

ASSIGNED

Partially

FILE#: G 13898

LEE R MATTHEWS

32033 MALLY RD

GRESHAM, OR

97080

Application No. G G13898

Permit No. G G13476

Certificate No. 97637

Stream Index, Page No. 2

FEES PAID

Date	Amount	Receipt No.
11-29-94	332. ⁰⁰	11924
7-6-98	100. ⁰⁰	22416
10/10/02	100.00	56225
10/10/02	10.00	56224
7-18-10	150.00	103425
	Cert. Fee	

FEES REFUNDED

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

Date filed _____

Priority _____

Action suspended until C-04

Return to applicant _____

Date of approval 8/21/98

CONSTRUCTION

Date for beginning 8/21/99

Date for completion _____

Extended to 10/1/04

Date for application of water 10/1/02

Extended to 10/1/04

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued 8.30.2024

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
<u>10/02</u>	<u>Reardon Nursery Inc.</u>	<u>10050 SE 282nd Ave Boring, OR 97009</u>		
	REARDON NURSERY, INC.			
	10050 SE 282 ND AVE			
	BORING, OR 97009			

REMARKS

SEE G-13897
T-9608 APOA V. 60 p. 412

IMPORTANT MESSAGE

FOR	MON 499		DATE	10-6	TIME	11 11	A.M. P.M.
M.	LEE MATTHEW S						
OF	NURSE					X	PHONED
PHONE	☐ FAX	☐ MOBILE	503-663-5811				
			AREA CODE	NUMBER	EXTENSION		
MESSAGE						X	PLEASE CALL
PERMIT?							WILL CALL AGAIN
ABC?							CAME TO SEE YOU
DRILLING?							WANTS TO SEE YOU
SIGNED						FORM 4006	

IMPORTANT MESSAGE

FOR	MON 499		DATE	10-6	TIME	144	A.M. P.M.
M.	LEE MATTHEW S						
OF	Herb					X	PHONED
PHONE	☐ FAX	☐ MOBILE	503-663-5811				
			AREA CODE	NUMBER	EXTENSION		
MESSAGE	G 13898					X	PLEASE CALL
AWAITING ANSWER							WILL CALL AGAIN
11-29-94							CAME TO SEE YOU
SPOKANE							WANTS TO SEE YOU

Permit Issued: 10.7.97

If underlying rights + \$100
are sent in, adjust ABC
dates as appropriate.

CHECK IS
COMING IN / Dwyg
For 300. / LM

Mailing List for Final Certificate

Application: G-13898

Permit: G-13476

Certificate: 97637

Permit/Certificate Holder:

REARDON NURSERY INC.
10050 SE 282ND AVE
BORING OR 97009

NORTHWEST FARM CREDIT SERVICES FLCA
650 HAWTHORN AVE SE, SUITE 210
SALEM OR 97301

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES and NO**

Copies of Final Certificate to be sent to:

1. Watermaster District #: 20
2. Vault
3. File

Other persons to receive copies: (include map):

4. HANER, ROSS & SPORSEEN INC
JAMES H GREENMAN
19751 S FERGUSON TERRACE
OREGON CITY, OR 97045

Current landowner – tax lot 1100

5. IDefonso R Ventura
Maria DeJesus Garcia Govea
31317 SE Bluff Rd
Gresham OR 97080

Copies Mailed

by: TM
(STAFF)

on: 8.30.2024
(DATE)



Oregon
Kate Brown, Governor

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

DATE MAILED: AUG 30 2024

NOTICE OF CERTIFICATE ISSUANCE

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

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

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

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

If you have any questions please contact Jonnine Skaug at 503-979-3943.

STATE OF OREGON
COUNTY OF MULTNOMAH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

REARDON NURSERY INC.
10050 SE 282ND AVE
BORING OR 97009

NORTHWEST FARM CREDIT SERVICES, FLCA
650 HAWTHORNE AVE SE, SUITE 210
SALEM OR 97301

confirms the right to the use of water perfected under the terms of Permit G-13476. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-13898

SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN

PURPOSE or USE: NURSERY OPERATIONS ON 25.05 ACRES

MAXIMUM RATE: 0.47 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 29, 1994

POINT OF DIVERSION LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 E	WM	20	NE SE	WELL NO. 2 - SOUTH 67 DEGREES 59 MINUTES WEST, 1382 FEET FROM E 1/4 CORNER, SECTION 20

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

THE PLACE OF USE IS AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Acres
1 S	4 E	WM	20	NE SE	15.31
1 S	4 E	WM	20	NW SE	8.43
1 S	4 E	WM	20	SW SE	1.31

Measurement, recording and reporting conditions:

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

To monitor the effect of water use from the well(s) authorized under this right, the Department may require the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement. The measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The reference level against which any future measurements will be compared is 230.33 feet below land surface.

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

Ground water for use under this right shall be produced from the Deep Troutdale Aquifer between 300 to 450 feet below land surface.

Water shall be acquired from the same aquifer as the original point of appropriation.

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

The Director may require water level or pump test results every ten years.

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

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

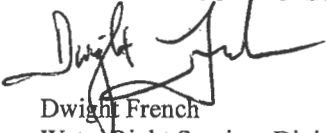
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Water shall be acquired from the same aquifer as the original point of appropriation.

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

Issued AUG 30 2024.

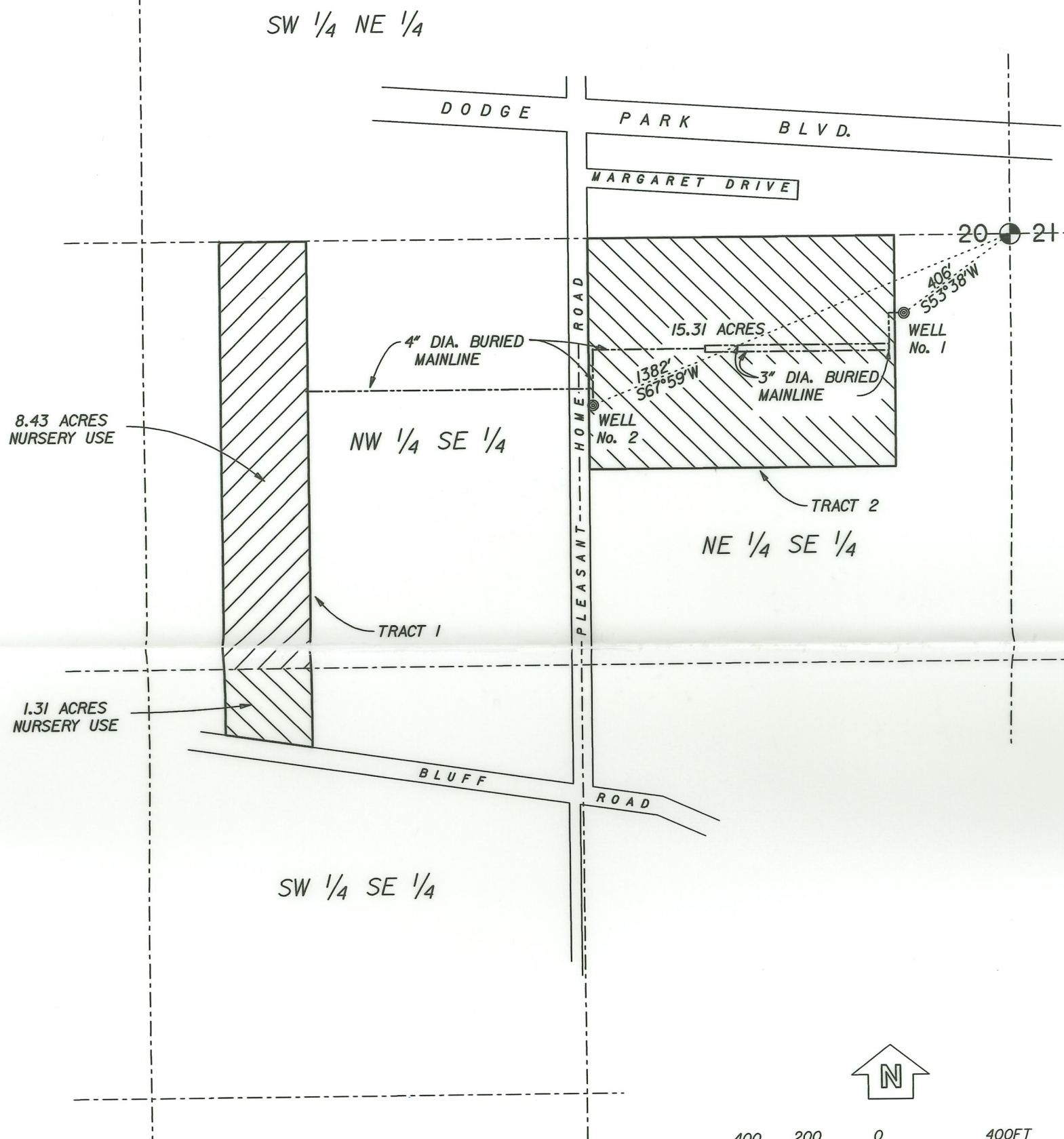


Dwight French
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon Water Resources Department

RECEIVED

OCT 01 2004

WATER RESOURCES DEPT
SALEM, OREGON

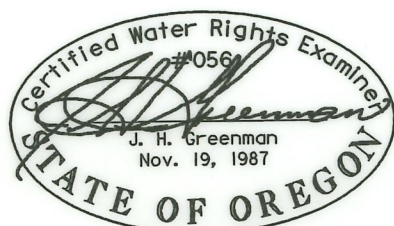


SECTION 20, T.1S., R.4E., W.M.
MULTNOMAH COUNTY, OREGON

This drawing is an exhibit for a Final Proof Survey. It is not a Land Survey. Property lines and/or other lines of occupation shown hereon are not represented by the undersigned to meet accuracy standards of Land Surveys.

Application No. G-13898

Permit No. G-13476



HANER, ROSS &
SPORSEEN, INC.
15 S.E. 82ND DRIVE
GLADSTONE, OREGON 97027

REARDON NURSERY, INC.
FINAL PROOF SURVEY

Mailing List for Proposed Certificate

Application: G-13898

Permit: G-13476

Certificate:

Permit/Certificate Holder:

REARDON NURSERY INC.
10050 SE 282ND AVE
BORING OR 97009

NORTHWEST FARM CREDIT SERVICES FLCA
650 HAWTHORN AVE SE, SUITE 210
SALEM OR 97301

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES and NO**

Copies of Proposed Certificate to be sent to:

1. Watermaster District #: 20
2. File

Other persons to receive copies: (include map):

3. James H Greenman, CWRE ✓

Current landowner – tax lot 1100

4. IDefonso R Ventura
Maria DeJesus Garcia Govea
31317 SE Bluff Rd
Gresham OR 97080

Copies Mailed	
by:	<u>KMW</u> (STAFF)
on:	<u>DEC 08 2023</u> (DATE)



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

Date Mailed: DEC 08 2023

Reference: Application G-13898 Permit G-13476

PROPOSED

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

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

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

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Mary Bjork at 503-979-9895.

If you have any questions please contact Jonnine Skaug at 503-979-3943.

Sincerely,

Dwight French
Administrator
Water Right Services

STATE OF OREGON
COUNTY OF MULTNOMAH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

REARDON NURSERY INC.
10050 SE 282ND AVE
BORING OR 97009

NORTHWEST FARM CREDIT SERVICES, FLCA
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To monitor the effect of water use from the well(s) authorized under this right, the Department may require the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement. The measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
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The reference level against which any future measurements will be compared is 230.33 feet below land surface.

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PROPOSED
Certificate *****

The combined quantity of water diverted at the new point of appropriation (well No. 2), together with that diverted at the old point of appropriation, shall not exceed the maximum rate and duty allowed under the right. The old point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
1 S	4 E	WM	20	NE SE	WELL NO. 1 - NORTH 50 DEGREES 19 MINUTES 11 SECONDS EAST, 399 FEET FROM E 1/4 CORNER, SECTION 20

Ground water for use under this right shall be produced from the Deep Troutdale Aquifer between 300 to 450 feet below land surface.

Water shall be acquired from the same aquifer as the original point of appropriation.

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

The Director may require water level or pump test results every ten years.

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

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

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

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

Water shall be acquired from the same aquifer as the original point of appropriation.

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

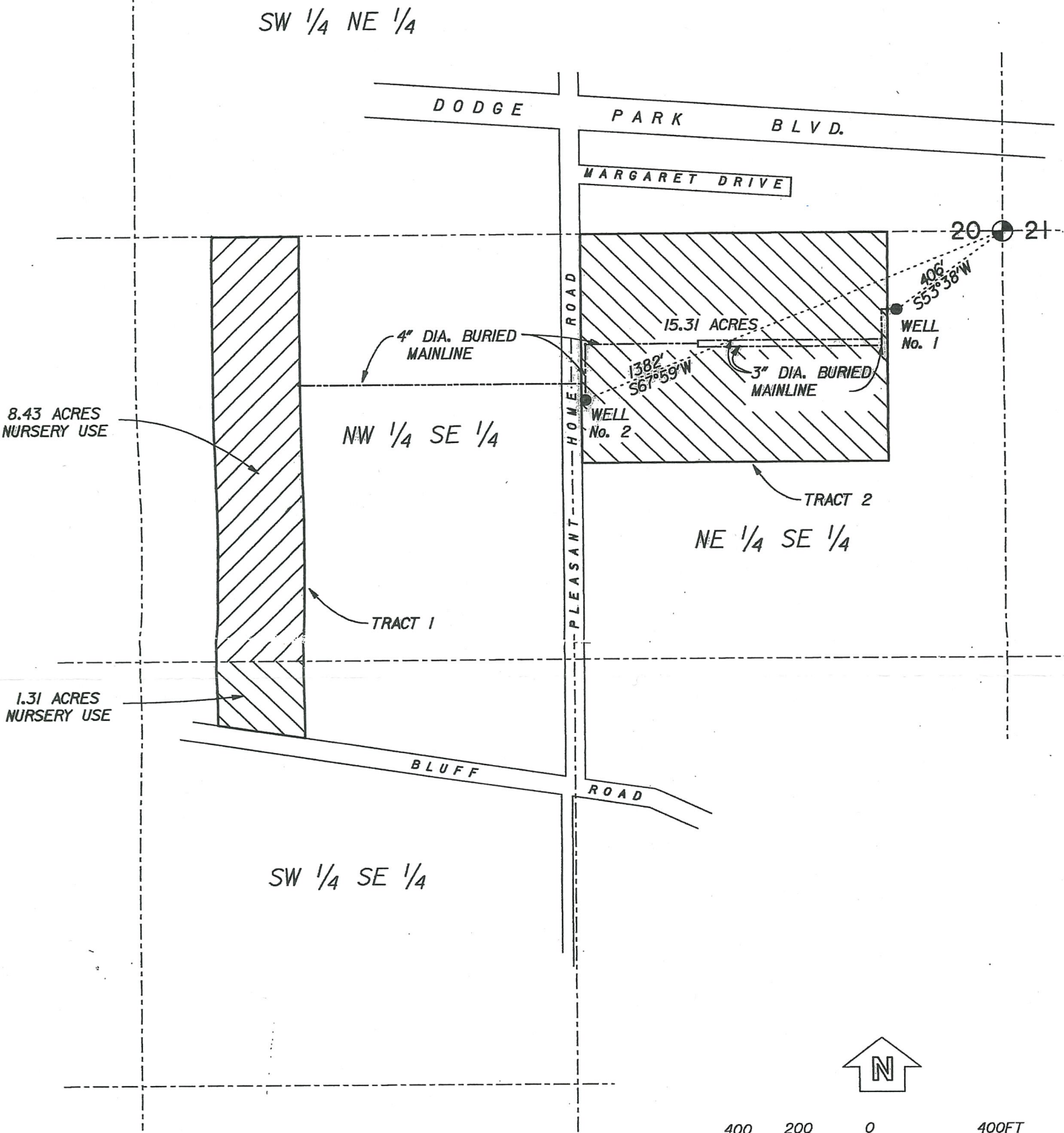
Issued _____

PROPOSED
Dwight Eric
Water Resources Division Administrator, for
Douglas L. Woodcock, Acting Director
Oregon Water Resources Department

RECEIVED

OCT 01 2004

WATER RESOURCES DEPT
SALEM, OREGON

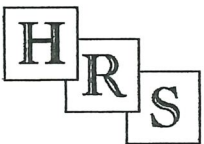
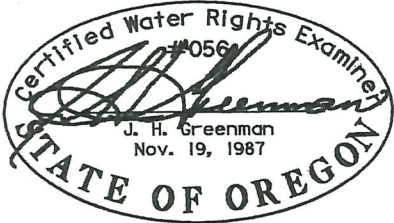


SECTION 20, T.1S., R.4E., W.M.
MULTNOMAH COUNTY, OREGON

This drawing is an exhibit for a Final Proof Survey. It is not a Land Survey. Property lines and/or other lines of occupation shown hereon are not represented by the undersigned to meet accuracy standards of Land Surveys.

Application No. G-13898

Permit No. G-13476



**HANER, ROSS &
SPORSEEN, INC.**
15 S.E. 82ND DRIVE
GLADSTONE, OREGON 97027

REARDON NURSERY, INC.
FINAL PROOF SURVEY



RECEIVED

JAN 27 2005

MULT 58958

Oregon Water Resources Department
SALEM, OREGON

PUMP TEST COVER SHEET

Well Owner:

Name Reardon Nursery
 Address 10050 SE 282nd Avenue
 City, State, Zip Boring, OR 97009
 County _____

Well Location:

Township 1S (N or S), Range 4E (E or W)
 Section 20 1/4, 1/4, 1/4 NE1/4 SE1/4
 Well Depth 500' Date Drilled 9/9/99
 Owner's Well No. (if any) Matthew's well
 POD-ID _____

Water Right Information:

Application No. G 13898 Permit No. G 13476 Certificate No. _____
 Is this well used for more than one water right? N (Y/N) If Yes, fill out numbers below:
 App. No. _____ Permit No. _____ Cert. No. _____
 App. No. _____ Permit No. _____ Cert. No. _____

Pump Test:

Test conducted by Blayne C. Cross Well Owner? N (Y/N)
 Company Steve's Pump Service, Inc.
 Address PO Box 547 Date of Test 1/21/05
 City, State, Zip Boring, OR 97009

Method of Discharge Measurement McCrometer Flow Meter
 Method of Water Level Measurement Powers Well Sounder
 Depth of Air Line (if used) _____
 Pump Type (Turbine, Submersible, etc.) Submersible
 Was pump test conducted during normal use of the well _____ (Y/N)

Description of point from which water level was measured Rolt hole in well seal
 Is measuring point above or below ground level? above
 Distance between measuring point and ground level (correction factor) 1' 7"

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? N (Y/N) If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? N (Y/N)
 If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance _____
 Approximate elevation difference _____
 Is well elevation above or below the surface water body? _____

Static Water Level Measurements: (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>9:00 am</u>	Depth to Water: <u>215/6</u>	(ft/in)
Time: <u>9:20 am</u>	Depth to Water: <u>215/6</u>	(ft/in)
Time: <u>9:40 am</u>	Depth to Water: <u>215/6</u>	(ft/in)

Discharge Measurements: (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>10:00 am</u>	Discharge Rate: <u>300</u>	(gpm)
Time: <u>11:00 am</u>	Discharge Rate: <u>280</u>	(gpm)
Time: <u>12:00 pm</u>	Discharge Rate: <u>280</u>	(gpm)
Time: <u>1:00 pm</u>	Discharge Rate: <u>280</u>	(gpm)
Time: <u>2:00 pm</u>	Discharge Rate: <u>280</u>	(gpm)

Pump turned on: Date: 1/21/05 Time: 10:00 Pump turned off: Date: 1/21 Time: 2:00 pm
 Total pumping time: 4 hours, 0 minutes.

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

Recovery Data

WATER RESOURCES DEPT
SALEM, OREGON

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Monday, December 13, 2021 11:05 AM
To: SCHIBEL Halley J * WRD
Subject: RE: Pump Test for Permit G-13476

Halley,

I searched the file again and did not locate a copy of the Pump Test.

Gerry

[Gerry Clark](#)

He/Him/His

Program Analyst, Certificate Section, Water Right Services Division | Phone 503-979-9103

From: CLARK Gerald E * WRD
Sent: Friday, December 10, 2021 6:11 AM
To: SCHIBEL Halley J * WRD <Halley.J.SCHIBEL@water.oregon.gov>
Subject: RE: Pump Test for Permit G-13476

Halley,

I do not remember seeing a copy of the test in the file. I can look again next week to confirm rather than having you start the process of searching boxes.

Have a great day!

Gerry

[Gerry Clark](#)

He/Him/His

Program Analyst, Certificate Section, Water Right Services Division | Phone 503-979-9103

From: SCHIBEL Halley J * WRD <Halley.J.SCHIBEL@water.oregon.gov>
Sent: Thursday, December 9, 2021 4:18 PM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Subject: RE: Pump Test for Permit G-13476

Hi Gerry,

It looks like that's a legacy test that never got reviewed. If you find the test, you can send it my way and I can get it processed and assigned to someone to be reviewed.

There are quite a few of these "legacy" pending tests that pre-date my involvement with the program and I've been periodically trying to track them down. Most of these appear to be tests that sat on someone's desk and got boxed up and forgotten when they retired. If you see any tests that are still in the "Received" state that pre-date 2018ish, please send me a copy of the test if you can find it or let me know so I can track it down. Thanks!

Thank you,

Halley Schibel, GIT
Groundwater Data Specialist
503-437-5233

We're hiring! See the current list of jobs [here](#).

