BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment Application T-8321, Clackamas County	)))	FINAL ORDER WITHDRAWING AN APPLICATION FOR A WATER RIGHT PERMIT AMENDMENT

Authority

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

Applicant

Reardon Nursery, Inc.
10050 SE 282nd Ave
Boring, OR 97009-9413

Findings of Fact

1. Permit Amendment Application T-8321, in the name of Reardon Nursery, Inc., was filed on August 20, 1999.

2. On October 28, 2011, Justin D. Gericke, attorney for the applicant, submitted a written request on behalf of the applicant asking that Permit Amendment Application T-8321 be withdrawn.

Now, therefore, it is ORDERED:

Permit Amendment Application T-8321, in the name of Reardon Nursery Inc., is withdrawn and of no further force or effect.

Dated at Salem, Oregon this 31 day of October, 2011.

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: NOV 02 2011

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

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

confirms the right to use the waters of A WELL in the JOHNSON CREEK Basin for IRRIGATION AND AGRICULTURE USE (NURSERY OPERATIONS) OF 29.44 ACRES AND SUPPLEMENTAL IRRIGATION AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS) OF 36.37 ACRES.

This right was perfected under Permit G-12707. The date of priority is JANUARY 13, 1995. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.334 CUBIC FOOT PER SECOND, measured at the well.

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION; AND YEAR ROUND FOR AGRICULTURE USE (NURSERY OPERATIONS) AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS)

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
1 S	4 E	WM	31	NW NW			SOUTH 24 DEGREES 44 MINUTES 15 SECONDS EAST 536.5 FEET FROM NW CORNER, SECTION 31

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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

IRRIGATION AND AGRICULTURE USES							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	4 E	WM	30	SW SW			25.04
1 S	4 E	WM	30	SE SW			4.40

SUPPLEMENTAL IRRIGATION AND SUPPLEMENTAL AGRICULTURE USES							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	4 E	WM	31	NE NW			17.00
1 S	4 E	WM	31	NW NW			19.37

Measurement, recording and reporting conditions:

A. The water user shall maintain the meter or measuring device in good working order.

B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, 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 interference.

Groundwater production is allowed from no shallower than 160 feet below land surface.

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

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

(B) A total water level decline of fifteen 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.

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

(A) A water level measurement shall be made each year during the period March 1 through March 31.

(B) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights

examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the appropriator.

(C) 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.

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

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

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

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

This right is for 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.

Issued APR 2 4 2009.

Dwight Hurl for

Phillip C. Ward, Director
Water Resources Department

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

Date Mailed: April 24, 2009

NOTICE OF CERTIFICATE ISSUANCE

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

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

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

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

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

Mailing List for Certificate Scheduled Mailing Date:

Application: G-13938

Permit: G-12707

Certificate: 85493

Permit/Certificate Holder:

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

Copies Mailed

by: Connie Vance
(STAFF)

on: APR 2 4 2009
(DATE)

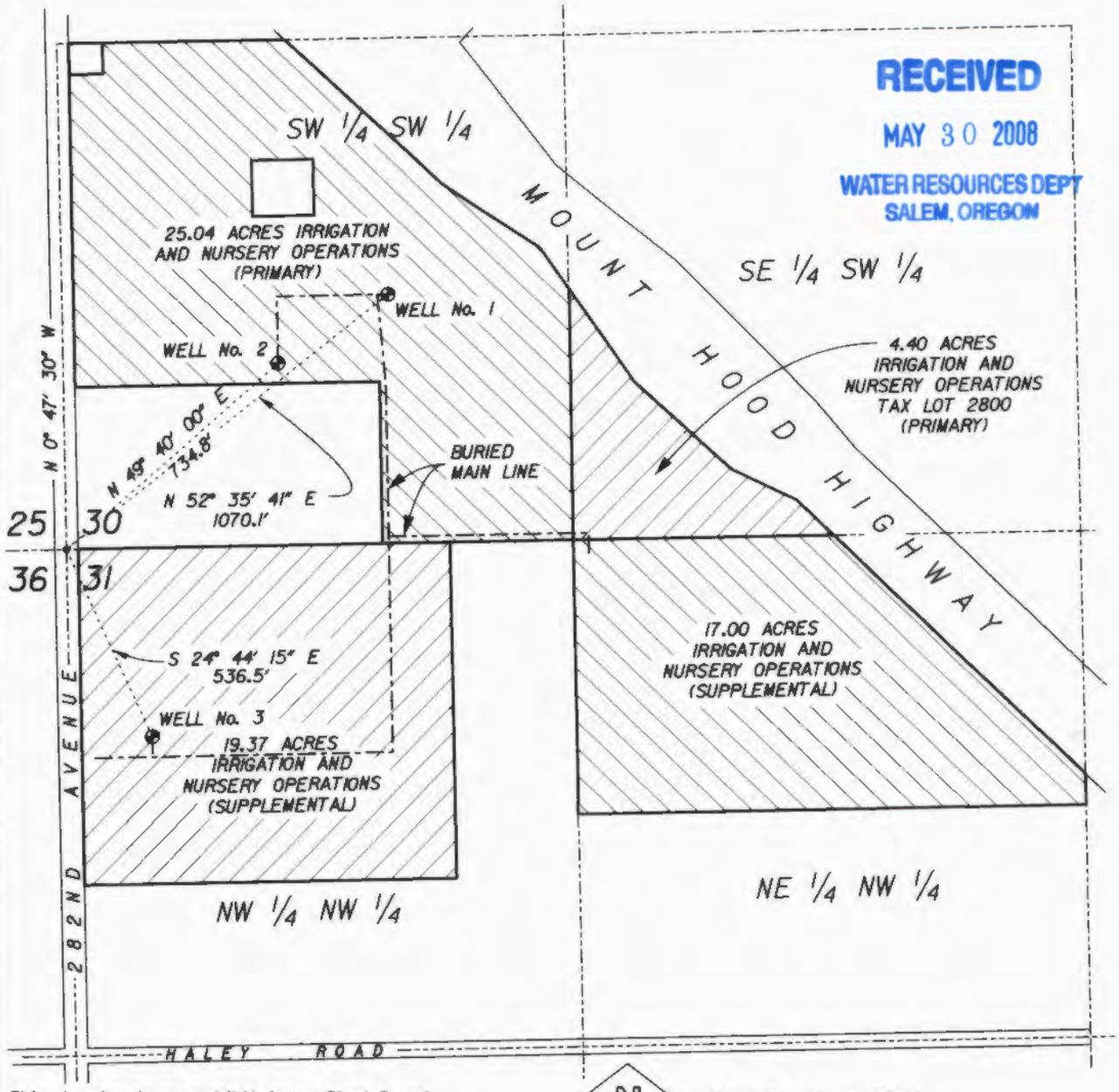
Copies of Final Certificate to be sent to:

1. Watermaster District 20, Sabrina M. White
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File
6. LISA - TRANSFER SECTION

Other persons to receive copies: (include map):

1. J. H. Greenman, CWRE
2. Steven SL. Shropshire, Jordan Schrader Ramis PC

RECEIVED
MAY 30 2008
WATER RESOURCES DEPT
SALEM, OREGON



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

SCALE: 1" = 400'

Certified Water Rights Examiner #056
J. H. Greenman
Nov. 19, 1987
STATE OF OREGON

SECTIONS 30 & 31, T.1S., R.4E., W.M.
CLACKAMAS COUNTY, OREGON

Application No. G-13938

Permit No. G-12707

HANER, ROSS & SPORSEEN, INC.
2895 BEAVERCREEK ROAD
OREGON CITY, OR 97045

REARDON NURSERY INC.

FINAL PROOF SURVEY

630DD

File n:\hrs_jobs\hrs_630dd\g-13938\630dd proof survey.dgn edr, jhg 10/01/99, 2008/04/17, 2008/05/09

Mailing List for Certificate Scheduled Mailing Date:

Application: G-13938

Permit: G-12707

Certificate: ******

Copies Mailed

by: Connie Vance
(STAFF)

on: 2/13/2009
(DATE)

Permit/Certificate Holder:

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

Copies of Final Certificate to be sent to:

1. Watermaster District 20, Sabrina M. White
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File

Other persons to receive copies: (include map):

1. J. H. Greenman, CWRE
2. Steven SL. Shropshire, Jordan Schrader Ramis PC
3. Lisa Jaramillo, Transfer Section (T-8321)

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

DATE MAILED: _____

NOTICE

Reference: Permit G-12707, Application G-13938

Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificates and map and wish to have the certificate issued before the 60 day period described above expires, please notify the Department by letter, fax or e-mail. If you do not contact the Department, sometime after the 60 day period has expired, the recorded certificate of water right will be mailed to the permit holder.

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

Sincerely,

Dwight French
Administrator
Water Rights Division

S:\groups\wr\Reimbursement Authority\Certificates\Department Resources\proposed certificate cover letter permit.wpd

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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

confirms the right to use the waters of A WELL in the JOHNSON CREEK Basin for IRRIGATION AND AGRICULTURE USE (NURSERY OPERATIONS) OF 29.44 ACRES AND SUPPLEMENTAL IRRIGATION AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS) OF 36.37 ACRES.

This right was perfected under Permit G-12707. The date of priority is JANUARY 13, 1995. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.334 CUBIC FOOT PER SECOND, measured at the well.

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION; AND YEAR ROUND FOR AGRICULTURE USE (NURSERY OPERATIONS) AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS)

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
1 S	4 E	WM	31	NW NW			SOUTH 24 DEGREES 44 MINUTES 15 SECONDS EAST 536.5 FEET FROM NW CORNER, SECTION 31

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

PROPOSED

85493

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

IRRIGATION AND AGRICULTURE USES							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	4 E	WM	30	SW SW			25.04
1 S	4 E	WM	30	SE SW			4.40

SUPPLEMENTAL IRRIGATION AND SUPPLEMENTAL AGRICULTURE USES							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	4 E	WM	31	NE NW			17.00
1 S	4 E	WM	31	NW NW			19.37

PROPOSED

Measurement, recording and reporting conditions:

A. The water user shall maintain the meter or measuring device in good working order.

B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, 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 interference.

Groundwater production is allowed from no shallower than 160 feet below land surface.

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

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

(B) A total water level decline of fifteen 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.

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

(A) A water level measurement shall be made each year during the period March 1 through March 31.

(B) All water level measurements shall be made by a qualified individual. Qualified individuals are certified water rights

examiners, registered geologists, registered professional engineers, licensed land surveyors, licensed water well driller, licensed pump installer, or the appropriator.

(C) 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.

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

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

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

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

This right is for 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.

Issued _____

PROPOSED

_____
Philip C. Ward, Director
Water Resources Department

Gerry Clark

From: Gerry Clark
Sent: Friday, September 26, 2008 10:21 AM
To: 'Jim Greenman'
Subject: RE: Application G-13938

Jim,

Thanks for the information. That resolves that issue. I will add the message to the file.

It looks like all that we will need now is the pump test.

Gerry

Gerry Clark
Water Rights Specialist/Certificates
725 Summer St. NE, Ste. A
Salem, OR 97303

Phone: 503-986-0811
Fax: 503-986-0901

http://www.wrd.state.or.us/

From: Jim Greenman [mailto:jgreenman@csace.com]
Sent: Friday, September 26, 2008 10:08 AM
To: CLARK Gerald E
Subject: Application G-13938

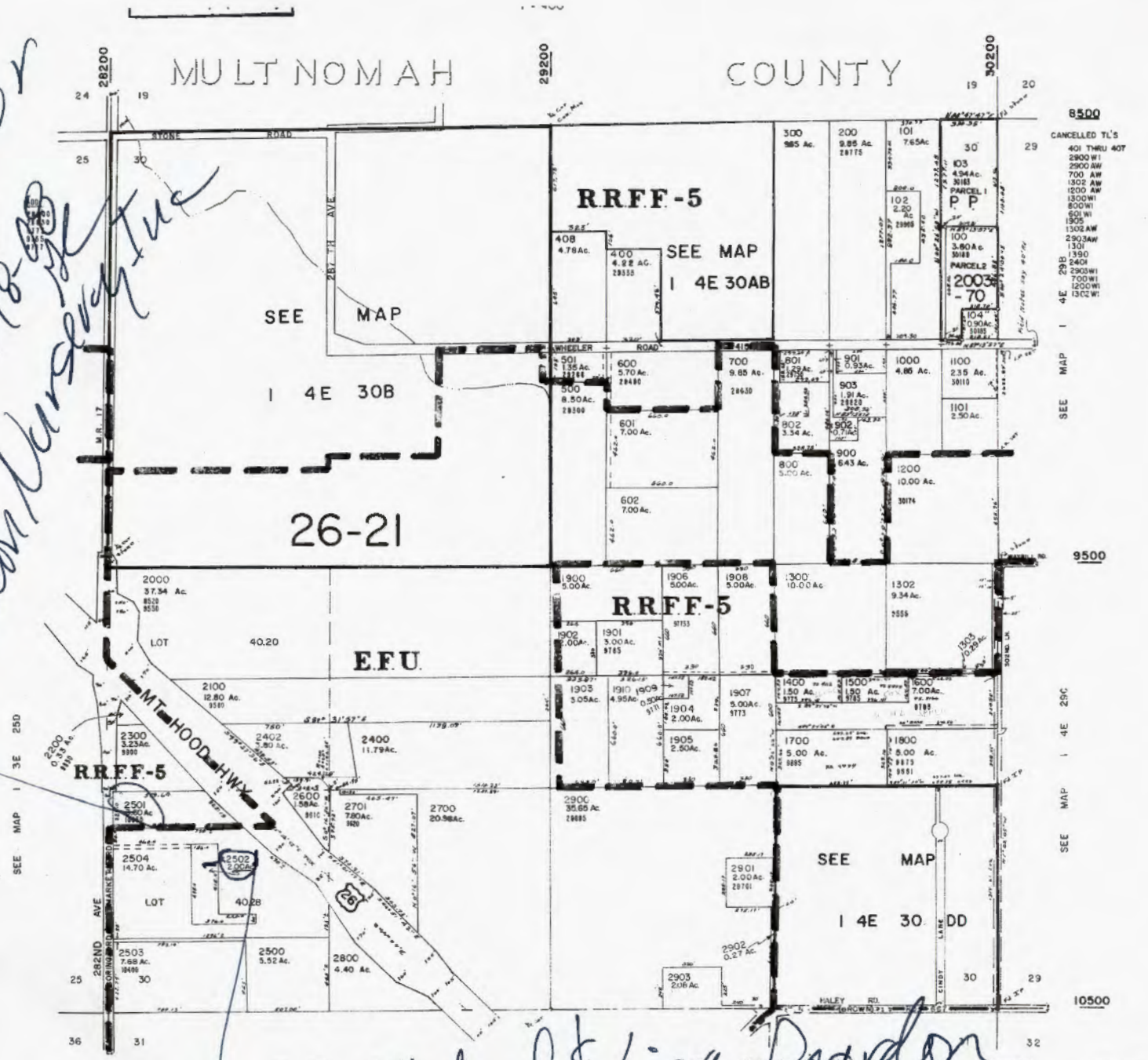
Mr. Clark:

I'm following up on the telephone message I left for you yesterday. The two small areas within the SW ¼ of the SW ¼, Section 10 are part of the larger parcel owned by Reardon Nursery but are not irrigated because they are occupied by structures, parking and other hardscape.

