECKLIST

11/4/94

1. Application: R-72359
2. Review Date: 12/12/94

S indicates information was completed or adequately addressed.
 U indicates information is needed, or incomplete, or inadequately addressed
 N/A indicates Not Applicable

SUMMARY	
<u>S</u>	Land Use
<u>NA/yes/no</u>	Substantial SW interference w/GW (if yes, see results of surface water availability analysis)
<u>S</u>	Conflicts
<u>U</u>	Water Availability () (Water Availability Sub-basin#)
<u>U</u>	The application, map and supporting data are complete and free of defects.
<u>yes/NA</u>	A TMDL letter has been received for this source or tributary. If yes, the period of use has been adjusted.

3. U The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge. An oath is required before a permit is issued regardless of the application's priority date.

5. U Application fees:

Examination fee:	\$ 200	100 1st 50AF
Recording fee:	\$ 134	\$34 = 25¢ x 134
TOTAL REQUIRED	\$ 334	
TOTAL SUBMITTED	\$ 200	
AMOUNT DUE prior to issuance of permit	\$ 134	
AMOUNT OVERPAID	\$	
refund due applicant	\$	

6. S Proposed dates of beginning and completion of construction, and complete application of water.
7. S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.) Don't need # 026
8. U A written copy of the legal description of the property on which the water is to be used.

9. U A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.

10. U No statement of ownership was required for applications filed before August, 1990.

11. S The proposed use is not restricted or prohibited by statute.

12. S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.

13. S One or more of the use(s) are allowed under the basin program; OAR 690 - 502-120.

Storage only
to Dec 1
April 30

Uses applied for: Storage in, wildlife ^{initials}
Discussion: To include in map in

Water Quality Check

14. NA DEQ has provided notice to the WRD concerning limitations of appropriation from surface water sources designated as TMDL streams. This application does not propose to appropriate water from a source that has been identified by the DEQ as a TMDL stream.

Pudding
May 1 - Oct 31

15. S This application proposes to appropriate water from a source that has been identified by the DEQ as a TMDL stream and has been limited to months when water quality will not be impaired.

Land Use Compatibility: As expressed by the Planning Department of Clackamas County

15. S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section 401).
uses on right

16. NA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.

17. NA The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For reservoir applications:

18. S Plans, specifications and supporting information for the dam and impoundment area must be approved by dam safety before a technical review is issued. Plans and specifications are not required for dams less than 10 feet in height and store less than 9.2 acre-feet. (OAR 690, Div 20) t:\chk6 11/4/94

Approved
12/23/92
Sect 4
55
NW

TECHNICAL REVIEW CHECKLIST

Application: R72359

Review Date: _____

- S indicates information was completed or adequately addressed.
 U indicates information is needed, or incomplete, or inadequately addressed
 N/A indicates Not Applicable

SUMMARY

<u>U</u>	Completeness	<i>fees, legal, easements, ownership</i>
<u>S</u>	Land Use	<i>find plans & specs.</i>
<u>NA</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)	
<u>U</u>	Conflicts	<i>points R-6573 & APR 41509 71380</i>
<u>S</u>	Water Availability	

SEE FILE R7360 FOR CONFLICTS

NA

The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

S

No oath is required because application was filed before June 5, 1992.

U

Application fees:

Examination fee:	\$ 200
Recording fee:	\$ 134
TOTAL REQUIRED	\$ 334
TOTAL SUBMITTED	\$ 200
AMOUNT DUE prior to issuance of permit	\$ 134
AMOUNT OVERPAID	\$
refund due applicant	\$

*\$100 1st 50 ac ft
 .25d fresh add increase 95
 185.6 AF
 150
 138 x .25 = 34.00
 \$100 wildlife
 100 nursery
 \$334*

S

Proposed dates of beginning and completion of construction, and complete application of water.

S

A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3).

NA

A CWRE map is not required for applications filed before November 9, 1987.

- U A written copy of the legal description of the property on which the water is to be used. *need*
- U A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant. *need*
- U No statement of ownership was required for applications filed before August, 1990. *MISSING*
- S The report from watermaster has been received.
- NA The proposed use is not restricted or prohibited by statute.
- NA The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- S *TRR - Nursery & Wildlife* use(s) is/are classified uses(s) under the Willamette Basin Program, OAR 690 - 502-120
- U The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

As expressed by the Planning Department of CLACKAMAS County

- S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section 401). *allowed outright*
- NA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- NA The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

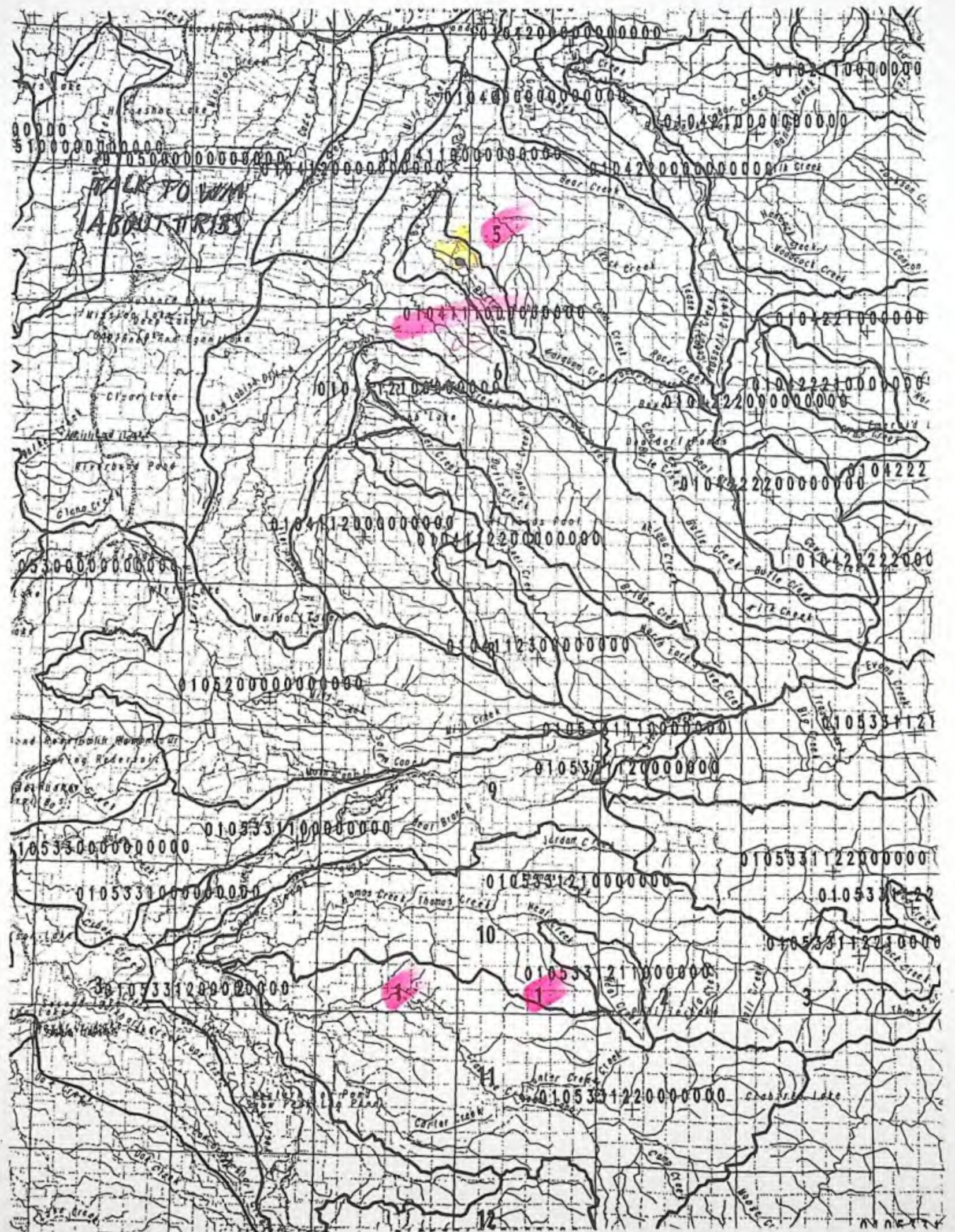
For ground water applications:

- NA A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- The report from groundwater section has been received.

