

07Application No. G14902**G14902**Permit No. ~~G-13723~~ ^{superceding} G-13733Certificate No. **CANCELLED****FEES PAID**

Date	Amount	Receipt No.
1-8-99	575.00	27041
5-6-04	250.00	67105
		Cert. Fee

FILE#: G 14902

CANCELLED
 SUE JOHNSTON
 JOHNSTON, RON
 1918 SE 302ND AVE
 TROUTDALE, OR 97060

Stream Index, Page No. _____

FEES REFUNDED

Date	Amount	Check No.
<u>6/24/04</u>	250.00	<u>transferred to file G14902</u>

Date filed _____

Priority _____

Action suspended until C-03 Purge 11/19/05
"W/WT DB"

Return to applicant _____

Date of approval _____

CONSTRUCTIONDate for beginning 8/30/00

Date for completion _____

Extended to _____

Date for application of water 10/1/03

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS11-19-04 **CANCELLED** SPVO 62 pg 179

Purge 11-19-05 G-14902

CANCELLED

Sue + Ron Johnston
 1918 SE 302nd Ave
 Troutdale OR
 97060

FOR _____
 DATE THRS 5-20 TIME 0919 P.M.
 FROM SUE JOHNSTON
 FIRM IR COMPLETED 1999
 PHONE 503-667-8155
 FAX AREA CODE _____ NUMBER _____ EXTENSION _____
 MOBILE FRI AREA CODE _____ NUMBER AM TIME TO CALL _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE	

MESSAGE " ANITA "
MAY 23 - # APP
G-14902

IR out

STATUS _____

SIGNED _____

Tops FORM 4007 MADE IN U.S.A.

MESSAGE

IMPORTANT

FOR Wed 7:30 AM DATE _____
 M SUE JO
 OF _____
 FAX (503)-667
 MOBILE AREA CODE _____ NUMBER _____

MESSAGE Per G-14902

SIGNED _____

FOR _____ 2000
 DATE TUES 6-20 TIME 333 P.M.
 FROM SUE JOHNSTON
 FIRM _____
 PHONE (503)-667-8155
 FAX AREA CODE _____ NUMBER _____ EXTENSION _____
 MOBILE AREA CODE _____ NUMBER _____ TIME TO CALL _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE	

MESSAGE QUESTIN -
SKYLES:
APP G-14902
Per G-13723

DRILLING #2

SIGNED _____

Tops FORM 4007 MADE IN U.S.A.

MESSAGE

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE VOLUNTARY)
CANCELLATION OF PERMIT(S))
BY THE PERMITTEE(S)) ORDER

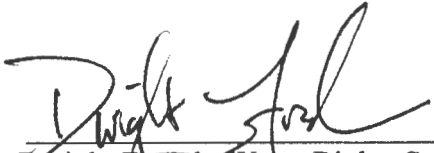
The following Permittees have authorized the cancellation of their permits.

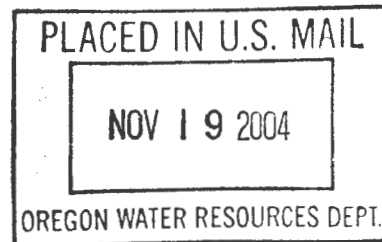
PERMITS TO USE GROUNDWATER:

<u>NAME</u>	<u>BASIN #</u>	<u>WM #</u>	<u>FILE #</u>	<u>PERMIT #</u>
Sue Johnston and Ron Johnston	3	20	G-14902	G-13733

NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260

Dated at Salem, Oregon this 19 day of November, 2004.


Dwight French, Water Rights Section Manager, for
Phillip C. Ward, Acting Director



Special Order Volume 62 Page 179

This is a final order in 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).



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

November 9, 2004

Sue and Ron Johnston
1918 SE 302nd. Avenue
Troutdale, Oregon 97060

Reference: Application G-14902, Permit G-13733

Dear Sue and Ron Johnston:

The Department is in receipt of your request to voluntarily cancel the above referenced permit. Unfortunately, at this time the Department is not able to act on your request. This permit is in the names of Sue and Ron Johnston, and therefore it will require the signature of both permittees to cancel this permit.

I am enclosing a Cancel Authorization form for your use. Should you have any questions, please do not hesitate to contact me at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

cc: file

RECEIVED

NOV 17 2004

WATER RESOURCES DEPT
SALEM, OREGON



RECEIVED

NOV 17 2004

WATER RESOURCES DEPT
SALEM, OREGON

TO: *Water Resources Director*
Water Resources Department
725 Summer Street NE, Suite A
Salem OR 97301-1271

I/We hereby authorize the cancellation of my/our water use **Application No.** _____,

Permit No. G-13733, which describes a right to develop the use of up to

.285 C.F.S./G.P.M./ACRE-FEET of water from DEEP TROUTDALE
(source)

for the purpose of IRRIGATION
(use)

Sincerely,

Sue Johnston
Signature of Permittee or Authorizing Agent

Date: 11/16/2004

[Signature]
Printed Name of Permittee or Authorizing Agent

Date: _____

Signature of Other Permittee, If Any

Address: WINDY RIDGE NURSERY
1918 S.E. 302ND AVE.
TROUTDALE OR 97060

Phone: (503) 667-7037

OK Cancelled
11/18/2004



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

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Sincerely,

Jerry Sauter
Water Rights Program Analyst

cc: file



1918 SE 302nd Ave, Troutdale, OR 97060
503-667-7037 Fax: 503-661-7315


TO: Cory Engel
FAX: 503-986-0901
DATE: October 18, 2004
PAGES: 2

Cory,

Thank you very much for getting the preliminary analysis letter to me.

Following is our letter to request cancellation of the existing permit.

Sincerely,


Sue Johnston



1918 SE 302nd Avenue, Troutdale, OR 97060
503-667-8155 Fax: 503-661-7315

October 18, 2004

Cory C. Engel
Water Rights Department
State of Oregon

Dear Cory,

Please cancel our existing water use permit (G-13733). It is replaced by G-16242.

Sincerely,

A handwritten signature in black ink that reads "Sue Johnston". The signature is fluid and cursive, with the first name "Sue" being larger and more prominent than the last name "Johnston".

Sue Johnston

TO: Water Rights Section

Jan. 29, 1999

FROM: Groundwater/Hydrology Section

Don Mella
Reviewer's Name

SUBJECT: Application G- 14902

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE Sandy Basin rules, one or more of the proposed POA's is/is not within 1/4 feet (mile) of a surface water source (Sandy R.) and (taps a groundwater source hydraulically connected to the surface water. (OAR 690-503-050(3))
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 _____; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7 F;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or likely be available in the amounts requested without injury to prior rights
 - b. ___ will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7 G;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
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 700 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: The permit should allow groundwater production
only if the head in the Deep Troutdale is above
50 feet msl.

(Well Construction Considerations on Reverse Side)

G-14902

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-14902

ROUTED TO: WR's

TOWNSHIP/

RANGE-SECTION: 1S/4E-5

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Special Condition in
remarks!

Reviewer: Down Miller

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files

Date 1/29/99

FROM: Donn Miller

SUBJECT: Groundwater Application G- 14902

Phone: _____

Name: Sue + Ron Johnston

Applicant(s) seek 255 gpm (0 cfs) from 2 well(s) in the

Proposed use: 40 Ac In-Ground Sandy basin

+2.75 AC Greenhouse + sub basin

can yard sub basin

Pertinent 7 1/2 - minute quads Washougal

Well # 1 WRD# To Be Constructed T 15 R 4E S 5 00 cad County Multnomah

Legal Description 1070'S + 2190'E of the West 1/4 Corner Section 5

Well is 1100 ft from Sandy River (river/stream)

Well is - ft from - (river/stream)

Well elevation 340 ft River/stream elevation 40 ft

Well elevation - river/stream elevation 300'

estimates per application

Well depth 500 (?) SWL E 450 on _____

Sealed to ? Depth first water found 420 (?)

Cased to ? Perforations/screens _____

Lined to ? Perforations/screens _____

Well tests and types _____

Confined or unconfined? _____ Hydraulically connected? _____

Potential to cause substantial interference? _____

Well # 2 WRD# To Be Constructed T 15 R 4E S 5 00 cad County Multnomah

Legal Description 590'S + 1360'E of the West 1/4 Corner Section 5

Well is 1400 ft from Sandy River (river/stream)

Well is - ft from - (river/stream)

Well elevation 360 ft River/stream elevation 40 ft

Well elevation - river/stream elevation 320'

No appl. In Po!

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: _____

Density of nearby wells of record: _____

Comments: Top of Confining Unit 2 @ 100' msl per plate 5 of WRI

Top of S+G aquifer @ 50' msl per plate 4 of WRI (thickness 400' to 799')

Aquifers overlying the S+G aquifer are not suitable (or sought per appls)

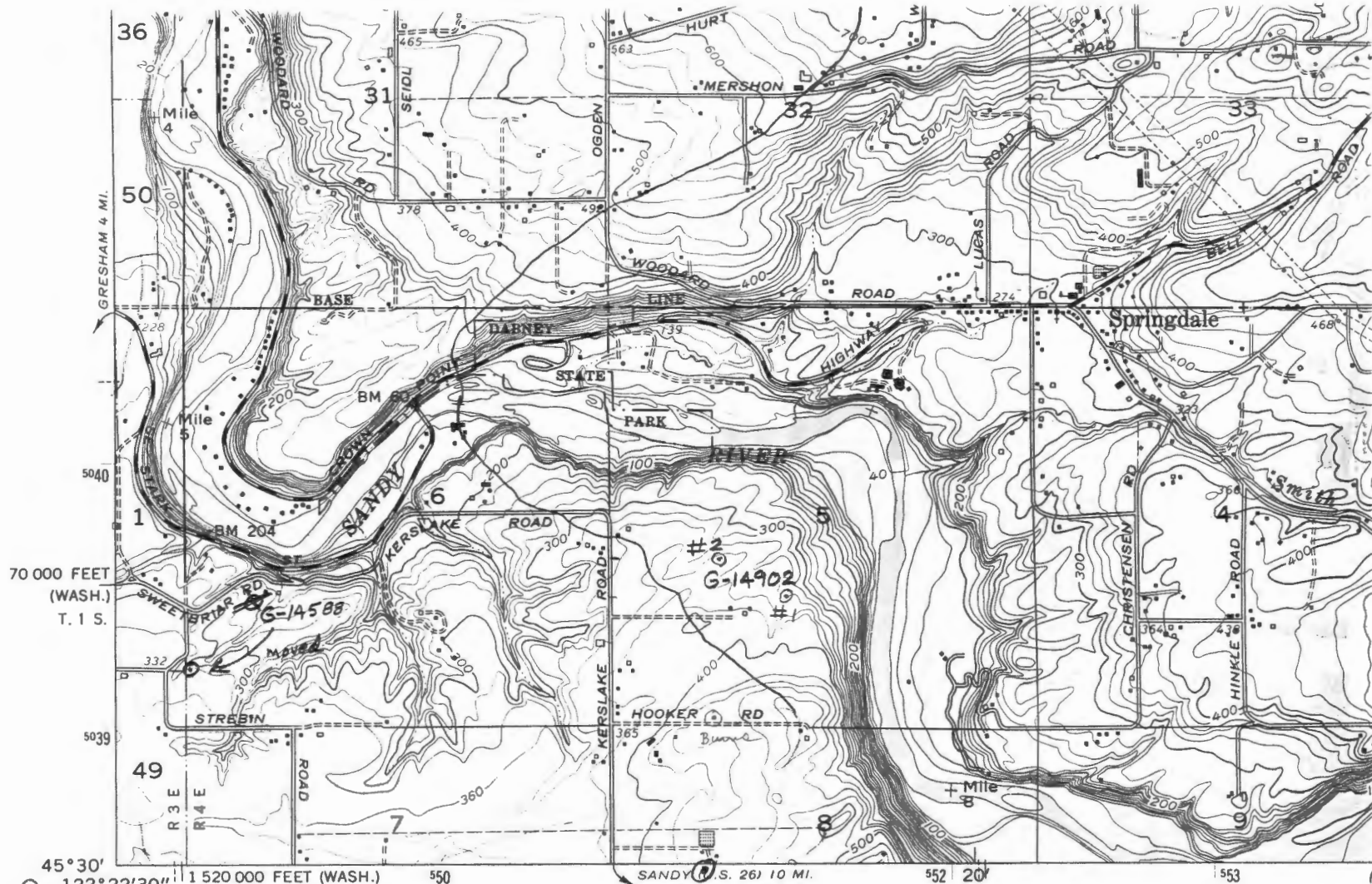
The S+G aquifer appears concomitant with the Sandy River nearby based on

stratigraphy but not on head. The river is 40' msl (+/-) head + the Burns well

data says the Troutdale S+G aquifer head is 100' msl (+/-)

References used: USGS OFRpt 90-126, USGS WRI 90-4196, logs

→ If the proposal can discover a Burns head - fine, If not and the head is approximately river level then there is the potential for substantial intef.



25600
(DAMASCUS)
1574 IV NW

Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography from aerial photographs by photogrammetric methods and by planetable surveys 1954. Aerial photographs taken 1951 Revised from aerial photographs taken 1960. Field check 1961

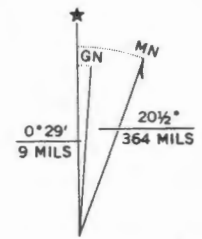
Selected hydrographic data compiled from USC&GS Chart 6156 (1959) This information is not intended for navigational purposes

Polyconic projection. 1927 North American datum 10,000-foot grids based on Washington coordinate system, south zone, and Oregon coordinate system, north zone 1000-meter Universal Transverse Mercator grid ticks, zone 10, shown in blue

Red tint indicates area in which only landmark buildings are shown

Fine red dashed lines indicate selected fence lines

G-14928



UTM GRID AND 1975 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



CONTOUR IN DOTTED LINES REPRESENT NATIONAL GEODETIC DEPTH CURVES AND SOUNDING SHORELINE SHOWN REPRESENTS THE MEAN RANGE OF T

THIS MAP COMPLIES WITH N. FOR SALE BY U. S. GEOLOGICAL SURVEY, DEN A FOLDER DESCRIBING TOPOGRAPHIC M

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

STATE ENGINEER, SALEM, OREGON within 30 days from the date of well completion.

MULT 002443

STATE OF OREGON WATER WELL REPORT RECEIVED FEB 17 1971 STATE ENGINEER SALEM, OREGON

State Well No. 1/4-5

State Permit No.

LSE = 448 per USGS

(1) OWNER:

Name Arto Burns
Address RT 2 B 19 R Troutdale, Oreg.

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Driven
Cable Jetted
Dug Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other

CASING INSTALLED:

Threaded Welded
6" Diam. from 0 ft. to 394 ft. Gage 100
5" Diam. from 390 ft. to 420 ft. Gage 100

PERFORATIONS:

Perforated? Yes No.
Type of perforator used Torch cut
Size of perforations 1/8 in. by 8 in.
144 perforations from 394 ft. to 420 ft.

(7) SCREENS:

Well screen installed? Yes No
Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom?
Yield: gal./min. with _____ ft. drawdown after _____ hrs.
Bailer test 20 gal./min. with 3 ft. drawdown after 2 hrs.
Artesian flow _____ g.p.m.

(9) CONSTRUCTION:

Well seal—Material used cement - sand,
Well sealed from land surface to 160 ft.
Diameter of well bore to bottom of seal 8 in.
Diameter of well bore below seal 6" pipe driven
Number of sacks of cement used in well seal _____ sacks
Number of sacks of bentonite used in well seal 1 sacks
Brand name of bentonite NATIONAL
Number of pounds of bentonite per 100 gallons of water Bentonite mixed with clay slurry lbs./100 gals.
Was a drive shoe used? Yes No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? Yes No
Type of water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? Yes No Size of gravel: 1/4 minus
Gravel placed from 394 ft. to 420 ft.

(10) LOCATION OF WELL:

County Mult Driller's well number _____
1/4 Section 5 T. 19 R. 4E W.M.
Bearing and distance from section or subdivision corner _____

(11) WATER LEVEL: Completed well.

Depth at which water was first found 372 ft.
Static level 340 ft. below land surface. Date Jan 28-71
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing to bottom
Depth drilled 420 ft. Depth of completed well 420 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top soil	0	2	
silty clay	2	55	
blue clay	55	60	
brown clay	60	80	
clay & gravel	80	103	
cement gravel	103	130	
sand stone	130	243	
Cement gravel	243	262	
sand stone	262	287	
white clay gravel	287	294	
white clay	294	310	
gravel & sand - dry	310	333	
blue clay	333	370	
yellow sand	370	372	
blue clay	372	394	
blue clay sand	394	400	
Sandstone water bearing	400	420	340

Troutdale gravel
Troutdale SST
Confining Unit 2
S+G

Work started Dec. 18 1971 Completed Jan 31 1971
Date well drilling machine moved off of well Jan 31 1971

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] C. O. Olson Date Feb 7 1971
(Drilling Machine Operator)

Drilling Machine Operator's License No. 214

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 C. O. Olson (Person, firm or corporation) (Type or print)
Address 18211 SE Powell (Person, firm or corporation)
[Signed] C. O. Olson (Water Well Contractor)
Contractor's License No. 282 Date Feb 7 1971

Table 1.--Altitude of top of hydrogeologic units for selected wells, in feet
above or below (-) sea level--Continued