From: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Sent: Wednesday, December 8, 2021 1:25 PM
To: SCHIBEL Halley J * WRD <Halley.J.SCHIBEL@water.oregon.gov>
Subject: Pump Test for Permit G-13476

Halley,

WRIS indicates that a Pump had been submitted on January 27, 2005, for the above referenced permit. I did not locate any information in the permit file regarding the review of the test. Do you know the status of the Pump Test? Based on the CBU Report, the well in question is MULT 58958, L27714.

[Permit: G 13476 * \(state.or.us\)](#)

Thanks in advance.

Gerry

Gerry Clark
He/Him/His
Program Analyst, Certificate Section, Water Right Services Division | Phone 503-979-9103

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Thursday, December 9, 2021 9:36 AM
To: Greg Kupillas
Subject: RE: Permit G-13476

Greg,

I certainly will. You have a great day!

Gerry

[Gerry Clark](#)

He/Him/His

Program Analyst, Certificate Section, Water Right Services Division | Phone 503-979-9103

From: Greg Kupillas <phggek@bctonline.com>
Sent: Thursday, December 9, 2021 9:34 AM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Subject: RE: Permit G-13476

Gerry,

Thanks for looking into it. Please let me know when you get an update from the Groundwater Section on the Pump Test.

Regards,

Greg

From: CLARK Gerald E * WRD [<mailto:Gerald.E.CLARK@water.oregon.gov>]
Sent: Thursday, December 09, 2021 8:30 AM
To: Greg Kupillas
Subject: RE: Permit G-13476

Greg,

I was looking through some old notes of mine and realized that I had not responded to your questions concerning the above permit. I apologize for the oversight.

I have performed a cursory review on the Claim, Permit, and Permit Amendment and did not find any issues. I have sent an email to Groundwater Section requesting an update on the Pump Test. I did not locate any information in the file concerning the review of the test.

I have attached a copy of the Claim and several associated documents for your reference.

Please let me know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: Greg Kupillas <phggek@bctonline.com>

Sent: Tuesday, November 2, 2021 2:15 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Subject: Permit G-13476

Gerry,

A new client of ours has recently purchased a portion of the property covered under G-13476 which does not include either of the authorized wells. I think he needs to do a permit amendment or transfer so he can ultimately drill a well on his portion of that permit. On WRIS, it appears that a COBU was received on October 1, 2004, and pump test results were received on January 27, 2005; however, a certificate has not yet been issued. Can you check and see if there are any outstanding issues preventing certification of this permit?

Regards,

Greg Kupillas

Pacific Hydro-Geology Inc.

503.939.3167



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

Request for Assignment

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

I, Reardon Nursery, Inc.

(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

10050 SE 282nd

Boring

OR 97009

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

- ☒ hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-12898; Permit # G13476; Transfer # _____
-OR-

License # _____; GR Statement # _____; GR Certificate of Registration # _____

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

Northwest Farm Credit Services, FLCA

Reardon Nursery, Inc.

(Name of New Owner)

PO Box 13309 Salem, Or 97309

10050 SE 282nd

Boring, OR 97009

OR

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

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

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 14th day of July, 20 11.

Applicant/Permit Holder [Signature]

Applicant/Permit Holder [Signature]

ASS GR 4/19/2011

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 103425
- For Director by Jerry Sauter, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.

RECEIVED

JUL 18 2011

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

John A. Kitzhaber, MD, 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

July 19, 2011

Northwest Farm Credit Services, FLCA
PO Box 13309
Salem, Oregon 97309

Reference: Application G-15296, Permit G-15260, Certificate 86468
Application G-13898, Permit G-13476

Regarding Application G-15296, Permit G-15260, Certificate 86468, the requested assignment could not be made as a certificate of water right has been issued. The Department does not assign certified rights as they go with the land.

Regarding Application G-13898, Permit G-13476, the assignment from Reardon Nursery, Inc. to Northwest Farm Credit Services, FLCA and Reardon Nursery, Inc., has been recorded in the records of the Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 103425 covering the recording fee of \$75 is also enclosed. A refund check for the remaining \$75 is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt, refund check

cc: Watermaster 20
Reardon Nursery, Inc.
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
File



WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: 7/19/2011

FROM: JERRY PAULSEN

RE: Request for Refund

APPLICATION: G-15296

RECEIPT #: 103425

Please prepare a refund in the amount of \$ ^{75⁰⁰}, made payable to:

Name: NORTHWEST FARM CREDIT SERVICES, FLCO

Address: P.O. Box 13309

City: SALEM, OREGON 97309

These funds are being paid or refunded as a result of (check one):

☐ Request for file to be Withdrawn

☐ Rejected

☐ Excess fees were collected for application

☐ Protest filing fees

☐ Standing fees

☐ Permit recording fees

☒ Other: NOT ABLE TO ASSIGN FILE

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: E. Timothy Wall

Date: 7/19/2011

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application	)	
for an Extension of Time for	)	
Permit #G-13476, Water Right	)	PROPOSED FINAL ORDER
Application #G-13898	)	
(Reardon Nursery, Inc)	)	

Permit Information

Application File #G-13898 / Permit #G-13476

Basin: #2C - Lower Willamette Basin / Watermaster District: #20

Date of Priority: November 29, 1994

Authorized Use of Water

Source of Water:	One Well in the Johnson Creek Basin
Purpose or Use:	Nursery Operations on 25.05 acres
Maximum Rate:	0.47 cubic feet per second (cfs)

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

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit #G-13476, water right Application #G-13898. A copy of Permit #G-13476 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete application of water from October 1, 2002, to October 1, 2004.

AUTHORITY

ORS 537.230 and ORS 537.630(1) provide in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5).

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

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

FINDINGS OF FACT

Background

1. Permit #G-13476 was granted by the Water Resources Department on August 21, 1998. The permit authorizes the use of up to 0.47 cfs of water from one well, within the Johnson Creek Basin, for nursery operations on 25.05 acres. The permit specified that complete application of water was to be made on or before October 1, 2002.
2. Reardon Nursery Inc. purchased property with a permitted well on October 4, 2000, and used the well until a dispute over access to the well arose. The dispute has gone into litigation. Because of the litigation a new unauthorized well was constructed, 1,000 feet from the pre-existing well, and water has been appropriated from the unauthorized well by Reardon Nursery. Additional time is now required to gain approval of a permit amendment authorizing the location of the replacement well and to allow time to accomplish full beneficial use of water from an authorized point of appropriation.
3. The permit holder submitted an "Application for Extension of Time" to the Department on October 10, 2002, requesting the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-13476 be extended from October 1, 2002, to October 1, 2004. This is the first permit extension requested for Permit #G-13476.
4. Notification of the permit holder's extension of time request for Permit G-13476 was published on the Department's Public Notice dated November 12, 2002. No public comment on the extension application was received.

Review Criteria [OAR 690-315-0040(1)(2)]

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248¹, 537.630 and 539.010(5).

¹ ORS 537.248 applies to reservoir permits only.

Other Governmental Requirements [ORS 537.230(2)]

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

Start of Construction [ORS 537.630]

6. Construction of the original well and water system began within the time specified in the permit, being August 21, 1999.

Financial Investment [ORS 539.010(5)]

7. As of October 10, 2002, the permit holder had invested a total of \$60,000.00 into the project, consisting of complete construction of the original and the new unauthorized well, construction of the distribution system, and installation of a meter. An additional \$10,000.00 investment is anticipated for the completion of this project.

Reasonable Diligence and Good Faith of the Appropriator [ORS 537.230(1), 537.630(1) and 539.010(5)]

Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [ORS 537.260, OAR 690-315-0040(3)].

In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction

8. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Construction of the well and water system began within the time specified in the permit, being August 21, 1999. The work thus far consists of complete construction of the original and the new unauthorized well, construction of the distribution system, and installation of a meter.

Beneficial Use of Water

9. The following beneficial use was made of the water during the permit or previous extension time limits:

- a. Since the issuance of Permit #G-13476 on August 21, 1998, a maximum rate of 210 gallons per minute (0.47 cfs) has been appropriated from the unauthorized well and applied to 25.05 acres.
- b. Delay was due to the construction of the unauthorized replacement well and the additional time now needed to amend the permit and accomplish full beneficial use of water from an authorized point of appropriation.

Compliance with Conditions

- 10. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The record does not raise concerns about the permit holder's compliance with conditions.

Financial Investments

- 11. Financial investments made toward developing the beneficial water use.
 - a. As of October 10, 2002, the permit holder had invested approximately 86 percent of the total projected cost for complete development of this project. A total of \$60,000.00 has been invested into the project, consisting of complete construction of the original well and the new unauthorized well, construction of the distribution system, and installation of a meter. An additional \$10,000.00 investment is anticipated for the completion of this project.

The Market and Present Demands for Water *[ORS 539.010(5) and OAR 690-315-0040(4)]*

In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

- 12. The amount of water available to satisfy other affected water rights and scenic waterway flows.
 - a. The Department determined on April 19, 1996, that this use of ground water will, if properly conditioned, adequately protect the surface water from interference. Conditions were, therefore, placed upon Permit #G-13476 in order to avoid injury to existing rights or to the ground water resource.
 - b. The permitted point of appropriation (the well), authorized under Permit #G-13476, is not located within the boundaries of any designated ground

water limited area.

- c. The permitted point of appropriation, authorized under Permit #G-13476, is not located within or above the designated boundaries of any state scenic waterway.
- 13. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
 - a. The permitted point of appropriation, authorized under Permit #G-13476, is located within an area that has been identified by the Oregon Department of Fish and Wildlife as a "high" needs ranking area for streamflow restoration for fish and is located within the Johnson Creek Basin which has been designated by the Oregon Department of Environmental Quality as being water quality limited. The Department determined on April 19, 1996, however, that this use of groundwater will, if properly conditioned, adequately protect the surface water from interference. The Department, therefore, placed conditions upon Permit #G-13476 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impacts.
- 14. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
 - a. The permitted well is located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife. The Department determined on April 19, 1996, however, that this use of groundwater will, if properly conditioned, adequately protect the surface water from interference. The Department, therefore, placed conditions upon Permit #G-13476 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impacts.
- 15. Economic investment in the project to date.
 - a. As of October 10, 2002, the permit holder had invested approximately 86 percent of the total projected cost for complete development of this project. A total of \$60,000.00 has been invested into the project, consisting of complete construction of the original well and the new unauthorized well, construction of the distribution system, and installation of a meter. An additional \$10,000.00 investment is anticipated for the

completion of this project.

16. Other economic interests dependent on completion of the project.
 - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power.
 - a. None have been identified.

Fair Return Upon Investment [ORS 539.010(5)]

18. Use and income from the permitted water development will result in reasonable returns upon the investment made to date.

Duration of Extension [OAR 690-315-0040(1)(c), ORS 539.010(5)]

As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

19. As of October 10, 2002, the remaining work to be completed consists of complete application of water to beneficial use.
20. Delay was due to the construction of the unauthorized replacement well and the additional time now needed to amend the permit and accomplish full beneficial use of water from an authorized point of appropriation.
21. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2004, to complete the application of water to beneficial use under the terms of Permit #G-13476 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to

ORS 537.230 and ORS 537.630.

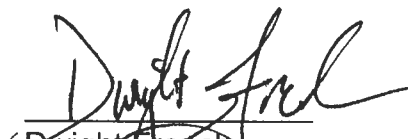
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Full application of water to beneficial use can be completed by October 1, 2004², as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

Proposed Order

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time for complete application of water to beneficial use under Permit #G-13476 from October 1, 2002, to October 1, 2004.

DATED: April 27, 2004


Dwight French
Water Rights Section Manager

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

Proposed Final Order Hearing Rights

²

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

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than **Friday, June 11, 2004**, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - A. Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - B. The applicant submitted a timely request for a contested case hearing.

If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503)986-0801. Address all other correspondence to:

**Water Rights Section
Oregon Water Resources Department
725 NE Summer Street, Suite A
Salem, OR 97301-1271
Fax #: (503)986-0901**

If you have any questions about any of the statements contained in this document, I am most likely the best person to answer your questions. You may contact Lisa Juul by telephone at (503)986-0808.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulon. Her telephone number is (503)986-0824.

If you have other questions about the Department or any of its programs, please contact our Water Rights Information Group at (503)986-0801.

GC asked me to
work on

Last Reviewed Oct. 2021

PERMIT

MEMO -Proof to Satisfaction

Application # <u>G-13898</u>	Permit # <u>G-13476</u>	Permit Amendment (T-FILE)#
WRD Reviewer (CW) <u>J Skang</u>	Date <u>Oct 2023</u>	
WRD Peer Reviewer (PR) <u>holmes</u>	Date <u>11/23</u>	
Related Files:		

CW	PR	RESEARCH
☒	☐	Organize: file in chronological Order; Pull following items from paper file:
		☒ CBU Report/Map ☒ App (Permit) Map ☒ Assignment ☒ Extension
		☐ Fish Screen Doc ☒ Pump Test ☒ SWL (paper) ☐ Water Use Charts
		☒ Permit Amendment
		Electronic Application Folder:
☒	☐	☒ Create CBU folder ☒ Create Work Packet folder
☒	☐	Scan: Above documents into "CBU Folder"
☒	☐	Save other docs electronically: save these in the Work Packet folder per naming conventions
		☒ Permit ☒ Transfer Order ☒ POU Report (conflict) ☐ Water Use Report
		☒ SWL (GW) ☒ OrMap Tax Lot Map ☒ Ownership Report ☒ BLM Map
		☒ PT Approve/Deny ☐ Dam Safety ☐ Mitigation ☐ Others
☒	☐	Search :
☒	☐	☒ Interactive Mapper ☐ AOI ☒ Map and TaxLot ☐ New Owner & Address: <u>300 = 1100 See owner tax lot 1100</u>

REVIEW OF CLAIM: Comments on Second Page

Required By Permit/Order	Complied Y/N	CONDITIONS	NOTES:
☐ Yes ☐ No ☐ n/a	☐ Y ☐ N	Fish Condition	
☒ Yes ☐ No ☐ n/a	☒ Y ☐ N	Meter/Measuring Device	<u>Claim States installed</u>
☐ Yes ☐ No ☐ n/a	☐ Y ☐ N	Water Use Reporting	
☒ Yes ☐ No ☐ n/a	☐ Y ☐ N	Pump Test	<u>approved 6/18/2023</u>
☒ Yes ☐ No ☐ n/a	☒ Y ☐ N	SWL <u>month</u> (Month)	<u>+7 consecutive yes</u>
☐ Yes ☐ No ☐ n/a	☐ Y ☐ N	Dam Safety	
☐ Yes ☐ No ☐ n/a	☐ Y ☐ N	Well Id	
☐ Yes ☐ No ☐ n/a	☐ Y ☐ N	Other:	
☒ Yes ☐ No ☐ n/a	☒ Y ☐ N	C-date <u>10/1/2002</u> Ext C-date <u>2004</u>	<u>Claim Came in 12/1/04</u>

REVIEW OF MAP: ☐ Yes ☐ No is a REVISED Map required?

CW	PR	Notes:
☐	☐	Verify POA/POD Location
☐	☐	Verify POU
☐	☐	POU clearly identified use type
☐	☐	DLC/GOV'T LOT

RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

POD/POA PERMIT	POD/POA CLAIM	PERMITTED RATE	CLAIM RATE	CALCULATED RATE	NOTES:
		<u>0.47 cfs</u>		<u>0.80 cfs</u>	<u>See calc Sheet</u>
			<u>sprinklers = 0.628 cfs</u>		

DETERMINATION:

CW	PR	DOCUMENT	NOTES:
☐	☐	LETTER FOR CLARIFICATION	
☐	☐	DRAFT (PLEASE EXPLAIN)	
☒	☐	PROPOSED	<u>Reduced acres and only developed well #2</u>

☐	☐	FINAL	
☐	☐	PROPOSED ORDER TO CANCEL	

FINAL CHECKS: Review your document; BEFORE printing proposed for Support

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW	
		☐ POA/POD/DAM TABLES/DESCRIPTIONS	☐ PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
☐	☐	SPELL CHECKED DOC	
☐		CERT NUMBER ISSUED	CERT #

EXTRAS: BEFORE Printing your Final Certificate

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW COMMENTS	
☐	☐	SPELL CHECKED DOC BEFORE FINAL CERTIFICATE PRINTED	

CASEWORKER REVIEW COMMENTS:

PEER REVIEWER COMMENTS:

Acres: 25.05 acres;
Source: A well, in the Johnson Creek Basin.
Date Of Complete Application of Water: October 1, 2004.

Authorized Point of Appropriation:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Location
1	S	4	E	W.M.	20	NE SE	North 50° 19' 11" East 399 feet from the E¼ Corner of Section 20.

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Acres
1	S	4	E	W.M.	20	SW NE	0.34
1	S	4	E	W.M.	20	NE SE	15.31
1	S	4	E	W.M.	20	NW SE	8.09
1	S	4	E	W.M.	20	SW SE	1.31

3. Application T-9608 proposes an additional point of appropriation located:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Location
1	S	4	E	W.M.	20	NE SE	Well 2 - South 67° 59' West 1382 feet from the E¼ Corner of Section 20.

4. Notice of the application for permit amendment was published in the Department's weekly notice pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter all other terms of the permit.

Conclusion of Law

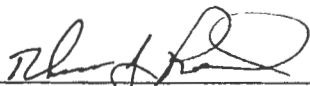
The additional point of appropriation proposed by Permit Amendment Application T-9608 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

- add to permit*
- ① The combined quantity of water diverted at the proposed point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13476.
 2. A. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
 - ③ Water shall be acquired from the same aquifer as the original point of appropriation.
 4. All other terms and conditions of Permit G-13476 remain the same.
 5. Permit G-13476, in the name of Reardon Nursery, Inc., is amended as described herein.

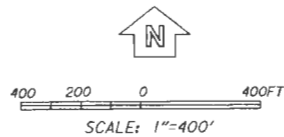
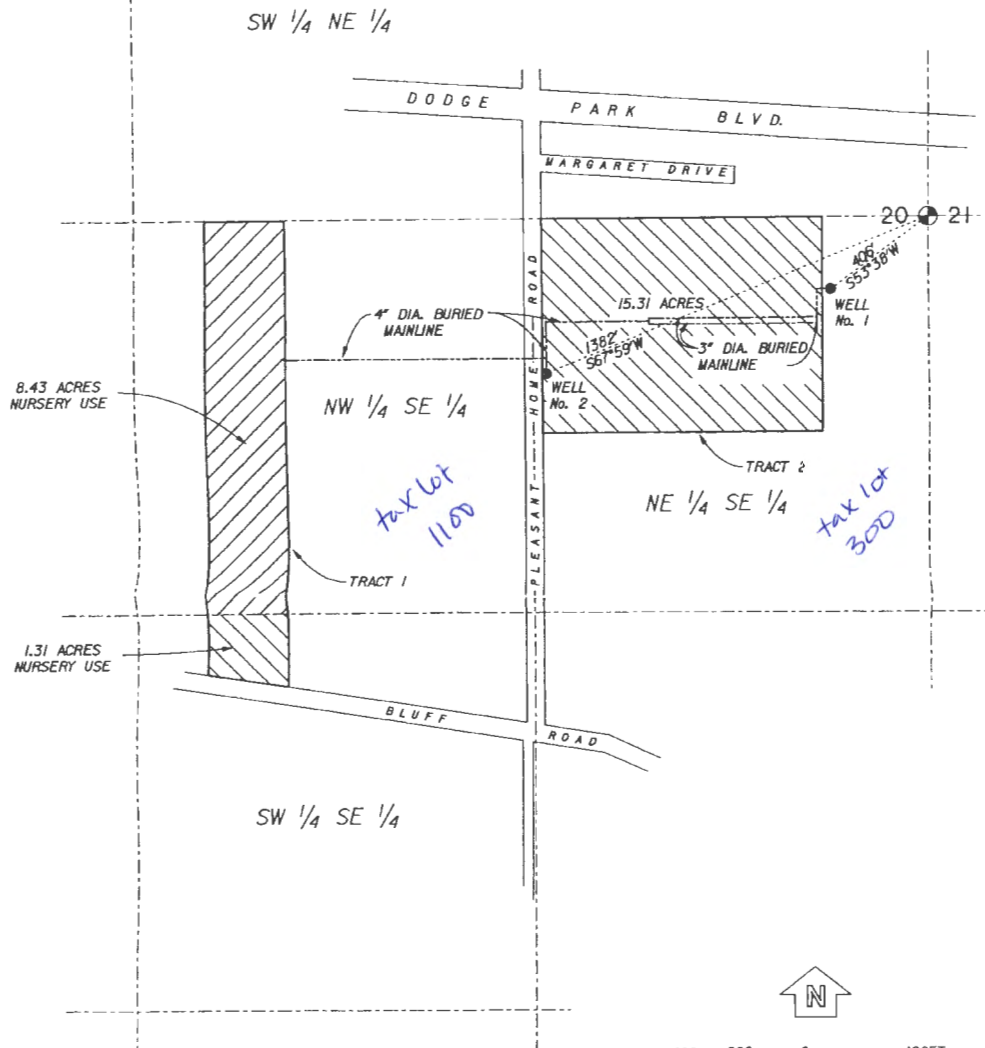
Dated at Salem, Oregon this 7th day of July, 2004.


For Phillip C. Ward,
Acting Director

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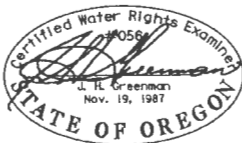
OCT 01 2004

MULTNOMAH COUNTY CLERK
MULTNOMAH, OREGON



SECTION 20, T.1S., R.4E., W.M.
MULTNOMAH COUNTY, OREGON

This drawing is an exhibit for a Final Proof Survey. It is not a Land Survey. Property lines and/or other lines of occupation shown hereon are not represented by the undersigned to meet accuracy standards of Land Surveys.