Please let me know if further questions arise.

Jim Greenman

Ownership per Assessor Office 9-18-08 Pardon Nursery Inc



Michael & Lisa Pardon

Reimbursement Authority Time Tracking Sheet

Project Name: Reardon Nursery

Date	Individual	Time	Task
6/13/08	Guy C	1 hour	Review file prepare for contractor
6/16/08	Connie	0.1	photocopying
7/30/08	Guy C	.7	Created template

(Log time in 6 minute increments (0.1 hour increments))

WATER RESOURCES DEPARTMENT

REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION

House Bill 2551(2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of $125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: *(check one)*:

REQUEST	TYPE	FILE NUMBER
☐	Transfer Application	
☒	Certificate Request	App. No. G-13938 Permit No. G-12707

	Applicant Information	Applicant's Representative/Contact
Name: (Please Print)	Reardon Nursery, Inc.	Steven L. Shropshire
Address:	10050 SE 282nd	Jordan Schrader Ramis PC
	Boring OR 97009	PO Box 230669 Portland OR 97281
Phone:	(503) 663-1200	(503) 598-7070
Fax	(503) 663-5134	(503) 598-7373
E-Mail Address:	reardonnursery@verison.net	steve.shropshire@jordanschrader.com

I understand the following:

- There is a non-refundable application fee of $125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of **$ 125.00**, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within one (1) business day.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

I certify that I am the *(check one)* ☐ Applicant ☒ Applicant's Representative ☐ Other *(Please specify)*_____

Signature: _____ **Name:** STEVEN SHROPSHIRE

OWRD USE ONLY

Contractor Assigned:	Newton	**Total Amount Paid: $** 125
OWRD Approval:		

12 copies
6/16/08
C.U.

RECEIVED
JUN 06 2008
WATER RESOURCES DEPT.
SALEM, OREGON

Revised: 6/21/2004

MEMORANDUM

TO: TOM CALABRESE, ENVIROLOGIC

FROM: GERRY CLARK

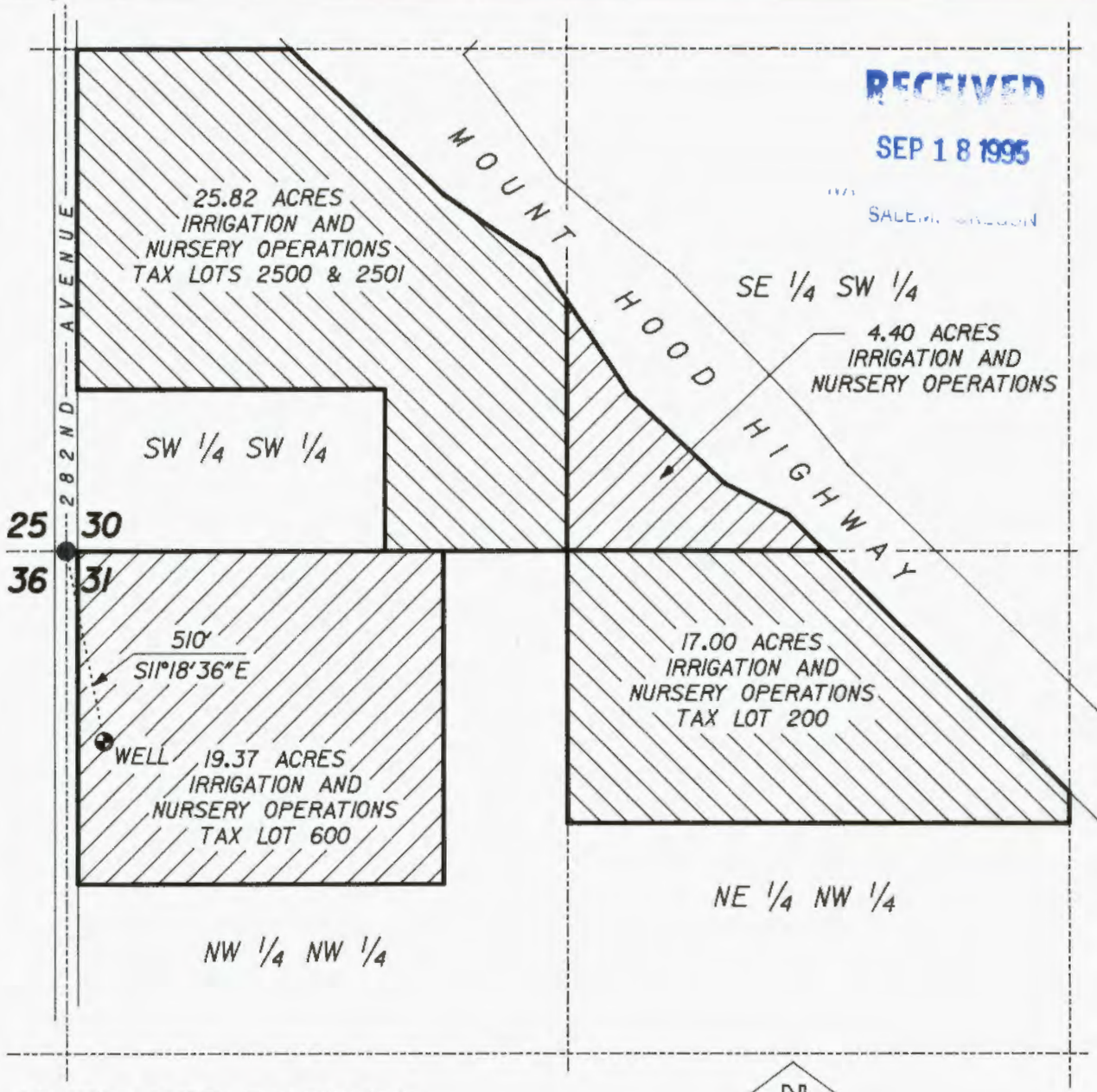
SUBJECT: REIMBURSEMENT AUTHORITY CERTIFICATE PROJECT

APPLICATION G-13938, PERMIT G-12707 (REARDON NURSERY, INC)

DATE: 6/13/2008

Additional project information:

1. The original map is on mylar/polyester film.
2. The water user has not submitted the results of a pump test.
3. The permit has been marked to indicate compliance with conditions and also to indicate which conditions will be carried to the proposed certificate.
4. The Department will provide a draft of the proposed certificate for your use.



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

N

SCALE: 1" = 400'

Certified Water Rights Examiner #036
H. Greenman
Nov. 19, 1987
STATE OF OREGON
95/09/13

SECTIONS 30 & 31, T.1S., R.4E., W.M.
CLACKAMAS COUNTY, OREGON

Application No. G-13938

Permit No. G12707

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

REARDON NURSERY INC.

GROUND WATER RIGHT APPLICATION MAP

630D

File 630d3.dgn edr 08/12/95

JORDAN SCHRADER
ATTORNEYS AT LAW

JORDAN SCHRADER RAMIS PC

FIRST CLASS MAIL

May 29, 2008

Gerry Clark
Oregon Water Resources Department
725 Summer St NE Ste A
Salem OR 97301-1271

Re: Application G-13938, Permit G-12707
Water Rights Permit
Our File No. 47403-33226

Dear Mr. Clark:

JUSTIN D. GERICKE

Admitted In:
Oregon

Direct Dial
(503) 598-5586

E-mail
justin.gericke@jordanschrader.com

Our office represents Reardon Nursery, Inc. Enclosed please find a revised Final Proof Survey for the above referenced permit. Also enclosed please find a letter from Jim Greenman explaining the revisions and additional corrections made to the acreage claimed in the original Site Report and Claim of Beneficial Use ("COBU").

To expedite processing, we ask that this file be processed through the Reimbursement Authority process. At your earliest convenience, please forward an estimate for review of the COBU and preparation of the certificate.

Please contact our office with any questions or to request additional information.

Sincerely,

JORDAN SCHRADER RAMIS PC

Justin D. Gericke

Enclosures

cc: Reardon Nursery, Inc.
Lisa Jaramillo

47403-33226 136754.doc\DRF/5/29/2008

HANER, ROSS & SPORSEEN, INC.

ENGINEERS CONSULTANTS SURVEYORS

ACEC

2895 Beavercreek Road
Oregon City, OR 97045

Office: 503-657-1384
Fax: 503-657-1387
E-mail: office@hrs-engrs.com

May 9, 2008

Ms. Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Application G 13938, Permit G-12707

Ms. Jaramillo:

Acting at the request of Ms. Angela Johnson, Jordan Schrader Ramis PC, Attorneys at Law, we have revised the Proof Survey for the above, removing all reference to Transfer Application T-8321.

While reviewing the information regarding this file, it was found that two small tracts within the SW 1/4, SW 1/4, Section 30, T.1 S., R.4 E., W.M. had inappropriately been included as irrigated ground. With those two tracts included, the irrigated area was 25.82 Acres. When those two tracts (consisting in total of 0.74 acres) are removed, the correct area becomes 25.04 acres. Accordingly, the Proof Survey has been further revised to reflect the reduced irrigated acreage in the SW 1/4 SW 1/4, Section 30.

Thank you for your help in furthering this matter.

HANER, ROSS & SPORSEEN, INC.

J.H. (Jim) Greenman, PE, PLS, CWRE

cc (w/encl.): Mike Reardon
Angela Johnson

Application No. G-13938
Permit No. G-12707

SITE REPORT AND CLAIM OF BENEFICIAL USE

Permitee:	Reardon Nursery, Inc.
Land Owner:	Thomas R. Reardon & Reardon Nursery, Inc.
Interviewee:	Michael D. Reardon
Interview Date:	99/05/17
Telephone:	(503) 663-1200
Mailing Address:	10136 S. E. 282nd Ave. Boring, Oregon 97003
Source:	One well in the JOHNSON CREEK BASIN WITHIN WILLAMETTE RIVER BASIN.
Diversion Point:	The well is located South 24° 44' East, 536.5 feet from the Northwest Corner Section 31, Township 1 South, Range 4 East, Clackamas County, Oregon.
Use:	Water use is irrigation of 30.22 acres and supplemental irrigation of 36.37 acres; and agriculture use (nursery operations on 30.22 acres and supplemental agriculture use (nursery operations) on 36.37 acres. At the time of my observation a mix of container stock, in-ground nursery stock and greenhouse stock was planted.
Pump and Motor:	The well pump is a 25 horsepower Grundfos submersible turbine, model 135S250-15. Based upon operating observations of motor voltage and current (230± volts & 70.2± amps/leg), the motor horsepower was confirmed. A pump test has not yet been conducted but is scheduled to take place shortly; the results will be forwarded under separate cover.
Lift:	Water surface observed during pumping stabilized at about 215 feet below ground level.

Pipeline: The well pump is connected to two buried 3" diameter PVC mainlines that run parallel from the well at the western boundary of the property to the eastern boundary, there turning north and connecting into the system served by Registration Certificate GR-3865 and Permit G-11611. Hand-set lines are connected to mainline hydrants spaced 120 apart. The aluminum hand-set lines are 2" diameter serving 40 impact sprinklers per set.

Sprinkler Heads: The installation is composed of Rain Bird model 20J impact sprinklers equipped with 5/32" diameter nozzles. Sprinkler discharge pressures were measured when a full set was operating. The pressures observed were all at or very close to 45 psi. A set running 40 sprinklers with a discharge pressure of 45 psi will discharge (40 x 4.7 g.p.m.) = 188 g.p.m (0.419 c.f.s.). Independent conformation of the discharge rate was obtained by observing the rate of flow indicated on the totalizing-instantaneous flow meter installed at the well head. The meter indicated 180 g.p.m. while serving a 40 sprinkler set. This rate of flow (0.419 c.f.s.) exceeds the amount of 150 g.p.m. (0.334 cfs) allowed under Permit G-12707.