Log- ID	Location number	Uncon- solidated sedimentary rocks	Troutdale gravel	Confining unit 1	Troutdale sandstone	Confining unit 2	Sand and gravel	Undifferentiated fine-grained sediments	Older rocks
500064	01S/03E-01BDC	--	280	130	85	-45	--	--	--
500008	01S/03E-01DAC	--	270	--	130	-18	--	--	--
500009	01S/03E-01DBA	--	283	162	132	-24	--	--	--
500012	01S/03E-02CAB	--	318	31	--	--	--	--	--
500025	01S/03E-03CCA	--	310	--	--	--	--	--	--
500065	01S/03E-03DDDD	--	333	--	--	--	--	--	--
500106	01S/03E-04BAB	248	207	--	--	--	--	--	--
500107	01S/03E-04DDA	--	296	--	--	--	--	--	--
500066	01S/03E-04DDCC	--	308	--	--	--	--	--	--
6628	01S/03E-05ADB	255	215	--	--	--	--	--	--
500108	01S/03E-05BDD	255	208	--	--	--	--	--	--
500067	01S/03E-06CCA	245	229	--	--	--	--	--	--
500111	01S/03E-07CBC	275	205	--	--	--	--	--	--
500110	01S/03E-07CCA	288	266	--	--	--	--	--	--
500112	01S/03E-08CCBC	310	295	--	--	--	--	--	--
900491	01S/03E-08DAA	--	325	--	--	--	--	--	--
6634	01S/03E-08DAB1	310	258	--	--	--	--	--	--
500109	01S/03E-09BAD	--	415	--	--	--	--	--	--
900492	01S/03E-09CBA	--	368	-51	--	--	--	--	--
900493	01S/03E-09DBB	--	358	-26	--	--	--	--	--
500113	01S/03E-10CCA	--	355	-12	-210	-342	--	--	--
900494	01S/03E-11CDA	--	395	81	-65	--	--	--	--
500114	01S/03E-11ddb	--	440	149	--	--	--	--	--
500115	01S/03E-12CDD	--	493	211	--	--	--	--	--
900497	01S/03E-13ADA	--	495	234	106	--	--	--	--
900496	01S/03E-13BAC	--	422	158	-23	--	--	--	--
900495	01S/03E-13BBB	--	425	150	19	--	--	--	--
500116	01S/03E-13BDC	--	472	--	--	--	--	--	--
500117	01S/03E-14BAC	--	400	150	--	--	--	--	--
500118	01S/03E-14CBC	--	365	--	--	--	--	--	--
500119	01S/03E-14CCB	--	385	--	--	--	--	--	--
500120	01S/03E-14CCC	--	425	--	--	--	--	--	--
900253	01S/03E-15ACBA	--	322	--	--	--	--	--	--
500122	01S/03E-16CDA	--	595	221	180	--	--	--	--
500121	01S/03E-16DCC	--	820	440	--	--	--	--	--
900254	01S/03E-17AADD	--	311	52	38	--	--	--	--
900251	01S/03E-18BDC	265	261	--	--	--	--	--	--
500123	01S/03E-19CAD	--	345	44	-54	--	--	--	--
500125	01S/03E-20BCD	--	382	--	--	--	--	--	--
6719	01S/03E-20CAD	--	390	--	--	--	--	--	--
500126	01S/03E-21DDC	--	830	--	--	--	--	--	--
500127	01S/03E-22DAB	--	575	181	105	--	--	--	--
6779	01S/03E-23BBB1	--	440	--	--	--	--	--	--
500129	01S/03E-24BBA	--	480	--	--	--	--	--	--
500128	01S/03E-24BCCD	--	442	--	--	--	--	--	--
500130	01S/03E-24BDB	--	475	--	--	--	--	--	--
500131	01S/03E-24DDC	--	435	173	140	--	--	--	--
7521	01S/03E-25ADD	--	586	--	--	--	--	--	--
7587	01S/03E-26ABA	--	411	--	--	--	--	--	--
7565	01S/03E-26ABC	--	611	--	--	--	--	--	--
7569	01S/03E-26CAD	--	530	--	--	--	--	--	--
7582	01S/03E-26CDB	--	490	--	--	--	--	--	--
500133	01S/03E-27CAA	--	650	--	--	--	--	--	--
500132	01S/03E-27DDC	--	460	180	--	--	--	--	--
500134	01S/03E-28ACDA	--	825	--	--	--	--	--	--
500135	01S/03E-28ACDC	--	770	--	--	--	--	--	--
9407	01S/03E-29ADB1	--	890	--	--	--	--	--	--
900373	01S/03E-29BDD	--	548	--	--	--	--	--	--
9427	01S/03E-29DAD1	--	620	--	--	--	--	--	--
500136	01S/03E-30BAB	--	392	--	--	--	--	--	--
900374	01S/03E-31CCA	--	365	65	5	--	--	--	--
900378	01S/03E-32ACB	--	776	428	--	--	--	--	--
500140	01S/03E-32DAC	--	415	105	--	--	--	--	--
500139	01S/03E-33DCA	--	600	356	295	--	--	--	--
500138	01S/03E-33DDA	--	628	363	338	--	--	--	--
900726	01S/03E-34ABC	--	490	--	--	--	--	--	--
500137	01S/03E-34BDD	--	552	340	282	--	--	--	--
7650	01S/03E-35BAD	--	530	--	--	--	--	--	--
8132	01S/03E-36ABA	--	572	--	--	--	--	--	--
7677	01S/03E-36BDB	--	620	--	--	--	--	--	--
7695	01S/03E-36DBB	--	535	--	--	--	--	--	--
900358	01S/04E-01BDA	--	--	--	570	520	--	--	307
10769	01S/04E-05CCD	--	448	--	318	161	48	--	--
10770	01S/04E-06DCB	--	295	--	237	58	--	--	--
10771	01S/04E-07ADA	--	364	278	214	72	41	--	--
7077	01S/04E-07BCD	--	375	--	204	--	--	--	--
7076	01S/04E-07DBC	--	388	--	267	--	--	--	--
10772	01S/04E-09CBC	--	650	--	362	162	92	--	--
10773	01S/04E-10BAC2	120	--	--	--	--	33	--	--
900308	01S/04E-10BDB	110	--	--	--	--	--	70	--



MULTNOMAH COUNTY, OREGON--Continued

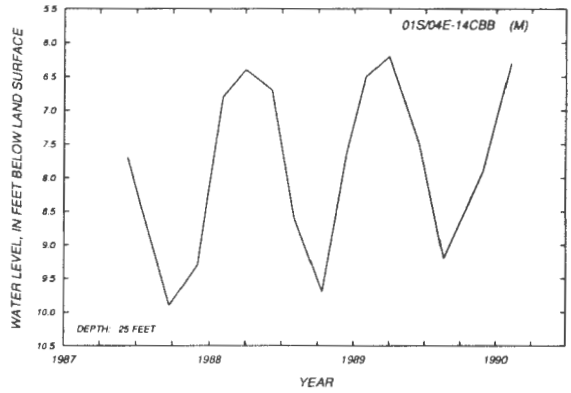
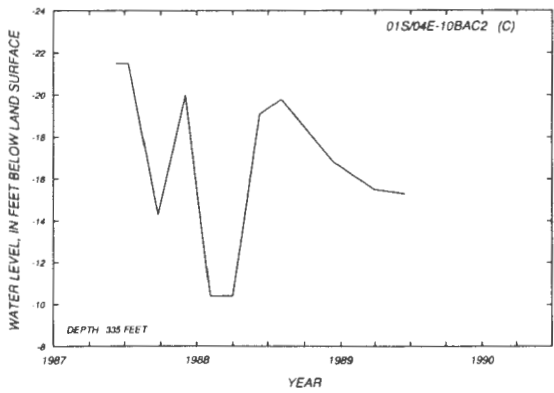
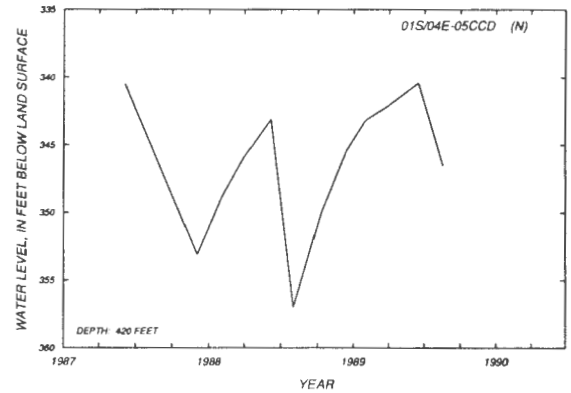
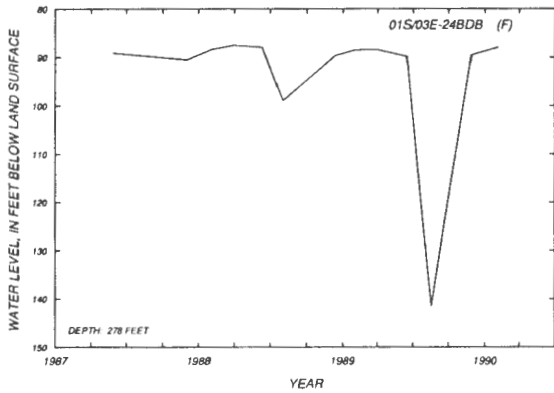
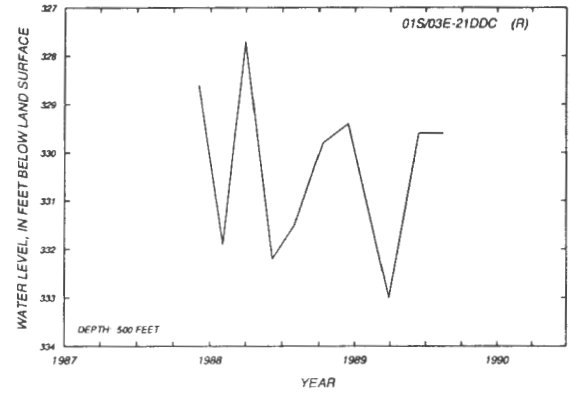
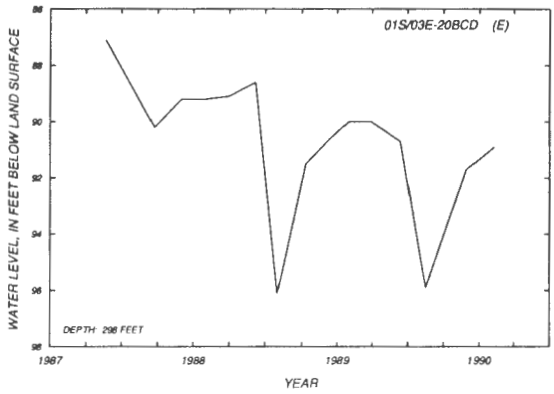
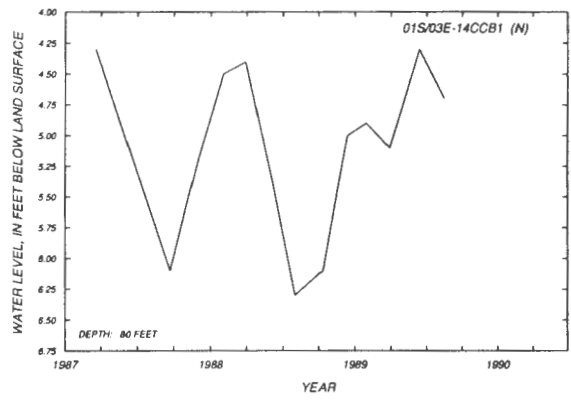
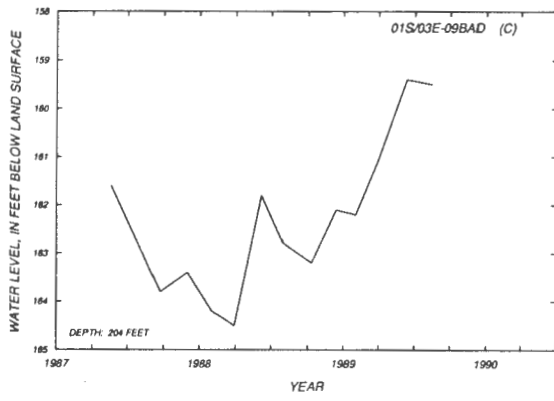


Figure 5.--Selected hydrographs for the period 1987-90--Continued.

Stream Depletion Analysis (Jenkins' Stream Depletion)

Written by Karl C. Wozniak (OWRD) July 1991; last modified September 1992.
 References: Theis (1941), Jenkins (1968), Jenkins (1970), and Walton (1984).
 See bottom of worksheet for detailed references and model assumptions.

x = Coordinate axis perpendicular to stream
y = Coordinate axis parallel to stream
0,0 = Coordinate of Pumping Well

Model calculates:

1. Stream Depletion (induced infiltration) under flat water table conditions.
2. Drawdown along a line perpendicular to stream at a distance y from well.

Input Data:

<i>Well Owner or Well Number:</i>	TEST	
<i>Distance From Pumped Well to Line of Cross Section</i>	1100	[ft]
<i>Perpendicular Distance From Pumped Well to Stream</i>	1100	[ft]
<i>Net Steady Pumping Rate of Pumped Well, Q:</i>	175	[gpm]
<i>Transmissivity of Aquifer, T:</i>	10,000	[gpd/ft]
<i>Storativity of Aquifer, S:</i>	0.0500	
Time Since Pumping Started	30.00	[days]
<i>Well Depth:</i>	500	[ft]
<i>Aquifer Thickness:</i>	200	[ft]
<i>Hydraulic Gradient Perpendicular to Stream (0 if unkr</i>	0.00000	

Distance
to
velocity
divide
at
steady
state:
#DIV/0! = $Q/(2 \cdot \pi \cdot T \cdot i)$
[ft]

Jenkins' analysis does not includes parameters in italics.

Output Data:

25% Stream Depletion @ 17 days

Drawdown Along X-Section Perpendicular to Stream & 1100 ft From Pumping Well

a = 1100 ft

Q = 175 gpm

T = 10,000 gpd/ft

S = 0.0500

t = 30.00 days

Well Depth = 500 ft

Aquifer Thickness = 200 ft

Hydraulic Gradient = 0.0000

K = 50 gpd/ft*ft

#REF!

STATE ENGINEER
Salem, Oregon

MULT
002447

Well Record

STATE WELL NO. 1/4-5M
COUNTY Multnomah
APPLICATION NO. GR-3400

OWNER: Percy O. Carlson

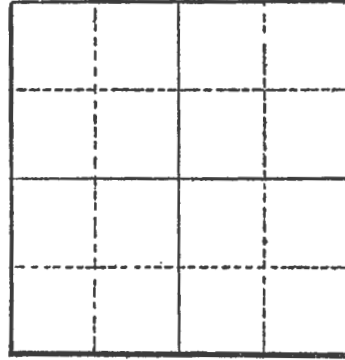
MAILING ADDRESS: Route 2, Box 1003

LOCATION OF WELL: Owner's No. _____

CITY AND STATE: Troutdale, Oregon

NW 1/4 SW 1/4 Sec. 5 T. 1 N. S., R. 4 E. W.M.

Bearing and distance from section or subdivision corner S. 31°30' E.



Section _____

Altitude at well ~ 340' (?) per topo

TYPE OF WELL: drilled Date Constructed 1948

Depth drilled 285' Depth cased 285'

CASING RECORD:

8"

FINISH:

AQUIFERS:

WATER LEVEL: 2285' Est Head 55' + amsl

PUMPING EQUIPMENT: Type Fairbanks Morse H.P. 5
Capacity 80 G.P.M.

WELL TESTS:

Drawdown _____ ft. after _____ hours _____ G.P.M.

Drawdown _____ ft. after _____ hours _____ G.P.M.

USE OF WATER Irrigation Temp. _____ °F. _____, 19____

SOURCE OF INFORMATION GR-3147

DRILLER or DIGGER O. B. Olson

ADDITIONAL DATA:

Log _____ Water Level Measurements _____ Chemical Analysis _____ Aquifer Test _____

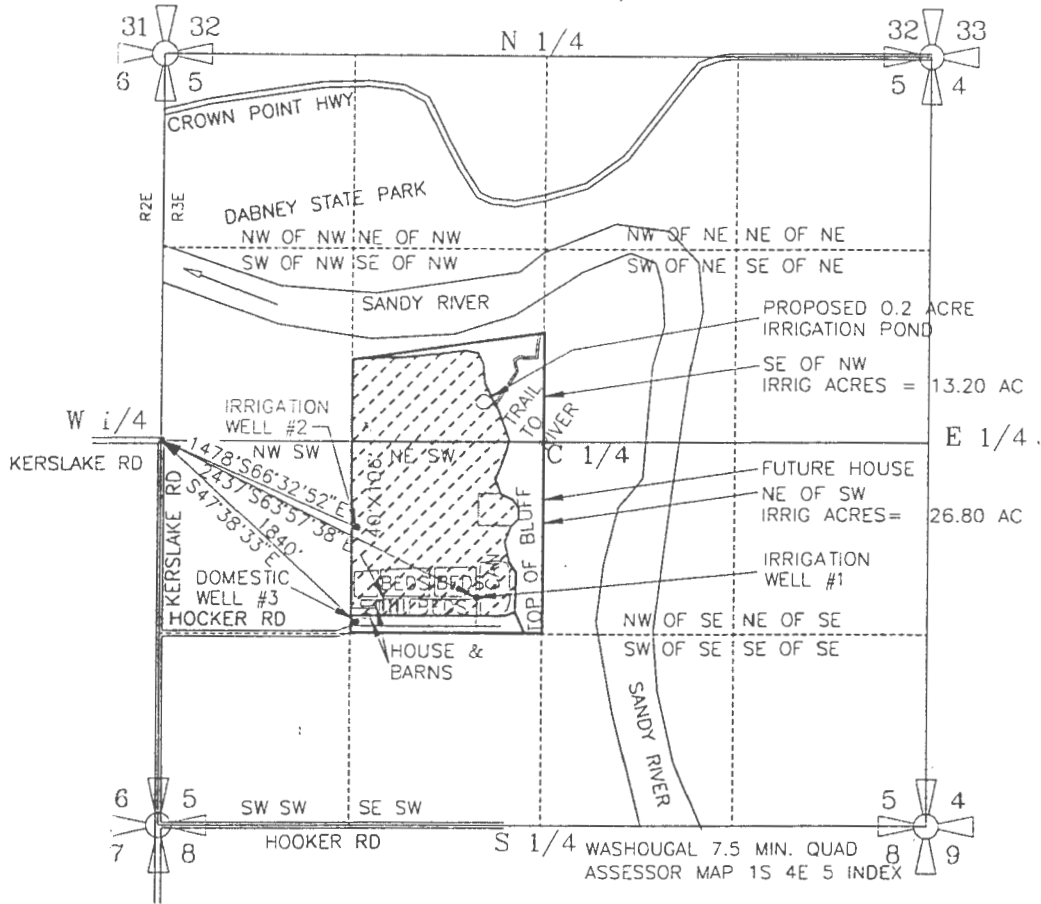
REMARKS:

RECEIVED

JAN 08 1999

WATER RESOURCES DEPT.
SALEM, OREGON

SE 1/4 OF THE NW 1/4
NE 1/4 OF THE SW 1/4
SECTION 5
T1S, R4E of WM
MULTNOMAH COUNTY, OREGON

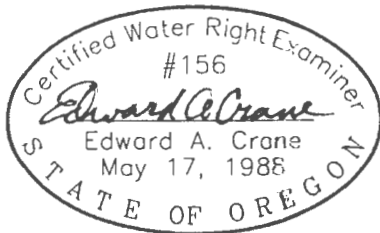


IRRIG. WELL #1 IS LOCATED 1070 FEET SOUTH AND 2190 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON.
 IRRIG. WELL #2 IS LOCATED 590 FEET SOUTH AND 1360 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON.
 DOMESTIC WELL #3 IS LOCATED 1240 FEET SOUTH & 1360 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON

PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

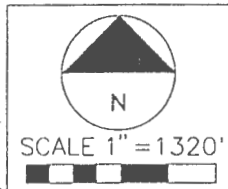
APPLICATION FOR PERMIT G-
GROUNDWATER PERMIT G-