Application No. G-13898

Permit No. G-13476



**HANER, ROSS &
SPORSEEN, INC.**
15 S.E. 82ND DRIVE
GLADSTONE, OREGON 97027

REARDON NURSERY, INC.
FINAL PROOF SURVEY

683

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO Assignment:

LEE R. MATTHEWS
32033 MALLY ROAD
GRESHAM, OREGON 97080

Reardon Nursery Inc
10050 SE 282nd Ave
Bonning OR 97009

Northwest Farm
Credit Services FLCA
652 Hawthorn Ave SE
Suite 20
Salem OR
97301
(503) 663-5811

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

APPLICATION FILE NUMBER: G-13898

SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 25.05 ACRES

MAXIMUM RATE: 0.47 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 29, 1994

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 20, T1S, R4E, W.M.;
NORTH 50° 19' 11" EAST, 399 FEET FROM THE E 1/4 CORNER OF SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 0.34 ACRES
NE 1/4 SE 1/4 15.31 ACRES
NW 1/4 SE 1/4 8.09 ACRES
SW 1/4 SE 1/4 1.31 ACRES

SECTION 20

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

Application G-13898

Water Resources Department

PERMIT G-13476

going proposed

Measurement, recording and reporting conditions:

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

by the Department. The Department requires the individual performing the measurement to:

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

Ground water for use under this permit shall be produced from the Deep Troutdale Aquifer between 300 to 450 feet below land surface.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

STANDARD CONDITIONS

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

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

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

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

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

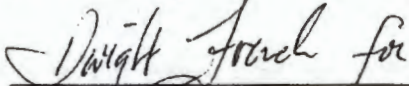
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year of permit issuance. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued August 21, 1998



Martha O. Pagel, Director
Water Resources Department

Application No. G-13898
Permit No. G-13476
Multnomah County

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WATER RESOURCES DEPT
SALEM, OREGON

SITE REPORT AND CLAIM OF BENEFICIAL USE

Permitee: Reardon Nursery, Inc.

Land Owner: Reardon Nursery, Inc.

Tax Lot(s) & Assessor's Map(s): T.L. 300 1S 4E 20DA, T.L. 1100 1S 4E 20DB

Mailing Address: 10050 SE 282nd Avenue
Boring, Oregon 97009

Telephone: (503) 663-1200

Interviewee: Michael D. Reardon, President

Interview Date: 2004/09/29

Source: One well, Well No. 2, Well Log No. 58958, Well Tag No. L27714, in the JOHNSON CREEK BASIN WITHIN WILLAMETTE RIVER BASIN. *well #2*

Diversion Point: The well is located South 67° 59' West, 1382' from the East One-Quarter Corner Section 20, Township 1 South, Range 4 East, Multnomah County, Oregon.

Use: Water use is NURSERY OPERATIONS (at rate of 0.15 cubic feet per acre), IRRIGATION OF CONTAINER PLANT STOCK (at a rate of 0.025 cubic feet per acre), IRRIGATION OF IN-GROUND NURSERY

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WATER RESOURCES DEPT
SALEM, OREGON

Application No. G-13898

Permit No. G-13476

Multnomah County

STOCK and/or any other crop (at a rate of 0.0125 cubic feet per acre) for 25.05 acres. Water use for NURSERY OPERATIONS occurs randomly throughout the year while the other uses occur during the irrigation season. At the time of my observation a mix of container stock, in-ground nursery stock and green-house stock was planted.

- Pump and Motor:** The well pump is a 40 horsepower Crown submersible turbine, model S6-230-10. Based upon operating observations of motor voltage and current (460± volts & 48.7± amps/leg), the motor horsepower was confirmed. A pump test has not yet been conducted but is scheduled to take place shortly; the results will be forwarded under separate cover.
- Lift:** A permanently installed air line 399' long was used to determine the water surface observed during pumping. The water surface stabilized at about 236 feet below top of casing (234.5± feet below ground level).
- Pipeline:** The well pump is connected to 880 feet of 4" diameter PVC buried mainline that runs west under Pleasant Home Road to serve the 9.74 Acre parcel (Tract 1) in the W ½ of the SE 1/4, Section 20. Another 4" diameter mainline runs north and east to a looped 3" distribution line that feeds the 15.31 Acre parcel (Tract 2) in the NE 1/4 of the SE 1/4, Section 20.
- Sprinkler Heads:** The installation is composed of Rain Bird model 2045-PJ Maxi-Bird sprinklers equipped with 9/64" diameter nozzles in solid sets, Rain Bird model 20 & 25 sprinklers with 5/32" diameter nozzles in solid sets and Rain Bird model 30 impact sprinklers with 5/32" diameter nozzles attached to 4" diameter hand lines. The solid sets are established in Tract 2 while the hand sets are established in Tract 1. Sprinkler discharge pressures were measured when a set of 39 Maxi-Bird nozzles was operating. The pressures observed were all at or very close to 40 psi. A set running 39 sprinklers with a discharge pressure of 40 psi will discharge (39 x 3.7 g.p.m.) = 144 g.p.m (0.322 c.f.s.). Independent conformation of the discharge

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WATER RESOURCES DEPT
SALEM, OREGON

Application No. G-13898

Permit No. G-13476

Multnomah County

rate was obtained by observing the rate of flow indicated on the totalizing-instantaneous flow meter installed at the well head. The meter indicated $140 \pm$ g.p.m. while serving the 39 sprinkler set.

Mr. Reardon told me these solid sets are commonly operated along with a set of 6 or more (multiples of 6 to a maximum of 30) of the model 30 impact sprinklers. Such a set-up could not be arranged at the time of my visit as the hand line sets had been broken down for the season. Calculated total pumping head under the above described arrangement equals:

Lift:	236.0 feet
Friction: $(1.4' / 100') \times (900') =$	12.6
Velocity head: $40 \text{ psi} / 0.433 =$	<u>92.4</u>
	341.0 feet

According to the Crown pump curve, theoretical pump capacity against a 341 foot head for the S6-230-10 pump is 282 g.p.m. (0.628 c.f.s.). This comports with Mr. Reardon's example set of 39 Maxi-Bird sprinklers and 30 Rain Bird model 30 sprinklers (39×3.7 g.p.m. + 30×4.6 g.p.m. = 277 g.p.m.) and exceeds the amount of 211 g.p.m. (0.417 cfs) allowed under Permit G-13476.

Survey Tie: The East One-Quarter Corner, Section 20, Township 1 South, Range 4 East, was used as the reference to tie the well head.

Special Conditions: The well head is equipped with an access port and 1/4" diameter air line extending 399 feet. A McCrometer totalizing-instantaneous flow meter, model MF104, is installed in the mainline close to the wellhead. The static water surface was 227 below top of casing feet on September 29, 2004. While this static level is less than the limit of 300 feet placed on minimum depth to permitted groundwater withdrawal, it appears from the well log that the source is cemented gravels between 420 and 490 feet, well below the stated minimum.

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WATER RESOURCES DEPT
SALEM, OREGON

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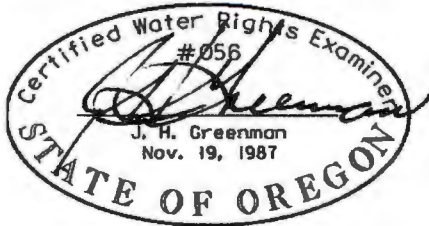
WATER RESOURCES DEPT
SALEM, OREGON

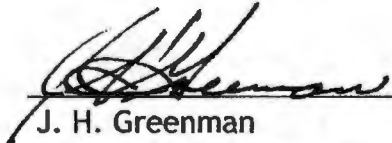
Application No. G-13898

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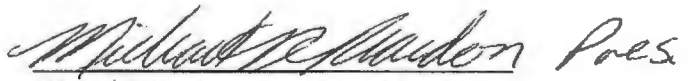
Multnomah County

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Permit G-13476 was completed by me on September 29, 2004, and the facts contained in this Claim of Beneficial Use and accompanying Final Proof Map are true and correct to the best of my knowledge.




J. H. Greenman
Certified Water Right Examiner

I, Michael D. Reardon, agree the facts contained in this Claim of Beneficial Use and accompanying Final Proof Map are true and correct to the best of my knowledge and do submit this site report and map as the Claim of Beneficial Use of Water as provided under the terms and conditions of Permit G-13476. I request that the Department issue a water right certificate.


Michael D. Reardon, President
Reardon Nursery, Inc.

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SEP 15 1999

MULT
58958

State of Oregon
WATER WELL REPORT (as required by ORS 537.765)

Page 1 of 1

State Well ID L27714
Start Card # 099565

WATER RESOURCES DEPT.
SALEM, OREGON

1) OWNER: Well No. L27714
Name LEE R MATTHEWS
Address 32033 MALLEY ROAD
City GRESHAM St OR Zip 97080

2) TYPE OF WORK: NEW WELL

3) DRILL METHOD: ROTARY AIR

4) PROPOSED USE: IRRIGATION

5) BORE HOLE CONSTRUCTION:

Special Construction Approval NO Depth of Compl. Well 500 ft
Explosives used NO Type Amount
HOLE SEAL
Diam. From To Material From To Amount
14 0 90 CEMENT 0 90 55 SACKS
12 90 302 CEMENT 260 302 30 SACKS
9 1/2 302 500

Seal placement method C

Backfill: from ___ ft to ___ ft Material
Gravel: from ___ ft to ___ ft Size

6) CASING/LINER:

Casing	Diam.	From	To	Gauge	Material	Connection
	10	+1	302	.250	STEEL	WELDED
Inner	8	280	320	.250	STEEL	WELDED

Final Location of shoe(s) 302' 9 1/2" TUBEX

7) PERFORATIONS/SCREENS:

[X] Perf. Method TORCH
[] Screens Type Material
Slot Tele/pipe
From To Size Number Diam. Size Casing/liner
420 480 1/4X9 600 L liner

8) WELL TESTS: Minimum testing time is 1 hour

Test type AIR

Yield GPM	Draw-down	Drill stem at	Time
600		480	1 hr.
600		480	2 hr

Temperature of water 51F Depth Artesian Flow Found
Was water analysis done? NO By whom
Reason for water not suitable for use
Depth of strata

(9) LOCATION OF WELL description:
County MULT Lat. ° ' " Long. ° ' "
Township 1 S Range 4 E W. M.
Section 20 NE 1/4 SE 1/4
Tax Lot 43 Lot Block Subdivision
Street Address of Well (or nearest Address)
7336 SE PLEASANT HOME ROAD GRESHAM, OR 97080

(10) STATIC WATER LEVEL:

231 ft. below land surface. Date 09/09/99
Artesian pressure ___ lb per square in. Date

(11) WATER BEARING ZONES:

Depth at which water was first found	45	50	Est Flow Rate	SWL
From To	45 50	50 490	10+ GPM	35
			600+ GPM	231

(12) WELL LOG:

Material	Ground elevation	From	To	SWL
TOP SOIL		0	2	
RED CLAY		2	8	
BROWN CLAY		8	72	
CEMENTED GRAVEL & BOULDERS		72	240	
BROWN CEMENTED GRAVEL WITH CLAY		240	345	
BROWN CLAY & GRAVEL		345	420	
BLACK CEMENTED GRAVEL		420	490	231
BLUE CLAY		490	500	

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WATER RESOURCES DEPT.
SALEM, OREGON

Date started 08/21/99

Completed 09/09/99

(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 water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed _____ WWC Number _____
Date _____

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

Signed *Ted Matthews* WWC Number 616
Date 09/09/99

Completion Checklist for CWRE Claims of Beneficial Use

Application # G-13898
Permit # G-13476
Transfer # _____
Date 22 DEC 04
Reviewer SB



Date Received 1 OCT
CWRE # 056
Claim Logged _____
File Marked ✓
Oversized Map # no

Map Review:

- ☒ 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)
- ☒ Township, range, section, and tax lot numbers
- ☒ Source illustrated if surface water
- ☒ Point(s) of diversion or appropriation (illustrated)
- ☒ Point(s) of diversion or appropriation (coordinates)
- ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.)
- ☒ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required
- ☒ 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)
- ☒ Checked to legal description

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
- ☒ Type of use
- ☒ Extent of use
- ☒ Rate and Duty
- ☒ Diversion rate for each use
- ☒ Description of conveyances system (from POD to POU)
- ☒ Diversion works description (pump make, serial model, capacity, and description)
- ☒ System capacity
 - ☒ Calculated capacity of system
 - OR
 - ☒ Measured amount of use
- ☒ Permit 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)

meter ok
SWR
Check

Figure 1: Schematic representation of the experimental design. The figure shows a timeline of the experiment. It starts with a 'Pretest' phase, followed by a 'Main Experiment' phase. The Main Experiment is divided into two parts: 'Part 1' and 'Part 2'. Part 1 involves a 'Pretest' and a 'Main Experiment' with 'Condition 1' and 'Condition 2'. Part 2 involves a 'Pretest' and a 'Main Experiment' with 'Condition 1' and 'Condition 2'. The timeline ends with a 'Posttest' phase.

____ Signature(s) of permittee or transfer holder

_____Map and COBU reviewed

Any Conflicts? _____

_____ Check current ownership

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

Send letter requesting the following items/information:_____

 Yes

_____Proposed

Certificate # _____

Final:

Application No. G-13898
Permit No. G-13476
Multnomah County

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OCT 01 2004

WATER RESOURCES DEPT
SALEM, OREGON

SITE REPORT AND CLAIM OF BENEFICIAL USE

Permitee: Reardon Nursery, Inc.

Land Owner: Reardon Nursery, Inc.

Tax Lot(s) & Assessor's Map(s): T.L. 300 1S 4E 20DA, T.L. 1100 1S 4E 20DB

Mailing Address: 10050 SE 282nd Avenue
Boring, Oregon 97009

Telephone: (503) 663-1200

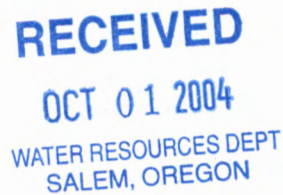
Interviewee: Michael D. Reardon, President

Interview Date: 2004/09/29

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Application No. G-13898
Permit No. G-13476
Multnomah County

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SALEM, OREGON

Application No. G-13898

Permit No. G-13476

Multnomah County

rate was obtained by observing the rate of flow indicated on the totalizing-instantaneous flow meter installed at the well head. The meter indicated $140 \pm$ g.p.m. while serving the 39 sprinkler set.

Mr. Reardon told me these solid sets are commonly operated along with a set of 6 or more (multiples of 6 to a maximum of 30) of the model 30 impact sprinklers. Such a set-up could not be arranged at the time of my visit as the hand line sets had been broken down for the season. Calculated total pumping head under the above described arrangement equals:

Lift:	236.0 feet
Friction: $(1.4'/100') \times (900') =$	12.6
Velocity head: $40\text{psi}/0.433 =$	<u>92.4</u>
	341.0 feet

According to the Crown pump curve, theoretical pump capacity against a 341 foot head for the S6-230-10 pump is 282 g.p.m (0.628 c.f.s.). This comports with Mr. Reardon's example set of 39 Maxi-Bird sprinklers and 30 Rain Bird model 30 sprinklers (39×3.7 g.p.m. + 30×4.6 g.p.m. = 277 g.p.m.) and exceeds the amount of 211 g.p.m. (0.417 cfs) allowed under Permit G-13476.

Survey Tie: The East One-Quarter Corner, Section 20, Township 1 South, Range 4 East, was used as the reference to tie the well head.

Special Conditions: The well head is equipped with an access port and 1/4" diameter air line extending 399 feet. A McCrometer totalizing-instantaneous flow meter, model MF104, is installed in the mainline close to the wellhead. The static water surface was 227 below top of casing feet on September 29, 2004. While this static level is less than the limit of 300 feet placed on minimum depth to permitted groundwater withdrawal, it appears from the well log that the source is cemented gravels between 420 and 490 feet, well below the stated minimum.

RECEIVED

OCT 01 2004

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

OCT 01 2004

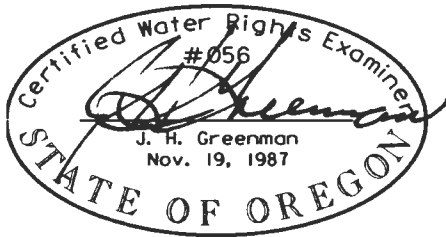
WATER RESOURCES DEPT
SALEM, OREGON

Application No. G-13898

Permit No. G-13476

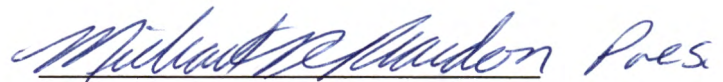
Multnomah County

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Permit G-13476 was completed by me on September 29, 2004, and the facts contained in this Claim of Beneficial Use and accompanying Final Proof Map are true and correct to the best of my knowledge.




J. H. Greenman
Certified Water Right Examiner

I, Michael D. Reardon, agree the facts contained in this Claim of Beneficial Use and accompanying Final Proof Map are true and correct to the best of my knowledge and do submit this site report and map as the Claim of Beneficial Use of Water as provided under the terms and conditions of Permit G-13476. I request that the Department issue a water right certificate.


Michael D. Reardon, President
Reardon Nursery, Inc.

9809C 10/91

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LEE R. MATTHEWS
32033 MALLY ROAD
GRESHAM, OREGON 97080

E. Reardon Nursery

(503) 663-5811

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

APPLICATION FILE NUMBER: G-13898

SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 25.05 ACRES

MAXIMUM RATE: 0.47 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: NOVEMBER 29, 1994

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 20, T1S, R4E, W.M.;
NORTH 50° 19' 11" EAST, 399 FEET FROM THE E 1/4 CORNER OF SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4	0.34 ACRES
NE 1/4 SE 1/4	15.31 ACRES
NW 1/4 SE 1/4	8.09 ACRES
SW 1/4 SE 1/4	1.31 ACRES

SECTION 20

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

Measurement, recording and reporting conditions:

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place**Initial and Annual Measurements**

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

After Use of Water has Begun**Seven Consecutive Annual Measurements**

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

by the Department. The Department requires the individual performing the measurement to:

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

Ground water for use under this permit shall be produced from the Deep Troutdale Aquifer between 300 to 450 feet below land surface.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

STANDARD CONDITIONS

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

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

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

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

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

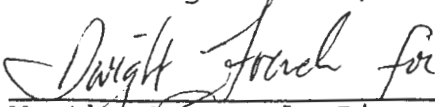
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year of permit issuance. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued August 21, 1998


Martha O. Pagel, Director
Water Resources Department

PHONE CALL

12/21/2003 12:30

FOR MON F.D. DATE 04 3 TIME AM P.M.

M ANGELA JOHNSON

OF ATTY

PHONE (503) 598-5555 FAX

MOBILE

MESSAGE

JORDAN SCHRAEDER

? G 13898

Per # G 13476

SIGNED 598 7070 10 25 - 1154

☒ TELEPHONED

☐ RETURNED YOUR CALL

☒ PLEASE CALL

☐ WILL CALL AGAIN

☐ CAME TO SEE YOU

☐ WANTS TO SEE YOU

TO: Water Rights Section

April 19, 1996

FROM: Groundwater/Hydrology Section

Don Miller

Reviewer's Name

SUBJECT: Application G-13898

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ☐ will, or likely be available in the amounts requested without injury to prior rights
 - b. ☐ will not and/or within the capacity of the resource; or
 - c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ☒ The permit should contain condition #(s) 7C;
 - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☒ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. ☐ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ☐ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ☒ The permit should allow groundwater production only from the deep Troutdale groundwater reservoir between approximately 300 ft. and 450 ft. below land surface;
 - d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ☐ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

13898

WR Section: The source of water in this application, application G-13897, and certificate 41722 is the same! Additional POA's appear needed not supplemental.

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199__.
(Signature)

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

_____, 199__.

(Signature)

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-13898

ROUTED TO: WR

TOWNSHIP/

RANGE-SECTION: 15/4E-20

CONDITIONS ATTACHED? ☒yes ☐no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Dann Miller

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files Date 4/18/96

FROM: Donn Miller

SUBJECT: Groundwater Application G- 13898 Phone: 663-5811

Name: Lee Matthews

Applicant(s) seek 211 gpm (0.47 cfs) from one well(s) in the Willamette basin

Proposed use: Nursery Supplemental Johnson CK sub basin

Pertinent 7 1/2 - minute quads Sandy

Well # 1 WRD# MULT T 1 S R 4E S 20 QO daa County Multnomah

Legal Description

Well is 240' ft from Johnson CK (river/stream)

Well is 1100' ft from trib of Beavon CK (Sandy Basin) (river/stream)

Well elevation 612 ft River/stream elevation 545, 590 ft.

Well elevation - river/stream elevation 67', 22'

Well depth 413 SWL 220 on 6/4/89

Sealed to 190 Depth first water found

Cased to 413 Perforations/screens

Lined to - Perforations/screens

Well tests and types 150 gpm / 33' dd / 2 hrs

Confined or unconfined? Confined Hydraulically connected? NO

Potential to cause substantial interference? NO

Well _____ WRD# _____ T _____ R _____ S _____ QO _____ County _____

Legal Description

Well is _____ ft from _____ (river/stream)

Well is _____ ft from _____ (river/stream)

Well elevation _____ ft River/stream elevation _____ ft.

Well elevation - river/stream elevation _____

Well depth _____ SWL _____ on _____

Sealed to _____ Depth first water found _____

Cased to _____ Perforations/screens _____

Lined to _____ Perforations/screens _____

Well tests and types _____

Confined or unconfined? _____ Hydraulically connected? _____

Potential to cause substantial interference? _____

Conditioned water rights in area: yes

Other nearby water rights of record: yes

Density of nearby wells of record: moderate

Comments See GW review of G-13897 for site details.