Survey Tie: The Northwest Corner, Section 31, Township 1 South, Range 4 East, was used as the reference to tie the well head.

Special Conditions: The well head is equipped with an access port and 1" diameter PVC air line extending 415 feet. A totalizing-instantaneous flow meter is installed in the mainline close to the wellhead. The static water surface was 159 feet on May 7, 1999. While this static level is marginally less that the limit of 160 feet placed on minimum depth to permitted groundwater withdrawl, it appears from the well log that the source is gravels between 325 and 345 feet, well below the stated minimum.

Application No. G-13938
Permit No. G-12707

Remarks: An Application for Water Right Transfer, Permit Amendment, was filed August 19, 1999 and is currently under review. Lands from which the water was to be obtained and the lands to which the water was to be transferred are, in both cases, planted and/or prepared for planting and the necessary piping is in place to put water to the land.

This final proof survey and inspection of the use as found to be completed under the terms and conditions of Permit G-12707 was completed by me on September 11, 1999, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

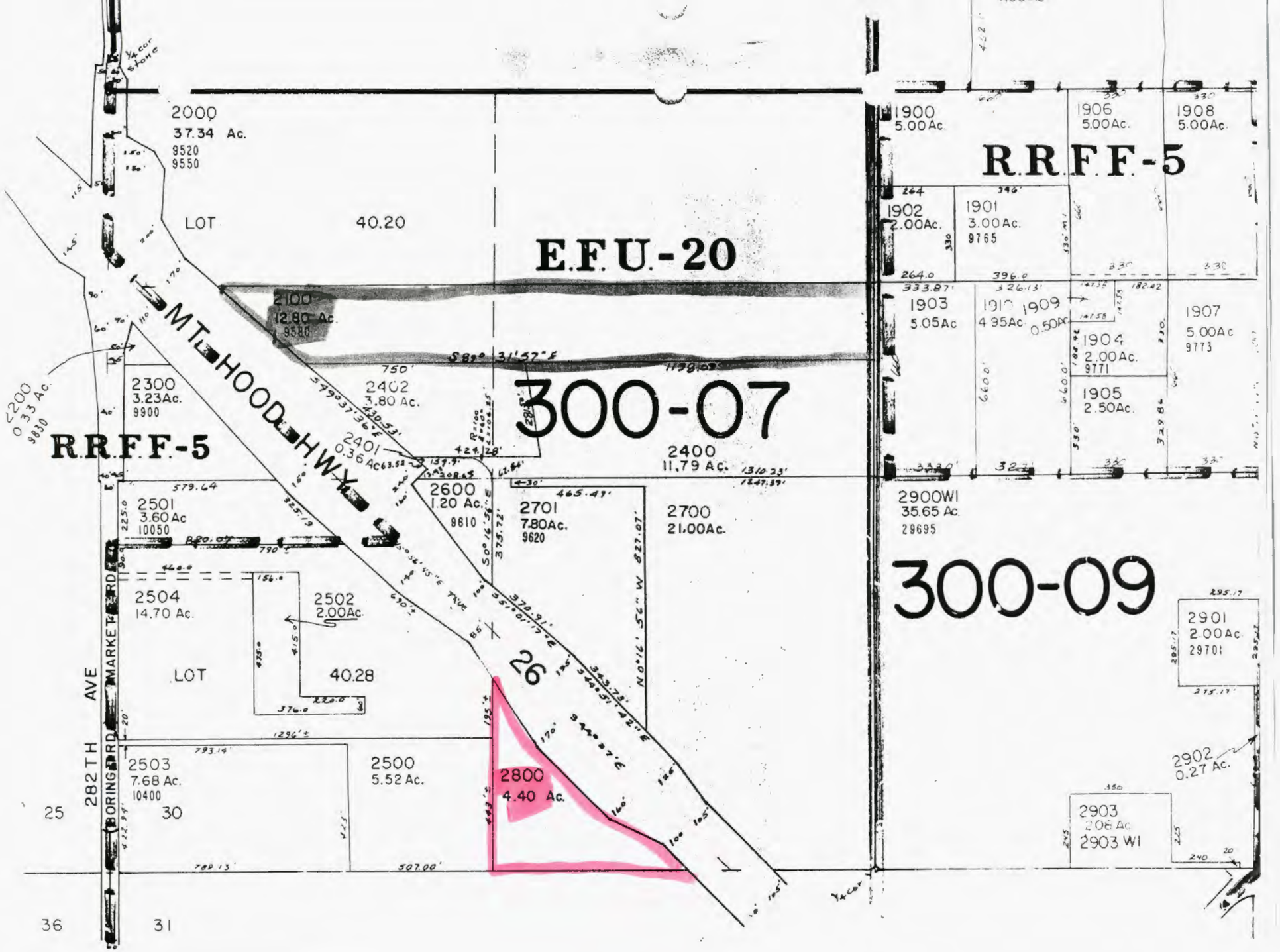
Certified Water Right Examiner
J. H. Greenman
Nov. 19, 1987
STATE OF OREGON

J. H. Greenman
Certified Water Right Examiner

I, Michael D. Reardon, agree to the above findings and do submit this site report and map as the Claim of Beneficial Use of Water as provided under the terms and conditions of Permit G-12707.

Michael Reardon Pres.
Michael D. Reardon

RECEIVED
OCT 01 1999
WATER RESOURCES DEPT.
SALEM, OREGON


E.F.U.-20
300-07
R.R.F.F.-5
R.R.F.F.-5
300-09
MT. HOOD HWY
282TH AVE
BORING RD
MARKET RD
2000
37.34 Ac.
9520
9550
LOT
40.20
2100
12.80 Ac.
9580
2200
0.33 Ac.
9830
2300
3.23Ac.
9900
2402
3.80 Ac.
2401
0.36 Ac
2400
11.79 Ac.
2600
1.20 Ac.
9610
2701
7.80Ac.
9620
2700
21.00Ac.
2501
3.60 Ac
10050
2504
14.70 Ac.
2502
2.00Ac.
LOT
40.28
2503
7.68 Ac.
10400
30
2500
5.52 Ac.
2800
4.40 Ac.
26
25
36
31
1900
5.00Ac.
1906
5.00Ac.
1908
5.00Ac.
1902
2.00Ac.
1901
3.00Ac.
9765
1903
5.05Ac
1910
4.95Ac.
1909
0.50Ac
1904
2.00Ac.
9771
1905
2.50Ac.
1907
5.00Ac
9773
2900WI
35.65 Ac.
29695
2901
2.00Ac
29701
2902
0.27 Ac.
2903
2.06 Ac
2903 WI

Consultant Review Worksheet (CWRE) — Pre-July 1, 2004 Claims Page 2

WELL 3 ONLY

Map Review (check map for the following features/items):

- Y Permanent quality map (mylar or linen) per WRD NOTE
- Y CWRE stamp and signature
- Y Disclaimer NOT STANDARD
- Y Application & permit #; or transfer #
- Y North arrow
- Y Township, range and section
- Y Appropriate scale (1" = 1320', 1" = 400' or scale of assessor's map)
- Y Source
- Y Point(s) of diversion
- Y Point(s) of diversion (coordinates) *check with scale
- Y Conveyances (pump, pipelines, ditches, etc.) Permanent features shown?
- Y Place of use (1/4 1/4, DLC, or Gov Lot; if irrigation, # of acres in each legal government subdivision)
  need Tax Lot ~~DLC?~~ NO DLC per web BLM search
- NO No Tax lot lines and numbers (required for claims submitted on or after January 31, 1996)
  BUT GOT IT FIGURED OUT - MAP RESUBMITTED 5/2008 - ORIGINAL FP Map GAVE TAX LOT #s

Report Review:

- Y Application & permit #; or transfer #
- Y CWRE stamp and signature
- Y Permittee's signature
- ? / Y Time limits NOTES INDICATE ORDER 1-2001 EXTENDED (B&C) TO 10/1/2000; NO ACTUAL ORDER FOUND
- Y Date of survey
- Y Type of use map 29.44 pri 36.37 suppl
- Y Extent of use developed slightly less than permit allowed 29.44 primary; suppl same @ 36.37
- Y Source(s) of water Permit & COBU refer to a well; Well 1 & 2 for G-11611
  changed location from permit
- Y Rate and Duty
- ? Diversion rate for each use JUST ADDRESSES MAX ALLOWED NOT CONTAINED IS IN GROUND
- Y Description of conveyances system (from POD to POU)
- Y Diversion works description (pump make, serial model, capacity, and description)
- Y System capacity
  - Y Calculated capacity of system (required)
  - Y Measured amount of use (optional)
- Y Permit conditions
  - Fish screening Y GW PRODUCTION ≥160' (appears scaled to 320'
  - Y Meter/measuring device
  - Water use reporting WRD NOTES INDICATE YES
  - Other conditions
    PUMP TEST RESULTS - NEED -

Other:

Not Yet Conflict Check There is a GR (Cert 3865) that underlays portions IS IRRIG - no CONFLICT

A Permit G-15260 appears to raise many questions - but not cert YET

~~H_2O level Measurements? Quinn & Mar~~

① Pump Test letter

② ? Omitted area in SW SW

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

Changes made. Need pump test & per ltr in file

THIS CERTIFICATE ISSUED TO

REARDON NURSERY INC
~~10136 SE 282nd AVE~~ 10050 SE 282ND
BORING, OREGON ~~97003~~ 97009

confirms the right to use the waters of A WELL in the JOHNSON CREEK Basin for IRRIGATION OF ~~29.44~~ 25.04 ACRES AND SUPPLEMENTAL IRRIGATION OF 36.37 ACRES; AND AGRICULTURE USE (NURSERY OPERATIONS) ~~ON 29.44 ACRES AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS)~~ ON 36.37 ACRES. STRT ~~25.04~~ (TOTAL ACRES)

This right was perfected under Permit G-12707. The date of priority is JANUARY 13, 1995. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.334 CUBIC FOOT PER SECOND, measured at the well.

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION; AND YEAR ROUND FOR AGRICULTURE USE (NURSERY OPERATIONS) AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS)

The well is located as follows:

spell out

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
1 S	4 E	WM	31	NW NW			SOUTH 24 DEG 44 MIN 15 SEC EAST 536.5 FEET FROM NW CORNER, SECTION 31

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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

IRRIGATION AND AGRICULTURAL USES							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	4 E	WM	30	SW SW			25.04
1 S	4 E	WM	30	SE SW			4.40

SUPPLEMENTAL IRRIGATION AND AGRICULTURAL USES							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	4 E	WM	31	NE NW			17.00
1 S	4 E	WM	31	NW NW			19.37

Measurement, recording and reporting conditions:

A. The water user shall maintain the meter or measuring device in good working order.

B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, 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 interference.

Groundwater production is allowed from no shallower than 160 feet below land surface.

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

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

(B) A total water level decline of fifteen 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.

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

(A) A water level measurement shall be made each year during the period March 1 through March 31.

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

(C) 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.

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

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

? Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

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

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

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

Issued _____.

_____
Phillip C. Ward, Director
Water Resources Department

Mailing List for Certificate Scheduled Mailing Date:

Application: G-13938

Permit: G-12707

Certificate: ******

Copies Mailed

by: _____
(STAFF)

on: _____
(DATE)

Permit/Certificate Holder:

REARDON NURSERY INC
10050 SE 282nd AVE
Boring, Oregon 97009

NOTE THIS ADDRESS IS DIFFERENT THAN ON CERTIFICATE

Copies of Final Certificate to be sent to:

1. Watermaster District 20, Sabrina M. White
2. Data Center (include copy of map)
3. Water Availability
4. Vault

Other persons to receive copies: (include map):

1. Steven L. Shropshire, Jordan Schrader Ramis PC
   PO Box 230669, Portland, OR 97281

* Include in Proposed Cut.

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

REARDON NURSERY INCORPORATED
10136 SE 282ND AVE (503) 663-6773
BORING, OREGON 97003

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

APPLICATION FILE NUMBER: G-13938

*SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN

*PURPOSE OR USE: IRRIGATION OF 30.22 ACRES AND SUPPLEMENTAL IRRIGATION OF 36.37 ACRES; AND AGRICULTURE USE (NURSERY OPERATIONS) ON 30.22 ACRES AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS) ON 36.37 ACRES

*RATE OF USE: A MAXIMUM CUMULATIVE TOTAL OF 0.334 CUBIC FOOT PER SECOND

*THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION; AND YEAR ROUND FOR AGRICULTURE USE (NURSERY OPERATIONS) AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS)

*DATE OF PRIORITY: JANUARY 13, 1995

*POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 31, T1S, R4E, W.M.; SOUTH 11 DEGREES 18 MINUTES 36 SECONDS EAST 510 FEET FROM THE NW CORNER OF SECTION 31

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

*THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4	25.82 ACRES	
SE 1/4 SW 1/4	4.40 ACRES	

SECTION 30

NW 1/4 NW 1/4	19.37 ACRES
NE 1/4 NW 1/4	17.00 ACRES

SECTION 31
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

Groundwater production is allowed from no shallower than 160 feet below land surface.

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

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

(B) A total water level decline of fifteen or more feet; or

In compliance w/ measurement conditions

(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.

