T-10744

RA

Name Larry Alexander
Boring Water District
Address PO Box 666
Boring, OR. 97009

Change in USE/POA
Date Filed 11-28-08
Initial notice date 12-16-08
DPD issued date
PD issued date
PD notice date
Date of FO 6-22-09 Vol 78 Page 183
Ext FO 10-11-2018 V. 109 Pg. 6516

C-Date
COBU due date
COBU Received date
Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Well
Trib. of North Fork Deep Creek

Use Muni County Clackamas
Quantity of water (CFS) No. of Acres
Name of ditch

App # G-5392	Per # G-5319	Cert # 45726	PR Date 1971	
App #	Per #	Cert #	PR Date	
App #	Per #	Cert #	PR Date	
App #	Per #	Cert #	PR Date	
App #	Per #	Cert #	PR Date	

FEES PAID

Date	Amount	Receipt #
11-28-08	1325.00	95058
10-4-18	670.00	128126

FEES REFUNDED

Date	Amount	Receipt#

Assignments:

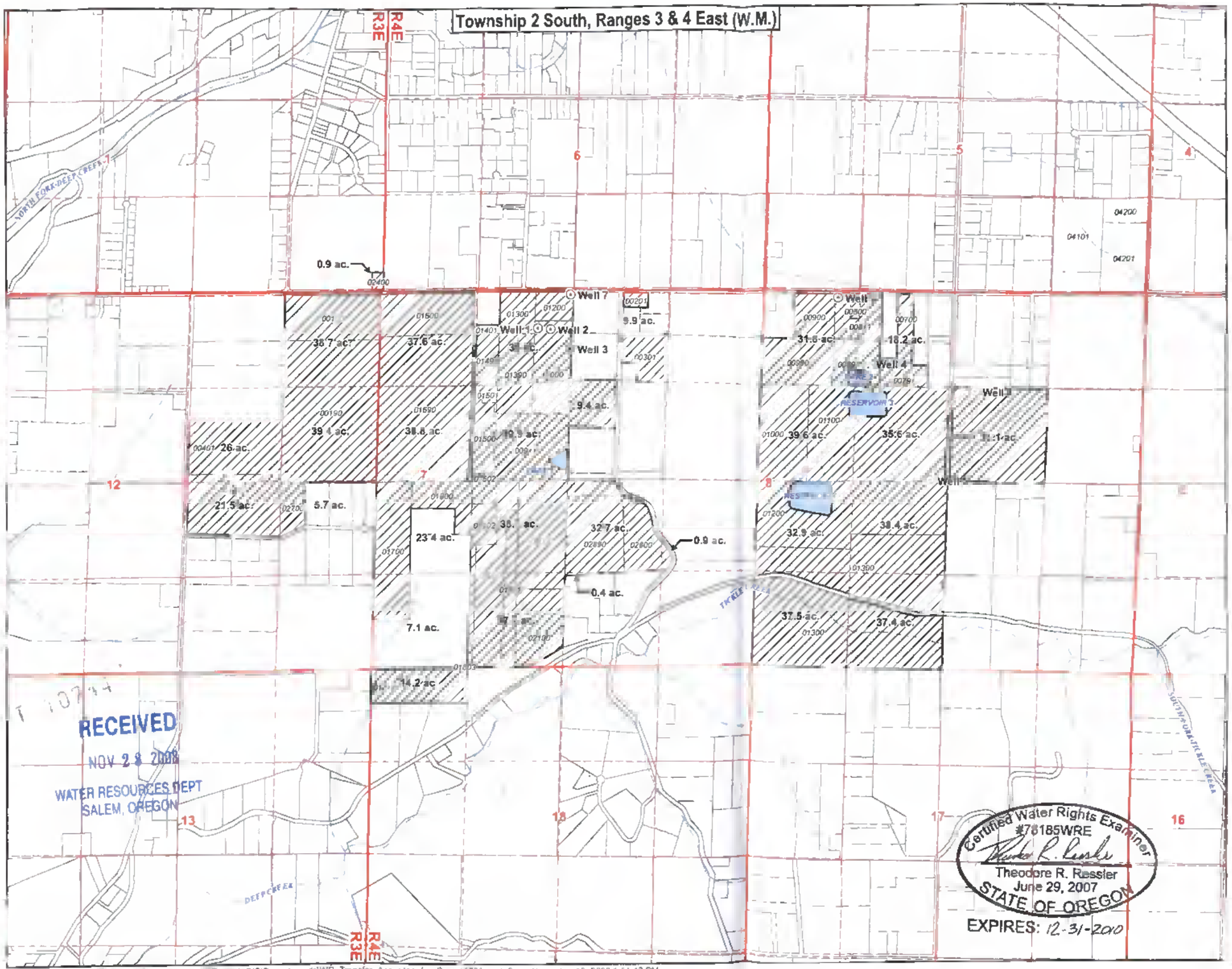
Irrigation District None

Agent Adam Sussman, GSI Water Solutions. 1600 Western Blvd. Ste 240. Corvallis. OR. 97333

CWRE Ted Ressler
CC's list RC Landowner. Iseli Nursery. Greg Pilcher. 30590 SE Kelso Rd. Boring. OR. 97009

RA Contractor: John Borden Consulting

☐ - Oversized map – Location



File Path: \\gsi-sbs-001\Projects\280 Iseli Nursery\Project_GIS\Project_mxds\WR_Transfer_App Map_for Cert 45726.mxd Date: November 13, 2008 1:54:42 PM

Application for a Water Right Transfer

Certificate 45726

Iseli Nursery
Clackamas County, Oregon

LEGEND

- Proposed Points of Appropriation (POA) for Certificate 45726
- Proposed Place of Use (POU) for Certificate 45726
- Tax Lots
- Roads
- Watercourses
- Waterbodies

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OCT 04 2018
OWRD

POA LOCATION DESCRIPTIONS

Well 1 - Located 526 feet South and 2,165 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)

Well 2 - Located 535 feet South and 2,335 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)

Well 3 - Located 510 feet South and 2,610 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)

Well 4 - Located 1,050 feet South and 1,460 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)

Well 5 - Located 2,600 feet South and 2,350 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)

Well 7 - Located 60 feet South and 2,600 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)

Well 8 - Located 1,360 feet South and 2,330 feet West from the NE corner of Section 8, Township 2 South, Range 4 East (W.M.)

Well 9 - Located 85 feet South and 1,015 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines

N

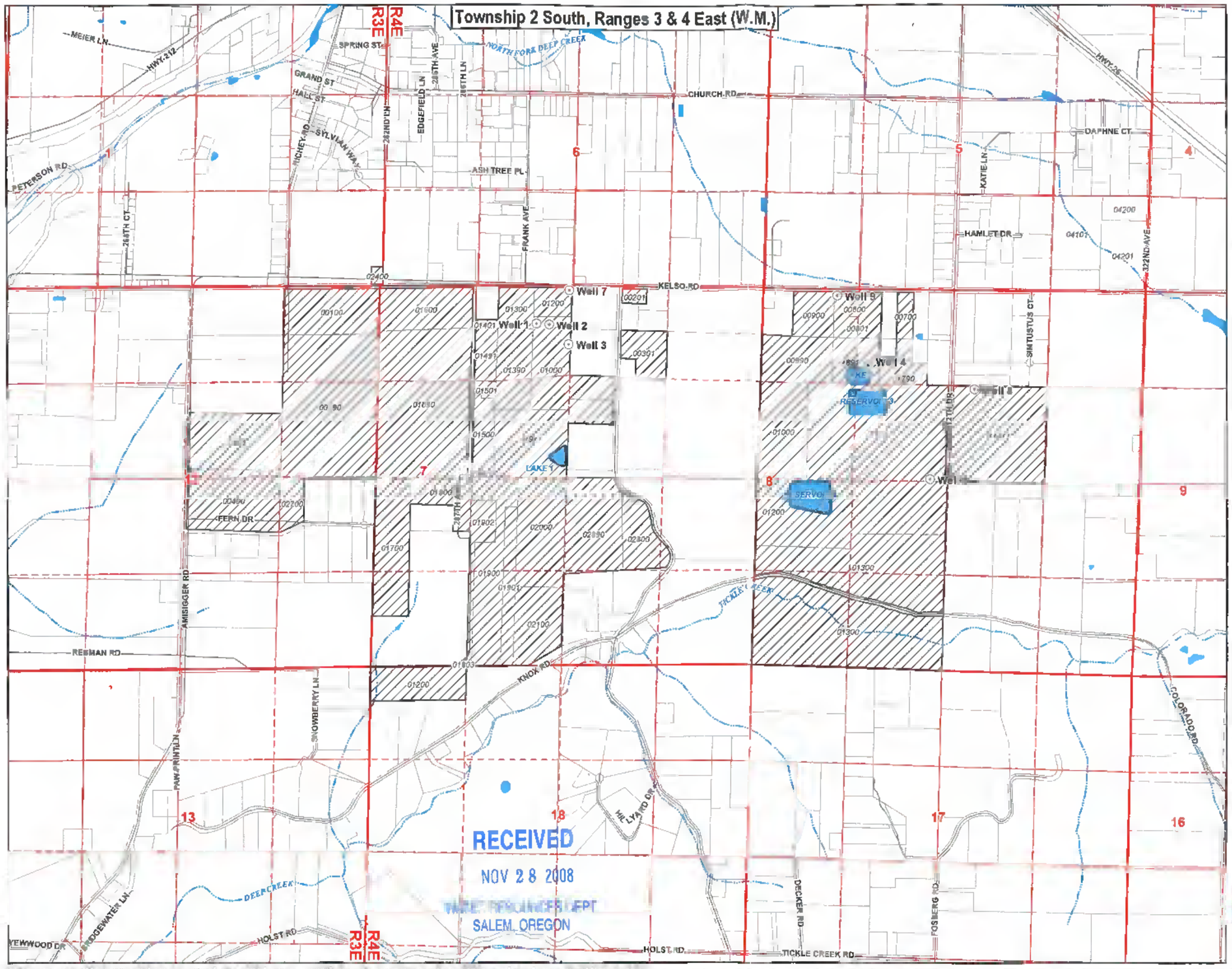
Scale
1:15,840

0 660 1320 1980 2640

1 inch equals 1,320 feet

MAP NOTES
Projection: Oregon State Plane North Zone
Datum: North American Datum of 1983
Date: November 13, 2008
Data Sources: Clackamas County GIS

GSI Water Solutions, Inc.



Application for a Water Right Transfer

Certificate 45726

Iseli Nursery
Clackamas County, Oregon

LEGEND

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N

Scale
1:15,840

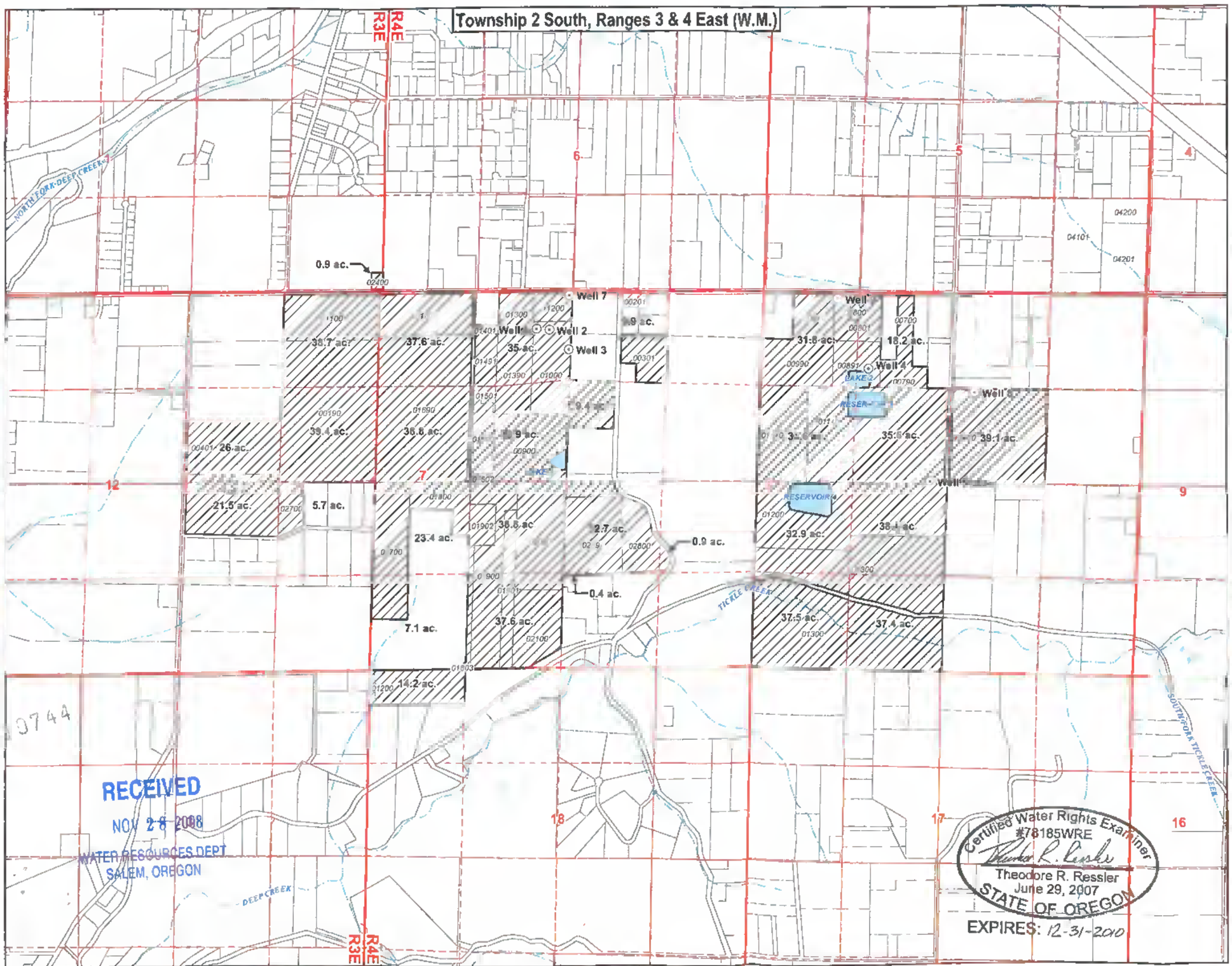
0 660 1320 1980 2640

1 inch equals 1,320 feet

MAP NOTES:
Projection: Oregon State Plane North Zone
Datum: North American Datum of 1983
Date: October 28, 2008
Data Sources: Clackamas County GIS
Oregon Geospatial Data Clearinghouse

GSI Water Solutions, Inc.

T 13744



T 9744

File Path: \\gsi-sbs-001\Projects\280 - Iseli Nursery\Project_GIS\Project_mxds\WR_Transfer_App_Map_for_Cert_45726.mxd, Date: November 13, 2008 1:54:42 PM

Application for a Water Right Transfer

Certificate 45726

Iseli Nursery
Clackamas County, Oregon

LEGEND

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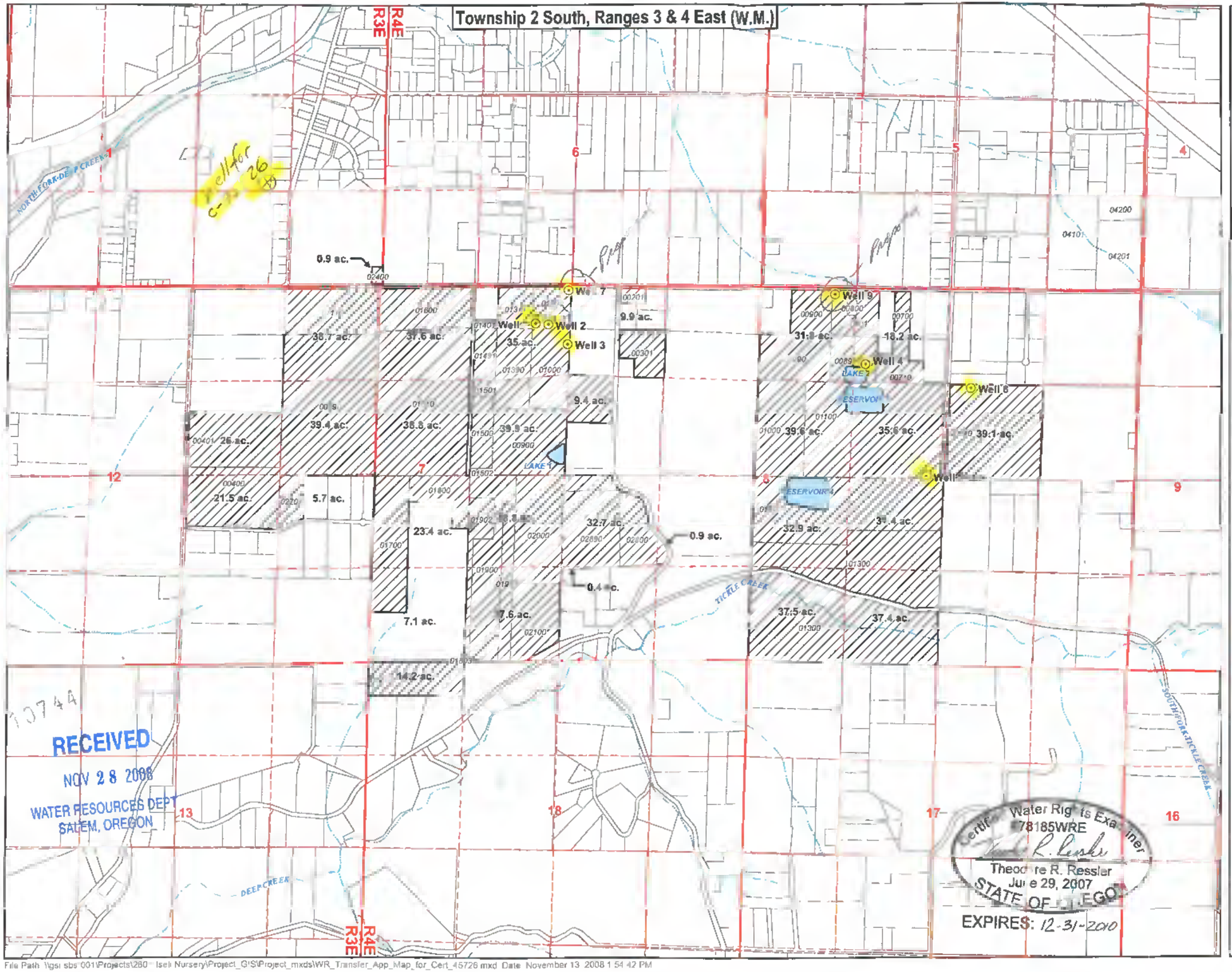
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Oregon Geospatial Data Clearinghouse

GSI Water Solutions, Inc.



T 13744

RECEIVED
NOV 28 2008
WATER RESOURCES DEPT
SALEM, OREGON

Certified Water Rights Examiner
78185WRE
Theodore R. Ressler
June 29, 2007
STATE OF OREGON
EXPIRES: 12-31-2010

File Path: \\gsi-sbs-001\Projects\280 - Iseli Nursery\Project_GIS\Project_mxds\WR_Transfer_App_Map_for_Cert_45726.mxd Date: November 13, 2008 1:54:42 PM

Application for a Water Right Transfer

Certificate 45726

Iseli Nursery
Clackamas County, Oregon

LEGEND

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RECEIVED
FEB 23 2009
WATER RESOURCES DEPT
SALEM, OREGON

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well #6 NOT INVOLVED
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MAP NOTES:
Projection: Oregon State Plane North Zone
Datum: North American Datum of 1983
Date: November 13, 2008
Data Sources: Clackamas County GIS, Oregon Geospatial Data Clearinghouse

GSI Water Solutions, Inc.

Oregon
Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.Oregon.gov/OWRD

October 11, 2018

ISELI NURSERY INC.
30590 SE KELSO RD
BORING, OR 97009

Reference: District Permanent Transfer File T-10744

We have received your application for extension of the time limit to make complete application of water under T-10744. We also have your check in the amount of $670.00. A copy of receipt number 128126 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. The time limit to make complete application of water is extended to October 1, 2024. The order approving the extension was entered October 11, 2018, at Vol:109, Page:656.

The time allowed to complete the transfer is specified in the final order. You should give particular attention to the time limit. The water right for any portion of the authorized change in character of use or change in place of use not carried out within the time allowed will be lost.

You are required to submit a claim of beneficial use to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the extension final order, whichever occurs first. To file a claim please include:

1. **A Claim of Beneficial Use form**
2. **A Claim of Beneficial Use Site Report**
3. **A Final Proof Map (this map does not need to be prepared by a Certified Water Rights Examiner (CWRE))**

All forms needed to file a claim for a district transfer are available at
https://www.oregon.gov/OWRD/programs/WaterRights/Transfers/DistTransfer/Pages/Forms.aspx

If you have any questions, please contact the transfer section at 503-986-0815.

Sincerely,

Stacy H. Phillips

Stacy H. Phillips
Water Right Services Support
Transfers and Conservation Section

cc: Amy J. Kim, Watermaster Dist. #20 (via email)
Boring Water District

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

In the Matter of Application for Extension of Time for Transfer Application T-10744, Clackamas County	)))	FINAL ORDER APPROVING AN EXTENSION OF TIME FOR A DISTRICT PERMANENT TRANSFER

Applicant

ISELI NURSERY, INC.
30590 SE KELSO ROAD
BORING, OR 97009

Authority

Oregon Administrative Rules (OAR) 690-385-7000(3) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-385-7200 establishes an application process and criteria for the review of extensions of time to complete a district transfer as authorized by a final order issued under OAR Division 385.

OAR 690-385-7200(5) establishes that the Department may grant extensions for a 12 month time period, from October 1 to October 1. Extensions may be granted for longer time periods if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

Findings of Fact

1. On October 4, 2018 the Department received an application for extension of time for Transfer Application T-10744.

2. The Department signed an order approving Transfer Application T-10744 on June 22, 2009 which was mailed on June 24, 2009. The order was recorded in Special Order Volume 78, Pages 183 - 188. The order set a transfer completion date of October 1, 2019.

3. Since the approval of the transfer, the applicant has drilled one additional well and made beneficial use of water for 603 acres.

4. To fully complete the change, the applicant needs to drill one additional well, install a flow meter and use water beneficially on the remaining 165.4 acres.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2023. Pursuant to OAR 690-385-7200(5), the applicant provided sufficient justification in the extension application to grant an extension for more than one year. The Department will extend the transfer completion date to October 1, 2024.

Conclusions of Law

Pursuant to OAR 690-385-7200, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-10744.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-10744 shall be extended to **October 1, 2024.**

Dated at Salem, Oregon this OCT 11 2018.

Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director

Mailing date: OCT 12 2018

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 # [redacted]26

INVOICE # _____

RECEIVED FROM: Gardens Alive, Inc

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-10744
TOTAL REC'D	$ 670.00

CASH: ☐ CHECK:# ☒ 213889 ☐ OTHER: (IDENTIFY) _____

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

46110

MISCELLANEOUS

0407	COPY & TAPE FEES		$
0410	RESEARCH FEES		$
0408	MISC REVENUE: (IDENTIFY)	_____	$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	$
0240	EXTENSION OF TIME		$ 670.00

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$		

WELL CONSTRUCTION

		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	$	0219	$
	LANDOWNER'S PERMIT		0220	$

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	$	CARD #	
0210	MONITORING WELLS	$	CARD #	

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY

		LIC NUMBER	
0233	POWER LICENSE FEE (FW/WRD)		$
0231	HYDRO LICENSE FEE (FW/WRD)		$
_____	HYDRO APPLICATION		$

_____ TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ $

RECEIPT: 128126 DATED: 10-4-18 BY: [signature]

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

ORE725 STATE OF OREGON WATER RESOURCE 9/20/2018

INVOICE NO	DATE	AMOUNT	NET AMOUNT
2018-PERMIT G-11134	9/13/2018	670.00	670.00

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OCT 04 2018
OWRD

CHECK: 213889 CHECK TOTAL 670.00

GSI Water Solutions, Inc.

October 1, 2018

Ann Reece
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Application for Extension of Time for Transfer of Water Right
Transfer T-10744

Dear Ann,

On behalf of the applicant, Iseli Nursery, Inc., please find enclosed an Application for Extension of Time for Transfer T-10744 accompanied by the required fee of $670.

If you have any questions regarding the enclosed application, you can reach me at 971-200-8509. Please copy both me and Greg Elwell with Iseli Nursery on any correspondence regarding this application; our contact information is provided below:

Ted Ressler
GSI Water Solutions, Inc.
55 SW Yamhill Street, Suite 300
Portland, OR 97204
tressler@gsiws.com

Greg Elwell
Iseli Nursery, Inc.
30590 SE Kelso Road
Boring, OR 97009
gelwell@iselinursery.com

Sincerely,

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

Enclosures: Application for Extension of Time for Transfer T-10744
Check #213889 in the amount of $670

CC: Greg Elwell – Iseli Nursery.

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OCT 04 2018
OWRD

Checklist for Transfer Extension Requests

If a transfer applicant needs more time to complete changes approved in a Transfer Final Order, a request for more time may be made by submitting a one page application form as shown below. ***See OAR 690-380-6020 (regular transfers) or OAR 690-385-7200(district transfers)***

Transfer _____

APPLICATION FOR EXTENSION OF TIME
FOR **TRANSFER** OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at http://www.oregon.gov/owrd/pubs/docs/forms/transfer_extension_criteriareview.pdf

To the WATER RESOURCES DIRECTOR OF OREGON:
I/We, _____
(Name of Applicant)

- ☑ Has a final order approving the transfer application been issued (NOT a permit amendment)?
- ☑ **Have appropriate extension fees been submitted?**
- ☑ Is the Transfer Extension request filled out?
- ☑ Is the Transfer Extension request **signed by the transfer applicant of record (if not an assignment is needed)**?
- ☑ Pull file.

After receipting, route the file and extension request to district support staff for entering into WRIS and sending acknowledgment letter.