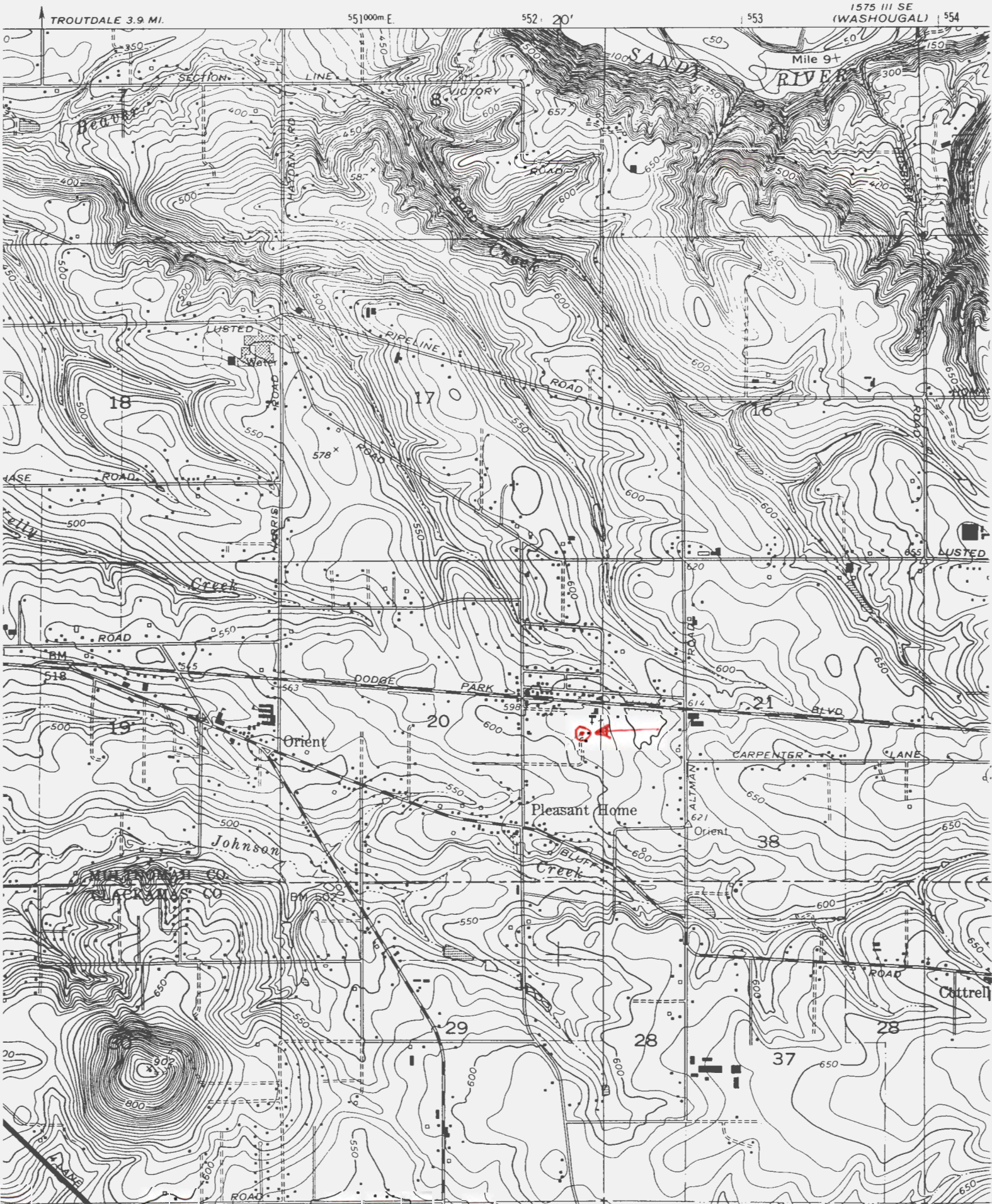
The applicant is moving some water around by transfer but there is no transfer application yet. The source of gw for this application and that of G-13897 is the same so the supplemental request is wrong. It seems that they really seek an additional POD to the other application & the transfer.

References used: USGS OFR 90-126

4/19/96 I spoke to Lee Matthews & he's not sure if the well is in the Sandy or Willamette Basin. My best estimate at this time is Willamette and I'm using it here.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

G-13898



GR	1439	1.00S	4.00E29SESW	IR	0.2232	C
G	10579	1.00S	4.00E29SWSE	NU	0.3348	C
G	11611	1.00S	4.00E30SWSW	NU	0.1786	C
G	11611	1.00S	4.00E30SWSW	NU	0.2768	C
GR	3865	1.00S	4.00E30SWSW	IR	0.5580	C
G	10086	1.00S	4.00E30SWSE	IR	0.2344	C
GR	2543	1.00S	4.00E29SWSW	IR	0.1004	C
G	2100	1.00S	4.00E28SWSE	IR	0.2000	C
G	8924	1.00S	4.00E28SWSE	IS	0.1600	C
G	7496	1.00S	4.00E28SESE	IR	0.6700	C
G	7564	1.00S	4.00E28SESE	IS	0.2700	C
G	8925	1.00S	4.00E28SESE	IR	0.1100	C
GR	121	1.00S	4.00E31NENE	ID	0.1786	C
G	10991	1.00S	4.00E33NWNW	IR	0.4700	C

REVIEW CHECKLIST

FOR G- 13898

- ☒ Appropriate parts of the stream index
- ☒ Estimated number of wells within one-mile radius & identified types.
- ☒ Verify that the well log is in application. If not, provide one.
- ☒ State observation wells within five-mile radius.
- ☒ List groundwater permits within a five-mile radius with extraordinary conditions.

APPLICATIONS WITH PERMIT CONDITIONS: 15, 4E, 20 NESE

G13579	G13032	G13272	G13860
13021	13150	13698	13724
13565	13172	12505	13722
13741	12862	13751	
13089	12863	13118	
13740	12791	13292	
	13088	13292	
13234	13293	13359	
13709	13065	12476	
12634	13291	12483	
12320	13318	12395	
13113	12354	13178	
13471	13276	13380	
13580	13495	13730	



Oregon

John A. Kitzhaber, M.D., Governor

FILE COPY

G-13898 - T-9608

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

October 14, 2002

Steven L. Shropshire
Jordan Schrader PC
P.O. Box 230669
Portland, Oregon 97281

Reference: Assignment of **Permit G-13476** and Ttransfer T-8022

Dear Mr. Shropshire:

I am in receipt of the above referenced assignment requests. After reviewing the enclosed supporting documentation, I noticed that only a portion of the land covered under the permits was described.

My question is this; did Reardon Nursery acquire all of the lands covered under these rights or only a portion of the land covered by the permits. If Reardon Nursery owns all of the land, I will need copies of the deed for the remainder. If they acquired only the portion for which a copy of the deed was submitted, we can assign that portion of the right to Reardon Nursery.

I also would like to verify that the extension request you submitted has been received and will be forwarded to our extension person.

If you have any questions please feel free to contact me at (503) 378-8455 ext. 274. I have enclosed my card for your convenience.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13898

Final Order
Extension of Time for Permit Number G-13476

Appeal Rights

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

Application History

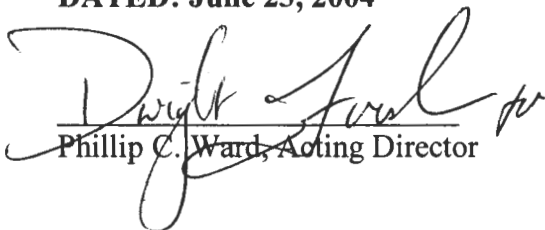
On October 10, 2002, Reardon Nursery Inc. submitted an application to the Department for an extension of time for permit number G-13476. The Department issued permit number G-13476 on August 21, 1998. The permit called complete application of water to full beneficial use by October 1, 2002. In accordance with OAR 690-315-0050(2), on April 27, 2004, the Department issued a Proposed Final Order proposing to extend the time fully apply water to beneficial use to October 1, 2004. The protest period closed June 11, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

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

Order

The extension of time for Application Number G-13898, Permit Number G-13476, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2004.

DATED: June 23, 2004


Phillip C. Ward, Acting Director

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment)
T-9608, Multnomah County, Oregon)

FINAL ORDER

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

Reardon Nursery Inc.,
10050 SE 282nd,
Boring, Oregon 97009.

Findings of Fact

1. Reardon Nursery, Inc., filed an application to amend the point of appropriation of Permit G-13476. The Department assigned the application number T-9608.
2. The permit to be amended is as follows:
 - Permit:** G-13476, in the name of Reardon Nursery, Inc.;
 - Use:** Nursery Operations on 25.05 acres;
 - Priority Date:** November 29, 1994;
 - Quantity:** 0.47 cubic foot per second;
 - Rate/Duty:** The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime, during the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

Acres: 25.05 acres;
Source: A well, in the Johnson Creek Basin.
Date Of Complete Application of Water: October 1, 2004.

Authorized Point of Appropriation:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Location
1	S	4	E	W.M.	20	NE SE	North 50° 19' 11" East 399 feet from the E¼ Corner of Section 20.

Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Acres
1	S	4	E	W.M.	20	SW NE	0.34
1	S	4	E	W.M.	20	NE SE	15.31
1	S	4	E	W.M.	20	NW SE	8.09
1	S	4	E	W.M.	20	SW SE	1.31

3. Application T-9608 proposes an additional point of appropriation located:

Township	Range	Meridian	Sec	¼ ¼	Lot	DLC	Location
1	S	4	E	W.M.	20	NE SE	Well 2 – South 67° 59' West 1382 feet from the E¼ Corner of Section 20.

4. Notice of the application for permit amendment was published in the Department's weekly notice pursuant to ORS 540.520(5). No comments were filed in response to the notice.
5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter all other terms of the permit.

Conclusion of Law

The additional point of appropriation proposed by Permit Amendment Application T-9608 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the proposed point of appropriation (well), together with that diverted at the old point of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13476.
2.
 - A. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of Permit G-13476 remain the same.
5. Permit G-13476, in the name of Reardon Nursery, Inc., is amended as described herein.

Dated at Salem, Oregon this 7th day of July, 2004.


For Phillip C. Ward,
Acting Director

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.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)
(Do not write above this line)

State Well No.

State Permit No.

(1) OWNER: John

Name J.W. Williams

Address RT 2 Box 925 Astoria

(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 ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☒

8" Diam. from 0 ft. to 379 ft. Gage 277
6" Diam. from 373 ft. to 413 ft. Gage 250
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Mills Knife Touchcut

Size of perforations 3/8 in. by 3 in.

164 perforations from 379 ft. to 413 ft.
220 perforations from 320 ft. to 331 ft.
perforations from 346 ft. to 375 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) WATER LEVEL: Completed well.

Static level 220' ft. below land surface Date June 4 1969

Artisan pressure lbs. per square inch Date

(9) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? driller

Yield: 150 gal./min. with 33 ft. drawdown after 2 hrs.

250 " 10 " 1 "

104 " 24 " 2 "

Ball test 40 gal./min. with 5 ft. drawdown after 2 hrs.

Artesian flow g.p.m. Date

Temperature of water 53 Was a chemical analysis made? ☐ Yes ☐ No

(10) CONSTRUCTION:

Well seal—Material used cement sand

Depth of seal 190 ft.

Diameter of well bore to bottom of seal 10 in.

Were any loose strata cemented off? ☐ Yes ☒ No DepthWas a drive shoe used? ☒ Yes ☐ NoDid 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.

(11) LOCATION OF WELL:

County Mult.

Driller's well number

1/4 1/4 Section 20 T. 15 R. 4E W.M.

Bearing and distance from section or subdivision corner

(12) WELL LOG:

Diameter of well below casing 6 to 7 in.

Depth drilled 413 ft. Depth of completed well 413 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 as drilling proceeds. Note drilling rates.

MATERIAL	From	To	SWL
Top soil	0	1	TS
yellow clay	1	5	CC
red clay	5	57	CR
white clay	57	62	CC
white clay	62	76	CC
cement gravel	76	105	GR
Hard rib	105	106	BB
cement gravel	106	141	GR
Hard cement gravel	141	151	GR
dry gravel	151	191	GL
cement gravel	191	224	GR
slots boulders	224	236	BG
cement gravel	236	267	GR
sand stone	267	280	SS
brown clay	280	285	CC
silly clay	285	285	CC
black clay	285	304	CC
cement & sand-stone	304	331	GR
red clay	331	346	CR
sand stone gravel	346	413	SR
water bearing			

Work started April 19 1969 completed June 19 1969

Date well drilling machine moved off of well June 6 1969

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] Douglas H. [Signature] Date 6/24/1969

(Drilling Machine Operator)

Drilling Machine Operator's License No. 596

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 H. C. C. [Signature] (Person, firm or corporation) (Type or print)

Address 18211 SE Powell [Signature]

[Signed] [Signature] (Water Well Contractor)

Contractor's License No. 82 Date 6/24/1969

RECEIVED

SEP 15 1999

State Well ID L27714
Start Card # 099565

State of Oregon
WATER WELL REPORT (as required by ORS 537.765)

Page 1 of 1

WATER RESOURCES DEPT.

SALEM, OREGON

(1) OWNER: Well No. L27714
Name LEE R MATTHEWS
Address 32033 MALLEY ROAD
City GRESHAM St OR Zip 97080

(2) TYPE OF WORK: NEW WELL

(3) DRILL METHOD: ROTARY AIR

(4) PROPOSED USE: IRRIGATION

(5) BORE HOLE CONSTRUCTION:
Special Construction Approval NO Depth of Compl. Well 500 ft
Explosives used NO Type Amount
HOLE SEAL
Diam. From To Material From To Amount
14 0 90 CEMENT 0 90 55 SACKS
12 90 302 CEMENT 260 302 30 SACKS
9 1/2 302 500

Seal placement method C

Backfill: from ___ ft to ___ ft Material
Gravel: from ___ ft to ___ ft Size

(6) CASING/LINER:

	Diam.	From	To	Gauge	Material	Connection
Casing	10	+1	302	.250	STEEL	WELDED
Liner	8	280	320	.250	STEEL	WELDED

Final Location of shoe(s) 302' 9 1/2" TUBEX

(7) PERFORATIONS/SCREENS:

☒ Perf. Method TORCH

☐ Screens Type Material

From	To	Slot Size	Number	Diam.	Tele/pipe Size	Casing/liner
420	480	1/4X9	600			LINER

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

Test type AIR

Yield GPM	Draw-down	Drill stem at	Time
600		480	1 hr.
600		480	2 hr

Temperature of water 51F Depth Artesian Flow Found
Was water analysis done? NO By whom
Reason for water not suitable for use
Depth of strata

(9) LOCATION OF WELL by legal description:

County MULT Lat. ° ' " Long. ° ' "
Township 1 S Range 4 E WM.
Section 20 NE 1/4 SE 1/4
Tax Lot 43 Lot Block Subdivision
Street Address of Well (or nearest Address)
7536 SE PLEASANT HOME ROAD GRESHAM, OR 97080

(10) STATIC WATER LEVEL:

231 ft. below land surface. Date 09/09/99
Artesian pressure ___ lb per square in. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 45

From	To	Est Flow Rate	SWL
45	50	10+ GPM	35
420	490	600+ GPM	231

(12) WELL LOG:

Material	Ground elevation		SWL
	From	To	
TOP SOIL	0	2	
RED CLAY	2	8	
BROWN CLAY	8	72	
CEMENTED GRAVEL & BOULDERS	72	240	
BROWN CEMENTED GRAVEL WITH CLAY	240	345	
BROWN CLAY & GRAVEL	345	420	
BLACK CEMENTED GRAVEL	420	490	231
BLUE CLAY	490	500	

Date started 08/21/99

Completed 09/09/99

(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 water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed _____ WWC Number _____
Date _____

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

Signed *Ted A. Ballance* WWC Number 616
Date 09/09/99

0.34 ACRES
SUPPLEMENTAL
IRRIGATION.
CONTAINER STOCK

8.09 ACRES
SUPPLEMENTAL
IRRIGATION.
CONTAINER STOCK

1.31 ACRES
SUPPLEMENTAL
IRRIGATION.
CONTAINER STOCK

SW $\frac{1}{4}$ NE $\frac{1}{4}$

DODGE

PARK BLVD.

MARGARET DRIVE

20 21

399
N50°19'11"E
WELL

12.61 ACRES
SUPPLEMENTAL
IRRIGATION.
FIELD STOCK

2.7 ACRES
SUPPLEMENTAL
IRRIGATION
CONTAINER STOCK

TRACT 1

NW $\frac{1}{4}$ SE $\frac{1}{4}$

3" DIA. MAIN LINE

TRACT 2

NE $\frac{1}{4}$ SE $\frac{1}{4}$

BLUFF

ROAD

SW $\frac{1}{4}$ SE $\frac{1}{4}$



SCALE: 1" = 400'

SECTION 20, T.1S., R.4E., W.M.
MULTNOMAH COUNTY, OREGON

This drawing is an exhibit for an Application
for a Ground Water Right Permit. It is not a
Land Survey. Property lines and/or other lines
of occupation shown hereon are not represented
by the undersigned to meet accuracy standards
of Land Surveys.

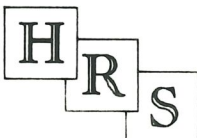
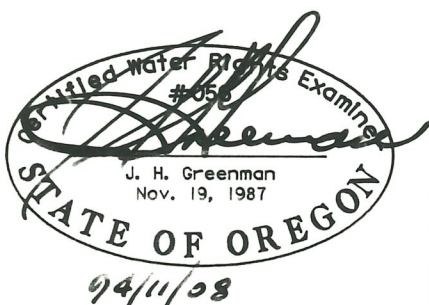
RECEIVED

NOV 29 1994

WATER RESOURCES DEPT.
SALEM, OREGON

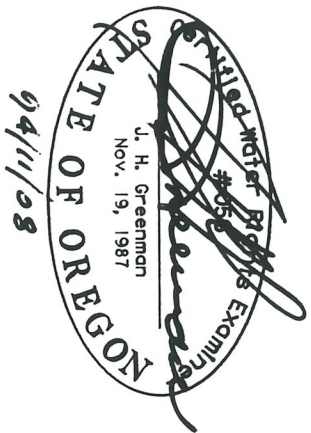
Application No. G73898

Permit No. G13476



HANER, ROSS &
SPORSEEN, INC.
15 S.E. 82ND DRIVE
GLADSTONE, OREGON 97027

LEE R. MATTHEWS
GROUND WATER RIGHT
APPLICATION MAP



This drawing is an exhibit for an Application for a Ground Water Right Permit. It is not a Land Survey. Property lines and/or other lines of occupation shown hereon are not represented by the undersigned to meet accuracy standards of Land Surveys.

NOV 29 1994

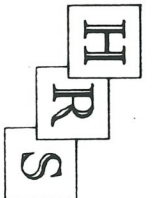
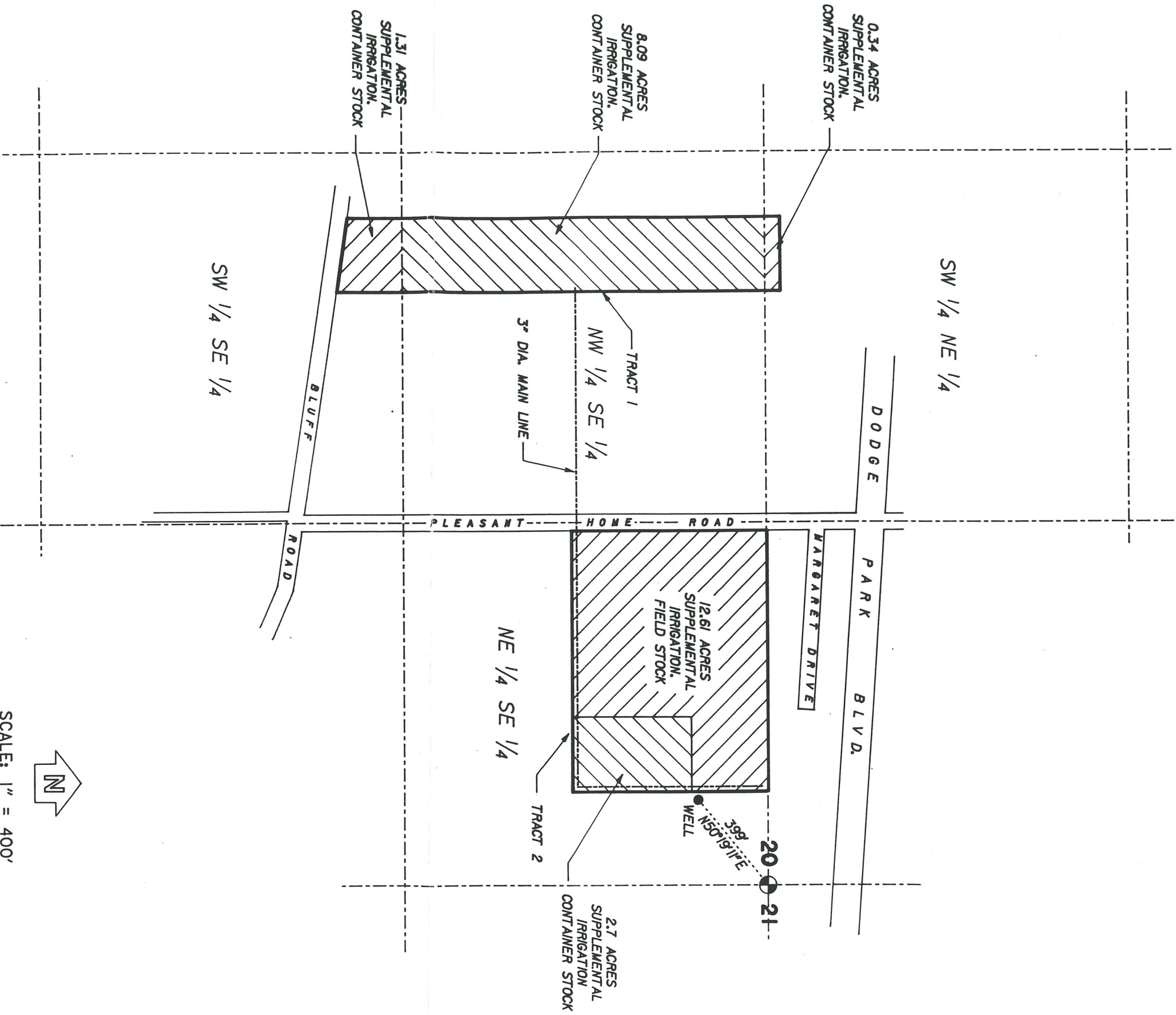
CLERK, DEPT. OF LAND SURVEYS, OREGON