PREPARED BY EDWARD A. CRANE, CWRE



Renewal 12/31/99
Signed 12-1-98

SURVEYED MAY 18, 1998
BY EDWARD A. CRANE, CWRE



DATE
JUNE 1998
JUNE 1998
PROJECT NO.
292 001



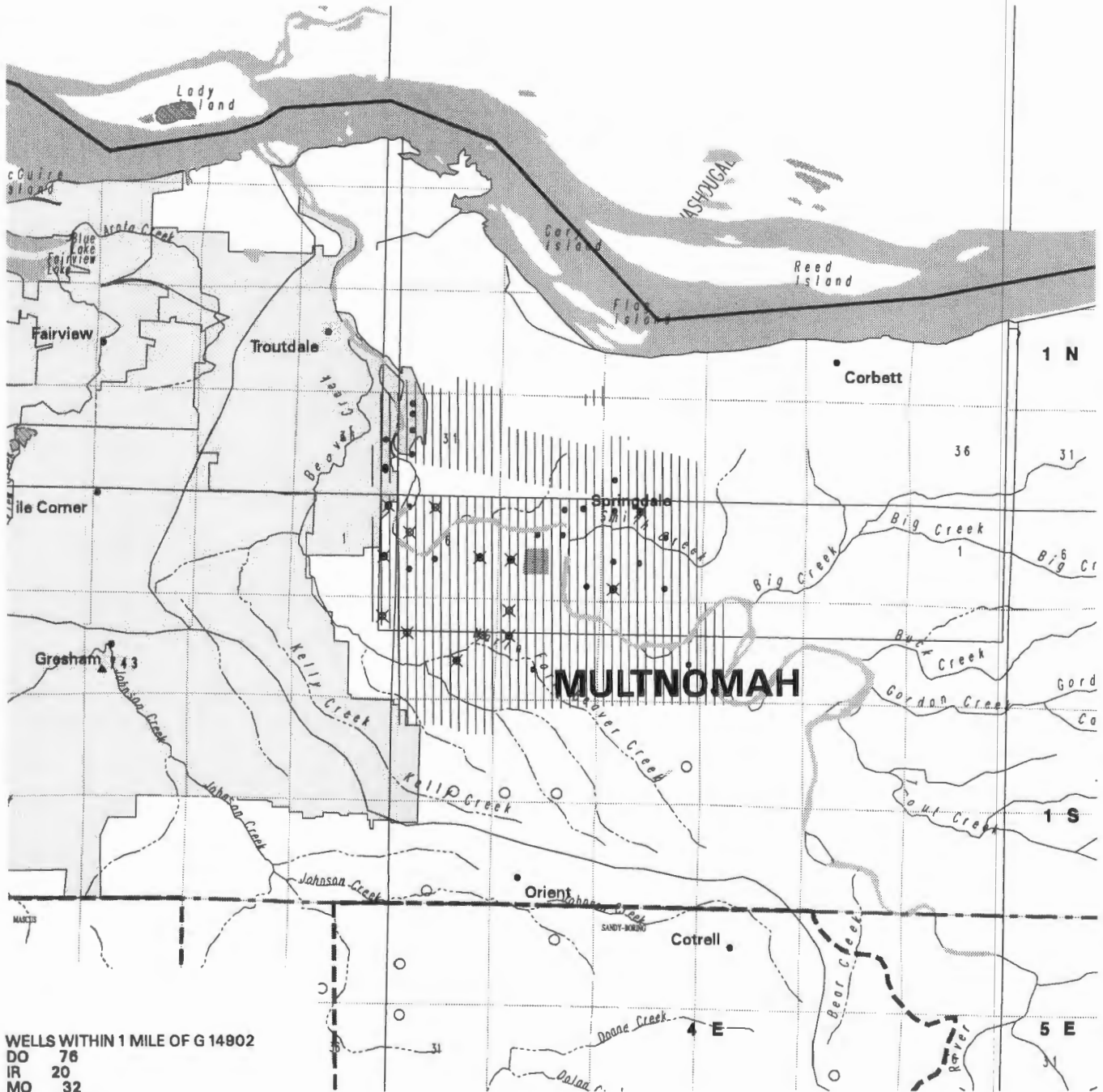
CRANE & MERSETH
Engineering/Surveying
SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222
BUS: (503) 654-2005
FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER G-
PERMIT NUMBER G- IN THE NAME OF:
SUE & RON JOHNSTON (WINDY RIDGE NURSERY)
1918 SE 302nd AVE. (TEL 503-667-8155)
TROUTDALE, OR 97060 (FAX: 503-661-7315)

SHEET
1/1

Wells in the vicinity of application G 14902

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ⊗ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- Conditioned, permitted well(s) in this 1/4-1/4 section within 5 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- - - Regulated GW Area



WELLS WITHIN 1 MILE OF G 14902

DO	76
IR	20
MO	32

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14902

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G	9714	G 9867	1.00S 3.00E 1NENE MU	2.2000	C
1	GR	1765	GR 1712	1.00S 3.00E 1NENE IR	30.0000	G
2	GR	1766	GR 1713	1.00S 3.00E 1NESE IR	180.0000	G
3	G	7302	G 6753	1.00S 3.00E12NENE IR	0.2400	C
4	G	10626	G 9735	1.00S 4.00E 6NENW IR	350.0000	G
5	GR	3096	GR 2904	1.00S 4.00E 4NENW IR	10.0000	G
6	G	5472	G 4941	1.00S 4.00E 6SWNW IR	0.0200	C
7	G	13580	G 12360	1.00S 4.00E 6NESE IR	0.2000	C
8	GR	3400	GR 3147	1.00S 4.00E 5NWSW IR	80.0000	G
9	GR	432	GR 418	1.00S 4.00E 4SWSW IR	80.0000	G
10	G	12632	G 11650	1.00S 4.00E 8NWNW IR	0.2500	C
11	GR	283	GR 2435	1.00S 4.00E 7SWNW IR	75.0000	G
12	G	10602	G 9616	1.00S 4.00E 7SENE IR	0.2400	C
13	G	1479	G 1356	1.00S 4.00E 8SWNW IR	0.3600	C
13	GR	999	GR 965	1.00S 4.00E 8SWNW IR	270.0000	G
14	GR	3476	GR 3210	1.00S 4.00E 7NWSE IR	40.0000	G

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 14902

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G	13476	G 12140	1.00S 3.00E25SESW 7BG
1	G	13476	G 12140	1.00S 3.00E25SESW 7BR
1	G	13476	G 12140	1.00S 3.00E25SESW 7DG
1	G	13476	G 12140	1.00S 3.00E25SESW 7DR
1	G	13476	G 12140	1.00S 3.00E25SESW 7BG
1	G	13476	G 12140	1.00S 3.00E25SESW 7BR
1	G	13476	G 12140	1.00S 3.00E25SESW 7DG
1	G	13476	G 12140	1.00S 3.00E25SESW 7DR
1	G	13709	G 12365	1.00S 3.00E25SESW
1	G	13709	G 12365	1.00S 3.00E25SESW
1	G	13709	G 12365	1.00S 3.00E25SESW
2	G	12635	G 11445	1.00S 4.00E16NESE 4G
3	G	12863	G 12008	1.00S 4.00E18SWSE 4KG
3	GR	95	GR 91	1.00S 4.00E18SWSE
4	G	13150	G 12014	1.00S 4.00E17SWSW 4IG
4	G	13150	G 12014	1.00S 4.00E17SWSW 4IR
4	G	13150	G 12014	1.00S 4.00E17SWSW 4KG
4	G	13172	G 12015	1.00S 4.00E17SWSW 4IG
4	G	13172	G 12015	1.00S 4.00E17SWSW 4IR
5	G	12403	G 11397	1.00S 4.00E17SWSE 4G
6	G	12791	G 11663	1.00S 4.00E19SESW 4GG
6	G	12791	G 11663	1.00S 4.00E19SESW 4GG
7	G	13276	G 11981	1.00S 4.00E29SWNE 4IG
7	G	13276	G 11981	1.00S 4.00E29SWNE 4IR
7	G	13276	G 11981	1.00S 4.00E29SWNE 4IG
7	G	13276	G 11981	1.00S 4.00E29SWNE 4IR
8	G	13935	G 12682	1.00S 4.00E30NWSW 7BG
8	G	13935	G 12682	1.00S 4.00E30NWSW 7BR
8	G	13935	G 12682	1.00S 4.00E30NWSW 7HG
8	G	13935	G 12682	1.00S 4.00E30NWSW 7HR
8	G	13935	G 12682	1.00S 4.00E30NWSW 7BG
8	G	13935	G 12682	1.00S 4.00E30NWSW 7BR
8	G	13935	G 12682	1.00S 4.00E30NWSW 7HG
8	G	13935	G 12682	1.00S 4.00E30NWSW 7HR

```

8 GR      865    GR      838    1.00S 4.00E30NWSW
9 G      13938   G      12707   1.00S 4.00E31NWNW 7BG
9 G      13938   G      12707   1.00S 4.00E31NWNW 7BR
9 G      13938   G      12707   1.00S 4.00E31NWNW 7HG
9 G      13938   G      12707   1.00S 4.00E31NWNW 7HR
9 G      13938   G      12707   1.00S 4.00E31NWNW 7BG
9 G      13938   G      12707   1.00S 4.00E31NWNW 7BR
9 G      13938   G      12707   1.00S 4.00E31NWNW 7HG
9 G      13938   G      12707   1.00S 4.00E31NWNW 7HR
10 G     12505   G     12505   1.00S 4.00E35NESW 7GG
10 G     12505   G     12505   1.00S 4.00E35NESW 7GR
10 G     12505   G     12505   1.00S 4.00E35NESW 7JG
10 G     12505   G     12505   1.00S 4.00E35NESW 7JR
10 G     12505   G     12505   1.00S 4.00E35NESW 7GG
10 G     12505   G     12505   1.00S 4.00E35NESW 7GR
10 G     12505   G     12505   1.00S 4.00E35NESW 7JG
10 G     12505   G     12505   1.00S 4.00E35NESW 7JR
*****

```

APPLICATION G 14902 FALLS WITHIN THESE QUAD(S)

WASHOUGAL

The following OWRD Groundwater Management Areas are within the map extent:

\$RECNO	NAME1	NAME2	SUB-AREA	STATUS
1	DAMASCUS			LIMI
2	SANDY-BORING			LIMI

STATE OF OREGON
WATER RESOURCES DEPARTMENT

FACSIMILE TRANSMITTAL SHEET

Date: 5 - 13 - 2004

TO: Donna Miller

RE: _____

Fax No. _____

FROM: **Michael McCord, Dist. 20 Watermaster
1678 S. Beaver Creek Road, Suite L
Oregon City, 97045
(503) 722-1410 PHONE
(503)722- 5926 FAX**

This transmission has 2 pages (including the cover). If any of the pages are not received or unreadable please call for another copy.

Message: Donna, I hope you can read + his. Any insight you could provide would be helpful.

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.785)
Instructions for completing this report are on the last page of this form

SKYLES DRILLING, INC.

WELL ID #

START CARD #

(1) OWNER:
Name: *Windy Ridge Nursery Ron Johnston*
Address:
City: State Zip
Well Number: *02*

(9) LOCATION OF WELL by legal description
County: *Multnomah* Loc. 50
Township: *15* North Range *4E* Section 14
Section: *C-5*
Tax lot: Lot Block
Street Address of Well (or nearest address): *1918 SE 302nd Ave Troutdale, OR*

(2) TYPE OF WORK:
Y New Well Deepening Alteration (repair/condition) Abandonment

(3) DRILL METHOD:
Y Rotary Air Rotary Mud Cable Auger
X Other *Hotte*

(10) STATIC WATER LEVEL:
Depth below land surface
Atmospheric pressure

(4) PROPOSED USE:
Domestic Commercial Industrial Right of Way
Threatened Livestock Other

(11) WATER BEARING ZONES:
Depth at which water was first found: *33*
Depth of zone: *33* to *345*
Yield: *26*
Estimated Flow Rate: *2*
Other: *16, 270, 700*

(5) BORE HOLE CONSTRUCTION:
Special Construction approval: Yes No
Exposures used: Yes No Type
Depth of Completed Well: _____ ft
Amount: _____

Table with columns: HOLE Diameter, From, To, Material, SEAL, From, To, Amount (sacks or pounds)

How was seal placed: Method A B C D E
X Other *Barrel Seal / Pumped G. Ballon*
Backfill placed from: ft. to ft. Material:
Gravel placed from: ft. to ft. Size of gravel:

(6) CASING/LINER:
Diameter: From To Gauge Steel Plastic Welded Threaded
Casing: *10* *2* *178* *250*
Liner:
Drive Shoe used: Inside Outside None
Final location of shoe(s):

(12) WELL LOG:
Material
Clay, fine sandy 0 17
Gravel, coarse with boulders 17 36
Clay, brown, silty 36 65
Coarse sand, fine 65 80
Coarse sand, MC 80 91
Coarser sand, MC, gravel 91 132
Coarser sand, MC 132 181
Medium sand, MC 181 395
Gravel, med. to large, sand, brown, fine 395 432
Gravel, med. and sand fine with gray pebbles 432 474
Clay gray-white 474 498

(7) PERFORATIONS/SCREENS:
Perforations Screens Method Type Material
From To Slot size Number Diameter % to plastic size Casing Liner

(8) WELL TESTS: Minimum testing time is 1 hour
Pump: _____ Bailer: _____ Air: _____ Flowing Artesian: _____
Yield (gpm): _____ Drawdown: _____ Drill stem lift: _____ Time: _____

Date started: *5-9-04* Duration:
(unbonded) Water Well Constructor Certification:
I certify that the work performed on this construction project of this well was in compliance with Oregon water supply well construction standards. Materials used and information retained for my knowledge and use.
Signature: _____ License: *1725*

Temperature of Water: _____ Depth Artesian Flow found: _____
Was a water analysis done? Yes By whom: _____
Did any strata contain water not suitable for domestic use? Yes No
Turbidity: _____ Odor: _____ Color: _____ Other: _____
Type of strata: _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, operation, and maintenance of the well during the construction dates performed during this time in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signature: _____ License: _____

ORIGINAL - WATER RESOURCES DEPARTMENT FIRST COPY - CONSTRUCTOR SECOND COPY - CUSTOMER

Apply Permit G-14902 P G-13733

Use allowed on top of the head in Deep Troutdale is 250' ans

Want to go deeper to get past a fine sand problem

340

448

Tg

318

Tst

161

CU2

-5

48

S+G

Report Info

Scad

340

Tg

300

Tst

100

CU2

50

S+G

-500

OR

18533

11877

11877



Oregon

Theodore R. Kulongoski, Governor

File # G-13733

Water Resources Department

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

June 24, 2004

Ron and Sue Johnston
Windy Ridge Nursery
1918 SE 302nd Avenue
Troutdale, OR 97060

RE: Permit #G-13733 (Application #G-14902)

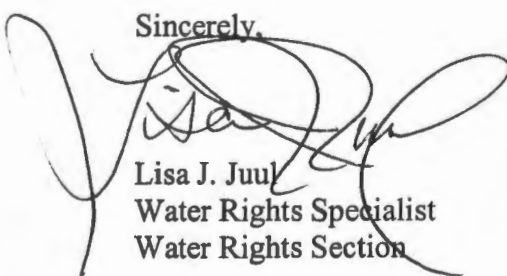
Dear Mr. and Mrs. Johnston:

On June 23, 2004, the Department received your request to withdraw the pending extension of time application for Permit #G-13733. Your letter also requested that the \$250 extension fee paid on May 6, 2004, be applied to the filing fees associated with a new application for a water right permit, being Application #G-16264.

Your request was processed by the Department on June 24, 2004. The extension of time for Permit #G-13733 has been withdrawn and is being returned with this letter. Additionally, fees in the amount of \$250 (under Receipt #67105) have been transferred to Application #G-16264.

If you have any questions concerning the withdrawn extension of time application for Permit #G-13733, feel free to contact me by telephone at (503) 986-0808. If you have any questions regarding the processing of your new Application #G-16264, you may contact Mr. Cory Engel at (503) 986-0813.

Sincerely,



Lisa J. Juul
Water Rights Specialist
Water Rights Section

enclosure

cc: Appl #G-14902 (Permit #G-13733)
Application File #G-16264
Mike McCord, Watermaster Dist #20
Dwight French, Water Rights Manager



1918 SE 302nd Ave, Troutdale, OR 97060
503-667-7037 Fax: 503-661-7315

RECEIVED
MAY 07 2004
WATER RESOURCES DEPT
SALEM, OREGON

TO: Lisa – Water Resources
FAX: 503-986-0901
DATE: May 7, 2004
PAGES: 1

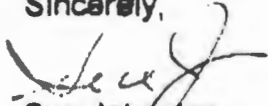
Lisa,

Please amend our extension application (G-14902, permit G 13733) to change the requested date of completion to October 2006.

This extension is needed based on the details required for "completion" of water usage for this permit which I did not fully understand until discussing it at length with Mike McCord.

Thank you.

Sincerely,


Sue Johnston

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

A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.

I, RONALD & SUE JOHNSTON dba WINAY RIDGE NURSERY
NAME
1918 S.E. 302ND AVE. TROUTDALE OR 97060 503-667-7037
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-14902, Permit No. G-13133
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, 2003, be extended to October 1, 2004,
2006 - See Fax received on 5-7-04
and/or the time in which to: Apple
- accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, _____, be extended to October 1, _____.

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

Attached is an instruction sheet to assist you in completing the information on the permit 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) 986-0900, and request assistance from the Water Rights Division, permit extensions personnel.

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

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]? CURRENTLY IN PROCESS 5/04/2004

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.**)

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.

NOT AWARE THAT TERMINOLOGY
"COMPLETE APPLICATION OF THE WATER
TO THE USE..."
MEANT COMPLETION OF WELL DRILLING

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:

DUE TO PROJECTED COSTS OF WELL
+ \$50,000, WE ~~COULD~~ COULD NOT
AFFORD CONSTRUCTION UNTIL 2004

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

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]:

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

5. Cost of project to date \$15,000. Estimated remaining cost to complete the project \$35,000.

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.

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

COULD NOT AFFORD UNTIL 2004.

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

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

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.

Sue Johnston

Signature

5/5/04

Date

For an application to be complete, it must be accompanied with the required fee. See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

MAIL COMPLETED APPLICATION *and* FEE TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE, SUITE A
SALEM, OREGON 97301-1271

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WATER RESOURCES DEPT
SALEM, OREGON



1918 SE 302nd Ave, Troutdale, OR 97060
503-667-7037 Fax: 503-661-7315

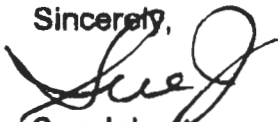
TO: Lisa – Water Resources
FAX: 503-378-8130
DATE: May 7, 2004
PAGES: 3

Lisa,

As confirmed by the Start Card filed with your office, Skyles Drilling began the well in Aug, 2000 as required.

Due to the significant cost of this project, we had to delay its completion until this spring. Skyles began working mid-April, 2004, and have now drilled 475 feet. They anticipate completion by the first of June, 2004.

Sincerely,



Sue Johnston

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WATER RESOURCES DEPT
SALEM, OREGON

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

WELL ID # 41394

(START CARD) # 134301

SKYLES DRILLING, INC.

Instructions for completing this report are on the last page of this form

(1) OWNER: Well Number: 02
Name Windy Ridge Nursery, Inc.
Address 1918 SE 302nd
City Troutdale State OR Zip 97080

(2) TYPE OF WORK:
X New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
X Rotary Air Rotary Mud Cable Auger
Other

(4) PROPOSED USE:
Domestic Community Industrial X Irrigation
Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes X No Depth of Completed Well 18 ft.
Explosives used Yes X No Type Amount

HOLE SEAL Amount
Diameter From To Material From To sacks or pounds
10 0 18 Bentonite 18 0 7 sacks

How was seal placed: Method A B C D E
X Other Poured
Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:
Diameter From To Gauge Steel Plastic Welded Threaded
Casing: 8 +2 18 .250 X
Liner: None

Final location of shoe(s) None

(7) PERFORATIONS/SCREENS:
Perforations Method Material
Screens Type
From To Slot size Number Diameter Tele/pipe size Casing Liner
None

(8) WELL TESTS: Minimum testing time is 1 hour
Pump Bailer Air Flowing Artesian
Yield gal/min Drawdown Drill stem at Time
None 1 hr.