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

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

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

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

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

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

STANDARD CONDITIONS

The wells shall be ~~constructed~~ maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine 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~~. Delete

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

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

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

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

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

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

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

Extended to Oct 1, 2000

Issued August 21, 1996

for Martha O. Pagel, Director
Water Resources Department

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

REARDON NURSERY INCORPORATED
10136 SE 282ND AVE (503) 663-6773
BORING, OREGON 97003

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

APPLICATION FILE NUMBER: G-13938

SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 30.22 ACRES AND SUPPLEMENTAL IRRIGATION OF 36.37 ACRES; AND AGRICULTURE USE (NURSERY OPERATIONS) ON 30.22 ACRES AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS) ON 36.37 ACRES

RATE OF USE: A MAXIMUM CUMULATIVE TOTAL OF 0.334 CUBIC FOOT PER SECOND

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION; AND YEAR ROUND FOR AGRICULTURE USE (NURSERY OPERATIONS) AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS)

DATE OF PRIORITY: JANUARY 13, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 31, T1S, R4E, W.M.; SOUTH 11 DEGREES 18 MINUTES 36 SECONDS EAST 510 FEET FROM THE NW CORNER OF SECTION 31

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4	25.82 ACRES	
SE 1/4 SW 1/4	4.40 ACRES	
SECTION 30		

NW 1/4 NW 1/4	19.37 ACRES
NE 1/4 NW 1/4	17.00 ACRES

SECTION 31
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

Groundwater production is allowed from no shallower than 160 feet below land surface.

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

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

(B) A total water level decline of fifteen or more feet; or

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13938

Final Order

Application History

On January 13, 1995, REARDON NURSERY INCORPORATED submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on March 26, 1996. The protest period closed May 10, 1996, and no protest was filed.

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

Order

Upon payment of outstanding permit recording fees, Application G-13938 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of $12.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-13938.

DATED June 19, 1996

for Martha O. Pagel
Director

Appeal Rights

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

STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

REARDON NURSERY INCORPORATED
10136 SE 282ND AVE (503) 663-6773
BORING, OREGON 97003

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

APPLICATION FILE NUMBER: G-13938

SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 30.22 ACRES AND SUPPLEMENTAL IRRIGATION OF 36.37 ACRES; AND AGRICULTURE USE (NURSERY OPERATIONS) ON 30.22 ACRES AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS) ON 36.37 ACRES

RATE OF USE: A MAXIMUM CUMULATIVE TOTAL OF 0.334 CUBIC FOOT PER SECOND

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION; AND YEAR ROUND FOR AGRICULTURE USE (NURSERY OPERATIONS) AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS)

DATE OF PRIORITY: JANUARY 13, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 31, T1S, R4E, W.M.; SOUTH 11 DEGREES 18 MINUTES 36 SECONDS EAST 510 FEET FROM THE NW CORNER OF SECTION 31

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4	25.82 ACRES	
SE 1/4 SW 1/4	4.40 ACRES	
SECTION 30		

NW 1/4 NW 1/4	19.37 ACRES
NE 1/4 NW 1/4	17.00 ACRES

SECTION 31
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

Groundwater production is allowed from no shallower than 160 feet below land surface.

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

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

(B) A total water level decline of fifteen 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.

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

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

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

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

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

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

{DATE}

DRAFT

Martha O. Pagel, Director
Water Resources Department

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

September 19, 2008

Reardon Nursery Inc.
10050 SE 282nd Ave
Boring, Oregon 97009-9413

RE: Application G-13938, Permit G-12707

Dear Permittee,

The above referenced file has been reviewed under the Reimbursement Authority process. Our review indicates that the following information or clarification is needed:

1. The revised map received May 30, 2008, shows two areas within the SW¼ SW¼, Section 30, as not being irrigation. Are these omitted areas structures associated with the nursery or they separate tax lots under the ownership of others. If the areas are not under the ownership of Reardon Nursery Inc., please provide ownership information or clarification.

2. The permit states: "*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.*" A check of department records indicates a pump test has not been submitted for this permit.

Please submit the information requested above within 30 days of the date of this letter. If you have any questions regarding the information requested, please feel free to contact me at 503-986-0811.

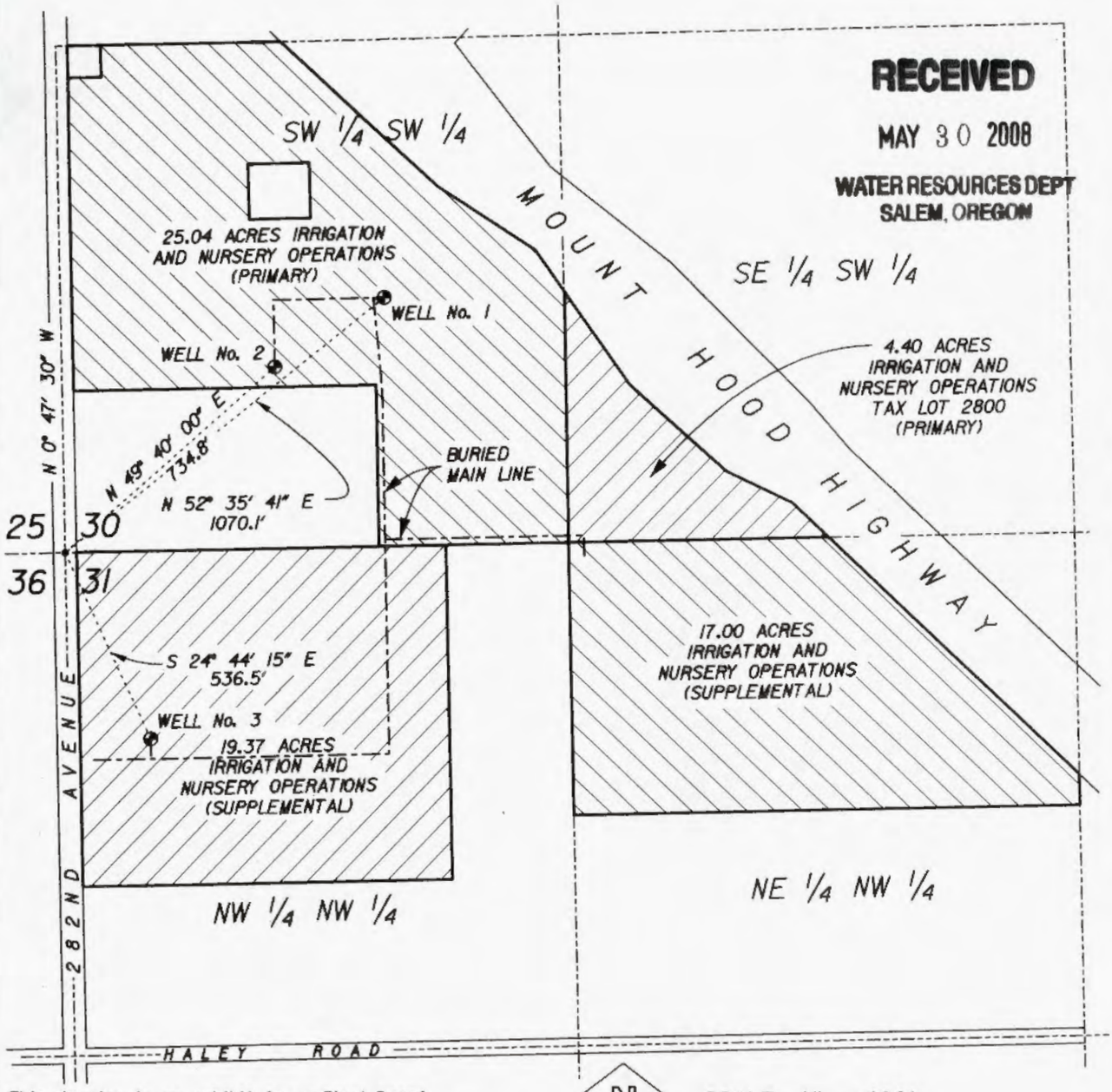
Sincerely,

Gerry Clark
Water Rights Specialist

enclosures

cc: J. H. Greenman, CWRE 056
Steven L. Shropshire, Jordan Schrader Ramis PC

RECEIVED
MAY 30 2008
WATER RESOURCES DEPT
SALEM, OREGON



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

SCALE: 1" = 400'

Certified Water Rights Examiner #056
J. H. Greenman
Nov. 19, 1987
STATE OF OREGON

SECTIONS 30 & 31, T.1S., R.4E., W.M.
CLACKAMAS COUNTY, OREGON

Application No. G-13938

Permit No. G-12707

HANER, ROSS & SPORSEEN, INC.
2895 BEAVERCREEK ROAD
OREGON CITY, OR 97045

REARDON NURSERY INC.

FINAL PROOF SURVEY

630DD

File n:\hrs_jobs\hrs_630dd\g-13938\630dd proof survey.dgn edr, jhg 10/01/99, 2008/04/17, 2008/05/09

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

October 23, 2008

THOMAS R REARDON
REARDON NURSERY INC
10050 SE 282ND AVE
BORING OR 97009-8415

The Department has reviewed and accepted the pump test results for CLAC 56571, which was tested on 09/17/1993. The Department has also approved your request to exempt additional wells, as listed below, based on OAR 690-217-0020 and the results of the tested well.

Application	Permit	Certificate	Transfer	POD	Test Status	Logid	Owner's Well Name
G 13272	G 11611			2	Approved	CLAC 56571	POTTING SHED WELL
G 13938	G 12707		T 8321	1	Approved	CLAC 51691	WELL 1; IMAN WELL

Please contact me if you have any questions.

Sincerely,

Emily Bray-Nash
Ground Water/Hydrology Section

cc: GW Pump Test File

MEMORANDUM

TO: DOUG WOODCOCK, GROUND WATER SECTION MANAGER

FROM: GERRY CLARK

SUBJECT: PUMP TEST FOR PERMIT G-12707, APPLICATION G-13938 (REARDON NURSERY INC)

DATE: 10/15/2008

The above file is being reviewed through the Reimbursement Authority Program. Review of the attached pump test is necessary to complete the review. Could you please expedite the review? We have retained a copy for application file.

Gerry Clark

From: Justin Gericke [justin.gericke@jordanschrader.com]
Sent: Monday, October 13, 2008 3:50 PM
To: 'gerald.e.clark@state.or.us'
Cc: 'jgreenman@csace.com'; 'reardonnursery@verizon.net'; Angela Johnson; Steve Shropshire
Subject: Reardon Nursery Inc. Application G-13938, Permit G-12707
Attachments: 3779_001.pdf; 3780_001.pdf

Good afternoon, Gerry.

This email is in response to your letter of September 19, 2008 regarding the above-referenced matter. In your letter, you inquired about two areas within the SW 1/4 SW 1/4 of Section 30 that are shown as not being irrigated on the map provided by Jim Greenman. In actuality, there are three areas within that quarter-quarter that are not irrigated. The Reardon Nursery Inc. office sits in the small, square-shaped area in the uppermost NW corner, Mike Reardon's residence occupies the larger, square-shaped area towards the center, and the large rectangle-shaped area adjacent to Section 31 is land not owned by Mr. Reardon or Reardon Nursery Inc.

In response to your question regarding the required pump tests, please find attached pump tests performed on Well Nos. 1 and 2 in Section 30.

I hope this information answers your questions.

As always, please call if you need any additional information or if I can assist you in any way.

Regards,

Justin

<<3779_001.pdf>> <<3780_001.pdf>>

Justin D. Gericke
Jordan Schrader Ramis PC
Two Centerpointe Drive, 6th Floor
Lake Oswego, Oregon 97035
ph: 503.598.7070
fax: 503.598.7373
justin.gericke@jordanschrader.com

Dorning Road Well #2

Oregon Water Resources Department

PUMP TEST COVER SHEET

Well Owner:
Name THOMAS R. REARDON
Address 10136 SE 282nd
City, State, Zip Boring, OR 97009
County CLACKAMAS

Well Location:
Twnshp 15 (N or S), Range 4E (E or W)
Section 30 1/4,1/4,1/4 SW 1/4 SW 1/4
Well Depth 240 Date Drilled 1981, 1992
Owner's Well No. (if any) _____
POD-ID _____

Water Right Information:
Application No. G-13272 Permit No. _____ Certificate No. _____
Is this well used for more than one water right? Y (Y/N) If Yes, fill out numbers below:
App. No. G-13272 Permit No. _____ Cert. No. _____
App. No. _____ Permit No. _____ Cert. No. _____

Pump Test:
Test conducted by STEVE HOUGAK Well Owner? N (Y/N)
Company STEVE'S PUMP SERVICE, INC.
Address 24300 SE Hoffmeister Road Date of Test 9/17/93
City, State, Zip Boring, OR 97009

Method of Discharge Measurement ELECTRONIC FLOW METER
Method of Water Level Measurement ELECTRONIC WELL SOUNDER
Depth of Air Line (if used) _____
Pump Type (Turbine, Submersible, etc.) SUBMERSIBLE
Was pump test conducted during normal use of the well NO (Y/N)

Description of point from which water level was measured WELL HEAD
Is measuring point above or below ground level? ABOVE
Distance between measuring point and ground level (correction factor) 18"

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

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

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

Time: 8:30	Depth to Water: 124	(ft/in)
Time: 8:50	Depth to Water: 124	(ft/in)
Time: 9:10	Depth to Water: 124	(ft/in)

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

Time: 9:30	Discharge Rate: 105	(gpm)
Time: 10:30	Discharge Rate: 98	(gpm)
Time: 11:30	Discharge Rate: 98	(gpm)
Time: 12:30	Discharge Rate: 97	(gpm)
Time: 1:30	Discharge Rate: 97	(gpm)

Pump turned on: Date: 9/17/93 Time: 9:30 Pump turned off: Date: 9/17 Time: 1:30
Total pumping time: 4 hours, _____ minutes.

