

FILE#: G 13698

JOHN HOLMLUND NURSERY CO.
29285 SE HWY 212
BORING, OR 97009

Application No. G G13698Permit No. G G12261

Certificate No. _____

Stream Index, Page No. _____

Vol 188 JOHNSON CR. & HISC.

FEES PAID

Date	Amount	Receipt No.
5-26-94	360.-	112513
10-26-95	7800	129753
6-8-17	57500	123636

Cert. Fee _____

FEES REFUNDED

Date	Amount	Check No.

Date filed _____

Priority _____

Action suspended until _____

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning 2-15-97Date for completion 10-1-98Extended to 10-1-17Date for application of water 10-1-99

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

Pump Test rejected 2/13/09

G-12261

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Tuesday, June 06, 2017 1:20 PM
To: 'Bob Long'
Cc: Vladimirl Lomen - John Holmlund Nursery, LLC (vladimirl@jhnsy.com)
Subject: RE: Permit G-12261 Pump Test

Bob,

In order to accept the test and forward it to the Groundwater Section for review, we will need the cover sheet of the test:

[http://www.waterboards.ca.gov/groundwater/programs/assessments/docs/cover_sheet.pdf](#)

Please let me know if you have any additional questions

Gerry

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

Phone: 503-986-0811

From: Bob Long [mailto:long@cwmt2.com]
Sent: Monday, June 05, 2017 4:03 PM
To: CLARK Gerald E * WRD
Cc: Vladimirl Lomen - John Holmlund Nursery, LLC (vladimirl@jhnsy.com)
Subject: Permit G-12261 Pump Test

Gerry-

This is the pump test reported from Stettler Supply for Application G-13698 and Permit G-12261. For the John Holmlund Nursery. They will also be submitting a permit extension to complement the existing. The extension captures water levels that were required during the permit period, but where not measured until after the permit had expired.

Best Regards- B

	Bob Long, R.G. LMG, CWRSE Principal Consultant 1315 SE MLK Jr. Bd., Suite 204, Portland, Oregon 97214 www.cwmt2.com Office (503) 954-1326 Cell (503) 799-0304
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Drawdown Data						Recovery Data					
		Time Since Pump Started	Depth to Water below Measuring Point	Depth to Water Below Land Surface	Flowrate			Time Since Pump Started	Depth to Water below Measuring Point	Depth to Water Below Land Surface	
DATE	TIME	(Minutes)				DATE	TIME	(Minutes)			Comments
	10:15		205.5'				3:19		222'		RECOVERY
	10:35		205.5'				3:21		218.5'		
	10:55		205.5'				3:23		217'		
	11:15		205.5'				3:25		216.3'		
					gpm		3:30		214.5'		
	11:17		225'		400		3:35		213.5'		
	11:19		239'		400		3:40		212.5'		
	11:21		241.5'		400		3:45		211'		
	11:23		244'		400		3:50		209.6'		
	11:25		245.5'		400		3:55		208'		
	11:30		248'		400		4:00		207.2'		
	11:35		249.5'		400						
	11:40		250.5'		400						
	11:45		251'		400						
	12:00		253'		400						
	12:15		254'		400						
	12:30		254.5'		400						
	12:45		255'		400						
	1:00		255.5'		400						
	1:15		256.3'		400						
	1:30		256.8'		400						
	1:45		257'		400						
	2:00		257.3'		400						
	2:15		257.8'		400						
	2:30		258'		400						
	2:45		258.2'		400						
	3:00		258.5'		400						
	3:15		258.8'		400						
	3:17		258'		400						

Mailing List for Extension FO Copies

FO Date: September 8, 2017

Copies Mailed

Application: G-13698

Permit: G-12261

By: SP
On: 9-8-17

Original mailed to permit holder

John Holmlund Nursery, LLC
29285 SE HWY 212
Boring, OR 97009

Copies sent to:

1. WRD - App. File G-13698/ Permit G-12261

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving notification via e-mail - FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 20, Amy Kim

CASEWORKER: JDP

Application for Extension of Time

Permit Information

Page 1 of 2

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated July 18, 2017.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to no additional conditions.

CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-13698, Permit G-12261, therefore, is approved. The deadline for completing construction is extended from October 1, 1998, to October 1, 2017. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 1999, to October 1, 2017.

DATED: September 8, 2017



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

-
- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0802.
 - 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
-

MEMORANDUM

TO: JUSTIN IVERSON, GROUND WATER SECTION
FROM: CERTIFICATE SECTION – GERRY CLARK
SUBJECT: PUMP TEST FOR PERMIT G-12261 APPLICATION G-13698
DATE: JULY 26, 2017

The attached pump test was recently received. We have retained the original for the application file.

S:\groups\wr\certs\Resource Center\pump test memo normal.doc

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Wednesday, July 26, 2017 4:18 PM
To: 'Bob Long'
Cc: Vladimirl Lomen - John Holmlund Nursery, LLC (vladimirl@jhnsy.com)
Subject: RE: Submittal: Pump Test for Permit G-12261

Bob,

Thank you for the test. I will get the test logged in and forwarded to the Groundwater Section for review.

Gerry

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

Phone: 503-986-0811

From: Bob Long [<mailto:Bob.Long@cwmh2o.com>]
Sent: Wednesday, July 26, 2017 2:02 PM
To: CLARK Gerald E * WRD
Cc: Vladimirl Lomen - John Holmlund Nursery, LLC (vladimirl@jhnsy.com)
Subject: Submittal: Pump Test for Permit G-12261

Gerry-

Please find attached the Pump Test Cover Form and Pump Test results for the well CLAC 1069 associated with Permit G-12261. The well is located at Township 1 South, Range 4 East, W.M., in the NW ¼ of the SW ¼ of Section 31. The pump test was completed on May 3, 2017.

Attachments:

- Pump Test Cover Form and Pump Test Results
- Attachment A Well Log CLAC 1069
- Attachment B Map G-12261

Best Regards- B

 	Bob Long, RG, LHG, CWRE Principal Consultant 1319 SE MLK Jr. Blvd., Suite 204, Portland, Oregon 97214 www.cwmh2o.com Office (503) 954-1326 Cell (503) 799-0304
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Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

Well Owner:

Name: John Holmberg Nelson
Address: 29255 SE Hwy 212
County: Clackamas
City: Boring State: OR Zip: 97009
Original owner (from well log): 1/1

Well Location:

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

Water Right Information:

Application: 613698 Permit: 612201 Certificate: _____
Is this well listed on more than one water right? ☐ Yes If yes, list additional water rights below:
Application: _____ Permit: _____ Certificate: _____
Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: Hank Chadsey Well Owner? ☐ Yes
Company: Stettler S-ppm
Address: 4420 Ridge Dr NE Date of Test: _____
City: Albany State: OR Zip: 97301
Daytime phone: 503 555-5550

Method of discharge measurement (see our brochure for more information): Flow meter
Method of water-level measurement (pick one or enter other method used): Choose or enter method
Length of air line (if used): _____

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

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

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? ☐ Yes Note: no

If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

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

Well elevation is below surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) Port in well casing

Measuring point distance below land surface _____ feet.

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

Time	Depth to water below meas. point	Depth to water below land surface
<u>10:15</u>	<u>205.5</u>	<u>204.5</u>
<u>10:35</u>	<u>205.5</u>	<u>204.5</u>
<u>10:55</u>	<u>205.5</u>	<u>204.5</u>

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

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
<u>11:17</u>	<u>400</u>	<u>gpm (gallons per minute)</u>
<u>12:15</u>	<u>400</u>	<u>gpm (gallons per minute)</u>
<u>1:00</u>	<u>400</u>	<u>gpm (gallons per minute)</u>
<u>1:45</u>	<u>400</u>	<u>gpm (gallons per minute)</u>
<u>2:30</u>	<u>400</u>	<u>gpm (gallons per minute)</u>

Time pump turned on: _____ Date 5-5-2017
Time pump turned off: _____ Date 5-5-2017
Total pumping time: _____ hours _____ minutes

Time 11:17
Time 3:17

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

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

OWRD 2/9/2000

Required Signature: _____

RECEIVED

JUL 26 2017

OWRD

4420 Ridge Drive NE, Salem OR 97301
503-585-5550 local 866-985-5550 toll-free 503-581-6799 fax
CCB #33228

OWRD

01069

1S/4E-3

9809C 10/86

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MAY 20 1987

WATER RESOURCES DEPT.
SALEM, OREGON

0-4 TOP SOIL
4-26 BROWN CLAY
26-70 SOFT BROWN CLAY
70-95 CLAY AND GRAVEL, SOME SMALL
BOULDERS
95-115 CEMENTED GRAVEL
115-116 BOULDER
116-136 CEMENTED GRAVEL
136-138 BOULDER
138-160 CEMENTED GRAVEL
160-164 CLAY AND GRAVEL
164-183 CEMENTED GRAVEL
183-186 BLUE CLAY, STICKEY
186-193 CLAY AND GRAVEL
193-212 CEMENTED GRAVEL
212-213 CLAY
213-214 CLAY AND GRAVEL
214-225 CEMENTED GRAVEL
225-232 BLUE CLAY
232-253 HARD BLACK SANDSTONE
253-258 BROWN CLAY
258-261 STICKEY CLAY AND GRAVEL
261-272 CEMENTED GRAVEL
272-275 CLAY AND GRAVEL
275-282 CEMENTED GRAVEL
282-283 CLAY
283-289 CEMENTED GRAVEL
289-298 STICKEY BLUE CLAY

RECEIVED

JUL 26 2017

OWRD

RECEIVED

MAY 29 1987

WATER RESOURCES DEPT.
SALEM, OREGON

298-299	CLAY AND GRAVEL
299-304	STICKEY BLUE CLAY
304-310	CEMENTED GRAVEL
310-318	CLAY AND GRAVEL
318-322	SOFT BLUE CLAY
322-326	HARD STICKEY BLUE CLAY
326-330	CLAY AND GRAVEL
330-337	BLACK SANDSTONE
337-339	CLAY AND COURSE SAND, STICKEY
339-344	BLACK SANDSTONE
344-346	SOFT SANDY BLUE CLAY
346-348	BLACK SANDSTONE
348-352	BLUE CLAY
352-355	SANDSTONE
355-362	HARD STICKY BLUE CLAY
362-366	SANDSTONE
366-374	STICKY BLUE CLAY
374-376	SANDSTONE
376-383	HARD BLUE CLAY
383-392	BLUE CLAY, STICKY
392-410	HARD BLUE CLAY
410-413	SANDSTONE
413-419	BLUE CLAYSTONE
419-422	BLUE CLAY, SOFTER
422-431	HARD BLACK SANDSTONE
431-437	SOFTER BLACK SANDSTONE
437-447	HARD BLACK SANDSTONE
447-449	SOFTER BLACK SANDSTONE

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449-454	SANDY BLUE CLAYSTONE
454-456	SOFT BLACK SANDSTONE
456-466	HARD BLACK SANDSTONE
466-467	CLAY STONE
467-479	SOFT SANDSTONE
479-490	MED. HARD SANDSTONE
490-493	SOFTER SANDSTONE
493-496	BLUE CLAY
496-515	CLAYSTONE
515-521	HARD BLUE CLAYSTONE
521-523	SOFT BLUE SANDY CLAY
523-555	SANDSTONE AND GRAVEL, POROUS
555-559	CLAYSTONE, STICKY
559-562	SANDSTONE AND GRAVEL, POROUS
562-564	BLUE CLAYSTONE
564-567	CEMENTED GRAVEL OR SANDSTONE
567-569	HARD CLAY STONE
569-581	HARD CLAY AND GRAVEL, BLUE
581-583	CLAY
583-600	CLAY AND GRAVEL

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MAY 29 1987

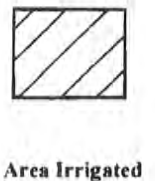
WATER RESOURCES DEPT.
DALEM, OREGON

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JUL 26 2017

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T.1S., R.4E., W.M



Well is located 450'S & 216'E from the W1/4 corner of Section 31.

Final Proof Survey

In Name Of

John Holmlund Nursery

Application #: G-13698

Permit #: G-12261

Surveyed on August 3, 2000 by JM Schuette

RECEIVED

IL 26 2017

OWRD

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.



Mailing List for Extension PFO Copies

PFO Date: July 18, 2017

Copies Mailed

Application: G-13698

Permit: G-12261

By: VG

On: 7-18-17

Original mailed to Applicant:

John Holmlund Nursery, LLC
29285 SE HWY 212
Boring, OR 97009

Copies sent to:

1. WRD - App. File G-13698/ Permit G-12261

2. Agent or CWRE representing the Permit Holder

None Found

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 20, Amy Kim

CASEWORKER: JDP

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time	)	
for Permit G-12261, Water Right Application G-13698, in	)	PROPOSED FINAL
the name of John Holmlund Nursery, LLC	)	ORDER

Permit Information

Application:	G-13698
Permit:	G-12261
Basin:	2C – Lower Willamette / Watermaster District 20
Date of Priority:	May 26, 1994
Source of Water:	A well in the Johnson Creek Basin, within the Willamette River Basin
Purpose or Use:	Irrigation of 28.95 acres nursery stock and related nursery operations
Maximum Rate:	0.50 cubic foot per second (cfs)

Please read this Proposed Final Order in its entirety.

In Summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 1998, to October 1, 2017.
- Grant an extension of time to apply water to full beneficial use from October 1, 1999, to October 1, 2017¹.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

¹Pursuant to ORS 537.630(4), 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 a new or revised claim of beneficial use as deemed appropriate by the Department.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

Application – Application for Extension of Time

PFO – Proposed Final Order

cfs – cubic feet per second

Well – CLAC 1069

FOF – Finding of Fact

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow 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) 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 therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contain the factors that the Department must consider to make findings that support a “good cause” determination.

FINDINGS OF FACT

1. On February 15, 1996, Permit G-12261 was issued by the Department. The permit authorizes the use of up to 0.50 cfs of water from a well in Johnson Creek Basin, within the Willamette River Basin, for irrigation use on 28.95 acres nursery stock and related nursery operations. The permit specified actual construction of the well to begin within one year from permit issuance, being February 15, 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. On June 8, 2017, the permit holder, John Holmlund Nursery, LLC, submitted an “Application for Extension of Time” (Application) to the Department, requesting both the time to complete construction of the water system be extended from October 1, 1998, to October 1, 2017, and the time to fully apply water to beneficial use under the terms and conditions of Permit G-12261 be extended from October 1, 1999, to October 1, 2017. This is the first permit extension requested for Permit G-12261.

3. On June 13, 2017, notification of the Application for Permit G-12261 was published in the Department's Public Notice. No public comments were received regarding the Application.

Review Criteria OAR 690-315-0040

In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

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

4. On June 8, 2017, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

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

5. Actual construction of the well began prior to the February 15, 1997, deadline specified in the permit. According to the permit holder, construction of the well began February 8, 1987.
6. According to the well log received by the Department on May 29, 1987, construction of CLAC 1069 (Well) began February 18, 1987.

Based on Finding of Fact (FOF) 5 and 6, the Department has determined that the prosecution of the construction of the well began prior to February 15, 1997.

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

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

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

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: 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 holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

Amount of Construction OAR 690-315-0040(3)(a) (The amount of construction completed within the time allowed in the permit.²)

7. Construction of the Well began prior to permit issuance.
8. Work was accomplished during the original development time frame under Permit G-12261 is as follows:
 - constructed 200 feet of buried mainline and connected it an existing mainline constructed for Certificate 68523; and
 - installed two Nelson Big Guns to irrigate 28.95 acres.

Based on FOF 5 through 8, the Department has determined that work has been accomplished prior to permit issuance and within the time allowed in the permit, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

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

The water right permit holder's conformance with the permit conditions.

9. The Department has considered the permit holder's compliance with conditions, and has identified the following concern, the required March static water level measurements have not been received by the Department by October 1, 1999.
10. The Department record does show that March static water level measurements have been received for years 2001, 2003, 2005, 2006, 2008 and 2015.

Based on FOF 9, the Department has determined that the permit holder has not demonstrated compliance with following permit conditions as required by Permit G-12261, "a water level measurement shall be made each year during the period March 1 through March 31."

Beneficial Use of Water: OAR 690-315-0040(3)(b) (The amount of beneficial use made of the water during the permit time limits.)

11. The Application states a maximum rate of 0.50 cfs of water has been appropriated from the Well for irrigation of 28.95 acres of nursery stock and related nursery operations

The Department has determined based on FOF 9, that beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 1999.

² "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A)and(B) as 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, surveying, clearing land or planting crops.

Financial Investments to Appropriate and Apply Water to a Beneficial Purpose OAR 690-315-0040(2)(b),(3)(d),(4)(d)

12. The Application states the permit holder has invested about \$23,600, which is approximately the total projected cost for complete development of this project.

Based on FOF 12, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

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

The Application provides evidence of progress towards completion of the water system; a financial investment has been made; the permit holder has not demonstrated compliance with all permit conditions, and; beneficial use has not been demonstrated. The Department has determined the applicant has demonstrated the minimum necessary for the Department to find reasonable diligence towards complete application of water to a beneficial use.

The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]

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:

- *(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, 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);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(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 present demands for water and power.*

The amount of water available to satisfy other affected water rights and scenic waterway flows OAR 690-315-0040(4)(a)

13. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-12261; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

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) OAR 690-315-0040(4)(b)

14. The point of appropriation for Permit G-12261, located within the Johnson Creek Basin, is within Sandy-Boring Limited Groundwater Area.
15. Johnson Creek is located above the Clackamas Scenic Waterway.
16. The point of appropriation is in an area listed by the Department of Environmental Quality as a water quality limited stream. An unnamed stream, tributary to Johnson Creek, RM 0 to 3.1 is listed under Water Quality Limited for E. Coli and dissolved oxygen.

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife OAR 690-315-0040(4)(c)

17. Johnson Creek is located within an area ranked “highest” for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

Economic interests dependent on completion of the project OAR 690-315-0040(4)(d)

18. The Application states an approximate total of \$23,600 has been invested in the project.

Other economic interests dependent on completion of the project OAR 690-315-0040(4)(e)

19. The Application states that limitation or cancellation of the permit would directly result in loss of some agricultural jobs in Clackamas County.

Other factors relevant to the determination of the market and present demand for water and power OAR 690-315-0040(4)(f)

20. No other factors relevant to the determination of the market and present demand for water and power have been identified.

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

21. The Application identifies that the water is used to operate a profitable nursery and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

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

22. The Application did not identify any delay in the development of this project that was caused by any other governmental requirements.

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

23. The Application did not identify unforeseen events.

Denial of the Extension Will Result in Undue Hardship OAR 690-315-0040(2)(i)

24. The Application states that the loss of water use authorized under this permit would result in an inability to operate the nursery and would result in the loss of current assets and related revenue.

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

25. The Application provides evidence of good faith of the appropriator under Permit G-12261.

Based on FOF 5 through 8, 10 through 12 and 18, the Department has determined that the applicant has shown good faith and reasonable diligence.

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.

26. As of June 8, 2017, the Application states the construction of the water system is complete. The Extension of Time is only needed to meet all permit conditions, which include submitting annual March static water level measurements after October 1, 1999; and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2017, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-12261 is both reasonable and necessary.

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

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

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).

CONCLUSIONS OF LAW

1. 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).
2. The applicant has complied with the construction timeline requirements to begin actual construction as required by ORS 537.630, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 5 through 25, full application of water to beneficial use can be accomplished by October 1, 2017, as required by OAR 690-315-0040(1)(c).
4. The applicant can complete the project within the time period requested for the extension on the project.
5. The applicant has demonstrated good cause for the extension.

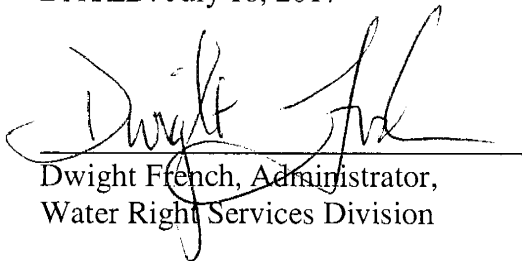
PROPOSED ORDER

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

Extend the time to complete construction of the water system under Permit G-12261 from October 1, 1998, to October 1, 2017.

Extend the time to apply water to beneficial use under Permit G-12261 from October 1, 1999, to October 1, 2017.

DATED: July 18, 2017


Dwight French, Administrator,
Water Right Services 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 and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **September 1, 2017**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest 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 proposed 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 applicant or non-applicant 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 protest 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.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

**Application for Extension of Time for a Water Right Permit
(NON-Municipal/NON Quasi-Municipal water Use)**



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

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).***

I, John Holmlund Nursery, LLC

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

29285 SE Hwy 212
ADDRESS

Boring
CITY

OR
STATE

97009
ZIP

503-663-6650
PHONE

Vladmirl@jhnsy.com
E-MAIL ADDRESS

the permit holder of:

Application Number G-13698

Permit Number G-12261

[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 **Month: Day: Year:**, be extended to October 1, _____, [OAR 690-315-0020(3)(i)]

☐ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

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 **Month: 10 Day: 01 Year: 1999**, be extended to October 1, 2017.
[OAR 690-315-0020(3)(i)]

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SALEM, OR

I am the permit holder, or have written authorization from the permit holder (attached to this Application for Extension of Time), 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

Date

Vladimir Lomen

Financial Manager

Printed Name

Title

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 \$575.
- Signature page (Second 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 Supporting documents and/ or evidence

\$575 STATUTORY FEE TO:

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

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1. Beginning Construction within required deadlines.**For Groundwater Permits****Has construction of the point of appropriation (well) authorized under this permit begun?**☒ Yes ☐ No**Date construction began Month: 02 Day: 18 Year: 1987****Details of construction and attach documentation:**

Permit G-12261 has one point of appropriation: Well, 1 CLAC 1069. The well was constructed in 4/16/1987. The well was drilled to a depth of 600 feet and was sealed to 260 feet with cement.