B 10/5

Transfer T- 10744

APPLICATION FOR EXTENSION OF TIME FOR **TRANSFER** OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at http://www.oregon.gov/owrd/pubs/docs/forms/transfer_extension_criteriareview.pdf

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, Iseli Nursery, Inc.
(Name of Applicant)

of 30590 SE Kelso Road, Boring
(Mailing Address) (City)

state of Oregon, 97009, 503-663-3822
(Zip Code) (Phone Number)

do hereby make application for an extension of time within which to complete a change in:

X point of diversion/appropriation X place of use X character of use

of water under the terms of an order of the Water Resources Director entered on June 22, 2009, approving Transfer T-10744, in the name of Iseli Nursery, Inc., for use of water from 8 wells for nursery operations on 768.4 acres in Clackamas County as listed below:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2S	3E	WM	1	SE SE	0.9
2S	3E	WM	12	NE NE	38.7
2S	3E	WM	12	SW NE	26.0
2S	3E	WM	12	SE NE	39.4
2S	3E	WM	12	NE SE	5.7
2S	3E	WM	12	NW SE	21.5
2S	4E	WM	7	NW NE	9.9
2S	4E	WM	7	SW NE	9.4
2S	4E	WM	7	NE NW	35.0
2S	4E	WM	7	NW NW	37.6
2S	4E	WM	7	SW NW	38.8
2S	4E	WM	7	SE NW	39.9
2S	4E	WM	7	NE SW	38.8
2S	4E	WM	7	NW SW	23.4
2S	4E	WM	7	SW SW	7.1
2S	4E	WM	7	SE SW	37.6
2S	4E	WM	7	NE SE	0.9
2S	4E	WM	7	NW SE	32.7
2S	4E	WM	7	SW SE	0.4
2S	4E	WM	8	SW NE	39.1
2S	4E	WM	8	NE NW	18.2
2S	4E	WM	8	NW NW	31.8
2S	4E	WM	8	SW NW	39.6
2S	4E	WM	8	SE NW	35.6
2S	4E	WM	8	NE SW	38.4
2S	4E	WM	8	NW SW	32.9
2S	4E	WM	8	SW SW	37.5
2S	4E	WM	8	SE SW	37.4
2S	4E	WM	18	NW NW	14.2
				TOTAL	768.4

(Give location of your property, as shown on the order approving the transfer)

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OCT 04 2018
OWRD

Form updated 10-2017

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time allowed, which expires on October 1, 2019:

Improvements and additions to the water conveyance system are summarized in Attachment 2. The use of water from a combination of the existing wells (Attachment 3) for nursery operations on a portion of the authorized place of use began in 2009 after approval of the transfer. Drilling and construction of one of the two additional wells proposed by the transfer was completed in 2013 (Well 7; CLAC 68983) with continued use of water for nursery operations within the authorized place of use. As of 2018, water for nursery operations has been applied to approximately 603 acres of the authorized place of use.

(If for irrigation, how many acres total are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the following:

Drill and construct the second of the two proposed additional wells (Well 9) and complete additional improvements to water conveyance system, including the installation of the remaining flow meter required by the metering condition of T-10744, to facilitate full development and use of water under the transfer.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed, because **the recession that began in 2008, compounded with the decreased demand for nursery stock, created a financial hardship for Iseli Nursery that resulted in slower than expected development of the water use authorized by the transfer – specifically, the financial investment required to drill and construct the two additional wells proposed by the transfer (Well 7 and Well 9).**

Since issuance of the transfer, Iseli Nursery has made a substantial investment toward the development of this transfer (albeit slower than expected), which has included upgrades and repairs to the existing wells and water conveyance system, drilling and construction of one new well (Well 7), the use of water for nursery operations on a portion of the authorized place of use, and the installation of a portion of the flow metering (at Wells 3, 5, and 7) required by the metering condition of T-10744. As of 2018, approximately $474,000 (Attachment 2) has been invested which includes approximately $175,000 for the drilling and construction of Well 7. A similar amount financial investment is anticipated for the drilling and construction of Well 9.

The capital investment for the drilling and construction of Well 9 is planned for year 2021 and the remaining upgrades to the water conveyance system are planned for completion by 2023 (Attachment 2). Following completion of this additional water system infrastructure, full development and use of water under the transfer is planned to be completed by 2023. Iseli Nursery is therefore requesting an extension until 2023 in order to fully complete the changes proposed by the transfer.

The Department is authorized to grant extensions for one year, from October 1 to October 1 of each year ars may be granted for transfers involving municipal or quasi-municipal use. Extensions may be granted for justify the need for a longer period of time by submission of pertinent evidence. OAR 690-380-6020 (2)

5 years = 2024

And request that the time for completion be extended to October 1, 2023.

Gregory R Ehmel
(Signature of applicant)

In order for an application to be complete, it must be accompanied by the requ
Department's fee schedule at http://www.oregon.gov/OWRD/ or call (503) 98

MAIL COMPLETED APPLICATION AND FEE

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RECEIVED
OCT 04 2018
OWRD

Form updated 10-2017

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Drill and construct the second of the two proposed additional wells (Well 9) and complete additional improvements to water conveyance system, including the installation of the remaining flow meter required by the metering condition of T-10744, to facilitate full development and use of water under the transfer.

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed, because **the recession that began in 2008, compounded with the decreased demand for nursery stock, created a financial hardship for Iseli Nursery that resulted in slower than expected development of the water use authorized by the transfer – specifically, the financial investment required to drill and construct the two additional wells proposed by the transfer (Well 7 and Well 9).**

Since issuance of the transfer, Iseli Nursery has made a substantial investment toward the development of this transfer (albeit slower than expected), which has included upgrades and repairs to the existing wells and water conveyance system, drilling and construction of one new well (Well 7), the use of water for nursery operations on a portion of the authorized place of use, and the installation of a portion of the flow metering (at Wells 3, 5, and 7) required by the metering condition of T-10744. As of 2018, approximately $474,000 (Attachment 2) has been invested which includes approximately $175,000 for the drilling and construction of Well 7. A similar amount financial investment is anticipated for the drilling and construction of Well 9.

The capital investment for the drilling and construction of Well 9 is planned for year 2021 and the remaining upgrades to the water conveyance system are planned for completion by 2023 (Attachment 2). Following completion of this additional water system infrastructure, full development and use of water under the transfer is planned to be completed by 2023. Iseli Nursery is therefore requesting an extension until 2023 in order to fully complete the changes proposed by the transfer.

The Department is authorized to grant extensions for one year, from October 1 to October 1 of each year. An extension for up to five years may be granted for transfers involving municipal or quasi-municipal use. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence. OAR 690-380-6020 (2) and OAR 690-380-7200 (5).

And request that the time for completion be extended to October 1, 2023.

Gregory R Elwell

(Signature of applicant)

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at http://www.oregon.gov/OWRD/ or call (503) 986-0900.

MAIL COMPLETED APPLICATION AND FEE TO:

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

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Form updated 10-2017

Attachment 1
Water Right Information

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-10744, Clackamas County	)	FINAL ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION, PLACE OF USE, AND CHARACTER OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant
LARRY ALEXANDER
BORING WATER DISTRICT
P.O. BOX 66
BORING, OR 97009

Receiving Landowner
GREG PILCHER
ISELI NURSERY, INC.
30590 SE KELSO RD.
BORING, OR 97009

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Findings of Fact

Background

1. On November 28, 2008, Larry Alexander filed an application to change the use, place of use, point of appropriation under Certificate 45726. The Department assigned the application number T-10744.

2. The right to be transferred is as follows:

   Certificate: 45726 in the name of BORING WATER DISTRICT (perfected under Permit G-5319)
   Use: MUNICIPAL
   Priority Date: JANUARY 6, 1971
   Rate: 0.40 CUBIC FOOT PER SECOND
   Source: A WELL in the NORTH FORK DEEP CREEK (CLACKAMAS RIVER) BASIN

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	3 E	WM	1	NW SE	1,420 FEET NORTH AND 1,600 FEET WEST FROM THE SE CORNER OF SECTION 1

Authorized Place of Use:

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
1 S	3 E	WM	36	NE NE
1 S	3 E	WM	36	SE NE
1 S	3 E	WM	36	NE SW
1 S	3 E	WM	36	NW SW
1 S	3 E	WM	36	SW SW
1 S	3 E	WM	36	SE SW
1 S	3 E	WM	36	NE SE
1 S	3 E	WM	36	NW SE
1 S	3 E	WM	36	SW SE
1 S	3 E	WM	36	SE SE
1 S	4 E	WM	31	SW NE
1 S	4 E	WM	31	NE NW
1 S	4 E	WM	31	NW NW
1 S	4 E	WM	31	SW NW
1 S	4 E	WM	31	SE NW
1 S	4 E	WM	31	NE SW
1 S	4 E	WM	31	NW SW
1 S	4 E	WM	31	SW SW
1 S	4 E	WM	31	SE SW
1 S	4 E	WM	31	NE SE
1 S	4 E	WM	31	NW SE
1 S	4 E	WM	31	SW SE
1 S	4 E	WM	31	SE SE
1 S	4 E	WM	32	SW SW
1 S	4 E	WM	32	SE SW
2 S	3 E	WM	1	NE NE
2 S	3 E	WM	1	NW NE
2 S	3 E	WM	1	SW NE
2 S	3 E	WM	1	SE NE
2 S	3 E	WM	1	NE NW
2 S	3 E	WM	1	NW NW
2 S	3 E	WM	1	SW NW
2 S	3 E	WM	1	SE NW
2 S	3 E	WM	1	NE SE
2 S	3 E	WM	1	NW SE
2 S	3 E	WM	1	SW SE
2 S	4 E	WM	5	NE NW
2 S	4 E	WM	5	NW NW
2 S	4 E	WM	6	NE NE
2 S	4 E	WM	6	NW NE
2 S	4 E	WM	6	SW NE
2 S	4 E	WM	6	SE NE
2 S	4 E	WM	6	NE NW
2 S	4 E	WM	6	NW NW

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MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	4 E	WM	6	SW NW
2 S	4 E	WM	6	SE NW
2 S	4 E	WM	6	NE SW
2 S	4 E	WM	6	NW SW
2 S	4 E	WM	6	SW SW
2 S	4 E	WM	6	SE SW

3. Application T-10744 proposes to move the authorized point of appropriation approximately 0.8 to 1.9 miles southeasterly from the existing point of appropriation to eight proposed points of appropriation:

Well #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	2S	4E	WM	7	NE NW	525 FEET SOUTH AND 2,165 FEET EAST FROM THE NW CORNER OF SECTION 7
2	2S	4E	WM	7	NE NW	535 FEET SOUTH AND 2,335 FEET EAST FROM THE NW CORNER OF SECTION 7
3	2S	4E	WM	7	NE NW	810 FEET SOUTH AND 2,610 FEET EAST FROM THE NW CORNER OF SECTION 7
4	2S	4E	WM	8	NE NW	1,050 FEET SOUTH AND 1,460 FEET EAST FROM THE NW CORNER OF SECTION 8
5	2S	4E	WM	8	SE NW	2,600 FEET SOUTH AND 2,350 FEET EAST FROM THE NW CORNER OF SECTION 8
7	2S	4E	WM	7	NE NW	60 FEET SOUTH AND 2,600 FEET EAST FROM THE NW CORNER OF SECTION 7
8	2S	4E	WM	8	SW NE	1,360 FEET SOUTH AND 2,330 FEET WEST FROM THE NE CORNER OF SECTION 8
9	2S	4E	WM	8	NW NW	85 FEET SOUTH AND 1,015 FEET EAST FROM THE NW CORNER OF SECTION 8

4. Application T-10744 proposes to change the character of use to NURSERY OPERATIONS.

5. Application T-10744 also proposes to change the place of use of the right to:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2S	3E	WM	1	SE SE	0.9
2S	3E	WM	12	NE NE	38.7
2S	3E	WM	12	SW NE	26.0
2S	3E	WM	12	SE NE	39.4
2S	3E	WM	12	NE SE	5.7
2S	3E	WM	12	NW SE	21.5
2S	4E	WM	7	NW NE	9.9
2S	4E	WM	7	SW NE	9.4
2S	4E	WM	7	NE NW	35.0
2S	4E	WM	7	NW NW	37.6
2S	4E	WM	7	SW NW	38.8
2S	4E	WM	7	SE NW	39.9
2S	4E	WM	7	NE SW	38.8
2S	4E	WM	7	NW SW	23.4
2S	4E	WM	7	SW SW	7.1

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NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2S	4E	WM	7	SE SW	37.6
2S	4E	WM	7	NE SE	0.9
2S	4E	WM	7	NW SE	32.7
2S	4E	WM	7	SW SE	0.4
2S	4E	WM	8	SW NE	39.1
2S	4E	WM	8	NE NW	18.2
2S	4E	WM	8	NW NW	31.8
2S	4E	WM	8	SW NW	39.6
2S	4E	WM	8	SE NW	35.6
2S	4E	WM	8	NE SW	38.4
2S	4E	WM	8	NW SW	32.9
2S	4E	WM	8	SW SW	37.5
2S	4E	WM	8	SE SW	37.4
2S	4E	WM	18	NW NW	14.2
				TOTAL	768.4

6. Notice of the application for transfer was published on December 16, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

7. On April 3, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10744 to the applicant and receiving landowner. The draft Preliminary Determination set forth a deadline of May 5, 2009, for the parties to respond. The agent for the applicant requested that the Department proceed with issuance of a Preliminary Determination and requested that the deadline for completion of the changes be extended to October 1, 2019, citing the nature and complexity of the project to support the need for the additional time. The Department considers this request reasonable and this document reflects the revised date for completion.

8. On April 15, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10744 and mailed a copy to the applicant and receiving landowner. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on April 21, 2009, and in the Sandy Post newspaper on May 6, 13 and 20, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

9. Iseli Nursery, Inc. (Greg Pilcher) is the receiving landowner and will be responsible for completion of the proposed changes.

10. Water rights currently issued by the Department for Nursery Use routinely include a standard set of rate and duty conditions that are not already part of the terms and conditions of this municipal use right.

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Transfer Review Criteria (OAR 690-380-4010)

11. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

12. A municipal water system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Application T-10744.

13. As long as standard rate and duty conditions for Nursery Use are applied to the right, the proposed change would not result in enlargement of the right.

14. The proposed change would not result in injury to other water rights.

Conclusions of Law

The changes in character of use, place of use and point of appropriation proposed in application T-10744 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in character of use, place of use and point of appropriation proposed in application T-10744 are approved.

2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 45726 and any related decree, in addition to the special conditions below.

3. Water right certificate 45726 is cancelled.

4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

5. The former place of use of the transferred right shall no longer receive water under the right.

6. The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time during the year that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

7. Water use measurement conditions:

   a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.

   b. The water user shall maintain the meters or measuring devices in good working order.

   c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2019**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

9. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 22nd day of June 2009.

Deb Colbert

Phillip C. Ward, Director for

Mailing date: JUN 24 2009

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Attachment 2
Financial Investment in Development of the Transfer

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Investment toward development of the transfer since issuance of final order approving transfer

DATE	ITEM	COST
2009	Replaced irrigation system pump, and irrigation system improvements.	$ 23,607.37
2010	Replaced irrigation system pump, and irrigation system improvements.	$ 32,707.91
2011	Replaced well pump and added additional flowmeters, irrigation system improvements.	$ 34,375.44
2012	Rehabilitation of Well 3, including new well pump; drilled well #7, replaced irrigation system pump for well #2 and made irrigation system improvements.	$130,127.87
2013	Installed pump in well #7, connected well #7 to mainline, repaired pump in well #2, replace pump in well #1	$ 44,943.46
2014	Replaced pump in well #6; new sand filters system 5	$ 95,169.81
2015	Replaced nozzles and sprinkles on entire farm	$ 77,454.34
2016	Replaced well pump motor for Well 5	$12,719
2017	Installed new 12-inch irrigation system conveyance pipeline	$13,203
2017	Installed 4 new sand filters for irrigation system conveyance pump station #1	$10,180
	Total Investment to-date	**$474,488.20**

Future planned investment and schedule for complete development of the transfer

APPROXIMATE DATE	ITEM	ESTIMATED COST
2021	Drill and construction of Well 9; including pump station	$ 175,000
2021-2023	Enlarge mainline and pump station to connect the two farms (east and west areas)	$ 120,000
2021-2023	Install remaining flow metering as required by T-10744	$ 15,000
2023	Develop a claim of beneficial use	$ 4,000
	Total Planned Additional Investment	**$ 314,000**

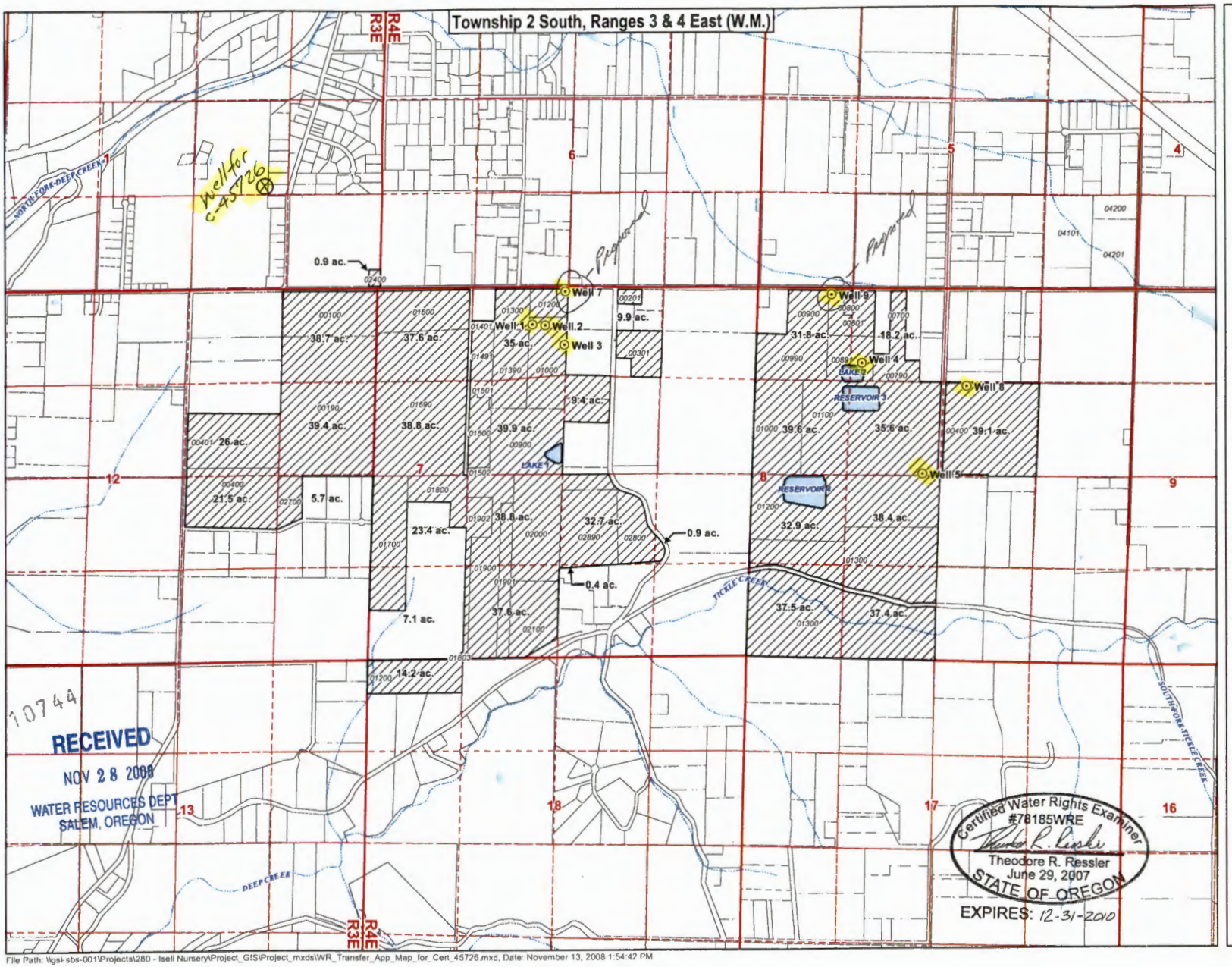
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Attachment 2
Wells

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Well #	Well Log Number	Well Tag Number L-
1	CLAC 5615 CLAC 5582	
2	CLAC 5593 CLAC 5587	
3	CLAC 5591 CLAC 68982	106368
4	CLAC 5619	
5	CLAC 5639	
7	CLAC 68983	106364
8	CLAC 5622	
9	Not yet constructed	

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T 10744

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NOV 28 2008
WATER RESOURCES DEPT
SALEM, OREGON

Certified Water Rights Examiner
#78185WRE
Theodore R. Ressler
June 29, 2007
STATE OF OREGON
EXPIRES: 12-31-2010

File Path: \\gsi-sbs-001\Projects\280 - Iseli Nursery\Project_GIS\Project_mxds\WR_Transfer_App_Map_for_Cert_45726.mxd, Date: November 13, 2008 1:54:42 PM

Application for a Water Right Transfer

Certificate 45726

Iseli Nursery
Clackamas County, Oregon

LEGEND

- Proposed Points of Appropriation (POA) for Certificate 45726
- Proposed Place of Use (POU) for Certificate 45726
- Tax Lots
- Roads
- Watercourses
- Waterbodies

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FEB 23 2009
WATER RESOURCES DEPT
SALEM, OREGON

POA LOCATION DESCRIPTIONS

Well 1 - Located 525 feet South and 2,165 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)

Well 2 - Located 535 feet South and 2,335 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)

Well 3 - Located 810 feet South and 2,610 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)

Well 4 - Located 1,050 feet South and 1,480 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)

Well 5 - Located 2,600 feet South and 2,350 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)
well #6 not involved

Well 7 - Located 60 feet South and 2,600 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)

Well 8 - Located 1,360 feet South and 2,330 feet West from the NE corner of Section 8, Township 2 South, Range 4 East (W.M.)

Well 9 - Located 85 feet South and 1,015 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)

DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

N

Scale
1:15,840

0 660 1320 1980 2640
1 inch equals 1,320 feet

MAP NOTES:
Projection: Oregon State Plane North Zone
Datum: North American Datum of 1983
Date: November 13, 2008
Data Sources: Clackamas County GIS, Oregon Geospatial Data Clearinghouse

GSI Water Solutions, Inc.

Oregon
Theodore R. Kulongoski, Governor

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

December 17, 2008

LARRY ALEXANDER
BORING WATER DISTRICT
PO BOX 66
BORING OR 97009

Reference: Transfer 10744

On November 28, 2008 we received your water right transfer application. The application was accompanied by $1325.00. Our receipt 95058 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the change. Your application will be examined to determine if additional information is needed.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster **#20** (via e-mail)
Ted Ressler, CWRE
Adam Sussman, Agent
Greg Pilcher, Iseli Nursery

enclosure

Oregon
Theodore R. Kulongoski, Governor

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

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 12/16/08

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County:	CLACKAMAS
Transfer:	10744
Water Right:	CERT 45726
Priority Date:	1971
Name:	LARRY ALEXANDER, BORING WATER DISTRICT
Address:	PO BOX 66, BORING, OR 97009
Change:	USE/POU/POA
Source:	WELL
Authorized POA:	T2S R3E 1
Proposed POA:	T2S R4E 7,8
Authorized POU:	T1S R3E 36
	T1S R4E 31,32
	T2S R3E 1
	T2S R4E 5,6
Proposed POU:	T2S R3E 1,12
	T2S R4E 7,8,18
Authorized USE:	MUNICAL
Proposed USE:	NURSERY OPERATIONS

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

T-10744 RA

T-10744

RA

Name Larry Alexander
Boring Water District
Address PO Box 619
Boring, OR. 97009

Change in USE/POU/POA
Date Filed 11-28-08
Initial notice date 12-16-08
DPD issued date
PD issued date
PD notice date
Date of FO Vol Page

C-Date
COBU due date
COBU Received date
Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Well
Trib. of North Fork Deep Creek

Use Mini County Clackamas
Quantity of water (CFS) No. of Acres
Name of ditch
App # G-5392 Per # G-5319 Cert # 45726 PR Date 1971
App # Per # Cert # PR Date
App # Per # Cert # PR Date
App # Per # Cert # PR Date
App # Per # Cert # PR Date

FEES PAID

Date	Amount	Receipt #
11-28-08	1325.00	95058

FEES REFUNDED

Date	Amount	Receipt#

Assignments:

Irrigation District None

Agent Adam Sussman, GSI Water Solutions. 1600 Western Blvd. Ste 240. Corvallis. OR. 97333

CWRE Ted Ressler
CC's list RC Landscaper, Iseli Nursery, Greg Pilcher. 30590 SE Kelso Rd. Boring. OR. 97009

☐ - Oversized map – Location

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

June 23, 2009

BORING WATER DISTRICT
LARRY ALEXANDER
PO BOX 66
BORING OR 97009

REFERENCE: Transfer Application T-10744

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact me by telephone at (503) 986-0883 or by e-mail at Sarah.A.Henderson@wrd.state.or.us.

Sincerely,

Sarah Henderson

Sarah Henderson
Executive Support
Field Services Division

cc: Watermaster Dist. #16
Ted Ressler, CWRE
Adam Sussman, Agent
Iseli Nursery, Greg Pilcher

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-10744, Clackamas County	)	FINAL ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION, PLACE OF USE, AND CHARACTER OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant
LARRY ALEXANDER
BORING WATER DISTRICT
P.O. BOX 66
BORING, OR 97009

Receiving Landowner
GREG PILCHER
ISELI NURSERY, INC.
30590 SE KELSO RD.
BORING, OR 97009

Findings of Fact

Background

1. On November 28, 2008, Larry Alexander filed an application to change the use, place of use, point of appropriation under Certificate 45726. The Department assigned the application number T-10744.