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

PUMP TEST DATA

NEW WELL

APPLICATION NO G-13277 PERMIT NO. P.O.D.-ID

All water level measurements must either be in 1) feet and inches, or 2) feet and decimal fractions. (Circle c

DRAWDOWN DATA							RECOVERY DATA						
DATE	TIME	TIME SINCE PUMP STARTED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS	DATE	TIME	TIME SINCE PUMP STOPPED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	CO
/17/93	8:30	960	125'6	18"	124		9/17/	1:30	0	177'9	18"	176'3	
	8:50	960	125'6	18"	124			1:32	2	143	18"	141'6	
	9:10	960	125'6	18"	124			1:34	4	137'8	18"	136'2	
/17/93	9:30	0	125'6	18"	124			1:36	6	132'7	18"	131'1	
	9:32	2	160	18"	158'6			1:38	8	131'7	18"	130'1	
	9:34	4	167'6	18"	166			1:40	10	130'6	18"	129	
	9:36	6	168'8	18"	167'2			1:45	15	130'6	18"	129	
	9:38	8	169'6	18"	168			1:50	20	130'2	18"	128'6	
	9:40	10	170'	18"	168'6			1:55	25	129'10	18"	128'4	
	9:45	15	171'	18"	169'6			2:00	30	129'10	18"	128'4	
	9:50	20	171'6	18"	170			2:15	45	129'2	18"	127'6	
	9:55	25	172'	18"	170'6			2:30	60	128'8	18"	127'2	
	10:00	30	172'8	18"	171'2			2:45	75	128'6	18"	127	
	10:15	45	173'9	18"	172'3								
	10:30	60	174'5	18"	172'11								
	10:45	75	175'	18"	173'6								
	11:00	90	175'6	18"	174								
	11:15	105	175'8	18"	174'2								
	11:30	120	175'8	18"	174'2								
	11:45	135	176	18"	174'6								
	12:00	150	176'6	18"	175								
	12:15	165	177	18"	175'6								
	12:30	180	177'8	18"	176'2								
	12:45	195	178	18"	176'6								
	1:00	210	177'9	18"	176'3								
	1:15	225	177'9	18"	176'3								
	1:30	240	177'9	18"	176'3								

Oregon Water Resources Department

PUMP TEST COVER SHEET

OLD WELL #1

Owner:
Name THOMAS R. REARDON
Address 10136 SE 282nd
City, State, Zip Boring, OR 97009
County Clackamas

Well Location:
Twnshp 15 (N or S), Range 4E (E or W)
Section 30 1/4,1/4,1/4 SW1/4 SW 1/4
Well Depth 240 Date Drilled 1951
Owner's Well No. (if any)
POD-ID

Water Right Information:
Application No. G 13272 Permit No. Certificate No. GR-3865
Is this well used for more than one water right? Y (Y/N) If Yes, fill out numbers below:
App. No. G-13272 Permit No. Cert. No.
App. No. Permit No. Cert. No.

Pump Test:
Test conducted by Steve Hougak Well Owner? N (Y/N)
Company Steve's Pump Service, Inc.
Address 24300 SE Hoffmeister Road, Boring Date of Test 9/13/93
City, State, Zip Boring, OR 97009

Method of Discharge Measurement ELECTRONIC FLOW METER
Method of Water Level Measurement ELECTRONIC WELL SOUNDER
Depth of Air Line (if used) NO
Pump Type (Turbine, Submersible, etc.) OIL LUBE TURBINE
Was pump test conducted during normal use of the well NO (Y/N)

Description of point from which water level was measured WELL HEAD AT GROUND LEVEL
Is measuring point above or below ground level?
Distance between measuring point and ground level (correction factor)

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

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

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

Time: 8:30	Depth to Water: 129	(ft/in)
Time: 8:50	Depth to Water: 129	(ft/in)
Time: 9:10	Depth to Water: 129	(ft/in)

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

Time: 9:30	Discharge Rate: 111	(gpm)
Time: 10:30	Discharge Rate: 107	(gpm)
Time: 11:30	Discharge Rate: 104	(gpm)
Time: 12:30	Discharge Rate: 104	(gpm)
Time: 1:30	Discharge Rate: 104	(gpm)

Pump turned on: Date: 9/13/93 Time: 9:30 Pump turned off: Date: 9/13 Time: 1:30
Total pumping time: 4 hours, minutes.

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

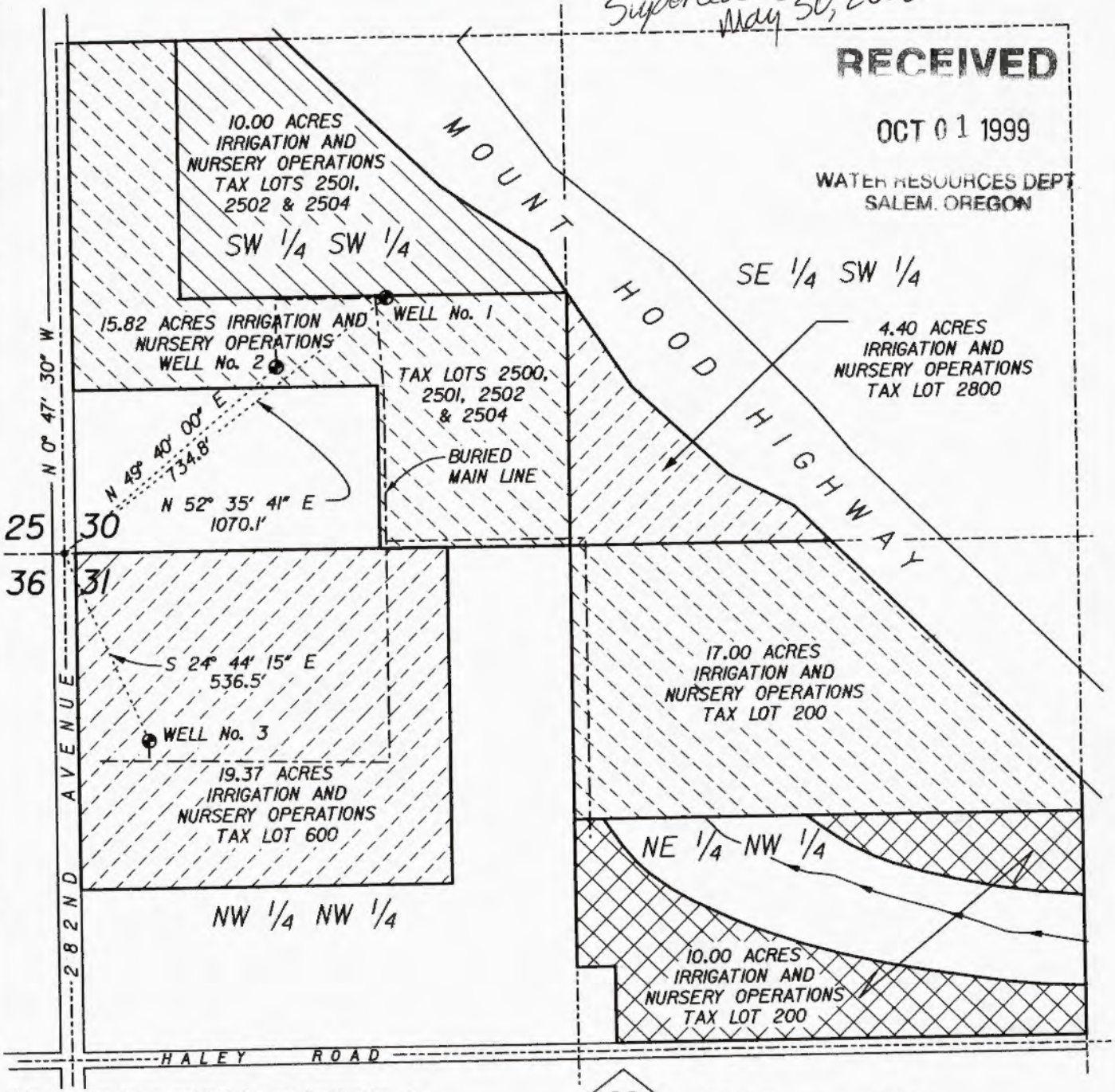
OWRD 11/90

PERMIT NO._____ P.O.D.-ID OLD WELL

...vel measurements must either be in 1) feet and inches, or 2) feet and decimal fractions. (Circle o

DRAWDOWN DATA							RECOVERY DATA						
DATE	TIME	TIME SINCE PUMP STARTED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS	DATE	TIME	TIME SINCE PUMP STOPPED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	
9/1393	8:30	960			129		9/13	1:30	0			160	
	8:50	960			129			1:32	2			143'4	
	9:10	960			129			1:34	4			140	
9/13/93	9:30	0			129			1:36	6			139	
	9:32	2			141			1:38	8			138	
	9:34	4			147			1:40	10			137'4	
	9:36	6			149			1:45	15			136	
	9:38	8			150			1:50	20			136'4	
	9:40	10			156			1:55	25			136	
	9:45	15			158			2:00	30			135'8	
	9:50	20			159'8			2:15	45			135'4	
	9:55	25			159'8			2:30	60			134'4	
	10:00	30			159'8			2:45	75			133'4	
	10:15	45			159'8			3:00	90			133	
	10:30	60			159'10			3:15	105			132'4	
	10:45	75			159'10			3:30	120			131'2	
	11:00	90			159'10								
	11:15	105			160								
	11:30	120			160								
	11:45	135			160								
	12:00	150			160								
	12:15	165			160								
	12:30	180			160								
	12:45	195			160								
	1:00	210			160								
	1:15	225			160								
	1:30	240			160								

Superceded May 30, 2008



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

N

SCALE: 1" = 400'

SECTIONS 30 & 31, T.1S., R.4E., W.M.
CLACKAMAS COUNTY, OREGON

Certified Water Rights Examiner
4-058
J. H. Greenman
Nov. 19, 1987
STATE OF OREGON

LEGEND:

- Appropriations covered under Registration Certificate GR-3865, Permits G-11611 & G-12707.
- Origin of permit amendment transfer.
- Recipient of permit amendment transfer.

Application No. G-13938 Permit No. G-12707

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

REARDON NURSERY INC.

FINAL PROOF SURVEY

630DD

File C:\ustn\dgn\630dd proof survey.dgn edr 10/01/99

pc	permit	certificate	pod	swl	status
G	12707	0	1	Y	V

T / R - S QQ 1.00S / 4.00E - 31 NW NW

logid_lookup CLAC 51691

app_file_

comments

- 10-02-2000 -

Dallas,
this well/permit has engaged/tr. lowered its static water level condition
Contact Juno Trump for more information, or perhaps Ken Lite.
R. Cykl

Current owner from pump_test_owners file:

name f/l	THOMAS R REARDON
name_other	
	REARDON NURSERY INC.
	10136 SE 282ND
city / state / zip	BORING OR 97009
phone / fax	
email	
comment	
last_update	6/30/2000

Per 10-2-00 Juno
We are not going to regulate against them on this condition
DSM

All points of dive ... ling related certificates (wris_logids file).

ac	appl	pc	Log #	Owners Well Name	Logid	Comments
G	13938	G	51691	WELL 1 IMAN WELL		

Permit_conditions_water_level file. Shows all water levels for specified well.

No water levels will be present if a well log has not been correlated to the water right.

COUNTY	#	DATE	STATUS	METHOD	MP	Reported WL	MEASURED_BY	ORGANIZATION	COMMENTS
CLAC	51691	04/17/1997				150	RODNEY C ERLER	WWC-663	WELL CONSTRUCTED
CLAC	51691	05/27/1998		SOUNDER	+1.83	143.5	STEVEN H. HOUGAK	PUMP INSTALLER	
CLAC	51691	05/05/1999		SOUNDER	+1.1	159	STEVEN H. HOUGAK	PUMP INSTALLER	
CLAC	51691	03/08/2000		SOUNDER	+1.83	170	STEVEN H. HOUGAK	PUMP INSTALLER	
CLAC	51691	04/11/2000		SOUNDER	+1.83	160.10	STEVEN H. HOUGAK	PUMP INSTALLER	
CLAC	51691	04/12/2000		SOUNDER	+1.83	160.5	STEVEN H. HOUGAK	PUMP INSTALLER	

Final Deliverables Cover Sheet
for
Certificates

Application #: G-13938 **Permit #:** G-12707

Project Name: Reardon Nursery

The following items are enclosed:

- ☐ **The completed Reimbursement Authority COBU Checklist including the conflict check printout;**
- NA ☐ **If applicable, a copy of any letter requesting additional/missing information;**
- ☐ **Marked up copy of permit or transfer final order identifying the extent of development and any notes documenting your determination regarding the extent of beneficial use;**
- ☐ **The completed proposed certificate and mailing list;**
- ☐ **In addition to the paper copies listed above, provide an electronic copy* of:**
  - ☐ Proposed certificate and mailing list;
  - ☐ Letter requesting additional information.