For reservoir applications:

- U Plans, specifications and supporting information for the dam and impoundment area. *Approved 12-25-92*
- Plans missing - need to find*

TALK TO WIN
ABOUT TRIPS



RECEIVED

NOV 20 1995

WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT.
COMMERCE BUILDING
158 12TH STREET NE
SALEM, OR. 97310-0210

REF: FILE 71380

PLEASE WITHDRAW MY APPLICATION
71380 AND PROCEED WITH PROCESSING
APPLICATIONS G-12454, R-72359 AND
72360.

I WILL TRANSFER THE EXISTING
RIGHTS FROM THE PROPOSED RESERVOIR
SITE TO OTHER LANDS OWNED BY ME.

11-20-95
Boris Lamm

WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION

Name of Applicant Iverson Application Number R-72359
72360

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes X No

If yes, please explain.

Butte Cr. get regulated during next years.

2. Has the stream or basin that is the source for this application ever been regulated for minimum streamflows?

Yes No X

If yes, please explain.

3. Do you observe this stream system during regular field work?

Yes X No

If yes, what are your observations for the stream.

Use ^{often} exceeds flow during late
Summer.

4. Based on your observations, would there be water available in the quantity and at time needed to supply the development proposed by this application.

Yes X No Don't Know

for storage of winter flows

What would you recommend for conditions on a permit, that may be issued approving this application?

5. Any other recommendations you would like to make? No

Signature

Doris J. Smith

WM District #

16

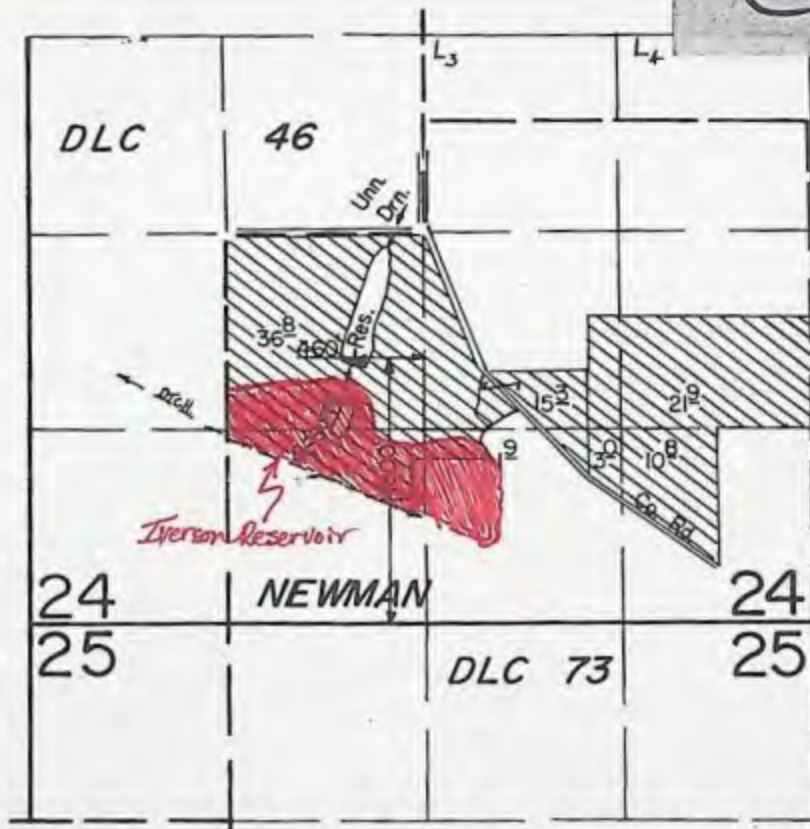
Date

5/7/72

File in
B S 55486

T.5S., R.1W., W.M.

PART OF THIS
RIGHT WILL
BE UNDER
PROPOSED RESERVOIR
FEE - R-72359
CONFLICT



See R 72359
S 72360

Scale: 1" = 1320'

2/96
M. Halden

FINAL PROOF SURVEY UNDER

R-55485

R-6573

Application No. 55486... Permit No. 41509.....

IN NAME OF

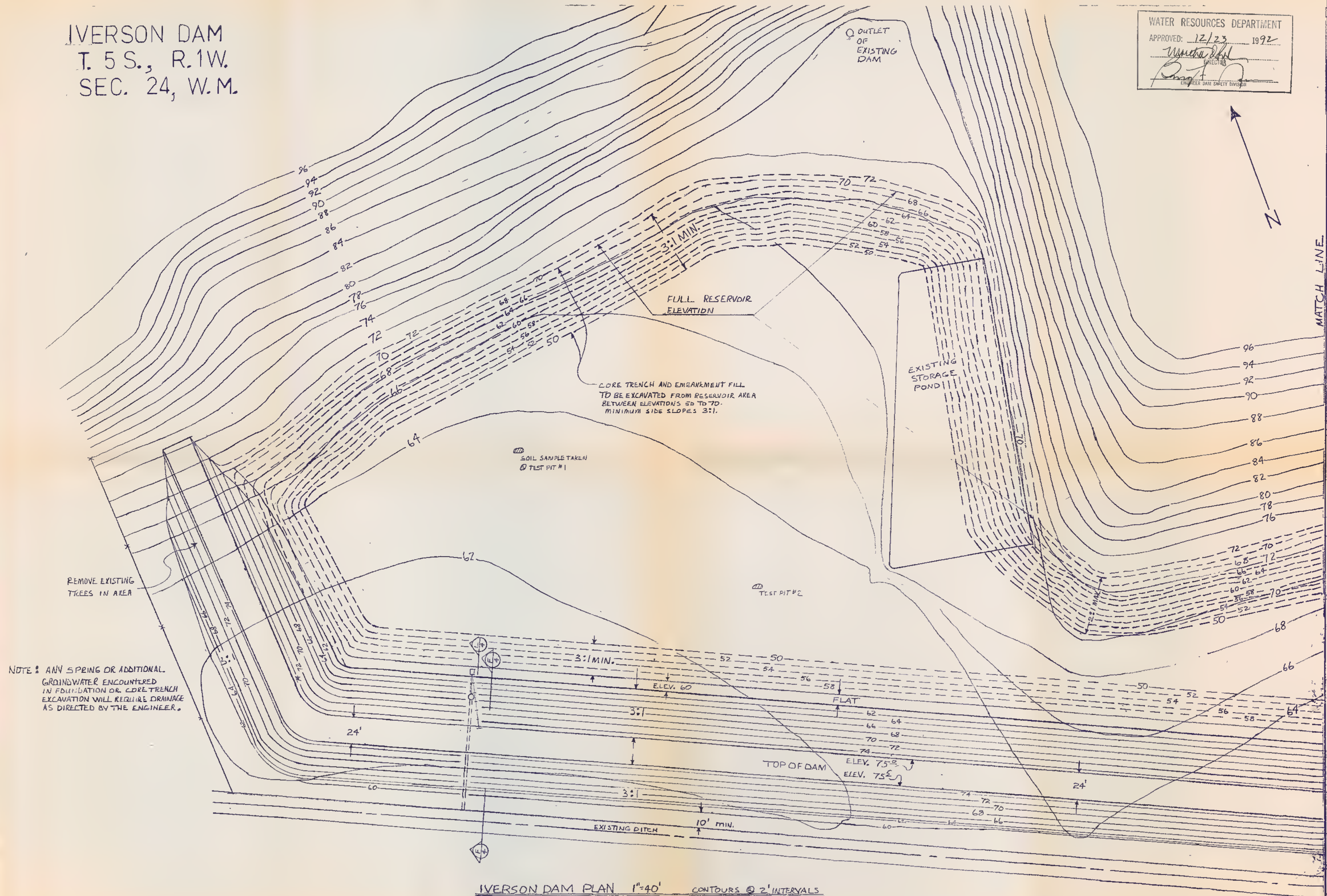
VAN VEEN NURSERIES, INC.

Surveyed JULY 16, 1985, by T. Warren.....

DFN-2LL-24
#1005-278-139 D
DFN-5LL-172
TMIW

IVERSON DAM
T. 5 S., R. 1 W.
SEC. 24, W.M.