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   Source: A WELL in the NORTH FORK DEEP CREEK (CLACKAMAS RIVER) BASIN

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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Authorized Place of Use:

MUNICIPAL USES				
Twp	**Rng**	**Mer**	**Sec**	**Q-Q**
1 S	3 E	WM	36	NE NE
1 S	3 E	WM	36	SE NE
1 S	3 E	WM	36	NE SW
1 S	3 E	WM	36	NW SW
1 S	3 E	WM	36	SW SW
1 S	3 E	WM	36	SE SW
1 S	3 E	WM	36	NE SE
1 S	3 E	WM	36	NW SE
1 S	3 E	WM	36	SW SE
1 S	3 E	WM	36	SE SE
1 S	4 E	WM	31	SW NE
1 S	4 E	WM	31	NE NW
1 S	4 E	WM	31	NW NW
1 S	4 E	WM	31	SW NW
1 S	4 E	WM	31	SE NW
1 S	4 E	WM	31	NE SW
1 S	4 E	WM	31	NW SW
1 S	4 E	WM	31	SW SW
1 S	4 E	WM	31	SE SW
1 S	4 E	WM	31	NE SE
1 S	4 E	WM	31	NW SE
1 S	4 E	WM	31	SW SE
1 S	4 E	WM	31	SE SE
1 S	4 E	WM	32	SW SW
1 S	4 E	WM	32	SE SW
2 S	3 E	WM	1	NE NE
2 S	3 E	WM	1	NW NE
2 S	3 E	WM	1	SW NE
2 S	3 E	WM	1	SE NE
2 S	3 E	WM	1	NE NW
2 S	3 E	WM	1	NW NW
2 S	3 E	WM	1	SW NW
2 S	3 E	WM	1	SE NW
2 S	3 E	WM	1	NE SE
2 S	3 E	WM	1	NW SE
2 S	3 E	WM	1	SW SE
2 S	4 E	WM	5	NE NW
2 S	4 E	WM	5	NW NW
2 S	4 E	WM	6	NE NE
2 S	4 E	WM	6	NW NE
2 S	4 E	WM	6	SW NE
2 S	4 E	WM	6	SE NE
2 S	4 E	WM	6	NE NW
2 S	4 E	WM	6	NW NW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	4 E	WM	6	SW NW
2 S	4 E	WM	6	SE NW
2 S	4 E	WM	6	NE SW
2 S	4 E	WM	6	NW SW
2 S	4 E	WM	6	SW SW
2 S	4 E	WM	6	SE SW

3. Application T-10744 proposes to move the authorized point of appropriation approximately 0.8 to 1.9 miles southeasterly from the existing point of appropriation to eight proposed points of appropriation:

Well #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	2S	4E	WM	7	NE NW	525 FEET SOUTH AND 2,165 FEET EAST FROM THE NW CORNER OF SECTION 7
2	2S	4E	WM	7	NE NW	535 FEET SOUTH AND 2,335 FEET EAST FROM THE NW CORNER OF SECTION 7
3	2S	4E	WM	7	NE NW	810 FEET SOUTH AND 2,610 FEET EAST FROM THE NW CORNER OF SECTION 7
4	2S	4E	WM	8	NE NW	1,050 FEET SOUTH AND 1,460 FEET EAST FROM THE NW CORNER OF SECTION 8
5	2S	4E	WM	8	SE NW	2,600 FEET SOUTH AND 2,350 FEET EAST FROM THE NW CORNER OF SECTION 8
7	2S	4E	WM	7	NE NW	60 FEET SOUTH AND 2,600 FEET EAST FROM THE NW CORNER OF SECTION 7
8	2S	4E	WM	8	SW NE	1,360 FEET SOUTH AND 2,330 FEET WEST FROM THE NE CORNER OF SECTION 8
9	2S	4E	WM	8	NW NW	85 FEET SOUTH AND 1,015 FEET EAST FROM THE NW CORNER OF SECTION 8

4. Application T-10744 proposes to change the character of use to NURSERY OPERATIONS.

5. Application T-10744 also proposes to change the place of use of the right to:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2S	3E	WM	1	SE SE	0.9
2S	3E	WM	12	NE NE	38.7
2S	3E	WM	12	SW NE	26.0
2S	3E	WM	12	SE NE	39.4
2S	3E	WM	12	NE SE	5.7
2S	3E	WM	12	NW SE	21.5
2S	4E	WM	7	NW NE	9.9
2S	4E	WM	7	SW NE	9.4
2S	4E	WM	7	NE NW	35.0
2S	4E	WM	7	NW NW	37.6
2S	4E	WM	7	SW NW	38.8
2S	4E	WM	7	SE NW	39.9
2S	4E	WM	7	NE SW	38.8
2S	4E	WM	7	NW SW	23.4
2S	4E	WM	7	SW SW	7.1

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2S	4E	WM	7	SE SW	37.6
2S	4E	WM	7	NE SE	0.9
2S	4E	WM	7	NW SE	32.7
2S	4E	WM	7	SW SE	0.4
2S	4E	WM	8	SW NE	39.1
2S	4E	WM	8	NE NW	18.2
2S	4E	WM	8	NW NW	31.8
2S	4E	WM	8	SW NW	39.6
2S	4E	WM	8	SE NW	35.6
2S	4E	WM	8	NE SW	38.4
2S	4E	WM	8	NW SW	32.9
2S	4E	WM	8	SW SW	37.5
2S	4E	WM	8	SE SW	37.4
2S	4E	WM	18	NW NW	14.2
				TOTAL	768.4

6. Notice of the application for transfer was published on December 16, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

7. On April 3, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10744 to the applicant and receiving landowner. The draft Preliminary Determination set forth a deadline of May 5, 2009, for the parties to respond. The agent for the applicant requested that the Department proceed with issuance of a Preliminary Determination and requested that the deadline for completion of the changes be extended to October 1, 2019, citing the nature and complexity of the project to support the need for the additional time. The Department considers this request reasonable and this document reflects the revised date for completion.

8. On April 15, 2009, the Department issued a Preliminary Determination proposing to approve Transfer Application T-10744 and mailed a copy to the applicant and receiving landowner. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on April 21, 2009, and in the Sandy Post newspaper on May 6, 13 and 20, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

9. Iseli Nursery, Inc. (Greg Pilcher) is the receiving landowner and will be responsible for completion of the proposed changes.

10. Water rights currently issued by the Department for Nursery Use routinely include a standard set of rate and duty conditions that are not already part of the terms and conditions of this municipal use right.

Transfer Review Criteria (OAR 690-380-4010)

11. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

12. A municipal water system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Application T-10744.

13. As long as standard rate and duty conditions for Nursery Use are applied to the right, the proposed change would not result in enlargement of the right.

14. The proposed change would not result in injury to other water rights.

Conclusions of Law

The changes in character of use, place of use and point of appropriation proposed in application T-10744 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in character of use, place of use and point of appropriation proposed in application T-10744 are approved.

2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 45726 and any related decree, in addition to the special conditions below.

3. Water right certificate 45726 is cancelled.

4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

5. The former place of use of the transferred right shall no longer receive water under the right.

6. The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time during the year that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

7. Water use measurement conditions:

   a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.

   b. The water user shall maintain the meters or measuring devices in good working order.

   c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

8. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2019**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

9. When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.

Dated at Salem, Oregon this 22nd day of June 2009.

Phillip C. Ward, Director for

Mailing date: JUN 24 2009

Water Right Transfer Checklist

Transfer T-10744 Transfer Specialist: RA

Transfer Type: Regular

Applicant Name/Address: Larry Alexander, Boring Water District, PO Box 66, Boring, OR 97009

Agent Name/Address: Adam Sussman, GSI Water Solutions, 1600 Western Blvd, Ste 240, Corvallis, OR 97333

CWRE Name/Number: Ted Ressler

Rec Landowner Name/Address: Iseli Nursery, Greg Pilcher, 30590 SE Kelso Rd, Boring, OR 97009

Irr. District Name/Address: none

Affected Gov'ts Name/Address: none

Commentors: Name/Address: none

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☒	☒	G 55392	G 5319	45726	☐ Yes ☒ No	
☐	☐				☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	

Key Dates & Initial Actions

Rec'd: 11/28/08	Proposed Action(s): POU POD HST APOD USE OTHER: USE/POU/POA	
Fees Pd: 1325	WM District: 20	ODFW District: NONE
Initial Notice: 12/16/08	WM Review sent: 12/16/08	ODFW Review sent: NONE
Acknowledgement Letter Sent ☒		GW Review sent: 12/16/08

Processing Dates & Actions

Deficiency Contacts: N/A

DPD Mailed: 4/3/09

☐ ODFW contact sheet sent with DPD, or ☒ N/A

PD Mailed: _____

PD Weekly Notice: _____

Newspaper Pub Affid Due: 6/1/09

☐ not required

Affid of Pub Rec'd: _____

Last Day Published: _____

Affidavit Reminder Sent: _____

Reminder Deadline: _____

Preliminary Determination

- ☒ Electronic Files uploaded
- ☒ PD Cover letter
- ☒ PD Notice
- ☐ File Assigned/ ModPod updated
- ☒ Preliminary Determination
- ☐ Fee Refund Due
- ☐ Remaining Rights

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: _____	Date: _____
Coordinator: _____	Coordinator: RH	Coordinator: RH
Date: _____	Date: 4/15/09	Date: 6/22/09

Comments/Special Issues: Reimbursement Authority

Special Order Volume: Vol 78 Pages 183 Final Order Signature Date: 6-22-09

Notice of FO email'd to processors Dorothy

Review Checklist **T-10744** **Processor: RA**

Application

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. *(from **ALL** affected Govt's)*
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

Water right subject to transfer

- ☐ Certificated right or Proof accepted "to the satisfaction…."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/decree maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

Determining the "From" and "To" Lands *(make working copy of application and certificates to mark on)*

- ☐ O*nly* the authorized POD's/POA's and POUs to be transferred are listed.
- ☐ Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- ☐ The deed/ROLI matches the ***"from"*** lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- ☐ The applicant is the owner of the "from" lands.
- ☐ ***All*** owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

☐ **application** complete	☐ **map**	☐ **FPS**	☐ evidence of use	☐ land-use form
☐ deed/ROLI	☐ **certificate**	☐ fees paid	☐ well logs	☐ **plat card**
☐ **audit**	☐ **dpd**			

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW

Headgate	☐ When in the judgment	☐ Prior to diverting	☐ Existing and maintain
Measuring Devices	☐ When in the judgment	☐ Prior to diverting	☐ Existing and maintain
Fish Screen Devices	☐		

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

RA

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10744 Review Due Date: _____

Applicant Name: Larry Alexander/Boring Water District

Proposed Changes: ☒ POU ☐ POD ☒ POA ☒ USE ☐ OTHER

Reviewer(s): Sabrina White-Scarver Date of Review: Jan. 22, 2009

1. Do you have information suggesting that the water rights may be subject to forfeiture? ☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:

   _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

   _____
4. Are there upstream water rights that would be affected by the proposed change? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized? ☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

Watermaster Review Form Transfer Application: T-10744

11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No

12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.

Dorothy Pedersen

From: Sabrina White-Scarver
Sent: Wednesday, March 04, 2009 4:43 PM
To: Dorothy Pedersen
Subject: RE: T-10744 possible condition

Dorothy,

How do they propose to make this work? This is really thin water. How will they prove up on this? If we plan to approve this, we need to condition as much as possible to avoid enlargement. Also, totalizing flow meters would be imperative.

Let me know,

Sabrina M. White-Scarver
Watermaster, District 20
PHONE 503-722-1410 FAX 503-722-5926

Oregon Water Resources Department
1678 S. Beaver Creek Road, Suite L
Oregon City, OR 97045

email Sabrina.M.White@wrd.state.or.us
website http://www.wrd.state.or.us

-----Original Message-----
From: Dorothy Pedersen
Sent: Friday, February 27, 2009 11:00 AM
To: Sabrina White-Scarver
Subject: T-10744 possible condition

Hi Sabrina,

I'm looking over the draft preliminary determination that the Reimbursement Authority contractor prepared for T-10744. The transfer proposes changing the character of use from municipal (year-round, with nothing but an instantaneous rate (0.40 cfs))to nursery use on 768.4 acres. Normally, a brand new nursery use permit carries the following condition:

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

Do you think that in this case, we would need to add that type of conditioning to the right to prevent enlargement, or should it be fine to leave the right with only an instantaneous rate?

Thanks for your thoughts,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Friday, February 27, 2009 11:00 AM
To: Sabrina White-Scarver
Subject: T-10744 possible condition

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Thanks for your thoughts,
Dorothy

Dorothy I. Pedersen
Transfer Program Advisor
(503) 986-0890
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Salem, OR 97301-1266

$$0.4\,cfs \times \frac{60\,sec}{min} \times \frac{60\,min}{hr} \times \frac{24\,hr}{day} \times \frac{365\,days}{year} \times \frac{1\,ac.ft.}{43{,}560\,ft^2} = \cancel{289.6\,a}\cdot 290\,ac\text{-}ft/yr.$$

Even if nursery uses the water 24/7 @ 0.4cfs it might not constitute enlargement of water diverted since municipal could have been 24/7, however the consumptive portion of that diverted quantity possibly would be higher for nursery use. Therefore, it would be best to add standard nursery rate/duty conditions, to prevent enlargement.

State of Oregon *Water Resources Department*

Interoffice Memorandum January 28, 2009

To: Water Rights

From: Josh Hackett

Subject: Ground Water Review of Transfer T-10744

Findings

The new POAs: (CLAC 5615/5582 (well #1), CLAC 5593/5587 (well #2), CLAC 5591 (well #3), CLAC 5619 (well #4), CLAC 5639 (well #5), PROPOSED WELL (well #7), CLAC 5622 (well #8), and PROPOSED WELL (well #9) will produce from the same aquifer as the authorized point of appropriation.

The transfer is unlikely to result in injury to existing rights.

Discussion

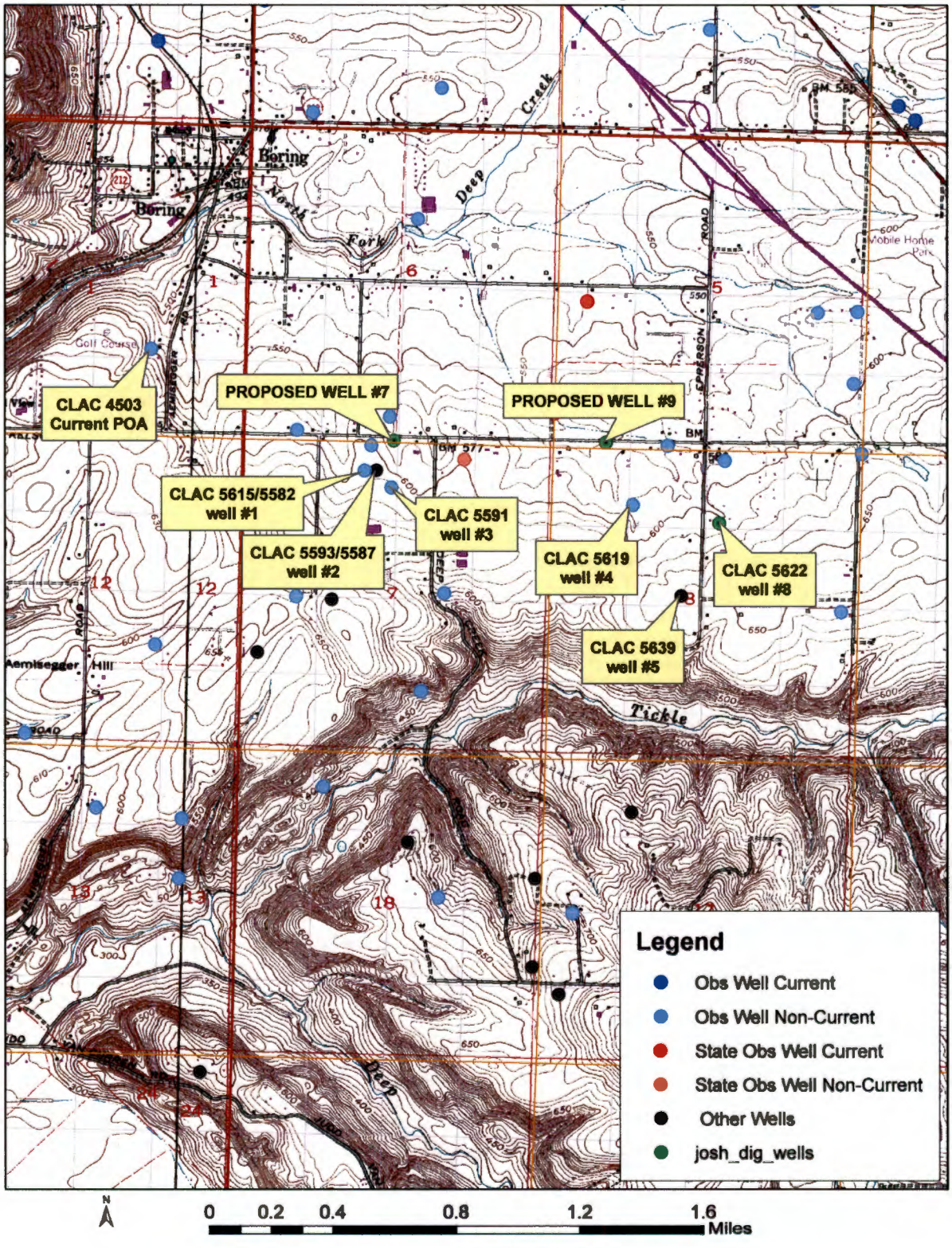
This application proposes a change in point of appropriation (POA), a change in place of use, and a change in character of use to certificate 45726. CLAC 4503 is the authorized point of appropriation on certificate 45726. The well is 245 feet deep and produces from the Deep Troutdale aquifer system.

The new POAs have the following depths: CLAC 5615/5582 (original and deepening logs), 364 feet; CLAC 5593/5587, 375 feet; CLAC 5591, 315 feet; CLAC 5619, 353 feet; CLAC 5639, 367 feet; CLAC 5622, 404 feet. PROPOSED WELL #7 and PROPOSED WELL #9 have yet to be constructed but their estimated depths are 400-500 feet. If the unconstructed proposed wells are constructed similarly to the existing wells, they will also produce from the Deep Troutdale aquifer system. The proposed POAs will be located between ½ and 1 mile from the current POA.

Because the proposed POAs will be in proximity to, and will produce from the same aquifer as, the current POA, this transfer is not likely to result in injury to existing water rights.

Well Location Map

T-10744, Iseli Nursery



Joshua Hackett T-10744 1/21/2009 RA

From: Doug Woodcock
Sent: Wednesday, January 21, 2009 8:28 AM
To: Joshua Hackett
Subject: FW: OWRD: WR Transfer T 10744 (Regular) (REIMBURSMENT AUTHORITY) has been submitted for your District or Region [GWR]

Importance: High

Oregon Water Resources Department - Automated e-mail notice

Ground Water Review request for proposed water right transfer T 10744

Transfer Type: Regular
Notice Number: 1

NOTE: To be processed via REIMBURSMENT AUTHORITY:

Transfer Actions:
POA - Point of Appropriation change: Yes
APOA - Additional Point of Diversion change: No
POD - Point of Diversion change: No
APOD - Additional Point of Diversion change: No
POU - Place of Use change: Yes
USE - Character of Use change: Yes
Surface to Ground change: No

Diversion Location:
County: Clackamas
TRSQQ: 2S 3E 1 NWSE
Source: A WELL
Tributary To: NORTH FORK DEEP CREEK

To view the OWRD Web page for T 10744 please click the link below.
http://apps2.wrd.state.or.us/apps/wr/wrinfo/wr_transfer_centric.aspx?transfer_nbr=10744&transfer_char=T

To view the Pending Reviews for your district or region and obtain Review Forms, click the following link.
http://apps2.wrd.state.or.us/apps/wr/external_review/gwr_review.aspx?directory_id=122863

Please send reviews to Sarah Henderson. If you have questions about this review request please contact Sarah Henderson at 503-986-0883 or sarah.a.henderson@wrd.state.or.us

This message has been generated automatically by an unmonitored email account.
Please do not "reply" to this message. Thank you.

Review Checklist **T-10744** **Processor: RA**

Application

- [x] The type of change is clearly indicated.
- [x] The application is appropriately signed.
- [x] Appropriate fees were paid. [ ] If overpayment, Refund Request to be sent with FO
- [x] Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- N/A [ ] Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- [x] All required attachments received.

Water right subject to transfer

- [x] Certificated right or Proof accepted "to the satisfaction…."
- [x] The right been exercised according to terms & conditions of certificate.
- [x] Delivery system has the capacity to fully divert the rate/duty of the right.
- [x] No information in record that suggests forfeiture.
- [x] [x] No conflicts identified on the plat cards and plat card reports printed.
- N/A [ ] Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- [x] The map has an original CWRE signature.
- [x] The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- [x] [x] All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- [x] Metes and bounds for the POD's/POA's are properly described on the map.
- [x] The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- [x] Map acres match the tabulation on the certificate.
- [x] Have final proof maps/decree maps for the rights. [x] Application map matches certificate FPS.
- P/A [ ] Have necessary aerial photos.

Determining the "From" and "To" Lands *(make working copy of application and certificates to mark on)*

- [x] O*nly* the authorized POD's/POA's and POUs to be transferred are listed.
- [x] Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- [x] Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼. (Entire right being transferred)

Ownership

- P/A [x] The deed/ROLI matches the ***"from"*** lands. (Don't need to check "to" lands.)
- [x] Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- N/A [ ] The applicant is the owner of the "from" lands. – municipal
- P/A [x] *All* owners on the deed/ROLI have signed the application.
- P/A [x] If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- P/A [x] If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- [x] Agent has authorization to make decisions.

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Evaluation

Reviews/comments/conditions received? [x] Watermaster P/A [ ] ODFW [x] GW

- P/A Headgate [ ] When in the judgment [ ] Prior to diverting [ ] Existing and maintain
- Measuring Devices [ ] When in the judgment [x] Prior to diverting [ ] Existing and maintain
- P/A Fish Screen Devices [ ]

Injury: Y (N) Enlargement: Y (N)

Conditions to avoid enlargement/injury – None

Materials needed for peer reviewer

- [x] application marked [x] transfer map [x] Water right map (if marked) [x] certificate marked
- P/A [x] deed/ROLI (if marked) [x] plat card marked printout (if POU or Use change)
- [x] other processing notes

T-10744 - Boring Water District

Map Review:

N/A Map on polyester film
\ Application & permit #; or transfer #
\ Disclaimer
\ North arrow
\ CWRE stamp and signature
\ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) — Applicant has WRD approval for "from" map
\ Township, range, section, and tax lot
N/A Source illustrated if surface water
\ Point(s) of diversion or appropriation (illustrated)
\ Point(s) of diversion or appropriation (coordinates)
N/A — Conveyance structures illustrated (pump, pipelines, ditches, etc.) Show major conveyance or get waiver
\ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (Meter not required by C-45726)
\ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)

Report Review:

_____ On form or format provided by the Department
_____ Application & permit #; or transfer #
_____ County
_____ Tax lot information
_____ Date of survey
_____ Person interviewed
_____ Ownership information
_____ Source(s) of water
Point of diversion/appropriation location
Use, period of use, and rate for use
_____ Place of use location
_____ Extent of use
_____ Diversion rate for each use
_____ Description of conveyance system (from POD to POU)
_____ Diversion works description (pumps, ditches, etc.)
_____ Reservoir information (if applicable)
_____ System capacity
  _____ Calculated capacity of system (required)
  _____ Measured amount of use (optional)
_____ Permit/Transfer Final Order Conditions
  _____ Time limits
  _____ Initial water level measurements
  _____ Annual static water level measurements
  Measurement, recording, and reporting
    _____ Meter/measuring device
    _____ Water use reporting
  _____ Fish screening and/or by-pass
  _____ Pump test (ground water)
  Other conditions
    _____ _____
    _____ _____
_____ CWRE stamp and signature
_____ Signature(s) of permittee or transfer holder

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Other:

☐ \ Conflict Check - by J. Borden

GSI
Water Solutions, Inc.

November 25, 2008

Dorothy Pedersen
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1261

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Dear Ms. Pedersen,

GSI Water Solutions, Inc. is an authorized agent for Iseli Nursery and Boring Water District (BWD), which are involved in a water right transfer on certificate 45726. Water right certificate 45726 is held by BWD and allows use of 0.4 cfs from a well for municipal use. The entire BWD water right will be transferred to points of appropriation and places of use located at Iseli Nursery, where the water will be used for nursery operations. Thus, there are three types of changes involved here (place of use, points of appropriation, and type of use).

We have included a check for the appropriate transfer fee of $1,200.00 ($400 x 3 types of changes), plus $125.00 for an estimate under the reimbursement authority program, for a total check in the amount of $1,325.00.

As noted in the transfer application, the receiving land owner is different than the transfer applicant, and the order approving the transfer should reflect that the transferred water right will be held by Iseli Nursery, Inc.

If you have any questions or concerns about this transfer application or the request for an estimate under the reimbursement program, please call me at 503-753-0745, extension 201, or send an e-mail to ASussman@GSIWaterSolutions.com.

Sincerely,
GSI Water Solutions, Inc.

Adam Sussman
Senior Water Right Consultant

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1600 Western Blvd., Suite 240 Corvallis, OR 97333 P: 541.753.0745 F: 541.754.4211 info@gsiwatersolutions.com www.gsiwatersolutions.com

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10744 Review Due Date: _____

Applicant Name: Larry Alexander/Boring Water District

Proposed Changes: ☒ POU ☐ POD ☒ POA ☒ USE ☐ OTHER

Reviewer(s): Sabrina White-Scarver Date of Review: Jan. 22, 2009

1. Do you have information suggesting that the water rights may be subject to forfeiture? ☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized? ☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

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Watermaster Review Form **Transfer Application: T-10744**

11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No

12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.