Application No. 613898

Permit No. 610426

SECTION 20, T.1S., R.4E., W.M.
MULTNOMAH COUNTY, OREGON

SCALE: 1" = 400'



HANER, ROSS &
SPORSEEN, INC.
15 S.E. 82ND DRIVE
GLADSTONE, OREGON 97027

LEE R. MATTHEWS
GROUND WATER RIGHT
APPLICATION MAP

Extension "Final Order" Checklist

Application # G-13898 / Permit # G-13476

Permit Holder's Name REARDON NURSERY

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

___ 1. Date Extension Request submitted: 10-10-02

___ 2. Date permit was issued: 8-21-98

___ 3. Original "B" Date from permit: -
(Date for completion of construction)

___ 4. Original "C" Date from permit: 10-1-02
(Date for complete application of water)

___ 5. Extension PFO Date: 4-27-04

___ 6. WRD recommends extending "B" Date to: -

and extending the "C" Date to: 10-1-04

___ 7. Protest Deadline Date from PFO: 6-11-04

___ 8. Any written Protests or written Comments received within the Protest period? Yes No

Reviewer's Name: KEN WILCKE

Date: 4-16-04

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

Mailing List for Extension FO Copies

Application # G-13898
Permit # G-13476

FO Date: June 23, 2004

Original mailed to:

Applicant: Reardon Nursery, Inc.
 10050 SE 282nd Ave
 Boring, OR 97009

Copies Mailed

By: JWY²
(SUPPORT STAFF)

on: 6/24/04
(DATE)

For Extension FO's - Copies sent to:

1. WRD - Appl. File # G-13898 / Permit # G-13476
2. WRD - Watermaster District: # 20, Mike McCord ^{JW} ~~(via email)~~
3. WRD - Regional Manager: Northwest, Dave Jarrett ^{JW} ~~(via email)~~
4. WRD - Kelly Starnes, Permit Amendments
5. WRD - Support Staff, Salem...*Permit record update*

Other interested parties:

6. Jordan Schrader PC
 Attn: Steven L Shropshire
 PO Box 230669
 Portland, OR 97281
7. Lee R. Matthews
 32033 Mally Rd
 Gresham, OR 97281

CASEWORKER: LJJ:KAW

Mailing List for Extension PFO Copies

**Application #G-13898
Permit #G-13476**

PFO Date: April 27, 2004

Original mailed to:

**Applicant: Reardon Nursery Inc
c/o: Jordan Schrader PC
PO Box 230669
Portland, OR 97281**

Copies Mailed
By: <u>SB</u> (SUPPORT STAFF)
on: <u>4/27/04</u> (DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-13898 / Permit #G-13476
2. WRD - Watermaster District: #20 - Mike McCord, Oregon City
3. WRD - Kelly Starnes

Other interested parties:

4. NONE

CASEWORKER: KAW

S:\groups\wr\extensions\P F O\Work_315 rules\g13898.wpd

Application # G-13898 / Permit # G-13476

Route Slip ... Extension of Time

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

♦ **WRIG...**
Money Received: \$100.00 on 10-10-02

♦ **Lisa Juul...**
Extension Completeness: OK [Signature] 10-18-02
(If NOT complete, send certified letter requesting additional information.)

If Extension Appl complete and \$100 fee submitted, route to...

♦ **Jonnine Fuss...**
Initial 30-day Public Notice: 11/12/02
Update Extension Database: 11/12/02
Files back to filing cabinets: Process Asses. Then Return to Lisa

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

♦ **Lisa Juul...**
Pull files for Ext PFO review: _____
Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

♦ **Jonnine Fuss...**
Prepare Ext PFO for mailing to applicant: _____
Mail to those who commented and paid copy fee: _____
Include Ext PFO on weekly Public Notice: _____

Within 60 days after the close of the 45-day PFO Protest Period...
(PFO Protest Period ends 45 days from PFO sign date)...

♦ **Lisa Juul...**
Issue an Extension FO: _____

EXTENSION REVIEW CHECKLIST for PFO... per Div. 315 Rules

Application #: G - 13898 / Permit #: G - 13476

Permittee's Name: Reardon Nursery, Inc

Permittee's Mailing Address: Steve Shropshire of
20 Jordan Schrader PC, PO Box 230669, Portland OR
97281

POD Location: Township 1-S Range 4-E Section 20 1/4 1/4 NESE

Stream Basin: _____ County: Multnomah

- ✓ 1. Has the applicant completely filled out the updated Extension Application form? Yes / No Yes \$100.00 - Yes
***If "No" has certified request for the new extension form been sent? Yes / No Yes
- ✓ 2. Shortcomings of Extension Request..... based upon review of updated extension form Yes / No No
*** (NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)
- ✓ 3. Date Permit was issued: 8-21-98 (priority date = 11-29-94)
- ✓ 4. Source: One Well, in Johnson Cr.
- ✓ 5. Use: Nursery Operations on 25.05 ac
- ✓ 6. "Q": 0.47 cfs
- ✓ 7. Original "B" Date: _____ Original "C" Date: 10-1-2002
- ✓ 8. Conditions of Permit: Original "A" Date: 8-21-99
Before Water Use Begins → shall install a meter or other suitable meas. device
Once Well Constr. Complete → shall submit initial MARCH SWL meas. & every year
after that until use begins.
Once Use Begins → shall submit 7 consecutive MARCH SWL meas.
Ground water shall be produced from the Deep Troutdale aquifer between
300 to 450 feet below land surface.
- ✓ 9. Extension request received: 10-10-02 Request Number (...1st 2nd, 3rd): 1st
- ✓ 10. Last Authorized "B" Date: _____ Last Authorized "C" Date: 10-1-2002
- ✓ 11. Proposed "B" Date: _____ Proposed C Date: 10-1-2004
- ✓ 12. Amount Invested to date: \$60,000.00 Estimated Total Cost: \$70,000.00
(***Estimated Remaining Cost: \$10,000.00)

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

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

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

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

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

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

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

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

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

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

___19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

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

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

___20. Conditions to be included on Extension PFO: _____

Extension "PFO" Dates

Checklist Last Revised: 9 / 12 / 2001

Mailing / Issuance Date: _____ **Reviewer's Name:** _____

Protest Deadline Date: _____ **Date:** _____

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

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

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

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

☐ 5-year Progress Report Checkpoints

☐ Other: _____

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

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

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

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

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

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

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

NOTES:

Extension "PFO" Dates

Checklist Last Revised: 3/4/ 2004

Mailing / Issuance Date: _____ Reviewer's Name: _____

Protest Deadline Date: _____ Date: _____

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

- "A" DATE MET
- METER INSTALLED
- SWL MEASUREMENTS TAKEN

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

- WELL CONSTRUCTED
- APPLICATION OF 0.47 CFS TO 25.05 ACRES
- METER INSTALLED
- CONSTRUCTION OF DISTRIBUTION SYSTEM

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

- OBTAIN A PERMIT AMENDMENT

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

- LITIGATION FORCED THE PERMITTEE TO OBTAIN AN AMENDMENT FOR A NEW POINT OF APPROPRIATION

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

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

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

- Permit holder has completed approximately 100 % of the construction.
- Permit holder has beneficially used 100 % of the total permitted quantity of water.
- Has the permit holder complied with conditions? Yes / No
—If No, reasons why not? _____
- Permit holder has invested approximately 86 % of the total estimated cost to complete the project.
- Other: _____

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

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

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

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? NO
- within or above a state scenic waterway? NO
- within a ground water limited/critical area? NO
- within or above a segment that has been identified as a federal wild and scenic river? NO
- within an area that ODFW has identified as an ST&E Area? YES
- within an area that ODFW has identified as a HIGH Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? YES
- Other: _____

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **56225**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Jordan Schrader
BY: _____

APPLICATION	G/3898
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 90-78 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY) _____

OTHER: (IDENTIFY) _____

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY) _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$
\$
\$
\$

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

EXAM FEE

\$

\$

\$

EXAM FEE

\$

0202

0204

0206

0219

0220

RECORD FEE

\$

\$

\$

LICENSE FEE

\$

\$

OTHER

(IDENTIFY)

Ext. of time

\$100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY) _____

\$

\$

CARD #

CARD #

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HRDRO APPLICATION

\$
\$
\$

RECEIPT # **56225**

DATED: 10/10/02 BY: Connie Vasce

JORDAN SCHRADER

77887 77887

Invoice #	Type	Date	Description	Total Amount	Discount
REARD/SIN	Inv	10/04/2002	32101/19	\$100.00	\$0.00

RECEIVED

OCT 10 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Remittance For: Date: 10/04/2002
OR Water Resources Dept.

Totals:	\$100.00	\$0.00
Check Amount:		\$100.00

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Steven L. Shropshire on behalf of Reardon Nursery, Inc.
NAME

Jordan Schrader PC, P.O. Box 230669 Portland OR 97281 (503) 598-7070
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-13898, Permit No. G-13476,
do hereby request that the time in which to:

☐ complete the construction of diversion/appropriation works and/or purchase and installation of
the equipment necessary to the use of water, which time now expires on October 1, _____,
be extended to October 1, _____,

and/or the time in which to:

☒ accomplish beneficial use of water to the full extent under the terms of the permit, which time
now expires on October 1, 2002, be extended to October 1, 2004.

NOTE: The extension of time requested should be long enough to finish the project.
Should this request be approved, it will be the Department's expectation that you
will complete your project within the new time period allowed. Future extensions
may not be granted.

Attached is an instruction sheet to assist you in completing the information on the
permit extension application form. Oregon Water Law and Administrative Rules
requires this information to be considered by the Water Resources Department
when reviewing a permit extension application. All items must be completed or the
application will be returned. Please feel free to provide the Department with any
additional information that would aid us in making our decision. Please use
additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any
questions, you may contact the Department at (503) 378-3739, and request
assistance from the Water Rights Division, permit extensions personnel.

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

Yes (pre-existing well); Yes for new well also.

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

Yes, with exceptions.

- A) Please describe how you have complied with each applicable permit condition (**NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review**).

1. A meter has been installed on the new well.

2. Static water level measurements have been made and reported to WRD in accordance with the permit conditions.

Some water has been used from the pre-existing well, but due to an access dispute, all recent use has been from the new well.

- B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

Reardon Nursery purchased the underlying property from Lee Mathews on October 4, 2000. Reardon cannot report on compliance before that time. Since that time, Reardon has attempted to comply with all relevant permit conditions. However, withdrawals have been made from a new well drawing upon the same source water and located approximately 1000 feet from the well identified in the Permit.

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

- A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

Construction of a distribution system.

- B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

Construction of a distribution system.

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

A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:

210 g.p.m.

B) Number of Acres Irrigated (if an irrigation permit):

25.05 acres

5. Cost of project to date \$60,000.00 . Estimated remaining cost to complete the project \$10,000.00 .

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

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

N/A

- B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

N/A

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

N/A

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

A dispute regarding access to the pre-existing well identified in the Permit has arisen and is now in litigation. Reardon, therefore, intends to seek an amendment to the permit, naming a nearby well on the Reardon property as an alternate point of appropriation. This extension is required to keep this permit in good standing while the amendment request is processed by WRD.

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

Signature

Date

10/4/02

MAIL COMPLETED APPLICATION and STATUTORY FEE OF \$100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES DEPARTMENT
158 12th STREET NE
SALEM, OREGON 97301-4172

revised: September 18, 2002



Oregon

John A. Kitzhaber, M.D., Governor

January 2, 2003- ASSIGNMENT SUMMARY

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130
www.wrd.state.or.us

Application File Number(S): G-13898 Permit Number(S): G-13476

Application File in the name of:

LEE R MATTHEWS
32033 MALLEY RD
GRESHAM, OR 97080

PARTIAL ASSIGNMENT TO:

REARDON NURSERY INC
10050 SE 282ND AVE
BORING, OR 97009

Original Request for Assignment returned to originator who paid fee \$40.00,
with the original receipt # 56224.

cc: Watermaster District # 20
WRD Data Center
File # G-13898
Jordan Schrader, PO BOX 230669, PORTLAND, OR 97281

REQUEST FOR ASSIGNMENT
BY PROOF OF OWNERSHIP (IF PERMIT HOLDER IS NOT AVAILABLE)

Reardon Nursery, Inc.

(Name of Party Requesting Assignment)

10050 SE 282nd Ave
(mailing address)

Boring
(City)

OR
(State)

97009
(Zip)

503-663-1200
(Phone #)

CHECK ONE

☒ ...hereby request assignment in and to application/permit;

☐ ...hereby request assignment in and to a **portion** of application/permit; **WATER RESOURCES DEPT.**
SALEM, OREGON
(You must include a map showing the portion of the application/permit to be assigned.)

☒ ...I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly;
(Remember to include \$5 for **each** additional page.)

RECEIVED

OCT 10 2002

Application # G-13898, Permit # G-13476;
-OR-

GR Statement # _____, GR Certificate of Registration # _____

Lee R. Matthews

(Name of Permit Holder of Record)

32033 Malley Road
(mailing address)

Gresham
(City)

OR
(State)

97080
(Zip)

503-663-5811
(Phone #)

*Ch. Director Assn
10/10/2002*

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

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

Witness my hand this 4th day of October, 2002.

Party Requesting Assignment [Signature]

Party Requesting Assignment _____

DO NOT WRITE IN THIS BOX

The completed "Request for Assignment" form must be submitted to the Department along with the appropriate recording fees:

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 56224
- For Director by Jerry Sauter, Program Analyst in Water Rights Division [Signature]

◆ \$25 for the first page, and
◆ \$5 for **each** additional page.
[as required by ORS 536.050(1)(d)]

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97301-4172



After recording return to:

Reardon Nursery Inc., an Oregon Cor10050 SE 282ndBoring, OR 97009

Until a change is requested all tax statements shall be sent to the following address:

Reardon Nursery Inc., an Oregon Cor10050 SE 282ndBoring, OR 97009Escrow No. 00100667Title No. 905188

THIS SPACE RESERVED FOR RECORDER'S USE

Recorded in the County of Multnomah, Oregon

Total: C. Swick, Deputy Clerk

24.00

2000-137882 10/04/2000 10:24:49am ATKLM

A37	2	REC	SUR	DOR	CLIS
10.00	3.00	10.00	1.00		

STATUTORY WARRANTY DEED

Lee R. Matthews and Peggy J. Matthews, as tenants by the entirety, Grantor, conveys and warrants to Reardon Nursery Inc., an Oregon Corporation, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Exhibit "A" attached hereto

This property is free of liens and encumbrances, EXCEPT:

Taxes for the fiscal year 2000-2001 a lien not yet payable. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets or highways. State of Oregon Well Ownership information Form Recorded November 12, 1999 as Fee No. 99207716.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$350,000.00 (Here comply with the requirements of ORS 93.030)Dated this 2 day of October, 2000

Lee R. Matthews
Lee R. Matthews

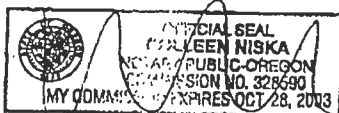
Peggy J. Matthews
Peggy J. Matthews

STATE OF OREGON

County of Clackamas

} ss.

This instrument was acknowledged before me on this 2 day of October, 2000
by Lee R. Matthews and Peggy J. Matthews



Colleen Niska
Notary Public for Oregon

My commission expires: 10-28-03

RECEIVED
OCT 10 2002

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT 2
PAGE 12 OF 13

2

FATCO NO. 905188-FH

Order No. 905188

EXHIBIT "A"

The following described property in the Southeast quarter of Section 20, Township 1 South, Range 4 East, of the Willamette Meridian, in the County of Multnomah and State of Oregon, more particularly described as follows:

Beginning at the Northwest corner of the Northeast quarter of the Southeast quarter of said Section 20; thence East along the half section line, 58 rods 12 1/4 feet to the Northwest corner of that certain tract of land conveyed to C.W. Stephens, et ux, by deed recorded June 12, 1905 in Book 337, page 325, Deed Records; thence South 43 rods and 6 inches, thence West 58 rods 12 1/4 feet to the West line of the Northeast quarter of the Southeast quarter of Section 20; thence North along said line 43 rods 6 inches to the point of beginning.

RECEIVED

OCT 10 2002

WATER RESOURCES DEPT.
SALEM, OREGONEXHIBIT 2
PAGE 13 OF 13

Other owners of property described in ground water permit G-13476:

Lee R. Matthews
32033 Malley Road
Gresham, Oregon 97080

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OCT 10 2002

WATER RESOURCES DEPT.
SALEM, OREGON



After recording return to:

Reardon Nursery Inc., an Oregon Cor10050 SE 282ndBoring, OR 97009

Until a change is requested all tax statements shall be sent to the following address:

Reardon Nursery Inc., an Oregon Cor10050 SE 282ndBoring, OR 97009Escrow No. 00100667Title No. 905188

THIS SPACE RESERVED FOR RECORDER'S USE

Recorded in the County of Multnomah, Oregon

Total: C. Swick, Deputy Clerk 24.00

2000-137882 10/04/2000 10:24:49am ATKLM

A37	2	REC	SUR	DOR	CLIS
		10.00	3.00	10.00	1.00

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The true consideration for this conveyance is \$350,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 2 day of October, 2000.

Lee R. Matthews
Lee R. Matthews

Peggy J. Matthews
Peggy J. Matthews

STATE OF OREGON

County of Clackamas

} ss.

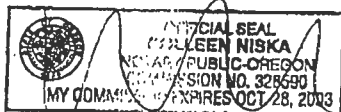
This instrument was acknowledged before me on this 2 day of October, 2000
by Lee R. Matthews and Peggy J. Matthews

RECEIVED

OCT 10 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Colleen Niska
Notary Public for Oregon

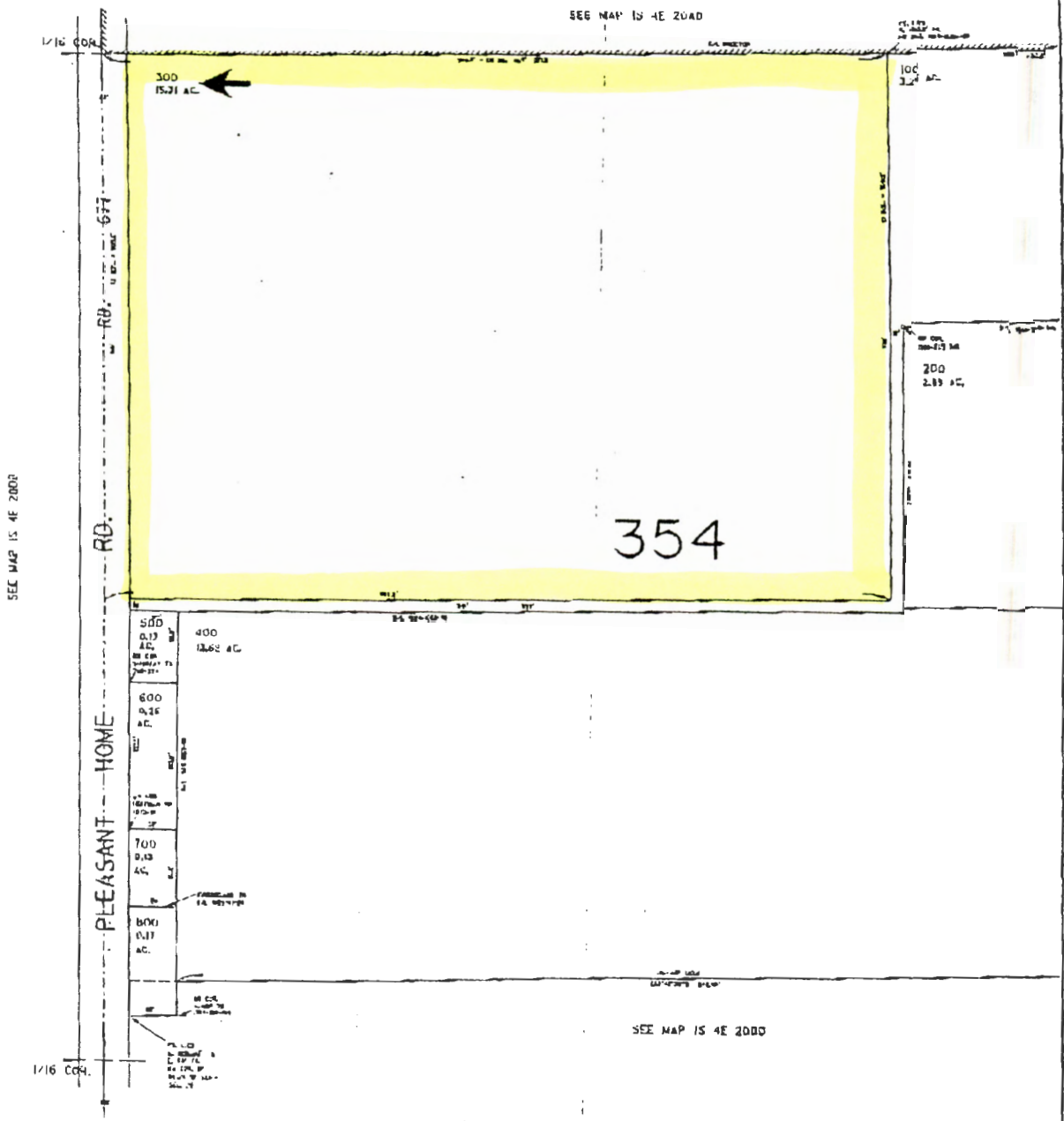
My commission expires: 10-28-03EXHIBIT 2
PAGE 12 OF 13

FATCO NO. 905188-14

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NE1/4 SE1/4 SEC. 20 T.1S. R.4E. W.M.
MULTNOMAH COUNTY

1" = 100'



RECEIVED

OCT 10 2002

WATER RESOURCES DEPT.
SALEM, OREGON

THIS MAP IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISES, AND THE
COMPANY ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, IN DIMENSIONS, AREAS, AND LOCATIONS
ASCERTAINED BY ACTUAL SURVEY.