Temperature of Water Depth Artesian Flow found
Was a water analysis done? Yes By whom
Did any strata contain water not suitable for intended use? Too little
Salty Muddy Odor Colored Other
Depth of strata:

(9) LOCATION OF WELL by legal description:
County Multnomah Latitude Longitude
Township 1SOUTH N or S. Range 4EAST E or W. of WM
Section 5 SE 1/4 SW 1/4
Tax lot 500 Lot Block Subdivision
Street Address of Well (or nearest address) 1918 SE 302nd,
Troutdale, OR

(10) STATIC WATER LEVEL:
None ft. below land surface. Date 8/30/00
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found
From To Estimated Flow Rate SWL

(12) WELL LOG:
Ground elevation
Material From To SWL
Soil, Brown 0 5
Clay, Brown, Silty 5 17
Gravel, Med 17 18

SKYLES DRILLING, INC.
1169 Molalla Avenue
Oregon City, OR 97045
503-666-2883

RECEIVED

SEP 08 2000

WATER RESOURCES DEPT.
SALEM, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON

Date started 8/30/00 Completed 8/30/00

(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 [Signature] WWC Number 1601 Date 9/6/00

(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 [Signature] WWC Number 1592 Date 9-6-00

RECEIVED

MAY 07 2004

SKYLES DRILLING, INC.

1169 Molalla Avenue, Oregon City, OR 97045 (503) 656-2883 RESOURCES DEPT SALEM, OREGON

Water Well Contract

Customer: Windy Ridge Nursery Inc. Date: 3/26/04

Mailing Address: 1918 SE 302nd, Troutdale, OR 97060

Skyles Drilling, Inc., an Oregon corporation (hereinafter called SDI) proposes to drill a water well on land owned by or under the control of the Customer named above, situated in the County of Multnomah, State of Oregon, SE 1/4 of SW 1/4, of Section 05, Township 1S, Range 4E, Tax Lot # 500

Site address: 1918 SE 302nd, Troutdale, OR

TERMS AND CONDITIONS

- The well will be drilled and completed in compliance with the rules and regulations of the Board of Health and the Water Resources Board of the State of Oregon.
- SDI will drill a 10 inch diameter well to a minimum depth of 18 feet and will case the well with 10 inch diameter casing as required under paragraph 1 above.
- Customer will pay a minimum base charge of \$ 4000.00 ^{JCB} for services rendered. For Mobilization to each well
- The estimated completion depth of the well is 500 feet, based on the depth to water in other wells in the area.
- Fees charged are as follows:
 - Drilling: 10 inch @ \$ 47.00 per foot. •Liner: 8 Inch @ \$ 14.00 per foot.
 - Casing: 10 Inch @ \$ 22.00 per foot. •Surface Seal Hole \$ 500.00 •Start Card Fee \$ 125.00
 - Lower Seal Hole \$ 500.00 Seal Material @ \$ 12.00 Per Sack \$ _____
 - Surface Hole Casing "temporary" \$ 500.00 Jack Out Surface Casing \$ 500.00
 - Hourly rate is used for all work other than drilling i.e:
 - Pulling casing, flow testing, Pumping cement etc.
- Work performed by the hour will be charged at the rate of \$ 250.00 per hour.
- It is understood by the customer and SDI that neither party can determine in advance the conditions that may be encountered beneath the surface of the earth. SDI cannot guarantee to find or develop water, or guarantee the quality or quantity of any water which may be discovered. SDI's failure to strike or develop water shall in no way release the customer from the obligation to pay the full contract price in accordance with these terms and conditions.
- SDI will start this well with a 10 inch diameter casing, and that size will be used as long as it is practical to continue drilling with such size casing. SDI shall have the right to continue drilling with a smaller casing, unless Customer deems it impractical for his purposes and orders SDI to discontinue. The drilling price shall remain the same as for the initial size well unless otherwise noted.
- Customer provide adequate access, including gravel and/or grading, to and from the well site.
- If a well screen is required, it will be installed at extra charge to the customer.
- The customer warrants and represents that the location of the proposed well is at least 100 feet from any septic drain field, and that the selected location of the well is within the legal boundaries of described property. The customer further warrants that he has the right, power, legal capacity, and authority to enter into, and perform the obligations of this Agreement and that no approvals or consents of any persons are necessary.
- This agreement shall become a binding contract after acceptance by the customer and SDI.
- Should either party hereto bring suit or action to enforce any of the terms or conditions hereof, then, in such case, the prevailing party in such suit or action shall recover from the other party such amount as the Court, including any court on appeal, shall deem reasonable and appropriate as prevailing party's attorney's fees.
- All charges, fees and costs are due and payable upon the presentation of the statement. Interest will be charged on all accounts that are past due at the rate of 1.5% per month (18% per annum).
- This agreement constitutes the entire agreement between the parties pertaining to the subject matter contained herein and supersedes prior agreements, representations, and understandings of the parties.
- This Agreement shall be construed in accordance with, and governed by, the laws of the State of Oregon.

Steve C. Bland 3/26/04
SKYLES DRILLING, INC.

[Signature]
OWNER/AGENT

Application # G 14902 / Permit # G 13733

Route Slip ... Extension of Time

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

◆ **WRIG...**
Money Received on: \$ 250.⁰⁰ on 5-6-04

◆ **Lisa Juul...**
Extension Completeness: (2)
(If NOT complete, send certified letter requesting add'l information.)

If Extension Appl complete and \$250 fee submitted, route to...

◆ **Jonnine Fuss...**
 Publish on Public Notice (initial 30-day comment): 5/10/04

Update "cdatwext" DB Database:

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

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

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: _____

EXTENSION REVIEW CHECKLIST for PFO... Div. 315 - Regular

Application #: G-14902 / Permit #: G-13733

Permittee's Name: Sue & Ron Johnston

Permittee's Mailing Address: 1918 SE 302nd Ave, Troutdale, OR 97060

POD Location: Township 1-S Range 4-E Section 5 $\frac{1}{4}$ $\frac{1}{4}$ NESW

Drainage Basin: _____ County: Multnomah Watermaster District #: _____

1. Has the applicant submitted the appropriate fee? Yes / No \$250.00 paid
 ***If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)
 ***(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)
2. Has the applicant completely filled out the Extension Application form? Yes / No
 ***If "No"..... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.
3. Date Permit was issued: 9-9-99 Priority Date: 1-8-99
4. Source: Two Wells in the Spring River Basin
5. Use: Nursery Operations on 40.0 AC
6. "Q": 0.569 cfs (being: 0.285 cfs Well #1 & 0.284 cfs - Well #2)
7. Orig "A" Date: 8-30-2000 Orig "B" Date: N/A Orig "C" Date: 10-1-2003
8. Conditions of Permit:
 - Scenic Waterway condition "7j" included.
 - Before Use begins → shall install a meter or other suitable meas. device.
 - For new well → shall obtain initial SWL measurement.
 - Shall obtain SWL meas. each year during Mar. 15 thru April 15.
 - & submit to WRD no later than 30 days from measurement.
 - GW shall be produced from Deep Troutdale GW reservoir between 300 and 700 ft bls.
 - Use of GW is allowed only if head on the Deep Troutdale GW reservoir is above 50 feet mean sea level.
9. Extension request received: 5-6-06 Request Number (...1st 2nd, 3rd): 1st
10. Last Authorized "B" Date: N/A Last Authorized "C" Date: 10-1-2003
11. Proposed "B" Date: 10-1-2006 Proposed C Date: 10-1-2006
12. Amount Invested to date: \$15,000.00 Estimated Total Cost: \$50,000.00
 (***)Estimated Remaining Cost: \$35,000.00

DEEP TROUTDALE GW RESERVOIR

___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.

- Permit holder has completed approximately _____% of the construction.
- Permit holder has beneficially used _____% 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 _____% of the total estimated cost to complete the project.
- Other: _____

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

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:
a. The amount of water available to satisfy other affected water rights and scenic waterway flows;
b. Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
d. Economic investment in the project to date;
e. Other economic interests dependent on completion of the project; and
f. Other factors relevant to the determination of the market and the present demand for water or power.

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? _____
- within or above a state scenic waterway? _____
- within a ground water limited/critical area? _____
- within or above a segment that has been identified as a federal wild and scenic river? _____
- within an area that ODFW has identified as an ST&E Area? _____
- within an area that ODFW has identified as a _____ Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? _____
- Other: _____

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

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

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

___20. Conditions to be included in Extension PFO (if applicable)? **Yes / No**
(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

- 5-year Progress Report Checkpoints
- Other: _____

___21. Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.23(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: _____

Permit Extension Ground Water Review

Date: May 19, 2004
To: Doug Woodcock, Ground Water Section Manager
From: Lisa Juul, Permit Extension Review 
Subject: Ground Water Review Needed for File #G- 14902 / Permit #G- 13733

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: Dann 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: Please See Questions Below

MS Drawn


6-24-04

For Ground Water / Hydrology Staff Use:

YES NO

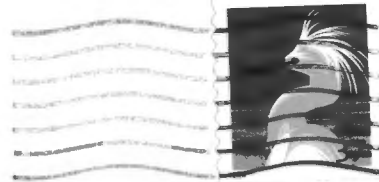
Please complete a Div. 9 and Scenic Waterway (SWW) Review for this file. Due to the early priority date associated with this permit, no prior Div. 9 or SWW review was ever done.

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

1. Should any additional conditions be added to this permit? _____
2. Should the extension of time request be further conditioned or **DENIED** due to ground water supply concerns? _____
3. Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? _____
4. Other issues or concerns? _____

Windy Ridge Nursery

1918 SE 302nd Ave
Troutdale, OR 97060



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

97301+1271



STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMORANDUM

TO: GINA BEAMAN, FISCAL

CC: FILE

FROM: Dwight French *Dwight French*

SUBJECT: REQUEST FUND TRANSFER

PLEASE TRANSFER \$ 250 FROM FILE # G14902,

RECEIPT # 67105, FILE # G16264, FOR:

APPLICATION EXAMINATION FEES

PERMIT RECORDING FEES

X OTHER: Extension filed on G14902

is being w/drawn. Applicant requests that the fees be applied to their new application.

transfer done 6/24/04 Gina

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

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

RECEIPT # **67105**

INVOICE # _____

RECEIVED FROM: Windy Ridge Nursery
BY: _____

APPLICATION	G 14902
PERMIT	
TRANSFER	

CASH: CHECK:# 5182 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$
0243 I/S Lease	
0244 Muni Water Mgmt. Plan	
0245 Cons. Water	

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY)	\$	
TC162 DEPOSIT LIAB. (IDENTIFY)	\$	
0240 EXTENSION OF TIME	\$	<u>250.00</u>
WATER RIGHTS:		EXAM FEE
0201 SURFACE WATER	\$	0202
0203 GROUND WATER	\$	0204
0205 TRANSFER	\$	
WELL CONSTRUCTION		EXAM FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219
LANDOWNER'S PERMIT		0220
OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

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

RECEIPT: **67105**

DATED: 5/6/04 L. Albin



1918 SE 302nd Avenue, Troutdale, OR 97060
503-667-7037 Fax: 503-661-7315

June 22, 2004

Dwight French
Water Rights Section Manager
State of Oregon
Water Resources Dept.
North Mall Office Building
725 Summer Street NE Suite A
Salem, OR 97301-1271

Dear Dwight,

Enclosed is our revised Application and well drilling log from Skyles Drilling.

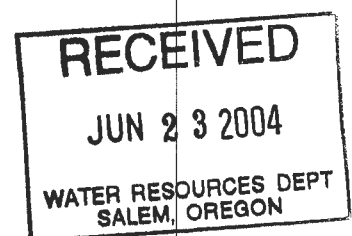
I would also ask that our extension to the permit be withdrawn, and the \$250 paid to do so be applied to this new application. Enclosed is a check for \$325.00 for the balance due on the application.

Please contact me if further information is needed.

Thank you for your time and assistance in facilitating this for us.

Sincerely,


Sue Johnston





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

June 17, 2004

Sue and Ron Johnston
Johnston Nursery
1918 SE 302nd Avenue
Troutdale Or 97060

Don't process
extension for
60 days.

DWF

RE: Permit G13733 (file G14902)

Dear Sue and Ron Johnston,

I'm sorry to hear about your troubles securing water from the Deep Troutdale groundwater reservoir as allowed under your current permit.

If you want to consider filing a new application I have included a copy of some of the materials from your file that might help you in putting the required materials together. Any changes to the application can be made by crossing out what is there and providing new information. I've also included a new groundwater application packet for your use. The application contains a list of materials needed for a successful filing. A new land use form will be required.

You currently have a request for extension of time pending for your permit. You may want to consider withdrawing your request for an extension. If you do this we can refund your \$250 fee. Send a short letter to my attention if you want to use this option.

I hope this information is helpful to you. Please let me know if you have any questions. My direct dial phone number is 503-986-0819.

Sincerely,

Dwight French
Water Rights Section Manager

c: Mike McCord, Watermaster
file

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SUE & RON JOHNSTON
1918 SE 302ND AVENUE
TROUTDALE, OREGON 97060

(503) 667-8155

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

APPLICATION FILE NUMBER: G-14902

SOURCE OF WATER: TWO WELLS IN SANDY RIVER BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 40.0 ACRES

MAXIMUM RATE: 0.569 CUBIC FOOT PER SECOND, BEING 0.285 CFS FROM WELL 1
AND 0.284 CFS FROM WELL 2

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 8, 1999

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 5, T1S, R4E, W.M.;
WELL 1 - 1070 FEET SOUTH AND 2190 FEET EAST; WELL 2 - 590 FEET SOUTH AND
1360 FEET EAST BOTH FROM W1/4 CORNER, SECTION 5

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

RECEIVED

MAY 06 2004

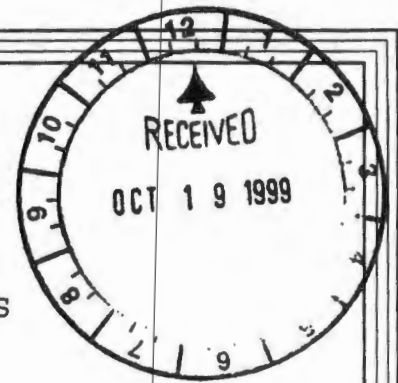
WATER RESOURCES DEPT
SALEM, OREGON

Application G-14902 Water Resources Department

PERMIT G-13733

1-8-99

Sandy L. Wells



THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4 13.2 ACRES
NE 1/4 SW 1/4 26.8 ACRES
SECTION 5
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.

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SALEM OREGON

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

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

- (1) Use of water from the well, as allowed herein, shall be regulated if the well displays:

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WATER RESOURCES DEPT
SALEM, OREGON

PAGE 3

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

MAY 06 2004

WATER RESOURCES DEPT
SALEM, OREGON

PAGE 4

measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

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

Groundwater for use under this permit shall be produced from the Deep Troutdale groundwater reservoir between approximately 300 and 700 feet below land surface.

The use of groundwater under this permit is allowed only if the head in the Deep Troutdale groundwater reservoir is above 50 feet mean sea level.

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.

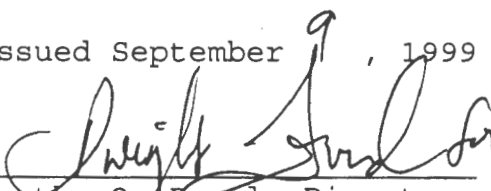
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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.

This permit is issued to correctly identify the date by which construction must begin. Permit G-13723, dated August 30, 1999, is superseded by this instrument and is of no further force or effect.

Actual construction of the well shall begin by August 30, 2000. Complete application of the water to the use shall be made on or before October 1, 2003. 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 September 9, 1999


Martha O. Pagel, Director
Water Resources Department

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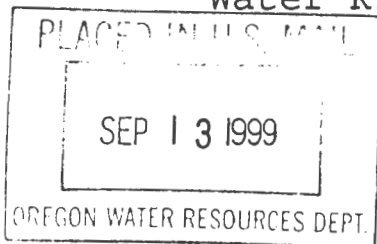
WATER RESOURCES DEPT
SALEM OREGON

Application G-14902 Water Resources Department PERMIT G-13733
Basin 3 Volume 2 BOURGEOIS CR & MISC District 20
LKS MGMT.CODES 7BG 7BR 7FG 7FR 7GG 7GR 7JG 7JR

Wh #20

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14902



Superseding Final Order

Application History

On January 8, 1999, SUE & RON JOHNSTON, submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 15, 1999. The protest period closed July 30, 1999, and no protest was filed.

On August 30, 1999, a Final Order and Permit G-13723 were issued approving the application. Shortly after the permit was issued it was identified that the permit incorrectly identified the date by which construction must begin. This superseding Final Order and Permit are issued to correctly identify the date by which construction must begin as August 30, 2000.

Order

Application G-14902 is approved as modified above and as conditioned and limited by the attached superseding permit.

DATED September 9, 1999

Martha O. Pagel, Director

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WATER RESOURCES DEPT
SALEM, OREGON

Appeal Rights

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

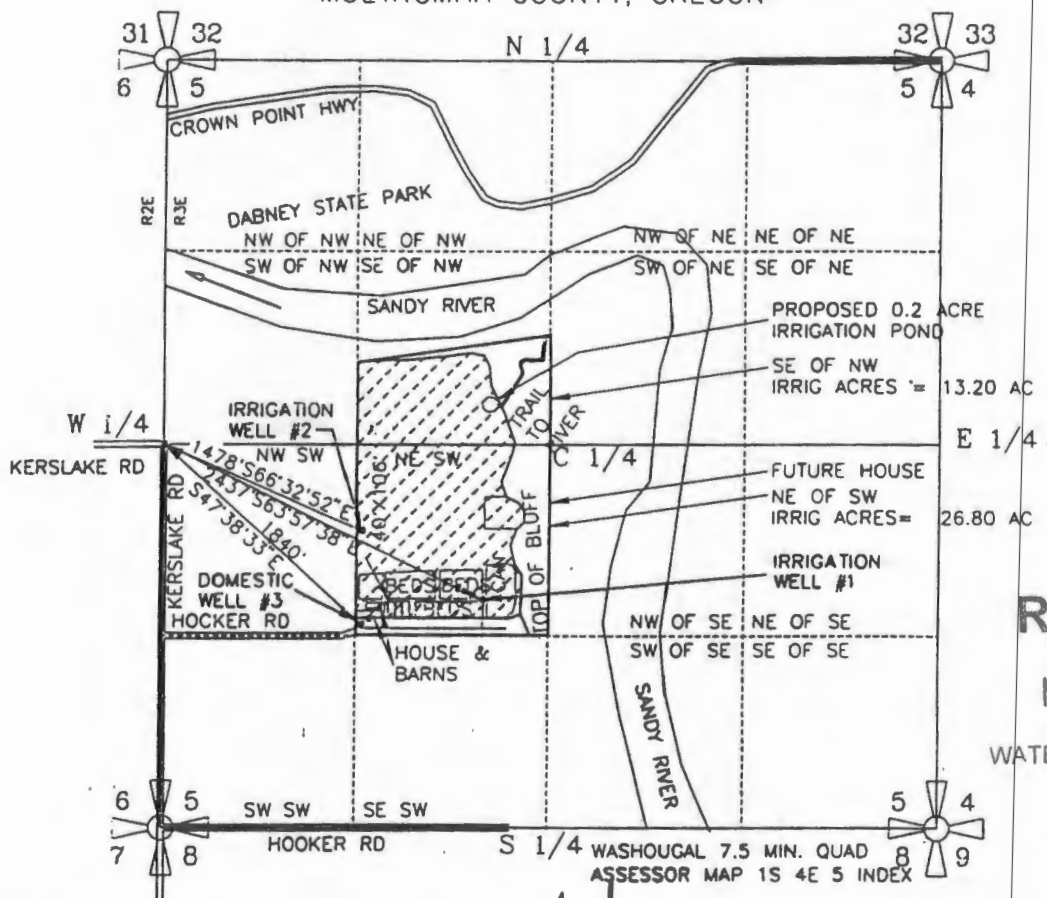
This document was prepared by Laura K. Snedaker. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions.