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T-10744 RA

T-10744

RA

Name Larry Alexander
Boring Water District

Address PO Box 606
Boring, OR. 97009

Change in USE/POU/PDA
Date Filed 11-28-08
Initial notice date 12-16-08
DPD issued date
PD issued date
PD notice date
Date of FO Vol Page

C-Date
COBU due date
COBU Received date
Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream Well
Trib. of North Fork Deep Creek

Use Muni County Clackamas
Quantity of water (CFS) No. of Acres
Name of ditch
App # G-5392 Per # G-5319 Cert # 45726 PR Date 1921
App # Per # Cert # PR Date
App # Per # Cert # PR Date
App # Per # Cert # PR Date
App # Per # Cert # PR Date

FEES PAID

Date	Amount	Receipt #
11-28-08	1325.00	95058

FEES REFUNDED

Date	Amount	Receipt#

Assignments:

Irrigation District None

Agent Adam Sussman, GSI Water Solutions, 1600 Western Blvd. Ste 240, Corvallis, OR 97333

CWRE Ted Kessler

CC's list RC Landscaper, Isel Nursery, Greg Pilcher, 30590 SE Kelso Rd. Boring, OR. 97009

☐ - Oversized map – Location

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

Application for Water Right
Transfer

*Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at **www.wrd.state.or.us/OWRD/PUBS/forms.shtml**.*

1. TYPE OF TRANSFER APPLICATION

Please check one

- ☑ Permanent Transfer
- ☐ Temporary Transfer (1 to 5 yrs.)
  - total number of years: _____
  - (begin year: _____)
  - (end year: _____)
- ☐ Instream Transfer
  - ☐ Permanent
  - ☐ Time-Limited
- ☐ Drought Transfer
- ☐ Other

2. APPLICANT INFORMATION

Name: Larry (First) Alexander (Last)

Address: Boring Water District, P.O. Box 66

Boring (City) OR (State) 97009 (Zip)

Phone: _____ (Home) 503-663-4594 (Work) _____ (Other)

Fax: 503-663-9154 E-Mail address: boringwater@att.net

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Adam (First) Sussman (Last)

Address: GSI Water Solutions, Inc., 1600 Western Blvd., Suite 240

Corvallis (City) OR (State) 97333 (Zip)

Phone: _____ (Home) 541-753-0745, ext. 11 (Work) 201 (Other)

Fax: 541-754-4211 E-Mail address: asussman@gsiwatersolutions.com

- If an agent is listed above, please check ***one*** of the following:
  - ☑ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; ***or***
  - ☐ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	G-5392	G-5319	45726
2.			
3.			
4.			
5.			
6.			

- Attach a **separate** ***Supplemental Form A*** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:

☑ Place of Use ☐ Point of Diversion (POD) ☐ Additional Point of Diversion

☑ Character of Use ☑ Point of Appropriation (POA, or well) ☐ Additional POA

☐ Instream Transfer ☐ Surface Water POD to Ground Water POA

☐ Substitution of Supplemental Groundwater right for Primary Surface water right

☐ Historic POD change ☐ Other

- Reason(s) for change(s): Transfer of municipal groundwater right for nursery operati[illegible]

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5. WATER DELIVERY SYSTEM

- Describe the ***current*** water delivery system ***or*** the system that ***was in place*** at some time *within the last 5 years*. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

  The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

The well has a 10 hp submersible pump rated at 250 gpm. A 6-inch discharge line transmits water to the distribution system which includes a 350,000 above-ground reservoir approx. 4 miles of distribution pipe.

- System capacity: 0.4 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

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6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ► Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ► Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ► Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; ***or***
  - ► If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☑ Yes ☐ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☑ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☑ No

*If "**Yes**", for any of the above, list the name and mailing address of the district, agency and/or entity:*

The water right being transferred is held by the Boring Water District.

Boring Water District, Attn: Larry Alexander, P.O. Box 66, Boring, OR 97009.

8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Boring, Oregon. (Unincorporated - no physical address).

Clackamas County, 2051 Kaen Rd., Oregon City, OR 97045.

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9. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☐ Yes ☑ No

  *If "No", provide the following information. **For Temporary Transfers**, also include a **notarized statement granting consent** to the transfer from **each** of the landowners (for Permanent Transfers see Section 12(c)):*

  Names of Current Landowner(s): Not applicable per OAR 690-380-3000(13). The applicant is
  First Last

  Address: a municipality as defined in ORS 540.510(3)(b) and the right is in the name of the municipality.

  City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

  ☐ Yes ☑ No ☐ N/A - *NOT APPLICABLE TO INSTREAM TRANSFERS*

  If "No", provide the following information:

  Names of Receiving Landowner(s): Greg Pilcher, for Iseli Nursery, Inc.
  First Last

  Address: Iseli Nursery, 30590 SE Kelso Rd.

  Boring OR 97009
  City State Zip

- Check ***one*** of the following:

  ☑ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

  ☐ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

  ☐ N/A. *(Not applicable. Application is for an Instream Water Right Transfer.)*

10. Other Remarks (optional)

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11. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are <u>not</u> included.

Supplemental Form A –
Description of Proposed Change(s) to a Water Right

☑ A **<u>separate</u>** Supplemental Form A is enclosed for **<u>each</u>** water right to be affected by this transfer.

Supplemental Form B –
Evidence of Use Affidavit(s)

☑ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), **<u>and</u>**

☑ The Evidence of Use Affidavit **must** be accompanied by **supporting documentation.**

Map

☑ *Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

☐ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need **<u>not</u>** be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

☑ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.

☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.

☐ N/A. The application does **<u>not</u>** involve a change in point of appropriation or a change from surface water to ground water, so water well reports are **<u>not</u>** required.)

Land Use Information For Proposed Changes:

For Instream Transfers:

☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

For All Other Transfers:

☑ Land Use Information Form is enclosed; ***or***

☐ **<u>All</u>** of the following criteria are met, therefore a Land Use Information Form is not required:
- ❶ In EFU zone or irrigation district,
- ❷ Change in place of use only,
- ❸ No structural changes needed, including diversion works, delivery facilities, other structures, ***and***
- ❹ Irrigation only.

Fees:

☑ Amount enclosed: $ 1,200.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

<u>Instream Water Right Transfers, also include:</u>

Supplemental Form C –
Instream Water Right Transfer

☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

<u>Temporary Transfers, also include:</u>

Recorded Deed:

☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a signed statement from the actual owner of record consenting to the proposed transfer must be submitted.

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

- **Check *one* of the following, as appropriate, and sign the application in the signature box below:**

☐ In accordance with OAR 690-380-3000(13)(a), **I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required *[pursuant to OAR 690-380-4010(5)]* to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:**

(a) A **report of ownership and lien information** that has been prepared by a title company *within the last three months;*

(b) A **copy of written notification** of the proposed transfer provided by the applicant to **all lien holders** on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, **a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded** must be submitted*; **and**

(c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** *(attached)* signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☐ **I (we) affirm that interest in the water right has been conveyed to someone other than the landowner**, and documents**, including a water right conveyance agreement,** report of ownership and lien information, and any required lienholder notification **are enclosed,** demonstrating that I am (we are) authorized to pursue the transfer. **I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.**

☑ **I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor.** Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

☐ **I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation.** Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. *(NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*

☐ **I (we) affirm that this is a temporary transfer and a copy of the deed** for the "from" land (and affidavits of consent from any other landowners, if applicable) **is enclosed.**

- **I (we) affirm that the information contained in this application is true and accurate.**

applicant/signature	name *and title if applicable* (print)	date
Larry Alexander	Manager Larry Alexander	11-21-08
applicant signature	name *and title if applicable* (print)	date

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Water Right Transfer Supplemental Form A
DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

*List only **one** water right per page. A **separate Supplemental Form A** must be completed for **each** certificate, permit, decree, or other right involved in the proposed transfer.*

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

- Certificate Number or other identifying number: 45726

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☑ **Change** (The old point of diversion or appropriation will **not** be used for the portion of the water right affected by the transfer.)	☑ **All of the right will be exercised at a different location than currently authorized** (Use of water at the current location will be discontinued.)	Proposed new use: ☐ **Irrigation** ☐ **Municipal** ☐ **Quasi-municipal** ☐ **Commercial** ☐ **Industrial** ☐ **Instream** (complete and attach ***Supplemental Form C***) ☐ **Domestic** (indicate number of households) _____ ☑ **Other** Nursery Operations
☐ **Additional** (Both the old ***and*** new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)	☐ **Only a portion of the right will be exercised at a different location than currently authorized** (Use of water at the current location will be discontinued.)	
☐ **Historic Point of Diversion or Appropriation Change** (Unauthorized point of diversion or appropriation used for more than 10 years.)		
☐ **Surface Water to Ground Water** (A new point of appropriation will be used **instead of** the old point of diversion. The old point of diversion will **not** be used.)		☐ **Substitution** (A supplemental ground water right will be substituted for a primary surface water right.)
☐ **Point of Diversion Change due to Government Action** (The old point of diversion or appropriation can no longer be used due to government action.)		☐ **Supplemental Use to Primary Use** (Primary water right shall be cancelled and the supplemental water right will change to primary use.)
☐ **Exchange** (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)		

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2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer *(check and complete **one** of the following):*

☑	Certificated Right	45726 Certificate Number	G-5319 Permit Number or Decree Name
☐	Adjudicated, Non-certificated Right	Name of Decree	Page Number
☐	Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
☐	Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Boring Water District
- County: Clackamas
- Authorized Use(s) to be Affected by Transfer: Municipal
- Priority Date(s): January 6, 1971

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

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- Source(s) of Water to be Affected by Transfer: Groundwater

Tributary to: North Fork of Deep Creek

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights,** Permits or Ground Water Registrations associated with this land?

☐ Yes ☐ No ☐ N/A – *No Change in Place of Use or Character of Use*

*If "**Yes**", what are the Permit, Registration or Certificate Numbers?* Right transferred is municipal.

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

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- Certificate Number or other identifying number: 45726

*The following information **must be provided** only for those points of diversion or appropriation that **are involved in the transfer** (i.e., **list only the portion of the water right you propose to transfer.**) Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:
(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L- . .)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
CLAC_4503	Groundwater	2S	3E	WM	1	NW SE		1420 FT N & 1600 FT W FM SE COR, S1

- Does the water right being transferred involve a ground water source(s)?
  ☑ Yes ☐ No *(Surface water source only.)*

*If "**Yes**", for each authorized point of appropriation (well) involved, you must either:*

*A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)* See Attachment A

or

*B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.*

Construction of Existing Authorized Point(s) of Appropriation – ***(Only needed if no well log is available.)***
*Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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Will the ENTIRE water right be affected by this transfer? ☑ **Yes** ☐ **No**

*If **"Yes"**, the remainder of this page does not need to be completed. Go on to the next page.*

*If **"No"**, the following information **must be provided** only for those places of use that **are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.)** Attach additional pages as necessary.*

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Place of Use to be Affected:
(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

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- Certificate Number or other identifying number: 45726

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:
(i.e., the "TO" point(s) of diversion or appropriation) ☐ *N/A – Instream Water Right Transfer*
*(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
See "Attachment B"							

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☑ Yes ☑ No ☐ N/A - *No proposed well(s) listed above.*

*If "**Yes**", attach and **clearly label** the corresponding well log(s) for <u>each</u> proposed well, **or** if well log(s) are **<u>not</u>** available, describe the construction of the well(s) using the table below. (<u>NOTE:</u> You may search for well logs on the Department's web page at: <u>http://www.wrd.state.or.us</u>)*

*If "**No**", describe the anticipated construction for the proposed well(s) in the following table:*

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Construction of Proposed Point(s) of Appropriation or Well(s)
Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
See	"Attachment C"									

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- Certificate Number or other identifying number: 45726

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: *(i.e., the "TO" lands)* ☐ *N/A – Instream Water Right Transfer*

*(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
See "Attachment D"							

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Remarks:

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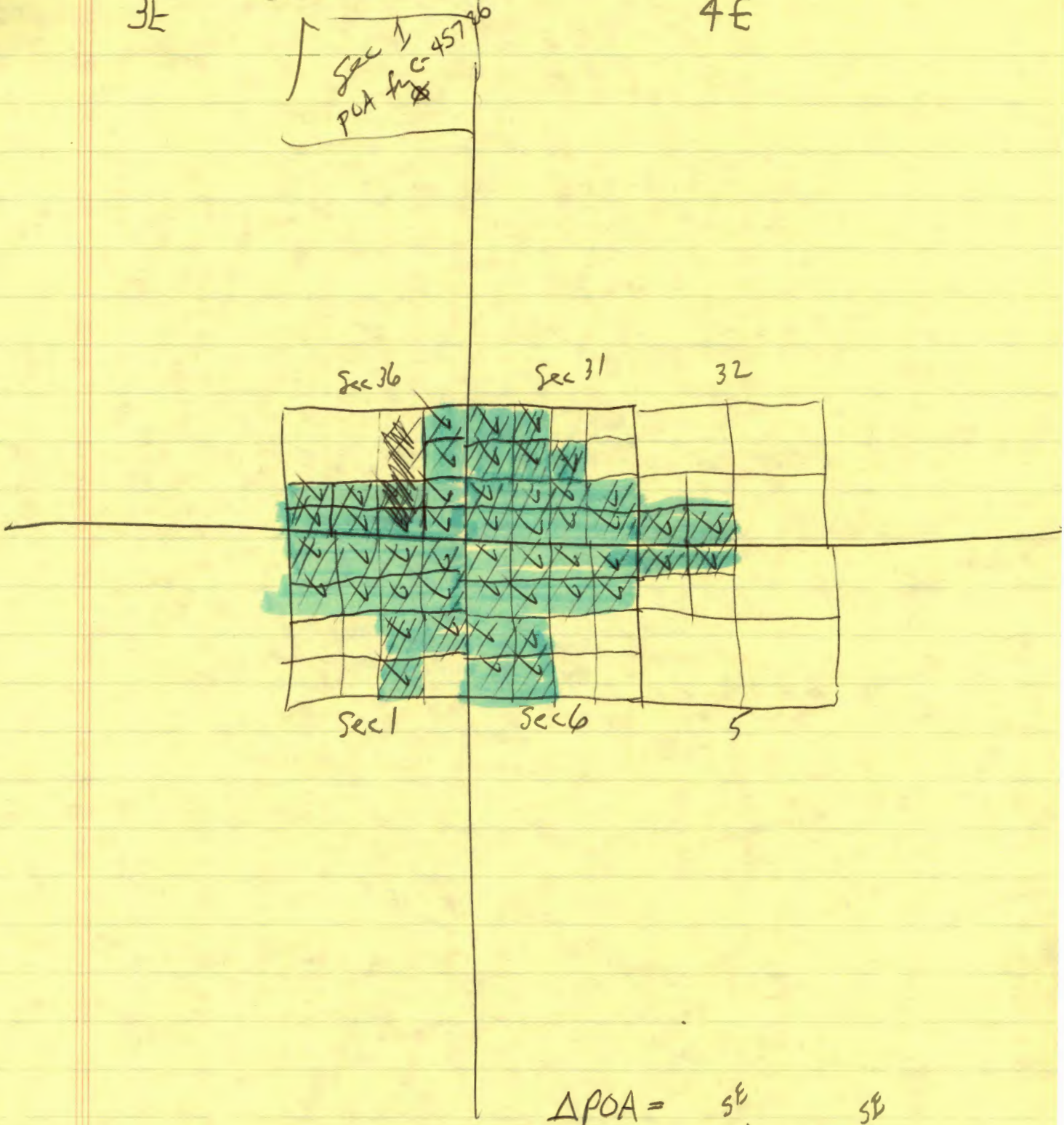
T 10744

FROM POU

3E

4E

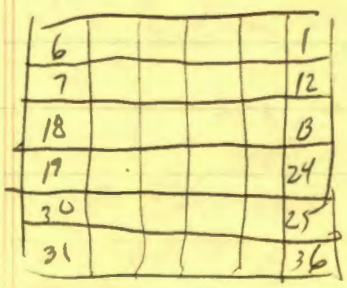
1S



2S

ΔPOA = 5E 5E

ΔD = 0.8 mi & 1.9 mi



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Permit A—SM—1-78 SP*22954-890

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, *That* BORING WATER DISTRICT

of P. O. Box 66, Boring , *State of* Oregon, 97009 , *has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of* a well

a tributary of North Fork of Deep Creek (Clackamas River) *for the purpose of* municipal

under Permit No. G-5319 *and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from* January 6, 1971

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.40 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW¼ SE¼, Section 1, T. 2 S., R. 3 E., W. M., 1420 feet North and 1600 feet West from the SE Corner, Section 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to---------- of one cubic foot per second per acre,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

E½ NE¼
S½
Section 36
T. 1 S., R. 3 E., W. M.

SW¼ NE¼
NW¼
S½
Section 31
S½ SW¼
Section 32
T. 1 S., R. 4 E., W. M.

N½
N½ SE¼
SW¼ SE¼
Section 1
T. 2 S., R. 3 E., W. M.

N½
SW¼
Section 6
N½ NW¼
Section 5
T. 2 S., R. 4 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board.

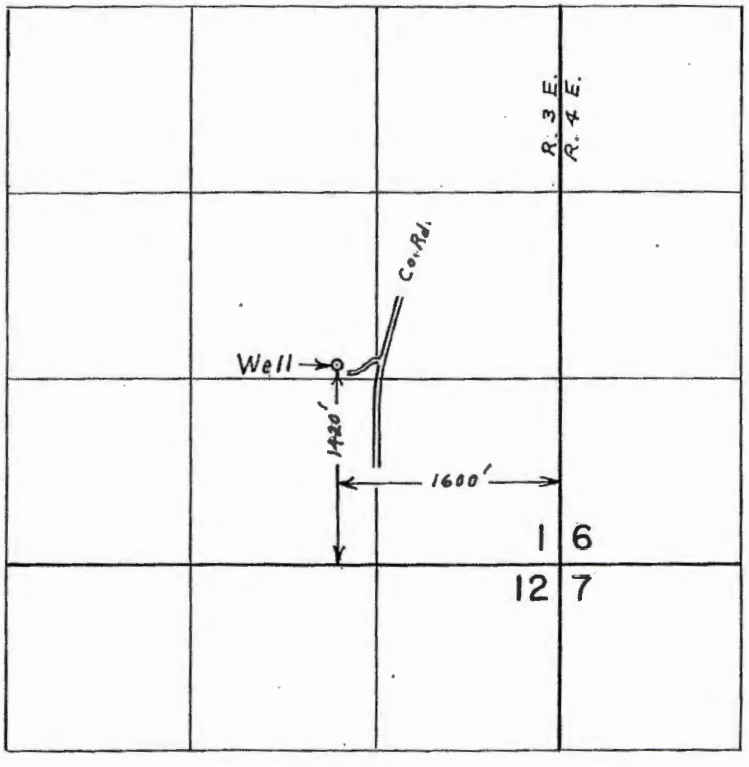
WITNESS the signature of the Water Resources Director, affixed this date. June 9, 1978

DEPUTY
Water Resources Director

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Recorded in State Record of Water Right Certificates, Volume 38 *, page* 45726

T. 2 S. R. 3 & 4 E. W.M.



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FINAL PROOF SURVEY
UNDER

Application No. G-5392 Permit No. G-5319
IN NAME OF

BORING WATER DISTRICT

Surveyed Oct. 5, 1976, by L. E. Gould

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T 10744

DFK-ILL-75

Water Rights Platcard Report

"TO" lands - 6 pages

Meridian: WILLAMETTE | Township: 2 South | Range: 3 East | Section: 1 | Records per Page: 10 | Search

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
								Q(160): NE	NE	NE	NE	NW	NW	NW	NW	SW	SW	SW	SW	SE	SE	SE	SE	QQ
Select	**Cert:22630 OR *** Additional Info: WILLIAM J POWERS App: S19809 Permit: S15391 Cert: 22630		10/5/1942	DOMESTIC														*						
Select	**Cert:32526 OR *** Additional Info: ROY R POLIVKA App: S39089 Permit: S29101 Cert: 32526		9/16/1963	DOMESTIC INCLUDING LAWN AND GARDEN										*										
Select	**Cert:16696 OR *** Additional Info: STATELINE TRACTOR CO. INC. App: S19943 Permit: S15511 Cert: 16696		6/10/1943	INDUSTRIAL/MANUFACTURING USES								*												
Select	**Claim:GR 1044 *** Additional Info: K NISHIKAWA Claim: GR1044		1/31/1953	IRRIGATION																				25
Select	**Claim:GR 3909 *** Additional Info: GEORGE A GOTTMAN Claim: GR3909		3/31/1952	IRRIGATION								2									21			
Select	**Cert:22630 OR *** Additional Info: WILLIAM J POWERS App: S19809 Permit: S15391 Cert: 22630		10/5/1942	IRRIGATION														0.6						
Select	**Cert:24089 OR *** Additional Info: L.E./J.F. MEIER App: S26596 Permit: S20833 Cert: 24089		10/30/1951	IRRIGATION										18.3	11.7									
Select	**Cert:29303 OR *** Additional Info: MEIERS DAIRY App: G1642 Permit: G1500 Cert: 29303		12/14/1959	IRRIGATION										2.8	13.6	0.3	9							
Select	**Cert:43215 OR *** Additional Info: MOUNTAIN VIEW PUBLIC GOLF COURSE INC. App: G3865 Permit: G3826 Cert: 43215		3/27/1967	IRRIGATION						2.3	1.6					6.5			9.6		11.4	22.8		
Select	**Cert:61040 OR *** Additional Info: KENNETH E NAAS App: S65618 Permit: S48009 Cert: 61040		8/25/1983	IRRIGATION						1														

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

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Water Rights Platcard Report

Meridian: WILLAMETTE **Township:** 2 South **Range:** 3 East **Section:** 1 **Records per Page:** 10 Search

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select	**Cert:45726 OR *** Additional Info: BORING WATER DISTRICT App: G5392 Permit: G5319 Cert: 45726	T10744	1/6/1971	MUNICIPAL USES				*	*	*	*	*	*	*	*					*	*	*		
Select	**Cert:24087 OR *** Additional Info: L.E./J.F. MEIER App: R28430 Permit: R1588 Cert: 24087		5/19/1953	STORAGE												*								
Select	**Cert:61039 OR *** Additional Info: KENNETH E NASS App: R65617 Permit: R8993 Cert: 61039		8/25/1983	STORAGE						*														
Select	**Cert:24088 OR *** Additional Info: L.E./J.F. MEIER App: S28431 Permit: S22737 Cert: 24088		5/19/1953	SUPPLEMENTAL IRRIGATION (Suppl'mtl)											18.3	11.7								
Select	**Cert:29303 OR *** Additional Info: MEIERS DAIRY App: G1642 Permit: G1500 Cert: 29303		12/14/1959	SUPPLEMENTAL IRRIGATION (Suppl'mtl)											18.3	11.7								

1 2

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

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Water Rights Platcard Report

Meridian: WILLAMETTE **Township:** 2 South **Range:** 3 East **Section:** 12 **Records per Page:** 10 Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE NW NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select **Claim:GR 43 *** Additional Info: W H MARKHAM Claim: GR43		12/31/1947	DOMESTIC								*	*	*	*									
Select **Claim:GR 43 *** Additional Info: W H MARKHAM Claim: GR43		12/31/1947	IRRIGATION								10	20	6	4.6									
Select **Permit:G 13298 *** Additional Info: R D BITHELL App: G14412 Permit: G13298		11/8/1996	IRRIGATION AND DOMESTIC											28									
Select **App:S 86203 *** Additional Info: SUNRISE WATER AUTHORITY App: S86203		3/22/2005	MUNICIPAL USES									*				*							
Select **Permit:G 11941 CN** Additional Info: DEAN W BREDENKAMP App: G13292 Permit: G11941		2/16/1993	NURSERY USES	**CN**				28															
Select **Cert:84209 OR *** Additional Info: GREG PILCHER (C/O) App: G11840 Permit: G11135 Cert: 84209		8/16/1988	NURSERY USES				40		24.7	40										21.4			
Select **App:P 82852 *** Additional Info: GENE A SCHIEDEL App: P82852		1/14/1997	STORAGE															*					

OVERLAP

This appears to be the same land as the Xfer "To" - T-10744

NCR for review

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

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SALEM, OREGON

Water Rights Platcard Report

Meridian: WILLAMETTE | Township: 2 | South | Range: 4 | East | Section: 7 | Records per Page: 10 | Search

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select	**Claim:GR 245 *** Additional Info: GLEN T SCHAEFFER Claim: GR245		6/30/1951	DOMESTIC							*		*			*	*			*		*			
Select	**Permit:G 9426 CN** Additional Info: GENE ALBERN KING App: G10354 Permit: G9426		6/1/1981	IRRIGATION	**CN**																~~15~~				
Select	**Claim:GR 245 *** Additional Info: GLEN T SCHAEFFER Claim: GR245		6/30/1951	IRRIGATION							25		28			21	21			8		3			
Select	**Permit:S 51695 *** Additional Info: GENE ALBERN KING App: S69062 Permit: S51695		4/7/1988	IRRIGATION																	15				
Select	**Cert:55073 OR *** Additional Info: MURRAY J HEITZMAN App: G5559 Permit: G5160 Cert: 55073		6/28/1971	IRRIGATION			4												24						
Select	**Cert:55073 OR *** Additional Info: MURRAY J HEITZMAN App: G5559 Permit: G5160 Cert: 55073		6/28/1971	IRRIGATION			3											13.4							
Select	**Permit:G 11134 *** Additional Info: GREG PILCHER App: G11241 Permit: G11134	T10751	3/5/1984	NURSERY USES						26.4	10		30.4			30.5	20			3.1		28			
Select	**Permit:S 48577 *** Additional Info: ISELI NURSERY INC. App: S68024 Permit: S48577		3/5/1984	NURSERY USES						*	*		*			*	*			*		*			
Select	**Cert:84209 OR *** Additional Info: GREG PILCHER (C/O) App: G11840 Permit: G11135 Cert: 84209		8/16/1988	NURSERY USES						25.9	10		32	40	38.2	31.4	20	15	5	5.8		28.2	1.3		
Select	**Permit:S 48577 *** Additional Info: ISELI NURSERY INC. App: S68024 Permit: S48577		3/5/1984	SUPPLEMENTAL IRRIGATION (Suppl'mtl)						26.4			20.8			4.7									

~~12.25~~ Acreage is on a (12.25) Acreage is part of a transfer and [12.25] Acreage has been * Acreage is not

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Water Rights Platcard Report

Meridian: WILLAMETTE | Township: 2 | South | Range: 4 | East | Section: 8 | Records per Page: 10 | Search