Order No. 605188

EXHIBIT "A"

The following described property in the Southeast quarter of Section 20, Township 1 South, Range 4 East, of the Willamette Meridian, in the County of Multnomah and State of Oregon, more particularly described as follows:

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OCT 10 2002

WATER RESOURCES DEPT.
SALEM, OREGONEXHIBIT 2
PAGE 13 OF 13

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **56224**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Jordan Schrader
BY: _____

APPLICATION	G13898
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 90-78 ☐ OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 40.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) Assign

\$ 40.00

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

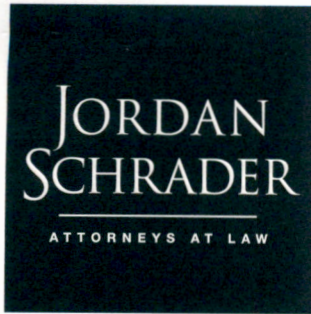
HRDRO APPLICATION

\$

RECEIPT # **56224**

DATED: 10/10/02 BY: Connie Vance

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



Formerly
Tarlow Jordan & Schrader

October 4, 2002

RECEIVED

OCT 10 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Lisa Juul
Oregon Water Resources Department
158 12th St NE
Salem OR 97301-4172

Re: **Reardon Nursery, Inc. Extension Request**
Permit No. G-13476 in the name of Lee R. Matthews
Our File No. 47403/32101

Dear Lisa:

STEVEN L. SHROPSHIRE

Admitted
Oregon and Washington

Our firm has been retained by Reardon Nursery, Inc. as water counsel. Reardon Nursery is the successor-in-interest to Lee Matthews, who held groundwater permit no. G-13476. Today we have submitted a request for assignment of the permit from Mr. Matthews to Reardon Nursery under separate cover.

The reason for this letter is to request an extension pursuant to OAR 690-315-0020. Attached please find a copy of our completed application for an extension, together with the applicable fee.

Direct Dial
503.598.5583

E-mail
steve.shropshire@jordanschradel.com

Mobile Phone
503.522.8667

As we have explained in the application, Reardon Nursery, Inc. purchased the property two years ago and soon found itself in a dispute over access to the well identified as the point of appropriation in the permit. However, Reardon's predecessor, Mr. Matthews, had drilled a new well on his property in 1999 and was drawing water from that well under the auspices of Permit No. G-13476 when Reardon purchased the property. Reardon has continued to use water in the same manner.

We will soon be filing an application to amend the permit to add the new well as an alternate point of appropriation. However the permit contains a use completion deadline of October 1, 2002. Therefore, Reardon requires this extension to keep the permit in good standing while WRD processes the amendment request and Reardon then places the water to beneficial use in full compliance with the permit. I understand from my conversations with you that the 90-day grace period set forth in OAR 690-315-0020(4) permits us to request the extension at this time without facing a timeliness objection.

JORDAN SCHRADER PC

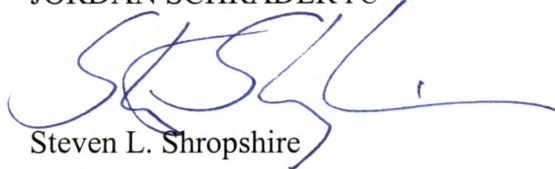
Lisa Juul
October 4, 2002
Page 2

RECEIVED
OCT 10 2002
WATER RESOURCES DEPT.
SALEM, OREGON

As we are now representing Reardon Nursery on this matter, kindly copy any correspondence or notices to our firm at the address above and to my attention. Thank you for your assistance in this matter.

Very truly yours,

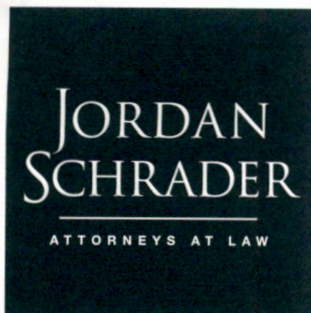
JORDAN SCHRADER PC



Steven L. Shropshire

Enclosures

cc: Reardon Nursery, Inc.



Formerly
Tarlow Jordan & Schrader

October 4, 2002

Lisa Juul
Oregon Water Resources Department
158 12th St NE
Salem OR 97301-4172

Re: Reardon Nursery, Inc.
Ownership Update Certificate 41722
Request for Assignment Permit No. G-13476 and Transfer No. T-8022
Our File No. 47403/32101

Dear Lisa:

STEVEN L. SHROPSHIRE

Admitted
Oregon and Washington

Our firm has been retained by Reardon Nursery, Inc. as water counsel. Reardon Nursery is the successor-in-interest to Lee Matthews, who held groundwater permit no. G-13476 and certificate 41722, and who filed transfer application no. T-8022.

Enclosed please find the following documents, together with required fees and supporting documents:

- 1) Water Right Ownership Update Form;
- 2) Request for Assignment for Permit G-13476; and
- 3) Request for Assignment for Transfer Application No. T-8022.

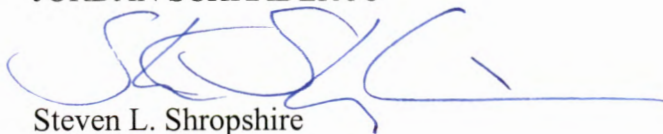
Direct Dial
503.598.5583
E-mail
steve.shropshire@jordanschrader.com

Mobile Phone
503.522.8667

As we are now representing Reardon Nursery on this matter, kindly copy any correspondence or notices to our firm at the address above and to my attention. Thank you for your assistance in this matter.

Very truly yours,

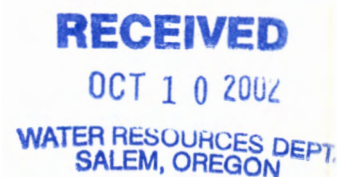
JORDAN SCHRADER PC



Steven L. Shropshire

Enclosures

cc: Reardon Nursery, Inc.



Permit Extension Ground Water Review

Date: January 6, 2003
To: Fred Lissner, Ground Water Section Manager
From: Lisa Juul, Permit Extension Review
Subject: Ground Water Review Needed for File #G- 13898 / Permit #G- 13476

The above referenced permit is currently being reviewed for an extension of time. Before I can determine whether or not an extension of time should be granted, however, a Ground Water review for this file is necessary due to the following:

NOTE: Original Division 9 review completed by: Donn Miller

- ☐ No Division 9 Ground Water Review Done.... **please see below**
- ☐ Located within a **Critical** Ground Water Area
- ☐ Located within a Ground Water **Limited** Area
- ☐ Located within a Ground Water **Study** Area
- ☐ 5-Year Limited Permit
- ☒ Other: _____

(just outside the Sandy / Boring GW Lmtd. Area.)

3/20/03
Donn Miller

For Ground Water / Hydrology Staff Use:

☐ YES ☒ NO

Please complete a Div. 9 and Scenic Waterway (SWW) Review for this file. Due to the early priority date associated with this permit, no prior Div. 9 or SWW review was ever done.

Please answer the following questions. If necessary, attach an additional sheet.

1. Should any additional conditions be added to this permit? NO
2. Should the extension of time request be further conditioned or **DENIED** due to ground water supply concerns? NO
3. Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? NO
4. Other issues or concerns? NO

Permit	Certificate	Pod	Stat_lu	Source	Logid lu	Main aq	Userid lu	Priority	Basin_lu	County	Township	Range	S	QQ	Q
G 13476	0	1	V	WE	MULT 58958	BFS	9639	11/29/1994	3	MULT	1.00 S	4.00 E	20	NE	SE

Condition type / Action status	SWL	SWL	Other measured wells not on permit:	swl required	<File Missing>
Date of last notice	2/19/2003			swl frequency	<File Missing>
Impact plan: Submitted / Approved				swl month	<File Missing>
Compliance: This yr / Overall				swl duration	<File Missing>
Compliance reviewed by				decline trigger	<File Missing>
Compliance letter sent				decl trig shutoff	<File Missing>
Month / Yr use began				reference level	<File Missing>
Ref level gw	225.83			ref level date	<File Missing>
Ref lvl det by	CRAIG KOHANEK			impact plan	<File Missing>
Trigger activated				supply plan	<File Missing>
Well not drilled as of				limit duration	<File Missing>
App file check / Date				limit date	<File Missing>
Comments					
Other conditions	<File Missing>				

Redrill Logid	Max_Depth	Type Work	Compl Date	Correlated By	Comment

Current owner from pump_test_owners file:

name f / l	THOMAS R REARDON	name other	
contact	REARDON NURSERY INC	email	
address	10136 SE 282ND	phone / fax	503-663-1200
city / st / zip	BORING OR 97009	comment	

Reported water levels for the specified well. No water levels will be present if a well log has not been correlated to the water right. in wris_logids file.

Date	Status	Method	MP hgt	Rpt WL	Measured by	Source Organiz	Source OWRD	Comments
09/09/1999	STATIC	ETAPE	+1	231	DRILLER	DRILLER	WELL LOG	WELL LOG
03/08/2001	STATIC	ETAPE	+1.66	225.83	STEVE HOUGAK	PUMP INST	PERMIT COND	
03/05/2002	UNKNOWN	AIRLINE	+1.67	232.33	STEVE HOUGAK	PUMP INST	PERMIT COND	IDLE AMT UNKNOWN

Pump Test Index Data:

<u>pod_id</u>		<u>user_id</u>		<u>T/R - S QQ</u>1.00S. /4.00E. - 20 NE. SE.	
<u>appl</u> G.....	13898	47.230	9639	<u>county</u>MULT	
<u>permit</u> G.....	13476	<u>prev pod_id</u>	<u>prev user_id</u>	<u>sub_div</u>	
<u>cert_num</u>	0		28198	<u>tax_lot</u>	
<u>pod_num</u>	1				
<u>status_lu</u>	V				
<u>cppn</u>0 G.....	13476	1			
<u>comments</u>					

<u>pod_status / cs</u>	
<u>pod_id EM</u>	
<u>test year</u>	
<u>action_date</u>	
<u>priority_lu</u>	11/29/1994
<u>verified year</u>	
<u>last update</u>	1/14/2000
<u>log id</u>	
<u>comp depth</u>	
<u>date drilled</u>	
<u>well name</u>	

Owner-Supplied Data:

Pump Test (Current) Owner:

<u>name f/l</u>	THOMAS R. REARDON	<u>owner code</u>	0
<u>contact title</u>	REARDON NURSERY INC	<u>user status</u>	
<u>other</u>		<u>misc</u>	
<u>street</u>	10136 SE 282ND	<u>last update</u>	2/19/2003
<u>city/st/zip</u>	BORING OR 97009		
<u>ph/fax/email</u>	503-663-1200		
<u>comment</u>			

WRIS Owner (from WRIS water-rights file):

<u>LEE R.</u>	<u>MATTHEWS</u>
.....	
32033 MALLY RD	
GRESHAM	OR 97080
MULT	status V
cert date	8/21/1998

WRIS pt.of.div Info:

<u>priority use</u>	<u>cat</u>	<u>passtatus</u>	<u>rate / div_units</u>	<u>duty / limit / other_limits</u>	<u>source_type</u> WE	<u>basin_num</u> 3
11/29/1994	NU	1 P V	.47	C 1/405.0	CONTAINERIZED; 1/80 2.5 IN GROUND; 1/80 2.5 ANY OTHER CROP	

Wris_logid Info:

<u>logid</u>	MULT 58958	<u>Owners Well Name</u>
<u>Max Depth</u>		<u>Logid Comments</u>
<u>stream1_name</u>	A WELL	
<u>legal_desc</u>	NORTH 50 DEG 19 MIN 11 SEC EAST, 399 FEET FROM E1/4 CORNER, SECTION 20	

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
158 12th ST NE, Salem, OR 97301
(503) 378-8455
www.wrd.state.or.us

FAX TRANSMITTAL

TO: RENEE FRANCE FAX NUMBER: 503 295 1058

DATE: FRI 9-13-2002 PAGES: _____, INCLUDING COVER SHEET

FROM: _____ PHONE: (503) 378-8455 EXT. _____

COMMENTS: _____

2 WELL LOGS
IN FILE G 13898

IMPORTANT MESSAGE

FOR <u>ORI 02201</u>	DATE <u>9-13</u>	TIME <u>1212</u>	A.M. P.M.
M. <u>RENEE FRANCE</u>			
OF <u>#2 FAX</u>	☒ PHONED		
PHONE ☐ FAX ☐ MOBILE <u>(503)-228-2525</u>	RETURNED YOUR CALL		
MESSAGE <u>G 13898 503 295 1058</u>	☒ PLEASE CALL		
<u>"WELL LOG" RETURNED</u>	WILL CALL AGAIN		
<u>ONE WELL LOG</u>	CAME TO SEE YOU		
SIGNED _____	WANTS TO SEE YOU		

WATER RIGHTS

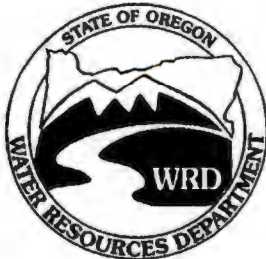
- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

NORTHWEST REGION

- District 16 Watermaster

FAX: (503) 378-6203

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
158 12th ST NE, Salem, OR 97301
(503) 378-8455
www.wrd.state.or.us

FAX TRANSMITTAL

TO: RENEE FRANCE FAX NUMBER: 503-295-1058
DATE: FRI 9-13-2002 PAGES: _____, INCLUDING COVER SHEET
FROM: RESEARCH DIV PHONE: (503) 378-8455 EXT. 201
COMMENTS: APPLIC # G 13898
MATTHEWS PERMIT # G 13476
ORIGINAL APPLIC

FOR <u>2002</u>	
DATE <u>FRI 9-13</u>	TIME <u>11 11 AM</u>
FROM <u>RENEE FRANCE</u>	
FIRM _____	
PHONE AREA CODE _____	NUMBER _____
☒ FAX	EXTENSION <u>503-295-1058</u>
☐ MOBILE	AREA CODE _____
TELEPHONED _____	PLEASE CALL _____
RETURNED YOUR CALL _____	WILL CALL AGAIN _____
CAME TO SEE YOU _____	RUSH _____
WANTS TO SEE YOU _____	SPECIAL ATTENTION _____
WAITING TO SEE YOU _____	HOLDING LINE _____
MESSAGE <u>BILLING</u>	
<u>((BAIL - JAIL))</u>	
<u>APPLIC G 13898</u>	
<u>MATTHEWS G 13476</u>	
SIGNED <u>IT of DIV.</u>	

FORM 4007
MADE IN U.S.A.

MESSAGE

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

NORTHWEST REGION

- District 16 Watermaster

FAX: (503) 378-6203

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
158 12th ST NE, Salem, OR 97301
(503) 378-8455
www.wrd.state.or.us

FAX TRANSMITTAL

TO: DEBBIE COLLARD FAX NUMBER: 503-295-1058

DATE: Tues 9-3-02 PAGES: _____, INCLUDING COVER SHEET

FROM: HERB PHONE: (503) 378-8455 EXT. 228

COMMENTS: _____

MATERIALS AG # G 13898

Per # G 13476

Have this Herb!

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD & TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

FAX: (503) 378-2496

ADMINISTRATIVE SERVICES

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

FIELD & TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Regional Liaisons
- Transfers

FAX: (503) 378-8130

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

NORTHWEST REGION

- District 16 Watermaster

FAX: (503) 378-6203

MR. Gainey -

Enclosed is the \$100⁰⁰ for the "Recording Fees" per your letter of 6/25/98 to me.
RE: application file # G13898

Thank you

Lee L. Matthews

RECEIVED

JUN 30 1998

WATER RESOURCES DEPT.
SALEM, OREGON

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 13898

PERMIT	T/R/S/QQ	USE	RATE	UNITS
G 3268	1.00S 3.00E25NENE	IR	0.1900	C
GR 1192	1.00S 3.00E25NESE	IR	0.0558	C
G 3959	1.00S 4.00E18SENE	AH	0.5600	C
G 3959	1.00S 4.00E18SENE	IR	0.2300	C
G 6091	1.00S 4.00E18SENE	AH	0.5600	C
G 6091	1.00S 4.00E18SENE	IS	0.2300	C
G 4399	1.00S 4.00E18SWNW	IR	0.2600	C
G 11632	1.00S 4.00E18SWNW	AG	0.2009	C
G 11632	1.00S 4.00E18SWNW	AG	0.4464	C
G 11632	1.00S 4.00E18SWNW	NU	0.2009	C
G 11632	1.00S 4.00E18SWNW	NU	0.4464	C
G 202	1.00S 4.00E16SENE	IR	0.1100	C
G 1613	1.00S 4.00E16SENE	IR	0.3500	C
G 10593	1.00S 4.00E18NWSW	IR	0.2900	C
GR 2662	1.00S 4.00E18NWSW	IR	0.5580	C
G 11445	1.00S 4.00E16NESE	NU	0.6700	C
GR 1490	1.00S 4.00E17NWSE	IR	0.0670	C
G 12008	1.00S 4.00E18SWSE	IR	0.4400	C
GR 91	1.00S 4.00E18SWSE	IR	0.3125	C
G 1589	1.00S 4.00E18SESE	IR	0.2300	C
G 1989	1.00S 4.00E18SESE	IR	0.1000	C
G 12014	1.00S 4.00E17SWSW	NU	0.5580	C
G 12015	1.00S 4.00E17SWSW	IR	0.2160	C
G 11814	1.00S 4.00E16SWSW	AG	0.1500	C
G 11814	1.00S 4.00E16SWSW	NU	1.2411	C
G 8029	1.00S 4.00E17SESE	IC	0.4500	C
G 11397	1.00S 4.00E17SWSE	NU	0.0594	C
G 10878	1.00S 4.00E19NWNW	IR	0.4353	C
G 11221	1.00S 4.00E19NWNE	NU	0.8060	C
G 4754	1.00S 4.00E20NENE	IR	0.2000	C
G 8497	1.00S 4.00E20SENW	IR	0.1300	C
G 1261	1.00S 4.00E21SENW	IM	0.2200	C
G 11177	1.00S 4.00E19NESW	NU	0.5000	C
G 1594	1.00S 4.00E19NWSE	IR	0.2200	C
G 11663	1.00S 4.00E19SESW	AG	0.1339	C
G 11663	1.00S 4.00E19SESW	IR	0.1339	C
G 6553	1.00S 4.00E21SESE	IR	0.9800	C
G 9689	1.00S 4.00E29NWNW	IR	0.0200	C
G 3871	1.00S 4.00E28NENW	IR	0.5600	C
G 8926	1.00S 4.00E28NENW	IS	0.4200	C
GR 3547	1.00S 4.00E30SWNW	IR	0.2411	C
G 10745	1.00S 4.00E30SENW	IR	0.3393	C
G 7325	1.00S 4.00E29SENW	IR	0.1100	C
G 10578	1.00S 4.00E29SENW	NU	0.1049	C
G 11981	1.00S 4.00E29SWNE	AG	0.6600	C
G 11981	1.00S 4.00E29SWNE	IR	0.4600	C
GR 3554	1.00S 4.00E28SWNW	IR	0.0480	C
GR 2753	1.00S 4.00E30SWNE	IR	0.1473	C
G 10541	1.00S 4.00E29NWSW	NU	0.0125	C
G 10541	1.00S 4.00E29NWSW	NU	0.1214	C
G 11795	1.00S 4.00E29NWSW	AG	0.1100	C
G 11795	1.00S 4.00E29NWSW	IR	0.1100	C
G 5318	1.00S 4.00E29NESW	IR	0.2500	C
G 10783	1.00S 4.00E29NESW	IR	0.9200	C
G 10783	1.00S 4.00E29NESW	NU	0.9200	C
GR 838	1.00S 4.00E30NWSW	ID	0.5022	C
CG 5784	1.00S 4.00E29NESE	IR	0.2400	C
G 5784	1.00S 4.00E29NESE	IR	0.2400	C
GR 3281	1.00S 4.00E28NWSE	IR	0.4464	C
G 10623	1.00S 4.00E28NESE	IR	2.4554	C
G 10623	1.00S 4.00E28NESE	NU	1.7857	C

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13898

Final Order

Application History

On November 29, 1994, LEE R. MATTHEWS submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 30, 1996. The protest period closed September 13, 1996, and no protest was filed.

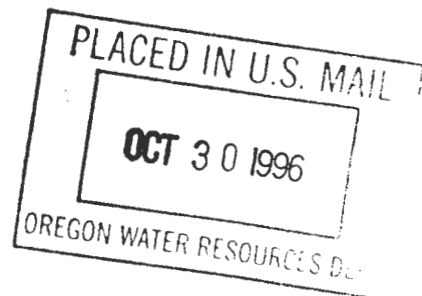
The proposed use would not impair or be detrimental to the public interest.