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WATER RESOURCES DEPT.
SALEM, OREGON

SE 1/4 OF THE NW 1/4
NE 1/4 OF THE SW 1/4
SECTION 5
T1S, R4E of WM
MULTNOMAH COUNTY, OREGON



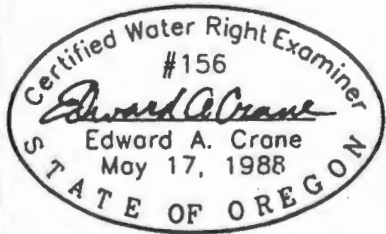
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SALEM, OREGON

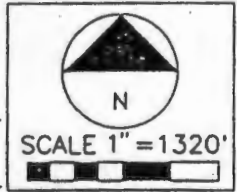
Application No. G-14902
Permit No. G-13725 *superseded*
13733

IRRIG. WELL #1 IS LOCATED 1070 FEET SOUTH AND 2190 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON.
IRRIG. WELL #2 IS LOCATED 590 FEET SOUTH AND 1360 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON.
DOMESTIC WELL #3 IS LOCATED 1240 FEET SOUTH & 1360 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON



Renewal 12/31/99
Signed 12-1-98


SURVEYED MAY 18, 1998
BY EDWARD A. CRANE, CWRE



PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

APPLICATION FOR PERMIT G-
GROUNDWATER PERMIT G-

PREPARED BY EDWARD A. CRANE, CWRE

DATE JUNE 1998 JUNE 1998 PROJECT NO. 292 001	 CRANE & MERSETH Engineering/Surveying SUITE "D" 6566 SE LAKE ROAD MILWAUKIE, OREGON 97222 BUS: (503) 654-2005 FAX: (503) 654-2575	APPLICATION FOR PERMIT NUMBER G- PERMIT NUMBER G- IN THE NAME OF: SUE & RON JOHNSTON (WINDY RIDGE NURSERY) 1918 SE 302nd AVE. (TEL 503-667-8155) TROUTDALE, OR 97060 (FAX: 503-661-7315)	SHEET 1/1
----------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-14902

ROUTED TO: WR's

TOWNSHIP/

RANGE-SECTION: 1S/4E-5

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Special Condition in
remarks!

Reviewer: Donna Miller

TO: Water Rights Section

Jan. 29, 1999

FROM: Groundwater/Hydrology Section Donna Miller
Reviewer's Name

SUBJECT: Application G- 14902

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE Sandy Basin rules, one or more of the proposed POA's is is not within 1/4 feet (mile) of a surface water source (Sandy R.) and (taps) a groundwater source hydraulically connected to the surface water. (OAR 690-503-050(3))
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 _____; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) 7 F;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
- a. ___ will, or likely be available in the amounts requested without injury to prior rights
 - b. ___ will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7 G;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
- 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 700 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: The permit should allow groundwater production
only if the head in the Deep Troutdale is above
50 feet msl.

(Well Construction Considerations on Reverse Side)

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

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

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

_____, 199____
(Signature)



Oregon Water Resources Department

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FORM I

FOR IRRIGATION WATER USE

JAN 08 1999
WATER RESOURCES DEPT.
SALEM, OREGON

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: _____ Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: no. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

1. NURSERY STOCK Full season Partial season (from: MAR to OCT)

2. CAN YARDS & GREENHOUSES Full season Partial season (from: JAN to JAN)

3. _____ Full season Partial season (from: _____ to _____)

4. _____ Full season Partial season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

0.569CFS = 1.129AF/DAY acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

Daily during daytime hours

Daily during nighttime hours

Two or three times weekly during daytime

GREENHOUSES & CAN YARDS
 Two or three times weekly during nighttime **IN-GROUND STOCK**

Weekly, during daytime hours

Weekly, during nighttime hours

Other, explain: _____

Application No. G-14902
Permit No.

**State of Oregon
Water Rights Division**

**Water Resources Department
Initial Review Section**

TO: File G-14902
FROM: Anita Huffman
DATE: March 2, 1999
SUBJECT: Clarification

Telephone conversation with Ed Crane concludes the 2.75 Acres of greenhouse and can yard are to be included in the 40.0 acres shown on the map. The total area that water will be applied to is 40.0 acres, not 42.75.

Delete the reference to the 2 domestic uses as they are not served by the irrigation wells #1 and #2 shown on the application and map.

Application No. 6-14902
Permit No.

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JAN 08 1999

WATER RESOURCES DEPT.
SALEM, OREGON

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

Ronald H. Johnston
3545 SE 1st
Gresham, OR 97080

CONTRACT FOR SALE OF REAL PROPERTY

THIS AGREEMENT, made this 15th day of January, 1993, between George Nishimura and Betty S. Nishimura as Trustee, and Jerry L. Nishimura, as successor Trustee, of the George Nishimura and Betty S. Nishimura Revocable Living Trust, dated the 21st day of February, 1992, hereinafter collectively called Seller, and Ronald M. Johnston, hereinafter called Buyer.

W I T N E S S E T H

That in consideration of the covenants herein contained and the payment to be made hereinafter set forth, Seller agrees to sell to Buyer and Buyer agrees to purchase from Seller, upon the terms and conditions set forth in this contract, that certain real property situated in Multnomah County, Oregon, described as the Northeast quarter of the Southwest quarter and the Southeast quarter of the Northwest quarter of Section 5, Township 1 South, Range 4 East.

1. Price. The purchase price of the property which Buyer agrees to pay Seller shall be Three Hundred Fifty Thousand and no/100 Dollars (\$350,000.00), and shall be payable as follows:

(a) \$30,000.00 in cash to be paid at closing, the receipt of which is hereby acknowledged.

(b) A credit against the purchase price in the amount of \$147,500.00, which shall be in the form of the deeding of the property described as 230 NE Greenway, Gresham, OR, from Buyer to Seller. Buyer shall deed the Greenway property on or before January 15, 1993. Seller shall select the carpet colors, the inside wall paint colors, and the colors of the kitchen cabinets for the Greenway property.

(c) \$30,000.00 in cash on or before July 15, 1993.

(d) The balance of \$142,500.00 plus \$6,478.00 accrued interest will be paid by Buyer in to Jul payments of not less than \$1,035.77 each. The first payment shall be 15, 1993 made on the 15th day of August, 1993, with a like payment on the 15th day of each month thereafter until ten years after the date of this contract, when the balance shall be paid in full.

(d) Interest will accrue on the deferred balance of the purchase price at the rate of seven and one-half percent (7.5%) per annum beginning on the date of this contract, will be included in

(e) All, or any portion, of the purchase price may be paid at any time after the fifth anniversary of this contract.

2. Possession. Buyer will be entitled to possession of the property on February 15, 1993, and may retain the possession as long as there is no default under the terms of this contract.

3. Deed. Upon payment of the balance of the purchase price for the property as provided herein and performance by the Buyer of all of the other terms, conditions and provisions hereof, Seller shall forthwith execute and deliver to Buyer a good and sufficient deed conveying the property listed above free and clear of all liens and encumbrances, except those usual restrictions, if any, and except any liens or encumbrances created by Buyer.

4. Taxes. All taxes levied against the above described property for the current tax year are to be pro-rated between the parties at the time of possession. Buyer acknowledges that the property has been on a Greenbelt tax deferral program, the responsibility of which Buyer assumes. If the property is removed from the program, Buyer shall pay all resulting taxes, both current and past. Buyer agrees to pay when due all taxes which are hereafter levied against the property, and to furnish Seller with proof of such payment within 10 days after it is made. Buyer agrees to pay all public, municipal and statutory liens which may be hereafter lawfully imposed upon the property.

5. Waste. Buyer shall not commit or suffer any waste of the property and shall maintain the property in good condition and repair during the period between closing and transfer of title.

6. Liens. Buyer shall keep the property free from construction and all other liens during the period between closing and transfer of title and save Seller harmless therefrom. Additionally, Buyer shall reimburse Seller for all of the costs and attorney's fees incurred by Seller in defending against any such liens.

7. Insurance. Buyer shall, at its expense, insure and keep insured all buildings now or hereafter erected on the premises against loss or damage by fire, in an amount not less than the full insurable value, in a company or companies satisfactory to Seller, with loss payable first to Seller and then to Buyer as their respective interests may appear, and all policies of insurance to be delivered to Seller as soon as insured. If Buyer shall fail to pay any of the liens, costs, water rents, taxes, or charges or to procure and pay for the insurance, as set out in this agreement, Seller may do so and any payments so made shall be added to and become a part of the debt secured by this contract and shall bear

8. Title Insurance. Seller shall furnish at Seller's expense a Purchaser's Title Insurance Policy in the amount of the purchase price within 30 days from the date of closing, insuring the Buyer against loss or damages sustained by reason of the unmarketability of Seller's title or liens or encumbrances thereon, excepting matters contained in the usual printed exceptions in such title insurance policies, and excepting the reservations, restrictions, conditions, easements and liens now of record, which include the following:

a) The usual printed exceptions contained in the Title Insurance Policy provided to Buyer.

b) As disclosed by the tax roll, the premises herein described have been classified for farm. In the event of disqualification, said premises may be subject to additional taxes and/or penalties.

c) The rights of fishing, navigation and commerce in the State of Oregon, the Federal Government, and the public in and to that portion thereof lying below the ordinary high waterline of SANDY RIVER.

d) Any adverse claim based upon the assertion that:

1. Said land or any part thereof is nor or at any time has been below the highest of the high waterlines of SANDY RIVER, in the event the boundary of said river has been artificially raised or is now or at any time has been below the high waterline, if said river is in its natural state.
2. Some portion of said land has been created by artificial means or has accreted to such portion so created.
3. Some portion of said land has been brought within the boundaries thereof by an avulsive movement of said river or has been formed by accretion to any such portion.

9. Default. In the event that Buyer shall fail to make a payment within 10 days after it is due, or upon failure of Buyer to perform any other obligation contained in this contract within 30 days after notice from Seller specifying the nature of the default, and if default cannot be cured within 30 days, failure within such time to commence and pursue curative action with reasonable diligence, time of performance being of the essence, Seller shall, at its option, have the following rights:

(a) To foreclose this contract by strict foreclosure in equity;

(b) To declare the full unpaid balance of the purchase price immediately due and payable;

(c) To specifically enforce the terms of this contract

In any of such cases, all rights and interest created or then existing in favor of the Buyer as against the Seller hereunder shall utterly cease and the right to the possession of the premises above described and all other rights acquired by the Buyer hereunder shall revert to and revest in Seller without any act or re-entry, reclamation or compensation for monies paid on account of the purchase of the property, as absolutely, fully and perfectly as if this contract and such payments had never been made; and in case of default all payments previously made on this contract are to be retained by and belong to Seller as the agreed and reasonable rent of the premises up to the time of such default.

10. Litigation. In case litigation is instituted, arising directly or indirectly out of this contract, the losing party shall pay to the prevailing party their reasonable attorney's fees. If an appeal is taken from any judgment or decree of the trial court, the losing party shall pay the prevailing party in the appeal their reasonable attorney's fees in such appeal.

11. Benefits. The covenants, conditions and terms of this contract shall extend to and be binding upon and inure to the benefit of the heirs, personal representatives and assigns of the parties hereto.

12. Assignment. This contract is considered personal to the parties and shall not be assigned by Buyer without written consent from Seller. Consent by Seller to one transfer shall not constitute consent to other transfers or waiver of this section. Any attempted assignment in violation of this provision shall be void and of no effect with respect to Seller.

13. Waiver. It is agreed by the parties that failure by Seller at any time to require performance by Buyer of any provision hereof shall in no way affect his right hereunder to enforce the same, or shall any waiver by Seller of any breach of any provision hereof be held to be a waiver of any succeeding breach of any such provision, or as a waiver of the provision itself.

14. Use. Buyer warrants to and covenants with Seller that the real property described in this contract is primarily for buyer's personal, family or household purposes. Buyer accepts the land, buildings, improvements and all other aspects of the property in their present condition, AS IS, including latent defects, without any representations or warranties, expressed or implied, unless they are in writing signed by Seller. Buyer agrees that he has ascertained, if at all, from sources other than Seller, the applicable zoning, building, housing and other regulatory ordinances and laws, and that he accepts the property with full

15. Statutory Disclaimer. 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 TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

16. Personal Property. The parties agree that the items listed on the attached Exhibit A are included in this sale ^{at no additional} ~~as~~ items ^{cost} of personal property. Seller agrees that all personal farm equipment not included on the attached Exhibit A shall be removed from the premises on or before April 15, 1993.

17. Consideration. The true and actual consideration for this transfer is \$350,000.00.

18. Miscellaneous. Buyer acknowledges that the property is under a special tax deferral program, and accepts responsibility for the continuance of the deferral or the payment of all resulting taxes if the deferral is removed.

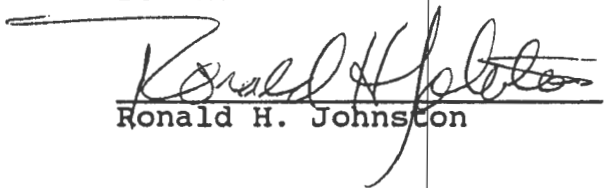
Buyer shall be entitled to receive a deed ^{at any time} to a twenty acre parcel of his choosing upon notification to Seller; provided, however, that the parcel ^{deeded out} cannot contain ^{the present} a home or buildings.

IN WITNESS WHEREOF, the parties have caused this contract to be executed on the day and year first above written.

SELLER:

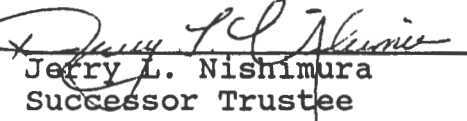
BUYER:

George Nishimura and Betty S. Nishimura Revocable Living Trust, dated 2-21-92


Ronald H. Johnston

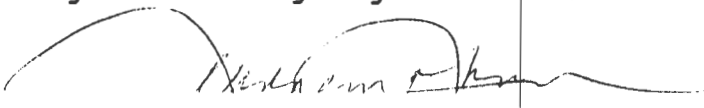
By: 
George Nishimura, Trustee

By: 
Betty S. Nishimura, Trustee

By: 
Jerry L. Nishimura
Successor Trustee

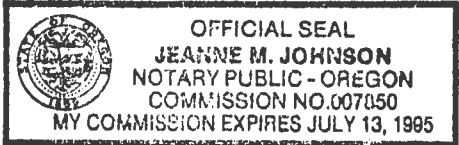
STATE OF OREGON)
) ss.
County of Multnomah)

On this 15th day of January, 1993, personally appeared before me the above-named George Nishimura, Betty S. Nishimura, and Jerry L. Nishimura, and acknowledged the foregoing instrument to be their voluntary act and deed.



STATE OF OREGON)
) ss.
County of Multnomah)

On this 15th day of January, 1993, personally appeared before me the above-named Ronald H. Johnston and acknowledged the foregoing instrument to be his voluntary act and deed.



Jeanne M. Johnson

Notary Public for Oregon
My commission expires: 7-13-95

AFTER RECORDING RETURN TO:

Exhibit A

1963 801 Ford Diesel Tractor
1963 801 Ford Diesel Tractor
1955 850 Ford Gas Tractor
Catapillar D-2
1963 International 2 Ton Truck
1959 Ford 2 Ton Truck
1963 Chevrolet 1 Ton Truck
New Idea Front End Loader
7 foot John Deere Disc
5 foot John Deere Pickup Disc
2 bottom 16" Plow Ford
8 foot Roller
10 foot Meeker Harrow
10 foot Lime Spreader
Rotary Fertilizer Spreader
5 foot Rotary Cutter
2 Row Transplanter
2 Transplanter Extra
Ford Cultivator
Ford Cultivator with Side Dresser
100 gallon Sprayer with 20 gallon P.M. Pump
5 foot Field Cultivator
Sub Soiler
Field Trailer

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses In Addition to Classified Uses

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: SUE & RON JOHNSTON
Address: 1918 SE 302nd AVENUE
City: TROUTDALE **State:** OR **Zip:** 97060 **Day Phone:** 503-667-8155

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
TL12, 51S4E		XX	XX	XX

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. MULTNOMAH (NO CITY)

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC 11.15.2008. Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government can not provide the above requested land use information while the applicant waits.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Robert Hall

Title: SENIOR PLANNER

Signature: [Handwritten Signature]

Date: 12/31/98
Phone: 748-3045

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:

[Lined area for additional comments]

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SUE & RON JOHNSTON
1918 SE 302ND AVENUE
TROUTDALE, OREGON 97060

(503) 667-8155

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

APPLICATION FILE NUMBER: G-14902

SOURCE OF WATER: TWO WELLS IN SANDY RIVER BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 40.0 ACRES

MAXIMUM RATE: 0.569 CUBIC FOOT PER SECOND, BEING 0.285 CFS FROM WELL 1
AND 0.284 CFS FROM WELL 2

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 8, 1999

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 5, T1S, R4E, W.M.;
WELL 1 - 1070 FEET SOUTH AND 2190 FEET EAST; WELL 2 - 590 FEET SOUTH AND
1360 FEET EAST BOTH FROM W1/4 CORNER, SECTION 5

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4 13.2 ACRES
NE 1/4 SW 1/4 26.8 ACRES
SECTION 5
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.

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

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

- (1) Use of water from the well, as allowed herein, shall be regulated if the well displays:

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

measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

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

Groundwater for use under this permit shall be produced from the Deep Troutdale groundwater reservoir between approximately 300 and 700 feet below land surface.

The use of groundwater under this permit is allowed only if the head in the Deep Troutdale groundwater reservoir is above 50 feet mean sea level.

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.

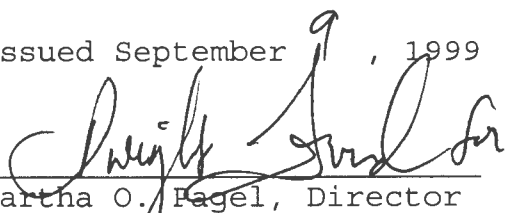
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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.

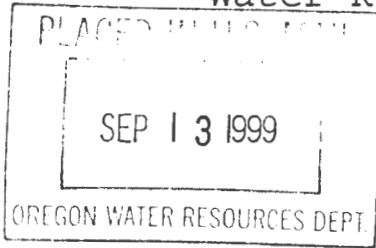
This permit is issued to correctly identify the date by which construction must begin. Permit G-13723, dated August 30, 1999, is superseded by this instrument and is of no further force or effect.

Actual construction of the well shall begin by August 30, 2000. Complete application of the water to the use shall be made on or before October 1, 2003. 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 September 9, 1999


Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-14902

Superseding Final Order

Application History

On January 8, 1999, SUE & RON JOHNSTON, submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 15, 1999. The protest period closed July 30, 1999, and no protest was filed.

On August 30, 1999, a Final Order and Permit G-13723 were issued approving the application. Shortly after the permit was issued it was identified that the permit incorrectly identified the date by which construction must begin. This superseding Final Order and Permit are issued to correctly identify the date by which construction must begin as August 30, 2000.

Order

Application G-14902 is approved as modified above and as conditioned and limited by the attached superseding permit.

DATED September 9, 1999


Martha O. Pagel, Director

Appeal Rights

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

This document was prepared by Laura K. Snedaker. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions.