WATER RESOURCES DEPARTMENT
APPROVED: 12/23 1992
[Signature]
DIRECTOR
ENGINEER DAM SAFETY DIVISION

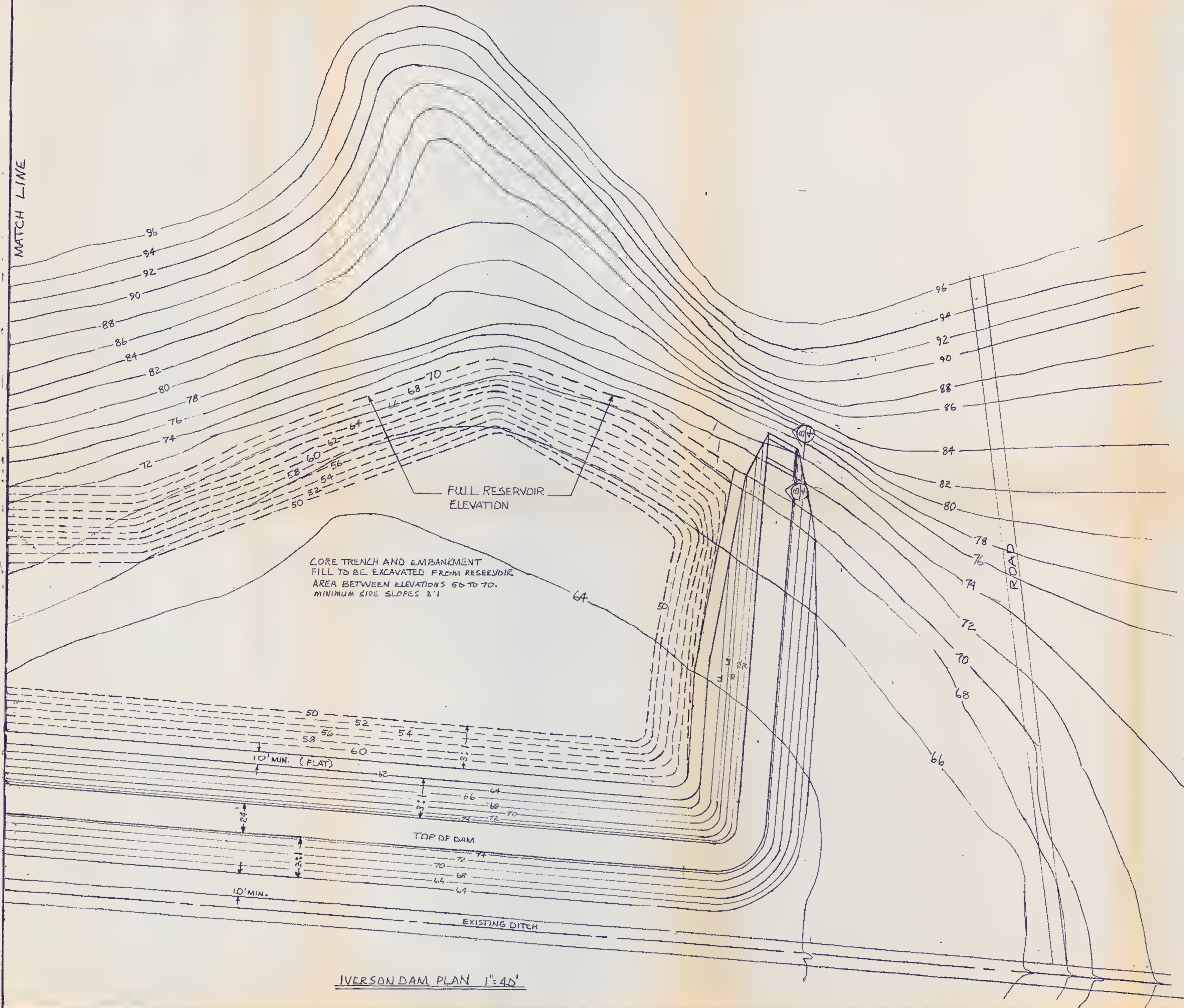


NOTE: ANY SPRING OR ADDITIONAL GROUNDWATER ENCOUNTERED IN FOUNDATION OR CORE TRENCH EXCAVATION WILL REQUIRE DRAINAGE AS DIRECTED BY THE ENGINEER.

IVERSON DAM PLAN 1"=40' CONTOURS @ 2' INTERVALS

REGISTERED PROFESSIONAL ENGINEER 14,498
John R. Woodruff
JULY 28, 1989
JOHN R. WOODRUFF
DATE: AUGUST, 1992
SCALE: 1"=40'
DRAWN: JRW
PROJECT: I-1
SHEET 2
OF 6 SHEETS

MATCH LINE



IVERSON DAM
TECHNICAL SPECIFICATIONS

1. GENERAL REQUIREMENTS

1A SCOPE OF WORK

1A.1 INTENT OF CONTRACT

The intent of the contract is to provide for the construction and completion of the work described. The contractor shall furnish all labor, materials, equipment, tools, transportation and supplies required to complete the work in accordance with the plans, specifications and terms of the contract.

All work shall be in accordance with the lines, grades, typical cross sections, dimensions and other data shown on the plans or as modified by written orders of the engineer, and all other work determined by the engineer as necessary for proper execution and completion of the project

1A.2 PLANS AND SPECIFICATIONS

The plans, specifications and other contract documents govern the work. The contract documents are intended to be complementary and cooperative and to describe and provide for a complete project. Anything in the specifications and not on the plans, or visa versa, shall be as though shown or mentioned in both. Reference specifications and standard plans are a part of the contract documents.

The contractor shall, upon discovering any error or omission in the plans or specifications, immediately call it to the attention of the engineer.

1A.3 SHOP DRAWINGS

When shop drawings are required by the engineer, they shall be prepared at contractor's expense in accordance with current engineering practices. Drawings shall show sufficient detail to determine project suitability and be transmitted to the engineer by letter for approval or correction prior to construction or fabrication.

Approval of drawings by the engineer shall not relieve the contractor from the responsibility for errors or omissions in the shop drawings or from deviations from the contract documents unless such deviations were specifically called to the attention of the engineer in the letter of transmittal submitted with the drawings. The contractor is responsible for the correctness of the drawings, for shop fits and field connections, and for the results obtained by use of such drawings.

1A.4 CHANGES IN THE WORK

Changes in the plans or specifications, or in specified methods of construction may be made when approved in writing by the engineer, owner, and contractor. Change orders shall be issued by the engineer and state the dollar value of the change/s; or establish an equitable method of payment, and any adjustments in contract time. Changes in plans or specifications also require the signature of the Director of the Water Resources Department of the State of Oregon.

1A.5 CHANGED CONDITIONS

The contractor shall notify the engineer in writing of the following work site conditions, hereinafter called changed conditions, promptly upon discovery and before they are disturbed:

a) Subsurface or latent physical conditions differing materially from those represented in the contract documents, and

b) Unknown physical conditions of an unusual nature differing materially from those ordinarily encountered and generally recognized as inherent in work of the character being preformed.

The engineer will promptly investigate conditions which appear to be "changed conditions" then adjustments in the project will be issued by the engineer and change order/s issued as necessary to complete the work. If the engineer's determination is that "changed conditions" do not exist as defined above and that no additional compensation is justified the engineer shall so notify the contractor and owner in writing.

1B CONTROL OF WORK

1B.1 AUTHORITY OF THE ENGINEER

Subject to such authority as is delegated by the owner, the engineer will decide all questions which may arise as to the quantity, quality, and acceptability of materials furnished and work performed, the rate of progress of the work, change orders and time extensions, interpretation of the plans and specifications, the measurement of quantities; and the acceptable fulfillment of the contract on the part of the contractor. The engineer's estimates and decisions in these matters shall be final, binding and conclusive upon all parties to the contract.

It is further understood that all work to be done under the contract will not be considered completed until it has passed final inspection by the engineer and is accepted by the owner. It is further understood that the authority of the engineer is such that the contractor shall at all times carry out and fulfill the instructions and directions of the engineer insofar as they concern the work to be done under the contract.