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select	**Cert:42886 OR *** Additional Info: WERNER/GERMAINE ISELI App: G2629 Permit: G2439 Cert: 42886		6/11/1963	IRRIGATION										7.9	30.3	24	11.8							
Select	**Permit:G 11134 *** Additional Info: GREG PILCHER App: G11241 Permit: G11134	T10751	3/5/1984	NURSERY USES						40		11	32.6	39	37	40	40	8.5	20					
Select	**Permit:S 47675 *** Additional Info: ISELI NURSERY INC. App: S65054 Permit: S47675		4/28/1983	NURSERY USES						40		11	32.6	40	40	40	40	8.5	20					
Select	**Permit:S 48577 *** Additional Info: ISELI NURSERY INC. App: S68024 Permit: S48577		3/5/1984	NURSERY USES						*		*	*	*	*	*	*	*	*					
Select	**Permit:S 50048 *** Additional Info: ISELI NURSERY INC. App: S69176 Permit: S50048		6/30/1987	NURSERY USES						40		11	32.6	37	35	38	38	8.5	20					
Select	**Cert:84209 OR *** Additional Info: GREG PILCHER (C/O) App: G11840 Permit: G11135 Cert: 84209		8/16/1988	NURSERY USES						37.2		8.5	31.5	38.8	37.2	26.8	7.7							
Select	**Permit:R 9901 *** Additional Info: ISELI NURSERY INC. App: R68128 Permit: R9901		7/23/1984	STORAGE										*	*									
Select	**Permit:R 10837 *** Additional Info: ISELI NURSERY INC. App: R69175 Permit: R10837		6/30/1987	STORAGE													*							

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

NCR for Nursery Use — OVERLAP

NCR for Nursery Use — OVERLAP

NCR

NCR

NCR

NCR

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Meridian: WILLAMETTE | Township: 2 | South | Range: 4 | East | Section: 18 | Records per Page: 10 | Search

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select	**Cert:56293 OR *** Additional Info: SCOTT J BANFORD App: S53165 Permit: S38790 Cert: 56293		5/23/1975	DOMESTIC			3											*							
Select	**Cert:23577 OR *** Additional Info: R E/L V SCHEDEEN App: S26113 Permit: S20987 Cert: 23577		6/28/1951	IRRIGATION																			17.5	39	
Select	**Cert:26437 OR *** Additional Info: R E/LES SCHEDEEN App: S28085 Permit: S22086 Cert: 26437		2/10/1953	IRRIGATION																	14.3				
Select	**Cert:43810 OR *** Additional Info: R.E. & L.V. SCHEDEEN App: S41785 Permit: S31187 Cert: 43810		3/28/1966	IRRIGATION													15.6					33.4			
Select	**Permit:R 12562 *** Additional Info: ROBERT B FARNES App: R83837 Permit: R12562		5/26/1998	RECREATION									*												
Select	**Permit:R 12562 *** Additional Info: ROBERT B FARNES App: R83837 Permit: R12562		5/26/1998	WILDLIFE									*												

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

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Sandy Post Newspaper
1190 NE Division St.
Gresham, Oregon 97030
503-665-2181

AFFIDAVIT OF PUBLICATION

State of Oregon, County of **Clackamas,** SS

I, Sue Hartin, being the first duly sworn depose and say that I am the Customer Service Representative of ***The Sandy Post,*** a newspaper of general circulation, published at Sandy, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

SP 0509-03

A copy of which is hereto attached, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues:

5/6-5/13-
5/20/2009

Sue Hartin
Sue Hartin

Subscribed and sworn to before me this
20th Day of May, 2009

Deseri Cerruti
Deseri Cerruti - Notary Public for Oregon

My commission expires:
September 25,2009

OFFICIAL SEAL
DESERI CERRUTI
NOTARY PUBLIC - OREGON
COMMISSION NO. A395604
MY COMMISSION EXPIRES SEPTEMBER 25, 2009

Notice of Preliminary Determination for Water Right Transfer T-10744

T-10744 filed by Larry Alexander, Boring Water District, P.O. Box 66, Boring OR 97009, proposes a change in use, place of use, point of appropriation under Certificate 45726. The right allows the use of 0.40 cfs (priority date JANUARY 6, 1971) from a well in Sec. 1, T2S, R3E, W.M. (North Fork of Deep Creek, Clackamas River Basin) for Municipal Uses in Sec. 36 of T1S, R3E, W.M., Secs. 31 and 32 of T1S, R4E, W.M., Sec. 1 of T2S, R3E, W.M., and Secs, 5 and 6 of T2S, R4E, W.M. The applicant proposes to change the point of appropriation to eight wells approximately 0.8 to 1.9 miles southeasterly (Secs. 7 and 8, T2S, R4E, W.M.) and to change the place of use to Secs. 1 and 12, T2S, R3E, W.M., and to Secs. 7, 8 and 18, T2S, R4E, W.M.; and to change the character of use to Nursery Operations. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is 5/20/09. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

SP0509-03
5/6, 5/13/ 5/20/09

Pd Noticed
4-21-09
~~Affid. of Pub. due 6/1~~
FO due 6/20

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Sandy Post Newspaper
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Gresham, Oregon 97030
503-665-2181

AFFIDAVIT OF PUBLICATION

State of Oregon, County of **Clackamas,** SS

I, Sue Hartin, being the first duly sworn depose and say that I am the Customer Service Representative of ***The Sandy Post,*** a newspaper of general circulation, published at Sandy, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

SP 0509-03

A copy of which is hereto attached, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues:

5/6-5/13-
5/20/2009

Sue Hartin
Sue Hartin

Subscribed and sworn to before me this
20th Day of May, 2009

Deseri Cerruti
Deseri Cerruti - Notary Public for Oregon

My commission expires:
September 25,2009

OFFICIAL SEAL
DESERI CERRUTI
NOTARY PUBLIC - OREGON
COMMISSION NO. A395604
MY COMMISSION EXPIRES SEPTEMBER 25, 2009

Notice of Preliminary Determination for Water Right Transfer T-10744

T-10744 filed by Larry Alexander, Boring Water District, P.O. Box 66, Boring OR 97009, proposes a change in use, place of use, point of appropriation under Certificate 45726. The right allows the use of 0.40 cfs (priority date JANUARY 6, 1971) from a well in Sec. 1, T2S, R3E, W.M. (North Fork of Deep Creek, Clackamas River Basin) for Municipal Uses in Sec. 36 of T1S, R3E, W.M., Secs. 31 and 32 of T1S, R4E, W.M., Sec. 1 of T2S, R3E, W.M., and Secs, 5 and 6 of T2S, R4E, W.M. The applicant proposes to change the point of appropriation to eight wells approximately 0.8 to 1.9 miles southeasterly (Secs. 7 and 8, T2S, R4E, W.M.) and to change the place of use to Secs. 1 and 12, T2S, R3E, W.M., and to Secs. 7, 8 and 18, T2S, R4E, W.M.; and to change the character of use to Nursery Operations. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is 5/20/09. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

SP0509-03
5/6, 5/13/ 5/20/09

RECEIVED
MAY 26 2009
WATER RESOURCES DEPT
SALEM, OREGON

Oregon
Theodore R. Kulongoski, Governor

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

April 16, 2009

Adam Sussman
GSI Water Solutions, Inc.
1600 Western Blvd., Ste. 240
Corvallis, OR 97333

SUBJECT: Transfer Application T-10744

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10744. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because the new point of appropriation is more than ¼ mile from the authorized point of appropriation, and because of the change in character of use, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original *affidavit of publication* to the Department, to me at the address above **by June 1, 2009.**

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period. If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at (503) 986-0890 or Dorothy.I.Pedersen@wrd.state.or.us if I may be of assistance.

Sincerely,

Dorothy I. Pedersen

Dorothy I. Pedersen
Field Services Division

RECEIVED
MAY 26 2009
WATER RESOURCES DEPT
SALEM, OREGON

cc: Sabrina White-Scarver, District 20 Watermaster
Applicant: Larry Alexander, Boring Water District
Receiving Landowner: Greg Pilcher, Iseli Nursery, Inc.
CWRE: Theodore R. Ressler, CWRE #78185

encs

Oregon
Theodore R. Kulongoski, Governor

Water Resources Department
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Field Services Division

cc: Sabrina White-Scarver, District 20 Watermaster
Applicant: Larry Alexander, Boring Water District
Receiving Landowner: Greg Pilcher, Iseli Nursery, Inc.
CWRE: Theodore R. Ressler, CWRE #78185

encs

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-10744, Clackamas County	)	PRELIMINARY DETERMINATION PROPOSING APPROVAL OF A CHANGE IN POINT OF APPROPRIATION, PLACE OF USE, AND CHARACTER OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant
LARRY ALEXANDER
BORING WATER DISTRICT
P.O. BOX 66
BORING, OR 97009

Receiving Landowner
GREG PILCHER
ISELI NURSERY, INC.
30590 SE KELSO RD.
BORING, OR 97009

Findings of Fact

Background

1. On November 28, 2008, Larry Alexander filed an application to change the use, place of use, point of appropriation under Certificate 45726. The Department assigned the application number T-10744.

2. The right to be transferred is as follows:

   Certificate: 45726 in the name of BORING WATER DISTRICT (perfected under Permit G-5319)
   Use: MUNICIPAL
   Priority Date: JANUARY 6, 1971
   Rate: 0.40 CUBIC FOOT PER SECOND
   Source: A WELL in the NORTH FORK DEEP CREEK (CLACKAMAS RIVER) BASIN

   Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	3 E	WM	1	NW SE	1,420 FEET NORTH AND 1,600 FEET WEST FROM THE SE CORNER OF SECTION 1

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

Authorized Place of Use:

MUNICIPAL USES				
Twp	**Rng**	**Mer**	**Sec**	**Q-Q**
1 S	3 E	WM	36	NE NE
1 S	3 E	WM	36	SE NE
1 S	3 E	WM	36	NE SW
1 S	3 E	WM	36	NW SW
1 S	3 E	WM	36	SW SW
1 S	3 E	WM	36	SE SW
1 S	3 E	WM	36	NE SE
1 S	3 E	WM	36	NW SE
1 S	3 E	WM	36	SW SE
1 S	3 E	WM	36	SE SE
1 S	4 E	WM	31	SW NE
1 S	4 E	WM	31	NE NW
1 S	4 E	WM	31	NW NW
1 S	4 E	WM	31	SW NW
1 S	4 E	WM	31	SE NW
1 S	4 E	WM	31	NE SW
1 S	4 E	WM	31	NW SW
1 S	4 E	WM	31	SW SW
1 S	4 E	WM	31	SE SW
1 S	4 E	WM	31	NE SE
1 S	4 E	WM	31	NW SE
1 S	4 E	WM	31	SW SE
1 S	4 E	WM	31	SE SE
1 S	4 E	WM	32	SW SW
1 S	4 E	WM	32	SE SW
2 S	3 E	WM	1	NE NE
2 S	3 E	WM	1	NW NE
2 S	3 E	WM	1	SW NE
2 S	3 E	WM	1	SE NE
2 S	3 E	WM	1	NE NW
2 S	3 E	WM	1	NW NW
2 S	3 E	WM	1	SW NW
2 S	3 E	WM	1	SE NW
2 S	3 E	WM	1	NE SE
2 S	3 E	WM	1	NW SE
2 S	3 E	WM	1	SW SE
2 S	4 E	WM	5	NE NW
2 S	4 E	WM	5	NW NW
2 S	4 E	WM	6	NE NE
2 S	4 E	WM	6	NW NE
2 S	4 E	WM	6	SW NE
2 S	4 E	WM	6	SE NE
2 S	4 E	WM	6	NE NW
2 S	4 E	WM	6	NW NW
2 S	4 E	WM	6	SW NW
2 S	4 E	WM	6	SE NW
2 S	4 E	WM	6	NE SW
2 S	4 E	WM	6	NW SW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	4 E	WM	6	SW SW
2 S	4 E	WM	6	SE SW

3. Application T-10744 proposes to move the authorized point of appropriation approximately 0.8 to 1.9 miles southeasterly from the existing point of appropriation to eight proposed points of appropriation:

Well #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	2S	4E	WM	7	NE NW	525 FEET SOUTH AND 2,165 FEET EAST FROM THE NW CORNER OF SECTION 7
2	2S	4E	WM	7	NE NW	535 FEET SOUTH AND 2,335 FEET EAST FROM THE NW CORNER OF SECTION 7
3	2S	4E	WM	7	NE NW	810 FEET SOUTH AND 2,610 FEET EAST FROM THE NW CORNER OF SECTION 7
4	2S	4E	WM	8	NE NW	1,050 FEET SOUTH AND 1,460 FEET EAST FROM THE NW CORNER OF SECTION 8
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8	2S	4E	WM	8	SW NE	1,360 FEET SOUTH AND 2,330 FEET WEST FROM THE NE CORNER OF SECTION 8
9	2S	4E	WM	8	NW NW	85 FEET SOUTH AND 1,015 FEET EAST FROM THE NW CORNER OF SECTION 8

4. Application T-10744 proposes to change the character of use to NURSERY OPERATIONS.

5. Application T-10744 also proposes to change the place of use of the right to:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2S	3E	WM	1	SE SE	0.9
2S	3E	WM	12	NE NE	38.7
2S	3E	WM	12	SW NE	26.0
2S	3E	WM	12	SE NE	39.4
2S	3E	WM	12	NE SE	5.7
2S	3E	WM	12	NW SE	21.5
2S	4E	WM	7	NW NE	9.9
2S	4E	WM	7	SW NE	9.4
2S	4E	WM	7	NE NW	35.0
2S	4E	WM	7	NW NW	37.6
2S	4E	WM	7	SW NW	38.8
2S	4E	WM	7	SE NW	39.9
2S	4E	WM	7	NE SW	38.8
2S	4E	WM	7	NW SW	23.4
2S	4E	WM	7	SW SW	7.1
2S	4E	WM	7	SE SW	37.6
2S	4E	WM	7	NE SE	0.9
2S	4E	WM	7	NW SE	32.7
2S	4E	WM	7	SW SE	0.4

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2S	4E	WM	8	SW NE	39.1
2S	4E	WM	8	NE NW	18.2
2S	4E	WM	8	NW NW	31.8
2S	4E	WM	8	SW NW	39.6
2S	4E	WM	8	SE NW	35.6
2S	4E	WM	8	NE SW	38.4
2S	4E	WM	8	NW SW	32.9
2S	4E	WM	8	SW SW	37.5
2S	4E	WM	8	SE SW	37.4
2S	4E	WM	18	NW NW	14.2
				TOTAL	768.4

6. Notice of the application for transfer was published on December 16, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

7. On April 3, 2009, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10744 to the applicant and receiving landowner. The draft Preliminary Determination set forth a deadline of May 5, 2009, for the parties to respond. The agent for the applicant requested that the Department proceed with issuance of a Preliminary Determination and requested that the deadline for completion of the changes be extended to October 1, 2029, citing the nature and complexity of the project to support the need for the additional time. The Department considers this request reasonable and this document reflects the revised date for completion.

8. Iseli Nursery, Inc. (Greg Pilcher) is the receiving landowner and will be responsible for completion of the proposed changes.

9. Water rights currently issued by the Department for Nursery Use routinely include a standard set of rate and duty conditions that are not already part of the terms and conditions of this municipal use right.

Transfer Review Criteria (OAR 690-380-4010)

10. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

11. A municipal water system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Application T-10744.

12. As long as standard rate and duty conditions for Nursery Use are applied to the right, the proposed change would not result in enlargement of the right.

13. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The changes in character of use, place of use and point of appropriation proposed in application T-10744 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10744 is approved, the final order will include the following:

1. *The changes in character of use, place of use and point of appropriation proposed in application T-10744 are approved.*

2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 45726 and any related decree, in addition to the special conditions below.*

3. *Water right certificate 45726 is cancelled.*

4. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*

5. *The former place of use of the transferred right shall no longer receive water under the right.*

6. *The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time during the year that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.*

7. *Water use measurement conditions:*

   a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.

   b. The water user shall maintain the meters or measuring devices in good working order.

   c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before* ***October 1, 2019****. A Claim of Beneficial Use prepared by a Certified Water*

Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.

9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 15th day of April 2009.

William E. Fuller

for Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

Notice of Preliminary Determination for
Water Right Transfer T-10744

T-10744 filed by Larry Alexander, Boring Water District, P.O. Box 66, Boring OR 97009, proposes a change in use, place of use, point of appropriation under Certificate 45726. The right allows the use of 0.40 cfs (priority date JANUARY 6, 1971) from a well in Sec. 1, T2S, R3E, W.M. (North Fork of Deep Creek, Clackamas River Basin) for Municipal Uses in Sec. 36 of T1S, R3E, W.M., Secs. 31 and 32 of T1S, R4E, W.M., Sec. 1 of T2S, R3E, W.M., and Secs. 5 and 6 of T2S, R4E, W.M. The applicant proposes to change the point of appropriation to eight wells approximately 0.8 to 1.9 miles southeasterly (Secs. 7 and 8, T2S, R4E, W.M.) and to change the place of use to Secs. 1 and 12, T2S, R3E, W.M., and to Secs. 7, 8 and 18, T2S, R4E, W.M.; and to change the character of use to Nursery Operations. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

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Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
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Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

April 3, 2009

Adam Sussman
GSI Water Solutions, Inc.
1600 Western Blvd., Ste. 240
Corvallis, OR 97333

SUBJECT: Application T-10744

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10744. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

Because the new points of appropriation are more than ¼ mile from the authorized point of appropriation and because of the change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive your written response, or **May 5, 2009**, whichever comes first.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.Pedersen@wrd.state.or.us if I may be of assistance.

Sincerely,

Dorothy I. Pedersen

Dorothy Pedersen
Field Services Division

cc: Sabrina White, District 20 Watermaster
Larry Alexander, Boring Water District, applicant
Greg Pilcher, Iseli Nursery, Inc., receiving landowner

enc

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-10744, Clackamas County	)	**D R A F T**
	)	PRELIMINARY DETERMINATION
	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
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Applicant
LARRY ALEXANDER
BORING WATER DISTRICT
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BORING, OR 97009

Receiving Landowner
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1 S	3 E	WM	36	NE SE
1 S	3 E	WM	36	NW SE
1 S	3 E	WM	36	SW SE
1 S	3 E	WM	36	SE SE
1 S	4 E	WM	31	SW NE
1 S	4 E	WM	31	NE NW
1 S	4 E	WM	31	NW NW
1 S	4 E	WM	31	SW NW
1 S	4 E	WM	31	SE NW
1 S	4 E	WM	31	NE SW
1 S	4 E	WM	31	NW SW
1 S	4 E	WM	31	SW SW
1 S	4 E	WM	31	SE SW
1 S	4 E	WM	31	NE SE
1 S	4 E	WM	31	NW SE
1 S	4 E	WM	31	SW SE
1 S	4 E	WM	31	SE SE
1 S	4 E	WM	32	SW SW
1 S	4 E	WM	32	SE SW
2 S	3 E	WM	1	NE NE
2 S	3 E	WM	1	NW NE
2 S	3 E	WM	1	SW NE
2 S	3 E	WM	1	SE NE
2 S	3 E	WM	1	NE NW
2 S	3 E	WM	1	NW NW
2 S	3 E	WM	1	SW NW
2 S	3 E	WM	1	SE NW
2 S	3 E	WM	1	NE SE
2 S	3 E	WM	1	NW SE
2 S	3 E	WM	1	SW SE
2 S	4 E	WM	5	NE NW
2 S	4 E	WM	5	NW NW
2 S	4 E	WM	6	NE NE
2 S	4 E	WM	6	NW NE
2 S	4 E	WM	6	SW NE
2 S	4 E	WM	6	SE NE
2 S	4 E	WM	6	NE NW
2 S	4 E	WM	6	NW NW
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9	2S	4E	WM	8	NW NW	85 FEET SOUTH AND 1,015 FEET EAST FROM THE NW CORNER OF SECTION 8

4. Application T-10744 proposes to change the character of use to NURSERY OPERATIONS.

5. Application T-10744 also proposes to change the place of use of the right to:

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2S	3E	WM	1	SE SE	0.9
2S	3E	WM	12	NE NE	38.7
2S	3E	WM	12	SW NE	26.0
2S	3E	WM	12	SE NE	39.4
2S	3E	WM	12	NE SE	5.7
2S	3E	WM	12	NW SE	21.5
2S	4E	WM	7	NW NE	9.9
2S	4E	WM	7	SW NE	9.4
2S	4E	WM	7	NE NW	35.0
2S	4E	WM	7	NW NW	37.6
2S	4E	WM	7	SW NW	38.8
2S	4E	WM	7	SE NW	39.9
2S	4E	WM	7	NE SW	38.8
2S	4E	WM	7	NW SW	23.4
2S	4E	WM	7	SW SW	7.1
2S	4E	WM	7	SE SW	37.6
2S	4E	WM	7	NE SE	0.9
2S	4E	WM	7	NW SE	32.7
2S	4E	WM	7	SW SE	0.4

NURSERY OPERATIONS					
Twp	Rng	Mer	Sec	Q-Q	Acres
2S	4E	WM	8	SW NE	39.1
2S	4E	WM	8	NE NW	18.2
2S	4E	WM	8	NW NW	31.8
2S	4E	WM	8	SW NW	39.6
2S	4E	WM	8	SE NW	35.6
2S	4E	WM	8	NE SW	38.4
2S	4E	WM	8	NW SW	32.9
2S	4E	WM	8	SW SW	37.5
2S	4E	WM	8	SE SW	37.4
2S	4E	WM	18	NW NW	14.2
				TOTAL	768.4

6. Notice of the application for transfer was published on December 16, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

7. Iseli Nursery, Inc. (Greg Pilcher) is the receiving landowner and will be responsible for completion of the proposed changes.

8. Water rights currently issued by the Department for Nursery Use routinely include a standard set of rate and duty conditions that are not already part of the terms and conditions of this municipal use right.

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

10. A municipal water system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Application T-10744.

11. As long as standard rate and duty conditions for Nursery Use are applied to the right, the proposed change would not result in enlargement of the right.

12. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The changes in character of use, place of use and point of appropriation proposed in application T-10744 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10744 is approved, the final order will include the following:

1. *The changes in character of use, place of use and point of appropriation proposed in application T-10744 are approved.*

2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 45726 and any related decree, in addition to the special conditions below.*

3. *Water right certificate 45726 is cancelled.*

4. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*

5. *The former place of use of the transferred right shall no longer receive water under the right.*

6. *The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time during the year that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.*

7. *Water use measurement conditions:*

   a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of diversion.

   b. The water user shall maintain the meters or measuring devices in good working order.

   c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before* ***October 1, 2010****. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2009.

D R A F T

_____
Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrd.state.or.us.

Oregon
Theodore R. Kulongoski, Governor

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

December 17, 2008

LARRY ALEXANDER
BORING WATER DISTRICT
PO BOX 66
BORING OR 97009

Reference: Transfer 10744

On November 28, 2008 we received your water right transfer application. The application was accompanied by $1325.00. Our receipt 95058 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the change. Your application will be examined to determine if additional information is needed.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0883.

cc: Watermaster #20 (via e-mail)
Ted Ressler, CWRE
Adam Sussman, Agent
Greg Pilcher, Iseli Nursery

enclosure

Oregon
Theodore R. Kulongoski, Governor

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

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 12/16/08

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County:	CLACKAMAS
Transfer:	10744
Water Right:	CERT 45726
Priority Date:	1971
Name:	LARRY ALEXANDER, BORING WATER DISTRICT
Address:	PO BOX 66, BORING, OR 97009
Change:	USE/POU/POA
Source:	WELL
Authorized POA:	T2S R3E 1
Proposed POA:	T2S R4E 7,8
Authorized POU:	T1S R3E 36
	T1S R4E 31,32
	T2S R3E 1
	T2S R4E 5,6
Proposed POU:	T2S R3E 1,12
	T2S R4E 7,8,18
Authorized USE:	MUNICAL
Proposed USE:	NURSERY OPERATIONS

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

Indicate in this column whether or not the item is satisfied.	**Permanent Transfer Application – OAR 690-380 3000 & 3100** **Completeness Checklist** *Applicant's Name:* Larry Alexander *(Form last revised: January 11, 2008)*

Section A – Status of Right

OK

Is this a Water Right that can be transferred? *[OAR 690-380-0100(14)]*

NOTE: The Department can **accept** a Transfer application for any right that is:

____ 1) an adjudication with a court decree; ***or***

____ 2) a certificate that is not cancelled; ***or***

____ 3) a transfer that's been approved **&** A COBU has been received by the Department

*If the subject right **does not** fall into **any** of the above categories, **RETURN** the application & fee to the applicant.*

Section B – Type of Change

POU
POA
USE

Is the proposed change(s) allowed under the Transfer process? *[ORS 540.510]*

NOTE: Only **POD, POA or POU or USE** changes are allowed on Transfers.

*If the application proposes a change **other** than those listed above, **RETURN** the application & fee to the applicant.*

Section C - Fees

Have the appropriate fees been paid? 125-RA **Total Required Fees:** ____

Fee Schedule – ORS 536.050(1)(h)

400 $400 - Base fee (1st change and 1st CFS of water)

400 + $400 - Each additional type of change requested

400 + $200 - Each additional water right or permit

+ $200 - For each CFS, or fraction thereof, requested beyond 1st CFS *(for POU, Type of Use, or Exchange)*

Total Fees Paid: ____

Fees Due *(if any)*: ____

Refund Due *(if any)*: ____

*If the applicant has **NOT** submitted the total fees required, **RETURN** the application & deficient fee to the applicant.*

Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency.	**Is the Transfer application complete?** All required elements necessary for a complete transfer application are listed below. **Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items.** If any one of the items is deficient, then the application is incomplete. *NOTE: For reference, the application page number upon which each item is requested is identified.* *If the application is **NOT** complete, **RETURN** the application & fee to the applicant.*
OK	• Type of transfer application *(Page 1)*
OK	• Applicant's name, mailing address and contact information. *(Page 1)*
OK	• Agent's name, mailing address and contact information, *if applicable*. *(Page 1)*
OK	• Are the water rights to be affected by this transfer listed? *(Page 2)* If there are multiple water rights listed..... The applicant must supply a **separate "set"** of Supplemental Form A for **each** water right to be transferred.