See Attachment A - Well Log CLAC 1069

2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
☒	Installation of a meter/totalizing flow meter	☒ Yes ☐ No	9/9/1995
☐	Submittal of annual water usage report	☐ Yes ☐ No	
☒	Submittal of initial static water level measurement	☐ Yes ☒ No	2/20/2001; See below
☒	Submittal of annual static water level measurements in the month required	☐ Yes ☒ No	See Below
☐	Submittal of Seven consecutive static water level measurements in the month required	☐ Yes ☐ No	
☒	Special well construction standards	☒ Yes ☐ No	4/16/1987; See below
☐	Submittal of a monitoring plan	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
	Surface Water or Reservoir		
☒	Installation of a meter/ totalizing flow meter/ in-line meter	☒ Yes ☐ No	7/26/1990

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☐	Installation a staff gauge	☐ Yes ☐ No	
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☐	Installation of an outlet gate/pipe/ conduit	☐ Yes ☐ No	
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☐	Submittal of a letter from an engineer prior to storage	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	

2b. If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

This permit extension is proposed to extend the time limits of the permit to capture the actual dates of initial and annual water level measurements. This would allow for the dates of water level measurements to be brought into compliance with the permit:

- The permit indicates a time limit of 10/1/1999 for complete beneficial use of water; a Claim of Beneficial Use was filed 8/22/2000. Conditions of the permit included submission of initial and annual water level measurement.
- Due to a misunderstanding over the permit conditions, however, an initial water level measurement was not submitted until 2001. Because of this, the permit conditions were not met, hence the application for this extension.
- The reason water level measurements were not submitted is because the water source (Well #1) is also the source of water for a certificated water right (Cert. 68523), the water user thought they were in compliance with permit conditions for G-12261 based on the other water right (Cert. 68523). The permit from which Cert. 68523 was perfected did not require initial or annual water level measurements.
- Submission of the initial measurement was made after the CBU was filed (2/20/2001) when the water user became aware of the permit condition to submit initial and annual water level measurements. Nevertheless, the initial measurement was made outside of the time limit for complete beneficial use specified in the permit.
- The dates of water level measurements are as follows:
 - 2/20/2001
 - 3/05/2003
 - 4/05/2004
 - 3/07/2005
 - 3/23/2006
 - 2/26/2007

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The permit also requires the water user to withdraw from a depth of no shallower than 250 feet bgs. The well is sealed to a depth of 260 feet bgs, drawing from a confined aquifer at a depth of 300 feet bgs.

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
4/16/1987	Well Drilled – Well log CLAC 1069, Attachment A	\$15,600
10/18/1990	Mainline construction for Certificate 68523	~\$5000
DATE	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*
2/15/1996	Date the permit was signed - find date above signature on last page of permit.	
8/1/1998	Mainline construction – 2000 ft of buried 5" PVC with 4" risers – ties into mainline constructed for Certificate 68523	\$3,000
10/1/1999	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <u>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME:</u> 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.	COST*
NA		
Total Cost for Chart-B		\$23,600

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
NA	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	

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	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.		
DATE	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*
NA			
Total Cost of Chart-C			

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: \$23,600

(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

[OAR 690-315-0020(3)(e)(B)]

Provide evidence of 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 used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

Maximum rate of use – 224 gallons per minute (gpm). At the time of the Claim of Beneficial Use, the water user was operating two 1.08" -nozzle big gun sprinklers, which have the capacity to draw up to 417 gpm (0.93 cfs) combined.

6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

NA

7. For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
A Well	Well #1	Yes ☒ No ☐	CLAC 1069		Yes ☒ No ☐	224 gpm	Yes ☒ No ☐	68523
Total instantaneous rate from all wells utilized under this permit						224 gpm		

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8. Has a Permit Amendment Application been filed? Yes ☐ No ☒

[OAR 690-315-0020(3)(e)(C)]

9. **For Irrigation and Nursery Use Permits Extensions**

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

a) Total acres irrigated to date: 28.95 ac

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
1998	28.95	1999	28.95	2000	28.95
2001	28.95	2002	28.95	2003	28.95
2004	28.95	2005	28.95	2006	28.95
2007	28.95	2008	28.95	2009	28.95
2010	28.95	2011	28.95	2012	28.95
2014	28.95	2014	28.95	2015	28.95
2016	28.95				

c) Provide a copy of the application map identifying the acres irrigated.

See Attachment B – Application Map

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA) Well #1 Acres 28.95 (POD/POA) # Acres

(POD/POA) # Acres (POD/POA) # Acres

[OAR 690-315-0020(3)(i)(j)]

10. In the chart below 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)
2/20/2001		~\$100
3/05/2003		~\$100
4/05/2004		~\$100
3/07/2005		~\$100
3/23/2006		~\$100
2/26/2007		~\$100

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Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	3/05/2003
	Total Cost	\$600

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

11. Estimated remaining cost to complete the project: NA

(The total cost from CHART-E)

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)* Construction of the well and infrastructure has been completed. This extension of time is to allow for the permit to capture the dates of initial and annual water level measurements.

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

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(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.)* Full beneficial use of the water has been made. The time extension is requested is to capture the dates for which water level measurements were made and to bring the use into compliance with the time limits of the permit. The water user was in compliance with all other aspects of the permit. The cause of the lapse in the initial measurements was due to an oversight related to a related water right. Once the extension has been granted, water use will be in compliance with the permit and the Claim of Beneficial Use can be processed. See response to 2(b) above.

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

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)* Denial of this extension could cause cancellation of the permit and a loss of the water rights. The inability to use water for irrigation and other nursery operations would result in loss of current assets and related revenue.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail)* There are no alternatives to meeting the water use needs serviced by this water right.

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? *(Explain in detail, including how much*

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time did this delay the project; list dates.) No delays were caused by governmental regulations or requirements.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.) None. Construction of the project and application are complete.

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

17. Describe an additional reason why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.) See response to 2(b) above.

[OAR 690-315-0020(3)(m)(n)]

18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time. The Applicant wishes this extension to amend the existing Claim of Beneficial Use Survey already completed such that permit compliance conditions can be met without repeating the Claim of Beneficial Use Survey.

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) Yes, the water is used to operate 18.7 acres of profitable nursery grounds.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interests, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be affected and how?) Profitable agricultural operations provide thousands of jobs in Oregon. A limitation or cancellation of this water right would directly cause loss of some jobs in Clackamas County.

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SALEM, OR

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

MAY 29 1987

CLAC

01069

1S/4E-31

(1) OWNER:

Name JOHN HOLMLUND WATER RESOURCES DEPT.
Address 6615 S.E. POWELL VALLEY RD.
City GRESHAM State OREG. Zip _____

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable
☐ Other _____

(4) PROPOSED USE:

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

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 600 ft.

Explosives used ☐ Yes ☒ No ☐ Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
4"	0	260	CEMENT	0	30	22
10"	260	600	CEMENT	255	260	6

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

☐ Other LOWER SEAL POURED

Backfill placed from 30 ft. to 255 ft. Material SAND AND DRILL CUTTINGS

Gravel placed from 289 ft. to 600 ft. Size of gravel 1/2"

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	10	+1	302	.250"	☒	☐	☐	☐
Liner:	8	289	600	.188"	☒	☐	☐	☐

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

☒ Perforations Method CUTTING TORCH

☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
302	600		2000	1/4" x 12"		☐	☒

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing
☐ Artesian

Yield gal/min	Drawdown	Drill stem at	Time
500	31		24 hr.

Temperature of water _____ Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____

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

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: 150' TO 300'

(9) LOCATION OF WELL by legal description:

County CLATSOP Latitude _____ Longitude _____
Township 1S N or S, Range 4E E or W, WM.
Section 31 1/4 _____ 1/4 _____
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:

187 ft. below land surface. Date 4/16/87
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found		Estimated Flow Rate	SWL
From	To		
302	600		

(12) WELL LOG:

Ground elevation _____

Material	From	To	SWL
SEE ATTACHED LIST			
CASING DRIVEN AHEAD OF HOLE @ 302' TO DEVELOPE A SEAL AROUND DRIVE SHOE			
3 SACKS CEMENT PLACED @ BOTTOM OF 8" LINER TO PREVENT GRAVEL FROM COMING AROUND END.			

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SALEM, OR

Date started 2/18/87 Completed 4/16/87

(unbonded) Water Well Constructor Certification:

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

WWC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:

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

WWC Number 462
Signed DeKirk Date 5/19/87

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MAY 29 1987

WATER RESOURCES DEPT.
SALEM, OREGON

0-4 TOP SOIL
4-26 BROWN CLAY
26-70 SOFT BROWN CLAY
70-95 CLAY AND GRAVEL, SOME SMALL
BOULDERS
95-115 CEMENTED GRAVEL
115-116 BOULDER
116-136 CEMENTED GRAVEL
136-138 BOULDER
138-160 CEMENTED GRAVEL
160-164 CLAY AND GRAVEL
164-183 CEMENTED GRAVEL
183-186 BLUE CLAY, STICKEY
186-193 CLAY AND GRAVEL
193-212 CEMENTED GRAVEL
212-213 CLAY
213-214 CLAY AND GRAVEL
214-225 CEMENTED GRAVEL
225-232 BLUE CLAY
232-253 HARD BLACK SANDSTONE
253-258 BROWN CLAY
258-261 STICKEY CLAY AND GRAVEL
261-272 CEMENTED GRAVEL
272-275 CLAY AND GRAVEL
275-282 CEMENTED GRAVEL
282-283 CLAY
283-289 CEMENTED GRAVEL
289-298 STICKEY BLUE CLAY

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MAY 29 1987

WATER RESOURCES DEPT.
SALEM, OREGON

298-299	CLAY AND GRAVEL
299-304	STICKEY BLUE CLAY
304-310	CEMENTED GRAVEL
310-318	CLAY AND GRAVEL
318-322	SOFT BLUE CLAY
322-326	HARD STICKEY BLUE CLAY
326-330	CLAY AND GRAVEL
330-337	BLACK SANDSTONE
337-339	CLAY AND COURSE SAND, STICKEY
339-344	BLACK SANDSTONE
344-346	SOFT SANDY BLUE CLAY
346-348	BLACK SANDSTONE
348-352	BLUE CLAY
352-355	SANDSTONE
355-362	HARD STICKY BLUE CLAY
362-366	SANDSTONE
366-374	STICKY BLUE CLAY
374-376	SANDSTONE
376-383	HARD BLUE CLAY
383-392	BLUE CLAY, STICKY
392-410	HARD BLUE CLAY
410-413	SANDSTONE
413-419	BLUE CLAYSTONE
419-422	BLUE CLAY, SOFTER
422-431	HARD BLACK SANDSTONE
431-437	SOFTER BLACK SANDSTONE
437-447	HARD BLACK SANDSTONE
447-449	SOFTER BLACK SANDSTONE

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WATER RESOURCES DEPT.
SALEM, OREGON

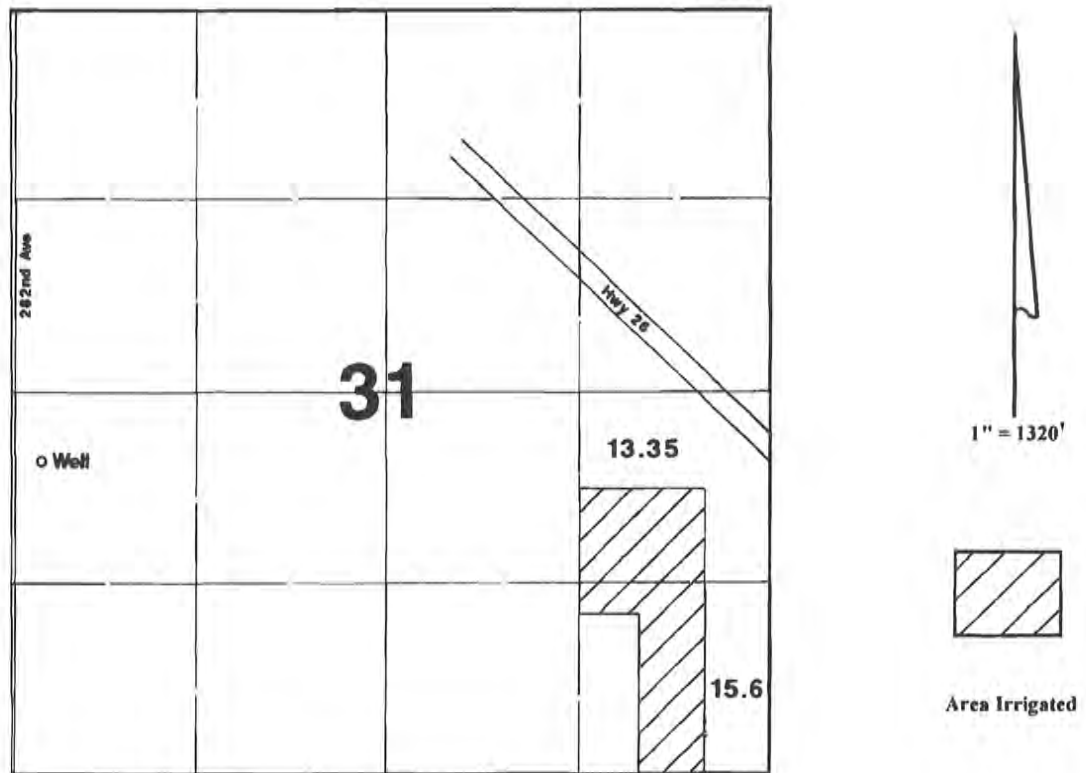
449-454	SANDY BLUE CLAYSTONE
454-456	SOFT BLACK SANDSTONE
456-466	HARD BLACK SANDSTONE
466-467	CLAY STONE
467-479	SOFT SANDSTONE
479-490	MED. HARD SANDSTONE
490-493	SOFTER SANDSTONE
493-496	BLUE CLAY
496-515	CLAYSTONE
515-521	HARD BLUE CLAYSTONE
521-523	SOFT BLUE SANDY CLAY
523-555	SANDSTONE AND GRAVEL, POROUS
555-559	CLAYSTONE, STICKY
559-562	SANDSTONE AND GRAVEL, POROUS
562-564	BLUE CLAYSTONE
564-567	CEMENTED GRAVEL OR SANDSTONE
567-569	HARD CLAY STONE
569-581	HARD CLAY AND GRAVEL, BLUE
581-583	CLAY
583-600	CLAY AND GRAVEL

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T.1S., R.4E., W.M



Well is located 450'S & 216'E from the W1/4 corner of Section 31.

Final Proof Survey

In Name Of

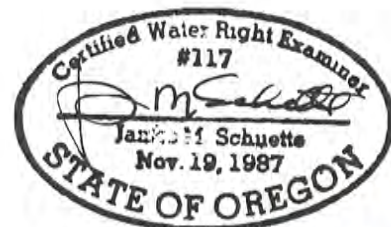
John Holmlund Nursery

Application #: G-13698

Permit #: G-12261

Surveyed on August 3, 2000 by JM Schuette

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.



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SALEM, OR

STATE OF OREGON

COUNTY OF CLACKAMAS

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PERMIT TO APPROPRIATE THE PUBLIC WATERS

JUN 08 2017

THIS PERMIT IS HEREBY ISSUED TO

SALEM, OR

JOHN HOLMLUND NURSERY CO
29285 SE HWY 212
BORING, OREGON 97009

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

APPLICATION FILE NUMBER: G-13698

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

PURPOSE OR USE: IRRIGATION OF 28.95 ACRES NURSERY STOCK AND RELATED NURSERY OPERATIONS

RATE OF ALLOWED USE: 0.50 CUBIC FOOT PER SECOND

THE PERIOD OF ALLOWED USE IS: YEAR ROUND FOR NURSERY OPERATIONS

DATE OF PRIORITY: MAY 26, 1994

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 31, T 1 S, R 4 E, W.M.; 480 FEET SOUTH & 216 FEET EAST FROM W 1/4 CORNER, SECTION 31

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

Use of water under this right shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to the appropriation of water only to the extent that such appropriation does not interfere with or deplete the flow of Johnson Creek or any tributary thereof. Any depletion of surface waters may require the wells to be shut down, since by law (ORS 538.170 & 838.180) waters of Johnson Creek and tributaries of Johnson Creek are limited to certain uses and periods of use.

Application G-13698 Water Resources Department

12261
PERMIT G-12261

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4 12.55 ACRES
SE 1/4 SE 1/4 16.40 ACRES
SECTION 31
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

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SALEM, OR

Measurement, recording and reporting conditions:

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

The permit should allow groundwater production from no shallower than 250 feet below land surface.

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

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

(1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:

JUN 08 2017

SALEM, OR

PAGE 3

(a) An average water level decline of three or more feet per year for five consecutive years; or

(b) A total water level decline of 25 or more feet; or

(c) A hydraulic interference decline of 25 or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

(2) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.

(a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.

(b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.

(c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the permittee/appropriator.

(d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.

(e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in this section.

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

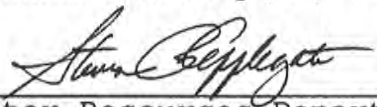
Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued February 15, 1996

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SALEM, OR


for Water Resources Department
Martha O. Pagel
Director



Oregon Water Resources Department Attribute Report

Report Date: Jun 9, 2017

General:

TRSQQ:	WM1.00S4.00E31NESW WM1.00S4.00E31SWSW WM1.00S4.00E31SWNW WM1.00S3.00E36SENE WM1.00S3.00E36SESE WM1.00S3.00E36NESE WM1.00S4.00E31NWSW WM1.00S4.00E31SENW
DLC:	-
Latitude:	45.4382500660
Longitude:	-122.3715689806
Buffer (ft):	1320
Elevation (ft):	562
Basin Name:	Willamette
Basin Plan:	2C (10)-Lower Willamette (Columbia) 2C (9)-Lower Willamette (Clackamas)
County:	Clackamas
WM District:	20
WM Region:	NORTHWEST
ODFW Region, District:	Northwest Region, NWWD-Cascade Unit
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	<u>Platcard for WM1.00S4.00E31</u> <u>Platcard for WM1.00S4.00E31</u> <u>Platcard for WM1.00S4.00E31</u> <u>Platcard for WM1.00S3.00E36</u> <u>Platcard for WM1.00S3.00E36</u> <u>Platcard for WM1.00S3.00E36</u> <u>Platcard for WM1.00S4.00E31</u>

	<u>Platcard for WM1.00S4.00E31</u>
Well Logs:	<u>Logs for WM1.00S4.00E31</u> <u>Logs for WM1.00S4.00E31</u> <u>Logs for WM1.00S4.00E31</u> <u>Logs for WM1.00S3.00E36</u> <u>Logs for WM1.00S3.00E36</u> <u>Logs for WM1.00S3.00E36</u> <u>Logs for WM1.00S4.00E31</u> <u>Logs for WM1.00S4.00E31</u>

Rules:

Withdrawn Authority:	JOHNSON CREEK, ORS 538.170 & 180; OAR 690-502-0150(1)(a) - Including tributaries, except flows of Crystal Springs Creek and it's tributaries in excess of 10 CFS measured at the mouth of Crystal Springs Creek, also except for fish life by the Department of Fish & Wildlife, and also except for storage from December
Groundwater Retriected:	Sandy-Boring, Limited
GW Retriected Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	Rules apply
Division 33 (Area, Watershed, species):	LOWER COLUMBIA, Lower Clackamas River, Oregon Chub, Pacific Lamprey, Coho Salmon, Western Brook Lamprey, Coastal Cutthroat Trout, Chinook Salmon, Steelhead LOWER COLUMBIA, Johnson Creek, Pacific Lamprey, Coho Salmon, Chinook Salmon, Coastal Cutthroat Trout, Steelhead
Irrigation Season of Use:	(unajudicated, west side) Adj. Status: Unadjudicated Subarea: undefined Irr. Season: Mar 1 to Oct 31 Duty: 2.5 Rate: 1/80

Water Quality Limited
Pollutant 2012:

Unnamed Stream

R. Mile: 0 to 3.1

HUC4: 17090012

Pollutant: E. Coli

Season: NaN

Uses: Water contact recreation

Status: Cat 4A: Water quality limited, TMDL
approved

Action: New Cat 4A: Water quality limited, TMDL
approved

Unnamed Stream

R. Mile: 0 to 3.1

HUC4: 17090012

Pollutant: Dissolved Oxygen

Season: NaN

Uses:

Status: Cat 3: Insufficient data

Action: Added to database

Unnamed Stream

R. Mile: 0 to 3.1

HUC4: 17090012

Pollutant: Dissolved Oxygen

Season: NaN

Uses:

Status: Cat 3: Insufficient data

Action: Added to database

Fish Habitat 2014:

-

Is in Deschutes Study Area:

-

Deschutes Zone Impact:

-

Deschutes Zone Overlay:

-

Scenic Water Way:

The Clackamas Scenic Waterway 390.826 (3)(a)

Clackamas River from the boundary of the Olallie
Lake Scenic Area, as constituted on December 8, 1988,
downstream to the North Fork Reservoir, and from
immediately below the River Mill Dam downstream
to the bridge at Carver

Status: ABOVE

Hydrography:

OWRD Streamcode:	02114001100280 - Unn Str
Waterbody Name:	-
HUC 10:	1709001201 1709001106
HUC Watershed:	Johnson Creek-Willamette River Lower Clackamas River
WAB Wshed Order:	2 7
WAB Analysis:	<u>JOHNSON CR > WILLAMETTE R - AT MOUTH</u> <u>N FK DEEP CR > DEEP CR - AT MOUTH</u>
Streamflow:	OWRD Opportunities: Very good ODFW Needs: Poor Combined Priority: Not a priority OWRD Opportunities: Very good ODFW Needs: Highest Combined Priority: Current resources priority
Gaging Station Data:	-

Sources:

General

Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.

Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.

Elevation. ESRI World Elevation. February 2000. 1:121,000.

OWRD Administrative Basins. Oregon Water Resources Department. January 1, 1995.

Oregon Counties. Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.

OWRD Watermaster Districts. Oregon Water Resources Department. March 31, 2014.

OWRD Regions. Oregon Water Resources Department. January 1, 1995.

ODFW Districts and Regions. Oregon Department of Fish and Wildlife. August 28, 2012.