Upon failure on the part of the contractor to comply with any order made under the provisions of this subsection, the engineer shall have the authority to cause unacceptable work to be remedied or removed and replaced, and unauthorized work to be removed, and to deduct the costs thereof from

any monies due the contractor.

The engineer has the authority to suspend the work for failure of the contractor to correct conditions unsafe for the workers, the general public or the owner's employees or representatives, for failure to carry out the provisions of the contract; for failure to carry out orders, all for such periods as the engineer may deem necessary due to conditions considered unsuitable for the performance of the work or for any reason deemed to be in the public interest.

During any suspension of the work the contractor shall be responsible for the care of the work performed and take every precaution to prevent any damage or deterioration of the work including temporary protection devices to warn, safeguard, and protect the public. The contractor shall be responsible for damage to the work that may occur during the suspension/s of the work the same as though the damage had occurred while the work was in progress.

Approval by the engineer signifies favorable opinion and qualified consent. It does not carry with it certification, nor assurance of completeness nor assurance of quality nor assurance of accuracy concerning details, dimensions and quantities. Such approval will not relieve the contractor from responsibility for errors, for improper fabrication, for nonconformance to requirements or for deficiencies within his control.

1B.2 RESPONSIBILITY OF THE CONTRACTOR

The contractor shall do all the work and furnish all labor, materials, equipment, tools and machines necessary for the performance and completion of the project in accordance with the contract documents within the specified time.

Material and construction details of plants, forms, shoring, falsework, and other structures built by the contractor but not a part of the permanent project shall meet the approval of the engineer, but such approval shall not relieve the contractor from responsibility for their safety and sufficiency.

The contractor shall be responsible for all expense involved in making any required changes in the plans or specifications to accommodate a substitution approved by the engineer for the convenience of the contractor or to circumvert an unforeseen difficulty in obtaining a specified article.

1B.3 SURVEY SERVICE

The contractor shall give notice to the engineer not less than two working days in advance of when survey services will be required in connection with the laying out of any portion of the work. The owner will furnish and set construction stakes establishing lines and grades as determined necessary by the engineer for all work under the contract and will furnish the contractor all the necessary information relative to the lines and grades.

The contractor shall not disturb permanent survey monuments, stakes, or bench marks without the consent of the engineer, and shall notify the engineer and bear the expense of replacing any that

may be disturbed without permission. Replacement shall be done by the engineer at no expense to the owner.

1B.4 TEMPORARY UTILITIES

The contractor shall furnish temporary light, power, and water complete with connection piping, wiring, lamps, and similar equipment necessary for the work as approved. The contractor shall install, maintain, and remove temporary services upon completion of the work and shall obtain all permits and bear all costs for temporary services at no expense to the owner.

1B.5 SUBSURFACE DATA

All information obtained by the engineer regarding subsurface data and groundwater elevations will be available for inspection at the office of the engineer upon request. Such information is offered as supplementary information only. Neither the engineer nor the owner assumes any responsibility for the completeness or interpretation of such supplementary information.

1B.6 FINAL ACCEPTANCE

At such time as all construction work on the project is complete and all required documents have been submitted, the contractor shall advise the engineer in writing that the project is substantially complete. The engineer will inspect the project and review all final submittals from the contractor within 15 days upon receipt of notice.

If, in the opinion of the engineer, the project is complete and conforms to the letter and intent of the contract documents, and all submittals prove to be complete and timely, the engineer will consider that as the final inspection and certify final payment to the contractor.

If any work is found unsatisfactory, or that all certificates, and final submittals have not been made, or have been improperly made, then the engineer will issue directive/s to the contractor for final completion requirements. The contractor, upon completion of all items in the final "punchlist" shall again notify the engineer that the project is complete and request a final inspection. The engineer will then make the final inspection and certify final payment to the contractor provided that all items are, in fact, completed.

If the contractor has incomplete construction items or submittals after the second inspection by the engineer, a second "punchlist" will be issued to the contractor and the cost of the engineer's time and expense in reviewing for final completion will be billed to the contractor and arrangements made with the owner to deduct such costs from the contractor's final payment. Engineering costs for third final inspections will be at normal office rates for engineer's time and

reimbursable expenditures encountered in the execution of the inspection. Final completion and acceptance of the project is based upon the engineer's satisfaction that all contract requirements

have been met.

1C CONTROL OF MATERIALS

1C.1 QUALITY OF MATERIALS

The contractor shall use only new materials, parts, products and equipment in the work which conform to the specified requirements. The contractor shall determine the kind of work, amount of work and other factors that may be necessary or involved in furnishing the specified products and materials. Materials and products which, after approval, have become unsuitable or unacceptable for use, regardless of cause, will be rejected by the engineer and shall not be used.

1C.2 SAMPLING AND TESTING

Tests of materials, will be made by the owner in accordance with the methods described or designated in the applicable specifications, and at any time during the production, fabrication, preparation, and use of the materials.

When tests of materials are necessary, as determined by the engineer, such tests will be made by the owner at his expense unless otherwise specified.

In the event the owner requests tests and materials fail, the contractor shall bear all costs of all subsequent testing necessary to meet the specified requirements.

1C.3 STORAGE AND PROTECTION OF MATERIALS

Materials shall be stored so as to assure the preservation of their quality and fitness for the work. Stored materials, even though approved before storage, may again be inspected prior to their use in the work.

1C.4 TRADE NAMES, APPROVED EQUALS OR SUBSTITUTIONS

In order to establish a basis of quality, certain processes, types of machinery and equipment, or kinds of materials may be specified either by description or process or by designating a manufacturer by name and referring to that brand or product designation or by specifying a kind of material. It is not the intent of the specifications to exclude other processes, equipment or materials of equal value, utility or merit.

If it is desirable to furnish items of equipment by manufactures other than those specified, as a

substitution after the contract is executed, the contractor shall secure the engineer's approval prior to purchase.

2. CLEARING

2A CUTTING

Trees and other woody vegetations shall be so cut that the remaining stumps extend no higher than 12 inches above the ground.

2B MARKING

The limits of the area to be cleared shall be marked by a suitable method. Trees to be left standing shall be designated by special markings.

2C CLEARING

All trees not marked for preservation and all snags, logs, brush, shrubs, and rubbish shall be cleared from within the limits of the marked area.

2D. DISPOSAL

All material cleared from the designated areas shall be burned, buried, or piled at locations approved by the engineer, or otherwise removed from the site, all in compliance with federal, state, and local laws and ordinances.

3 EXCAVATION

3A BORROW PITS

All materials required for construction of the embankment that are not available from required excavation, shall be taken from borrow pits. The proposed locations and extent of borrow pits are shown on the plan. Borrow pits shall be carefully stripped of all surface soil, vegetation, roots, brush, sod and other objectionable material. This material shall not be used in any part of the fill. All materials wasted by stripping shall be disposed of as directed by the engineer.

3B EMBANKMENT FOUNDATION

The dam foundation shall be stripped or excavated to the depth shown on the drawings to remove all surface soil, vegetation, roots, brush, sod and other material not suitable for

foundations. All materials wasted by stripping shall be disposed of as directed by the engineer. Before fill is placed, the foundation and abutment areas shall have their surfaces in a loose and scored condition by plowing or dicing to depths of 3 to 4 inches to provide a good bond between the foundation and the embankment. Loose earth shall not be left on the foundation area to a depth in excess of 6 inches above approved, undisturbed foundation material. This loose bonding surface shall contain adequate moisture for proper compaction when fill material is placed on it. No foundations or abutments shall be covered by material of the dam until the engineer has inspected and approved the same.

3C. CUTOFF TRENCH

An artificial barrier or cutoff to prevent leakage through or under the base of the dam shall be constructed as shown on the drawings. This barrier will consist of a cutoff trench backfilled with selected impervious material, properly compacted. The trench shall extend the full length of the dam and be completed in its entirety before fill is placed. It shall be excavated to a depth to be determined by the engineer. The trench shall be dewatered before any fill material is placed. No fill material shall be placed until the trench excavation has been inspected and approved by the engineer.

3D. SPILLWAY

Excavate spillway channel, at location shown and to lines and grades as shown on the drawings and as staked in the field.