***NOTE:** **WRD will only accept electronic copies in the following programs:**
a. WordPerfect, or
b. MS Word - "rich text" format only

Signature of Contractor: Nancy Reardon **Date:** 08/07/08

For WRD use only:

WRD approval by: _____ **Date:**

RECEIVED
AUG 08 2008
WATER RESOURCES DEPT.
SALEM, OREGON

Map Review (check map for the following features/items):

- Y Permanent quality map (mylar or linen) per WRD note
- Y CWRE stamp and signature
- Y Disclaimer NOT STANDARD
- Y Application & permit #; or transfer #
- Y North arrow
- Y Township, range and section
- Y Appropriate scale (1" = 1320', 1" = 400', or scale of assessor's map)
- Y Source
- Y Point(s) nf diversion
- Y Point(s) of diversion (coordinates) *check with scale
- Y Conveyances (pump, pipelines, ditches, etc.) Permanent features shown?
- Y Place of use (1/4 1/4, DLC, or Gov Lot; if irrigation, # of acres in each legal government subdivision)
  need Tax Lot ~~DLC?~~ NO DLC per web BLM search
- No Tax lot lines and numbers (required for claims submitted on or after January 31, 1996)
  BUT GOT IT FIGURED OUT

Report Review:

- Y Application & permit #; or transfer #
- Y CWRE stamp and signature
- Y Permittee's signature
- → ?/Y Time limits NOTES INDICATE EXTENDED (B&C) TO 10/1/2000; NO ACTUAL ORDER FOUN
- Y Date of survey
- Y Type of use map 29.44 pri. 36.37 supl
- Y Extent of use developed slightly less than permit allowed 29.44 primary; suppl same @ 36.3
- Y Source(s) of water Permit & COBU refer to a well; Well 1 & 2 for G-11611
  changed location from permit
- Y Rate and Duty
- → ? Diversion rate for each use JUST ADDRESSES MAX ALLOWED NOT CONTAINER VS IN GROUND
- Y Description of conveyances system (from POD to POU)
- Y Diversion works description (pump make, serial model, capacity, and description)
- Y System capacity
  - Y Calculated capacity of system (required)
  - Y Measured amount of use (optional)
- Y Permit conditions
  - ____ Fish screening Y GW PRODUCTION ≥160' (appears sealed to 320'
  - Y Meter/measuring device
  - → ____ Water use reporting WRD NOTES INDICATE YES
  - ____ Other conditions

Other:

Not Yet Conflict Check There is a GR (Cert 3865) that underlays portions IS IRRIG - no CONFLICT

A Permit G-15260 appears to raise many questions - but not cert YET

Reimbursement Authority COBU Checklist (CWRE) — Pre-July 1, 2004 Claims

Application # G 13938
Permit # G 12707
Transfer #_____

Contractor's Name Envirologic Resources

This purpose of this checklist is to document the extent the completeness of the referenced file. This worksheet represents the review performed by a contractor. OWRD staff will perform a review and make a recommendation to the Director concerning the extent of beneficial use if any.

Review Results:

_____ My review indicates that the use has been developed to the full extent as described in the permit or transfer order.

✓ My review indicates that the use has not been developed to the full extent as described in the permit or transfer order and I would recommend the following limitations: Amended map identifies .74 less acres than COBU - use map acres
Well in slightly different location

✓ A copy of the marked up permit or transfer final order identifying the extent of development and any notes documenting the determination regarding the extent of beneficial use. as per submitted amended map

_____ My review indicates that the use has not been developed as described in the permit or transfer order for the following reasons:

Proposed Actions:

Send letter recommending extension to cure deficiencies (attach draft copy of letter to this document in addition to an electronic copy submitted to WRD):

Other: WRIS is not very up to date in this area

STATE OF OREGON

COUNTY OF CLACKAMAS

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

REARDON NURSERY INC
10136 SE 282nd AVE
BORING, OREGON 97003

confirms the right to use the waters of A WELL in the JOHNSON CREEK Basin for IRRIGATION OF 29.44 ACRES AND SUPPLEMENTAL IRRIGATION OF 36.37 ACRES; AND AGRICULTURE USE (NURSERY OPERATIONS) ON 29.44 ACRES AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS) ON 36.37 ACRES.

This right was perfected under Permit G-12707. The date of priority is JANUARY 13, 1995. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.334 CUBIC FOOT PER SECOND, measured at the well.

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION; AND YEAR ROUND FOR AGRICULTURE USE (NURSERY OPERATIONS) AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS)

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
1 S	4 E	WM	31	NW NW			SOUTH 24 DEG 44 MIN 15 SEC EAST 536.5 FEET FROM NW CORNER, SECTION 31

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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

IRRIGATION AND AGRICULTURAL USES							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	4 E	WM	30	SW SW			25.04
1 S	4 E	WM	30	SE SW			4.40

SUPPLEMENTAL IRRIGATION AND AGRICULTURAL USES							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
1 S	4 E	WM	31	NE NW			17.00
1 S	4 E	WM	31	NW NW			19.37

Measurement, recording and reporting conditions:

A. The water user shall maintain the meter or measuring device in good working order.

B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, 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 interference.

Groundwater production is allowed from no shallower than 160 feet below land surface.

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

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

(B) A total water level decline of fifteen 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.

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

(A) A water level measurement shall be made each year during the period March 1 through March 31.

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

(C) 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.

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

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

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

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

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

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

Issued _____.

_____

Phillip C. Ward, Director
Water Resources Department

Mailing List for Certificate Scheduled Mailing Date:

Application: G-13938

Permit: G-12707

Certificate: ******

Permit/Certificate Holder:

REARDON NURSERY INC
10050 SE 282nd AVE
Boring, Oregon 97009

NOTE THIS ADDRESS IS DIFFERENT THAN ON CERTIFICATE

Copies Mailed

by: _____ (STAFF)

on: _____ (DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 20, Sabrina M. White
2. Data Center (include copy of map)
3. Water Availability
4. Vault

Other persons to receive copies: (include map):

1. Steven L. Shropshire, Jordan Schrader Ramis PC
   PO Box 230669, Portland, OR 97281

Water Rights Platcard Report

Meridian: WILLAMETTE **Township:** 1 South **Range:** 4 East **Section:** 31 **Records per Page:** 10 Search

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select	**Permit:G 12707 ***	T8321	1/13/1995	AGRICULTURE USES	Irrig								*	*					*						
	Additional Info: REARDON NURSERY INC. App: G13938 Permit: G12707												SITE												
Select	**Permit:G 12864 ***		11/7/1994	AGRICULTURE USES					*																
	Additional Info: MARK E HANDY App: G13869 Permit: G12864																								
Select	**Claim:GR 130 ***		3/2/1954	DOMESTIC					*																
	Additional Info: CLAUD A RAYBOURN Claim: GR130																								
Select	**Permit:G 12864 ***		11/7/1994	IRRIGATION					13.66																
	Additional Info: MARK E HANDY App: G13869 Permit: G12864																								
Select	**Claim:GR 130 ***		3/2/1954	IRRIGATION					20																
	Additional Info: CLAUD A RAYBOURN Claim: GR130																								
Select	**Claim:GR 2948 ***		12/20/1952	IRRIGATION																			38.7		
	Additional Info: JOHN HOLMLUND NURSERY Claim: GR2948																								
Select	**Cert:31239 OR ***		10/1/1958	IRRIGATION																				1.4	
	Additional Info: FLOYD J/BETTY J KUSEK App: G1271 Permit: G1182 Cert: 31239																								
Select	**Cert:65963 OR ***		3/15/1983	IRRIGATION						12.5															
	Additional Info: ERICKSON FARMS INC. App: G10897 Permit: G10086 Cert: 65963																								

Select	**Cert:68523 OR ***	10/26/1987	IRRIGATION								40	36.6				40			
	Additional Info: JOHN HOLMLUND NURSERY App: G11720 Permit: G10833 Cert: 68523																		
Select	**Cert:45726 OR ***	1/6/1971	MUNICIPAL USES		*		*	*	12	*	*	*	*	*	*	*	*	*	
	Additional Info: BORING WATER DISTRICT App: G5392 Permit: G5319 Cert: 45726																		
								1 2											

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

Water Rights Platcard Report

Meridian: WILLAMETTE **Township:** 1 South **Range:** 4 East **Section:** 31 **Records per Page:** 10 Search

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select	**App:S 86203 *** Additional Info: SUNRISE WATER AUTHORITY App: S86203		3/22/2005	MUNICIPAL USES						*			*	*											
Select	**Permit:G 11611 *** Additional Info: REARDON NURSERY INC. App: G13272 Permit: G11611		1/26/1993	NURSERY USES									17	19.37											
Select	**Permit:G 12261 *** Additional Info: JOHN HOLMLUND NURSERY CO. App: G13698 Permit: G12261		5/26/1994	NURSERY USES																	12.55			16.4	
Select	**Permit:G 13369 *** Additional Info: MICHAEL RICHARDSON App: G14431 Permit: G13369		1/2/1997	NURSERY USES									1												
Select	**Permit:G 14076 *** Additional Info: MARK E HANDY App: G15225 Permit: G14076		10/3/2000	NURSERY USES						8.17															
Select	**Permit:G 15260 *** Additional Info: MICHAEL REARDON App: G15296 Permit: G15260		2/8/2001	NURSERY USES									27	19.37											
Select	**Permit:G 15597 *** Additional Info: HANDY NURSERY CO. App: G15452 Permit: G15597		3/22/2001	NURSERY USES					9.7																
Select	**Permit:G 12707 *** Additional Info: REARDON NURSERY INC. App: G13938 Permit: G12707	T8321	1/13/1995	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									17	19.37											

primary checked meas

no

possible checked meas

site

1 2

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

no conflict

Water Rights Platcard Report

Meridian: WILLAMETTE **Township:** 1 South **Range:** 4 East **Section:** 30 **Records per Page:** 10 Search

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select	**Permit:G 12682 *** Additional Info: CHRISTOPHER REARDON App: G13935 Permit: G12682		1/13/1995	AGRICULTURE USES													*	*							
Select	**Permit:G 12707 *** Additional Info: REARDON NURSERY INC. App: G13938 Permit: G12707	T8321	1/13/1995	AGRICULTURE USES																* SITE					
Select	**Permit:G 13369 *** Additional Info: MICHAEL RICHARDSON App: G14431 Permit: G13369		1/2/1997	DOMESTIC																*	NOT CONFLICT				
Select	**Claim:GR 865 *** Additional Info: DAVID N GALLANT Claim: GR865		3/10/1953	DOMESTIC												*	*	*							
Select	**Permit:G 12682 *** Additional Info: CHRISTOPHER REARDON App: G13935 Permit: G12682		1/13/1995	IRRIGATION													8	4.8							
Select	**Permit:G 12707 *** Additional Info: REARDON NURSERY INC. App: G13938 Permit: G12707	T8321	1/13/1994	IRRIGATION																4.4 SITE					
Select	**Permit:G 12707 *** Additional Info: REARDON NURSERY INC. App: G13938 Permit: G12707	T8321	1/13/1995	IRRIGATION															25.82 SITE						
Select	**Claim:GR 865 *** Additional Info: DAVID N GALLANT Claim: GR865		3/10/1953	IRRIGATION												7	10	22.7							

Select	**Claim:GR 2924 ***	4/30/1950	IRRIGATION				16												
	Additional Info: L R LANE Claim: GR2924																		
Select	**Claim:GR 3907 ***	5/31/1953	IRRIGATION							10									
	Additional Info: DONALD ARTHUR DICKINSON Claim: GR3907																		
				1	2														

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

Water Rights Platcard Report

Meridian: WILLAMETTE **Township:** 1 South **Range:** 4 East **Section:** 30 **Records per Page:** 10 Search

	Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160): NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select	**Claim:GR 1918 *** Additional Info: JOHN J KARSTETTER Claim: GR1918		3/31/1951	IRRIGATION														30						
Select	**Cert:65963 OR *** Additional Info: ERICKSON FARMS INC. App: G10897 Permit: G10086 Cert: 65963		3/15/1983	IRRIGATION																		23.2		
Select	**Cert:83067 OR *** Additional Info: TIMOTHY FISHER App: G11548 Permit: G10745 Cert: 83067		6/30/1986	IRRIGATION											12.9									
Select	**Permit:G 13369 *** Additional Info: MICHAEL RICHARDSON App: G14431 Permit: G13369		1/2/1997	LIVESTOCK															*					
Select	**App:S 86203 *** Additional Info: SUNRISE WATER AUTHORITY App: S86203		3/22/2005	MUNICIPAL USES					*	*		*	*	*	*	*	*	*	*		*	*		
Select	**Permit:G 13369 *** Additional Info: MICHAEL RICHARDSON App: G14431 Permit: G13369		1/2/1997	NURSERY USES															26.75					
Select	**Permit:G 15260 *** Additional Info: MICHAEL REARDON App: G15296 Permit: G15260		2/8/2001	NURSERY USES														25.82	4.4					
Select	**App:G 17056 *** Additional Info: CHRISTOPHER REARDON App: G17056		5/20/2008	NURSERY USES (Suppl'mtl)												3.25	3.69							

IS GR-38665 IS SLTE REFERENCED in COPBL

no conflict checked notes

no CONFLICT

Possible future sol notes checked notes

no CONFLICT

no CONFLICT

Select **App:P 80872 *** Additional Info: ROBERT B JORDAN App: P80872	1/23/1996 STORAGE	1 2	*

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

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

REARDON NURSERY INC.; MICHAEL REARDON
10136 SE 282ND (503) 663-1200
BORING, OREGON 97009-9413

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

APPLICATION FILE NUMBER: G-15296

SOURCE OF WATER: WELL 3 AND WELL 4 IN JOHNSON CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 76.59 ACRES

MAXIMUM RATE: 0.44 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 8, 2001

WELL LOCATIONS:

WELL #3 NW ¼ NW ¼, SECTION 31, T 1S, R4E, W.M.; SOUTH 24 DEG 44 MIN 15 SEC, EAST 536.5 FEET FROM NW CORNER, SECTION 31

WELL #4 SW ¼ SW ¼, SECTION 30, T 1S, R4E, W.M.; NORTH 23 DEG 13 MIN 38 SEC, EAST 1355.81 FEET FROM SW CORNER, SECTION 30

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:

SW ¼ SW ¼ 25.82 ACRES
SE ¼ SW ¼ 4.40 ACRES
SECTION 30
NE ¼ NW ¼ 27.0 ACRES
NW ¼ NW ¼ 19.37 ACRES
SECTION 31
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The well(s) shall produce groundwater from the Troutdale Sandstone groundwater reservoir between approximately 300 feet and 500 feet below land surface.