Water Organizations Oregon Water Resources Department. April 1, 2013. 1:24,000.

Large Dams Inventory. Oregon Water Resources Department. August 12, 2014. 1:24,000.

Rules

Withdrawn Authority Areas. Oregon Water Resources Commission. January 1, 2007.

OWRD Groundwater Restricted Areas. Oregon Water Resources Department. October 5, 2016.

OWRD Groundwater Restricted Areas - Subunits. Oregon Water Resources Department. April 1, 2009.

ODEQ Groundwater Management Areas (GWMAs). Oregon Department of Environmental Quality. April 21, 2008.

Groundwater Umatilla Municipal Wells 5-mile buffer. Oregon Water Resources Department. June 28, 2012.

National Marine Fisheries Service (NMFS) 4(d) Rule. National Marine Fisheries Service. January 1, 2007.

OAR Chapter 690, Division 33 - HUC 10 . Oregon Department of Fish & Wildlife. January 1, 2003.

Irrigation Season of Use. Oregon Water Resources Department, 2017.. March 24, 2017.

Oregon Water Quality Assessment 2012. This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section.. December 4, 2014. 1:2,500,000.

Oregon Fish Habitat 2014. Oregon Department of Fish and Wildlife. Numerous fisheries biologists from ODFW as well as other natural resource agencies and tribes have contributed toward the development of these data. Data originator names are attributed at the feature level.. n.d. 1:24,000.

Deschutes USGS Groundwater Study Area. Water Resources Commission, U.S. Geological Survey (USGS) Water Resources Division (Portland, OR), Oregon Water Resources Department.. January 1, 2001. 1:100,000.

Deschutes Zones of Impact. Oregon Water Resources Department.. October 25, 2007.

Deschutes Zones Overlay. Oregon Water Resources Department. October 25, 2007.

Oregon State Scenic Waterway areas. Oregon Water Resources Department, Oregon Parks and Recreation Department.. January 1, 2007.

Hydrography

Routed OWRD Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 11, 2014.

. Unknown. n.d.

Watershed Boundary Dataset (WBD), 10-digit (watershed). Pacific Northwest Hydrography Framework, U.S. Geological Survey (USGS), National Resources Conservation Service (NRCS).. June 11, 2014. 1:24,000.

Water Availability Basins. Oregon Water Resources Department.. n.d. 1:100,000.

Priority Watersheds for Streamflow Restoration. Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife.. January 15, 2004.

Stream Gage Stations. Oregon Water Resources Department and US Geological Survey. n.d.

[close](#)

[Print Report](#)

CLARK Gerry E

From: CLARK Gerry E
Sent: Wednesday, September 14, 2016 10:12 AM
To: 'bob.long@cwmh2o.com'
Subject: Permit G-12261 Information
Attachments: scan_20160913_163558.pdf; Permit_G_12261_water_levels.pdf

Bob,

I have attached a copy of the Claim and a report showing the water levels that have been submitted to the Department.

As we discussed, the Permit was issued in February of 1996 and had a complete application of water date of October 1, 1999. From my abbreviated review of the file and the Claim, it appears that the permit holder did install the meter timely, but did not comply with the condition requiring the measurement of the static water levels in the month of March; the first March static water measurement was made on March 2, 2001.

If we were processing this Claim today, we would be proposing to cancel the permit for failure to comply with the static water level measurement condition. This can be cured by an extension of time.

Let me know if you have any additional questions.

Gerry

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

Phone: 503-986-0811

Oregon Water Resources Department Permit Condition Water Level Report

1

OWRD Logid	Main aq	Max depth	LSD Elev	Township	Range	S	QQ	Q
CLAC.....1069	CLAC.....	600	57.1	1.00 S/	4.00 E-	31	NW	SW
Well Tag Log	Well Tag Field	Csg Diam Field						
Well Location 480 FT. S. & 216 FT. E. FR. W1/4 COR. S31								
Well Address								
Owner Well Names								

Owner: Name, Other Name, Contact JOHN HOLMUND NURSERY CO., Address, 29285 SE HWY 212 City / St / Zip BORING, OR 97009	Well History: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Logid</th> <th>Type Work</th> <th>Compl Depth</th> <th>Compl Date</th> <th>Owner on Log</th> </tr> <tr> <td>CLAC 1069</td> <td>NEW WELL</td> <td>600</td> <td>4/16/1987</td> <td>JOHN HOLMLUND</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>	Logid	Type Work	Compl Depth	Compl Date	Owner on Log	CLAC 1069	NEW WELL	600	4/16/1987	JOHN HOLMLUND																										Water Rights with reporting conditions that list this well: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Permit</th> <th>Certificate</th> <th>pod</th> <th>Reference level</th> <th>Trigger activated?</th> </tr> <tr> <td>G.....12261</td> <td>.....1</td> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>	Permit	Certificate	pod	Reference level	Trigger activated?	G.....12261	1																												
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Permit	Certificate	pod	Reference level	Trigger activated?																																																																				
G.....12261	1																																																																							

Date	Time	MP Hght	WL BLS	WL Elev	Method Code	Status Code	Measured By	Pump Idle Time	MP Description	WLComments
04/16/1987			187.00	384.00	R	U	DRILLER			CLAC 1069 New well 600 ft ID
05/04/1987			157.00	414.00	T	S	LARRY			A STEP TEST
04/11/1989			185.96	385.04	T	U	UNKNOWN			
03/02/2001			80.00	491.00	A	S	MARK TUTTLE	1 month		
03/05/2003		1	175.00	396.00	A	S	KENNETH J MEIER	3 months		
04/05/2004		0.67	199.33	371.67	T	S	VLADIMIR LOMEN	64 hours		
03/07/2005			207.00	364.00	T	U	VLADIMIR LOMEN	60 hours		
03/23/2006		.67	195.00	376.00	T	S	VLADIMIR LOMEN	75 hrs		
04/12/2007		0.67	199.17	371.83	T	S	VLADIMIR LOMEN	4 days	1 1/4" PORT PIPE ON S SIDE	
03/20/2008		0.67	205.50	365.50	T	S	VLADIMIR LOMEN	6 months	Port hole on south side of casing	
03/19/2015		.67	274.33	296.67	T	S	TERRY BROWN	2 WKS		

Method Codes: A = Airline, T = Etape, V = Calibrated Etape, G = Uncalibrated Gage, H = Calibrated Gage, N - Not Measured, O = Observed, RA = Recorder Analog, RS = Recorder Shaft Encoder, RT = Recorder Transducer, R = Reported, S = Steel Tape, U = Unknown

Status Codes: D = Dry, A = Falling, F = Flowing, P = Pumping, R = Rising, S = Static, U = Unknown

Extension PFO Checklist for
Other than Muni or Quasi-Municipal

Water Use Permits

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

Application G-13698 Permit G-12264 Permit Amendment? No ☒ Yes ☐ T- ☐ pending ☐ approved

Permit Holder's Name: John Holmlund Nursery, LLC

Permit Holder's Mailing Address: 29285 SE HWY 212 email

Phone Number: 503-663-6650

POD Location: Township 1S Range 4E Section 31 $\frac{1}{4}$ NWSW

Drainage Basin: 2C County: Clack Watermaster District: 2D Watermaster: Amy Kim

Date Permit was issued: 2-15-96 Priority Date: 3-26-94 Date of PN: 6-13-17

Source: A well in Johnson Creek Basin, within the Willamette Basin

Use: Irrigation of 28.95 acres nursery stock and related nursery operations
"Q": 0.50 cfs

Orig "A" Date: 2-15-97

Orig "B" Date: 10/1/1998

Orig "C" Date: 10/1/1999

Extension request rec'd: 4-8-17

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/

Request Number (1, 2, 3...): 1 Proposed "B" Date: 10/1/2017

Proposed C Date: 10/1/2017

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒	☐	<u>meter</u>
☐	☒	<u>submitted SWL measurement post C-date</u>
☐	☐	<u>produce water from 250' b1s</u>
☐	☐	
☐	☐	Construction began

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
☒ ☐ Financial investments were made toward developing the beneficial water use.

• Amount Invested to date: \$23,600 Estimated Remaining Cost: \$ 0

- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially used 0.50 ☒ cfs ☐ gpm ☐ af of the total permitted quantity of water on 28.95 acres

224 gpm

GW REVIEW: Y N

MITIGATION REVIEW: Y N

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

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

- ☒ ☐ above a state scenic waterway? Name _____ 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 sensitive, threatened or endangered species area Source: "/>gisdata/dev/projects/salmon/div33map.aml"
- ☒ ☐ within a critical or limited Ground Water Area? Name of area SANDY-BORING
- ☒ ☐ within a Withdrawn Area? Name of area Johnson Creek
- ☒ ☐ 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 / ☒ highest 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: _____)

☐ 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: [Signature] Date: 6-9-17



Oregon
Kathleen K. Brown, Governor

Water Resources Department
725 Commercial Street, Suite A
Salem, OR 97301
(503) 986-1000
Fax (503) 986-1001

June 9, 2017

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #:** [\[redacted\]](#) (**Permit to Drill**). Your application will be reviewed in the 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.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 986-0802. 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 website at: [http://www.waterresources.org](#).

Application: G-13698

Permit: G-12261

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

Applicant/Permit

Holder(s)

John Holmlund Nursery, INC. ✓

☒ WRIG...Money Received on: 6-8-17

☐ Extension Specialist ...

☐ Added to tracking spreadsheet

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

☒ Stacy Phillips...

☒ N/A Recent Assignment (Check WRIS for Update)

☒ Publish on Public Notice (initial 30-day comment): Date of notice 6-13-17

☒ 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.

☒ Yes or ☐ No: Return file to Extension Specialist after PN Jeffrey

NOTES:

Water Resources Department
 Date 6/6/2017 Type Bill Reference

Original Amt.
575.00

Balance Due
575.00

6/6/2017
 Discount
 Check Amount

Payment
575.00
575.00

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 # **123636** INVOICE # _____

RECEIVED FROM: **JOHN HOLMLUND**
 BY: **NURSERY, LLC**

CASH: ☐ CHECK: # **43319** OTHER: (IDENTIFY) ☐

APPLICATION **G 13698**
 PERMIT
 TRANSFER

KeyBank Ch ☐ TOTAL REC'D \$ **575.00**

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 **46111**

0407 COPY & TAPE FEES \$
 0410 RESEARCH FEES \$
 0408 MISC REVENUE: (IDENTIFY) \$
 TC162 DEPOSIT LIAB. (IDENTIFY) \$
 0240 EXTENSION OF TIME \$ **575.00**

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 \$
 0210 MONITORING WELLS \$

CARD #
 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: **123636** DATED: **6-8-17** BY: **J. Cook**

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

575.00

Att: Larry: 1-800-668-2356

Sent 10-6-99
(initials)

Form C (890-3-77)

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

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

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

Application No. G-13678

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, John Holmlund Nursery, the holder of Permit No. G-1226

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 10 day of September, 1999.

Remarks: All Land under permit has been irrigated

IN WITNESS WHEREOF, I have hereunto set my hand this 5 day of Oct, 1999

Larry C. Porter for John Holmlund Nursery
(Signature of Applicant)

29285 S.E. Hwy 212
(Address)

Boring Oregon 97009

RECEIVED

OCT 07 1999

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

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

February 13, 2009

GW

JOHN HOLMUND NURSERY CO.
29285 SE HWY 212
BORING OR 97009

The Department has rejected the pump tests for the following permitted well(s):

Application	Permit	Permitted Well	Tested Well	Test Date	Test Status	Owner's Well Name
G	13698	G 12261	CLAC 1069	CLAC 1069	05/04/1987 Rejected	

The test was rejected for the following reasons:

- ☒ The discharge rate was not held constant.
- ☐ The pump was turned off for a portion of the pumping phase.
- ☐ The discharge was not measured at the specified time intervals during the pumping phase of the test.
- ☒ Water levels were not measured to an accuracy of 0.1 feet.
- ☒ Pre-test static water levels were not measured at the specified intervals.
- ☐ Water levels were not measured at the specified time intervals during the test.
- ☒ Water levels were not measured during the recovery phase of the test.
- ☐ Airline measurements are not allowed if the depth to water is less than or equal to 300 feet.
- ☐ Airline measurements were not verified by an electric tape measurement.
- ☐ Test data and the supporting documentation were not reported on the Department's forms.
- ☐ A graph indicates that the data is probably corrupt.
- ☐ Rising water levels during some or all of the pumping phase of the test indicate that the pumping rate was not held constant or that water-level measurements are inaccurate.

A copy of the Oregon Administrative Rules (OAR 690-217) that pertain to the deficiencies with your pump test are included with this letter. The following related materials can also be found on our web site at:

Pump test administrative rules: http://arcweb.sos.state.or.us/rules/OARS_600/OAR_690/690_217.html

A booklet explaining pump tests: http://www1.wrd.state.or.us/pdfs/pump_test.pdf

Pump Test Cover Sheet: http://www1.wrd.state.or.us/pdfs/pump_test_cover_.pdf

Pump Test Data Sheet: http://www1.wrd.state.or.us/pdfs/pump_test_data.pdf

Please contact me if you have any questions about the status of your test. Please call Gerry Clark at 503-986-0811 if you have any questions about how this action may affect the status of your water right.

Sincerely yours,

Emily Bray-Nash
Ground Water/Hydrology Section

cc: GW Pump Test File



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

Oregon Administrative Rules 690-217 Requirement for Pump Testing of Non-Exempt Wells

690-217-0025

Pump Test Specifications for Wells Other than Flowing Artesian Wells

The pump tests for wells other than flowing artesian wells shall be conducted such that the following minimum specifications are met:

- (1) The well shall be idle for a period of at least sixteen hours prior to the pump test.
- (2) The static water level in the well shall be measured within the hour prior to the test at least three times no less than twenty minutes apart.
- (3) The pumping phase of the test shall be at least four hours.
- (4) The pump discharge shall be controlled as much as possible to maintain a constant rate during the test and shall be as close as reasonably possible to the anticipated pumping rate during normal use of the well. Discharge shall be recorded at the beginning of the test and once every hour thereafter.
- (5) Water level measurements during the first ten minutes of pumping shall be timed no more than two minutes apart. Water level measurements from ten to thirty minutes of pumping shall be timed no more than five minutes apart. After 30 minutes of pumping, drawdown measurements shall be taken no more than 15 minutes apart for the duration of the test.
- (6) After pumping stops, water level measurements shall be taken for four hours or until the well reaches 90 percent recovery from the maximum drawdown, whichever occurs first. Recovery water level measurements shall be taken on the same schedule as described in section (5) of this rule for drawdown measurements.

690-217-0045

Acceptable Techniques for Measurement of Water Level and Discharge

- (1) Water level measurements shall be taken by one of the following methods:
 - (a) An electric water level measuring tape specifically designed for this purpose. Depth markings on the tape shall be no more than five feet apart, and shall be accurate to 0.5 percent. All water level measurements shall be reported to a precision of at least one-tenth of a foot;
 - (b) A calibrated electronic pressure transducer coupled with an appropriate output device or data logger. The accuracy and precision of the transducer and output device or data logger shall meet those outlined in subsection (1)(a) of this rule for electric water level measuring tapes. If an electronic pressure transducer is used for water level measurement, the manufacturer's name, the serial number and calibration date of the device must be supplied in the pump test report;



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

- (c) An air line and pressure gauge. Air line measurements shall be accepted only where water levels deeper than 300 feet below ground level are encountered or expected. Air line accuracy shall be verified by at least one water level measurement with an electric water level measuring tape;
 - (d) An acoustic sounding device designed and manufactured specifically for measuring the depth to water in wells;
 - (e) The wetted steel tape method. This method may be used for static water level measurements only.
- (2) Measurements of air line pressure or shut-in pressure of flowing artesian wells shall be with a calibrated pressure gauge with marked intervals of one PSI or less.
- (3) Discharge from the pump shall be physically measured by a standard and acceptable method. In no case will visually estimated flow rates be accepted. Acceptable methods include:
- (a) A properly installed flow meter which is functional and calibrated within reasonable limits;
 - (b) A properly installed weir or flume;
 - (c) A properly installed calibrated orifice plate and manometer;
 - (d) Known volume/time calculations (including calibrated bucket and stopwatch up to 60 gallons per minute); and
 - (e) Properly used ultrasonic flow measuring devices.

690-217-0055

Pump Test Reports

Results of pump tests shall be reported on the pump test report form supplied by the Water Resources Department. The person conducting the pump test shall be responsible for completing and certifying the pump test report. The well owner shall sign and submit the pump test report.

Stat. Auth.: ORS 537

Stats. Implemented:

Hist.: WRD 25-1988, f. & cert. ef. 12-20-88

STETTNER SUPPLY COMPANY 1810 Lapa Avenue NE, Salem, Oregon 97303 Phone 585 5550

AUG 22 2000

OWNER'S NAME John Holmlund

WELL LOCATION 1/4 mile N of Boring

on SE 282nd Right Side of Rd.

WATER RESOURCES DEPT
SALEM, OR

DATE 5/4-5/5/87

Well Dia. 10 Depth 288 Static Level 157 Cased to 600' Perforated at 300-600

Test Pump Setting 284 Test Pump Size 8" Air Line 274 Tested by Larry

Static after Test 186' Depth after Test Griller by

Test Started 3:00PM 5/4 Test Stopped 9:25AM 5/6 Max. GPM 500 Pumping Level 218.5'

GPM	Pumping Level	Time of Day	Condition of Water	GPM	Pumping Level	Time of Day	Condition of Water
000	157	3:00	Start Up			1:04	RPM
220	193	3:08		400	209	1:13	Clear w/lots sand
220	193	3:12	RPM Raised	400	209	1:30	Clear w/lots sand
340	202.4	3:18	Clear w/sand	400	209	2:05	Clear w/lots sand
320	202	3:30	clear w/sand	400	209	2:30	Clear w/trace sand
150	193	3:30	RPM Lowered	400	209	2:45	Clear w/trace sand
150	193	3:45				2:45	Shut down senice
		3:45	Shut down	000	183.5	2:55	Re Start
				400	209.5	2:57	clear w/some sand
000	175	9:00	Start up 5/5	400	209.5	3:00	cloudy w/lots of sar
210	193	9:04		400	209.5	4:12	clear w/sand
210	195.5	9:10		400	209.5	5:15	clear w/light sand
220	195.5	9:16	Clear w/ Sand	400	209.5	6:15	clear w/trace sand
220	195.5	9:38		475	214	6:30	cloudy w/sand
220	195.5	9:50	clear w/heavier sand	500	216	7:10	cloudy w/sand
210	197	10:14		500	216	8:13	Clear w/sand
210	197	10:20	Raised RPM	500	216	9:20	clear w/sand
320	202	10:20		500	216	10:15	clear w/sand
320	202	10:26	clear w/lots of sand	500	216	11:10	clear w/sand
320	202	10:54	clear w/lots of sand	500	216	12:13	clear w/sand
315	203.5	11:29		500	218.5	1:00	clear w/light sand
315	203.5	12:04		500	218.5	2:00	clear w/light sand
315	203.5	12:27	clear w/lots of sand	500	218.5	3:00	clear w/light sand
315	203.5	1:00	clear w/trace of sand	500	218.5	4:00	Clear w/light sand

STETTNER SUPPLY COMPANY 1810 Lana Avenue NE, Salem, Oregon 97303 Phone 585 5550

WELL LOCATION

DATE _____

Test Started _____ Test Stopped _____ Max. GPM _____ Pumping Level _____

RECEIVED
AUG 22 2000
WATER RESOURCES DEPT
SALEM, OR

MEMORANDUM

TO: DOUG WOODCOCK, GROUND WATER SECTION MANAGER
FROM: GERRY CLARK, CERTIFICATE SECTION
SUBJECT: PUMP TEST - APPLICATION G-13698, PERMIT G-12261
DATE: FRIDAY, SEPTEMBER 19, 2008

The attached pump test is being forwarded for your review.

3/13/2001

To whom it may concern,

This Pmp test fails to
meet OAR standards for a
multitude of reasons.

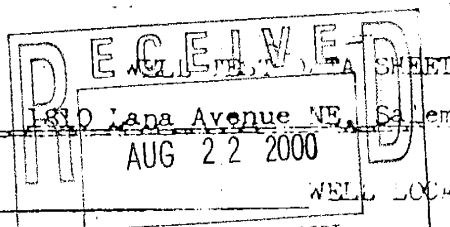
- 1) Discharge Rate $\neq$ held
constant - G.P. m
- 2) Doesn't provide 3 SWL's, zones
prior to the test.
- 3.) more than 10 yrs old. RC, Klee

4) Not an out(OWED) form.

5) measured as Directed Not
According to Pump test Rules

6) No valuable Recovery Data,
Not according to Pump test Rules

STETTLER SUPPLY COMPANY 1810 Lana Avenue NE, Salem, Oregon 97303 Phone 585 5550



OWNER'S NAME John Holmlund
on SE 282nd Right Side of Rd.