Material excavated from the spillway may be used in the main embankment, if approved suitable by the engineer. Unsuitable material is to be disposed of. Confine excavation to neat lines and grades as shown on the drawings. Over excavation to be filled and tamped to provide a degree of compaction equal to the adjacent undisturbed earth.

3E. STRUCTURE EXCAVATION

Excavation of structures shall be to lines and grades shown on the drawings and as staked in the field. Excavation for anti-seep collars to be confined to neat lines and grades so that the bottom and sides of the excavation are suitable for pouring against native material. No concrete shall be poured prior to inspection and approval of the engineer.

4. OUTLET CONDUIT:

Construct the outlet conduit as shown on the drawings. Outlet conduit pipe must conform to

the applicable requirements of ASTM specifications.

Pipe to be 16 gauge corrugated metal pipe, asphalt coated inside and outside, with diameters as shown on the drawings.

Pipe joints must be made watertight by use of watertight rod and lug type couplings having a minimum width of 24 inches. Field welding of joints is prohibited.

5 VEGETATED SPILLWAY.

Seeding permanent vegetation shall be established on designated areas of the spillway as shown on the drawings. Refer to specifications section 7 for erosion control.

6. EARTH EMBANKMENT.

6A FOUNDATION PREPARATION

The foundation for the earth fill shall be so prepared by leveling and rolling that the surface materials of the foundation will be as compact and well bonded with the first layer of fill as herein specified for the subsequent layers of earth fill.

6B QUALITY OF MATERIALS

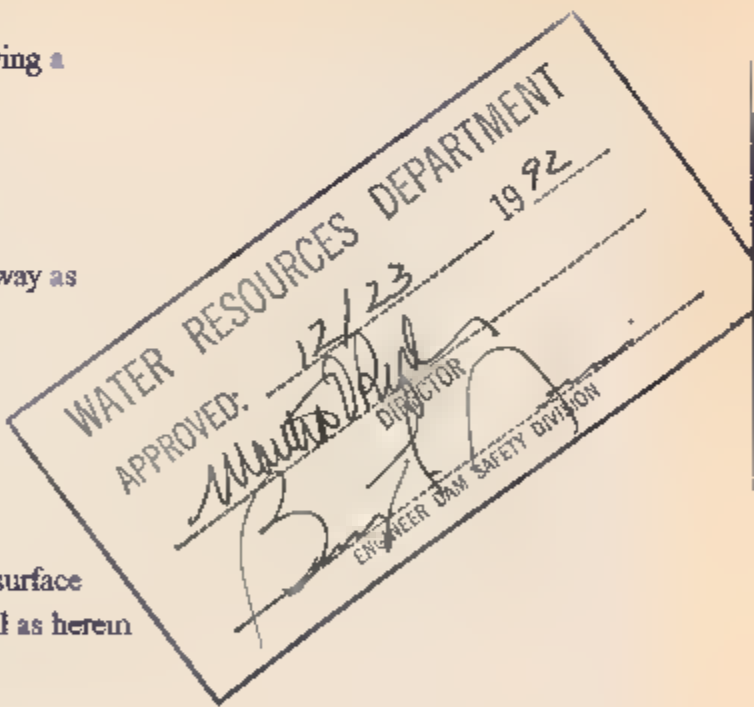
The earth fill portion of the dam, including the fill around the outlet conduit and in the cutoff trenches shall consist of soil material, approved by the engineer, from borrow areas as shown and from excavations required for other parts of the work. No brush, roots, sod, or other perishable or compressible debris shall be placed in the embankment. No stones having maximum dimensions of more than five (5) inches shall be placed in the embankment, any such stones shall be removed before rolling.

6C PLACEMENT OF MATERIALS

Fill material shall be placed in the embankment in the following manner:

a) The approved mixture of materials shall be placed in continuous rows, windrows, or spread layers in a direction parallel to the main axis or centerline of the dam. Row or windrows shall be spread before compaction is started. Spread layers shall not be more than 8 inches in thickness before compaction.

b) An acceptable working range of moisture content shall be established by the engineer for



DATE	AUGUST 3, 1992
SCALE	NONE
DRAWN	JRW
JOB	I-1
SHEET	5
OF	6 SHEETS

each type of fill material prior to start of construction, and no material shall be placed in the embankment which does not have a moisture content within its specified working range. Moisture control to be determined from laboratory reports or from density tests performed in the field

- c) The distribution of materials shall be such that the embankment will be free from lenses, pockets, streaks, or layers differing appreciably in texture from the surrounding material
- d) The fill materials shall be compacted by means of a sheep's foot roller of such weight that the materials will be compacted to the densities specified herein.
- e) The first course of fill material shall be spread over the foundation in a thin layer such that the combined thickness of this layer and the scarified surface of the foundation shall not exceed 8 inches before compaction.

- f) If the roller surface of any lift becomes too smooth for proper bond, it shall be adequately scarified before placement of the next lift.

6D MOISTURE CONTROL

The abutments, the surface of the fill, and the materials being placed shall be maintained at the proper moisture content during the placement operations, and shall be controlled in the following manner.

- a) If the foundation and/or abutments have insufficient moisture, water shall be added by sprinkling.
- b) The application of water to the fill materials shall be accomplished by irrigation of the borrow areas
- c) Any material or surface which has dried to below the required moisture content shall be uniformly moistened by sprinkling before the material is compacted or before a dried surface is covered by additional fill material.
- d) Material having a moisture content higher than that specified by the engineer shall be removed from the fill or allowed to dry to an acceptable condition before being compacted.
- e) Adjustment of moisture content will be made on the basis of determinations of moisture

content made by the engineer or inspector as construction progresses.

6E COMPACTION CONTROL

- a) Fill material shall be compacted to at least 95% of the maximum density obtained in compaction tests of the fill materials performed by Method A, ASTM D-698. The moisture content of the fill material shall not vary more than plus or minus 2% of the optimum moisture content
- b) The types and kinds of equipment shall be furnished and operated to compact the fill materials in the specified manner or to the specified density.
- c) Compaction shall be made by a sheepfoot tamping roller. The types and weights of the equipment used shall be approved by the engineer before construction begins
- d) Compaction equipment shall travers the entire surface of each layer or lift of material the number of times required to achieve compaction
- e) Adjacent to structures, compaction of fill shall be by means of hand tamping, or manually directed power tampers or plate vibrators. Heavy equipment shall not be operated within 2 feet of any structure
- f) The passage of heavy equipment over any conduit shall not be permitted for 14 days after placement of the conduit except as approved by the engineer. At least 2 feet of hand compacted fill shall be placed over any conduit or cutoff collar before heavy equipment is permitted to cross

- g) The rate of placement of fill material will be adjusted as required on the basis of determinations of fill density, in place, made by the engineer as construction progresses

6F EMBANKMENT DRAINS

Embankment drains (toe drains) shall be constructed as shown on the drawings and as follows

- a) Drain fill materials shall be sand, gravel, crushed stone, or mixture thereof and shall be graded as specified on the drawings. Particles shall be clean, hard and durable. Where tests must be made to determine hardness and durability, they shall be as specified by the engineer. All material less than 1/4 inch shall be natural sand

- b) Drain tile or pipe used in embankment drains shall meet the requirements of applicable ASTM specifications.
- c) Foundation surfaces and fill surfaces on which drains will be placed shall not be scarified. The foundation surface and trenches shall be maintained free of standing water during placement of materials
- d) Materials shall be placed uniformly in layers to the thickness specified by the engineer and shall be compacted with powered or hand operated compacting equipment as directed by the engineer. Collector pipes located in drain materials shall be placed and the materials compacted around them in such a manner as to prevent displacement of the pipe in line or grade

7 EROSION CONTROL AND SLOPE PROTECTION

7A SLOPE PROTECTION

Slopes shall be protected as directed by the engineer and in any event the filled portions of the dam proper and those portions of the spillway where shown shall be protected under erosion control. If, in the judgement of the engineer, rip rap is required in any area it shall consist of well graded, sound, dense and durable rock and graded as directed by the engineer. Filter material for placement under rip rap shall consist of a well graded sand and gravel mixture. Rip rap and filter material shall be placed where directed by the engineer and to specified depths. Rock shall be installed in one operation to full thickness without serious damage to subgrade. Place larger rocks uniformly and firmly in contact with one another so that smaller rock and spalls fill the voids between larger rocks. Placement shall be done in a manner to protect all structures.