	Checklist for Supplemental Form A – (Attachments)	
OK	• Certificate # filled in on each page?	*(Page 1)*
OK	• Type of change(s) proposed clear?	*(Page 1)*
OK	• Current Water Right information is complete?	*(Page 2)*
OK	• If *for a change in **POU or USE**…..*	*(Page 2)*
	Are there any "layered" irrigation rights, permits, or GR registrations appurtenant to the same place of use as the water right proposed to be transferred? **YES** **NO** If ***YES***..... the **other "layered" water uses** subject to transfer **must either change concurrently or be cancelled**, except as provided in OAR 690-380-2240(5). If layered with GR, must submit a GR Modification application as well as this application. Are they included in application? If not, contact applicant or agent.	
OK	• Location description of the authorized POA/POD to be changed.	*(Page 3)*
	NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map. Additionally, if the existing authorized source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), ***or*** _____ 2) if well logs are **not available**, describe the construction of the well(s) in the table provided on page 3 of the supplemental form A application.	
OK	• Location description of the existing authorized POU and associated acres (if applicable).	*(Page 4)*
	NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
OK	• Location description of the proposed POA/POD.	*(Page 5)*
	NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map. Additionally, if the proposed source is ground water (POA), the applicant must either: _____ 1) supply a copy of the well log(s), ***or*** _____ 2) if well logs are **not available** ***or*** the well is **not yet constructed**, describe the construction of the well(s) in the table provided on page 5 of the application.	
OK	• Location description of the proposed POU and associated acres (if applicable).	*(Page 6)*
	NOTE: Ensure that the location and number of acres listed per ¼ ¼ in the application match those illustrated on the application map.	
	Return back to Page 2 of transfer application	
OK	• The type of changes being proposed. POU/POA/USE	*(Page 2)*
OK	• Reason for the transfer.	*(Page 2)*
OK	• Description of current water delivery system.	*(Page 2)*
OK	• System Capacity. .4	*(Page 2)*

	Checklist for Supplemental Form B – (Attachments)	
OK	• Is there a box checked in #1?	*(Page 1)*
OK	• Is there a box checked in #2?	*(Page 1)*
OK	• Does the description of POU on page 4 of the supplemental form A application, match authorized POU in question #3?	*(Page 1)*
OK	• In question #4 and #5 are they filled out	*(Page 2)*
OK	• Is there a box checked in #6?	*(Page 2)*
OK	• Is the #6 supporting documentation included with application?	*(Page 2)*
OK	• Is there an original signature of the notary and notary stamp?	*(Page 2)*
	Return back to Page 3 of transfer application	
OK	• Affected districts and local governments. If within a district/local government jurisdiction, ensure that name & mailing address is provided.	*(Page 3)*
OK	• Is the applicant the Landowner of the "from" and "to" Lands? YES (NO) If *NO*….. The applicant must list current landowner name & address	*(Page 4)*
OK	• Who will be responsible for completion of the changes? RC landowner Is a box checked? If no box is checked the applicant or agent must be contacted.	*(Page 4)*
OK	• Map….. (Required to be prepared by a CWRE) unless… 1. Map Waiver included with application 2. FP map with advance email or written approval 3. POD/POA without POU change and for entire right with FP map for "from" map __ if more than 3 rights are included in transfer, is there a separate map for each water right? __If larger than 8 ½ X 14 than 3 copies of map is needed & an electronic pdf file of map __north arrow __size & scale __other: _____ __authorized acreage per ¼ ¼ matches the water right __authorized POD/POA and POU *(clearly shown, labeled & matches application listing)* __point plotted for the authorized POD/POA agrees with location coordinates on supplemental form A and WR __proposed POD/POA and/or POU *(clearly shown, labeled & matches application "proposed" listing)* __location coordinates accurately describe the point identified as the proposed POD/POA	*(Page 5)*
OK	• Land Use form, *if applicable.* Is the form signed by the local planning department staff? May be needed if the POD/POA or POU is moving a great distance *and* off of land originally involved in WR.	*(Page 5)*
OK	• If a groundwater right is involved, are the well logs or a description included.	*(Page 5)*
	• If this is an instream water right transfer, is there a form C included and filled out.	*(Page 5)*

OK	• Signature(s) of applicant(s): Are one of the boxes checked? *All* applicants listed on page 1 of the application **must sign** the application.	*(Page 6)*

WRD Completeness Reviewer's Name: S. Henderson **Date:** 12-5-08

ORIGINALS

Transfer Application and Map

Amendments/Revisions to Appl & Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

&

Other Supporting Documentation

GSI
Water Solutions, Inc.

April 13, 2009

Dorothy Pedersen
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301

Re: Comment on Draft Preliminary Determination for T-10744

Dear Dorothy,

GSI Water Solutions, Inc. is an authorized agent for both Boring Water District (the transfer applicant) and Iseli Nursery, Inc. (the receiving land owner) with respect to transfer application T-10744. We have reviewed the Draft Preliminary Determination (DPD) for T-10744, and offer the following comment.

Comment

Item 8 on page 5 of the DPD specifies that the approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2010. We are requesting to modify this language so that the deadline would be October 1, 2019. This amount of time is needed due to the nature and complexity of the project, which includes the construction of a well, construction and development of distribution works, and development of additional nursery operations.

Thank you for the opportunity to comment. Please let me know if there are any concerns incorporating our comments. We look forward to receiving the Preliminary Determination and the notice to be published in the newspaper. If you have any questions, please call me at 541-753-0745, extension 201.

Sincerely,
GSI Water Solutions, Inc.

Adam Sussman
Senior Water Resources Consultant

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APR 13 2009
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SALEM, OREGON

Cc: Larry Alexander, Boring Water District
Greg Pilcher, Iseli Nursery, Inc.

1600 Western Blvd., Suite 240 Corvallis, OR 97333 P: 541.753.0745 F: 541.754.4211 info@gsiwatersolutions.com www.gsiwatersolutions.com

GSI
Water Solutions, Inc.

November 25, 2008

Dorothy Pedersen
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1261

Dear Ms. Pedersen,

GSI Water Solutions, Inc. is an authorized agent for Iseli Nursery and Boring Water District (BWD), which are involved in a water right transfer on certificate 45726. Water right certificate 45726 is held by BWD and allows use of 0.4 cfs from a well for municipal use. The entire BWD water right will be transferred to points of appropriation and places of use located at Iseli Nursery, where the water will be used for nursery operations. Thus, there are three types of changes involved here (place of use, points of appropriation, and type of use).

We have included a check for the appropriate transfer fee of $1,200.00 ($400 x 3 types of changes), plus $125.00 for an estimate under the reimbursement authority program, for a total check in the amount of $1,325.00.

As noted in the transfer application, the receiving land owner is different than the transfer applicant, and the order approving the transfer should reflect that the transferred water right will be held by Iseli Nursery, Inc.

If you have any questions or concerns about this transfer application or the request for an estimate under the reimbursement program, please call me at 503-753-0745, extension 201, or send an e-mail to ASussman@GSIWaterSolutions.com.

Sincerely,
GSI Water Solutions, Inc.

Adam Sussman
Senior Water Right Consultant

T 10744

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SALEM, OREGON

1600 Western Blvd., Suite 240 Corvallis, OR 97333 P: 541.753.0745 F: 541.754.4211 info@gsiwatersolutions.com www.gsiwatersolutions.com

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

Application for Water Right
Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one

- ☑ Permanent Transfer
- ☐ Temporary Transfer (1 to 5 yrs.)
  - total number of years: ____
  - (begin year: _____)
  - (end year: _____)
- ☐ Instream Transfer
  - ☐ Permanent
  - ☐ Time-Limited
- ☐ Drought Transfer
- ☐ Other

2. APPLICANT INFORMATION

Name: Larry (First) Alexander (Last)

Address: Boring Water District, P.O. Box 66

Boring (City) OR (State) 97009 (Zip)

Phone: ____ (Home) 503-663-4594 (Work) ____ (Other)

Fax: 503-663-9154 E-Mail address: boringwater@att.net

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Adam (First) Sussman (Last)

Address: GSI Water Solutions, Inc., 1600 Western Blvd., Suite 240

Corvallis (City) OR (State) 97333 (Zip)

Phone: ____ (Home) 541-753-0745, ext. 11 (Work) ____ (Other)

Fax: 541-754-4211 E-Mail address: asussman@gsiwatersolutions.com

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- If an agent is listed above, please check ***one*** of the following:
  - ☑ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; ***or***
  - ☐ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

~~T 10743~~ T 10744

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	G-5392	G-5319	45726
2.			
3.			
4.			
5.			
6.			

- Attach a **separate** ***Supplemental Form A*** *(Description of Proposed Change(s) to a Water Right)* for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:

☑ Place of Use ☐ Point of Diversion (POD) ☐ Additional Point of Diversion

☑ Character of Use ☑ Point of Appropriation (POA, or well) ☐ Additional POA

☐ Instream Transfer ☐ Surface Water POD to Ground Water POA

☐ Substitution of Supplemental Groundwater right for Primary Surface water right

☐ Historic POD change ☐ Other

- Reason(s) for change(s): Transfer of municipal groundwater right for nursery operation use.

5. WATER DELIVERY SYSTEM

- Describe the ***current*** water delivery system ***or*** the system that ***was in place*** at some time *within the last 5 years*. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

  The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

The well has a 10 hp submersible pump rated at 250 gpm. A 6-inch discharge line transmits water to the distribution system which includes a 350,000 above-ground reservoir approx. 4 miles of distribution pipe.

- System capacity: 0.4 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

~~T 10743~~ T 10744

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6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ► Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ► Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ► Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; ***or***
  - ► If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☑ Yes ☐ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☑ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☑ No

*If "**Yes**", for any of the above, list the name and mailing address of the district, agency and/or entity:*

The water right being transferred is held by the Boring Water District.

Boring Water District, Attn: Larry Alexander, P.O. Box 66, Boring, OR 97009.

8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Boring, Oregon. (Unincorporated - no physical address).

Clackamas County, 2051 Kaen Rd., Oregon City, OR 97045.

T 10744

T 10743

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9. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☐ Yes ☑ No

  *If "No", provide the following information. **For Temporary Transfers**, also include a **notarized statement granting consent** to the transfer from **each** of the landowners (for Permanent Transfers see Section 12(c)):*

  Names of Current Landowner(s): Not applicable per OAR 690-380-3000(13). The applicant is
  First Last

  Address: a municipality as defined in ORS 540.510(3)(b) and the right is in the name of the municipality.

  City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

  ☐ Yes ☑ No ☐ N/A - *NOT APPLICABLE TO INSTREAM TRANSFERS*

  If "No", provide the following information:

  Names of Receiving Landowner(s): Greg Pilcher, for Iseli Nursery, Inc.
  First Last

  Address: Iseli Nursery, 30590 SE Kelso Rd.

  Boring OR 97009
  City State Zip

- Check ***one*** of the following:

  ☑ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

  ☐ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

  ☐ N/A. *(Not applicable. Application is for an Instream Water Right Transfer.)*

10. Other Remarks (optional)

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SALEM, OREGON

T 10744

11. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are <u>not</u> included.

Supplemental Form A –
Description of Proposed Change(s) to a Water Right

☑ A **<u>separate</u>** Supplemental Form A is enclosed for **<u>each</u>** water right to be affected by this transfer.

Supplemental Form B –
Evidence of Use Affidavit(s)

☑ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), **<u>and</u>**

☑ The Evidence of Use Affidavit **must** be accompanied by **supporting documentation.**

Map

☑ *Water Right Transfer*
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

☐ *Temporary Transfer or Historical POD Change*
A map meeting the requirements of OAR 690-380-3100 must be included but need **<u>not</u>** be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

☑ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.

☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.

☐ N/A. The application does **<u>not</u>** involve a change in point of appropriation or a change from surface water to ground water, so water well reports are **<u>not</u>** required.)

Land Use Information For Proposed Changes:

For Instream Transfers:

☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

For All Other Transfers:

☑ Land Use Information Form is enclosed; ***or***

☐ **<u>All</u>** of the following criteria are met, therefore a Land Use Information Form is not required:
- ❶ In EFU zone or irrigation district,
- ❷ Change in place of use only,
- ❸ No structural changes needed, including diversion works, delivery facilities, other structures, ***and***
- ❹ Irrigation only.

Fees:

☑ Amount enclosed: $ 1,200.00
See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

<u>Instream Water Right Transfers, also include:</u>

Supplemental Form C –
Instream Water Right Transfer

☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

<u>Temporary Transfers, also include:</u>

Recorded Deed:

☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

- **Check *one* of the following, as appropriate, and sign the application in the signature box below:**

☐ In accordance with OAR 690-380-3000(13)(a), **I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required *[pursuant to OAR 690-380-4010(5)]* to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:**

(a) A **report of ownership and lien information** that has been prepared by a title company *within the last three months;*

(b) A **copy of written notification** of the proposed transfer provided by the applicant to **all lien holders** on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, **a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded** must be submitted;* **and**

(c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** *(attached)* signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

☐ **I (we) affirm that interest in the water right has been conveyed to someone other than the landowner**, and documents**, including a water right conveyance agreement,** report of ownership and lien information, and any required lienholder notification **are enclosed**, demonstrating that I am (we are) authorized to pursue the transfer. **I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.**

☑ **I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor.** Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

☐ **I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation.** Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. *(NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.*

☐ **I (we) affirm that this is a temporary transfer and a copy of the deed** for the "from" land (and affidavits of consent from any other landowners, if applicable) **is enclosed.**

- **I (we) affirm that the information contained in this application is true and accurate.**

applicant/signature	name *and title if applicable* (print)	date
Larry Alexander	Manager Larry Alexander	11-21-08
applicant signature	name *and title if applicable* (print)	date

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Water Right Transfer Supplemental Form A
DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

*List only **one** water right per page. A **separate Supplemental Form A** must be completed for **each** certificate, permit, decree, or other right involved in the proposed transfer.*

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

- Certificate Number or other identifying number: 45726

1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☑ **Change** (The old point of diversion or appropriation will **not** be used for the portion of the water right affected by the transfer.) ☐ **Additional** (Both the old ***and*** new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) ☐ **Historic Point of Diversion or Appropriation Change** (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ **Surface Water to Ground Water** (A new point of appropriation will be used **instead of** the old point of diversion. The old point of diversion will **not** be used.) ☐ **Point of Diversion Change due to Government Action** (The old point of diversion or appropriation can no longer be used due to government action.) ☐ **Exchange** (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☑ **All of the right will be exercised at a different location than currently authorized** (Use of water at the current location will be discontinued.) ☐ **Only a portion of the right will be exercised at a different location than currently authorized** (Use of water at the current location will be discontinued.) T 10744	Proposed new use: ☐ **Irrigation** ☐ **Municipal** ☐ **Quasi-municipal** ☐ **Commercial** ☐ **Industrial** ☐ **Instream** (complete and attach ***Supplemental Form C***) ☐ **Domestic** (indicate number of households) _____ ☑ **Other** Nursery Operations ☐ **Substitution** (A supplemental ground water right will be substituted for a primary surface water right.) ☐ **Supplemental Use to Primary Use** (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer *(check and complete **one** of the following):*

☑	Certificated Right	45726 Certificate Number	G-5319 Permit Number or Decree Name
☐	Adjudicated, Non-certificated Right	 Name of Decree	 Page Number
☐	Permit for which Proof has been Approved	 Permit Number	 Date Claim of Beneficial Use Submitted
☐	Transferred Right for which Proof has been Filed	 Previous Transfer Number	 Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Boring Water District
- County: Clackamas
- Authorized Use(s) to be Affected by Transfer: Municipal
- Priority Date(s): January 6, 1971

  *If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Groundwater

  Tributary to: North Fork of Deep Creek

  *If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights,** Permits or Ground Water Registrations associated with this land?

  ☐ Yes ☐ No ☐ N/A – *No Change in Place of Use or Character of Use*

  *If "**Yes**", what are the Permit, Registration or Certificate Numbers?* Right transferred is municipal.

  *Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

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- Certificate Number or other identifying number: 45726

*The following information **must be provided** only for those points of diversion or appropriation that **are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.)** Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:
(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
CLAC_4503	Groundwater	2S	3E	WM	1	NW SE		1420 FT N & 1600 FT W FM SE COR, S1

- Does the water right being transferred involve a ground water source(s)?
  ☑ Yes ☐ No *(Surface water source only.)*

*If "**Yes**", for **each** authorized point of appropriation (well) involved, you must either:*

A. *Supply a copy of the well log(s) for **each** point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)* See Attachment A

or

B. *If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.*

Construction of Existing Authorized Point(s) of Appropriation – ***(Only needed if no well log is available.)***
*Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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- Certificate Number or other identifying number: 45726

Will the ENTIRE water right be affected by this transfer? ☑ **Yes** ☐ **No**

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

*If "No", the following information **must be provided** only for those places of use that **are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.)** Attach additional pages as necessary.*

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

Location of Existing Authorized Place of Use to be Affected:
(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

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- Certificate Number or other identifying number: 45726

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation) ☐ *N/A – Instream Water Right Transfer*

*(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
See "Attachment B"							

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☑ Yes ☑ No ☐ N/A - *No proposed well(s) listed above.*

  *If "**Yes**", attach and **clearly label** the corresponding well log(s) for each proposed well, **or** if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: http://www.wrd.state.or.us)*

  *If "**No**", describe the anticipated construction for the proposed well(s) in the following table:*

Construction of Proposed Point(s) of Appropriation or Well(s)

*Well numbers in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
See	"Attachment C"									

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- Certificate Number or other identifying number: 45726

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: *(i.e., the "TO" lands)* ☐ *N/A – Instream Water Right Transfer*

*(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)*

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
See "Attachment D"							

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Remarks: _____

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"Attachment B"

Table of Proposed Points of Appropriation

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T 10744

Preliminary Draft

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application T-10744, Clackamas County	)	**D R A F T**
	)	PRELIMINARY DETERMINATION
	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
	)	APPROPRIATION, PLACE OF USE,
	)	AND CHARACTER OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Receiving Landowner

LARRY ALEXANDER
BORING WATER DISTRICT
P.O. BOX 66
BORING, OR 97009 (Issue. This applicant is a municipality. However, the ultimate "real" applicant is Iseli Nursery. It appears this approach is being used to avoid a ROLL. Is this OK, or does WRD need to call the parties on this matter?)

Findings of Fact

Background

1. On November 28, 2008, Larry Alexander filed an application to change the use, place of use, point of appropriation under Certificate 45726. The Department assigned the application number T-10744.

2. [redacted] Modifications to Application

3. The right to be transferred is as follows:

   Certificate: 45726 in the name of BORING WATER DISTRICT (perfected under Permit G-5319)
   Use: MUNICIPAL
   Priority Date: JANUARY 6, 1971
   Rate: 0.40 CUBIC FOOT PER SECOND
   Source: A WELL in the NORTH FORK DEEP CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	3 E	WM	1	NW SE	1420 FEET NORTH AND 1600 FEET WEST FROM THE SE CORNER, SECTION 1

Authorized Place of Use:

MUNICIPAL USES				
Twp	**Rng**	**Mer**	**Sec**	**Q-Q**
1 S	3 E	WM	36	NE NE
1 S	3 E	WM	36	SE NE
1 S	3 E	WM	36	NE SW
1 S	3 E	WM	36	NW SW
1 S	3 E	WM	36	SW SW
1 S	3 E	WM	36	SE SW
1 S	3 E	WM	36	NE SE
1 S	3 E	WM	36	NW SE
1 S	3 E	WM	36	SW SE
1 S	3 E	WM	36	SE SE
1 S	4 E	WM	31	SW NE
1 S	4 E	WM	31	NE NW
1 S	4 E	WM	31	NW NW
1 S	4 E	WM	31	SW NW
1 S	4 E	WM	31	SE NW
1 S	4 E	WM	31	NE SW
1 S	4 E	WM	31	NW SW
1 S	4 E	WM	31	SW SW
1 S	4 E	WM	31	SE SW
1 S	4 E	WM	31	NE SE
1 S	4 E	WM	31	NW SE
1 S	4 E	WM	31	SW SE
1 S	4 E	WM	31	SE SE
1 S	4 E	WM	32	SW SW
1 S	4 E	WM	32	SE SW
2 S	3 E	WM	1	NE NE
2 S	3 E	WM	1	NW NE
2 S	3 E	WM	1	SW NE
2 S	3 E	WM	1	SE NE
2 S	3 E	WM	1	NE NW
2 S	3 E	WM	1	NW NW
2 S	3 E	WM	1	SW NW
2 S	3 E	WM	1	SE NW
2 S	3 E	WM	1	NE SE
2 S	3 E	WM	1	NW SE
2 S	3 E	WM	1	SW SE
2 S	4 E	WM	5	NE NW
2 S	4 E	WM	5	NW NW
2 S	4 E	WM	6	NE NE
2 S	4 E	WM	6	NW NE
2 S	4 E	WM	6	SW NE
2 S	4 E	WM	6	SE NE
2 S	4 E	WM	6	NE NW
2 S	4 E	WM	6	NW NW
2 S	4 E	WM	6	SW NW

MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
2 S	4 E	WM	6	SE NW
2 S	4 E	WM	6	NE SW
2 S	4 E	WM	6	NW SW
2 S	4 E	WM	6	SW SW
2 S	4 E	WM	6	SE SW

4. Application T-10744 proposes to move the authorized point of appropriation approximately 0.8 to 1.9 miles from the existing point of appropriation to seven/eight existing and one/two proposed new points of appropriation: (Issue: Application says 8 existing and 1 proposed new but Attachment C indicates that wells #7 & #9 are both "proposed." Which is correct? Does it matter?)

Well #	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1	2S	4E	WM	7	NE NW	525 FEET SOUTH AND 2,165 FEET EAST FROM THE NW CORNER OF SECTION 7
2	2S	4E	WM	7	NE NW	535 FEET SOUTH AND 2335 FEET EAST FROM THE NW CORNER OF SECTION 7
3	2S	4E	WM	7	NE NW	810 FEET SOUTH AND 2610 FEET EAST FROM THE NW CORNER OF SECTION 7
4	2S	4E	WM	8	NE NW	1,050 FEET SOUTH AND 1,460 FEET EAST FROM THE NW CORNER OF SECTION 8
5	2S	4E	WM	8	SE NW	2,600 FEET SOUTH AND 2,350 FEET EAST FROM THE NW CORNER OF SECTION 8
7 (Proposed? See Att C)	2S	4E	WM	7	NE NW	60 FEET SOUTH AND 2,600 FEET EAST FROM THE NW CORNER OF SECTION 7
8	2S	4E	WM	8	SW NE	1,360 FEET SOUTH AND 2,330 FEET WEST FROM THE NE CORNER OF SECTION 8
9 (Proposed)	2S	4E	WM	8	SW NE	85 FEET SOUTH AND 1,015 FEET EAST FROM THE NW CORNER OF SECTION 8

5. Application T-10744 also proposes to change the place of use of the right to:

NURSERY OPERATIONS (MUNICIPAL USES?)					
Twp	Rng	Mer	Sec	Q-Q	Acres
2S	3E	WM	1	SE SE	0.9
2S	3E	WM	12	NE NE	38.7
2S	3E	WM	12	SW NE	26.0
2S	3E	WM	12	SE NE	39.4
2S	3E	WM	12	NE SE	5.7
2S	3E	WM	12	NW SE	21.5
2S	4E	WM	7	NW NE	9.9
2S	4E	WM	7	SW NE	9.4
2S	4E	WM	7	NE NW	35.0
2S	4E	WM	7	NW NW	37.6
2S	4E	WM	7	SW NW	38.8
2S	4E	WM	7	SE NW	39.9
2S	4E	WM	7	NE SW	38.8
2S	4E	WM	7	NW SW	23.4
2S	4E	WM	7	SW SW	7.1
2S	4E	WM	7	SE SW	37.6

NURSERY OPERATIONS (MUNICIPAL USES?)					
Twp	Rng	Mer	Sec	Q-Q	Acres
2S	4E	WM	7	NE SE	0.9
2S	4E	WM	7	NW SE	32.7
2S	4E	WM	7	SW SE	0.4
2S	4E	WM	8	SW NE	39.1
2S	4E	WM	8	NE NW	18.2
2S	4E	WM	8	NW NW	31.8
2S	4E	WM	8	SW NW	39.6
2S	4E	WM	8	SE NW	35.6
2S	4E	WM	8	NE SW	38.4
2S	4E	WM	8	NW SW	32.9
2S	4E	WM	8	SW SW	37.5
2S	4E	WM	8	SE SW	37.4
2S	4E	WM	18	NW NW	14.2
				TOTAL	768.4

6. Application T-10744 proposes to change the character of use to NURSERY OPERATIONS.

7. Notice of the application for transfer was published on December 16, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

8. ADD HERE – Descriptions of any deficiencies and any resolution. Deficiencies and Resolution (The transfer would overlap several rights for irrigation and Nursery Uses. I assume that this is not a conflict, but appreciate your comments about that. For instance, I assume no part of the right will need to be labeled supplemental)

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.

10. A municipal water system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10744.

11. The proposed change would not result in enlargement of the right.

12. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The changes in use, place of use, point of appropriation proposed in application T-10744 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If application T-10744 is approved, the final order will include the following:

1. *The changes in* use, place of use, point of appropriation *proposed in application T-*10744 *are approved.*

2. *Water right certificate 45726 is cancelled.*

3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 45726 and any related decree.*

4. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*

5. *The former place of use of the transferred right shall no longer receive water under the right.*

6. *ADD HERE any other conditions which the applicant has agreed*

7. *Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.*

8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before* ***October 1, 2009****. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*

9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2008.

D R A F T

_____
Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrd.state.or.us.

Potential Questions/Issues for Request or Deficiency letter:

- can be receiving landowner

+ The transfer recipient is actually Iseli Nursery. It appears the muni applicant is used for the sole purpose of avoiding a ROLI – i.e. the transfer would be "assigned" to Iseli after issuance, and no ROLI would be submitted or required. – ~~If applicant is not municipal, need ROLI before FO~~

OK

OK + The "from" well needs to be shown on the proposed POU map — 1/4/08 email approves use of FP map as "From" map

+ Is the total number of POAs = to 8? (the original POA will no longer serve the original municipal area/POU. Is the POA to also be abandoned?) – not used for this right

+ Are there 7 or 8 existing wells that the POA is being transferred to? — 6

+ Alternatively, are there one (#9) or two (#7 & #9) new wells proposed? The analysis in WRD's groundwater review indicates that the only proposed well is #9

+ Conflicts with existing water rights: the Transfer will overlay upon several irrigation certificates and certificates for Nursery Uses. Are these considered conflicts? If so, best way to resolve?