WELL LOCATION 1/4 mile N of Boring

WATER RESOURCES DEPT
SALEM, OR

DATE 5/4-5/5/87

Well Dia. 10 Depth 288 Static Level 157 Cased to 600' Perforated at 300-600

Test Pump Setting 284 Test Pump Size 8" Air Line 274 Tested by Larry

Static after Test 186' Depth after Test Drilled by

Test Started 3:00PM 5/4 Test Stopped 9:25AM 5/6 Max. GPM 500 Pumping Level 218 1/2'

GPM	Pumping Level	Time of Day	Condition of Water	GPM	Pumping Level	Time of Day	Condition of Water
000	157	3:00	Start Up			1:04	RPM
220	193	3:08		400	209	1:13	Clear W/lots sand
220	193	3:12	RPM Raised	400	209	1:30	Clear w/lots sand
340	202.4	3:18	Clear w/sand	400	209	2:05	Clear w/lots sand
320	202	3:30	clear w/sand	400	209	2:30	Clear w/trace sand
150	193	3:30	RPM Lowered	400	209	2:45	Clear w/trace sand
150	193	3:45				2:45	Shut down senice
		3:45	Shut down	000	183.5	2:55	Re Start
				400	209.5	2:57	clear w/some sand
000	175	9:00	Start up 5/5	400	209.5	3:00	cloudy w/lots of san
210	193	9:04		400	209.5	4:12	clear w/sand
210	195.5	9:10		400	209.5	5:15	clear w/light sand
220	195.5	9:16	Clear w/ Sand	400	209.5	6:15	clear w/trace sand
220	195.5	9:38		475	214	6:30	cloudy w/sand
220	195.5	9:50	clear w/heavier sand	500	216	7:10	cloudy w/sand
210	197	10:14		500	216	8:13	Clear w/sand
210	197	10:20	Raised RPM	500	216	9:20	clear w/sand
320	202	10:20		500	216	10:15	clear w/sand
320	202	10:26	clear w/lots of sand	500	216	11:10	clear w/sand
320	202	10:54	clear w/lots of sand	500	216	12:13	clear w/sand
315	203.5	11:29		500	218.5	1:00	clear w/light sand
315	203.5	12:04		500	218.5	2:00	clear w/light sand
315	203.5	12:27	clear w/lots of sand	500	218.5	3:00	clear w/light sand
315	203.5	1:00	clear w/trace of sand	500	218.5	4:00	Clear w/light sand

WELL TEST DATA SHEET

STETTLER SUPPLY COMPANY 1810 Lana Avenue NE, Salem, Oregon 97303 Phone 585 5550

OWNER'S NAME John Holmlund

WELL LOCATION

DATE _____

Well Dia. _____ Denth _____ Static Level _____ Cased to _____ Perforated at _____

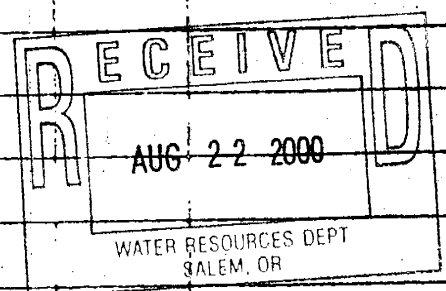
Test Pump Setting_____Test Pump Size_____Air Line_____Tested by_____

Static after Test _____ Depth after Test _____ Drilled by _____

Test Started _____ Test Stopped _____ Max. GPM _____ Pumping Level _____

GPM	Pumping Level	Time of Day	Condition of Water
500	218.5	5:00AM	Clear trace sand
000	193	5:10	shut down ck oil & fuel
500	216	5:20	cloudy w/light sand
500	218.5	6:00	cloudy w/light sand
500	218.5	7:00	clear w/light sand
500	218.5	8:09	clear w/light sand
500	218.5	9:05	clear light fine sand
500	218.5	9:24	clear light fine sand
000	195	9:35	10 min after shut down
000	186		5/7/87 3 days later

RECEIVED
AUG - 22 2000
WATER RESOURCES DEPT
SALEM, OR



Site Report and Claim of Beneficial Use
Application #: G-13698 Permit #: G-12261



John Holmlund Nursery Co.
29285 SE Hwy 212
Boring, Oregon 97009
Tele#: 1-503-663-6650

Source:

Water under this permit is being used for irrigation of 28.95 acres of nursery stock and related nursery operations. Water is obtained from a well in the Johnson Creek Basin located within the Willamette Basin, and is described in more detail as follows:

- ▶ **Well:** (10" dia. X 600' deep) is located 450'S & 216'E from the W1/4 corner of Section 31. Well pump is a 50 HP Worthington 10M-41 line shaft turbine pump with a 15 HP Cornell 3W-15-2 centrifugal booster pump (500 GPM). Well discharge piping is equipped with a pressure gage. An access port is available to measure well static and pumping water levels.
- ▶ **Water Meter:** A Data Industrial Water Meter w/remote read-out is located at the well head in the 6" discharge piping. The meter has an indicator reading in gallons per minute and totalizer in gallons. Meter totalizer reading at the time of site visit was 1,832,799 gallons.

Pipe:

Irrigation water is transported through approximately 4000' of 6" & 2000' of 5" PVC buried main line. 4" risers are used off the buried mainline. Owner stated that irrigation water is applied through a Nelson Big Gun, using a 1.08" diameter nozzle while operating at 80 PSI at the gun. System is set to run up to two Big Guns at a time. Based on this information, water usage is computed to be as follows:

$$2 \text{ Guns (1.08" nozzle @ 80 PSI)} \times 210 \text{ GPM} = 420 \text{ GPM} / 0.93 \text{ CFS}$$

Water is being used to full permitted duty of 0.50 CFS

Lift:

Topography of the area being irrigated is slightly rolling (from west to east), ranging in elevation from 570.0 USGS at the well head to the lowest point of the property being approximately 490.0 USGS. Approximate static water level in well is 118'; pumping water level is approximately 210' (water level data obtained from well test pump log).

Time Limits:

Actual construction of the well shall begin on or before February 15, 1997 and shall be complete on or before October 1, 1998. Complete application of water to the permitted use shall be made on or before October 1, 1999. **Time Limits Met.**

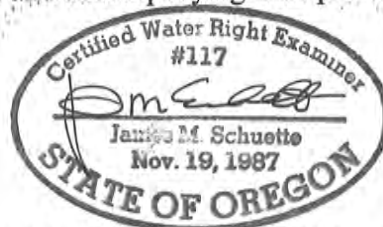
Uses:

Water is being used to irrigate nursery stock consisting of evergreens and ornamentals.

Pump Test:

The owner has completed the pump test requirement under this permit and has submitted the pump test information to the Water Resources Department. A copy of the pump test is attached to this report.

The final proof survey and inspection of use was found to be completed under the terms and conditions of Permit G-12261. This final proof survey and inspection was completed by me on August 3, 2000, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

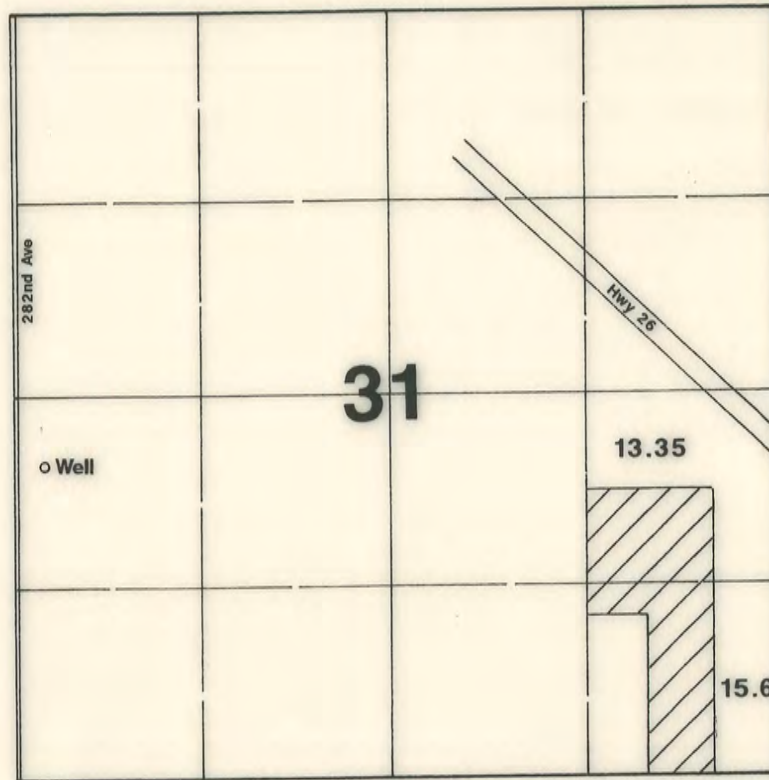


We, John Holmlund Nursery, agree to the findings of the Certified Water Rights Examiner and do submit this site report and map as our Claim of Beneficial Use of the water as provided under the terms and conditions of Permit G-12261.

Nathan Holmlund



T.1S., R.4E., W.M



Area Irrigated

Well is located 450'S & 216'E from the W1/4 corner of Section 31.

Final Proof Survey

In Name Of

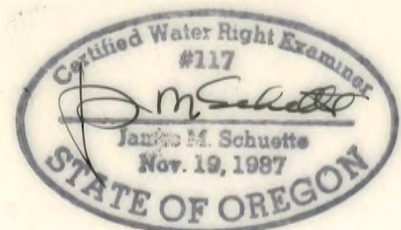
John Holmlund Nursery

Application #: G-13698

Permit #: G-12261

Surveyed on August 3, 2000 by JM Schuette

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.



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.



Surveyed on August 3, 2000 by JM Schutte

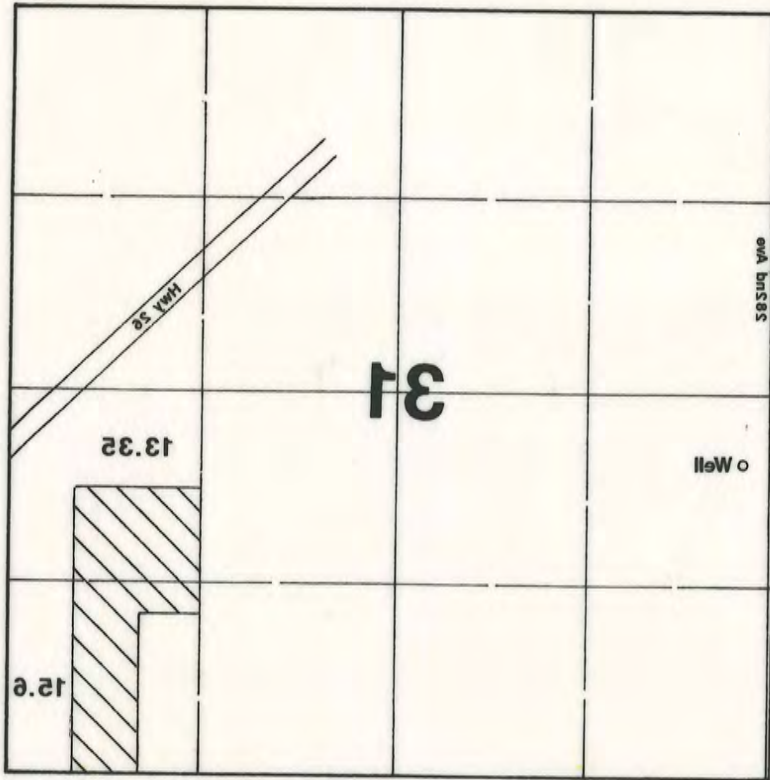
Application #: G-13698 Permit #: G-12261

John Holmlund Nursery

In Name Of

Final Proof Survey

Well is located 420.2' & 216.1' from the W1/4 corner of Section 31.



1" = 1320'



Area Irrigated

T.12., R.4E., W.M.

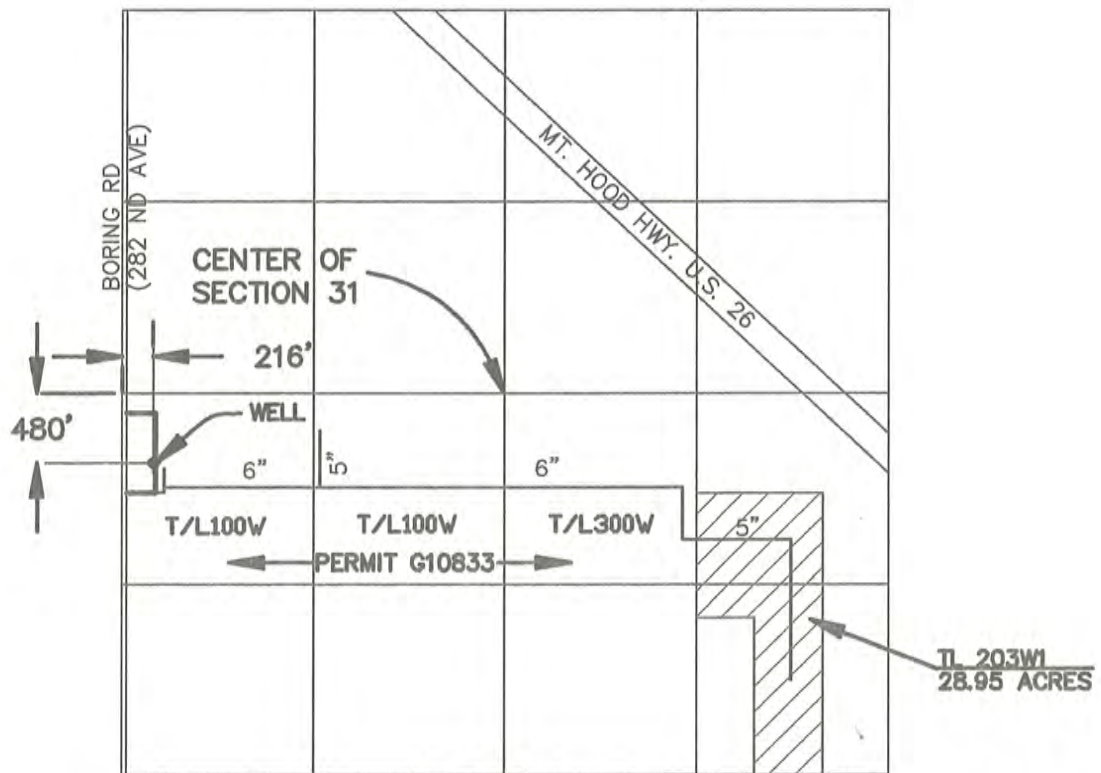


T. 1S., R. 4E., W.M.

SECTION 31



SCALE: 1"=1320'



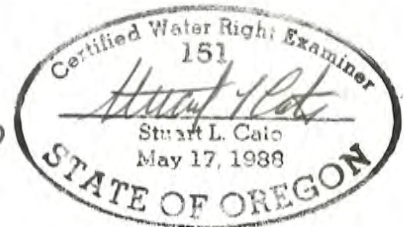
Application No. G-13698

Permit No. G12261

APPLICATION MAP

IN NAME OF

JOHN HOLMLUND NURSERY



kpff

consulting engineers
portland oregon

JOHN HOLMLUND NURSERY

DRAWN BY: TLA

JOB NO.: 94034.00

DATE: 5/10/94

94034-0

DRAWING NO.



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

January 4, 2000

JOHN HOLMLUND NURSERY CO
29285 SE HWY 212
BORING OR 97009

REFERENCE: File G13698
Permit G12261

We have received your notice that complete application of water has been made under your permit .

In order to maintain your water right you are now required to submit a final proof survey of the completed use. Most permit holders must hire a Certified Water Right Examiner (CWRE) to conduct this survey. Reservoir permit holders who obtained their permits after 1995 under the Alternate Ponds Program, store less than 9.2 acre-feet and have no secondary water right that permits the diversion of water from the reservoir you can prepare your own final proof survey. Whether you hire a CWRE or perform your own, the survey must be received within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **October 1, 2000**. A list of Certified Examiners is available upon request by calling the above number, extension 320.

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

In addition, if your water right is a groundwater permit applied for on or after December 20, 1988, you are required to submit a well pump test before the Water Right Certificate is issued. This test must be done according to the instructions in the brochure. Forms and brochures are available upon request.

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

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

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

Sincerely,

DALLAS MILLER
Natural Resource Specialist 2

DM:jh

cc: Watermaster
CWRE



STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN HOLMUND NURSERY
6615 SE POWELL VALLEY ROAD
GRESHAM, OREGON 97080

confirms the right to use the waters of ONE WELL in the JOHNSON CREEK BASIN for IRRIGATING 116.6 ACRES.

This right was perfected under Permit G-10833. The date of priority is OCTOBER 26, 1987. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.46 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The well is located as follows:

NW 1/4 SW 1/4, SECTION 31, T 1 S, R 4 E, W.M.; 480 FEET SOUTH AND 216 FEET EAST FROM THE WEST 1/4 CORNER OF SECTION 31.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

If used for field irrigation for nursery stock, such use is not restricted to the defined agricultural irrigation season.

Use of water under this right shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to the appropriation of water only to the extent that such appropriation does not interfere with or deplete the flow of Johnson Creek or any tributary thereof. Any depletion of surface waters may require the wells to be shut down, since by law (ORS 538.170 & 838.180) waters of Johnson Creek and tributaries of Johnson Creek are limited to certain uses and periods of use.

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

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 SW 1/4 40.0 ACRES
NW 1/4 SW 1/4 36.6 ACRES
NW 1/4 SE 1/4 40.0 ACRES
SECTION 31
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

SEE NEXT PAGE

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of	)	FINAL
Groundwater Application	)	ORDER
G-13698 submitted by	)	
JOHN HOLMLUND NURSERY CO		

FINDINGS OF FACT

Water Use Request

1. JOHN HOLMLUND NURSERY CO requested use of 0.5 CUBIC FOOT PER SECOND (CFS) of water from A WELL IN THE JOHNSON CREEK BASIN within the Willamette basin for IRRIGATION AND NURSERY OPERATIONS OF 28.95 ACRES.
2. The area of proposed use is in Clackamas County within SECTION 31, TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.
3. The water delivery system is described by the applicant as follows: Applicant proposes to appropriate groundwater from well using pump and booster pump. Water is to be conveyed through 3708 feet of 6 inch PVC pipe mainline running east. The amount of 2078 feet of 5 inch buried pipe off the east main from the well. All risers are 4 inch.
4. The request was made in Application G-13698 which was received by the Water Resources Department on May 26, 1994.

Affected Waters

1. This proposed use of groundwater is not within or above a State Scenic Waterway.
2. There are senior water rights from this point of appropriation.
3. Well located in the Sandy-Boring Groundwater Limited Area, but outside the *shallow* and specially designated portion of the *deep* Troutdale aquifer.

Department Actions

1. The application was determined to be complete and not defective.
2. The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
3. An Initial Review of the application was completed and a report of the results of that review was mailed to the applicant on AUGUST 23, 1995.

4. The Initial Review determined:
 - a. IRRIGATION OF NURSERY STOCK is allowed under the Willamette Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water for the proposed use is available in the amounts requested for the period MARCH 1 THROUGH OCTOBER 31.
 - d. The use would not injure existing water rights.
5. The report of Initial Review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in PERMIT G-12261.
6. The applicant did not notify the Department to stop processing this application within 14 days after the report was mailed as provided in ORS 537.150(5).
7. The Department proceeded with processing the application and on SEPTEMBER 6, 1995 published notice of the application in its weekly Public Notice of Water Rights.
8. At the close of the 30 day comment period provided in ORS 537.150(7), the Department had not received comments on the application.
9. A Proposed Final Order for this application was completed and a copy of that review was mailed to the applicant on October 31, 1995.

Assessment

1. In proceeding with evaluation of Application G-13698, the following criteria were found to be relevant by the Department.
 - a. The Willamette Basin Program (OAR Chapter 690, Division 502-160 (2)(a), classification for uses of groundwater
 - b. The Clackamas County Comprehensive Plan and Zoning Ordinance
 - c. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
 - d. The established rate and duty for the proposed use
 - e. Pending, senior applications and existing water rights of record

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the PROPOSED FINAL ORDER REMAIN VALID.
2. The period of allowed use is MARCH 1 THROUGH OCTOBER 31 OF EACH YEAR for IRRIGATION OF NURSERY STOCK AND YEAR ROUND FOR AGRICULTURAL USES OF WATER RELATED TO NURSERY OPERATIONS.
3. The Department finds that no more than 0.36 CUBIC FOOT PER SECOND would be necessary for the proposed use of the irrigation of

(containerized) nursery stock. No more than 0.72 CUBIC FOOT PER SECOND would be necessary for the irrigation of in ground nursery plants. The amount of water necessary for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. The amount of water requested, 0.5 CUBIC FOOT PER SECOND, is allowable for NURSERY OPERATIONS on 28.95 ACRES.

4. 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.

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

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

7. 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 PERMIT G-12261.

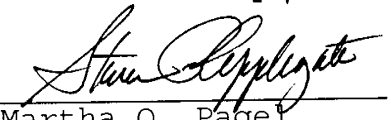
8. No protests were timely filed in response to the Proposed Final Order of October 31, 1995, and no significant issues or disputes are known to the Department at this time.

9. Therefore, the proposed use, as conditioned, and described in PERMIT G-12261, would not impair or be detrimental to the public interest.

ORDER

IT IS HEREBY ORDERED that Application G-13698 in the name of JOHN HOLMLUND NURSERY CO be approved for IRRIGATION AND NURSERY OPERATIONS OF 28.95 ACRES as provided in PERMIT G-12261.

DATED February 15, 1996

for 
Martha O. Pager
Director
Water Resources Department

NOTICE:

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

If this Final Order has modified the Department's prior findings or conditions, the applicant may request a contested case hearing within 14 days from the date of this order.

Issues on which a contested case hearing may be requested and conducted are limited to issues based on modifications to the Proposed Final Order.

Requests for a contested case hearing must be made in proper form, submitting the information required under Section 11(6), Chapter 416, Oregon Laws, 1995.

Requests for a contested case hearing must be received by the Water Resources Department in Salem, Oregon by 5:00 on February 29, 1996.

Only the applicant and any persons who timely filed a protest may appeal the provisions of this final order.

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of	)	PROPOSED
Groundwater Application	)	FINAL
G-13698 submitted by	)	ORDER
JOHN HOLMLUND NURSERY CO		

FINDINGS OF FACT

Water Use Request

1. JOHN HOLMLUND NURSERY CO requested use of 0.5 CUBIC FOOT PER SECOND of water from A WELL IN THE JOHNSON CREEK BASIN within the Willamette basin for IRRIGATION AND NURSERY OPERATIONS OF 28.95 ACRES.
2. The area of proposed use is in Clackamas County within SECTION 31, TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.
3. The water delivery system is described by the applicant as follows: Applicant proposes to appropriate groundwater from well using pump and booster pump. Water is to be conveyed through 3708 feet of 6 inch PVC pipe mainline running east. The amount of 2078 feet of 5 inch buried pipe off the east main from the well. All risers are 4 inch.
4. The request was made in Application G-13698 which was received by the Water Resources Department on May 26, 1994.