Order

Upon transfer of existing underlying rights evidenced by Certificate 41722, and payment of outstanding permit recording fees in the amount of \$100.00, Application G-13898 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

DATED October 25, 1996


Martina O. Pagel
Director



Appeal Rights

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF MULTNOMAH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LEE R MATTHEWS
32033 MALLY RD
GRESHAM, OREGON 97080

(503) 663-5811

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

APPLICATION FILE NUMBER: G-13898

SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN

PURPOSE OR USE: AGRICULTURAL USE AND SUPPLEMENTAL IRRIGATION OF 25.05 ACRES

MAXIMUM RATE: 0.47 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR SUPPLEMENTAL IRRIGATION;
YEAR ROUND FOR AGRICULTURAL USE

DATE OF PRIORITY: NOVEMBER 29, 1994

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 20, T1S, R4E, W.M.;
NORTH 50 DEGREES 19 MINUTES 11 SECONDS EAST, 399 FEET FROM THE E 1/4
CORNER OF SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4	0.34 ACRES
NE 1/4 SE 1/4	15.31 ACRES
NW 1/4 SE 1/4	8.09 ACRES
SW 1/4 SE 1/4	1.31 ACRES

SECTION 20

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

Measurement, recording and reporting conditions:

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

Ground water for use under this permit shall be produced from the Deep Troutdale Aquifer between 300 to 450 feet below land surface.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

Application G-13898

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-13898

WATERMASTER # 01

REGIONAL MANAGER:

NWR

ODF&W - Multnomah County:

CWRE (if agent):

J H GREENMAN (#56?)

DEQ

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

CASEWORKER : RWK

7

FILE # G-13898

FO CHECKLIST

REVIEW DATE: 9/18/96

WEEK # 53

PFO TO FO CONVERSION

INITIALS : JWG

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. ____ If #1 = "Y", from whom were the comments received and when?
3. — Verify names and addresses on the PFO CC list. ALL commentors (regardless of comment date), affected landowners (were they notified?), and those who paid the \$10 fee should be listed.
4. \$100 Verify payment of recording fees (circle the appropriate option)
 - (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
 - (2) Issue FO w/o permit if fees are lacking
5. Y / N Is the file lacking a signed oath of accuracy for the application?
6. Y / N Has ODFW asked for self certification on screening condition?
7. Y / N Is water use prohibited for one or more months of the normal use period?
8. Y / N If # 7 = "Y", is short season letter on file? Note: If short season letter is lacking prepare FO with Draft permit giving applicant 60 days to submit letter.
9. Y / N Is further processing possible? If not state reason: _____
10. ____ Notify applicant of additional information or fees required prior to permit issuance (**SEND CERTIFIED LETTER & use standard wording from M:\T\FO\TOOLS if possible**)
11. Assign permit numbers to files with oath, fees, and no protests or other issues

Route to: (circle one)

DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS	MC: K
LARRY	JERRY	JEREMY	DOUG	

Initials juj

Modify FO as needed to:

12. mg Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
13. Include or exclude permit conditions and management codes
14. Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

15. AW Save WordPerfect document in M:\T\FO\WEEK⁵³ & delete duplicates
16. AW Print final draft of document and submit to team leader for review
17. Y / N Team leader review completed



PFO CHECKLIST

Application #: C 13898 Vol _____ Subbasin _____

Basin: 2 WAB: _____

Township 15 Range 4E Section 20 1/4 1/4 NE SE

- ☒ 1. Completeness checklist verified? Y / N
- ☒ 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, other) Y / N
- ☒ 3. Groundwater review A B C D JOHNSON CRK
☒ a. Is second groundwater review necessary? Y / N reason _____
☒ b. Is the well located in a groundwater limited area? Y / N
- ☒ 4. SWW Y / N Triage Y / N conditions/restrictions Y / N _____
- ☒ 5. Basin Program limitations? Y / N 690 502 160 (2)
- ☒ 6. Withdrawn? Y / N season allowed _____
- ☒ 7. Basin Maps have been checked. Y / N The River Mile is _____
- ☒ 8. Water Availability (50% < July 17, 1992 OR 80% [50% storage] > July 17, 1992) NA
a. Notify Ken Stahr Y / N (Q, Duty, or Season) _____
- ☒ 9. Rate/Duty/Season .47
25.05
- ☒ 10. Use RR & AG (NURS) Period of Allowed Use K RD
- ☒ 11. Priority Date(s) 11/29/94 TR / IR mail date 5/6/96 (5/21; 6/20)
- ☒ 12. B.O.R. project Y / N contract # _____
- ☒ 13. TMDL Basin? Y / N (Tualatin, Yamhill, Pudding) DIVISION 33 Y / N (Abv Bonn > July 17, 92 //// Blw Bonn > April 18, 94 or June 3, 94)
- ☒ 14. Conflicts Y / N
- ☒ 15. Objections? Y / N PFO different from IR/TR Y / N _____
- ☒ 16. Conditions (from IR/TR/ or Additional) Y / N (macro series 4 - 7) 7C, DEEP TRAILER ONLY, SE
BETWEEN 300 & 450
- ☒ 17. Land use approval OK'd needs approval county notified NA
- ☒ 18. SIZE Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 and < 1.5 cfs, > 9.2 and < 100 AF) Large (≥ 1.5 cfs, ≥ 100 AF)?
- ☒ 19. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 - SWR)

Name: RUN

Date: 7/18/96

save to m:\t\pfo\done\week\app#.w51

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13898

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On November 29, 1994, LEE R MATTHEWS submitted an application to the Department for the following water use permit:

- Amount of Water: 0.47 CUBIC FOOT PER SECOND
- Use of Water: SUPPLEMENTAL NURSERY OPERATIONS ON 25.05 ACRES
- Source of Water: A WELL IN JOHNSON CREEK BASIN
- Area of Proposed Use: Multnomah County within, SECTION 20, TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

On MAY 6, 1996, the Department mailed the applicant notice of its Initial Review, determining that 0.47 CFS of water for SUPPLEMENTAL IRRIGATION AND AGRICULTURAL USE is allowed from a WELL. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On MAY 21, 1996, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed

- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Willamette Basin Program allows the following uses: SUPPLEMENTAL IRRIGATION AND AGRICULTURAL USE (NURSERY USE) ON 25.05 ACRES

Senior water rights exist on A WELL IN JOHNSON CREEK BASIN or on downstream waters.

A WELL IN JOHNSON CREEK BASIN is not within or above a State Scenic Waterway.

Water is available for further appropriation (at an 80 percent exceedance probability) March 1 through October 31 for SUPPLEMENTAL IRRIGATION, and YEAR ROUND for AGRICULTURAL USE.

The Department finds that no more than 0.47 CFS would be necessary for the proposed use. The amount of water requested, 0.47 CUBIC FOOT PER SECOND, shall be restricted to 0.47 CFS.

Based on continued evaluation, the Department has determined that a portion of lands proposed in this application for SUPPLEMENTAL IRRIGATION, specifically 9.6 ACRES in NE 1/4 SE 1/4 of Section 20, have an underlying water right of record. This permit will not be issued prior to transfer of the existing irrigation rights.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely Johnson Creek.

The Groundwater Section finds that there is NOT a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

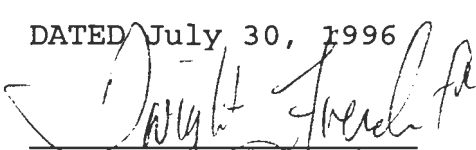
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED July 30, 1996


Steven P. Applegate
Administrator
Water Rights and Adjudications Division

Protest Rights

Under the provisions of ORS 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than **September 13, 1996**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

RWK

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF MULTNOMAH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

LEE R MATTHEWS
32033 MALLY RD
GRESHAM, OREGON 97080

(503)663-5811

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

APPLICATION FILE NUMBER: G-13898

SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN within the Willamette basin

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION AND AGRICULTURE (NURSERY OPERATIONS) ON 25.05 ACRES

MAXIMUM RATE: 0.47 CFS

PERIOD OF USE: FOR SUPPLEMENTAL IRRIGATION - MARCH 1 THROUGH OCTOBER 31;
FOR AGRICULTURAL USE - YEAR ROUND

DATE OF PRIORITY: November 29, 1994

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 20, T 1S, R4E, W.M.;
NORTH 50 DEG 19 MIN 11 SEC EAST, 399 FEET FROM E1/4 CORNER, SECTION 20

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 0.34 ACRES
NE 1/4 SE 1/4 15.31 ACRES
NW 1/4 SE 1/4 8.09 ACRES
SW 1/4 SE 1/4 1.31 ACRES

SECTION 20

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

Measurement, recording and reporting conditions:

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the

user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

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

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

Ground water for use under this permit shall be produced from the Deep Troutdale Aquifer between 300 to 450 feet below land surface.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application G-13898 Water Resources Department
Basin 02 Volume 18B JOHNSON CREEK & MISC
RWK MGMT.CODE 7CG,7CR

PERMIT DRAFT
District 01

May 6, 1996

WATER
RESOURCES
DEPARTMENT

LEE R MATTHEWS
32033 MALLY RD
GRESHAM, OREGON 97080

Reference: File G-13898

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE DURING NEXT PHASE OF PROCESS**

This letter is to inform you of the potential limitations to your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for IRRIGATION AND AGRICULTURE USE (NURSERY OPERATIONS) **is allowed** under OAR 502, the Willamette Basin Program (OAR 690-502-160(2)).
4. Based on a groundwater review, the Department has determined that this well, if properly conditioned, **will adequately protect** the surface water from interference.
5. The use of 0.31 cubic foot per second (cfs), from a Well within the Willamette basin, for IRRIGATION OF 25.05 ACRES **is likely available** March 1 through October 31.

The use of 0.47 cfs, from a Well within the Willamette basin, for AGRICULTURE USE ON 25.05 ACRES **is likely available** year round.



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

Lee R. Matthews
File G-13898
May 6, 1996
Page 2

Summary of Initial Determinations

The use of a maximum accumulative total of 0.47 cfs, from a Well within the Willamette River basin, being 0.31 cfs for IRRIGATION OF 25.05 ACRES, and 0.47 cfs for AGRICULTURE USE ON 25.05 ACRES may be allowed from March 1 through October 31 for IRRIGATION OF 25.05 ACRES and year round for AGRICULTURE USE ON 25.05 ACRES.

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due to #5 above, your application will likely be limited as summarized above.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **May 20, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.

2. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of (Generally March). Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

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

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

- 3. The permit shall allow groundwater production only from the Deep Troutdale groundwater reservoir between approximately 300 and 450 feet below ground surface.
- 4. The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.
- 5. The priority date of this application is November 29, 1994.

Lee R. Matthews
File G-13898
May 6, 1996
Page 5

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 455 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,

A handwritten signature in cursive script that reads "Kerry Lefever".

Kerry Lefever
Water Rights Specialist

cc: Regional Manager, Watermaster, Water Availability
Section

enclosures: Flow Chart of Water Right Process
Stop Processing Form

OWNERS OF PROPERTY (OTHER THAN APPLICANT) CROSSED BY THE DELIVERY SYSTEM OR OTHER WATER WORKS:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

4

IR CHECKLIST

Application #: 913898 Vol Subbasin
 Basin: WAB WAB: 0101 POU-WAB
 Township 15 Range 4E Section 20 1/4 1/4 NESE - well

POU: Sec 20: NESE NWSE
 SWNE SWSE

- ☒ 1. Items have been verified on Completeness Checklist.
- ☒ 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- ☒ 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 - ☒ a. Is the well located in a groundwater limited area? N. Gw 1/40 12.44 ac supp 1RMG container
 - ☒ b. A B Beaver Cr > Johnson Cr 7C 1/80 - 12.61 ac Suppl 1RMG field stud
 - ☒ c. SWW (N) 7C 0.470 cfs 25.11 ac
- ☒ 4. Is the Proposed Use located in or above a Scenic Waterway?
- ☒ 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- ☒ 6. Is the use allowed or limited by the Basin Program? 1RMG, Agric OAR(s) 690-502-160 (2)
- ☒ 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. ORS 538.170 Johnson Cr > Willana
- ☒ 8. Basin Maps (metal cabinet) have been checked and River Mile (Beaver Cr > Johnson Cr) has been identified
- ☒ 9. Water Availability Data has been verified (50% < July 17, 1992/80% [50% storage] > July 17, 1992)
- ☒ 10. Rate 1/80 Duty 2.5 gw Season Mar 1 - Oct 31 690-502-040 (6)
- ☒ 11. Use 1RMG, Agric Period of Allowed Use "not allowed"
- ☒ 12. Priority Date(s) 11/29/94 Since existing well 1RMG 9.6 ac @ 1/80 for Cert 41722 will conflict as same source as proposed well under Appl 9-13897
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file?
- ☒ 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994)
- ☒ 15. Plat cards have been checked and a copy of the map is attached showing the conflict with Conflict of Application 9-13897 since wells are same source - Deep Troutdale Aquifer
- ☒ 17. Land use approval OK'd needs approval county notified Multnomah Co.
- ☒ 19. conditions? (BOR, GW, etc.) 7C, allow gw from only Deep Troutdale between 300 & 400 ft bgs
- ☒ 20. Watermaster District #: 16
- ☒ 21. Regional Office (NWR, NCR, ER, SCR, or SWR) 25.05 ac (1/80) = 0.31 cfs
- ☒ 22. IR has been saved to m:\t\ir\sent\app # from m:\t\ir\work\app # 12.44 ac (1/40) = 0.31 cfs
25.05 ac (0.15) = 3.75 cfs 12.61 ac (1/80) = 0.15

Note (Div 9 Review): Source of water is same as Certificate 41722
 → lands will not be supplemental
 Map shows 25.05 ac

Name: Kerry Lefer Date: 4/26/96

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13898

ROUTED TO: WR

TOWNSHIP/

RANGE-SECTION: 1S/4E-20

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Don Miller

MEMO

April 19, 1996

FROM GW: Donna Melh
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☐ Yes☒ No

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

☐ Yes☒ No

Use the Scenic Waterway condition (Condition 7J).

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

☒

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

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

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

[illegible]

TO: Water Rights Section

April 19, 1996

FROM: Groundwater/Hydrology Section

Don Miller

Reviewer's Name

SUBJECT: Application G-13898

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ☐ will, or likely be available in the amounts requested without injury to prior rights
 - b. ☐ will not and/or within the capacity of the resource; or
 - c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ☒ The permit should contain condition #(s) 7C;
 - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☒ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. ☐ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ☐ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ☒ The permit should allow groundwater production only from the deep Troutdale groundwater reservoir between approximately 300 ft. and 450 ft. below land surface;
 - d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ☐ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

(Well Construction Considerations on Reverse Side)

→ WR section: The source of water in this application, application G-13897, and certificate 41722 is the same! Additional POA's appear useful not supplemental. *

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199__.

(Signature)

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

_____, 199__.
(Signature)

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

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

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

Stat. Auth.: ORS 536.300 & 536.340

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

Groundwater Classifications and Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

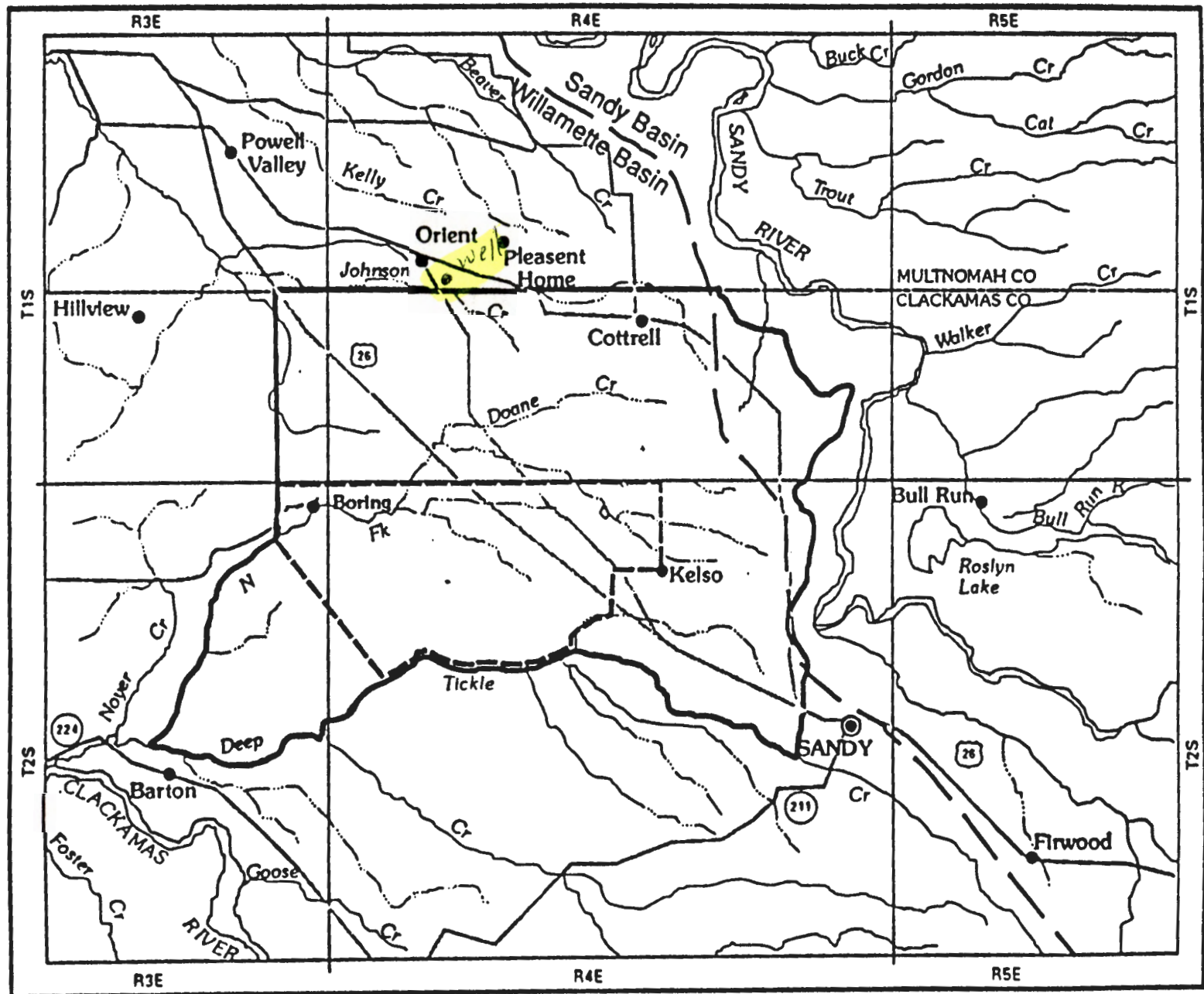
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(f) Any other conditions as specified in OAR 690-08 as deemed necessary to protect the groundwater resource.

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

Stat. Auth.: ORS Ch. 536 & 537

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



COMPLETED**COMPLETENESS DETERMINATION CHECKLIST****COMPLETED**

Application #	Review Date	Reviewer
G - 13898	9 / 5 / 95	PB

A checkmark (✓) indicates that the item is incomplete or defective.

- _____ 1. ~~Examination~~ fees (and recording fees, if for PFO/FO). *all fees paid*
- _____ 2. ~~Name~~ and address of the applicant, and title if applicable.
- _____ 3. ~~Source~~ of water.
- _____ 4. ~~Use~~ of water.
- _____ 5. ~~Amount~~ of water.
- _____ 6. ~~Description~~ of delivery system.
- _____ 7. ~~A~~ statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others.
- _____ 8. ~~Name(s)~~ and address(es) of the owners of any lands involved, but not owned by the applicant.
- _____ 9. ~~Proposed~~ dates of beginning and completion of construction, and complete application of water.
- _____ 10. If for **municipal use**, the present population to be served and expected future water requirements.
- _____ 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- _____ 12. If for a **reservoir**:
- _____ a. The height of the dam.
- _____ b. The storage capacity.
- _____ c. The area submerged.
- _____ d. The maximum depth.
- _____ e. The construction method (earthfill, concrete, flashboard, etc.).
- _____ f. A description of the outlet conduit.
- _____ g. A description of the spillway.
- _____ 13. ~~If for groundwater~~, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- _____ 14. If the application was made under **HB 2107**:
- _____ a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
- _____ b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
- _____ c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- _____ 15. ~~An~~ oath that the application information is true and correct.
- _____ 16. ~~The~~ signature of the applicant(s).
- _____ 17. ~~A~~ satisfactory map of the proposed POD & POU.
- _____ 18. ~~A~~ Land Use Information Form or receipt.
- _____ 19. ~~A~~ legal description of the property where water will be used.

December 19, 1994

WaterWatch of Oregon, Inc.
921 S. W. Morrison #438
Portland, OR 97205

Water Resources Department
158 12th St. N. E.
Salem, OR 97310

RE: Application for Permit #13898, Lee Mathews
Johnson Cr. Basin, Multnomah Co., Nursery Use

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 50% and 80% exceedence levels?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, WaterWatch requests that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Will this proposed diversion require a dredge & fill permit from the U. S. Army Corps. of Engineers, a fill and removal permit from the Division of State Lands, or a 401 certificate from the Department of Environmental Quality?

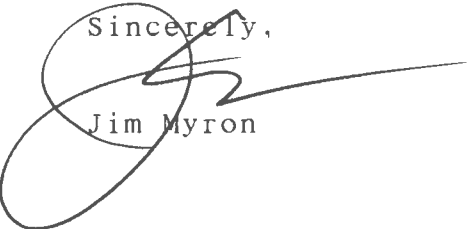
Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

Please send WaterWatch a copy of the department's technical review of this application.

Sincerely,



Jim Myron

Application No. G-13898

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water



Applicant(s) Lee R. Matthews

(Please print or type - use dark ink)

Mailing Address: 32033 Mally Road

Gresham

City

OR

State

97080

Zip

663-5811

Daytime Phone No.