The use of water under terms of this permit or certificate is subject to regulation of a senior water right competing for water from the same source aquifer when regulation is the result of water level declines that exceed limits specified in the senior right.

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

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

(b) A total water level decline of fifteen 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 water user shall be responsible for complying with each of the following requirements for measuring water levels in the well.

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

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

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

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

(e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department

within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in this section.

STANDARD CONDITIONS

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.

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.

Complete application of the water to the use shall be made on or before October 1, 2007. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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).

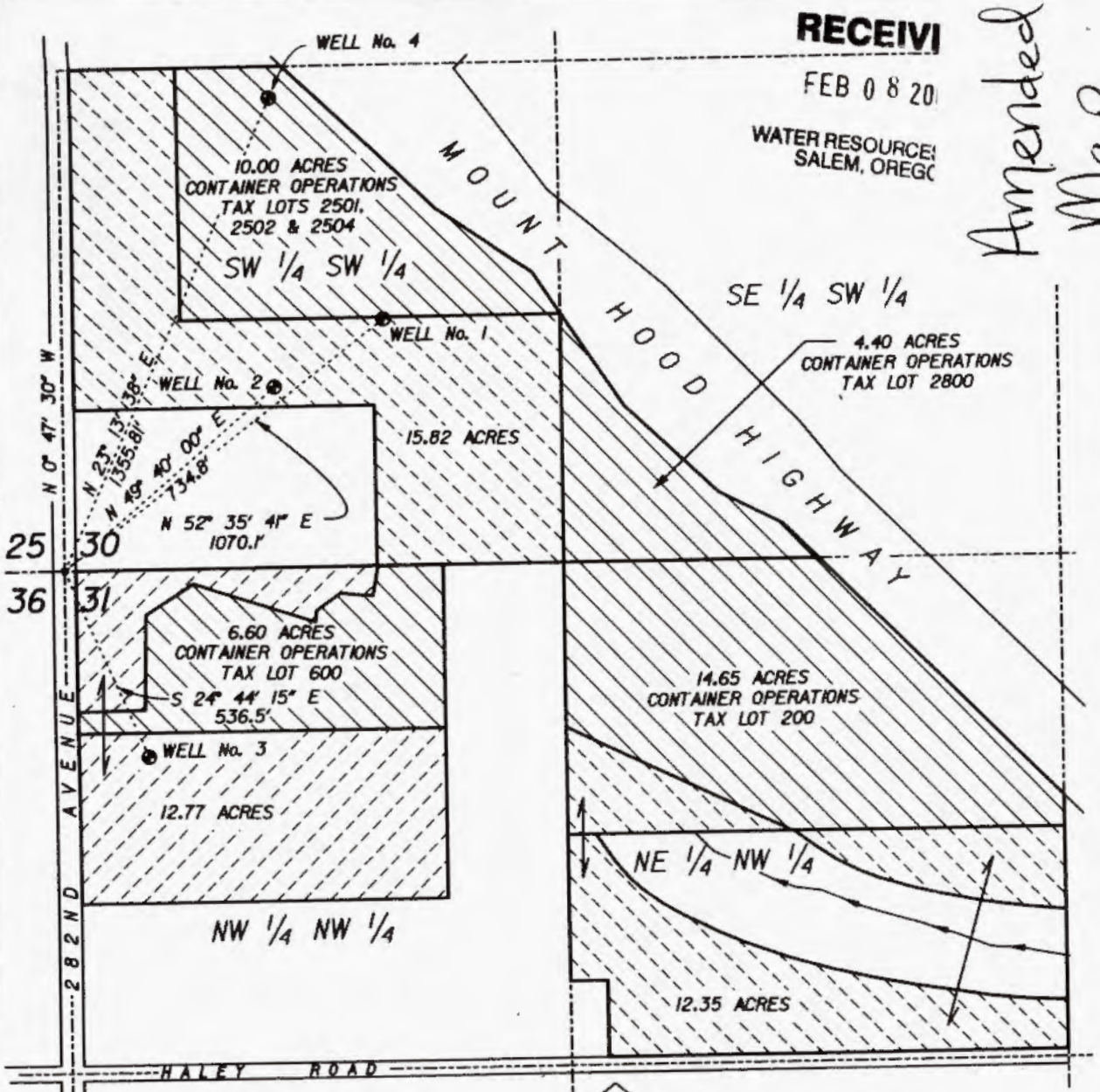
Issued October 31, 2002

Dwight Fresh for
Paul R. Cleary, Director
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object,

Amended Map



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

N

SCALE: 1" = 400'

SECTIONS 30 & 31, T.1S., R.4E., W.M.
CLACKAMAS COUNTY, OREGON

Certified Water Rights Examiner
J. H. Greenman
Nov. 19, 1987
STATE OF OREGON

LEGEND:
Appropriations covered under Registration Certificate GR-3865, Permits G-11611 & G-12707.
Lands included in this application

Application No. G15296
Permit No.

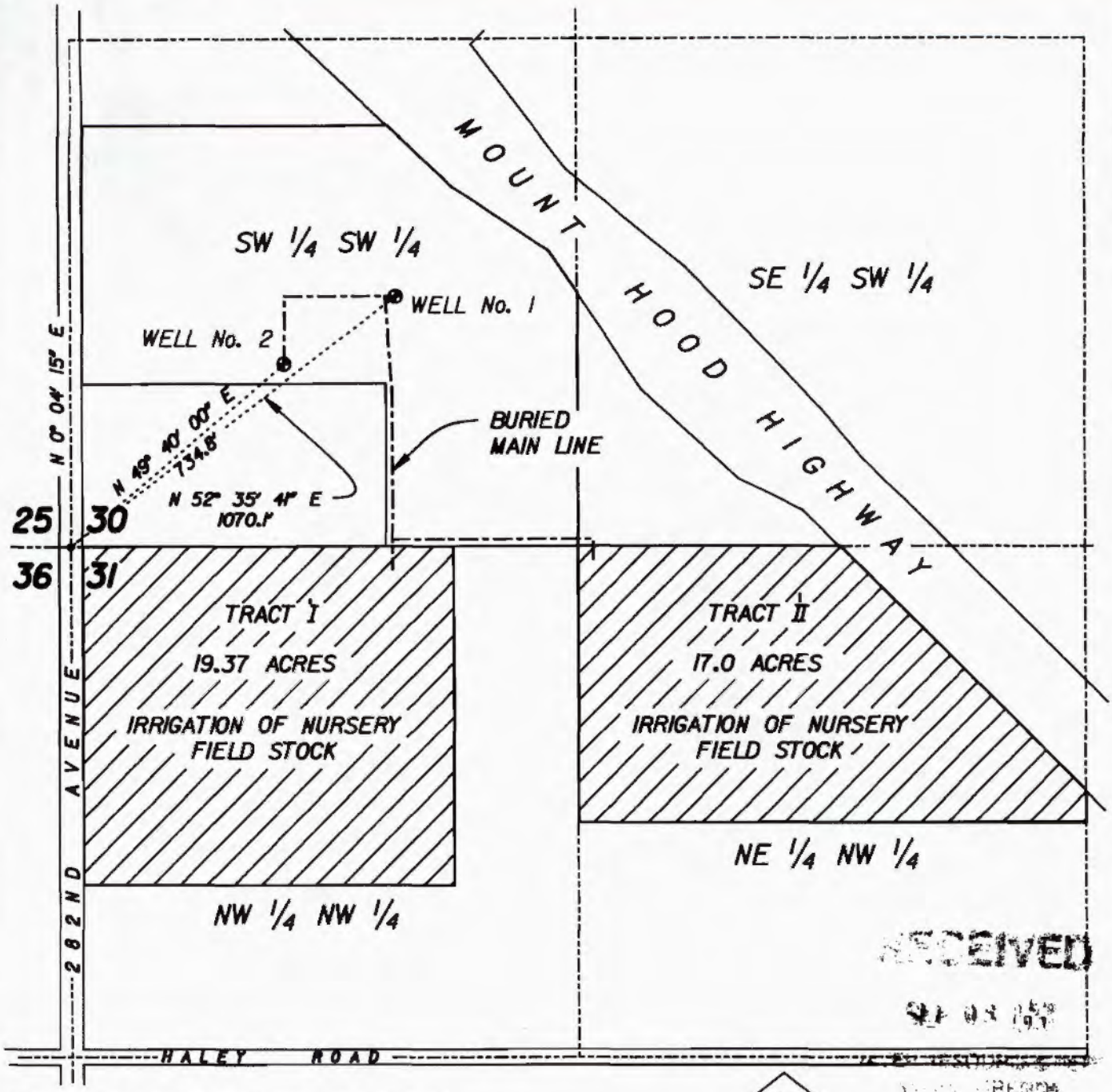
Application No. _____ Permit No. G-15260

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

REARDON NURSERY INC.
GROUND WATER RIGHT
APPLICATION MAP

630DD

Project: 0830dd Reardon Nursery File d:\apdata\ 0830dd\630dd_no3.dgn date 11/03/00



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

N

SCALE: 1" = 400'

Certified Water Rights Examiner #058 J. H. Greenman Nov. 19, 1987 STATE OF OREGON

96/08/23

RECEIVED AUG 08 2008 WATER RESOURCES DEPT. SALEM, OREGON

SECTIONS 30 & 31, T.1S., R.4E., W.M.
CLACKAMAS COUNTY, OREGON

Application No. **G-13272**

Permit No. **G-11611**

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

REARDON NURSERY INC.
GROUND WATER RIGHT FINAL PROOF SURVEY

630DD

File C:\usrfn\dgn\630dd_f.dgn edr 8/23/96

Registration No. GR 1918

Certificate No. GR 3865

Registration Statement

OF CLAIMANT OF RIGHT TO APPROPRIATE GROUND WATER

FILED
STATE ENGINEER
SALEM

TO THE STATE ENGINEER OF OREGON:

I, John J. Karstetter

of Route 1, Box 718 Boring, Oregon County of Clackamas
(Mailing address)

State of Oregon, do hereby make application for a certificate of registration as evidence of a right to appropriate ground water.

1. **Source** from which water is withdrawn is Pump Well.
(Flowing well, pump well, infiltration trench, or tunnel)

2. **Location is:** 1½ Miles North of Boring
(Approximate distance and direction from nearest city or town)

and is more particularly described as follows:

(a) 650 feet North & 850 feet East of SW Cor. of Section 30
(Give distance and bearing to corner of section or other legal subdivision)

being within SW¼ of SW¼ of Sec. 30 Twp. 1S (N. or S.) Rge. 4E (E. or W.)
(Smallest legal subdivision)

or (b) within limits of recorded platted property, town or city:

in Lot _____, Block _____ of _____
(Name of plat or addition)

_____ County of _____
(If within city or town, give name)

3. **Construction Work** was begun on March 1951 (Date); was completed on 1951 (Date)

and the ground water claimed was first used for the purposes set out below on July & August 1951 (Date)

since which time the water has been used Intermittently
(Continuously or intermittently)

from 1951 (Date) to 1958 (Date)

4. **Quantity** of water claimed and used is 250 gallons per minute; _____ acre feet per year.

5. **Purpose or Purposes** for which water is used Irrigation
(Domestic, irrigation, municipal, manufacturing, industrial, etc.)

6. **Description of Well:** Depth 270 feet. Type Drilled
(Dug or drilled)

diameter 8 Casing inches. Elevation of ground at well site 575 feet, mean sea level.
(As near as known)

Depth to water table 100 feet.

7. **Capacity of Well:** 250 g.p.m. with 40 feet drawdown.

_____ g.p.m. with _____ feet drawdown.

Date of test March 1951

If Flowing Well: Measured discharge _____ g.p.m. on _____
(Date)

Shut-in pressure at ground surface _____ lbs. per sq. in. on _____
(Date)

Water is controlled by _____
(Cap, valve, etc.)

8. **Casing:** (Give diameter, commercial specifications and depth below ground surface of each casing size.)

..... inch diameter ..... from ..... to ..... feet

..... inch diameter ..... from ..... to ..... feet

..... inch diameter ..... from ..... to ..... feet

..... inch diameter ..... from ..... to ..... feet

Describe and show depth of shoe, plug, adapter, liner or other details: .....

9. **Perforated Casings or Screens:**

8" Perforated Casing Don't Know other ..... from ..... to .....
(Number per foot and size of perforations, or describe screen)

..... from ..... to .....

..... from ..... to .....

..... from ..... to .....

10. **Log of Well:** (Describe each stratum or formation clearly, indicate if water bearing, and give thickness and depth as indicated.)

MATERIAL	Thickness (Feet)	Depth to Bottom (Feet)

GR 3865

If log of well is not available, give name and address of driller. A.O. Olson
Rt. 1, Box 365 - Gresham, Oregon

11. **Infiltration Trench:** Covered or open .....

Dimensions: Length ..... ft. Minimum depth ..... ft. Maximum depth ..... ft.