Affected Waters

1. This proposed use of groundwater is not within or above a State Scenic Waterway.
2. There are senior water rights from this point of appropriation.
3. Well located in the Sandy-Boring Groundwater Limited Area, but outside the *shallow* and specially designated portion of the *deep* Troutdale aquifer.

Department Actions

1. The application was determined to be complete and not defective.
2. The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

3. An Initial Review of the application was completed and a report of the results of that review was mailed to the applicant on AUGUST 23, 1995.

4. The Initial Review determined:

- a. IRRIGATION OF NURSERY STOCK is allowed under the Willamette Basin Program.
- b. The use is not prohibited by Statute.
- c. Water for the proposed use is available in the amounts requested for the period MARCH 1 THROUGH OCTOBER 31.
- d. The use would not injure existing water rights.

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

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

7. The Department proceeded with processing the application and on SEPTEMBER 6, 1995 published notice of the application in its weekly Public Notice of Water Rights.

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

Assessment

1. In proceeding with evaluation of Application G-13698, the following criteria were found to be relevant by the Department.

- a. The Willamette Basin Program (OAR Chapter 690, Division 502-160 (2)(a), classification for uses of groundwater
- b. The Clackamas County Comprehensive Plan and Zoning Ordinance
- c. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
- d. The established rate and duty for the proposed use
- e. Pending, senior applications and existing water rights of record

CONCLUSIONS OF LAW

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

2. The period of allowed use is MARCH 1 THROUGH OCTOBER 31 OF EACH YEAR for IRRIGATION OF NURSERY STOCK AND YEAR ROUND FOR AGRICULTURAL USES OF WATER RELATED TO NURSERY OPERATIONS.

3. The Department finds that no more than 0.36 CUBIC FOOT PER SECOND would be necessary for the proposed use of the irrigation of (containerized) nursery stock. No more than 0.72 CUBIC FOOT PER SECOND would be necessary for the irrigation of in ground nursery plants. The amount of water necessary for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. The amount of water requested, 0.5 CUBIC FOOT PER SECOND, is allowable for NURSERY OPERATIONS on 28.95 ACRES.

4. 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.

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

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

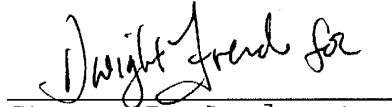
7. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached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

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

PROPOSED ORDER

IT IS PROPOSED that Application G-13698 in the name of JOHN HOLMLUND NURSERY CO be approved for IRRIGATION AND NURSERY OPERATIONS OF 28.95 ACRES as provided in the attached draft permit.

DATED October 31, 1995



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

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

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

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

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on December 15, 1995.

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

DRAFT
STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JOHN HOLMLUND NURSERY CO
29285 SE HWY 212
BORING, OREGON 97009

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

APPLICATION FILE NUMBER: G-13698

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

PURPOSE OR USE: IRRIGATION OF 28.95 ACRES NURSERY STOCK AND RELATED NURSERY OPERATIONS

RATE OF ALLOWED USE: 0.50 CUBIC FOOT PER SECOND

THE PERIOD OF ALLOWED USE IS: YEAR ROUND FOR NURSERY OPERATIONS

DATE OF PRIORITY: MAY 26, 1994

POINT OF DIVERSION LOCATION: NW 1/4 SW 1/4, SECTION 31, T 1 S, R 4 E, W.M.; 480 FEET SOUTH & 216 FEET EAST FROM W 1/4 CORNER, SECTION 31

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

Use of water under this right shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior ground water rights of others and limited to the appropriation of water only to the extent that such appropriation does not interfere with or deplete the flow of Johnson Creek or any tributary thereof. Any depletion of surface waters may require the wells to be

shut down, since by law (ORS 538.170 & 838.180) waters of Johnson Creek and tributaries of Johnson Creek are limited to certain uses and periods of use.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SE 1/4 12.55 ACRES
SE 1/4 SE 1/4 16.40 ACRES
SECTION 31
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

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

The permit should allow groundwater production from no shallower than 250 feet below land surface.

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

(1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:

(a) An average water level decline of three or more feet per year for five consecutive years; or

(b) A total water level decline of 25 or more feet; or

(c) A hydraulic interference decline of 25 or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

(2) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.

(a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.

(b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.

(c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the permittee/appropriator.

(d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.

(e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in this section.

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

Water Resources Department

MEMO

January 26, 1996

TO Application G- 13698

FROM GW: Donna Miller
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☐ Yes

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

☒ No

☒ Yes

Use the Scenic Waterway condition (Condition 7J).

☐ No

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

☒

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

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

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

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

13698

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-13698

ROUTED TO: WR

TOWNSHIP/
RANGE-SECTION: 15/4E-31

APPLICATION ACCEPTED? ☐ yes ☐ no
CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:
7J per 1033 review

Reviewer: Don Miller

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## 6-13698

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T15/4E-31

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Donn Miller

G-13698

TO: Water Rights Section

12/15, 1994

FROM: Groundwater/Hydrology Section DONN MILLER

Reviewer's Name

SUBJECT: Application G- 13698

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. will, or likely be available in the amounts requested without injury to prior rights
 - b. will not and/or within the capacity of the resource; or
 - c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ☒ The permit should contain condition #(s) 4I;
 - ii. ☒ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☒ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. THE PERMIT should allow groundwater production from no deeper than ft. below land surface;
 - b. ☒ The permit should allow groundwater production from no shallower than 250 ft. below land surface;
 - c. The permit should allow groundwater production only from the groundwater reservoir between approximately ft. and ft. below land surface;
 - d. Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: A condition to satisfy OAR 690-502-160(4). There currently
is no "accepted" condition ~~to~~ language for this per a careful reading
of the conditions memo (see memo from D. French 5/19/94). The attached ~~see~~ sheet
is my proposal for this application.

(Well Construction Considerations on Reverse Side)

4P → Proposed

Willamette Special Groundwater Condition
Sandy/Boring Groundwater Limited Area
Damascus Groundwater Limited Area (Troutdale Aquifer)

- (1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of ²⁵~~fifteen~~ or more feet; or
 - (c) A hydraulic interference decline of ²⁵~~fifteen~~ or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

DW1

[illegible]

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-13698

ROUTED TO: WR

TOWNSHIP/

RANGE-SECTION: 15/4E-31

APPLICATION ACCEPTED? ☐ yes ☐ no

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

7J per 1033 review

Reviewer: Donna Miller

AUGUST 23, 1995

JOHN HOLMLUND NURSERY CO
29285 SE HWY 212
BORING, OREGON 97009

Reference: File G-13698

Dear Applicant:

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 use of water for IRRIGATION OF 28.95 ACRES NURSERY STOCK is allowed under OAR 502, the Willamette Basin Program.
4. The use of 0.36 CUBIC FOOT PER SECOND (cfs) from a well for Irrigation of 28.95 acres of nursery stock is allowed.
5. The irrigation season is March 1 through October 31 of each year.

Summary of Allowable Water Use

The use of 0.36 cfs from a well for the irrigation of 28.95 acres of nursery stock is allowed March 1 through October 31 of each year.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.



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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application). To accomplish this you must notify the Department in writing by **SEPTEMBER 6, 1995**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with you 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. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
3. The permit should allow groundwater production from no shallower than **250 feet** below land surface.
4. A. Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:
 1. An average water level decline of three or more feet per year for five consecutive years; or
 2. A total water level decline of 25 or more feet; or
 3. A hydraulic interference decline of 25 or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

B. The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.

1. Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.

2. In addition to the measurement required in subsection (1) of this section, a water level measurement shall be made each year during the period March 1 through March 31.

3. All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the permittee/appropriator.

4. Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.

5. The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (A) are evidenced by the well measurement required in section (B).

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 331 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,

A handwritten signature in cursive script, reading "Laura K. Snedaker".

Laura K. Snedaker
Senior Water Rights Examiner

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

Laura Smedaker
8-21-98

613698

File Notes

Location T1S R4E Sec 31

Willamette Basin (502)

POU WAB - 010221 & poss 0101

Nothing shown in Sec 22 on Basin map from cabinet

~~Not recorded~~

Div II - Definition of Nursery ops - not restricted

Rate $\frac{1}{40} \times 28.95 = 0.36 \text{ cfs}$ to defined irrigation season
asked for .5 cfs

Irrigation Season March 1 - Oct 31

Div II

recreation facilities, and street washing. Such uses shall not include generation of hydroelectric power.

(30) "Nursery Operations Use" means the use of water for operation of a commercial nursery which may include temperature control, watering of containerized stock, soil preparation, application of chemicals or fertilizers, watering within greenhouses and uses to construct, operate and maintain nursery facilities. The use of water within plant nursery operations constitutes a different use from field irrigation, although that may be a part of nursery use. If used for field irrigation for nursery stock, such use is not restricted to the defined agricultural irrigation season.

~~[(31)] "Objection" means a written statement identifying a particular water use application or water use registration and identifying defects in the Director's report of the technical review, or identifying the elements of the application which, in the opinion of the objector, would conflict with an existing water right or would impair or be detrimental to the public interest. Objections shall meet the requirements of OAR 690-11-170(1).]~~

~~[(31)] [(32)]~~ "Off-Channel" means outside a natural waterway of perceptible extent which, during average water years, seasonally or continuously contains moving water that flows off the property owned by the applicant and has a definite bed and banks which serve to confine the water. "Off-channel" may include the collection of storm water run-off, snow melt or seepage which, during average water years, does not flow through a defined channel and does not flow off the property owned by the applicant.

~~[(32)] [(33)]~~ "Placer mining" as used in ORS 390.835, means the process of extracting minerals from a placer utilizing mechanized or hydraulic equipment, except a motorized surface dredge with a suction hose intake four inches or less in diameter.

~~[(33)] [(34)]~~ "Planned" means a determination has been made for a specific course of action either by a legislative, administrative or budgetary action of a public body, or by engineering, design work, or other investment toward approved construction by both the public and private sector.

~~[(34)] [(35)]~~ "Planned Uses" means the use or uses of water or land which has/have been planned as defined in this section. Such uses include, but are not limited to, the uses approved in the policies, provisions, and maps contained in acknowledged city and county comprehensive plans and land use regulations.

~~[(35)] [(36)]~~ "Pollution Abatement or Pollution Prevention Water Use" means the use of water to dilute, transport or prevent pollutants.

~~[(36)] [(37)]~~ "Power Development Water Use" means the use of the flow of water to develop electrical or mechanical power. Examples of these uses include, but are not limited to, the use of water for the operation of a hydraulic ram or water wheel and hydroelectric power production.

~~[(37)] [(38)]~~ "Primary Right" means the right to store water in a reservoir or the water right designated by the commission as the principle water supply for the authorized use, or if no designation has been made, the first in time or initial appropriation.

~~[(38)] [(39)]~~ "Proposed Certificate" means a draft version of a water right certificate describing the elements and extent of the water right developed under the terms of a permit or transfer approval order, as determined by field investigation.

~~[(39)] [(40)]~~ "Protest" means a written statement expressing disagreement with a proposed final order filed by an objector identifying errors of law or fact in the Director's denial of an objection. Protests shall comply with the requirements of OAR 690-11-175(5), in the manner, and having the content, described in ORS 537.145 to 537.240.

~~[(40)] [(41)]~~ "Public Corporation" means a corporation which operates subject to control by a local government entity or officers of a local government and which, at

June 16, 1995

OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 33

ADDITIONAL PUBLIC INTEREST STANDARDS FOR NEW APPROPRIATIONS

Purpose

690-33-000 (1) The purpose of OAR Chapter 690, Division 33 is to establish definitions, additional procedures and standards to aid the Department in determining whether a proposed use will impair or be detrimental to the public interest with regard to threatened or endangered fish species.

(2) These rules apply to the following types of applications for permits:

- (a) To appropriate surface water;
- (b) To appropriate hydraulically connected groundwater with potential for substantial interference as listed in OAR Chapter 690, Division 9, Section 040;
- (c) To appropriate water for the purpose of groundwater recharge; and
- (d) To store water or construct a reservoir.

Stat. Auth.: ORS 537.140-190

Hist.: WRD 10-1994, f. & cert. ef. 9-21-94; WRD -1995, f. & cert. ef. 6-16-95

Definitions

690-33-010 (1) "Commission" means the Water Resources Commission.

(2) "Department" means the Water Resources Department.

(3) "Director" means the Director of the Department.

(4) "Domestic Water Use" means the use of water for human consumption, household purposes, domestic animal consumption that is ancillary to residential use of the property or related accessory uses.

(5) "Fish and Wildlife Program" means the Columbia River Basin Fish and Wildlife Program adopted by the Northwest Power Planning Council in February, 1994; document number 94-2.

(6) "Human Consumption" means the use of water for purposes of drinking, cooking and sanitation.

(7) "Threatened or Endangered" means fish species listed by Oregon Department of Fish and Wildlife (ODFW) under OAR 635-100-125; or listed under the federal Endangered Species Act.

Stat. Auth.: ORS 537.140-190

Hist.: WRD 10-1994, f. & cert. ef. 9-21-94; WRD -1995, f. & cert. ef. 6-16-95

Note: These rules were filed with the Office of the Secretary of State and took effect on June 16, 1995. The rules are subject to non-substantive modifications such as renumbering and correction of typographical errors pursuant to ORS 183.360 (2)(a) when published by the Secretary of State.

Columbia / Snake Threatened and Endangered Fish Species Above Bonneville Dam

690-33-115 (1) These rules apply to applications filed after July 17, 1992, upstream from Bonneville Dam in the Columbia / Snake Basin in the areas listed below for which no permit has been granted, or on which no contested case has been ordered:

- (a) Hood Basin;
- (b) Deschutes Basin;
- (c) John Day Basin;
- (d) Umatilla Basin;
- (e) Grande Ronde Basin;
- (f) Powder Basin;
- (g) Malheur Basin;
- (h) Owyhee Basin;
- (i) Mainstem Columbia River above Bonneville Dam; and
- (j) Mainstem Snake River.

(2) These definitions, standards and procedures are in addition to, not in lieu of, existing rules and laws.

(3) These rules will be reviewed and may be revised as additional information becomes available concerning the recovery of threatened or endangered fish stocks in the Columbia / Snake Basin.

Stat. Auth.: ORS 537.170

Hist.:WRD -1995, f. & cert. ef. 6-16-95

Determination of Consistency with the Fish and Wildlife Program

690-33-120 (1) To determine whether a proposed use is consistent with the Fish and Wildlife Program, the Department shall consult with the Northwest Power Planning Council, ODFW, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Indian tribes and appropriate local governments. If the Department determines that a proposed use of water is inconsistent with the Fish and Wildlife Program and cannot be conditioned to achieve consistency, the application shall be presumed to impair or be detrimental to the public interest.

(2) The applicant shall provide information to show compliance with the following standards which will form the basis for permit conditions:

(a) The proposed use does not involve appropriation of direct streamflow during the time period of April 15 to September 30, except as provided in OAR 690-33-140;

(b) The proposed use does not involve hydraulically connected groundwater with potential for substantial interference as listed in Division 9 during the time period of April 15 to September 30, except that which is artificially recharged or as otherwise provided in OAR 690-33-140;

(c) The proposed use complies with screen design, installation, operation specifications and passage requirements as listed in ORS 498.248 through 498.268 and 509.600 through 509.630;

(d) The proposed use complies with existing state and federal water quality standards; and

(e) The proposed use complies with water use measurement, recording and reporting required by the Director.

(3) Based on the consultation in OAR 690-33-120(1), the proposed use may be

further conditioned so that, if the riparian area is disturbed in the process of developing a point of diversion, the riparian area is restored or enhanced.

(4) If a proposed use is not consistent with the Fish and Wildlife Program, the applicant may propose mitigation compatible with OAR 690-33-120(2) and (3). The Director shall determine if the proposed use with mitigation is consistent with the Fish and Wildlife Program. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

Flow Management Objectives

690-33-130 If the flow management objectives cannot be achieved because of differing requirements between fish species in the management area, the Department shall consult with the affected fish and wildlife agencies and the appropriate Indian tribes to assist in resolving the flow management conflicts.

Stat. Auth.: ORS 537.140-190

Hist.: WRD 10-1994, f. & cert. ef. 9-21-94

Exemptions

690-33-140 Notwithstanding OAR 690-33-120(2)(a) and (b), the Commission may approve a water right permit for:

- (a) Domestic water use;
 - (b) Projects that provide net benefits for native resident and native anadromous fish recovery. For example, these projects may include, but are not limited to, livestock watering away from water courses which results in improved riparian areas;
 - (c) Emergency use necessary for public health and safety;
 - (d) Existing water uses covered under House Bill 2153 (Oregon Legislature 1993);
- or
- (e) Multipurpose storage projects or other projects with measurable public benefits.

Stat. Auth.: ORS 537.140-190

Hist.: WRD 10-1994, f. & cert. ef. 9-21-94

Additional Public Interest Review Standards for Applications Proposing New Water Uses in the Columbia River below Bonneville Dam for the Protection of Threatened and Endangered Fish Species

690-33-210 (1) These rules apply to applications filed after April 8, 1994, in the areas listed below for which no permit has been granted, or on which no contested case has been ordered as of the effective date of these rules:

- (a) Portions of the North Coast Basin which drain into the Columbia River; and
- (b) Clackamas Subbasin of the Willamette Basin.

(2) These rules apply to applications filed after June 3, 1994, in the areas listed below for which no permit has been granted, or on which no contested case has been ordered, as of the effective date of these rules:

- (a) Sandy Basin;

- (b) Willamette Basin, excluding the Clackamas Subbasin; and
- (c) Mainstem Columbia River below Bonneville Dam.
- (3) These definitions, standards and procedures are in addition to, not in lieu of, all other existing rules and laws.
- (4) These rules shall be reviewed and may be revised when:
 - (a) A final National Marine Fisheries Service Recovery Plan for Snake River salmon is promulgated, or the Northwest Power Planning Council Fish and Wildlife Program is revised after the effective date of these rules providing additional information concerning the recovery of threatened or endangered fish stocks in the Lower Columbia Basin; or
 - (b) 300 cfs of additional water rights have been issued from the Mainstem Columbia River below Bonneville Dam since June 3, 1994; or
 - (c) An additional fish species has been listed as threatened or endangered in the area listed in OAR 690-33-210(1) or (2).

Stat. Auth.: ORS 537.170

Hist.: WRD -1995, f. & cert. ef. 6-16-95

Evaluation Criteria

690-33-220 (1) If the Department determines that a proposed use of water is detrimental to the protection or recovery of a threatened or endangered species and cannot be conditioned or mitigated to avoid the detriment, the application shall be presumed to impair or be detrimental to the public interest. The Department shall review recovery plans, the Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered species in evaluating whether a proposed use is detrimental to the protection or recovery of a threatened or endangered species.

(2) The proposed use shall comply with the following standards which will form the basis for permit conditions:

(a) The proposed use complies with screen design, installation, operation (including provisions for maintenance) specifications and passage requirements as listed in ORS 498.248 through 498.268 and 509.600 through 509.630;

(b) The proposed use complies with existing state and federal water quality standards; and

(c) The proposed use complies with water use measurement, recording and reporting required by the Director.

(3) Any application for more than one cubic foot per second not subject to the requirements of OAR Chapter 690, Division 86, shall contain a description of the measures to be taken to assure reasonably efficient water use.

(4) Based on the determination under OAR 690-33-220(1) the proposed use may be further conditioned so that, if the riparian area is disturbed in the process of developing a point of diversion, the riparian areas is restored or enhanced.

(5) If a proposed use is determined to be detrimental to the protection or recovery of a threatened or endangered species, the applicant may propose mitigation compatible with OAR 690-33-220 (2), (3), and (4). The Director shall determine if the proposed use with mitigation offsets the detriment. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635,

Division 415, Section 030 adopted November 13, 1991 shall be followed.

Stat. Auth.: ORS 537.170

Hist.: WRD -1995, f. & cert. ef. 6-16-95

Flow Management

690-33-230 The Department shall consult with the affected fish and wildlife agencies and the appropriate Indian tribes to assist in resolving the flow management conflicts, if the flow management objectives for protection of threatened and endangered fish species cannot be achieved because of differing requirements between fish species in the management areas.

Stat. Auth.: ORS 537.170

Hist.: WRD -1995, f. & cert. ef. 6-16-95

FO CHECKLIST

PFO TO FO CONVERSION

FILE # G-13698

REVIEW DATE: 11/19/96

INITIALS: IS

In preparing the FO, you should follow these steps:

1. ☒ Review file to determine if comments or protests were received in response to the PFO
2. ☒ Verify payment of appropriate recording fees
 - (1) Prepare refund request for excess fees
 - (2) Issue FO w/o permit if fees are lacking
3. ☒ Verify that the applicant has signed an oath of accuracy for the file
4. ☒ Y/N Is further processing possible? If not state reason: 1035 ~~Review~~ DONE
DUB

ACTION SUSPENSE DATE:

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

Modify FO as needed to:

6. ☒ Respond to significant comments, issues, or disputes related to the proposed use of water
7. ☒ Include or exclude permit conditions and management codes
8. ☒ Notify applicant of additional information or fees required prior to permit issuance

Correct errors in PFO such as;

9. ☒ POD or POU location (verify from map)
10. ☒ Permit style
11. ☒ Print final draft of document and submit to team leader for review

OK

4P

Proposed

Attachment G-13698
to Review Form

Willamette Special Groundwater Condition
Sandy/Boring Groundwater Limited Area
Damascus Groundwater Limited Area (Troutdale Aquifer)

(1) Use of water from the well, as allowed herein, shall be controlled or shut off if the well displays:

- (a) An average water level decline of three or more feet per year for five consecutive years; or
- (b) A total water level decline of ~~fifteen~~²⁵ or more feet; or
- (c) A hydraulic interference decline of ~~fifteen~~²⁵ or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.

(2) The water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.

- (a) Use of water from a new well shall not begin until an initial static water level in the well has been measured and submitted to the Department.
- (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year during the period March 1 through March 31.
- (c) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the permittee/appropriator.
- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
- (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

REVIEW CHECKLIST

FOR G- 13698

- ✓ Xerox appropriate parts of the stream index.
- ✓ Estimate number of wells within one mile radius and identify types.
- ✓ Verify that the well log is in application file. If not, provide one.
- ✓ List of state observation wells within five mile radius.
- ✓ List groundwater permits within five mile radius with extraordinary conditions.