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

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

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

Distance from development to stream: 1000 ft. South to Johnson Creek

Elevation difference between streambed and development: 30 feet

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

(Well log enclosed)

Diameter of well: _____ Depth in feet: _____

Type and size of well casing: _____ No. of feet: _____

Estimated depth to water: _____

Type of access port or measuring device: _____

Wells to be drilled by: _____

Address: _____

If the water well is flowing artesian, describe your water control and conservation works: _____

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.470 cubic feet per second, OR 211 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: _____

See Remarks

3. **INTENDED USE(s) OF WATER:** Irrigation of in ground nursery stock and container stock, nursery operations

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

If for DOMESTIC use, state the number of households to be supplied; Not Applicable

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

Not Applicable

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; Not Applicable

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

Irrigation 25.11 Acres (see remarks)

Other (describe) _____

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

A submersable pump is installed in the well. A buried mainline serves risers to which handline laterals affixed with impact sprinklers are attached.

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

Proposed date construction work will begin April 1995

Proposed date construction work will be completed April 1996

Proposed date water use will be completed April 1997

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

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

 Applicant CWRE X Other (Identify in REMARKS section)

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

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

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

REMARKS: Items 2 & 3, Applicant intends to transfer it existing
right from this well to a new one described in Transfer No. _____
and Application No. G-_____. This application is for a supplemental
supply of 211 gpm to be applied to 9.8 Acres of container stock in
Tract 1 (see application map) and 15.31 acres, 2.7 acres of which is
container stock, in Tract 2.

Item 6. Please send all correspondence regarding this application
to the applicant with a copy to the CWRE.

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.
I/We certify that the information provided in this application is an accurate representation of the proposed water use and is correct to the best of my/our knowledge.

Lee R. Matthews
Signature of Applicant

11/27/94
Date

Peggy Matthews
Signature of Co-Applicant, if any

11/27/94
Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 29 day of November, 1994, at 8:00 o'clock, A M.

APPLICATION NO: G-13898

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
158 12th ST NE, Salem, OR 97301
(503) 378-8455
www.wrd.state.or.us

FAXED

FAX TRANSMITTAL

TO: RENEE FRANCE FAX NUMBER: (503) 295 1058
DATE: 9/14/02 PAGES: 5, INCLUDING COVER SHEET
FROM: RUSS KLASSEN PHONE: (503) 378-8455 EXT. 266

COMMENTS: _____

ATTACHED IS A COPY OF THE APPLICATION.

SEE PAGE 3 #7 FOR OWNERSHIP STATEMENT

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD & TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

FAX: (503) 378-2496

ADMINISTRATIVE SERVICES

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

FIELD & TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Regional Liaisons
- Transfers

FAX: (503) 378-8130

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

NORTHWEST REGION

- District 16 Watermaster

FAX: (503) 378-6203

Application No. _____

G-13898

State of Oregon

WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water



Applicant(s) Lee R. Matthews

(Please print or type - use dark ink)

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Gresham

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See Remarks

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Irrigation 25.11 Acres (see remarks)

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Lee R. Matthews
Signature of Applicant

11/27/94
Date

Peggy Matthews
Signature of Co-applicant, if any

11/27/94
Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

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_____, 19____.

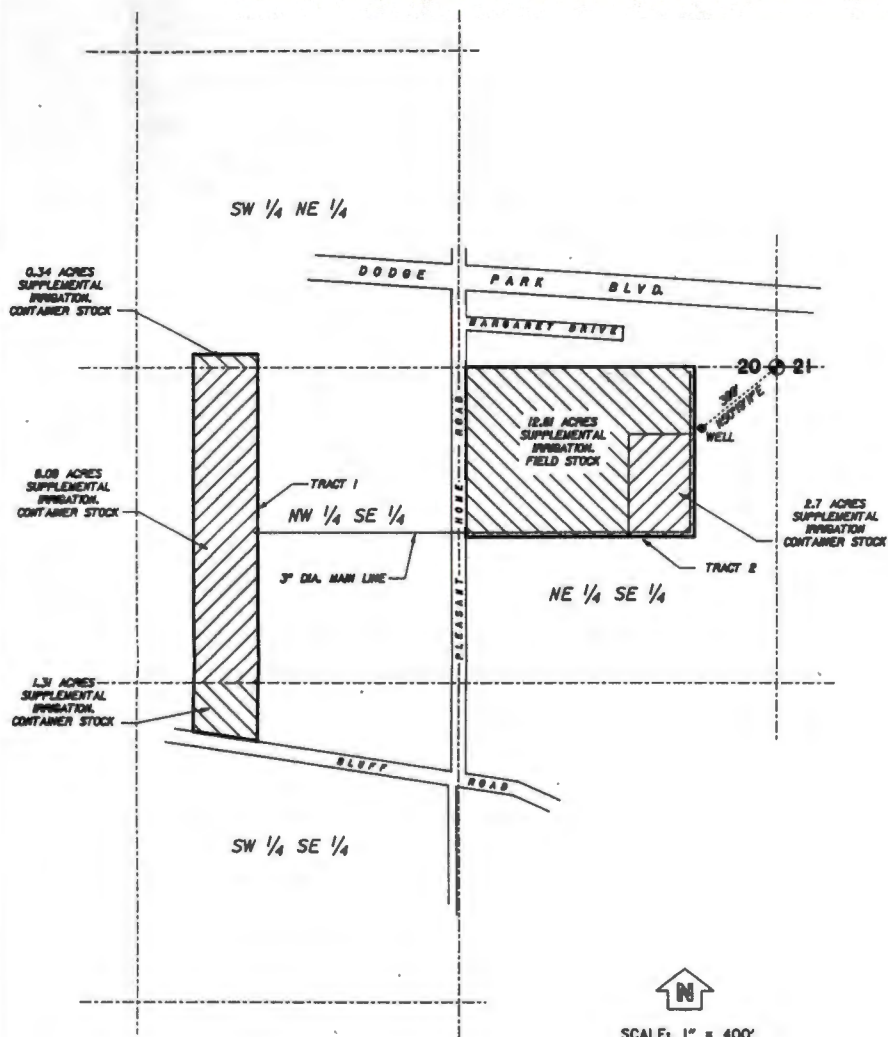
WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 29 day of November, 1994, at 8:00 o'clock, A M.

APPLICATION NO: G-13898




 SCALE: 1" = 400'

SECTION 20, T.1S., R.4E., W.M.
MULTNOMAH COUNTY, OREGON

This drawing is an exhibit for an application
 for a Ground Water Right Permit. It is not a
 Land Survey. Property lines and/or other lines
 of occupation shown herein are not represented
 by the undersigned to meet accuracy standards
 of Land Surveys.

NOV 2 1994

S.E. DEPT.
 S.E.M. OREGON

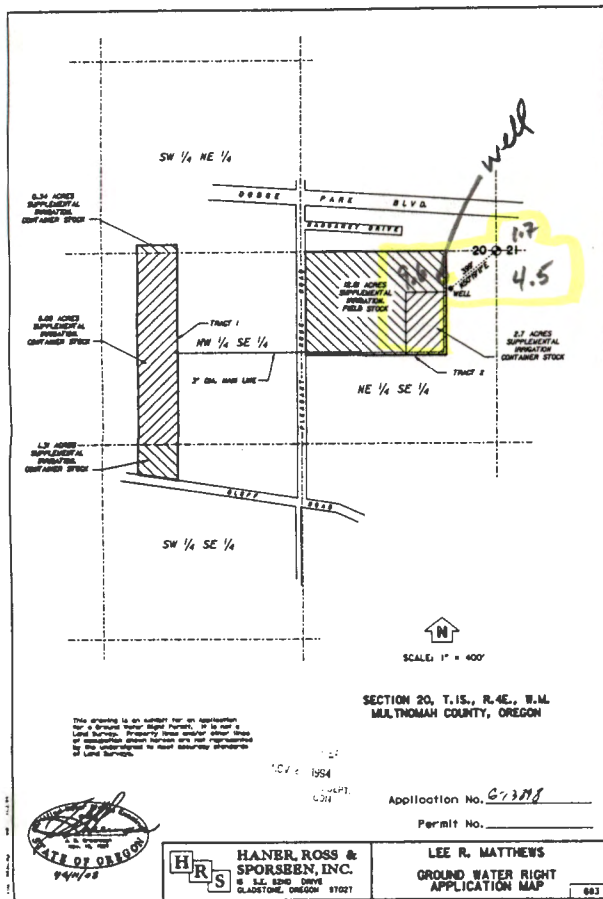
Application No. 673898

Permit No. _____



**HANER, ROSS &
 SPORSEEN, INC.**
 15 S.E. 82ND DRIVE
 GLADSTONE, OREGON 97027

LEE R. MATTHEWS
GROUND WATER RIGHT
APPLICATION MAP

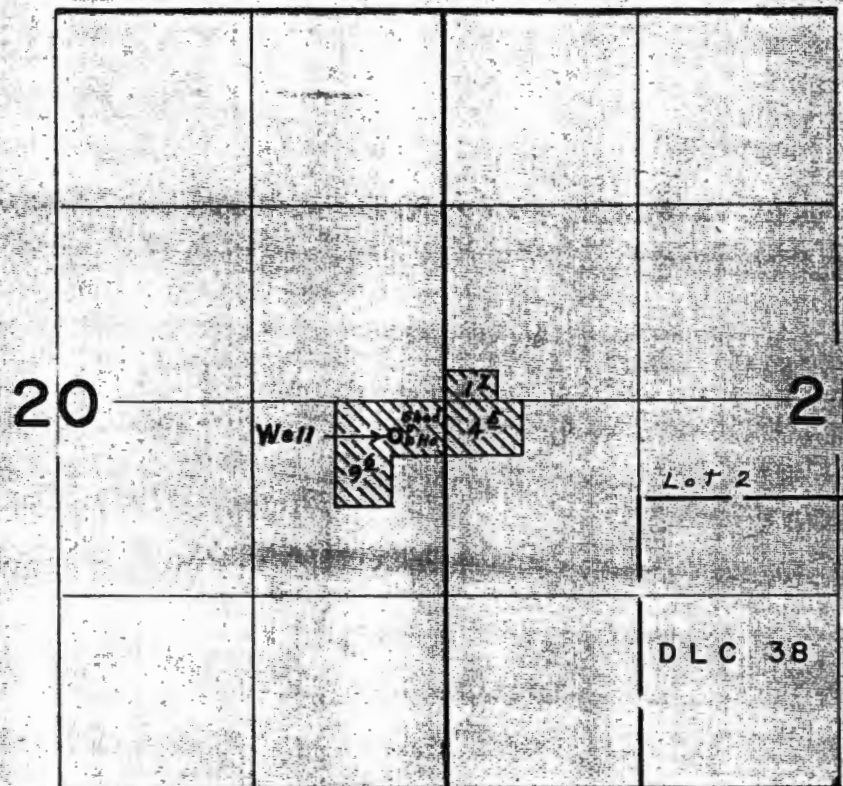


Cent 41722

12/1/84 9.5-10.5

1/80, 2.5

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



Well located 280' S. & 390' W. from W. & Cor. Sec. 21

FINAL PROOF SURVEY
UNDER

Application No. G-5044 Permit No. G-4754
IN NAME OF

JOHN W. WILLIAMS

Surveyed Sept. 12, 1973, by L. E. Gould

Cost
417.22

STATE OF OREGON
COUNTY OF MULTNOMAH
CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN W. WILLIAMS

of Route 2, Box 725, Gresham, State of Oregon, 97030, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of Sandy River for the purpose of irrigation of 15.8 acres

under Permit No. G-4754 of the State Engineer, 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 November 26, 1969

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 0.20 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 NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, T. 1 S., R. 4 E., W. M., 230 feet South and 390 feet West from E $\frac{1}{2}$ Corner, Section 20.

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 one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed $2\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year;

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:

9.6 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 20
1.7 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
4.5 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 21
T. 1 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.

WITNESS the signature of the State Engineer, affixed

this date. February 13 1975

Chris L. Wheeler
State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41722



HANER, ROSS & SPORSEEN, INC.

ENGINEERS

CONSULTANTS

RECEIVED

NOV 29 1994

SURVEYORS

REGISTERED ENGINEERS

OREGON • WASHINGTON • IDAHO
NEVADA • MONTANA



MEMBER

TO: Oregon Water Resources Department
158 12th St. N.E.
Salem, OR 97310

TRANSMITTAL NOTICE

DATE: November 17, 1994

RE: Lee R. Mathews
Ground Water Right Application - Primary
Ground Water Right Application - Supplemental

PROJECT NO: 683

TRANSMITTED HEREWITH:

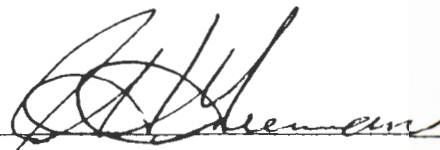
NO. OF COPIES	DATED	TITLE
2 Original	-	Application for Permit to Appropriate Ground Water
"	-	Legal Description
2 "	94/11/08	Drawing entitled: Lee R. Mathews Ground Water Right Application Map
1	-	Well log (for Supplemental Application)
Copy	-	Legal Descriptions
1	94/11/17	Check in amount of \$664.00
Original	93/12/14	Land Use Information Form

REMARKS:

cc: Lee R. Mathews

- ☐ FOR APPROVAL
- ☐ FOR REVIEW
- ☐ FOR INFORMATION
- ☐ FOR QUOTATION
- ☐ PER YOUR REQUEST
- ☐ RETURN ONE SET BY:
- ☒ For Permits

BY:


J. H. Greenman, PE, PLS, CWRP

TRANSMITTAL

582237

Application No. C-13897
Permit No.**LEGAL DESCRIPTION**

A tract of land in Section 20, Township 1 South, Range 4 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the angle iron in the North line of the Southeast quarter of Section 20, Township 1 South, Range 4 East of the Willamette Meridian, and South $89^{\circ} 47'$ West 831.7 feet distance from the Northeast corner of the West half of said quarter section; running thence South parallel with East line of said West half of the Southeast quarter of said Section 1618.82 feet to the center line of Powell's Valley Road (from which an iron pipe bears North 30.35 feet); thence North $81^{\circ} 16'$ West along the center line of said Powell's Valley Road 275.93 feet; thence North (at 30.35 feet an iron pipe in the North line of said road) 1575.67 feet to an iron pipe $1\frac{1}{2}"$ by 30" in the North line of said quarter section; thence North $89^{\circ} 47'$ East along the North line of said Section 272.73 feet to the point of beginning; EXCEPT the rights of the public in that portion of the above described property lying within the limits of roads and highways.

RECEIVED
NOV 29 1994
WATER RESOURCES DEPT.
SALEM, OREGON

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Sandy Mathewson
Title: Planner

Title: Plunker

Date: 12-14-93
Phone: 248-3043

Phone: 248-3043

Signature: Sandy Mathewson

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Lee R. Mathews
 Address: 32033 Malley Road
Gresham, OR 97080
 Phone: 663-5811

REC
 NOV 29 1994
 WATER RES. DEPT.
 SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): Nursery
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☐ Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. <u>160*</u> Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	* 75 gpm primary 85 gpm supplemental
☒ Ground Water	

UNDER CURRENT INTERPRETATION
IRR & NURS OPS DO NOT
CONFLICT. ALL WE NEED
IS MONEY. CHANCE PERMIT
TO NURSERY OPS NOT AL-
& SUPP IRR

RWK
6/24/98

RECEIVED

Oct. 7, 1997

OCT 10 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Doug Baer,

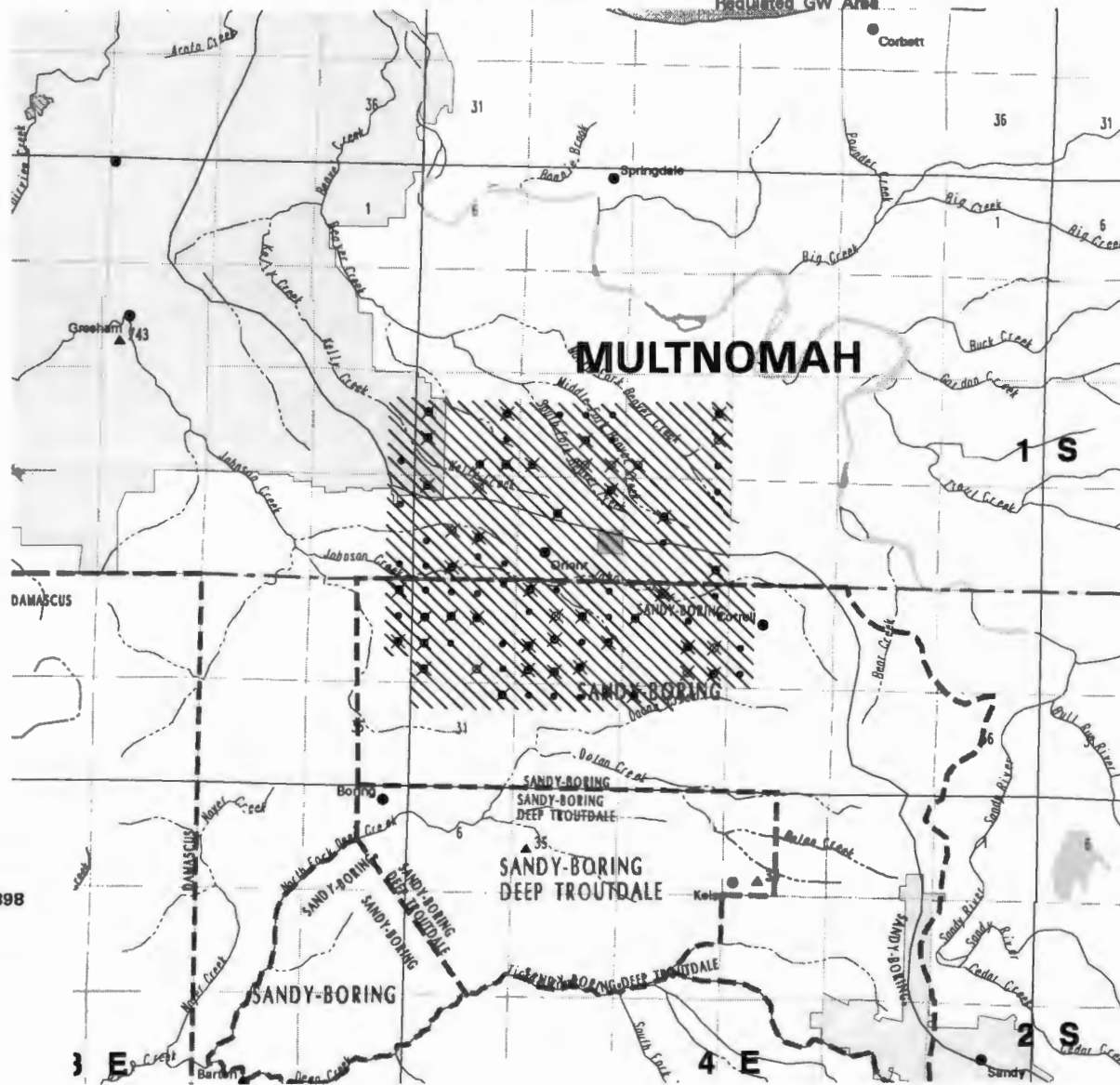
I would like to request an adjustment of the dates for the "Starting of Construction of the well" and "Completion of the well" on the water rights application # G-13897 and G-13898 as stated on page #4 of the Standard Conditions. I would like to explain the reasons for my delay in finalizing this paper work. Last November '96, while my wife was hospitalized for an operation, I was injured at our nursery causing partial paralysis. Subsequently, I had an operation with a 50% chance of improvement. The operation was successful and after a year of rehabilitation I am in the process of completing my application. The application was set aside until I was sure of my recovery. If my condition had not improved, the Nursery may have been sold and thus there would be no reason for the well.

Thank you for your consideration of my request.

Lee R. Matthews
32033 Mally St.
Gresham, Or. 97080
(503) 663-5811

Wells in the vicinity of application G 13898

-  Application well(s) in this 1/4-1/4 section
 Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
 Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
 OWRD Observation well and well-id within 5 mi. radius of application well(s)
 Critical GW Area

WELLS WITHIN 1 MILE OF G 13898

DO	75
ID	9
IM	2
IR	29
MU	1



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

CERTIFIED MAIL Return Receipt Requested

June 25, 1998

Lee R. Matthews
32033 Mally Rd
Gresham, OR 97080

RE: Application File # G13898

Dear Mr. Matthews:

On October 25, 1996, the Department issued a Final Order for application G13898. The Final Order identified that additional fees must be submitted to the Department before a permit would be issued. The Department has not yet received the following:

- ▶ Permit recording fees in the amount of \$100.00.

Please submit this information by **July 27, 1998**. If we do not receive the information requested above by this date, we **may** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503) 378-8455, extension 264, or toll free within Oregon at 1-800-624-3199.

Sincerely,

Jarred Gainey
Water Right File Technician

cc: Greg Beaman, Watermaster District 1



Oregon

John A. Kitzhaber, M.D., Governor

October 15, 1997

Water Resources Department

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

LEE R MATHEWS
32033 MALLY RD
GRESHAM, OREGON 97080



REFERENCE: APPLICATION G13897 & G13898

Your request to "adjust" the proposed project development dates for the above referenced applications has been received. If permits are issued, the deadlines the include for project development will be the maximum time allowed by law. That is typically one year to begin well construction and between four and five years to completely apply the water.

As you know, there are existing water rights underlying these proposed uses. Your applications state that you intend to transfer the existing rights. Accordingly, the Final Orders issued October 25, 1996 For Applications G-13897 and G-13898 require that the rights be transferred and permit fees paid before the new permits are issued. That means a transfer application must be submitted, reviewed, and an order issued by the Director approving the transfer request. If you have not yet made application to transfer the existing rights you should do so at your earliest convenience, since the review and approval of a transfer request can take a considerable amount of time.

If you have any questions regarding the transfer process, please contact Larry Nunn in our Transfer Section. If you need further assistance with Water Rights, please contact the Water Rights Section at the address listed below or phone (503) 378-3739.

Sincerely,

Douglas L. Baer

Senior Water Rights Technician

enclosure

CC: Watermaster, District 16
Larry Nunn
Files