No

"Attachment B"

Proposed Points of Appropriation

Well 1

Located 525 feet South and 2,165 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)

Well 2

Located 535 feet South and 2,335 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)

Well 3

Located 810 feet South and 2,610 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)

Well 4

Located 1,050 feet South and 1,460 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)

Well 5

Located 2,600 feet South and 2,350 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)

Well 7

Located 60 feet South and 2,600 feet East from the NW corner of Section 7, Township 2 South, Range 4 East (W.M.)

Well 8

Located 1,360 feet South and 2,330 feet West from the NE corner of Section 8, Township 2 South, Range 4 East (W.M.)

Well 9

Located 85 feet South and 1,015 feet East from the NW corner of Section 8, Township 2 South, Range 4 East (W.M.)

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SALEM, OREGON

T 10744

"Attachment D"

List of Place of Use

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SALEM, OREGON

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Source	Township	Range	Mer	Section	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
2 S	2 S	3 E		1	SE SE		0.9
2 S	2 S	3 E		12	NE NE		38.7
2 S	2 S	3 E		12	SE NE		39.4
2 S	2 S	3 E		12	SW NE		26
2 S	2 S	3 E		12	NW SE		21.5
2 S	2 S	3 E		12	NE SE		5.7
2 S	2 S	4 E		7	NW NW		37.6
2 S	2 S	4 E		7	NE NW		35
2 S	2 S	4 E		7	SW NW		38.8
2 S	2 S	4 E		7	SE NW		39.9
2 S	2 S	4 E		7	NW NE		9.9
2 S	2 S	4 E		7	SW NE		9.4
2 S	2 S	4 E		7	NW SE		32.7
2 S	2 S	4 E		7	NE SE		0.9
2 S	2 S	4 E		7	SW SE		0.4
2 S	2 S	4 E		7	NW SW		23.4
2 S	2 S	4 E		7	NE SW		38.8
2 S	2 S	4 E		7	SE SW		37.6
2 S	2 S	4 E		7	SW SW		7.1
2 S	2 S	4 E		8	NW NW		31.8
2 S	2 S	4 E		8	NE NW		18.2
2 S	2 S	4 E		8	SE NW		35.6
2 S	2 S	4 E		8	SW NW		39.6
2 S	2 S	4 E		8	SW NE		39.1
2 S	2 S	4 E		8	NW SW		32.9
2 S	2 S	4 E		8	NE SW		38.4
2 S	2 S	4 E		8	SE SW		37.4
2 S	2 S	4 E		8	SW SW		37.5
2 S	2 S	4 E		18	NW NW		14.2
						Total	768.4

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"Attachment A"

Log of Existing Point of Appropriation (Boring Water District)

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SALEM, OREGON

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NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the STATE ENGINEER, SALEM, OREGON within 30 days from the date of well completion.

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AUG 25 1965
STATE ENGINEER
SALEM, OREGON

WATER WELL REPORT
STATE OF OREGON
(Please type or print)

in name of Water Boring District

State Well No. 2/3-1 dbd
State Permit No. G5392

(1) OWNER:
Name Jack Wattmire
Address Rt 3 Box 1354 Boring, Oreg.

(2) LOCATION OF WELL:
County Clackamas Driller's well number
¼ ¼ Section 1 T. 2S R. 3E W.M.
Bearing and distance from section or subdivision corner

(3) TYPE OF WORK (check):
New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ]
If abandonment, describe material and procedure in Item 12.

(4) PROPOSED USE (check):
Domestic [X] Industrial [ ] Municipal [ ]
Irrigation [ ] Test Well [ ] Other [ ]

(5) TYPE OF WELL:
Rotary [ ] Driven [ ]
Cable [X] Jetted [ ]
Dug [ ] Bored [ ]

(6) CASING INSTALLED:
Threaded [ ] Welded [X]
8" Diam. from 0 ft. to 195 ft. Gage .277
6" Diam. from 185 ft. to 245 ft. Gage .250
" Diam. from ft. to ft. Gage

(7) PERFORATIONS:
Perforated? [X] Yes [ ] No
Type of perforator used 6" Liner Torch cut
Size of perforations ¼ in. by 12 in.
72 perforations from 205 ft. to 245 ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) SCREENS:
Well screen installed? [ ] Yes [X] No
Manufacturer's Name
Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(9) CONSTRUCTION:
Back fill with clay slurry
Well seal—Material used in seal cement
Depth of seal below 100 ft. Was a packer used?
Diameter of well bore to bottom of seal 10 in.
Were any loose strata cemented off? [ ] Yes [X] No Depth
Was a drive shoe used? [X] Yes [ ] No
Was well gravel packed? [ ] Yes [X] No Size of gravel:
Gravel placed from ft. to ft.
Did any strata contain unusable water? [ ] Yes [X] No
Type of water? depth of strata
Method of sealing strata off

(10) WATER LEVELS:
I 10744
Static level 155 ft. below land surface Date Feb 28-64
Artesian pressure lbs. per square inch Date

(11) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? [X] Yes [ ] No If yes, by whom? driller
Yield: 100 gal./min. with 5 ft. drawdown after 2 hrs.
" 180 " " 19' " 1 "
" 200 " " 19' " 1 "
Bailer test 30 gal./min. with — ft. drawdown after 2 hrs.
Artesian flow g.p.m. Date
Temperature of water 53 Was a chemical analysis made? [ ] Yes [X] No

(12) WELL LOG:
Diameter of well below casing to bottom
Depth drilled 250 ft. Depth of completed well 245 ft.
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil	0	2
Loosrock clay	2	52
clay	52	56
cement grovel	56	115
Yellow clay dry sand	115	192
sand stone water bearing	192	220
water bearing grvel) light cemented	220	245

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SALEM, OREGON

12" hole to 50'-
Set 10" pipe to 54'
10" hole to 115' set
8" Pipe and drove to 195'
perforated 6" liner set in below 8" casing.

Work started 19 . Completed Feb 28 1964
Date well drilling machine moved off of well Feb 28 1964

(13) PUMP:
Manufacturer's Name Jacuzzi
Type: Submersible H.P. 10

Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME A. O. Olsen (Person, firm or corporation) (Type or print)
Address 18211 SE. Powell Gresham
Drilling Machine Operator's License No. 214
[Signed] A. O. Olsen (Water Well Contractor)
Contractor's License No. 282 Date March 19 64

"Attachment C"

Well Logs for Iseli Nursery Wells and Information on

Proposed Well Construction for Future Wells

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SALEM, OREGON

Construction of Proposed Point(s) of Appropriation or Well(s)

*Well numbers in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.*

NOTE: The following information pertains to proposed wells 7 and 9. This is an estimate based on the best available information.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
No	N/A	14-16" borehole 10-12" casing	Steel	200' casing 300' screen or w/ perf.	200' to 500' bgs	25' (est)	200'	200'	¾" diameter minimum	400-500' (est)

T 10744

"Attachment C"

Well Logs for Iseli Nursery Transfer

Well 1 CLAC 5615 (original)

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WATER RESOURCES DEPT
SALEM, OREGON

STATE ENGINEER
Salem, Oregon

CLAC 05615

Well Record

STATE WELL NO. 2/4-7C(1)
COUNTY Clackamas
APPLICATION NO. GR-245

OWNER: Glen T. Schaeffer

MAILING ADDRESS: Route 3, Box 225A

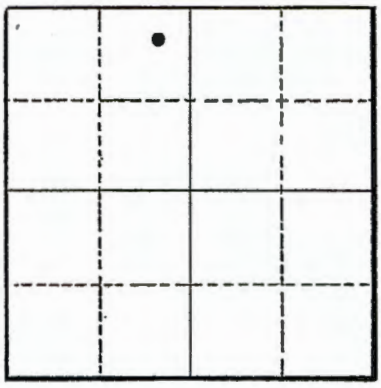
CITY AND STATE: Boring, Oregon

LOCATION OF WELL: Owner's No. #1

NE ¼ NW ¼ Sec. 7 T. 2 S., R. 4 E., W.M.

Bearing and distance from section or subdivision corner 2100' North & 510' West of center of Section 7, T. 2 S., R. 4 E.

Altitude at well 600' Interpolated



Section 7

TYPE OF WELL: Drilled Date Constructed June 51

Depth drilled 259' Depth cased 259'

CASING RECORD:

12-inch casing set from 0 to 259 feet

FINISH:

16 perforations per foot (3/8" x 1¼") from 230 to 252 feet

AQUIFERS:

Gravels from 227 to 258 feet

WATER LEVEL:

170 feet below land surface

PUMPING EQUIPMENT: Type Western Land Roller H.P. 40
Capacity 800 G.P.M.

WELL TESTS:
Drawdown 8 ft. after ____ hours 1500 G.P.M.
Drawdown ____ ft. after ____ hours ____ G.P.M.

USE OF WATER Irrigation 106 acres Temp. ____ °F. ____, 19__
SOURCE OF INFORMATION Registration Statement GR-245
DRILLER or DIGGER ____
ADDITIONAL DATA:
Log yes Water Level Measurements ____ Chemical Analysis ____ Aquifer Test ____

REMARKS:

T 10744

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WATER RESOURCES DEPT
SALEM, OREGON

State Printing 89916

STATE ENGINEER
Salem, Oregon

State Well No. 2/4-7C(1)
County Clackamas
Application No. GR-245

Well Log

Owner: Glenn T. Schaeffer Owner's No. #1

Driller: Date Drilled

CHARACTER OF MATERIAL	(Feet below land surface) From	To	Thickness (feet)
Top soil	0	2	2
Clay, red	2	12	10
Clay, mottled	12	75	63
Gravel, weathered, cemented	75	225	150
Rock	225	227	2
Gravel, clean, round, water bearing	227	258	31
Sand, black, course	258	259	1

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SALEM, OREGON

T 10744

Well 1 CLAC 5582 (deepening)

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WATER RESOURCES DEPT
SALEM, OREGON

T 10744

RECEIVED

STATE OF OREGON

WATER WELL REPORT

(as required by ORS 537.765)

APR 20 1987

WATER RESOURCES DEPT. SALEM, OREGON

CLAC 5582

2S/4E-7 Deep.

(1) OWNER:

Name Fisch Nursery

Address 30590 S.E. Kelso Rd

City Boring State ORE 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 ____ ft.

Explosives used Yes ☐ No ☐ Type ____ Amount ____

HOLE Diameter	From	To	SEAL Material	From	To	Amount sacks or pounds
			Did not disturb old seal			

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

☐ Other

Backfill placed from ____ ft. to ____ ft. Material ____

Gravel placed from ____ ft. to ____ ft. Size of gravel ____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	8"	228	360	250	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐
Liner:					☐	☐	☐	☐
					☐	☐	☐	☐

location of shoe(s) ____

(7) PERFORATIONS/SCREENS:

☐ Perforations Method Air Perforations

☐ Screens Type ____ Material ____

m	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
228	360	1/8-2	2400			☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐
						☐	☐

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
100		360	1 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: ____

(9) LOCATION OF WELL by legal description:

County Clack Latitude ____ Longitude ____

Township 2S N or S, Range 4E E or W, WM.

Section 7 ¼ ¼

Tax Lot ____ Lot ____ Block ____ Subdivision ____

Street Address of Well (or nearest address) Same

(10) STATIC WATER LEVEL:

228 ft. below land surface. Date 3-5-87

Artesian pressure ____ lb. per square inch. Date ____

(11) WATER BEARING ZONES:

Depth at which water was first found 260

From	To	Estimated Flow Rate	SWL
260	357	200-300	228

(12) WELL LOG:

Ground elevation ____

Material	From	To	SWL
0-260 All Ready Drilled			
Sand Stone & Gravel	260	270	228
Gravel	270	280	
Sand & Gravel	280	305	
Gravel Loose w/ Sand	305	357	
Blue Clay	357	364	228
Deepen Nursery Well #1			
Did not disturb Seal or			
12" Casing			
T 10744			

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SALEM, OREGON

Date started 2-13-87 Completed 3-16-87

(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 616

Signed Ted M Kulhan Date 3-16-87

WHITE COPIES - WATER RESOURCES DEPARTMENT YELLOW COPY - CONSTRUCTOR PINK COPY - CUSTOMER 9809C 10/86

Well 2 CLAC 5593 (original)

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WATER RESOURCES DEPT
SALEM, OREGON

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the
STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date of well completion.

CLAC 05593

WATER WELL REPORT
STATE OF OREGON
(Please type or print)
(Do not write above this line)

RECEIVED SEP 1976 WATER RESOURCES DEPT SALEM, OREGON

State Well No. 2S/4E-7
State Permit No.

(1) OWNER:
Name ISELI NURSERY INC.
Address 15241 SE TICKLE CREEK RD.
BORING ORE Zip 97009

(2) TYPE OF WORK (check):
New Well ☑ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary ☐ Driven ☐
Cable ☑ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☑ Test Well ☐ Other ☐

CASING INSTALLED:
Threaded ☐ Welded ☑
6" Diam. from 0 ft. to 270 ft. Gage .250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:
Perforated? ☑ Yes ☐ No
Type of perforator used TORCH
Size of perforations 1/4 in. by 8 in.
156 perforations from 140 ft. to 267 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:
Well screen installed? ☐ Yes ☑ No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? ☑ Yes ☐ No If yes, by whom? DRILLING RIG / LANZ WELL
Yield: 300 gal./min. with 31 ft. drawdown after 8 hrs.
" " "
" " "
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water 52 Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well was sealed with Cement from TO 0 to 25 FT
Well seal—Material used Cement, Bentonite & Clay
Well sealed from land surface to 170 ft.
Diameter of well bore to bottom of seal 12 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 30 sacks
Number of sacks of bentonite used in well seal 2 sacks
Brand name of bentonite NATIONAL
Number of pounds of bentonite per 100 gallons of water 65 lbs./100 gals.
Was a drive shoe used? ☑ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☑ No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? ☑ Yes ☐ No Size of gravel: 1/2
Gravel placed from 170 ft. to 270 ft.

(10) LOCATION OF WELL:
County CLACK Driller's well number
¼ ¼ Section 7 T. 2-S R. 4-E W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.
Depth at which water was first found 197 ft.
Static level 199 ft. below land surface. Date 8/28/76
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing 0
Depth drilled 270 ft. Depth of completed well 270 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. *Report each change in position of Static Water Level and indicate principal water-bearing strata.*

MATERIAL	From	To	SWL
Soil	0	2	0
Clay Red	2	11	0
Clay Yellow	11	74	0
Gravel Cemented	74	103	8
Boulders	103	105	0
Clay & Cobbles	105	118	0
Clay Light Yellow	118	144	0
Clay Embeded gravel	144	197	0
SANDSTONE Yellow WB	197	223	199
Gravel Cemented WB	223	270	199

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SALEM, OREGON

Work started 8/14 19 76 Completed 8/28 19 76
Date well drilling machine moved off of well 8/31 19 76

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Kevin M Brant (Drilling Machine Operator) Date 8/28, 19 76
Drilling Machine Operator's License No. 246

Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name LANZ WELL Drilling (Person, firm or corporation) (Type or print)
Address 15702 S. Neibar Rd Oregon City
[Signed] Donald H Lanz (Water Well Contractor)
Contractor's License No. 565 Date 8-31, 1976

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

T 10744

Well 2 CLAC 5587 (deepening)

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SALEM, OREGON

T 10744

STATE OF OREGON

WATER WELL REPORT

(as required by ORS 537.765)

CLAG (5587

PLEASE TYPE or PRINT IN INK

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JAN 22 1985
WATER RESOURCES DEPT
SALEM, OREGON

2S/4E-7
Dup.
(for official use only)

(1) OWNER:

Name Isel Nursery
Address 30590 S.E. Kelso Rd.
City Boring State ORe

(2) TYPE OF WORK (check):

New Well ☐ Deepening ☒ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☐ Driven ☐
Rotary Mud ☐ Dug ☐
Cable ☒ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Thermal: Withdrawal ☐ Reinjection ☐
Other: Piezometric ☐ Grounding ☐ Test ☐

(5) CASING INSTALLED:

Steel ☐ Plastic ☐
Threaded ☐ Welded ☐
" Diam. from ft. to ft. Gauge
" Diam. from ft. to ft. Gauge

LINER INSTALLED:

Steel ☐ Plastic ☐
Threaded ☐ Welded ☑
8" O.D. Diam. from 240 ft. to 360 ft. Gauge .188

(6) PERFORATIONS:

Perforated? ☑ Yes ☐ No
Size of perforations 1/4 in. by 12 inch in.
480 perforations from 240 ft. to 360 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☐ No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Ted
Yield: apx. 180 gal./min. with 30 ft. drawdown after 2 hrs.
Air test gal./min. with drill stem at ft. hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☐
Well seal—Material used
Well sealed from land surface to ft.
Diameter of well bore to bottom of seal in.
Diameter of well bore below seal in.
Amount of sealing material sacks ☐ pounds ☐
How was cement grout placed?
Was pump installed? yes Type Sub HP 40 Depth 315 ft.
Was a drive shoe used? ☐ Yes ☒ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☐ No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL by legal description:

County Clack ¼ ¼ of Section 7 of
Township 2S (Township is North or South), Range 4E (Range is East or West), WM.
Tax Lot Lot Block Subdivision
MAILING ADDRESS OF WELL (or nearest address) 30590 S.E. Kelso Rd., Boring ORe. Well # 2.

(11) WATER LEVEL of COMPLETED WELL:

Depth at which water was first found 270 ft.
Static level 225 ft. below land surface. Date
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 8"
Depth drilled 375 ft. Depth of completed well 360 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Lightly Cemented	270		
			225
Gravel with Large			
Boulders.		360	
Blue Clay & Sand	360	375	
Filled in with Pea Gravel			
375 - 360 FT			

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WATER RESOURCES DEPT
SALEM, OREGON

Date work started 9-28-84 /completed 10-15-84
Date well drilling machine moved off of well 10-15- 1984

(unbonded) Water Well Constructor Certification (if applicable):

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Date , 19

(bonded) Water Well Constructor Certification:

Bond 254611 (number) Issued by: SAFCO (Surety Company Name)
On behalf of Ted Pulliam Well Drilling (type or print name of Water Well Constructor)

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

(Signed) Ted W Pulliam (Water Well Constructor)
(Dated) 10-16-84

NOTICE TO WATER WELL CONSTRUCTOR
The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

SP*46866-690

T 10/44

Well 3 CLAC 5591 (original)

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NOV 28 2008
WATER RESOURCES DEPT
SALEM, OREGON

T 10744

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

CLAC 05591

WATER WELL REPORT
STATE OF OREGON
(Please type or print)
(Do not write above this line)

RECEIVED
JUN 13 1980
WATER RESOURCES DEPT
SALEM, OREGON

State Well No. 2S/4E-7ba
State Permit No.

(1) OWNER:
Name Iseli Nursery
Address 15241 S. E. Tickle Creek Rd.
Boring, Oregon 97009

(2) TYPE OF WORK (check):
New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary ☒ Driven ☐
☐ Jetted ☐
☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) CASING INSTALLED:
Threaded ☐ Welded ☒
10 " Diam. from plus 1 ft. to 300 ft. Gage .250 A53-B
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:
Perforated? ☒ Yes ☐ No.
Type of perforator used Star Drive Down
Size of perforations 1/4 in. by 2 in.
1320 perforations from 240 ft. to 295 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:
Well screen installed? ☐ Yes ☒ No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
a pump test made? ☒ Yes ☐ No If yes, by whom? AMJannsen
Yield: 200 gal./min. with 5 ft. drawdown after 8 hrs.
" 300 " 6-7 " " "
" 400 " 8 " " "
er test gal./min. with ft. drawdown after hrs.
sian flow g.p.m.
Temperature of water 56° Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well seal—Material used Cement grout plus 5% gel
Well sealed from land surface to 75 ft.
Diameter of well bore to bottom of seal 15 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 28 sacks
How was cement grout placed? Tremmed on o.d. of casing @ 75 ft (15 sacks) & 25' to ground level (13 sacks)
Was a drive shoe used? ☒ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:
County Clackamas Driller's well number
NE ¼ NW ¼ Section 7 T. 2 S R. 4 E W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.
Depth at which water was first found 220 ft.
Static level 208 ft. below land surface. Date 6/12/80
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing 10"
Depth drilled 315 ft. Depth of completed well 300 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Hard sticky red-brown clay	0	14	
Light brown clay-occ.gravel-boulder	14	32	
Yellow brown clay-occ.gravel-boulder	32	38	
Hard brown clay-occ.gravel	38	70	
Brown cemented gravel-occ. cobble	70	95	
Gray-brown clay-occ.boulder	95	100	
Brown clay-occ.gravel-cobble	100	155	
Brown claystone-occ.sandstone streak	155	180	
Brown claystone &conglomerate	180	195	
Compact brown sand-occ.gravel	195	220	
Cemented brown sand & gravel-occ. loose	220	240	W.B.
Compact brown sand & gravel-occ. loose	240	270	W.B.
Clean loose brown sand and			

Work started 5/13/80 19 Completed 6/12/80 19
Date well drilling machine moved off of well 6/12/80 19

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] (Drilling Machine Operator) Date 6/16/80, 19
Drilling Machine Operator's License No. 523

Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name A. M. JANNSEN WELL DRILLING CO., INC. (Person, firm or corporation) (Type or print)
Address 21075 SW Tualatin Valley Hwy. Aloha, Or.
[Signed] (Water Well Contractor)
Contractor's License No. 79 Date 6/17/80, 19

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45656-119

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WATER RESOURCES DEPT
SALEM, OREGON

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

WATER WELL REPORT
STATE OF OREGON
(Please type or print)
(Do not write above this line)

State Well No. 25/4E-7bc

State Permit No.

(1) OWNER:
Name Iseli Nursery Page 2
Address

(2) TYPE OF WORK (check):
New Well ☐ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary ☐ Driven ☐
☐ Jetted ☐
☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐

(5) CASING INSTALLED: Threaded ☐ Welded ☐
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS: Perforated? ☐ Yes ☐ No.
Type of perforator used
Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS: Well screen installed? ☐ Yes ☐ No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS: Drawdown is amount water level is lowered below static level
a pump test made? ☐ Yes ☐ No If yes, by whom?
ield: gal./min. with ft. drawdown after hrs.
" " " "
" " " "
er test gal./min. with ft. drawdown after hrs.
sian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Well seal—Material used
Well sealed from land surface to ft.
Diameter of well bore to bottom of seal in.
Diameter of well bore below seal in.
Number of sacks of cement used in well seal sacks
How was cement grout placed?
Was a drive shoe used? ☐ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☐ No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☐ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:
County Driller's well number
¼ ¼ Section T. R. W.M.
Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.
Depth at which water was first found ft.
Static level ft. below land surface. Date
Artesian pressure lbs. per square inch. Date

(12) WELL LOG: Diameter of well below casing
Depth drilled ft. Depth of completed well ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
gravel-occ. cemented	270	305	W.B.
Cemented brown sand & gravel	305	310	
Brown claystone	310	315	
Well completed to 300 ft.			

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SALEM, OREGON

T 10744

Work started 19 Completed 19
Date well drilling machine moved off of well 19

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] (Drilling Machine Operator) Date , 19
Drilling Machine Operator's License No.

Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name (Person, firm or corporation) (Type or print)
Address
[Signed] (Water Well Contractor)
Contractor's License No. Date , 19

(USE ADDITIONAL SHEETS IF NECESSARY)

SP*45858-119

Well 4 CLAC 5619 (original)

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WATER WELL REPORT
STATE OF OREGON

CLAC 05619

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WATER RESOURCES DEPT
SALEM, OREGON

#4

State Well No. 2S/4E 8bc

State Permit No.

PLEASE TYPE or PRINT IN INK

(1) OWNER:
Name Isell Nursery
Address 15241 S.E. Tickle Creek
City Boring State ORE

(2) TYPE OF WORK (check):
New Well ☑ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary Air ☑ Driven ☐
Rotary Mud ☐ Dug ☐
Cable ☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☑ Test Well ☐ Other ☐
Thermal: ☐ Withdrawal ☐ Reinjection ☐

(5) CASING INSTALLED:
Steel ☑ Plastic ☐
Threaded ☐ Welded ☑
10 " Diam. from +2 ft. to 295 ft. Gauge .250
" Diam. from ft. to ft. Gauge

LINER INSTALLED:
8 " Diam. from 290 ft. to 337 ft. Gauge 160 PSI PVC

(6) PERFORATIONS:
Perforated? ☑ Yes ☐ No
Type of perforator used ROTARY STAR AND SAW
Size of perforations 1/4 X 1/4 in. to 5 X 1/8 in.
1300 perforations from 248 ft. to 292 ft.
120 perforations from 290 ft. to 335 ft.
perforations from ft. to ft.

(7) SCREENS:
Well screen installed? ☐ Yes ☑ No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☐ No If yes, by whom?
Id: gal./min. with ft. drawdown after hrs.
" " " "
Air test 300+ gal./min. with drill stem at 300 ft. 1 hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Special standards: Yes ☐ No ☑
Well seal—Material used CEMENT
Well sealed from land surface to 22 ft.
Diameter of well bore to bottom of seal 15 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 30 sacks
How was cement grout placed? PUMP

Was pump installed? Ted Type Sub HP 40 Depth 301 ft.
Was a drive shoe used? ☑ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☑ No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☑ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:
County CLACKAMAS Driller's well number
SW¼ NW¼ Section 8 T. 2S R. 4E W.M.
Tax Lot # Lot Blk Subdivision
Address at well location:

(11) WATER LEVEL: Completed well.
Depth at which water was first found 230 ft.
Static level 155 ft. below land surface. Date 8/8/83
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing 10
Depth drilled 353 ft. Depth of completed well 337 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SOIL BROWN	0	2	
CLAY BROWN	2	18	
CEMENTED GRAVEL	18	150	
CLAY BROWN	150	158	
CLAY BROWN W/ SOME FINE GRAVEL	158	205	
SAND COURSE W/ SOME FINE GRAVEL	205	258	155
CEMENTED GRAVEL W/ BOULDERS	258	292	155
SANDSTONE BROWN HARD	292	299	
GRAVEL AND SAND	299	338	155
SAND FINE BROWN & GRAY	338	353	

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SALEM, OREGON

Work started 7/20 1983 Completed 8/8 1983
Date well drilling machine moved off of well 8/8 1983

(unbonded) Water Well Constructor Certification (if applicable):
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Daniel V. Wells Date 8/25, 1983

Bonded Water Well Constructor Certification:
Bond 0546611 (number) Issued by: SAFECO Surety Company Name

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name Ted Pulliam well Drilling (Person, firm or corporation) (Type or print)
Address 4845 W. Powell, Gresham
[Signed] Ted W Pulliam Water Well Constructor
Date Aug 27, 1983

NOTICE TO WATER WELL CONSTRUCTOR—The original and first copy of this report are to be filed with the WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

SP*45292-690

Well 5 CLAC 5639 (original)

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SALEM, OREGON

MAR 28 1963
STATE ENGINEER
SALEM, OREGON

05639

CLAC

also Well #5 G 11241

File Original and First Copy with the STATE ENGINEER, SALEM, OREGON

WATER WELL REPORT

STATE OF OREGON

State Well No. 2/4-8E

G 2629 State Permit No.