Clackamas #2

WELLS:

	do	id	ir	im	un	T
1S 4E 31 SW	20	2	4			26
1S 3E 36	22	1	7	2	2	34
2S 3E 1	20		3			23
2S 4E 6	38		4			42
Total	100	3	18	2	2	125

OBSERVATION WELLS:APPLICATIONS WITH PERMIT CONDITONS:

34-36 2/4-7aba
 2/4-4 strange rise
 4/58 64
 4/86 76
 slow decline

35 - 2/4-5
 shallow Tt decline slowly

G-13272 - 1/4-30 no water above 160'
 13065 - 1/4-27 no water above 150'
 13495 - 1/4-29 4I
 questionable constr.

RVW.CKLST

TO: Water Rights Section 12/15, 1994
FROM: Groundwater/Hydrology Section DONN MILLER
SUBJECT: Application G- 13698 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ☐ will, or likely be available in the amounts requested without injury to prior rights
 - b. ☐ will not and/or within the capacity of the resource; or
 - c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ☒ The permit should contain condition #(s) 4I ;
 - ii. ☒ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☒ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. ☐ THE PERMIT should allow groundwater production from no deeper than ft. below land surface;
 - b. ☒ The permit should allow groundwater production from no shallower than 250 ft. below land surface;
 - c. ☐ The permit should allow groundwater production only from the groundwater reservoir between approximately ft. and ft. below land surface;
 - d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ☐ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: A condition to satisfy OAR 690-502-160(4). There currently is no "accepted" condition language for this per a careful reading of the conditions manual (memo from D. French 5/19/94). The attached sheet is my proposal for this application.

(Well Construction Considerations on Reverse Side)

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____, 199____.

(Signature)

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

_____, 199____.

(Signature)

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files

Date 12/14/94

FROM: DONN MILLER

SUBJECT: Groundwater Application G- 13698 Phone: 663-6650

Name: John Holmlund Nursery Co.

Applicant(s) seek — gpm (0.5 cfs) from ONE well(s) in the Willamette basin

Proposed use: Irving of Nursery Stock Johnson CK sub basin

Pertinent 7 1/2 - minute quads Sandy
Damascus

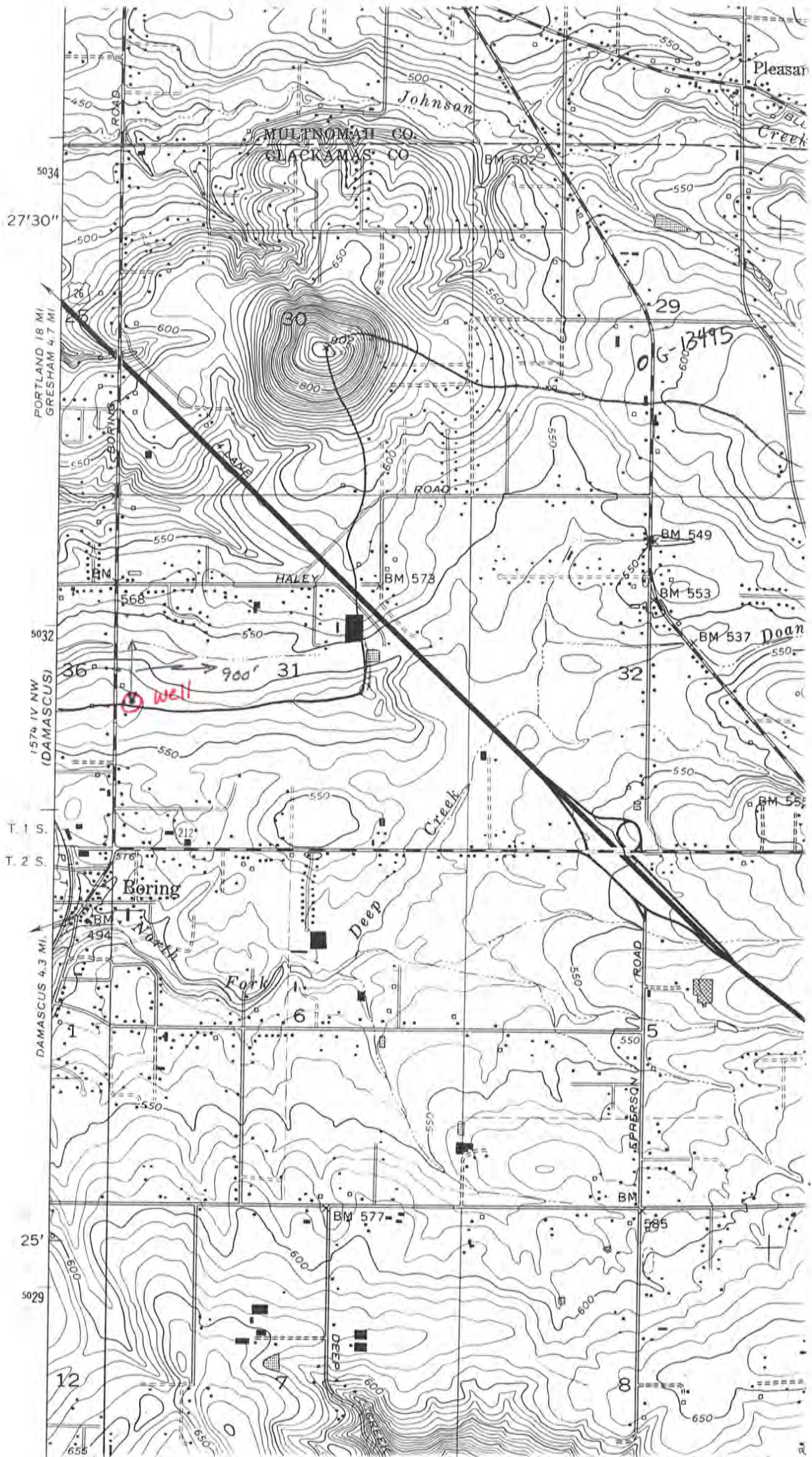
Well — WRD# CLAC 01069 T 1 S 4 E S 31 QQ — County CLACK
Legal Description 216' E. & 480' S. of West Quarter Corner Section 31
Well is 900' ft from Unnamed trib of Johnson CK (river/stream)
Well is 350' ft from trib noted in appl. (not on map) (river/stream)
Well elevation 570' ft River/stream elevation 535 535 ft.
Well elevation - river/stream elevation 35' 35'
Well depth 600' SWL 197 on 4/16/87
Sealed to 0'-30' 255'-260' Depth first water found 302'
Cased to 302' Perforations/screens 302'
Lined to 289'-600' Perforations/screens (2000) ?'-600' liner
Well tests and types 500 gpm / 31' dd / 24 hr pump test
Confined or unconfined? ? Hydraulically connected? NO
Potential to cause substantial interference? NO

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

Conditioned water rights in area: to deep Troutdale, 4I
Other nearby water rights of record: yes
Density of nearby wells of record: moderate

Comments: This well develops water from the deep Troutdale Aquifer.
The shallow Tt is classified for exempt uses only. The section to the south
has all Tt aquifers classified for exempt uses only. The well is within
the boundary of the overall area of the Sandy-Boring GWA.
Per OAR 690-502-160 (4), this a permit on this application needs special
conditions. Log fails to call out WBZ's + WL's during construction.
References used: logs, Bulletin - 1119, OAR 690-502-160

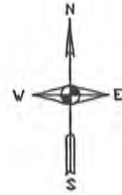
G-13698



SAME WELL

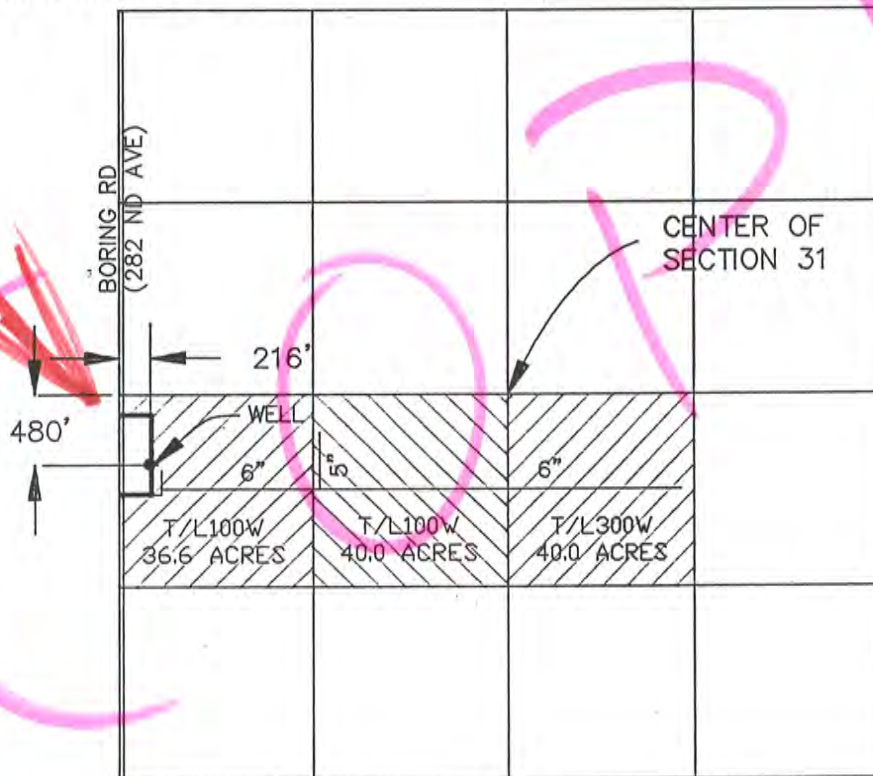
T. 1S., R. 4E., W.M.

SECTION 31



SCALE: 1"=1320'

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR TO SHOW THE LOCATION OF PROPERTY OWNERSHIP LINES.



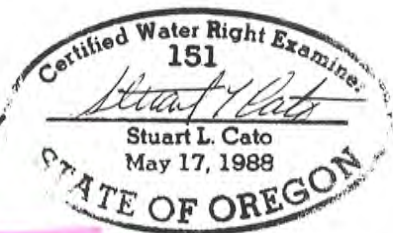
FINAL PROOF SURVEY

UNDER

APPLICATION NO. G-11720 PERMIT NO. G10833

IN NAME OF

JOHN HOLMLUND NURSERY



kpff
consulting engineers
portland oregon

SURVEYED JULY 24, 1990 BY Stuart L. Cato CWRE-151

DRAWN BY: STK

JOB NO.: 90069.01

DATE: OCT 12, 90

90069-2
DRAWING NO.

November, 1994

OREGON ADMINISTRATIVE RULES
WATER RESOURCES DEPARTMENT
CHAPTER 690
DIVISION 502
WILLAMETTE BASIN PROGRAM

[ED. NOTE: This Division was renumbered from OAR 690-080 by WRD 4-1992, f. & cert. ef. 3-13-92.]

Definitions

690-502-010 As used in this rule, unless the context requires otherwise:

(1) The Willamette Basin is as shown on Water Resources Department Map No. 2.6.

(2) "Agricultural Use" means non-irrigation agricultural use of water such as temperature control, chemigation, mineral leaching, dairy barn washing, greenhouse use, harvest use and other related uses.

(3) "Classification" or "Classified" means the allowed and preferred beneficial use(s) of a given surface or groundwater source for which future uses of water shall be permitted. Except as otherwise provided by the Commission, the Department shall not issue permits to appropriate, and no use shall be initiated of any of the surface or groundwaters of the Willamette Basin for any uses except those for which the waters are classified. A classification does not affect legal uses existing on the date of adoption or alteration of the classification.

(4) "Commission" means the Water Resources Commission.

(5) "Commercial Use" means use of water at a place where commodities or services are bought or sold or provided by an entity open to the public, such as a gas station, restaurant, motel, etc.

(6) "Department" means the Water Resources Department.

(7) "Director" means the Director of the Water Resources Department.

(8) "Domestic Use" includes domestic use, domestic use expanded and group domestic, as defined in OAR 690-11.

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

(10) "Groundwater Recharge" means the intentional addition of water to a groundwater reservoir where consistent with OAR 690-11.

(11) "Industrial Use" includes the use of water in the manufacture of a product and maintenance of industrial sites, facilities and buildings, and includes other related miscellaneous uses.

(12) "Irrigation Use" means the application of water to crops or plants by artificial means to promote growth or nourish plants.

(13) "Livestock Use" means the use of groundwater or diversion of water from the natural water course or storage of water for consumption by livestock or wildlife.

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

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

(16) "Pollution Abatement" means the use of water to remove or dilute pollutants or achieve water quality standards.

(17) "Power" means the use of water for electrical or mechanical power or for operation of a hydraulic ram where such uses are consistent with OAR 690-51.

(18) "Public Instream Use" means the public use of water where there is no diversion or other means of physical control over the water. Public instream uses include, but are not limited to, recreation, conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, wetlands other than those referred to in section (21) of this rule and any other ecological values, pollution abatement or navigation.

(19) "Recreation Use" means the use of natural or stored water to provide recreation uses as defined in OAR 690-11.

(20) "Storage Season" means the time period during which reservoirs may be filled.

(21) "Wetland Enhancement" means the diversion or control of surface or groundwater for the purpose of mitigating, constructing, enhancing and/or maintaining wetlands.

(22) "Wildlife Use" includes use of water by or for sustaining wild animal species and their habitats.

Stat. Auth.: ORS 536.300 & 536.340

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

Policies

690-502-020 Water Resources Commission and Department activities which affect the waters of the Willamette River Basin shall be compatible with the policies established in this rule. Surface water allocation, groundwater management, municipal and domestic water systems, reservoir coordination, conservation and land use coordination are important issues in the Willamette Basin. The Commission's policies on these issues are as follows:

(1) Surface water allocation:

(a) Protect undeveloped streams with instream values for public instream uses;

(b) Seek a balance in the future appropriation of water between instream and total out-of-stream uses on those streams already significantly developed for out-of-stream purposes;

(c) Preserve opportunities for future economic development by reserving water for future use;

(d) Minimize the likelihood of over-appropriation due to new uses;

(e) Manage stored waters which have been released for instream purposes to meet flow needs reflected in established instream water rights;

(f) Allow irrigation use for the longest period possible between March 1 and October 31 provided sufficient water is available.

(2) Groundwater management:

(a) Prevent excessive water level declines, restore aquifer stability in areas of decline and preserve with limited storage capacity for designated uses;

(b) Identify low-yield aquifers and inform local agencies of probable groundwater capacity limitations for some uses;

(c) Ensure safe municipal and domestic groundwater supplies by participating with the Department of Environmental Quality and the State Health Division in a formal monitoring 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 domestic, livestock, irrigation (during the irrigation season as specified in section (6) of this rule), agricultural, commercial, municipal, industrial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement, public instream uses and uses allowed under a limited license.

(5) Groundwater recharge: Use of surface water to recharge groundwater shall be subject to the same limitations and season as specified in section (4) of this rule. Use of groundwater from one aquifer to recharge another shall be allowed only if consistent with the classification of the providing aquifer as specified in OAR 690-502-160.

(6) Expanded irrigation season: Unless expressly limited by statute, court decree, order, administrative rule (including classification, except for use of stored water), water availability or any other permit condition, an irrigation season of March 1 to October 31 shall apply to future permits for primary and supplemental irrigation.

(7) Conservation: The Department shall require that special conservation and water use efficiency conditions be employed when permitting the use of water from the Columbia River Basalt Group, low-yield aquifers and water quality limited streams.

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

(5) The following streams and tributaries are classified year-round for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses:

- (a) Fish Creek tributary to Clackamas River;
- (b) Foster Creek tributary to Clackamas River;
- (c) Wash Creek tributary to Fish Creek;
- (d) Eagle Creek tributary to Clackamas River;
- (e) Clear Creek tributary to Clackamas River;
- (f) Richardson Creek tributary to Clackamas River;
- (g) Rock Creek tributary to Clackamas River;
- (h) Deep Creek tributary to Clackamas River.

(6) The waters of natural lakes with surface elevations above 3,000 feet mean sea level are classified only for domestic, excluding irrigation of lawn and noncommercial garden, livestock and public instream uses. No storage shall be allowed on these lakes.

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

Columbia Subbasin

690-502-150 The Columbia Subbasin includes the Willamette River main stem below Willamette Falls near river mile 27 and its tributaries, and all other stream systems in the Willamette Basin except for the Tualatin River and Clackamas River Subbasins. It includes the Multnomah Channel and Columbia Slough but does not include the main stem Columbia River. Surface water classification:

(1) The following streams and tributaries are withdrawn from further appropriation except storage:

(a) Johnson Creek and tributaries, except Crystal Springs Creek and tributaries for flows in excess of ten cubic feet per second measured at the mouth, are withdrawn, by act of the Legislature, from further appropriation except for protection of fish life therein and power development not to exceed 25 theoretical horsepower.

Appropriation and storage are allowed on Johnson Creek tributaries, but not the main stem, from December 1 through June 1 of each year, ORS 538.170;

(b) Scappoose Creek is withdrawn, by act of the Legislature, from further appropriation, except for protecting fish life therein, domestic, livestock, municipal, fish culture, esthetic, recreation and public park purposes, ORS 538.251(5) and 538.260;

(c) McNulty Creek, tributary to Scappoose Bay, is withdrawn, by act of the Legislature, from further appropriation except for storage during the period November 1 through March 31 each year, ORS 538.280;

(d) Milton Creek is withdrawn by act of the Legislature from further appropriation except for domestic use year-round and storage during the period November 1 through April 30 each year, ORS 538.300;

(e) Little Creek and tributaries, being tributaries to Scappoose Creek, are withdrawn from further appropriation except for storage, by order of the State Engineer dated August 13, 1951;

(f) An unnamed stream, a tributary to the Columbia River flowing through Section 25, Township 1 North, Range 2 East, Willamette Meridian and Sections 19 and 20, Township 1 North, Range 3 East, Willamette Meridian is withdrawn from further appropriation by order of the State Engineer dated September 22, 1950.

(2) The Willamette River main stem below Willamette Falls is classified for domestic, livestock, municipal, industrial, commercial, agricultural, mining, power,

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

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

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

Stat. Auth.: ORS 536.300 & 536.340

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

Groundwater Classifications and Conditions

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

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

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

(b) Groundwater from the basalt aquifers in the Damascus, Gladdidings, Kingston, Mt. Angel, Parrett Mountain, and Stayton-Sublimity areas, and the Troutdale aquifer in the Damascus area is classified for exempt uses only:

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

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

Resources Commission which shall indicate the steps for obtaining an alternate long-term water supply.

(c)(A) Except as provided in paragraph (B) of this subsection, groundwater from the basalt aquifers in the Sherwood-Damascus-Wilsonville Groundwater Limited Area as described and shown in Exhibit 6 is classified for exempt uses only;

(B) Groundwater applications G-12155 (City of Sherwood) and G-13353 (Manke Lumber Co.) shall be processed according to the classifications in effect on the date the application was filed. Permits shall contain the Special Permit Conditions specified in Section (3) of this rule.

(d) Groundwater in the basalt aquifers in the Chehalem Mountain, Eola Hills and South Salem Hills Groundwater Limited Areas is classified for exempt uses, irrigation and rural residential fire protection systems only. Permits may be issued, for a period not to exceed five years, for fire protection and for drip or equally efficient irrigation provided the Director finds the proposed use and amount do not pose a threat to the groundwater resource or existing permit holders. The amount of water used for irrigation shall be further limited to one acre-foot per acre per year. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08:

(A) The Chehalem Mountain Groundwater Limited Area is as described and shown in Exhibit 8. The Eola Hills Groundwater Limited Area is as described and shown in Exhibit 10. The South Salem Hills Groundwater Limited Area is as described and shown in Exhibit 11;

(B) Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in section (3) of this rule. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of permit issuance, the applicant shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long-term water supply;

(e) Groundwater — Surface water hydraulic connection: These rules are in addition to the requirements of OAR 690-09. Groundwater in unconfined alluvium within 1/4 mile of the banks of a stream or surface water source is presumed to be in hydraulic connection with the surface water source, unless the applicant or appropriator provides satisfactory information or demonstration to the contrary. This hydraulically connected groundwater shall be classified the same as the surface source. This section shall not apply to those groundwater uses exempted by ORS 537.545. Notwithstanding such classification, permits may be issued for the use of water from a well in an unconfined aquifer that is hydraulically connected to groundwater, within a quarter mile of a stream, provided that surface water impacts are mitigated through storage releases.

(3) Special Columbia River Basalt Group Aquifer Permit Conditions: New permits issued to appropriate groundwater from Columbia River Basalt Group aquifers shall be specially conditioned. The conditions shall specify:

(a) A static water level measurement be made and submitted before any use of water may commence at the well;

(b) The permittee/appropriator install a meter or other suitable measuring device approved by the Director and submit an annual report of water used to the Department;

(c) Limits on acceptable amounts of depletion and interference with other users;

(d) Use of water from the well be controlled or shut off if limits specified in the permit to protect the resource from depletion, and prior appropriators from interference, are exceeded;

(e) The Department shall determine, from measurements submitted by the permittee/ appropriator, or other data on file in the department, the initial and subsequent water levels from which the previously cited declines are referenced;

(f) Following the issuance of a permit, the permittee/appropriator shall measure the water levels in the permitted well each year between March 1 and March 31 (spring high-water level) and submit the data to the Department within 90 days of measurement. Water level measurements shall be made by a certified water rights examiner, licensed water well driller, licensed pump installer, registered geologist, licensed land surveyor, registered professional engineer or the permittee/ appropriator;

(g) Any other conditions derived from OAR 690-08 as deemed necessary to protect the groundwater resource.