7B EROSION CONTROL

- a) Seedbed preparation: Shall be performed on all areas to be protected by vegetation. Where low fertility soils are exposed, topsoil shall be used as needed
- b) Seeding mixtures: Approved grasses or grains shall be seeded early enough in the year to assure the development of good protective growth before storm runoff begins

Minimum Seeding Rate/Pounds per Acre

Nordan Crested Wheatgrass = 16 lbs./A
Siberian Wheatgrass = 16 lbs./A.

- c) Method of seeding: Seedings on all slopes less than 3 to 1 shall be seeded with a grass or grain drill. Seeding shall be made at right angles to the centerline of the spillway section. On all other areas, drilling shall be made approximately on the contour. On slopes steeper than 3 to 1, seedings shall be made by hand or machine broadcasting, and handraked or harrowed to insure that the seeding is mixed or has contact with the surface soil. Seedings should be made soon after construction is completed. Fall seedings should be made August 20 to September 30. Spring seedings may be made from April 1 to May 15 if there is ample moisture near the soil surface and the seedbed is firm

- d) Fertilizer: Apply 500 lbs. per acre of 16-20-0 commercial fertilizer or its equivalent at seeding time. Fertilize the established stand with at least 200 lbs. of 21-0-0 per acre or equivalent annually or as needed to maintain a uniform vigorous stand.

- e) Mulching: Use of mulches shall be designated by the engineer when their use is needed. Mulches needed to protect vegetative seedings during establishment shall be applied at the rate of 2-2 1/2 tons of grain straw or equivalent crop or plant residues per acre.

- f) Irrigation: Irrigation should be used where it is needed and practicable

- g) Fencing: Emergency spillway flow sections and vegetative slopes shall be protected from grazing and trampling of livestock by fencing

8 STRUCTURES

8A CONCRETE STRUCTURES

8A.1 MATERIALS

Portland Cement: Shall conform to the following type as specified: Type 11 A. Air-entrained cement for moderate sulfate resistance or moderate heat of hydration

Aggregates: As required to produce 3300 psi concrete compressive strength at 28 day cure and essentially conforming to requirements of Oregon Department of Transportation specifications. Maximum aggregate size = 1 1/2 in.

Time of placing and hauling: Concrete transported in a truck mixer shall be discharged at the job and placed in its final position in the forms within 1 1/2 hours after initial mixing with water

Adverse weather conditions: Concrete placed during hot weather shall be protected as

required under A C I 305. Concrete placed in cold weather shall be protected as required under A C 306. No concrete shall be poured under 35 degrees F..

Reinforcing Steel: Bars shall be deformed and of billet-steel conforming to ASTM A615, grade 40 unless otherwise specified. Reinforcement shall be accurately placed in position as shown on the plans and firmly secured to prevent distortion or deflection while pouring concrete. Placement shall conform to requirements of chapter 8 of the Manual of Practice, Concrete Reinforcing Steel Institute

8B MISCELLANEOUS STEEL AND EQUIPMENT

8B.1 MATERIALS: SHOP DRAWINGS REQUIRED FOR ALL MATERIALS THIS SECTION.

Miscellaneous Steel: Materials shall conform to the requirements of the applicable ASTM specification. Dimensions and tolerances shall conform to those published in the Manual of Steel Construction, American Institute of Steel Construction. Carbon Steel. ASTM specifications A36, A514

Nuts, Bolts, and Washers: ASTM A325, unless otherwise specified

Steel Pipe Sleeves: ASTM A120, unless otherwise specified

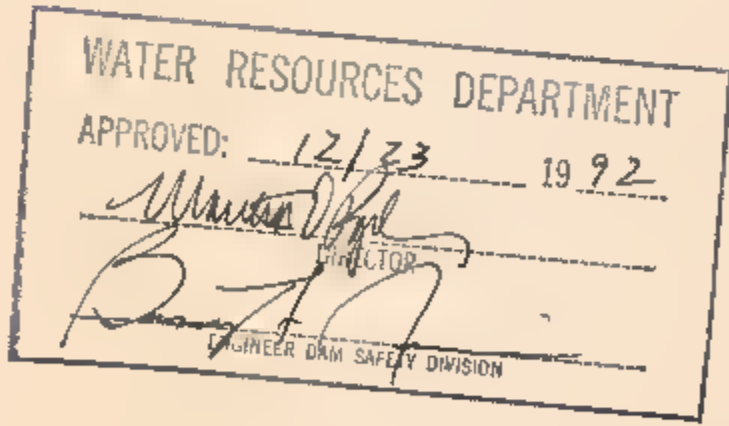
Equipment: Shall be as manufactured by Wateman or an approved equal. Lift gate handwheel and supporting hardware as recommended and detailed in Technical Release #46, "Gated Outlet Appurtenances - Earth Dams by U.S.D.A. - Soil Conservation Service, Engineering Division

Inlet Lift Gate: Wateman C-10 Canal Gate with minimum frame 8 inch diameter

Gate Stem: Steel, 1 1/4 inch diameter

Handwheel: 14 inch diameter per details D-9, and D-11, USDA-SCS T R #46.

Construction: Fabrication and installation of equipment and miscellaneous steel shall be as detailed on the drawings and as referenced detailed. Adjust equipment for smooth operation.



DATE	AUGUST 1992
SCALE	NONE
DRAWN	JW
JOB	I-1
SHEET	6
OF 6 SHEETS	

**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 # **108953**

INVOICE # _____

RECEIVED FROM: Iversen Family Farms

BY: _____

APPLICATION	R-72359
PERMIT	R-11827
TRANSFER	

CASH: ☐ CHECK: # X 21036 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 150.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) _____ \$ _____

0243 VS Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES PCA 46111 \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202 \$ _____
0203 GROUND WATER	\$ _____	0204 \$ _____
0205 TRANSFER	\$ _____	

WELL CONSTRUCTION

EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219 \$ _____
LANDOWNER'S PERMIT		0220 \$ _____

0200 OTHER (IDENTIFY) COBU \$ 150.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

**RECEIVED
OVER THE COUNTER**

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: **108953**

DATED: 6-3-13 BY: R Braun

IVERSON FAMILY FARMS INC.

Oregon Water Resources Department
Licenses, Fees & Permits COBU

4/19/13

21036

150.00

Checking - West Coas COBU S-72360 & permit #52392

150.00

IVERSON BROTHERS BULB FARM, INC.**17341**

WATER RESOURCES DEPARTMENT

05/22/96

Date	Trans. No.	Description	Vend. Inv. #	Gross	Disc	Net
05/22/96	7663	APPL. #R72359		134.00	0.00	134.00
		Totals:		134.00	0.00	134.00

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

158 12TH ST. N.E.

INVOICE #

002617

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

RECEIVED FROM:

*Curson Brothers
Bull Salmon*

APPLICATION

72359

BY:

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☒

24-201

☐

TOTAL REC'D

\$134.20

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407

COPY FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY)

\$

TC165

DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0

0202

\$134.20

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD #

0210

MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302

LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

RECEIPT #

002617

DATED:

5-24-96

BY:

310 J

NUMBER 06913

Check 134⁰⁰ Mo _____ Cash _____

☐ ~~Surface~~ Application

☒ Reservoir Application

☐ Ground Water Application

☐ Transfer Application

☐ PFO Request

☐ Research

☐ Hydroelectric Fees

☐ Copying

☐ Assignment

☐ Extension of Time

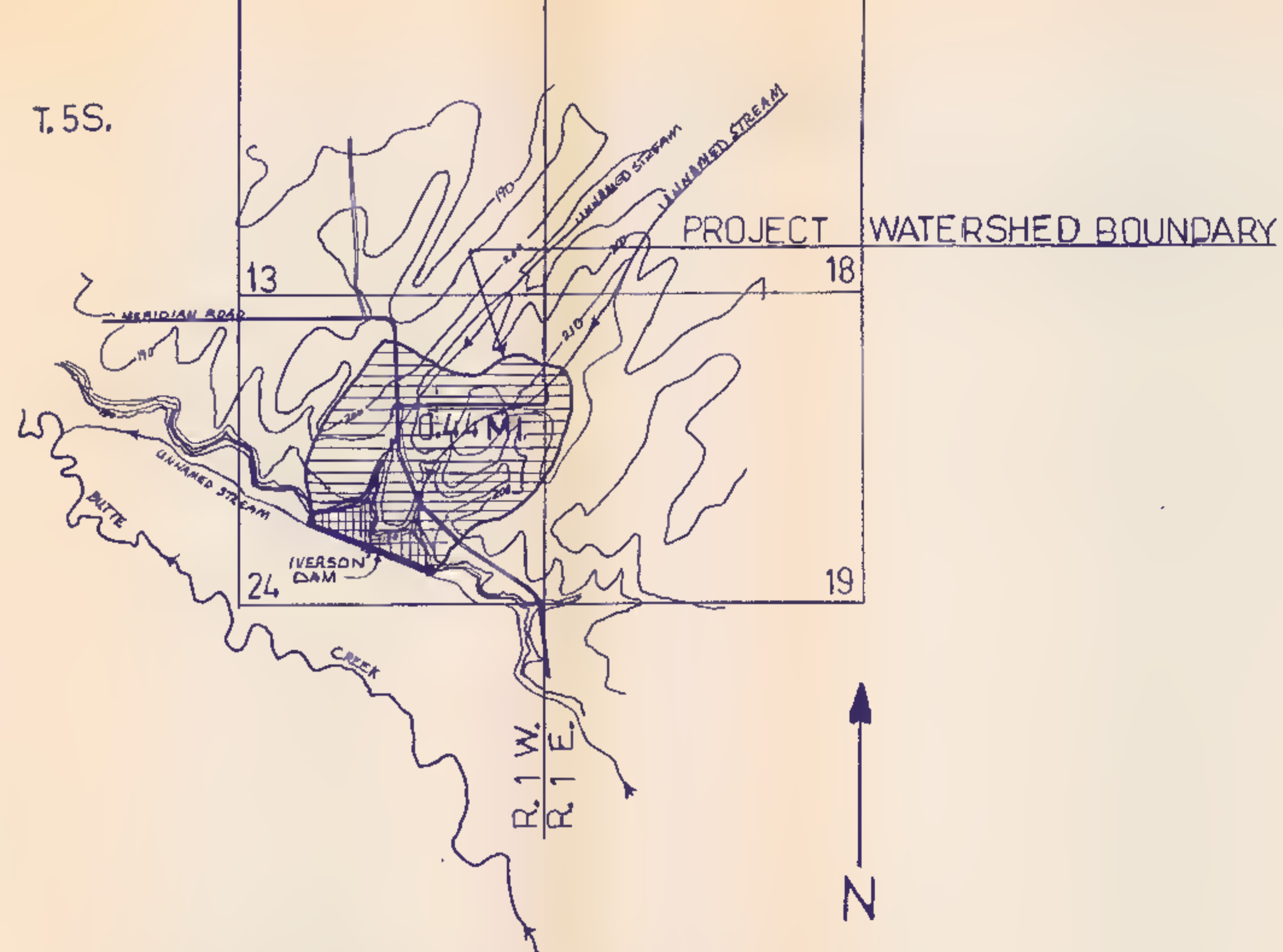
☐ Protest

☐ Other

0
134

Doug B

T. 5S.



WATERSHED MAP SCALE 1"=2000'

IVERSON RESERVOIR SECTION 24, T. 5S., R. 1W., W.M. CLACKAMAS COUNTY, OREGON

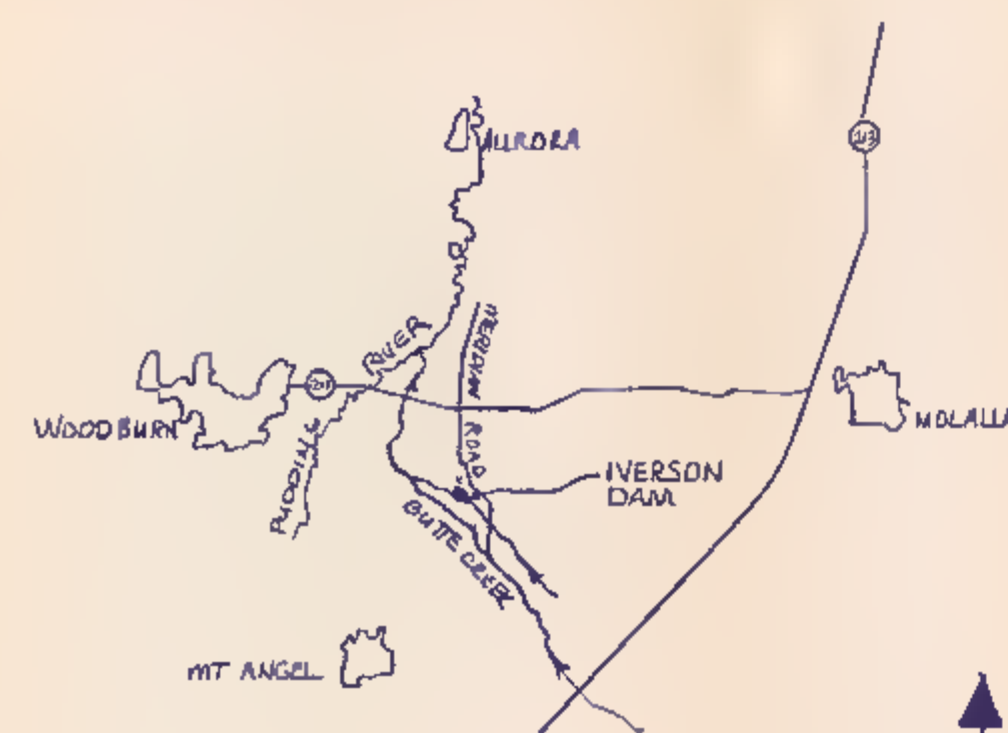
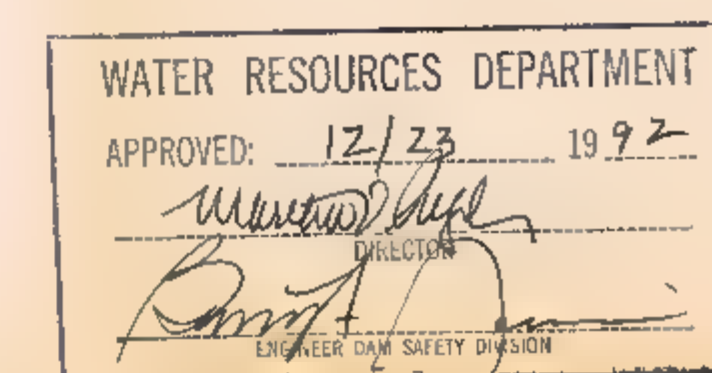
OWNER: ROSS IVERSON
WOODBURN, OREGON