(1) OWNER:

Name Mr. Verner W. & Germaine Iseli

Address 1610 N.E. 64th.
Portland 13 Oregon

(2) LOCATION OF WELL:

Epperson Rd. Boring Oregon

County Clackamas Owner's number, if any

So. W ¼ No. W Section 8 T. 2 so. R. 4 E W.M.

Bearing and distance from section or subdivision corner

(SE ¼ of NW ¼ & East half of the So. W. ¼ N.W. ¼ of Sec. 8

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

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

(5) TYPE OF WELL:

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

(6) CASING INSTALLED:

Threaded ☐ Welded ☒

10 " Diam. from 0 ft. to 287 ft. Gage .330

" Diam. from ft. to ft. Gage

" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Perforated? ☒ Yes ☐ No

Type of perforator used 4 way drive down

SIZE of perforations 1½ in. by 3/8 in.

264 perforations from 270 ft. to 281 ft.
280 perforations from 240 ft. to 260 ft.
240 perforations from 95 ft. to 105 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) SCREENS:

Well screen installed ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

Was a surface seal provided? ☒ Yes ☐ No To what depth? 27 ft.

Material used in seal— Cement, Sand & Gravel

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? Depth of strata

Method of sealing strata off

(10) WATER LEVELS:

Static level 180 ft. below land surface Date 2/14/63

Artesian pressure lbs. per square inch Date

Log Accepted by:

[Signed] (Owner) Date , 19

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Bottner Drilling Co.

Yield: 150 gal./min. with 0 ft. drawdown after 15 hrs.
" 300 " 2 " 8 "
" " " "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water 52° Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well 10 inches.

Depth drilled 367 ft. Depth of completed well ft.

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

MATERIAL	FROM	TO
Top soil	0	3
Fine sand & clay, brown	3	25
Gravel cemented	25	58
Boulders & coarse gravel	58	95
Gravel fine water br. approx. 25 g.	95	105
Clay sandy, brown	105	126
Sand, fine, brown	126	155
Gravel, cemented	155	170
Gravel, medium	170	190
Gravel, cemented	190	220
Gravel, cemented w/ water se	220	270
Gravel, medium, water bearing	270	276
Gravel, cemented	276	287
Basalt, black	287	298
Rock, gray, water bearing	298	315
Clay, blue	315	367

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SALEM, OREGON

T 10744

(25)

Work started Dec. 12 19 62 Completed Feb. 14 1963

(13) PUMP:

Manufacturer's Name

Type: H.P.

Well Driller's Statement:

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

NAME Haakon Bottner Drilling Co.
(Person, firm, or corporation) (Type or print)

Address 11544 N. E. GLISAN ST.
Portland 20, OREGON

Driller's well number

[Signed] Haakon Bottner
(Well Driller)

License No. 109 Date March 10 1963

(USE ADDITIONAL SHEETS IF NECESSARY)

Well 8 CLAC 5622 (original)

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WATER WELL REPORT
STATE OF OREGON

CLAC 05622

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WATER RESOURCES DEPT
SALEM, OREGON

State Well No. 2S/4E-8ac

State Permit No. .....

PLEASE TYPE or PRINT IN INK

(1) OWNER:
Name Ronald Jowes
Address 2547 Oak Creek Circle
City Sandy State Utah 84092

(2) TYPE OF WORK (check):
New Well ☑ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary Air ☑ Driven ☐
Rotary Mud ☐ Dug ☐
Cable ☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☑ Test Well ☐ Other ☐
Thermal: Withdrawal ☐ Reinjection ☐

(5) CASING INSTALLED:
Steel ☑ Plastic ☐
Threaded ☐ Welded ☑
10" Diam. from +2 ft. to 139 ft. Gauge .250
8" Diam. from 0 ft. to 308 ft. Gauge .277

LINER INSTALLED:
6" Diam. from 300 ft. to 400 ft. Gauge 200 PSI PVC

(6) PERFORATIONS:
Perforated? ☑ Yes ☐ No
Type of perforator used Rotary Star and Saw
Size of perforations 1¼ X ¼ in. ☑ 5 X 1/8 in.
900 perforations from 250 ft. to 285 ft.
350 perforations from 305 ft. to 390 ft.
perforations from ft. to ft.

(7) SCREENS:
Well screen installed? ☐ Yes ☑ No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☐ No If yes, by whom?
ld: gal./min. with ft. drawdown after hrs.
" " " "
Air test 300+ gal./min. with drill stem at 380 ft. 1 hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
mperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Special standards: Yes ☐ No ☑
Well seal—Material used CEMENT
Well sealed from land surface to 24 ft.
Diameter of well bore to bottom of seal 14 in.
Diameter of well bore below seal 10 in.
Number of sacks of cement used in well seal 32 sacks
How was cement grout placed? PUMP
Was pump installed? Type HP Depth ft.
Was a drive shoe used? ☑ Yes ☐ No Plugs Size; location ft.
Did any strata contain unusable water? ☐ Yes ☑ No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☑ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:
County CLACKAMAS Driller's well number
SW ¼ NE ¼ Section 8 T. 2S R. 4E W.M.
Tax Lot # Lot Blk Subdivision
Address at well location:

(11) WATER LEVEL: Completed well.
Depth at which water was first found 238 ft.
Static level 152 ft. below land surface. Date 7/14/83
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing 8
Depth drilled 404 ft. Depth of completed well 400 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
SOIL AND SAW DUST	0	3	
CLAY BROWN	3	19	
CEMENTED GRAVEL WITH LARGE BOULDERS	19	128	
CLAY GRAY	128	144	
CEMENTED GRAVEL	144	238	
SAND FINE	238	247	152
CEMENTED GRAVEL	247	298	152
SANDSTONE BROWN	298	337	152
CLAY BROWN	337	345	
CLAY BLUE	345	358	
SANDSTONE	358	374	152
CLAY GRAY	374	404	

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WATER RESOURCES DEPT
SALEM, OREGON

T 10744

Work started 6/20 19 83 Completed 7/18 1983
Date well drilling machine moved off of well 7/18 1983

(unbonded) Water Well Constructor Certification (if applicable):
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Donald V. Gill Date 8/10, 1983

Bonded Water Well Constructor Certification:
Bond 945611 (number) Issued by: SAFECO Surety Company Name
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name R.d Pullman Well Drilling (Person, firm or corporation) (Type or print)
Address 4245 W Powell
[Signed] Rodney Pullman Water Well Constructor
Date 7/25, 19 83

NOTICE TO WATER WELL CONSTRUCTOR
The original and first copy of this report are to be filed with the WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

SP*45292-690

"Attachment F"

Map Showing Proposed Place of Use and Points of Appropriation;

Map Showing Authorized Place of Use and Points of Appropriation; and

and E-mails Concerning Map Waiver

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NOV 28 2008
WATER RESOURCES DEPT
SALEM, OREGON

T 10744

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Friday, October 24, 2008 10:31 AM
To: Mike Reynolds
Subject: RE: Transfer question

Hi Mike,

We do need some more information for our consultation. First, could you give us the certificate number, so we can pull the water right file and see all the documentation it contains? Next, please clarify whether the transfer application will propose to change all, or a portion of, the water right to nursery.

Thanks,
Dorothy

From: Mike Reynolds [mailto:mreynolds@gsiwatersolutions.com]
Sent: Wednesday, October 22, 2008 2:20 PM
To: Dorothy Pedersen
Cc: 'Adam Sussman'
Subject: Transfer question

Hello Dorothy,

Thanks for talking with me today by phone. As we discussed, I am sending you our question by e-mail so you can run it by some other folks at OWRD and then get back to me. GSI Water Solutions, Inc. is preparing an application to transfer a municipal well to new points of appropriation for nursery use on different lands. In terms of the "from" map, we have the Claim of Beneficial Use map for the municipal well that is being transferred. That map shows the well location but not the place of use because it is municipal. May we submit the COBU map as-is, or do we need to prepare a brand new map showing the municipal well and the entire municipal place of use? We are hoping that the COBU map will meet OWRD's requirements since the original certificated right is municipal. I look forward to hearing from you. Please let me know if you need any additional information.

Sincerely,

T 10744

Mike Reynolds
Water Resources Consultant
GSI Water Solutions, Inc.
1600 Western Blvd., Suite 240
Corvallis, OR 97333
E-mail: mreynolds@gsiwatersolutions.com
Phone: 503-799-3535

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NOV 28 2008
WATER RESOURCES DEPT
SALEM, OREGON

From: Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]
Sent: Tuesday, November 04, 2008 4:39 PM
To: Mike Reynolds
Subject: RE: Transfer question

Mike,

Your request to substitute the existing map for the Certificate 45726 right in place of a new CWRE map with your future transfer application has been considered. OAR 690-380-3100(1)(j) and (2)(d) provide for the use of existing final proof survey maps of the right to be submitted in lieu of a CWRE map, in situations when the entirety of the right is to be transferred and the existing maps provide the required information.

The final proof map for Application G-5392/Permit G-5319/Certificate 45726 shows the point of appropriation location, but not the place of use. However, the water right file includes a map submitted with the application that defines the place of use for the right (the Boring Water District Municipal Water System boundaries).

Therefore, since the proposed transfer application will include the entire right, and the Department's maps of record for the right include the information required in OAR 690-380-3100, your request to submit the final proof map (in combination with the place of use map in the G-5392 water right file) in place of a CWRE map of the authorized place of use and point of appropriation is approved.

Sincerely,
Dorothy

From: Mike Reynolds [mailto:mreynolds@gsiwatersolutions.com]
Sent: Friday, October 24, 2008 10:42 AM
To: Dorothy Pedersen
Cc: Adam Sussman
Subject: RE: Transfer question

Hello Dorothy,

The certificate is 45726. The transfer will involve changing the entire certificate to nursery operations on different lands from different points of appropriation. Thank you for your assistance on this question.

Sincerely,

Mike Reynolds
Water Resources Consultant
GSI Water Solutions, Inc.
1600 Western Blvd., Suite 240
Corvallis, OR 97333
E-mail: mreynolds@gsiwatersolutions.com
Phone: 503-799-3535

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WATER RESOURCES DEPT
SALEM, OREGON

T 10744 T 10744

"Attachment G"

Water Right Certificate 45726 (Boring Water District)

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SALEM, OREGON

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, *That* BORING WATER DISTRICT

of P. O. Box 66, Boring , *State of* Oregon, 97009 , *has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of* a well

a tributary of North Fork of Deep Creek (Clackamas River) *for the purpose of* municipal

under Permit No. G-5319 *and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from* January 6, 1971

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.40 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW¼ SE¼, Section 1, T. 2 S., R. 3 E., W. M., 1420 feet North and 1600 feet West from the SE Corner, Section 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to---------- of one cubic foot per second per acre,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

E½ NE¼
S½
Section 36
T. 1 S., R. 3 E., W. M.

SW¼ NE¼
NW¼
S½
Section 31
S½ SW¼
Section 32
T. 1 S., R. 4 E., W. M.

N½
N½ SE¼
SW¼ SE¼
Section 1
T. 2 S., R. 3 E., W. M.

N½
SW¼
Section 6
N½ NW¼
Section 5
T. 2 S., R. 4 E., W. M.

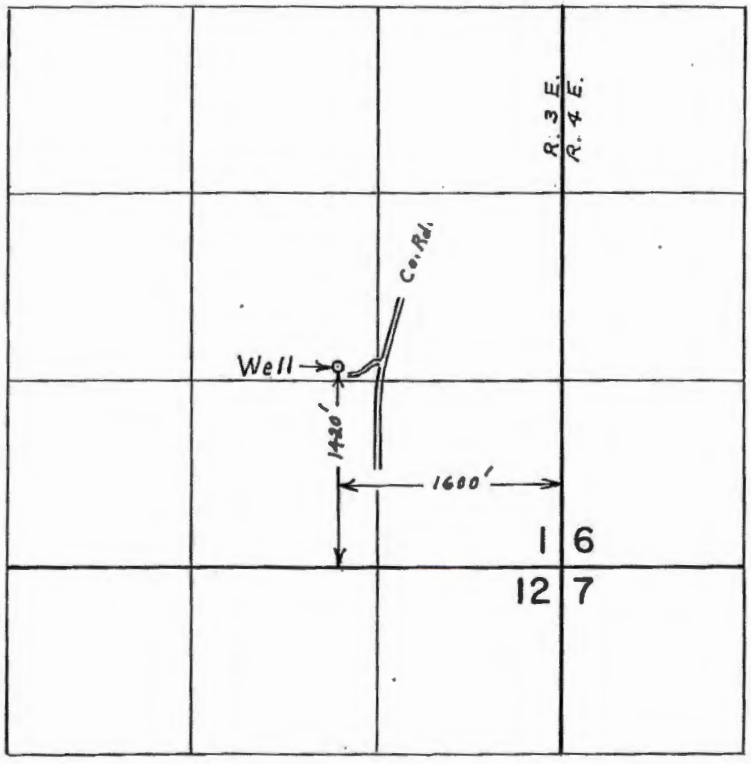
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described. and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed this date. June 9, 1978

DEPUTY
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 38 *, page* 45726

T. 2 S. R. 3 & 4 E. W.M.



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FINAL PROOF SURVEY
UNDER

Application No. G-5392 Permit No. G-5319
IN NAME OF

BORING WATER DISTRICT

Surveyed Oct. 5, 1976, by L. E. Gould

T 10744

DFK-ILL-75

"Attachment E"

Land Use Form

T 10744

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WATER RESOURCES DEPT
SALEM, OREGON

Oregon
Theodore R. Kulongoski, Governor

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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdictions where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan.

Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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T 10744

Oregon Water Resources Department
Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Larry Alexander, for Boring Water District

Mailing Address: Boring Water District, P.O. Box 66

City: Boring State: OR Zip: 97009 Day Phone: 503-663-4594

This application is related to a Measure 37 claim. ☐ Yes ☑ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
Please see	attached	map			EFU, RRFFS, TBR	☑ Diverted ☑ Conveyed ☑ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Clackamas County. Boring, Oregon.

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

☐ Permit to Use or Store Water ☑ Water-Right Transfer ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☑ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 0.4 ☑ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☑ Other Nursery Operations

Briefly describe: This is a transfer of a groundwater certificate for municipal use to different points of appropriation on different lands for nursery operations.

Note to applicant: *If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.*

Receipt for Request for Land Use Information

T 10744

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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SALEM, OREGON

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the 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): 309, 401, 402

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

NO CONCERNS —

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Name: [illegible] Title: PRINCIPAL PLANNER

Signature: [illegible] Phone: 503.742.4508 Date: 11/18/08

Government Entity: CLACKAMAS COUNTY

Note to local government representative: *Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.*

T 10744

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Water Right Transfer Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER

State of Oregon)
) ss
County of Clackamas)

I, Larry Alexander, in my capacity as Manager,

mailing address Boring Water District, P.O. Box 66, Boring, OR 97009

telephone number (503) 663-4594, being first duly sworn depose and say:

1. I attest that:

☑ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**

☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **or**

☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

☑ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
ALL								

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(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

T 10744

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):

N/A

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5. The water delivery system used to apply water as authorized by the right is described below:

The well has a 10 hp submersible pump rated at 250 gpm. A 4" discharge line feeds into a 6" discharge line that transmits water to the distribution system which includes a 350,000 above-ground reservoir approx. 4 miles of distribution pipe.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number _____,
- ☑ Other: Pursuant to ORS 540.610(2)(a), a presumption of forfeiture is rebutted if the water right is held by a municipality for reasonable and usual municipal purposes. Certificate 45726 is held by Boring Water District for municipal purposes.

Nancy A Brandon Manager
Signature of Affiant

11-21-08
Date

Signed and sworn to (or affirmed) before me this 21 day of November, 2008.

OFFICIAL SEAL
NANCY S TEUNE
NOTARY PUBLIC - OREGON
COMMISSION NO. 432485
MY COMMISSION EXPIRES OCTOBER 11, 2012

Nancy S. Teune
Notary Public for Oregon

My Commission Expires: October 11, 2012

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

T 10744

REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Boring Water District** hereafter Applicants, hereafter known together as the parties.

OWRD Information	**Applicant's Information**	**Applicant's Representative**
Project Contact: Dorothy Pedersen	**Boring Water District**	Name: GSI Water Solutions Inc
Title: Transfer Advisor	Contact: Larry Alexander	Project Contact: Adam Sussman
Address: 725 Summer Street, NE	Address: PO Box 66	Address: 1600 Western Blvd Ste 1600
Salem, OR 97301-1271	Boring, OR 97009	Corvallis, OR 97333
Phone: 503 986-0890	Phone Number: 503-663-4594	Phone Number: 541-753-0745 ext 11
Fax: 503 986-0903	Fax Number: 503-663-9154	Fax Number: 541-754-4211
Email: Dorothy.I.Pedersen@wrd.state.or.us	Email: boringwater@att.net	Email: ASussman@gsiwatersolutions.com

1. **Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application. (Application Number: T-10744)**

2. **Authority** The OWRD has been authorized pursuant to HB 2551(2003 Oregon Laws) to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.

3. **Restrictions. Boring Water District** and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.

4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.

5. **Statement of Work.** The Statement of Work is contained in Exhibit A attached hereto and incorporated by reference into this Agreement. OWRD agrees to perform this work in accordance with the terms and conditions of this Agreement.

6. **Consideration.**

   a. **Boring Water District** shall pay OWRD in advance for actual costs incurred by OWRD as specified in the Statement of work attached and incorporated as Exhibit A. The estimated maximum reimbursement payable to OWRD under this Agreement is **$1,260.00**. **Boring Water District** agrees to pay the full amount of **$1,260.00** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.

   b. The costs stated in this Agreement do not include the statutory application processing and filing fees.

7. **Subcontracts.** OWRD intends to undertake the work described in this Agreement by assigning the work to a contractor from its established pre-qualified contractor pool

8. **Contract Documents.** This Agreement consists of the following documents which are listed in descending order of precedence: this Agreement and the attached Exhibit A. All attached Exhibits are incorporated into this Agreement by reference.

9. **Confidentiality. Boring Water District** agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.

10. **Indemnity**. Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, **John Borden Consulting** (Contractor) and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

11. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Contractor up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant and appropriately notifying the Contractor, will refund any unspent balance after paying the contractor for the work done.

12. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.

13. **Duration of Estimate.** The Estimate of Time to complete the work in Exhibit A (Statement of Work) becomes null and void after thirty- (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant must re-apply for a new estimate.

14. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.

15. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.

16. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.

17. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For **Boring Water District**: _____ _____
Name/Title: Date

For OWRD: _____ _____
Tracy Louden – Administrator Date

Mail signed Agreement to:

Salem Opeifa
Oregon Water Resources Department
725 Summer Street NE, Suite A

Salem, OR 97301-1271

Exhibit A

Statement of Work

Application Number: **Boring Water District**

Name of Applicant: **T-10744**

Reimbursement Authority Process
Itemized Estimate Sheet
For
Transfer

	Item	Time
1	Review of application for completeness.	1.5
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	0.5
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (*if necessary*).	2.5
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	4.5
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	1.5
	Total Estimated Time:	**10.5**

Total estimated cost is 10.5 hours at $120.00 per hour = $1,260.00

Issuance of Draft Preliminary Determination: **February 19, 2009***
Deadline for Applicant's Review of Draft Preliminary Determination: **March 23, 2009***

**Dates are contingent on the Applicant's expeditious resolution of any deficiency and may be affected by Department's work load.*

Shipping Checklist for Reimbursement Authority Files

File T- 10744 Applicant: Boring Water District

Agent/Contact: Adam Sussman

Ship to Contractor: John Borden

Items included:

- ☒ Copy of front of file folder
- ☒ Application Cover Letter, if there is one
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of Use Affidavit
- ☐ Supporting documentation for evidence of use
- ☒ Land-use Information form
- ☐ Ownership documentation **or** ☒ Need to ask for ownership info in DPD cover letter
- ☒ Certificate or copy of decree for each right to be transferred
- ☒ Final Proof Map or decree map for each right to be transferred
- ☒ Well logs (if change in POA, SW POD-to-GW POA change) **or** ☐ NA
- ☐ Watermaster review **or** ☒ Will email watermaster review when available
- ☐ ODFW review (if change in POD) **or** ☐ Will send later **or** ☒ NA
- ☐ GW review (if POA change or POD-to-POA change) **or** ☒ Will send later **or** ☐ NA
- ☒ Final Deliverable cover sheet
- ☒ Itemized Estimate sheet for contractor

Additional things to check:

- ☒ All regular application processing fees paid
- ☒ Reimbursement Authority $125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 12-16-08

Number of sheets copied 55

File contents copied by Sarah Henderson Date: 12-19-08

Reimbursement Authority
Final Deliverables Cover Sheet
for
Transfers

Transfer # 10744 Applicant: Boring Water District, Larry Alexander

The following items have been submitted electronically*:

- ☐ Contact List
- ☐ Draft Preliminary Determination (DPD)
- ☐ DPD Cover Letter
- ☐ PD Notice
- ☐ PD Cover Letter
- ☐ Remaining Right Certificates (one for each right that is not entirely affected by the transfer)
- ☐ Instream Water Right Certificate (if needed)

*NOTE: Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

The following items are enclosed:

- ☐ Review checklist
- ☐ Marked copy of transfer application
- ☐ (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- ☐ (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- ☐ Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- ☐ Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.

☐ **Signature of Contractor:** _____ **Date:** _____

For WRD use only:

WRD approval by: _____ **Date:** _____

Reimbursement Authority Process
Itemized Estimate Sheet
for
Water Rights Transfer

Application Number 10744

Name of Applicant: Boring Water District

Proposed Timeline

12/16/2008	Public Notice (start of 30-day comment period).
02/02/2009	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
03/09/2009	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	**Completion of contract work:** Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

*For purposes of water right transfers, all deliverables must be in **Microsoft Word** except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.*

Estimate

	Item	Time
1	Review of application for completeness.	
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (*if necessary*).	
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
	Total Estimated Time:	

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: John Borden Consulting

Authorized Representative: _____ Date: _____

Revised 11/5/2004 DIP

Review Checklist **T-10744** **Processor: RA**

Application

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. *(from ALL affected Govt's)*
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

Water right subject to transfer

- ☐ Certificated right or Proof accepted "to the satisfaction…."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/decree maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

Determining the "From" and "To" Lands *(make working copy of application and certificates to mark on)*

- ☐ O*nly* the authorized POD's/POA's and POUs to be transferred are listed.
- ☐ Application & certificate tabulations match. *(Mark on appl. and cert. copies and note corrections needed)*
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- ☐ The deed/ROLI matches the ***"from"*** lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. *(If transfer application is several years old, contact assessor's office)*
- ☐ The applicant is the owner of the "from" lands.
- ☐ ***All*** owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

Evaluation

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW

Headgate	☐ When in the judgment	☐ Prior to diverting	☐ Existing and maintain
Measuring Devices	☐ When in the judgment	☐ Prior to diverting	☐ Existing and maintain
Fish Screen Devices	☐		

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

Materials needed for peer reviewer

- ☐ application marked ☐ transfer map ☐ Water right map (if marked) ☐ certificate marked
- ☐ deed/ROLI (if marked) ☐ plat card marked printout (if POU or Use change)
- ☐ other processing notes

WATER RESOURCES DEPARTMENT

REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

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

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

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

REQUEST	TYPE	FILE NUMBER
☑	Transfer Application	T-10744 Certificate 45726
☐	Certificate Request	

Isel Nursery

	Applicant Information	Applicant's Representative/Contact
Name: (Please Print)	Larry Alexander Boring Water District	Adam Sussman - GSF Water Solutions, Inc.
Address:	PO Box 66	1600 Western Blvd, Suite 1600
	Boring, OR 97009	Corvallis, OR 97333
Phone:	503-663-4594	541-753-0745 ext. 11
Fax	503-663-9154	541-754-4211
E-Mail Address:	boringwater@att.net	asussman@gsiwatersolutions.com

I understand the following:

- There is a non-refundable application fee of $125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of **$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within one (1) business day.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

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

Signature: _____ **Name:** Adam Sussman

OWRD USE ONLY

Contractor Assigned: Borden	**Total Amount Paid: $**_____
OWRD Approval:	

Revised: 6/21/2004

R09 205 09

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **95058**

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

INVOICE # _____

RECEIVED FROM: Iseli Nursery

BY: _____

APPLICATION	
PERMIT	
TRANSFER	T-10744
TOTAL REC'D	$ 1325.00

CASH: ☐ CHECK:# ☒ 18116 OTHER: (IDENTIFY) ☐ _____

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	PCA 47124 #R09205 09	$
0408	OTHER:	(IDENTIFY) Reimbursement Authority	$ 125.00

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES	46111	$
0410	RESEARCH FEES		$
0408	MISC REVENUE: (IDENTIFY)	_____	$
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	$
0240	EXTENSION OF TIME		$

WATER RIGHTS:

		EXAM FEE		RECORD FEE
0201	SURFACE WATER	$	0202	$
0203	GROUND WATER	$	0204	$
0205	TRANSFER	$ 200.00		

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	$	

_____ 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: **95058** DATED: 11/28/08 BY: LAT