(4) Special Permit Conditions: New permits issued to appropriate groundwater from aquifers within the Sandy-Boring Groundwater Limited Area and the Troutdale aquifer in the Damascus Groundwater Limited Area shall be specially conditioned. The conditions shall specify:

(a) A static water level measurement be made and submitted before any use of water may commence at the well;

(b) Limits on acceptable amounts of depletion and interference with other users;

(c) Use of water from the well be controlled or shut off if limits specified in the permit to protect the resource from depletion, and prior appropriators from interference, are exceeded;

(d) The Department shall determine, from measurements submitted by the permittee/ appropriator, or other data on file in the department, the initial and subsequent water levels from which the previously cited declines are referenced;

(e) Following the issuance of a permit, the permittee/appropriator shall measure the water levels in the permitted well each year between March 1 and March 31 (spring high-water level) and submit the data to the Department within 90 days of measurement. Water level measurements shall be made by a certified water rights examiner, licensed water well driller, licensed pump installer, registered geologist, licensed land surveyor, registered professional engineer or the permittee/ appropriator;

(f) Any other conditions as specified in OAR 690-08 as deemed necessary to protect the groundwater resource.

[ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the Water Resources Department.]

Stat. Auth.: ORS Ch. 536 & 537

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1993, f. & cert. ef. 9-9-92; WRD 3-1994, f. & cert. ef. 3-10-94, WRD _ - 1994, f. & cert. ef. 11-7-94

GROUNDWATER CLASSIFICATION SUMMARY

GROUNDWATER LIMITED AREA	ADOPTED RULES	
	Classification & Prescriptions	Pending Application Status
Damascus (basalt and Troutdale) Gladtidings (basalt) Kingston(basalt) Mt.Angel (basalt) Sher/Dam/Wilson (basalt) Stayton/Sublimity (basalt)	Exempt uses	Applications <u>pending on October 4, 1991</u> may be processed subject to 5 year limit and special conditions. Permits may be renewed for additional 5 year periods if review shows the resource can support the extended use. Plan for alternate source must be submitted within two years. Applications may be rejected or permit or certificate extension may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications filed <u>after October 4, 1991</u> shall be subject to these rules.

GROUNDWATER CLASSIFICATION SUMMARY

GROUNDWATER LIMITED AREA	ADOPTED RULES	
	Classification & Prescriptions	Pending Application Status
Sandy/Boring (Shallow Troutdale aquifer and 6.1 square mile subarea within the deep Troutdale aquifer). <i>Not inside designated area</i>	Exempt uses	Applications <u>pending on October 4, 1991</u> shall be processed in accord with the rules in effect at that time, with special conditions. Applications may be rejected if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications filed after <u>October 4, 1991</u> shall be subject to these rules.

Sandy-Boring Groundwater Limited Area

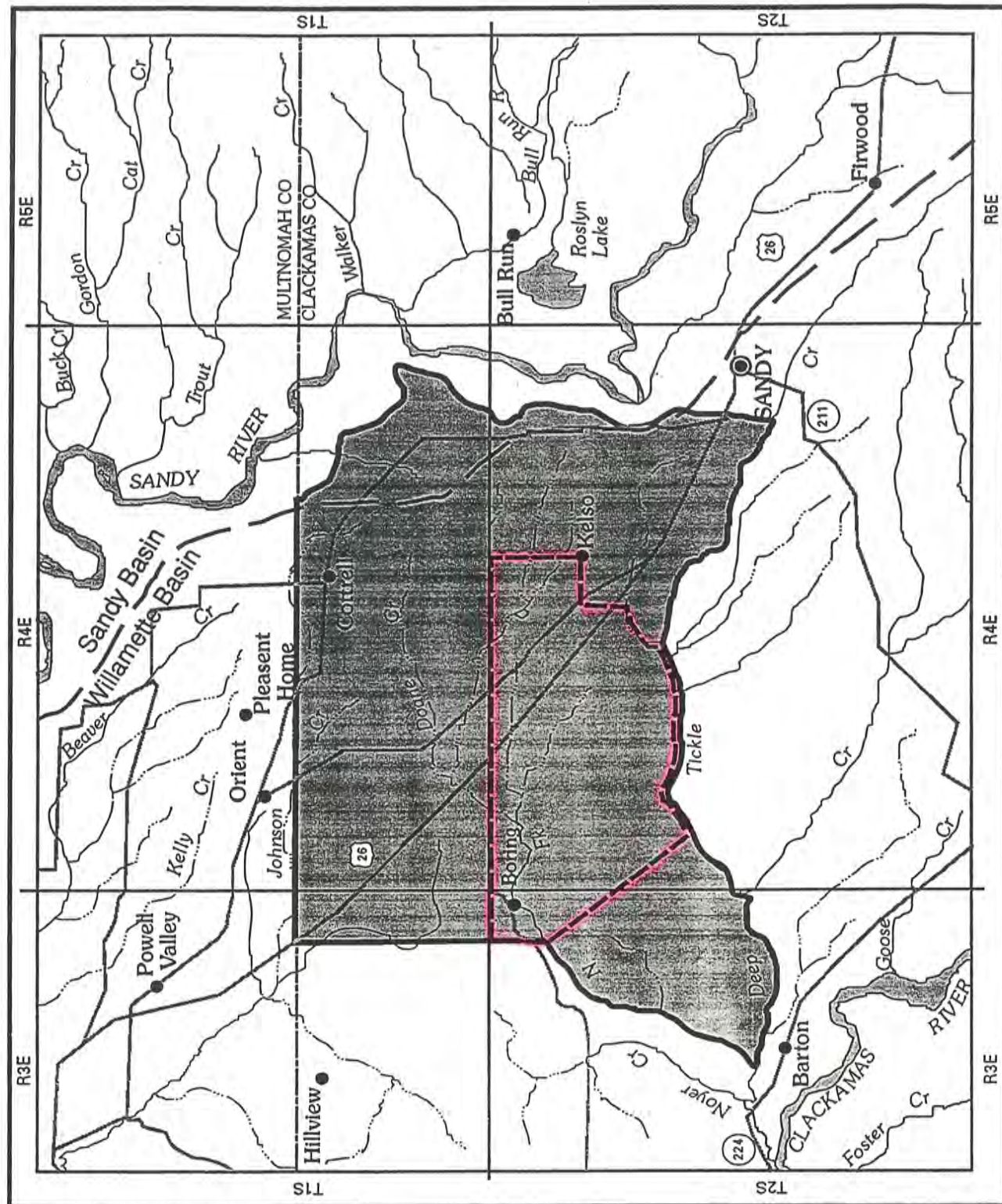


Exhibit 2

Damascus Groundwater Limited Area: The aquifers of concern are within the Columbia River Basalt Group and Troutdale Formation.

The boundary of the area is as follows:

Beginning at the intersection of Clackamas River and the west line of Section 18, T2S, R3E, WM, thence northerly along the section line to the northwest corner of Section 30, T1S, R3E, WM, thence easterly along the section line to the northeast corner of section 27, T1S, R3E, WM, thence southerly along the section line to the intersection of Section 15, T2S, R3E, WM and Clackamas River, thence westerly along the main channel of Clackamas River to the point of beginning.

EXHIBITS
(OAR 690-502-160)

Exhibit 1

Sandy - Boring Groundwater Limited Area: The aquifer of concern is within the Troutdale Formation.

The boundary of the overall area is as follows:

Beginning at the north quarter corner of Section 25, T1S, R3E, WM, said point being on the Clackamas - Multnomah County line, thence east along the county line to a point at an elevation of 600 feet mean sea level, near the intersection of the county line and Dodge Park Boulevard, thence southerly along the 600 foot elevation contour to Tickle Creek, near the east quarter corner of Section 14, T2S, R4E, WM, thence westerly along Tickle Creek and Deep Creek to the mouth of North Fork Deep Creek, thence northeasterly along North Fork Deep Creek to the north - south center line of Section 1, T2S, R3E, WM, thence north to the point of beginning.

The boundary of the Special Deep Troutdale Aquifer Area is as follows:

Beginning at the north quarter corner of Section 1, T2S, R3E, WM, thence east along the section line to the north quarter corner of Section 3, T2S, R4E, WM, thence south to the south quarter corner of said Section 3, thence west along the section line to the southwest corner of said Section 3, thence south along the section line to a tributary of Tickle Creek near the west quarter corner of Section 10, T2S, R4E, WM, thence westerly along the channels of the tributary and Tickle Creek to the south line of Section 7, T2S, R4E, WM, thence northwesterly to the south quarter corner of Section 1, T2S, R3E, WM, thence north to the point of beginning.

RECEIVED

JUN 15 1994

WATER RESOURCES

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s G13698, G13697, G13700, G13702, G13699, G13701, G13703

Send to:

Steve Schneider
21881 River Road NE
St Paul, OR 97137

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:

Oregon Water Resources Department
158 12th ST NE
Salem, Oregon 97310

This Comment corresponds to the JUN/ 8/1994 Public Notice.

Application No.

G-13698

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Groundwater



Applicant(s) John Holmlund Nursery Co.

(Please print or type - use dark ink)

Mailing Address: 29285 S.E. Hwy 212

Boring

City

OR

State

97009

Zip

(503) 663-6650

Daytime Phone No.

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

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

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

Distance from development to stream: 350 feet

Elevation difference between streambed and development: 35 feet

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

Diameter of well: 10 inch Depth in feet: 600 feet

Type and size of well casing: 10 inch No. of feet: 302 feet

Estimated depth to water: 118 feet

Type of access port or measuring device: 1-1/2 inch access port

Wells to be drilled by: Well completed May 19, 1987 by Otto Keller

Address: 13280 SE Mountain Gate Rd., Portland, Oregon 97236

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

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: .5 cubic feet per second, **OR** gallons per minute. If water is to be used from more than one groundwater source, give the quantity of water from each:

3. **INTENDED USE(s) OF WATER:** Irrigation of nursery stock.

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

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

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

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

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

Irrigation 28.95

Other (describe) _____

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

Worthing Model 10M-41 pump and Cornell Model 3W-15-2 booster pump, 3,708 lf of 6" PVC main running east. Proposed 2,078' of 5" buried pipe off the east main from the well. All risers are 4".

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

Proposed date construction work will begin 9/94

Proposed date construction work will be completed 9/95

Proposed date water use will be completed 9/95

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.*

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

_____ Applicant X CWRE _____ Other (Identify in REMARKS section)

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

_____ Applicant X CWRE _____ Other (Identify in REMARKS section)

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

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

REMARKS: This is expansion of use of water from the well described in final
proof survey for G10833.

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

Nathan Wohlfund
Signature

5/25/94
Date

Signature

Date

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.

Nathan Wohlfund
Signature of Applicant

5/25/94
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 26th day of May, 1994, at 8:00 o'clock, A M.

APPLICATION NO: 6-13698

Application No. C-13698
**Land Use Information Form: Permits, 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.

MAY 26 1994

Applicant's Name: John Holmlund Nursery Co.
 Address: 29285 SE Highway 212
 City: Boring State: OR Zip: 97009 Day Phone: (503) 663-6650

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
14E 31D 203W1	A6/EF4-20		X	X

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Clackamas County

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 planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

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): SECTION 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)

Date: 5-20-94

Phone: 655 8521

Ben O'Fallon

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.

Additional Comments:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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: John Holmlund Nursery Co.
 Address: 29285 SE Highway 212
Boring, OR 97009
 Phone: (503) 663-6650

RECEIVED

MAY 26 1994

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): 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.): _____
- ☐ 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: <u>One Well</u> _____ _____	<u>5</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	
☐ Ground Water	

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STATE OF OREGON

WATER WELL REPORT
(as required by ORS 537.785)

MAY 29 1987

CLAC

01069

1S/4E-31

(1) OWNER:

Name JOHN HOLMLUND WATER RESOURCES DEPT.
Address 6615 S.E. POWELL VALLEY RD.
City GRESHAM State OREG. Zip _____

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable
☐ Other _____

(4) PROPOSED USE:

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

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 600 ft.
Explosives used Yes ☐ No ☒ Type _____ Amount _____

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
8"	0 260	CEMENT	0 30	22	
10"	260 600	CEMENT	255 260	6	

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

☐ Other LOWER SEAL POURED

Backfill placed from 30 ft. to 255 ft. Material SAND AND DRILL CUTTINGS
Gravel placed from 289 ft. to 600 ft. Size of gravel 1/2"

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	10	+1	302	.250"	☒	☐	☐	☐
Liner:	8	289	600	.188"	☒	☐	☐	☐

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

☒ Perforations Method CUTTING TORCH
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
0	600		2000	1/4" x 12"		☐	☒

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
500	31		24 hr.

Temperature of water _____ Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____

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

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: 150' to 300'

(9) LOCATION OF WELL by legal description:

County CLATSOP Latitude _____ Longitude _____
Township 15 N or S, Range 4E E or W, WM.
Section 31 1/4 _____ 1/4 _____
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:

187 ft. below land surface. Date 4/16/87
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

From	To	Estimated Flow Rate	SWI
302	600		

(12) WELL LOG:

Material	From	To	SWI
SEE ATTACHED LIST			
CASING DRIVEN AHEAD OF HOLE @ 302' TO DEVELOPE A SEAL AROUND DRIVE SHOE			
3 SACKS CEMENT PLACED @ BOTTOM OF 8" LINER TO PREVENT GRAVEL FROM COMING AROUND END.			

Date started 2/18/87 Completed 4/16/87

(unbonded) Water Well Constructor Certification:

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

Signed _____ WWC Number _____
Date _____

(bonded) Water Well Constructor Certification:

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

Signed OK WWC Number 46
Date 5/19/87

RECEIVED

MAY 29 1987

WATER RESOURCES DEPT
SALEM, OREGON

449-454	SANDY BLUE CLAYSTONE
454-456	SOFT BLACK SANDSTONE
456-466	HARD BLACK SANDSTONE
466-467	CLAY STONE
467-479	SOFT SANDSTONE
479-490	MED. HARD SANDSTONE
490-493	SOFTER SANDSTONE
493-496	BLUE CLAY
496-515	CLAYSTONE
515-521	HARD BLUE CLAYSTONE
521-523	SOFT BLUE SANDY CLAY
523-555	SANDSTONE AND GRAVEL, POROUS
555-559	CLAYSTONE, STICKY
559-562	SANDSTONE AND GRAVEL, POROUS
562-564	BLUE CLAYSTONE
564-567	CEMENTED GRAVEL OR SANDSTONE
567-569	HARD CLAY STONE
569-581	HARD CLAY AND GRAVEL, BLUE
581-583	CLAY
583-600	CLAY AND GRAVEL

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MAY 29 1987

WATER RESOURCES DEPT.
SALEM, OREGON

298-299	CLAY AND GRAVEL
299-304	STICKEY BLUE CLAY
304-310	CEMENTED GRAVEL
310-318	CLAY AND GRAVEL
318-322	SOFT BLUE CLAY
322-326	HARD STICKEY BLUE CLAY
326-330	CLAY AND GRAVEL
330-337	BLACK SANDSTONE
337-339	CLAY AND COURSE SAND, STICKEY
339-344	BLACK SANDSTONE
334-346	SOFT SANDY BLUE CLAY
346-348	BLACK SANDSTONE
348-352	BLUE CLAY
352-355	SANDSTONE
355-362	HARD STICKY BLUE CLAY
362-366	SANDSTONE
366-374	STICKY BLUE CLAY
374-376	SANDSTONE
376-383	HARD BLUE CLAY
383-392	BLUE CLAY, STICKY
392-410	HARD BLUE CLAY
410-413	SANDSTONE
413-419	BLUE CLAYSTONE
419-422	BLUE CLAY, SOFTER
422-431	HARD BLACK SANDSTONE
431-437	SOFTER BLACK SANDSTONE
437-447	HARD BLACK SANDSTONE
447-449	SOFTER BLACK SANDSTONE

RECEIVED

MAY 29 1987

WATER RESOURCES DEPT.
SALEM, OREGON

0-4 TOP SOIL
4-26 BROWN CLAY
26-70 SOFT BROWN CLAY
70-95 CLAY AND GRAVEL, SOME SMALL
BOULDERS
95-115 CEMENTED GRAVEL
115-116 BOULDER
116-136 CEMENTED GRAVEL
136-138 BOULDER
138-160 CEMENTED GRAVEL
160-164 CLAY AND GRAVEL
164-183 CEMENTED GRAVEL
183-186 BLUE CLAY, STICKEY
186-193 CLAY AND GRAVEL
193-212 CEMENTED GRAVEL
212-213 CLAY
213-214 CLAY AND GRAVEL
214-225 CEMENTED GRAVEL
225-232 BLUE CLAY
232-253 HARD BLACK SANDSTONE
253-258 BROWN CLAY
258-261 STICKEY CLAY AND GRAVEL
261-272 CEMENTED GRAVEL
272-275 CLAY AND GRAVEL
275-282 CEMENTED GRAVEL
282-283 CLAY
283-289 CEMENTED GRAVEL
289-298 STICKEY BLUE CLAY

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

CLAC

01069

15/4/87

(1) OWNER:

Name JOHN HOLMLUND Well Number: 630
Address 6615 S.E. POWELL VALLEY RD.
City GRESHAM State OREG. Zip _____

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable
☐ Other _____

(4) PROPOSED USE:

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

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 600 ft.
Explosives used ☐ Yes ☒ No ☐ Type _____ Amount _____

HOLE				SEAL			
Diameter	From	To	Material	From	To	Amount	sacks or pounds
10"	0	260	CEMENT	0	30	22	
10"	260	600	CEMENT	255	260	6	

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

☐ Other LOWER SEAL POURED

Backfill placed from 30 ft. to 255 ft. Material SAND AND DRILL CUTTING
Gravel placed from 289 ft. to 600 ft. Size of gravel 1/2"

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	+1	302	.250"	☒	☐	☐	☐
Liner: 8	289	600	.188"	☒	☐	☐	☐

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

☒ Perforations Method CUTTING TORCH
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
289	600		2000	1/4 x 12"		☐	☒

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min 500 Drawdown 31 Drill stem at _____ Time 24 hr.

Temperature of water _____ Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____

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

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: 150' TO 300'

(9) LOCATION OF WELL by legal description:

County CLACKAMAS Latitude _____ Longitude _____
Township 15 N or S, Range 4E E or W, WM.
Section 31 1/4 _____ 1/4 _____
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:

187 ft. below land surface. Date 4/16/87
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

From		To	Estimated Flow Rate	SWL
302		600		

(12) WELL LOG:

Material	From	To	SWL
SEE ATTACHED LIST			
CASING DRIVEN AHEAD OF HOLE @ 302' TO DEVELOPE A SEAL AROUND DRIVE SHOE			
3 SACKS CEMENT PLACED @ BOTTOM OF 8" LINER TO PREVENT GRAVEL FROM COMING AROUND END.			

Date started 2/18/87 Completed 4/16/87

(unbonded) Water Well Constructor Certification:

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

WWC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:

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

WWC Number 462
Signed oeKell Date 5/19/87

0-4 TOP SOIL
4-26 BROWN CLAY
26-70 SOFT BROWN CLAY
70-95 CLAY AND GRAVEL, SOME SMALL
BOULDERS

95-115 CEMENTED GRAVEL
115-116 BOULDER
116-136 CEMENTED GRAVEL
136-138 BOULDER
138-160 CEMENTED GRAVEL
160-164 CLAY AND GRAVEL
164-183 CEMENTED GRAVEL
183-186 BLUE CLAY, STICKEY
186-193 CLAY AND GRAVEL
193-212 CEMENTED GRAVEL
212-213 CLAY
213-214 CLAY AND GRAVEL
214-225 CEMENTED GRAVEL
225-232 BLUE CLAY
232-253 HARD BLACK SANDSTONE
253-258 BROWN CLAY
258-261 STICKEY CLAY AND GRAVEL
261-272 CEMENTED GRAVEL
272-275 CLAY AND GRAVEL
275-282 CEMENTED GRAVEL
282-283 CLAY
283-289 CEMENTED GRAVEL
289-298 STICKEY BLUE CLAY

98-299 CLAY AND GRAVEL
 99-304 STICKEY BLUE CLAY
 304-310 CEMENTED GRAVEL
 10-318 CLAY AND GRAVEL
 318-322 SOFT BLUE CLAY
 22-326 HARD STICKEY BLUE CLAY
 26-330 CLAY AND GRAVEL
 30-337 BLACK SANDSTONE
 37-339 CLAY AND COURSE SAND, STICKEY
 39-344 BLACK SANDSTONE
 34-346 SOFT SANDY BLUE CLAY
 46-348 BLACK SANDSTONE
 48-352 BLUE CLAY
 52-355 SANDSTONE
 55-362 HARD STICKY BLUE CLAY
 62-366 SANDSTONE
 66-374 STICKY BLUE CLAY
 74-376 SANDSTONE
 76-383 HARD BLUE CLAY
 83-392 BLUE CLAY, STICKY
 92-410 HARD BLUE CLAY
 10-413 SANDSTONE
 13-419 BLUE CLAYSTONE
 19-422 BLUE CLAY, SOFTER
 22-431 HARD BLACK SANDSTONE
 31-437 SOFTER BLACK SANDSTONE
 37-447 HARD BLACK SANDSTONE
 41-449 SOFTER BLACK SANDSTONE

449-454 SANDY BLUE CLAYSTONE
 454-456 SOFT BLACK SANDSTONE
 456-466 HARD BLACK SANDSTONE
 466-467 CLAY STONE
 467-479 SOFT SANDSTONE
 479-490 MED. HARD SANDSTONE
 490-493 SOFTER SANDSTONE
 493-496 BLUE CLAY
 496-515 CLAYSTONE
 515-521 HARD BLUE CLAYSTONE
 521-523 SOFT BLUE SANDY CLAY
 523-555 SANDSTONE AND GRAVEL, POROUS
 555-559 CLAYSTONE, STICKY
 559-562 SANDSTONE AND GRAVEL, POROUS
 562-564 BLUE CLAYSTONE
 564-567 CEMENTED GRAVEL OR SANDSTONE
 567-569 HARD CLAY STONE
 569-581 HARD CLAY AND GRAVEL, BLUE
 581-583 CLAY
 583-600 CLAY AND GRAVEL