ENGINEER: WATERRIGHTERS
4333 BRYAN STREET, SOUTH
SALEM, OREGON, 97302
585-0492

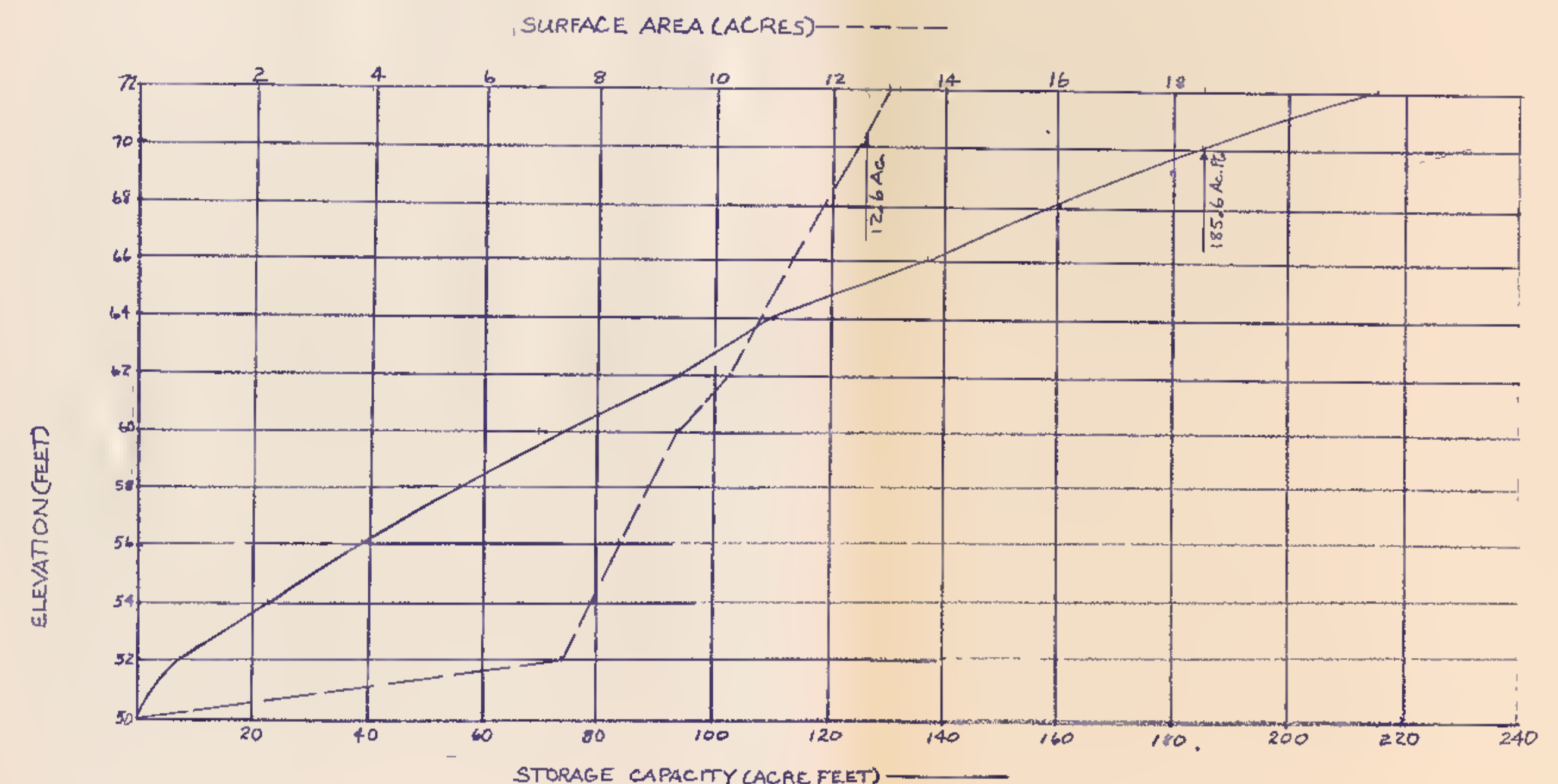


Iverson
R-72359 #69
Approved Plans
& Specs
12/24/92
JD

INDEX OF DRAWINGS
sheet 1 title sheet
sheets 2 & 3 plan
sheet 4 sections & details
sheets 5 & 6 specifications



VICINITY MAP SCALE 1"=4mi



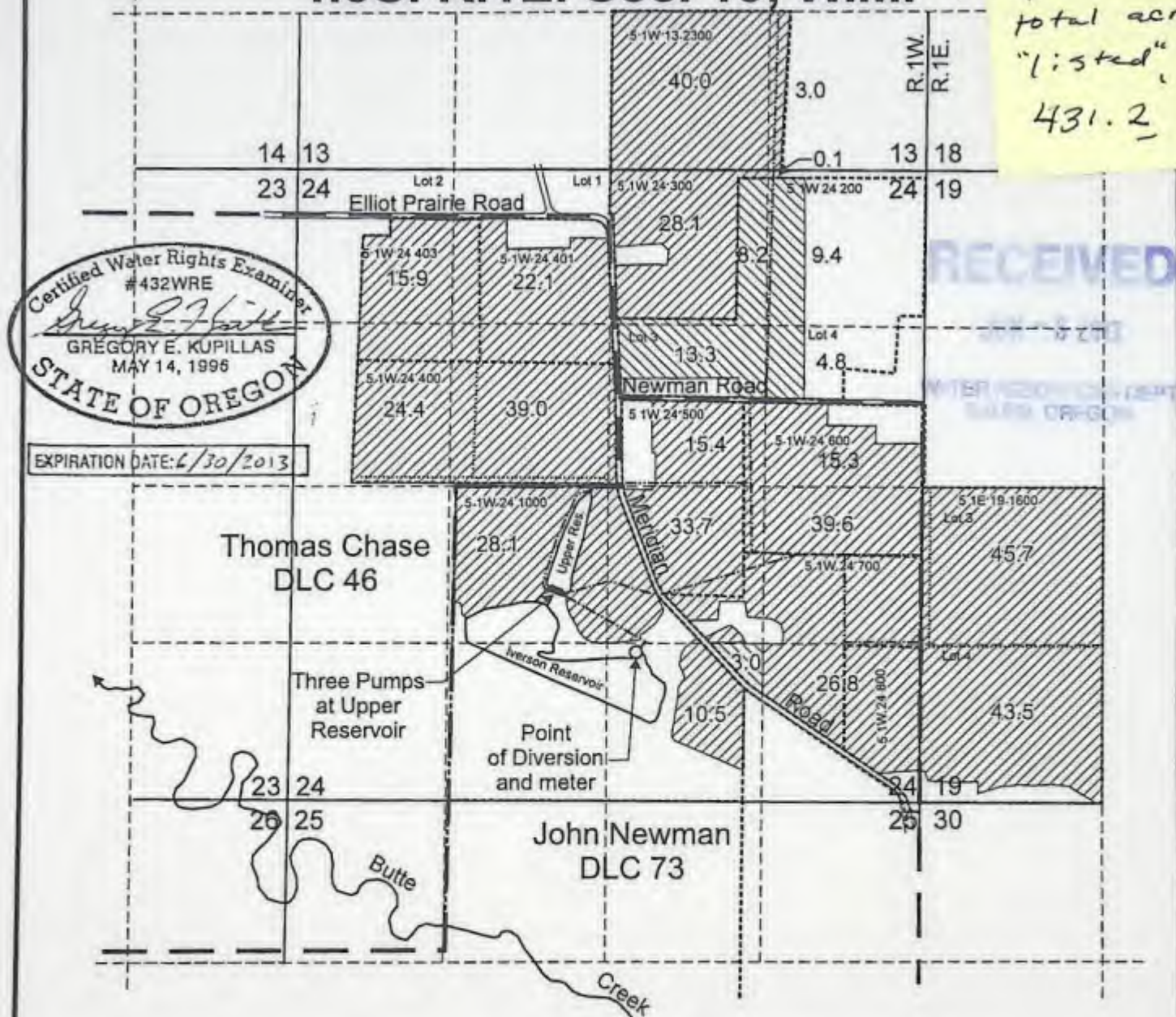
CAPACITY CHART

Superseded

5-18-16

Greg K to
send in map
w/ revised
total acres
"listed"
431.2

**T.5S. R.1W. Sec. 13 & 24
T.5S. R.1E. Sec. 19, W.M.**



Point of Diversion is located 1,220 feet north and 2,880 feet east from the SW corner, Section 24.

Area covered by Primary Irrigation and Agricultural Use (Nursery Operations) (38.7 Acres).

Area covered by Supplemental Irrigation and Agricultural Use (Nursery Operations) (431.1 Acres).

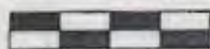
----- Tax lot boundary

----- Irrigation mainline buried

— — — — — Donation Land Claim boundary

..... Irrigation mainline above ground

Scale: 1" = 1,320'



0 1,320
Feet

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.

Claim of Beneficial Use Map
Application R-72359; Permit R-11827 &
Application S-72360; Permit S-52392

Pacific Hydro-Geology Inc.

04/2013

Iverson Family Farms, Inc.
T.5S. R.1W. Sec. 13 & 24; T.5S. R.1E. Sec. 19, W.M.

IversonR72359COBU.cdr