Mailing List for Superseding FO & Permit Copies

Application#G-14902

Mailing List Printed September 8, 1999

Original mailed to(when permit issued, include copy of permit map):

Applicant: SUE & RON JOHNSTON, 1918 SE 302ND AVENUE, TROUTDALE, OREGON 97060

For FO w/Permit - Copies sent to:

1. WRD - File # G-14902 ✓
2. WRD - Ken Stahr ✓
3. WRD - Data Center ✓
4. WRD - NWR (Gloria) ✓

Copies Mailed
By: <u>Cal</u>
(SUPPORT STAFF)
on: <u>9/13/99</u>
(DATE)

For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):

5. WRD - Watermaster District #: 20 ✓

COPIES TO Other Interested Persons

6. Edward Crane (CWRE) ✓
7. Ted Pulliam, Olsen-Pulliam Well Drilling, 9480 SE 172nd Avenue, Boring, OR 97009

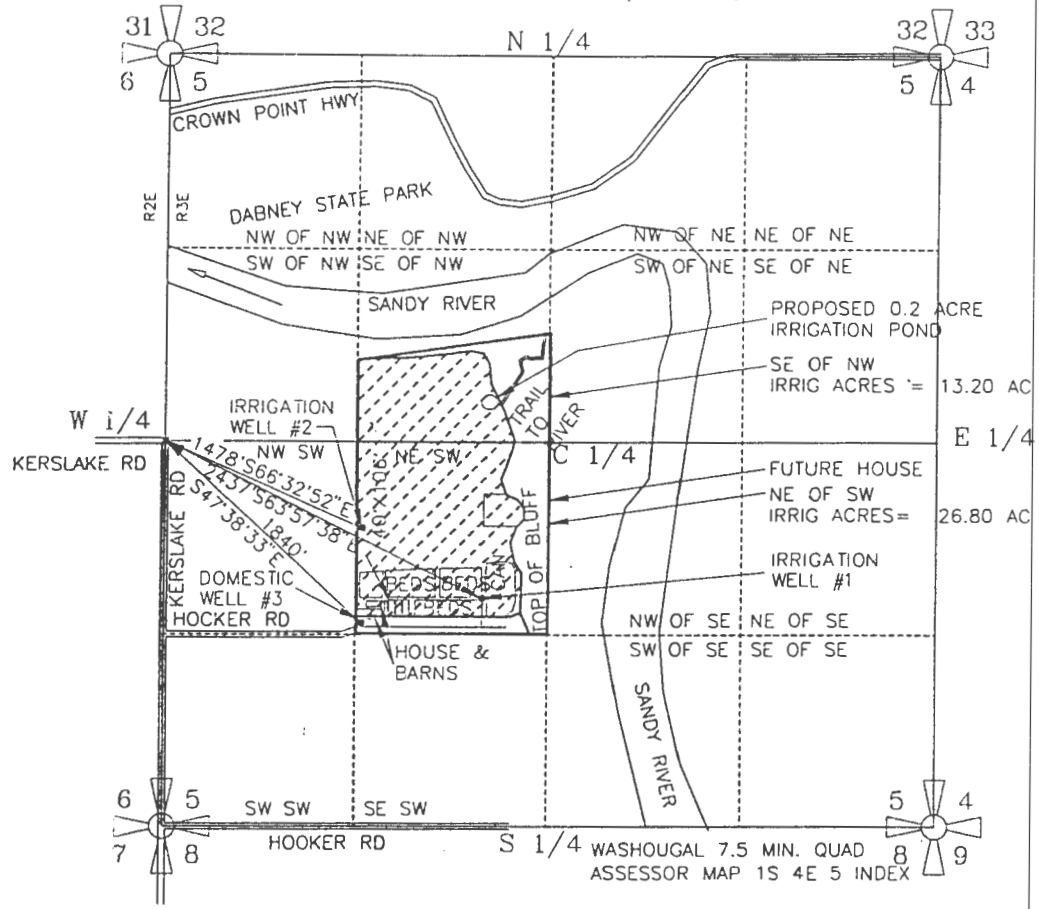
CASEWORKER: LKS

RECEIVED

JAN 08 1999

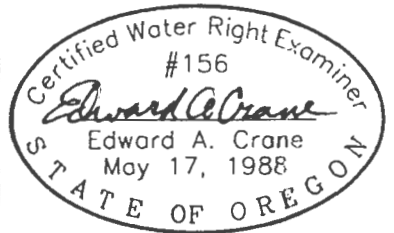
WATER RESOURCES DEPT.
SALEM, OREGON

SE 1/4 OF THE NW 1/4
NE 1/4 OF THE SW 1/4
SECTION 5
T1S, R4E of WM
MULTNOMAH COUNTY, OREGON



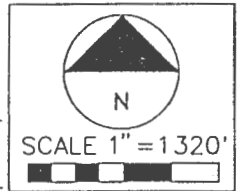
Application No. G-14902
Permit No. G-13725
13733

IRRIG. WELL #1 IS LOCATED 1070 FEET SOUTH AND 2190 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON.
 IRRIG. WELL #2 IS LOCATED 590 FEET SOUTH AND 1360 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON.
 DOMESTIC WELL #3 IS LOCATED 1240 FEET SOUTH & 1360 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON



Renewal 12/31/99
Signed 12-1-98

SURVEYED MAY 18, 1998
BY EDWARD A. CRANE, CWRE



PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

APPLICATION FOR PERMIT G-
GROUNDWATER PERMIT G-

PREPARED BY EDWARD A. CRANE, CWRE

DATE
JUNE 1998
JUNE 1998
PROJECT NO.
292 001



CRANE & MERSETH
 Engineering/Surveying
 SUITE "D"
 6566 SE LAKE ROAD
 MILWAUKIE, OREGON 97222
 BUS: (503) 654-2005
 FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER G-
 PERMIT NUMBER G- IN THE NAME OF:
 SUE & RON JOHNSTON (WINDY RIDGE NURSERY)
 1918 SE 302nd AVE. (TEL 503-667-8155)
 TROUTDALE, OR 97060 (FAX: 503-661-7315)

SHEET
1/1

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SUE & RON JOHNSTON
1918 SE 302ND AVENUE
TROUTDALE, OREGON 97060

(503)667-8155

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

APPLICATION FILE NUMBER: G-14902

SOURCE OF WATER: TWO WELLS IN SANDY RIVER BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 40.0 ACRES

MAXIMUM RATE: 0.569 CUBIC FOOT PER SECOND, BEING 0.285 CFS FROM WELL 1
AND 0.284 CFS FROM WELL 2

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 8, 1999

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 5, T1S, R4E, W.M.;
WELL 1 - 1070 FEET SOUTH AND 2190 FEET EAST; WELL 2 - 590 FEET SOUTH AND
1360 FEET EAST BOTH FROM W1/4 CORNER, SECTION 5

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4 13.2 ACRES
NE 1/4 SW 1/4 26.8 ACRES
SECTION 5
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.

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

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

- (1) Use of water from the well, as allowed herein, shall be regulated if the well displays:

- (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The permittee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
- (a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
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 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the

measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

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

Groundwater for use under this permit shall be produced from the Deep Troutdale groundwater reservoir between approximately 300 and 700 feet below land surface.

The use of groundwater under this permit is allowed only if the head in the Deep Troutdale groundwater reservoir is above 50 feet mean sea level.

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.

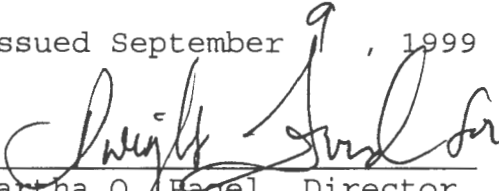
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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.

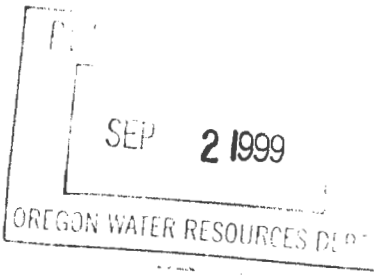
This permit is issued to correctly identify the date by which construction must begin. Permit G-13723, dated August 30, 1999, is superseded by this instrument and is of no further force or effect.

Actual construction of the well shall begin by August 30, 2000. Complete application of the water to the use shall be made on or before October 1, 2003. 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 September 9, 1999


Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-14902

Final Order

Application History

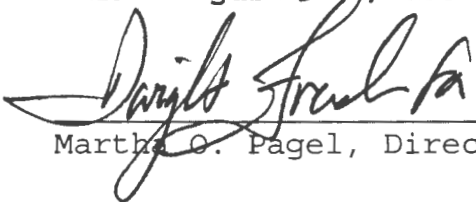
On January 8, 1999, SUE & RON JOHNSTON, submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 15, 1999. The protest period closed July 30, 1999, and no protest was filed.

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

Order

Application G-14902 therefore is approved as proposed by the Proposed Final Order, and Permit G-13723 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED August 30, 1999



Martha O. Pagel, Director

Appeal Rights

No changes have been made to the findings of the Proposed Final Order and no protests were filed during the protest period following the Proposed Final Order, therefore, there is no opportunity for appeal or judicial review of this final order (690-310-160(5)).

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496

STATE OF OREGON

COUNTY OF MULTNOMAH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

SUE & RON JOHNSTON
1918 SE 302ND AVENUE
TROUTDALE, OREGON 97060

(503)667-8155

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WELL 1 - 1070 FEET SOUTH AND 2190 FEET EAST; WELL 2 - 590 FEET SOUTH AND
1360 FEET EAST BOTH FROM W1/4 CORNER, SECTION 5

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4 13.2 ACRES
NE 1/4 SW 1/4 26.8 ACRES
SECTION 5
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.

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

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

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

- (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

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

Groundwater for use under this permit shall be produced from the Deep Troutdale groundwater reservoir between approximately 300 and 700 feet below land surface.

The use of groundwater under this permit is allowed only if the head in the Deep Troutdale groundwater reservoir is above 50 feet mean sea level.

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 by August 30, 1999. Complete application of the water to the use shall be made on or before October 1, 2003. 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 30, 1999



Martha O. Pagel, Director
Water Resources Department

Mailing List for FO Copies

Application#G-14902

Mailing List Printed August 12, 1999

Original mailed to(when permit issued, include copy of permit map):

Applicant: SUE & RON JOHNSTON, 1918 SE 302ND AVENUE, TROUTDALE, OREGON 97060

For FO w/Permit - Copies sent to:

1. WRD - File # G-14902
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - NWR (Gloria)

Copies Mailed
By: <u>JK</u>
(SUPPORT STAFF)
on: <u>9/1/99</u>
(DATE)

For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):

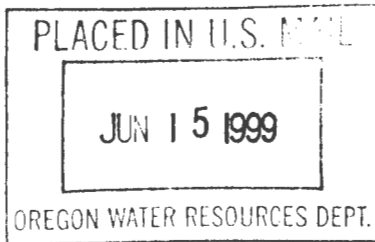
5. WRD - Watermaster District #: 20

COPIES TO Other Interested Persons

6. Edward Crane (CWRE)
7. Ted Pulliam, Olsen-Pulliam Well Drilling, 9480 SE 172nd Avenue, Boring, OR 97009

CASEWORKER: RWK

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-14902

Proposed Final Order

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

Application History

On January 8, 1999, SUE & RON JOHNSTON submitted an application to the Department for the following water use permit:

- Amount of Water: 0.569 CUBIC FOOT PER SECOND (CFS), BEING 0.285 CFS FROM WELL 1 AND 0.284 CFS FROM WELL 2
- Use of Water: NURSERY OPERATIONS ON 40.0 ACRES
- Source of Water: TWO WELLS IN SANDY RIVER BASIN
- Area of Proposed Use: MULTNOMAH County within SECTION 5, TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

On 4/9/99, the Department mailed the applicant notice of its Initial Review, determining that "The use of 0.569 CUBIC FOOT PER SECOND (255.0 GALLONS PER MINUTE), BEING 128.0 GPM FROM WELL 1 AND 127.0 FROM WELL 2 from TWO WELLS IN SANDY RIVER BASIN for IRRIGATION OF 40.0 ACRES (NURSERY OPERATIONS) is allowable year-round contingent upon the wells meeting the permit requirements provided." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 4/27/99, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

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

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

Findings of Fact

The Sandy Basin Program allows the following uses: NURSERY OPERATIONS.

TWO WELLS IN SANDY RIVER BASIN are above a State Scenic Waterway.

An assessment of water availability has been completed by the Department's groundwater section. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation year round.

The Department finds that the amount of water requested, 0.569 CFS, is allowable.

The proposed well is not within a designated critical ground water area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will adequately protect the surface water from interference, if properly conditioned as follows and as described on the attached draft permit.

Groundwater for use under this permit shall be produced from the Deep Troutdale groundwater reservoir between approximately 300 and 700 feet below land surface.

Groundwater for use under this permit is allowed only if the head in the Deep Troutdale groundwater reservoir is above 50 feet mean sea level.

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 Sandy 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 other rules of the Water Resources Commission not otherwise described above.

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

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

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.

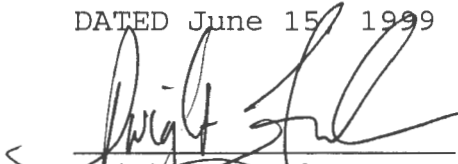
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

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 June 15, 1999


Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this

proposed final order would impair or be detrimental to your interest;

- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;

- Any citation of legal authority to support your protest, if known; and

- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.

- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.

- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **July 30, 1999**.

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

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or

- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499

Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 158 12th ST NE SALEM, OR 97310
Fax: (503)378-2496 .

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

SUE & RON JOHNSTON
1918 SE 302ND AVENUE
TROUTDALE, OREGON 97060

(503) 667-8155

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

APPLICATION FILE NUMBER: G-14902

SOURCE OF WATER: TWO WELLS IN SANDY RIVER BASIN

PURPOSE OR USE: NURSERY OPERATIONS ON 40.0 ACRES

MAXIMUM RATE: 0.569 CUBIC FOOT PER SECOND, BEING 0.285 CFS FROM WELL 1
AND 0.284 CFS FROM WELL 2

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 8, 1999

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 5, T1S, R4E, W.M.;
WELL 1 - 1070 FEET SOUTH AND 2190 FEET EAST; WELL 2 - 590 FEET SOUTH AND
1360 FEET EAST BOTH FROM W1/4 CORNER, SECTION 5

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

Application G-14902 Water Resources Department

PERMIT DRAFT

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NW 1/4 13.2 ACRES
NE 1/4 SW 1/4 26.8 ACRES
SECTION 5
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.

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

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

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

standard methods of procedure and suitable equipment shall be available from the Department.

- (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

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

Groundwater for use under this permit shall be produced from the Deep Troutdale groundwater reservoir between approximately 300 and 700 feet below land surface.

The use of groundwater under this permit is allowed only if the head in the Deep Troutdale groundwater reservoir is above 50 feet mean sea level.

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 issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2003. 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 _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

Mailing List for PFO Copies

Application #G-14902

PFO Date June 15, 1999

Original mailed to:

Applicant: SUE & RON JOHNSTON, 1918 SE 302ND AVE, TROUTDALE, OREGON 97060

Copies sent to:

1. WRD - File # G-14902

PFO, Map, and Fact Sheet Copies sent to:

2. WRD - Watermaster # District 20

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

3. Edward Crane(CWRE)

4. Ted Pulliam, Olsen-Pulliam Well Drilling, 9480 SE 172nd Avenue, Boring, OR 97009

CASEWORKER : RWK- WEEK 203

Copies Mailed
By: <u>JF</u>
(SUPPORT STAFF)
on: <u>6/14/99</u>
(DATE)

FO CHECKLIST

FILE # G 14902
PFO WEEK # 203

PFO TO FO CONVERSION

REVIEW DATE: 8/12/99
INITIALS: PKK

In preparing to create the FO, you should check the following:

1. Y/N Were **comments or protests** received? If so, from whom and when?

2. Y/N/NA Have affected owners, commentors, & those who paid \$10 been **notified** at the proper address?

3. Y/N/NA Has ODFW asked for **self certification** of screening? (If so, write "ODFW CERT" in the permit block on the file.)

4. Y/N **Fees due?**

owe	250 BASE 150 / CFS 175 REC <hr/> 575	refund
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

5. Y/N Is **further processing** possible? If not state reason: _____

6. Y/N Is **additional information required**, fees, secondary, etc., prior to permit? (Send certified letter prior to FO)

7. Y/N Assign **permit numbers** G 13723

8. Y/N Do the PFO conclusions require **modification**? Why? _____

FO Type: FOMOD DENIAL FO w/o PERMIT FO & PERMIT

	MGMT CODES <u>7B, 7F, 7G, 7J</u>
--	-------------------------------------

Once created, modify FO as needed to:

9. Y/N Correct PFO **errors** (such as POD or POU location [verify from map] or Permit format)

10. **Save** WordPerfect document in M:\GROUPS\WR\FOWEEK 203 & delete duplicates.

PFO CHECKLIST

Application #: G 14902

County MULTNOMAH Basin: SANDY
Township 15 Range 4E Section 5 1/4 1/4 NE SW

- 1. Complete by Minimum Requirements Checklist? Y / N
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y / N Should process continue Y / N (N)

- 3. Groundwater Review **A B C D** River/Stream Name _____
 a. Groundwater Availability **A B C**
 b. Is second groundwater review complete Y / N necessary? (comments) Y / N (N)
 c. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y / N within area (N)

- 4. Is use from **BOR** / Doug Co. project? Y / N (N) Contract in file? Y / N Contract # _____
- 5. Is the use allowed by the **Basin Program**? Y / N Limited? Y / N _____

- 6. Water Availability Data **OK / REDONE / NA** (80% live flow & 50% storage) _____
- 7. Is the source **withdrawn** or limited by statute or Department order? Y / N (N)
- 8. Is the Proposed Use located in or above a **SWW**? Y / N (N)

- 9. Division 33: Y / N / **NA** Above Bonn (after July 17, 1992) Y / N
 Below Bonn (after April 8, 1994; June 3, 1994) Y / N
 Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N

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

- 11. Have **conflicts** been addressed? Y / N / **NA** _____

- 12. Duty Nues Mocco Irrigation Season _____

- 13. Period of Allowed Use Yr Run _____

- 14. Allowed Rate (1) .285 (+) (2) .284 = .569 40 x .025 = 1.0
 summary:

- 15. **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF) condition 7I and municipal use ≤ 0.1 cfs require the **Large** condition

- 16. **Conditions** 7B, 7F, 7G, 7J, ONLY FROM TRT DAGE STAIN 300 & 700, ONLY IF HEAD
 New River Basin? Y / N / **NA** (see M:\groups\wr\pfo\findings & other lang) IN DEEP TROUT DAGE IS ABOVE 50 FT MSL

- 17. IR Date 4/9/99 Public Notice Date 4/27/99 Comment Rec'd _____

- 18. CWRE, representatives or Property owners to notify? (N) EDWARD A. CRANE

Initials: RMC Date: 5/24/99

IR CHECKLIST

Application # G 14902 Priority Date: _____

Basin: 3-Sandy County: _____

Township 1S Range 4E Section 5 1/4 1/4

WAB: _____ POU WAB: _____

1. Complete by Minimum Requirements checklist Y N Items still required: _____

2. Groundwater Review A B C D River/Stream Name TF, TG Sandy R.
Conditions _____ Water Availability A B C

3. Is the well located in a groundwater limited area? Y N Name _____

4. Is the well located in T1N R3E SEC 20, 21, 28, 29 Y N

5. Within or above a Scenic Waterway Y N Conditions/Restrictions Y N 7J

6. Basin Maps have been checked Y N Sandy R

7. Allowed under Basin Program Y N Limitations Y N @ 90-502-100(2) 690-503-050(i)

8. Withdrawn Y N Season Allowed _____

9. Water Availability 80% _____ 50% _____ N/A

10. Use NW (IRR+AG) Period of allowed use 4R

11. Season requested by applicant 4R

12. For Irrigation: Rate 1/40 Duty 5 Season 3/1-10/31

13. For Nursery or Cranberry: Rate 0.15 Duty 5 Season 4R

14. Allowable rate of use: 40(0.15) = 6.0 cfs

Requested Rate: 0.569 cfs (253 gpm)

15. BOR project Y N Contract # _____

16. Subject to Division 33: Y N N/A Above Bonneville _____ TES Y N
Below Bonneville _____ TES Y N TES only Y N

17. Conflict Y N

18. Conditions? (BOR, GW, other) Y N - See DIV 9 Report, also 1190-503-060

19. Measuring condition Small _____ Medium AM Large

20. Within Dept. Of Agriculture Water Quality Management Area Y N N/A
TUALATIN _____ BEAR CREEK(ROGUE) _____

21. On DEQ 303d list Y N N/A

22. Land use approval OK'd Needs Approval County Notified N/A

23. Watermaster Dist: (1 2 16 18 NWR) (3 4 5 NCR) (6 8 9 10 ER)
(11 12 17 SCR) (13 14 15 19 SWR)

24. ODFW Biologist Dave Lescia

24. Letter will be: GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

Name: Abby D Date: 3/1/99

- (I) Wahkeena Creek - forming Wahkeena Falls, formerly known as Gordon Falls.
- (J) Multnomah Creek - forming Multnomah Falls.
- (K) Oneonta Creek - forming Oneonta Falls and Gorge.
- (L) Horse Tail Creek - forming Horse Tail Falls.
- (M) Tumalt Creek.
- (N) McCord Creek, formerly known as Kelly Creek - forming Elwah Falls.
- (O) Moffatt Creek - forming Wahe Falls.
- (P) Tanner Creek - forming Wahclella Falls.