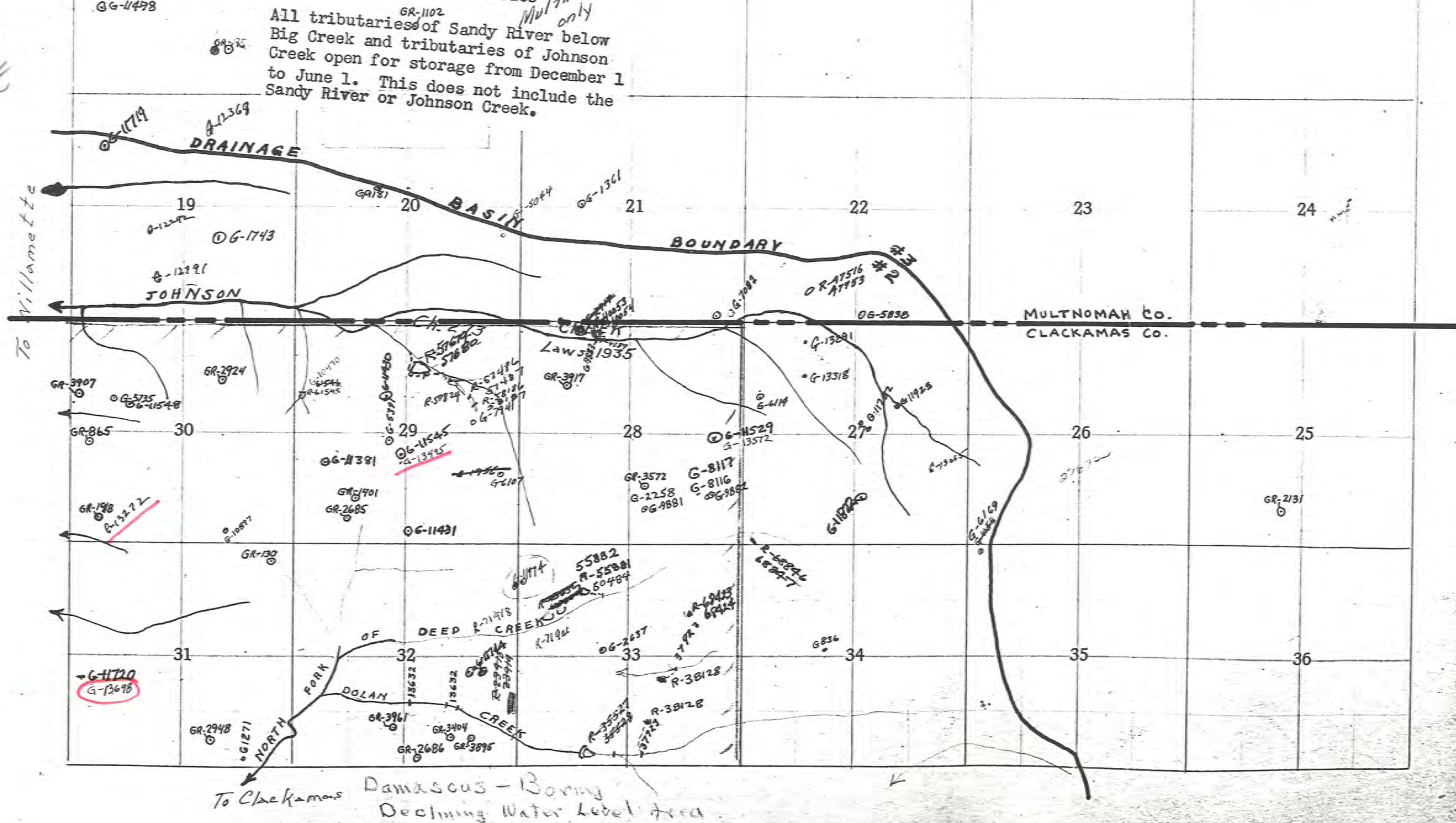
7/10/62
 10-11-77
 UNITED STATES OF AMERICA
 DEPARTMENT OF THE ARMY
 WASHINGTON, D.C.

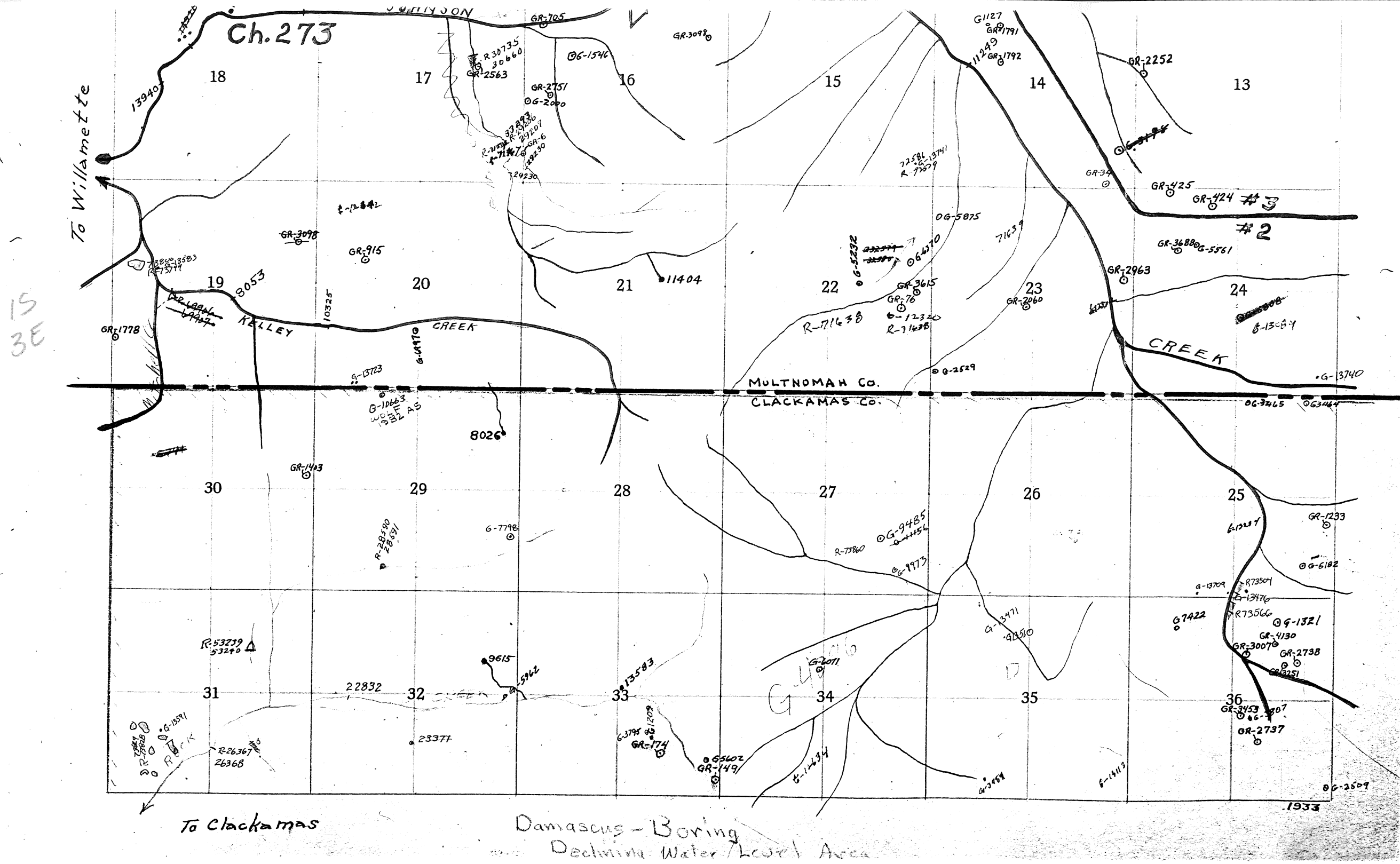
SECTION 31

RANGE 12 W. M.																SECTION 31		
N E				N W				S W				S E				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
20 ^c																GR-130	GR-121	
																14 G-1271	G-1182	31239
																GR-2948	GR-2769	1
																G-5392	G-5319	45726
																55625		
																G-10897	G-10086	65963
																G-11720	G-10833	68523
																G-13272	G-11611	
																G-13698		
																G-13869		

62-1102
All tributaries of Sandy River below
Big Creek and tributaries of Johnson
Creek open for storage from December 1
to June 1. This does not include the
Sandy River or Johnson Creek.

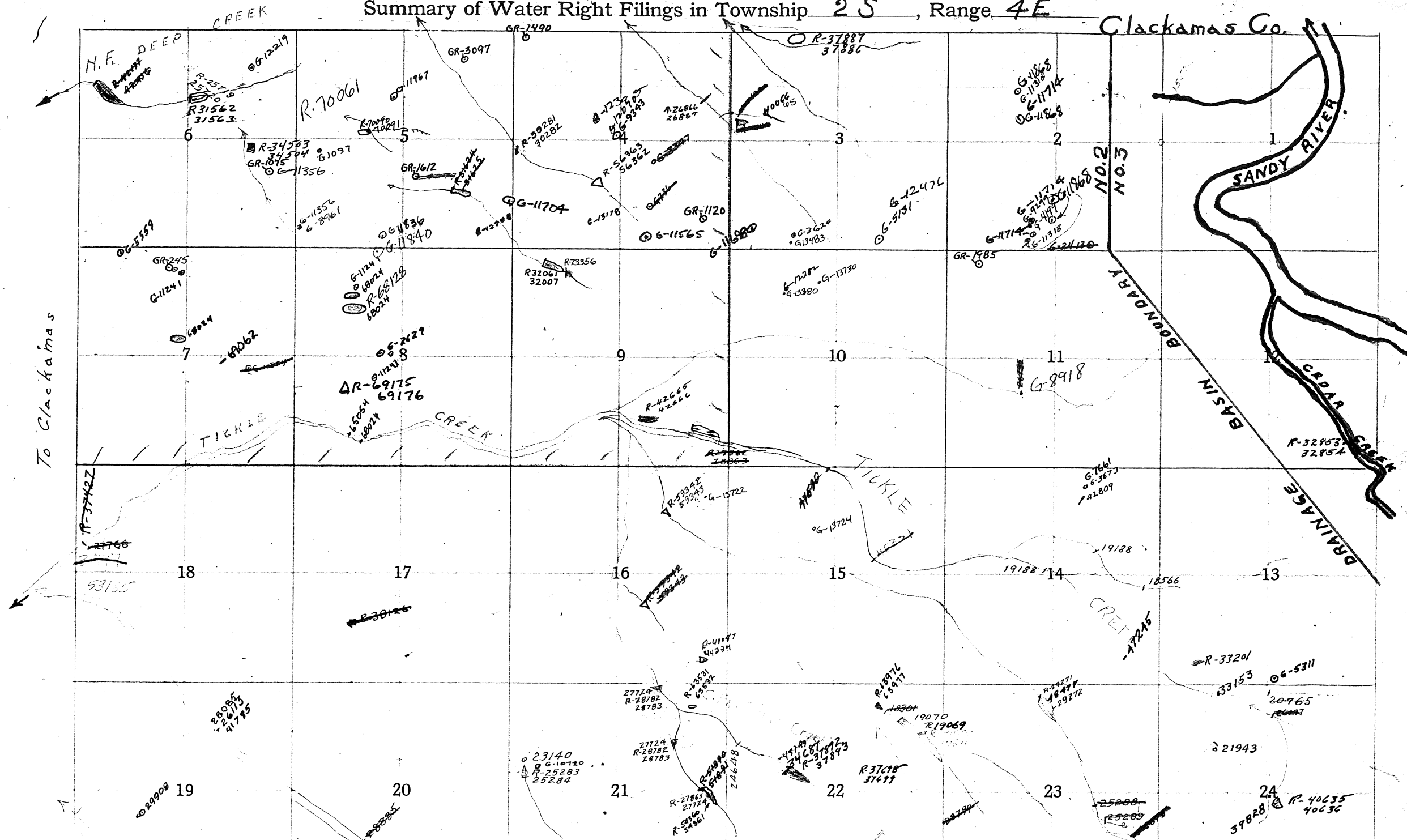
62-1102
All tributaries of Sandy River below
Big Creek and tributaries of Johnson
Creek open for storage from December 1
to June 1. This does not include the
Sandy River or Johnson Creek.





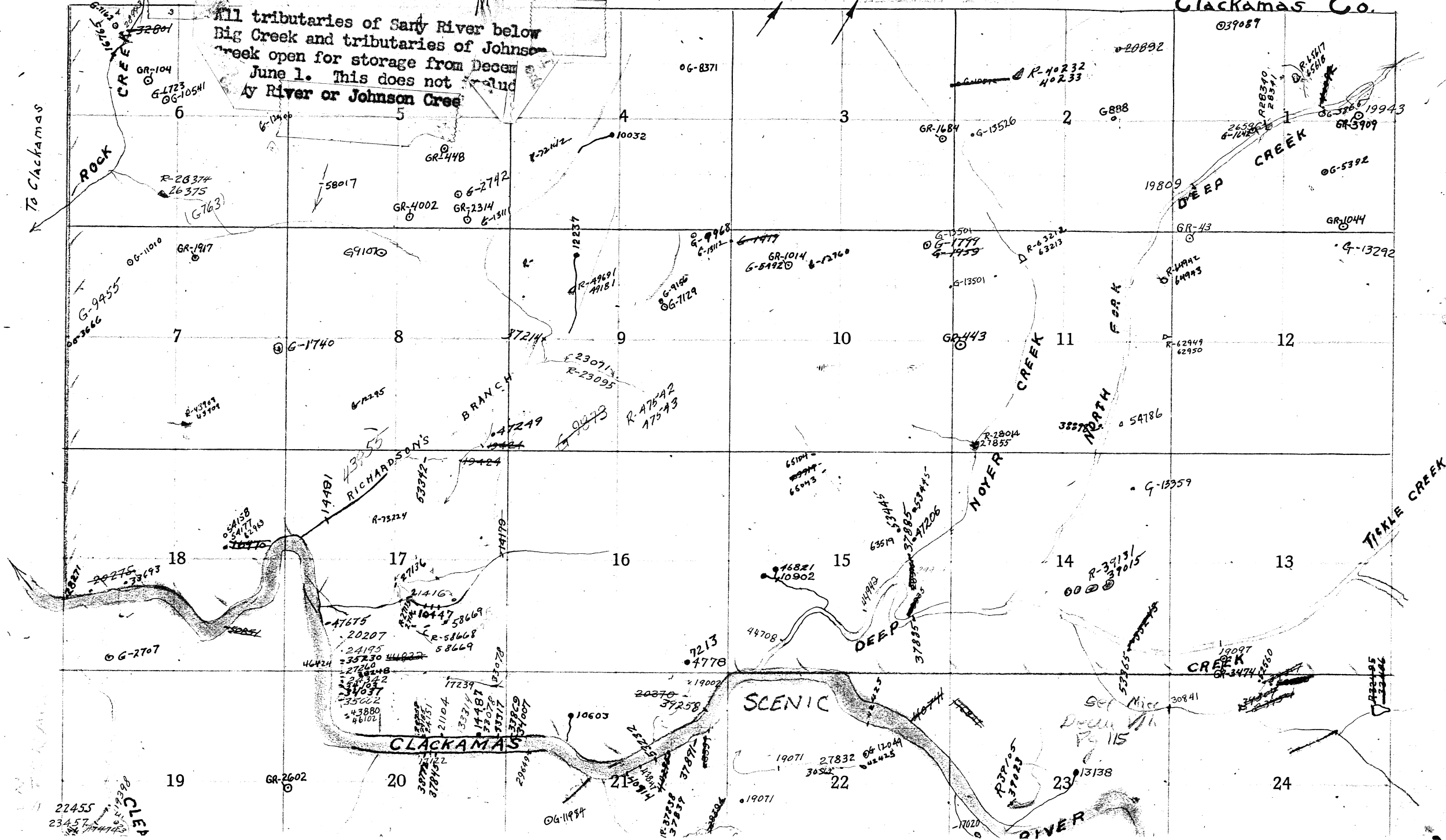
Summary of Water Right Filings in Township 2 S, Range 4 E

Clackamas Co.



Clackamas Co.

All tributaries of Sany River below Big Creek and tributaries of Johnson Creek open for storage from December 1. This does not include any River or Johnson Creek.



*** O R E G O N W A T E R R E S O U R C E S D E P A R T M E N T ***

8/22/1995

Select by permit G 10833

Name: JOHN HOLMLUND NURSERY
6615 SE POWELL VALLEY RD
GRESHAM, OR 97080

County : CLACKAMAS
Status : NON-CANCELLED
Certificate type: OR
Certificate date: 6/26/1995

Application: G 11720
Permit : G 10833
Certificate: 68523
Supersedes certificate: 0

Related documents:
Remarks :

Source	Use	P/S	Priority	Quantity	Location	LOT/DLC	Status
A WELL > JOHNSON CR	IR	P	10/26/1987	1.4600CFS	1 S 4 E 31 NWSW		V

Legal description: 480 FEET SOUTH & 216 FEET EAST FROM W1/4 CORNER, SECTION 31
Rate: 1/80 Limit: 2.5 AFT/acre/year Other limits:

Points of appropriations:	Use	P/S	Location	DLC/LOT	Acres	Status
=====	IR	P	1 S 4 E 31 NESW		40.000	V
	IR	P	1 S 4 E 31 NWSW		36.600	V
	IR	P	1 S 4 E 31 NWSE		40.000	V

***** S T A R T C A R D R E P O R T *****

Start Card# : 79740 Watermaster District#: 16 Receipt#: 125294

Owners Name : N/A N/A
Name Other : ELIXIR INDUSTRIES; HUECKER, WALLY
Fee : Y

Type Work : N Received Date: 6/13/1995

Well Depth : 58 Diameter: 2 inches Use: MO

County : CLAC

Section : 0 Township: 4.00 S Range: 1.00 W

License Number : 10054
Drillers Name : JOSH BURROWS

*** O R E G O N W A T E R R E S O U R C E S D E P A R T M E N T ***

8/22/1995

Select by permit G 10833

Name: JOHN HOLMLUND NURSERY County : CLACKAMAS Application:
6615 SE POWELL VALLEY RD Status : NON-CANCELLED Permit : G 10833
GRESHAM, OR 97030 Certificate type: Certificate: 0
Certificate date: 8/29/1988 Supercedes certificate: 0

Related documents:
Remarks :

Sources : ONE WELL

Purposes: IRRIGATION OF 120.0 ACRES.

Rates : 1.5 CUBIC FEET PER SECOND

Priority:

Source	Use	P/S	Priority	Quantity	Location	LOT/DLC	Status
ONE WELL >	IR	P	10/26/1987	1.5000CFS	1 S 4 E 31 NWSW		V

Legal description: 600 FEET SOUTH & 2450 FEET WEST FROM CENTER CORNER, SECTION 31
Rate: 1/80 Limit: 2.5 AFT/acre/year Other limits:

Points of appropriations:	Use	P/S	Location	DLC/LOT	Acres	Status
=====	IR	P	1 S 4 E 31 NESW		40.000	V
	IR	P	1 S 4 E 31 NWSW		40.000	V
	IR	P	1 S 4 E 31 NWSE		40.000	V

OREGON
ES DEPARTMENT

ST. N.E. INVOICE # _____

97310-0210

8-8130 (FAX)

APPLICATION	613698
PERMIT	
TRANSFER	

TOTAL REC'D \$ 78.00

\$
\$
\$
\$

CASH ACCT.

VOUCHER #

\$

\$
\$
\$
\$

EXAM FEE

842.002

842.004

842.006

EXAM FEE

842.023

842.024

RECORD FEE

\$ 78.00

LICENSE FEE

\$

\$

CARD #

CARD #

\$

LIC NUMBER

\$

\$

\$

BY: J. Kessner

Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 112513

158 12TH ST. N.E.

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

RECEIVED FROM:

BY:

John Holmberg
J. Nussling Co

APPLICATION

PERMIT

TRANSFER

13698

CASH:

CHECK: #

OTHER: (IDENTIFY)

☐
☐ 24-20

☐

TOTAL REC'D

\$ 370.

01-00-0 WRD MISC CASH ACCT

842.010 ADJUDICATIONS

831.087 PUBLICATIONS / MAPS

830.650 PARKING FEES Name / month

OTHER: (IDENTIFY)

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT.

COST CENTER AND OBJECT CLASS

VOUCHER #

\$

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001 COPY FEES

850.200 RESEARCH FEEDS

880.109 MISC REVENUE: (IDENTIFY)

520.000 OTHER (P-6) (IDENTIFY)

\$
\$
\$
\$

WATER RIGHTS:

842.001 SURFACE WATER

842.003 GROUND WATER

842.005 TRANSFER

WELL CONSTRUCTION

842.022 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY)

EXAM FEE

\$

\$ 900.-

\$

EXAM FEE

\$

842.002

842.004

842.006

842.023

842.024

RECORD FEE

\$

\$ 160.-

\$

LICENSE FEE

\$

\$

06-00-0 WELL CONST START FEE

842.013 WELL CONST START FEE

MONITORING WELLS

\$

\$

CARD #

CARD #

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS

\$

07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011 POWER LICENSE FEE (FW/WRD)

842.115 HYDRO LICENSE FEE (FW/WRD)

HYDRO APPLICATION

\$

\$

\$

\$

\$

RECEIPT # 112513

DATED: 5-26-94

BY: D. Bushnell

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

NUMBER

88544

Check 370 NO _____ Cash _____Surface ApplicationReservoir Application☒ Ground Water Application $\frac{200}{160}$ Transfer Application ROUTE TO DATA CENTERPower ClaimHydroelectric ExaminationHydroelectric LicenseCopying☒ Assignment - 6R-2948

ROUTE TO Tom S.

Extension of TimeOtherP-6QuadrangleBasinProtestConstructors ExaminationConstructors LicenseAdjudication

NUMBER

93560

Check 78 NO _____ Cash _____Surface ApplicationReservoir Application☒ Ground Water ApplicationTransfer ApplicationPower ClaimHydroelectric ExaminationHydroelectric LicenseCopyingAssignmentExtension of TimeOtherP-6QuadrangleBasinProtestConstructors ExaminationConstructors LicenseAdjudication

G13698

Application No.

Permit No.

FPD