(2) Except as otherwise provided in sections (1) and (3) of OAR 690-503-040, all the surface waters of the Sandy Basin are classified only for fish life, domestic, stock, municipal, aesthetic, recreation and public park uses.

(3) In addition to uses in section (2) of OAR 690-503-040, all tributaries of the Sandy River but not the main stem Sandy River are open for storage from December 1 to June 1 of each year. Water stored during this period may be used at any time for any beneficial use.

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

Groundwater Classification

690-503-050

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

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

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

DNA

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

Special Permit Conditions

690-503-060

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

79

(1) Use of water from the well, as allowed herein, shall be regulated if the well displays:

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

AR 2618(2) The permittee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.

76 (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.

(a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.

(b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.

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

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

(e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall be received not later than 30 days from the date of measurement.

(4) The Department shall determine when any of the declines cited in section (1) of this rule are evidenced by the well measurement required in section (3).



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

April 9, 1999

SUE JOHNSTON
RON JOHNSTON
1918 SE 302ND AVE
TROUTDALE, OREGON 97060

Reference: File G-14902

Dear Applicants:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from TWO WELLS IN SANDY RIVER BASIN for IRRIGATION OF 40.0 ACRES (NURSERY OPERATIONS) is **allowable** under OAR 690-503-050(1), the Sandy Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
4. The Department has also determined, based upon available data, that the use of groundwater in the amount of 0.569 CUBIC FOOT PER SECOND (255.0 GALLONS PER MINUTE), BEING 128.0 GPM FROM WELL 1 AND 127.0 FROM WELL 2 for IRRIGATION OF 40.0 ACRES (NURSERY OPERATIONS) if properly conditioned, will not injure existing rights or the groundwater resource.
5. The wells proposed in this application tap a groundwater source hydraulically connected

to the surface water, namely the Sandy River. However, if properly conditioned, the use will adequately protect the surface water from interference. The Department finds that the wells shall allow groundwater production only from the Deep Troutdale groundwater reservoir between approximately 300 feet and 700 feet below land surface;

and, the wells shall allow groundwater production only if the head in the Deep Troutdale aquifer is above 50 feet mean sea level.

Summary of Initial Determinations

The use of 0.569 CUBIC FOOT PER SECOND (255.0 GALLONS PER MINUTE), BEING 128.0 GPM FROM WELL 1 AND 127.0 FROM WELL 2 from TWO WELLS IN SANDY RIVER BASIN for IRRIGATION OF 40.0 ACRES (NURSERY OPERATIONS) is allowable year-round contingent upon the wells meeting the permit requirements provided.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

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.

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.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, April 23, 1999**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a

complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
2. If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.
 3. (1) Use of water from the well, as allowed herein, shall be regulated if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
 - (2) The permittee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.
 - (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made each year at the time of spring high water during the period March 15 through April 15.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator.

- (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).
4. The wells shall allow groundwater production only from the Deep Troutdale groundwater reservoir between approximately 300 feet and 700 feet below land surface.
 5. The wells shall allow groundwater production only if the head in the Deep Troutdale aquifer is above 50 feet mean sea level.
 6. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
 7. The priority date for this application is January 8, 1999.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anita M. Huffman', with a long horizontal line extending to the right.

Anita M. Huffman
Water Rights Specialist

cc: Regional Manager, Watermaster District 20, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

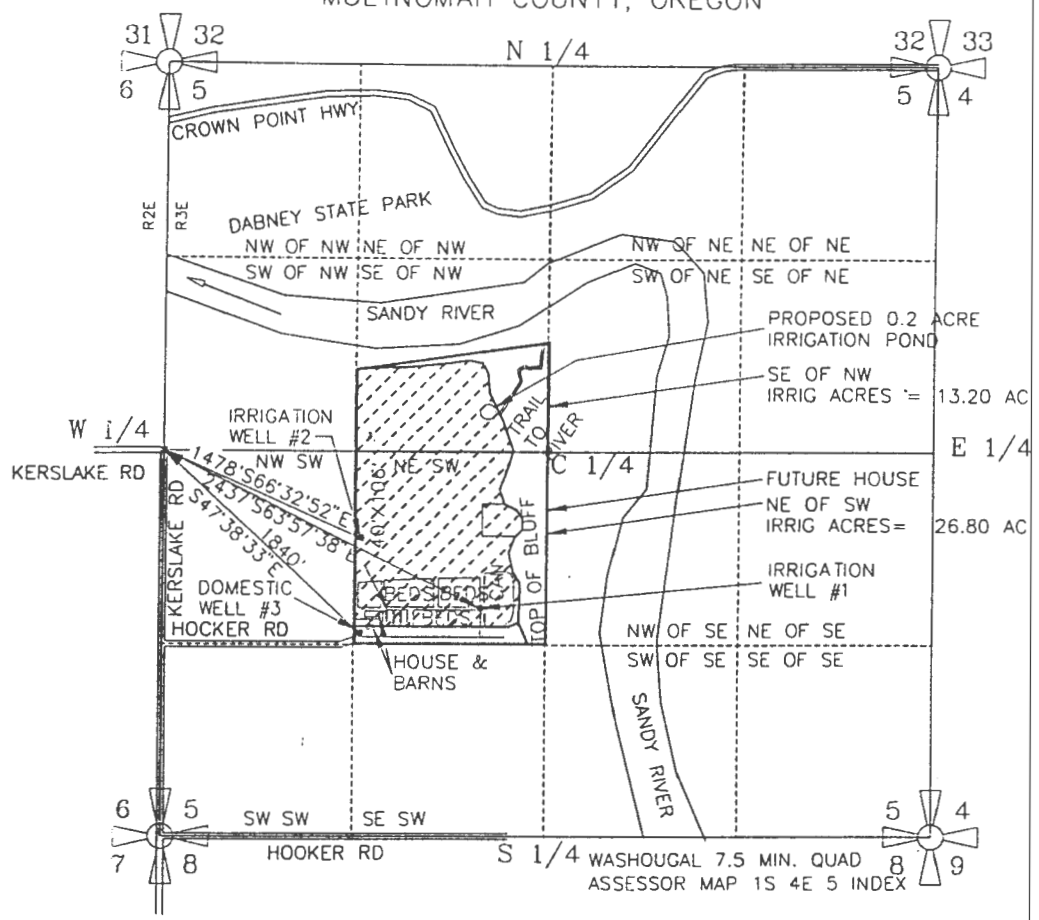
G-14902
wab 03-
pou 03-
gwc

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JAN 08 1999

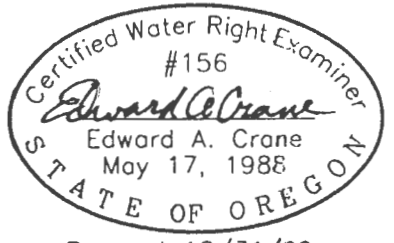
WATER RESOURCES DEPT.
SALEM, OREGON

SE 1/4 OF THE NW 1/4
NE 1/4 OF THE SW 1/4
SECTION 5
T1S, R4E of WM
MULTNOMAH COUNTY, OREGON



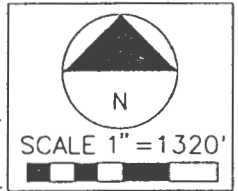
Application No. G-14902
Permit No.

IRRIG. WELL #1 IS LOCATED 1070 FEET SOUTH AND 2190 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON.
 IRRIG. WELL #2 IS LOCATED 590 FEET SOUTH AND 1360 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON.
 DOMESTIC WELL #3 IS LOCATED 1240 FEET SOUTH & 1360 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON



Renewal 12/31/99
Signed 12-1-98

SURVEYED MAY 18, 1998
BY EDWARD A. CRANE, CWRE



PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

APPLICATION FOR PERMIT G-
GROUNDWATER PERMIT G-

PREPARED BY EDWARD A. CRANE, CWRE

DATE
JUNE 1998
JUNE 1998
PROJECT NO.
292 001



CRANE & MERSETH
Engineering/Surveying
SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222
BUS: (503) 654-2005
FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER G-
PERMIT NUMBER G- IN THE NAME OF:
SUE & RON JOHNSTON (WINDY RIDGE NURSERY)
1918 SE 302nd AVE. (TEL 503-667-8155)
TROUTDALE, OR 97060 (FAX: 503-661-7315)

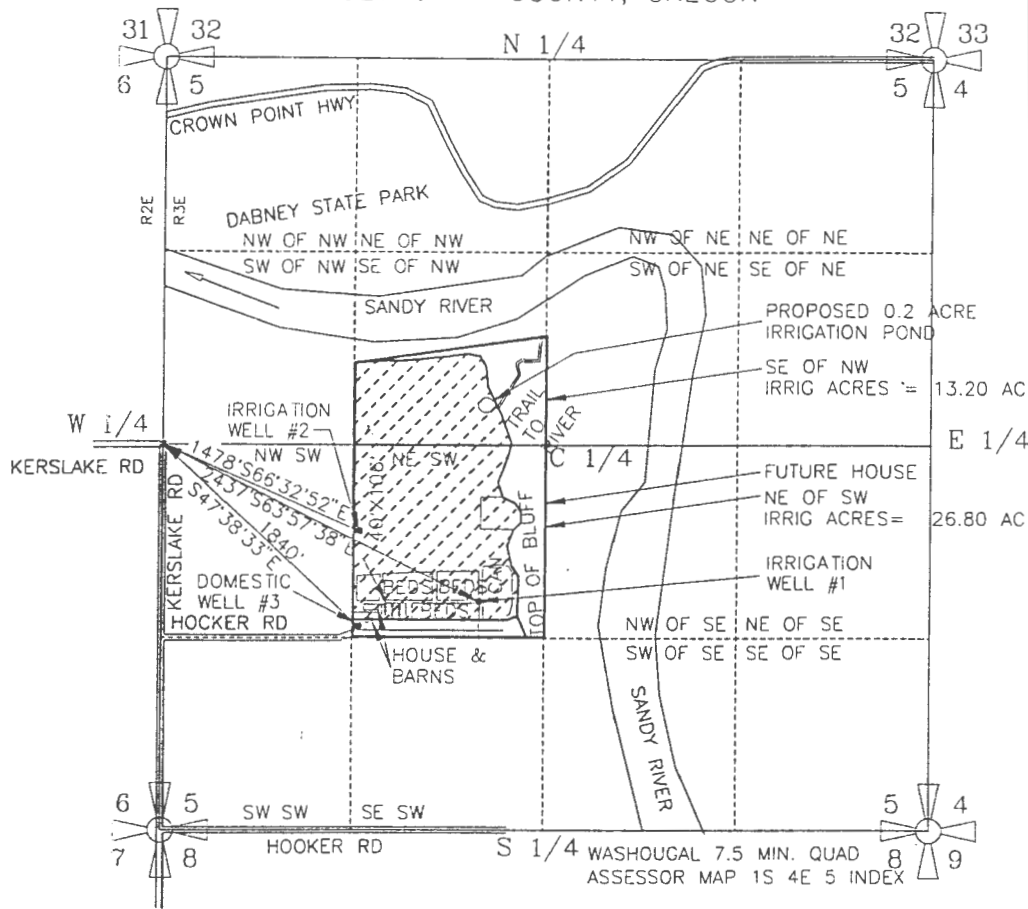
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1/1

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JAN 08 1999

WATER RESOURCES DEPT.
SALEM, OREGON

SE 1/4 OF THE NW 1/4
NE 1/4 OF THE SW 1/4
SECTION 5
T1S, R4E of WM
MULTNOMAH COUNTY, OREGON



Application No. G-14902
Permit No.

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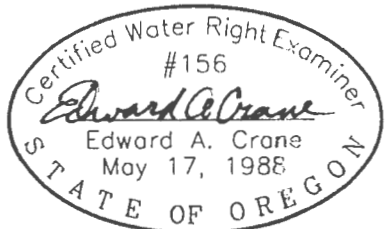
IRRIG. WELL #2 IS LOCATED 590 FEET SOUTH AND 1360 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON.

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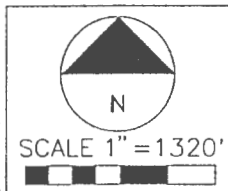
APPLICATION FOR PERMIT G-
GROUNDWATER PERMIT G-

PREPARED BY EDWARD A. CRANE, CWRE



Renewal 12/31/99
Signed 12-1-98

SURVEYED MAY 18, 1998
BY EDWARD A. CRANE, CWRE



K:\CAD\292-001\29200101.DWG EAC 12/01/98

DATE
JUNE 1998
JUNE 1998
PROJECT NO.
292 001



CRANE & MERSETH
Engineering/Surveying
SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222
BUS: (503) 654-2005
FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER G-
PERMIT NUMBER G-
SUE & RON JOHNSTON (WINDY RIDGE NURSERY)
1918 SE 302nd AVE. (TEL 503-667-8155)
TROUTDALE, OR 97060 (FAX: 503-661-7315)

SHEET
1/1

Mailing List for IR Copies

Application #G-14902

IR Date: April 9, 1999

Original mailed to:

Applicant: SUE JOHNSTON JOHNSTON, RON, 1918 SE 302ND AVE, TROUTDALE, OREGON 97060

Copies sent to:

1. WRD - File # G-14902
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 20
4. WRD - Regional Manager (not Bob Main):NWR
5. ODFW District Biologist: (MULTNOMAH County)Dave Liscia

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

6. CWRE: Ed Crane _____
7. Ted Pulliam, Olsen-Pulliam Well Drilling 9480 SE 172nd Ave, Boring, OR 97009
8. _____
9. _____
10. _____
11. _____
12. _____

Copies Mailed	
By: <u> </u>	(SUPPORT STAFF)
on: <u> </u>	(DATE)

ID# AMH

COPY# 118

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-14902

Applicant: SUE JOHNSTON JOHNSTON, RON

County: MULTNOMAH

Watermaster: District 20

Priority Date: January 8, 1999

Source: TWO WELLS IN SANDY RIVER BASIN

Use: IRRIGATION OF 40.0 ACRES (NURSERY OPERATIONS)

Quantity: 255.0 GALLONS PER MINUTE, BEING 128.0 GPM FROM WELL 1 AND 127.0
FROM WELL 2

Basin Name & Number: Sandy, #03

Stream Index Reference: Volume 2 BOURGEOIS CR & MISC

Point of Diversion Location: NESW, SECTION 5, T 1S, R4E, W.M.; 1070 FEET SOUTH AND
2190 FEET EAST FROM W1/4 CORNER, SECTION 5 NESW, SECTION 5, T 1S, R4E, W.M.;
590 FEET SOUTH AND 1360 FEET EAST FROM W1/4 CORNER, SECTION 5

Place of Use: SENW SENW 13.2 ACRES NESW 26.8 ACRES NESW NESW, SECTION 5,
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 23, 1999

PUBLIC NOTICE DATE: Tuesday, April 27, 1999

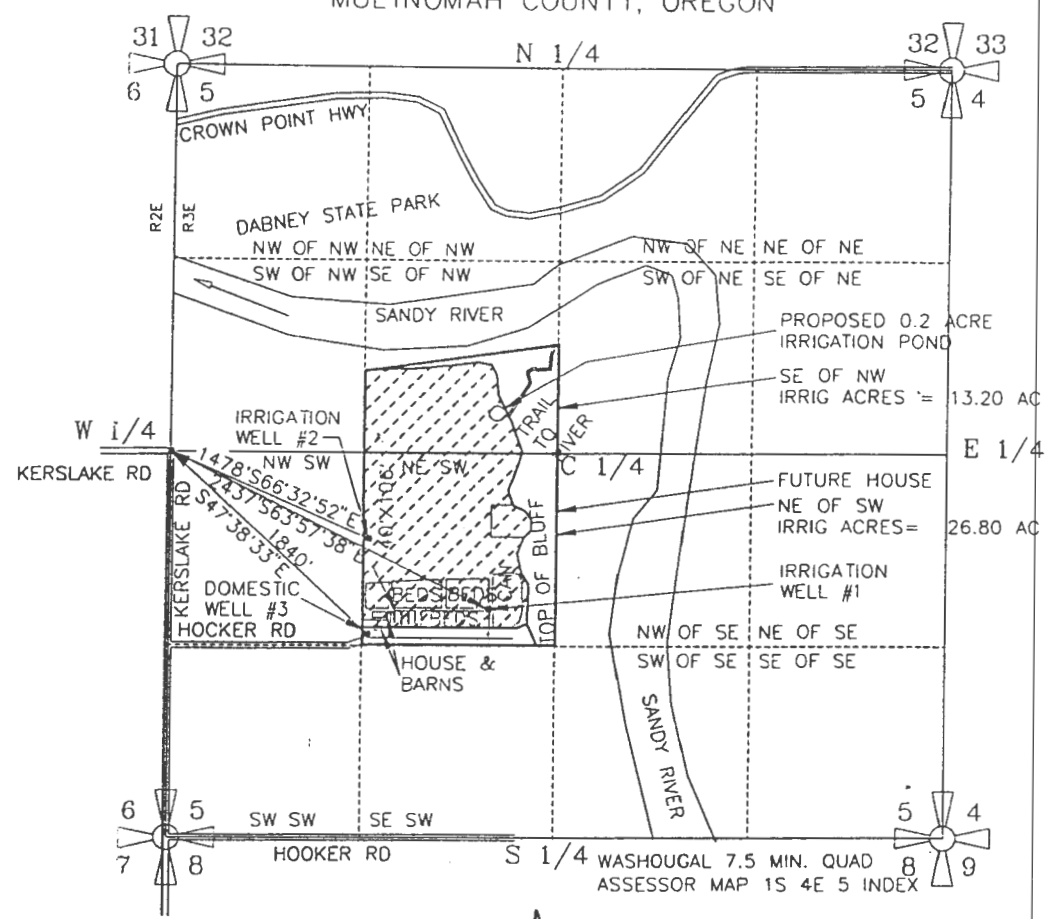
30 DAY COMMENT DEADLINE DATE: Thursday, May 27, 1999

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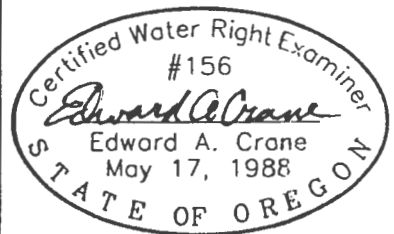
WATER RESOURCES DEPT.
SALEM, OREGON

SE 1/4 OF THE NW 1/4
NE 1/4 OF THE SW 1/4
SECTION 5
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MULTNOMAH COUNTY, OREGON



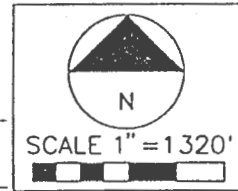
Application No. G-14902
Permit No. G-13723 *superseded*
13733

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Renewal 12/31/99
Signed *12-1-98*

SURVEYED MAY 18, 1998
BY EDWARD A. CRANE, CWRE



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APPLICATION FOR PERMIT G-
GROUNDWATER PERMIT G-

PREPARED BY EDWARD A. CRANE, CWRE

DATE JUNE 1998 JUNE 1998		CRANE & MERSETH Engineering/Surveying SUITE "D" 6566 SE LAKE ROAD MILWAUKIE, OREGON 97222	APPLICATION FOR PERMIT NUMBER G-_____	SHEET
PROJECT NO. 292 001		BUS: (503) 654-2005 FAX: (503) 654-2575	PERMIT NUMBER G-_____ IN THE NAME OF: SUE & RON JOHNSTON (WINDY RIDGE NURSERY) 1918 SE 302nd AVE. (TEL 503-667-8155) TROUTDALE, OR 97060 (FAX: 503-661-7315)	1/1

Note to
Local Governments:

Oregon

RECEIVED

JAN 08 1999

WATER RESOURCES DEPT.
SALEM, OREGON

The person presenting
the attached request for
land use information is
applying for a water right.
The Water Resources

WATER
RESOURCES
DEPARTMENT

Department (WRD) requires its
applicants to obtain land use
information to be sure water rights do
not result in land uses that would
violate your comprehensive plan.

WRD will not accept applications
which are not accompanied by this
completed land use information form
or the signed, dated receipt stub
detached from the bottom of the land
use information form.

You will receive notice once the
applicant formally submits his or her
request to WRD. The notice will give
more detailed information about
WRD's water rights process and
comment opportunities.

If you give the applicant the receipt stub
in lieu of completing the form, you will
have 30 days from the date of the notice
mentioned above to complete the form
and return it to WRD. If no land use
information is received from you
within that 30 day period, WRD may
presume the land use associated with
the proposed water right is compatible
with your comprehensive plan.

Your attention to this request for
information is greatly appreciated by
both the applicant and WRD. If you
have questions concerning
the form, please contact
WRD at 378-3739.



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

June 1992

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: SUE & RON JOHNSTON dba WINDY RIDGE NURSERY
 Address: 1918 SE 302nd AVENUE
TROUTDALE, OR 97060
 Phone: 503-667-8155

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 STOCK, GREENHOUSES ETC
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): 2 HOUSES
- 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.): FUTURE POND, STORES IRRIGATION WATER 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.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	<u>0.569</u> Cubic feet per second. <u>255</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

Application No 6-14902
 Permit No. _____

RECEIVED

JAN 08 1999

WATER RESOURCES DEPT.
SALEM, OREGON



Crane & Merseth Engineering/Surveying

6566 S.E. Lake Road, Suite D • Milwaukie, OR 97222-2138 • Phone: (503) 654-2005 • Fax: (503) 654-2575

Application and Permit Section
Oregon Water Resources Department
158 12th Street, N.E.
Salem, Oregon 97310-0210

December 1, 1998

SUBJECT: Ground Water Permit Appl. **Wells #1 & #2**, Located in
SE 1/4 of NW 1/4 and NE of SW 1/4 of
Sec. 5, T1S, R4E of WM, Multnomah Co., OR
C&M Project Number: 292-001


Dear Sir/Madam:

Sue and Ron Johnston are doing business as (dba) Windy Ridge Nursery and is submitting the enclosed "Application for a Permit to Appropriate Groundwater" to withdraw 0.569 cubic feet per second (cfs) [255 gallons per minute (gpm)] of groundwater on 40.0 acres for in-ground irrigation (and 2.75 acres of greenhouses and can yards) under both General Nursery Irrigation Use and General Agricultural Irrigation Use. The water will be withdrawn from proposed irrigation Wells #1 & #2 to irrigate the nursery acreage as shown on the attached map. Existing Domestic Well #3 produces about 17 gpm and is used for the residence on the property as well as for the nursery office.

I personally inspected their well site on May 18, 1998. Attached for your review and approval are the groundwater application, application map and supporting data that shows the location of the existing and proposed wells on their property.

Please contact Sue or Ron Johnston at 503-667-8155 if you have any questions about their existing and proposed wells or proposed irrigation system. I'd be available to answer any questions or concerns that you may have about the Groundwater Application and Application Map and can be reached at (503) 654-2005 (telephone) or 654-2575 (Fax).

Sincerely,
CRANE & MERSETH ENGINEERING\SURVEYING


Edward A. Crane, CWRE
Vice President

Application No. 6-14902

Permit No.

cc: Sue & Ron Johnston
Johnston Nursery
1918 SE 302nd Avenue
Troutdale, OR 97060

TEL: 503-667-8155
FAX: 503-661-7315

H:\WP_PROJ\292-001\JOHNSTON.068

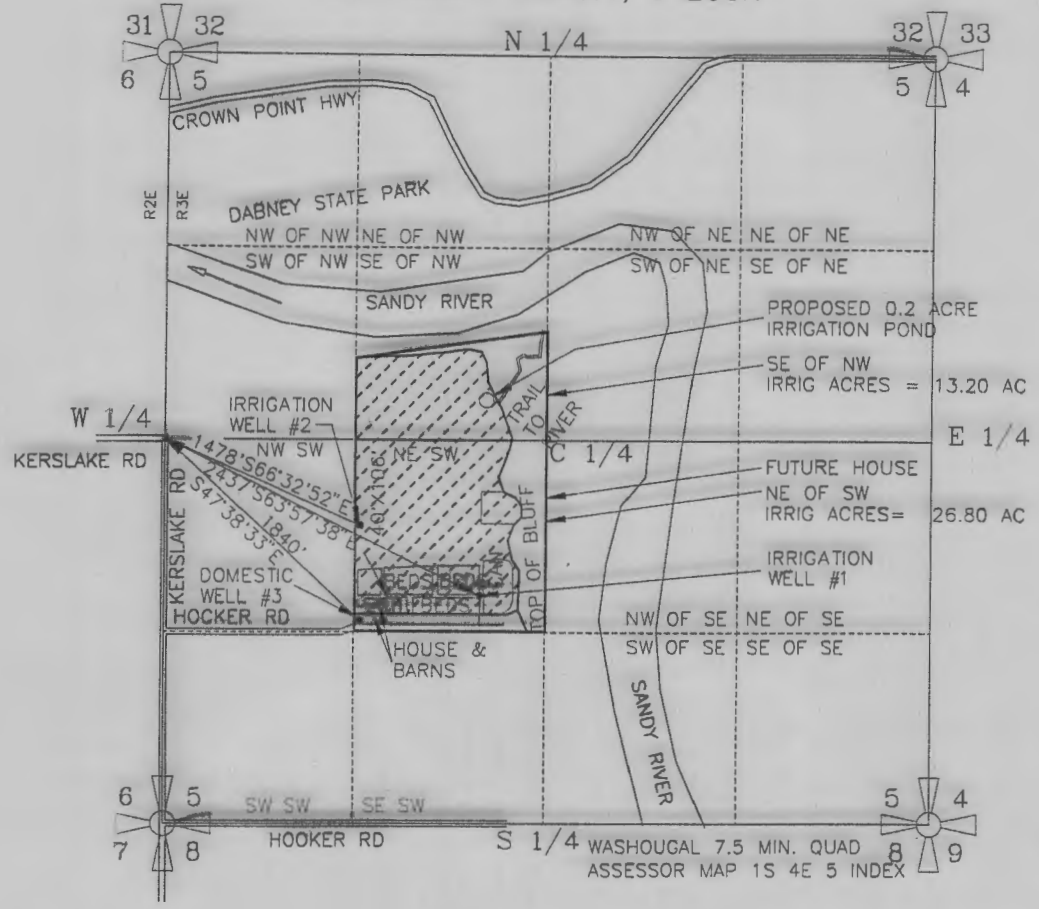


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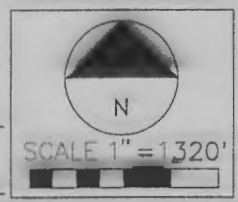
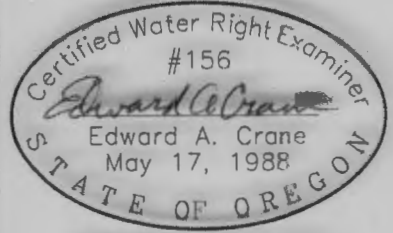
WATER RESOURCES DEPT.
SALEM, OREGON

SE 1/4 OF THE NW 1/4
NE 1/4 OF THE SW 1/4
SECTION 5
T1S, R4E of WM
MULTNOMAH COUNTY, OREGON



Application No **G-14902**
Permit No.

IRRIG. WELL #1 IS LOCATED 1070 FEET SOUTH AND 2190 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON.
 IRRIG. WELL #2 IS LOCATED 590 FEET SOUTH AND 1360 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON.
 DOMESTIC WELL #3 IS LOCATED 1240 FEET SOUTH & 1360 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 1 SOUTH RANGE 4 EAST OF THE WM, MULTNOMAH COUNTY, OREGON



PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE WATER RIGHTS ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

APPLICATION FOR PERMIT G-
GROUNDWATER PERMIT G-

PREPARED BY EDWARD A. CRANE, CWRE

Renewal 12/31/99
Signed *[Signature]*
SURVEYED MAY 18 1998
BY EDWARD A. CRANE, CWRE

DATE
JUNE 1998
JUNE 1998
PROJECT NO.
292 001



CRANE & MERSETH
Engineering/Surveying
SUITE "D"
6566 SE LAKE ROAD
MILWAUKIE, OREGON 97222
BUS: (503) 654-2005
FAX: (503) 654-2575

APPLICATION FOR PERMIT NUMBER G-
PERMIT NUMBER G- IN THE NAME OF:
SUE & RON JOHNSTON (WINDY RIDGE NURSERY)
1918 SE 302nd AVE. (TEL 503-667-8155)
TROUTDALE, OR 97060 (FAX: 503-661-7315)

SHEET
1/1

K:\CAD\292-001\29200101.DWG EAC 12/01/98



Oregon Water Resources Department

RECEIVED

JAN 08 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: JOHNSTON SUE & RON

Last First MI

Mailing address: 1918 SE 302nd AVENUE

TROUTDALE OREGON 97060

City State Zip

Phone: 503-667-8155

Home Work Other

*Fax: 503-661-7315 *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____

Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

For Department Use

App. No. G-14902 Permit No. _____ Date 1-8-99

2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

A. County

In what county is the use proposed? MULTNOMAH

In what county is the appropriation point proposed? MULTNOMAH

B. River Basin

(See instruction booklet pg.3 for list):

SANDY RIVER TRIBUTARY TO COLUMBIA RIVER

C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

Yes (Skip to section 3 "Groundwater Development.")

No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.**

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

**If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

3. Groundwater Development

A. Number of wells: 1 **B. Name of nearest surface water body** SANDY RIVER

C. Distance from well(s) to nearest stream or lake: 1) 2200 FEET

2) _____ 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 400 FEET +/-

2) _____ 3) _____ 4) _____

4. Water Use

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

(see list of beneficial uses in the instruction booklet):

GENERAL NURSERY USES, GENERAL AGRICULTURAL USES, EXPANDED RESIDENTIAL

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: 2
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal**, attach Form M
- If your proposed use is **commercial/industrial** or **quasi-municipal**, attach Form Q

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, and for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or Aquifer	Type of Use	Total Annual Amount	Production Rate of the Well in gpm
1.	DEEP TROUTDALE	IRRIGATION	0.285 CFS	128 GPM
2.	DEEP TROUTDALE	IRRIGATION	0.2845 CFS	127 GPM

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses like irrigation give dates when water use would begin and end):

IRRIG. = MAR 1 - OCT. 31, AGRICULTURAL = NOV. 1 - APR. 30 EA YR.

D. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used:

40 AC IN-GROUND & 2.75 AC GREENHOUSES & CAN YARDS

5. Water Management

A. Diversion

What equipment will you use to pump water from your well(s)?

Pump (give horsepower and pump type) MAYBE 30 HP SUBMERSIBLES

Other means (describe) _____

B. Transport

How will you transport water to your place of use?

Ditch, canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

Pipe (give diameter and total length)

Diameter(s) 4" MIN. Length 1000 FT +/-

Other (describe) _____

C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Irrigation or land application method (check all that apply):

Flood High-pressure sprinkler Low pressure sprinkler

Drip Water cannons Center pivot system

Hand lines Wheel lines

Siphon tubes or gated pipe with furrows

Other, describe _____

Distribution method

In-line storage (tank or pond)

Direct pipe from source

Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

IRRIGATE AT NIGHT, JUDGE AMOUNT USING AN 1" TUNA CAN.

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

1. Wells will be constructed by: TED PULLIAM OF OLSEN-PULLIAM WELL DRILLING

Address: 9480 SE 172nd AVENUE (TEL: 503-665-3353)

BORING, OR 97009 (FAX: 503-665-5285)

Completion date: MAYBE AUG. 1998

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Estimated depth to water	Est. depth to water-bearing stratum	Type of access port or measuring device	Total well depth
1.	12" HOLE 8"	8", 1/4" WALL				450'	420'	3/4" IPT	500?

F. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

NA THIS AREA

6. Project Schedule

Proposed date construction will begin May 1, 1999

Proposed date construction will be completed May 30, 1999

Proposed date beneficial water use will begin OCT. 2002

7. Remarks

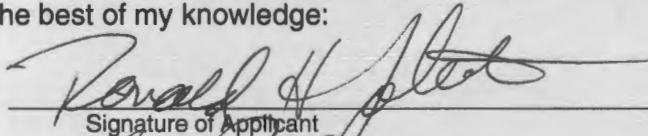
If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

Signature

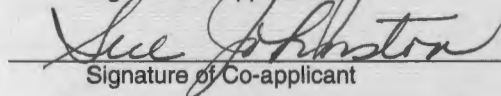
By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use is compatible with local comprehensive land-use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge:


Signature of Applicant

11/10/98
Date


Signature of Co-applicant

11/10/98
Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

PRE-IR APPLICATION PROCESSING OUTLINE

Application File # 614902

MINIMUM REQUIREMENTS TO FILE

OAR 690-310-040

DATE

INITIAL

1-8-99

AA

SURFACE AND GROUNDWATER APPLICATIONS

- Name and mailing address of applicant _____
- Source of water _____
- Quantity of water _____
- Map meeting requirements of OAR
690-310-050 _____
- Nature of proposed use _____
- Names and addresses of legal owners _____
- Easement/authorization statement _____
- Legal description of POD/POU _____
- Description of works and conveyance _____
- Information on waste/measurement, etc _____
- Land use approved pending
- Signature/title of applicant _____
- Oath _____
- Estimated capacity of pump _____
- Primary permit or certificate number
(if application is for supplemental) _____
- Form M Q I R
- Examination fee _____ Recording _____
- CWRE map for dam >10ft AND storage >9.2 AF
(For standard reservoirs only) _____

ADDITIONAL FOR GROUNDWATER APPLICATIONS

- Copy of well log (for existing wells) _____
- Groundwater development _____
- Well Characteristics _____
- Rate of flow if no pumping required _____

HB 2376 Expedited Review Reservoir

- Completed Application _____
- Land use approved pending
- Map showing Township, Range, Section,
quarter-quarter section and tax lot info _____
- HB 2376 exam fee \$10 per acre-foot _____

SUPPORT SERVICES

- Stamp contents with application number _____
- Place label on file and calendar card _____
- Acknowledgment post card to applicant _____
- Route to Initial Review _____

ATTENTION
WATER RIGHTS SECTION!!!

The following point of diversions may have been filed on a restricted stream

Application	Stream	Restriction
G 14902	SMITH CR > SANDY R	WTHDRWN ORS 538.251
G 14902	SMITH CR > SANDY R	WTHDRWN ORS 538.251
G 14902	SMITH CR > SANDY R	WTHDRWN ORS 538.251
G 14902	SMITH CR > SANDY R	WTHDRWN ORS 538.251
G 14902	SMITH CR > SANDY R	WTHDRWN ORS 538.251
R 84041	UNN STR > TUALATIN R	WTHDRWN ORS 538.251
R 84041	UNN STR > TUALATIN R	WTHDRWN SEO V7 P230
S 84042	UNN STR > TUALATIN R	WTHDRWN SEO V7 P230
S 84042	UNN STR > TUALATIN R	WTHDRWN SEO V7 P230
S 84042	UNN STR > TUALATIN R	WTHDRWN SEO V7 P230
S 84042	UNN STR > TUALATIN R	WTHDRWN SEO V7 P230

*Does not apply.
no s/w. connect.*

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

27041

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

INVOICE # _____

RECEIVED FROM:

Windy Ridge Nursery

APPLICATION

G-14902

BY: _____

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

196-218

TOTAL REC'D

\$ 575.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY)

\$

New)

TC165

DEPOSIT LIAB. (IDENTIFY)

\$

Existing)

TC168

WATER RIGHTS:

0201

SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203

GROUND WATER

\$ *400.00*

0204

\$ *175.00*

0205

TRANSFER

\$

0206

\$

WELL CONSTRUCTION

0218

WELL DRILL CONSTRUCTOR

EXAM FEE

\$

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 #

27041

DATED:

1-8-99

BY:

Roger Wright

New App #	Acres	Use	Prim/Supp	Existing APP #	PERMIT	CERT #	Status	Use	Acres	Prim/Supp
-----------	-------	-----	-----------	----------------	--------	--------	--------	-----	-------	-----------

G 14902	0.00	DN	P							
1.00S 4.00E 5	NESW	Conflicts:	<i>ND</i>	S 46469	S 34713	0	C	MU	0.000	P
				S 46469	S 34713	0	C	MU	0.000	P
				S 46469	S 34713	0	C	MU	0.000	P

G 14902	0.00	AG	P							
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1.00S 4.00E 5	SENW	Conflicts:	<i>ND</i>	S 46469	S 34713	0	C	MU	0.000	P
				S 46469	S 34713	0	C	MU	0.000	P