Bottom width ..... ft. Discharge ..... g.p.m. Date of test .....

12. **Tunnel:** Type of lining .....

Dimensions: .....
(Length, square, and cross sectional size)

Position of water bearing stratum with reference to portal of tunnel .....

Log of tunnel: (Preceding table for log of well may be used, if desired. Give footage from portal and character of materials, as pertinent.)

13. **Pumping Equipment:**

(a) Pump 13 Stage Turbine (Make, type and size) Capacity 750 g.p.m.

(b) Motor 15 H.P. - 3 Phase 220 Volt (Type and horsepower)

14. Location of area irrigated or to be irrigated, or place of use if for purposes other than irrigation.

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated	Date of Reclamation
T1S	R4E	30	SW¼ of SW¼		1951
				30 Acres	

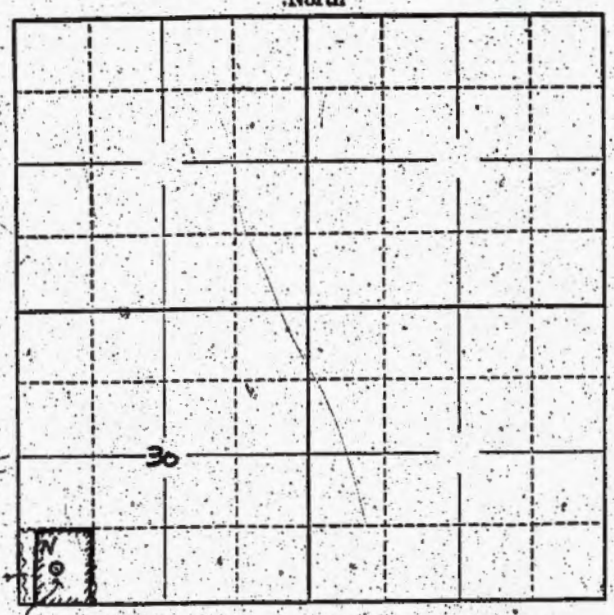
15. If the ground water supply is supplemental to an existing water supply, identification of any application for a permit, permit, certificate or adjudicated right to appropriate water made or held by the registrant.

RECEIVED
AUG 08 2008
WATER RESOURCES DEPT.
SALEM, OREGON

GR 3865

Township 1S Range 4E, W.M.

North



Well

Locate well and acreage of irrigated land on plat.

Scale: 2" = 1 Mile

STATE OF OREGON
County of Multnomah } ss.

I, John J. Karatetter, being first duly sworn, do hereby certify that I have read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

John J. Karatetter
(Signature of Registrant)

Subscribed and sworn to before me this 2 day of July, 1958

My commission expires Oct. 10, 1959

(Notary Public)

(SEAL)

CERTIFICATE OF REGISTRATION

STATE OF OREGON
County of Marion } ss.

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the 7th day of July, 1958, at 8:00 o'clock A M. and has been duly recorded in said office in Book No. 16 of Registration Statements on page GR- 3865

Witness my hand this 28th day of December, 1959

Lewis A. Stanley
(State Engineer)

$15.00

By
(Deputy)

GR 3865

* Include in Proposed Cert.

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

REARDON NURSERY INCORPORATED
10136 SE 282ND AVE (503) 663-6773
BORING, OREGON 97003

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

APPLICATION FILE NUMBER: G-13938

* SOURCE OF WATER: A WELL IN JOHNSON CREEK BASIN

* PURPOSE OR USE: IRRIGATION OF ~~30.22~~ 29.44 ACRES AND SUPPLEMENTAL IRRIGATION OF 36.37 ACRES; AND AGRICULTURE USE (NURSERY OPERATIONS) ON ~~30.22~~ 29.44 ACRES AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS) ON 36.37 ACRES

* RATE OF USE: A MAXIMUM CUMULATIVE TOTAL OF 0.334 CUBIC FOOT PER SECOND

* THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION; AND YEAR ROUND FOR AGRICULTURE USE (NURSERY OPERATIONS) AND SUPPLEMENTAL AGRICULTURE USE (NURSERY OPERATIONS)

* DATE OF PRIORITY: JANUARY 13, 1995

* POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 31, T1S, R4E, W.M.; SOUTH ~~241~~ 44 DEGREES ~~18~~ 44 MINUTES ~~36~~ 15" SECONDS EAST ~~510~~ 536.5 FEET FROM THE NW CORNER OF SECTION 31 (well 3)

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

* THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL
SW 1/4 SW 1/4	25.82 ACRES	
SE 1/4 SW 1/4	4.40 ACRES	
SECTION 30		

NW 1/4 NW 1/4	19.37 ACRES
NE 1/4 NW 1/4	17.00 ACRES

SECTION 31
TOWNSHIP 1 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

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.

Groundwater production is allowed from no shallower than 160 feet below land surface.

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

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

(B) A total water level decline of fifteen or more feet; or

In compliance w/ measurement conditions

(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.

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

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

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

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

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

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

STANDARD CONDITIONS

The wells shall be ~~constructed~~ maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine 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.~~ Delete

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

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

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

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

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

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

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

Extended to Oct 1, 2000

Issued August 21, 1996

for Martha O. Pagel, Director
Water Resources Department

Application No. G-13938
Permit No. G-12707

SITE REPORT AND CLAIM OF BENEFICIAL USE

RECEIVED
OCT 01 1999
WATER RESOURCES DEPT.
SALEM, OREGON

Permitee:	Reardon Nursery, Inc.
Land Owner:	Thomas R. Reardon & Reardon Nursery, Inc.
Interviewee:	Michael D. Reardon
Interview Date:	99/05/17
Telephone:	(503) 663-1200
Mailing Address:	10136 S. E. 282nd Ave. 10050 SE 282 on Reimbursement application Boring, Oregon 97003
Source:	One well in the JOHNSON CREEK BASIN WITHIN WILLAMETTE RIVER BASIN.
Diversion Point:	The well is located South 24° 44' East, 536.5 feet from the Northwest Corner Section 31, Township 1 South, Range 4 East, Clackamas County, Oregon.
Use:	Water use is irrigation of ~~30.22~~ 29.44 acres and supplemental irrigation of 36.37 acres; and agriculture use (nursery operations on ~~30.22~~ 29.44 acres and supplemental agriculture use (nursery operations) on 36.37 acres. At the time of my observation a mix of container stock, in-ground nursery stock and green-house stock was planted.
Pump and Motor:	The well pump is a 25 horsepower Grundfos submersible turbine, model 135S250-15. Based upon operating observations of motor voltage and current (230± volts & 70.2± amps/leg), the motor horsepower was confirmed. A pump test has not yet been conducted but is scheduled to take place shortly; the results will be forwarded under separate cover.
Lift:	Water surface observed during pumping stabilized at about 215 feet below ground level.

RECEIVED
AUG 08 2008
WATER RESOURCES DEPT.
SALEM, OREGON

Pipeline: The well pump is connected to two buried 3" diameter PVC mainlines that run parallel from the well at the western boundary of the property to the eastern boundary, there turning north and connecting into the system served by Registration Certificate GR-3865 USE GR1918 and Permit G-11611. Hand-set lines are connected to mainline hydrants spaced 120 apart. The aluminum hand-set lines are 2" diameter serving 40 impact sprinklers per set.

Sprinkler Heads: The installation is composed of Rain Bird model 20J impact sprinklers equipped with 5/32" diameter nozzles. Sprinkler discharge pressures were measured when a full set was operating. The pressures observed were all at or very close to 45 psi. A set running 40 sprinklers with a discharge pressure of 45 psi will discharge (40 x 4.7 g.p.m.) = 188 g.p.m (0.419 c.f.s.). Independent conformation of the discharge rate was obtained by observing the rate of flow indicated on the totalizing-instantaneous flow meter installed at the well head. The meter indicated 180 g.p.m. while serving a 40 sprinkler set. This rate of flow (0.419 c.f.s.) exceeds the amount of 150 g.p.m. (0.334 cfs) allowed under Permit G-12707.

Survey Tie: The Northwest Corner, Section 31, Township 1 South, Range 4 East, was used as the reference to tie the well head.

Special Conditions: The well head is equipped with an access port and 1" diameter PVC air line extending 415 feet. A totalizing-instantaneous flow meter is installed in the mainline close to the wellhead. The static water surface was 159 feet on May 7, 1999. While this static level is marginally less that the limit of 160 feet placed on minimum depth to permitted groundwater withdrawl, it appears from the well log that the source is gravels between 325 and 345 feet, well below the stated minimum.

Application No. G-13938
Permit No. G-12707

Remarks: An Application for Water Right Transfer, Permit Amendment, was filed August 19, 1999 and is currently under review. Lands from which the water was to be obtained and the lands to which the water was to be transferred are, in both cases, planted and/or prepared for planting and the necessary piping is in place to put water to the land.

This final proof survey and inspection of the use as found to be completed under the terms and conditions of Permit G-12707 was completed by me on September 11, 1999, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

Certified Water Right Examiner
J. H. Greenman
Nov. 19, 1987
STATE OF OREGON

J. H. Greenman
Certified Water Right Examiner

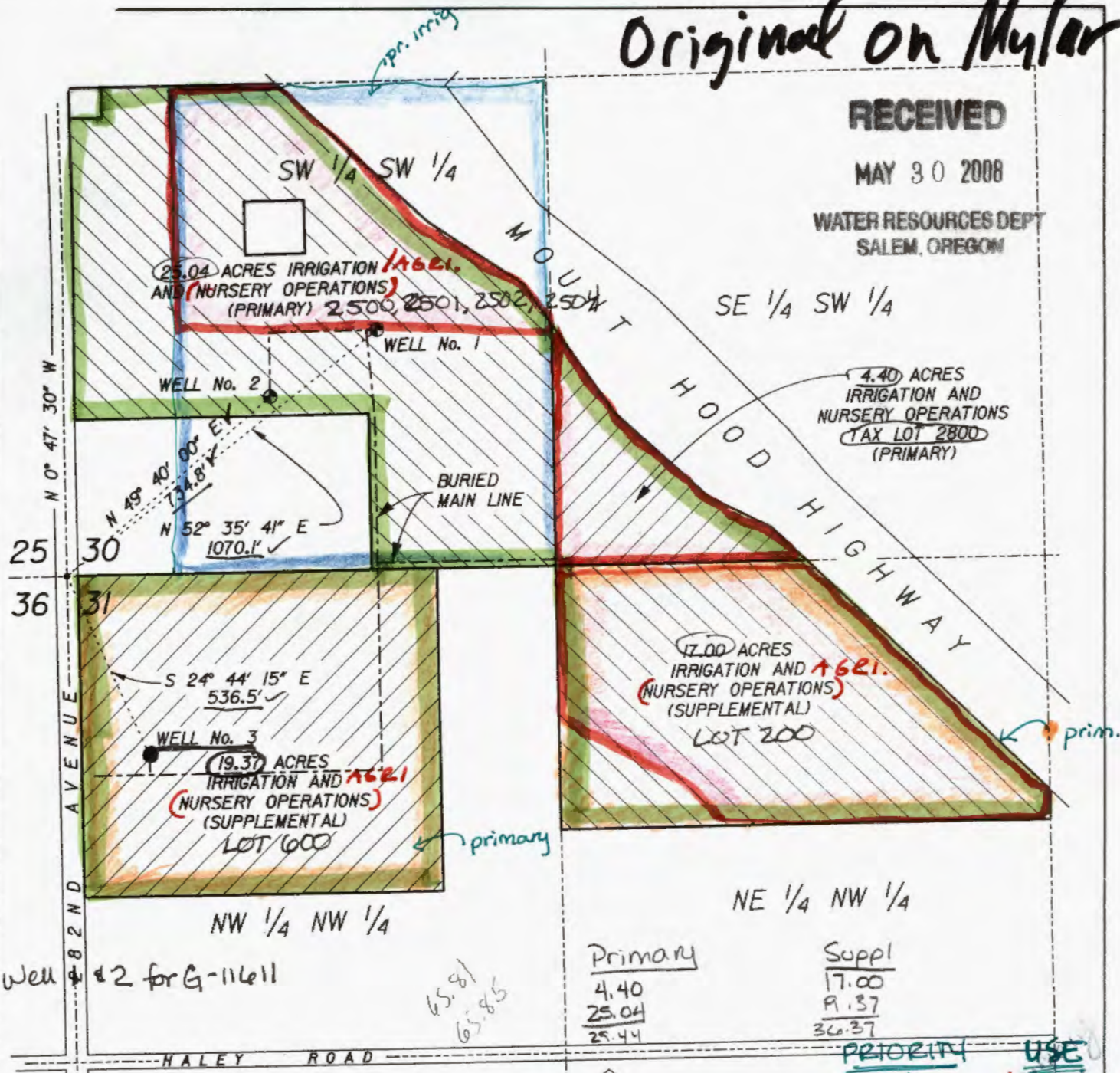
I, Michael D. Reardon, agree to the above findings and do submit this site report and map as the Claim of Beneficial Use of Water as provided under the terms and conditions of Permit G-12707.

Michael Reardon Pres.
Michael D. Reardon

RECEIVED
OCT 01 1999
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
AUG 08 2008
WATER RESOURCES DEPT.
SALEM, OREGON

Original on Mylar



Primary	Suppl
4.40	17.00
25.04	9.37
29.44	26.37

	PRIORITY	USE
G-15260	2/8/2001	✓ NURSERY
GR 38565 / 1918	3/31/1951	- IRRIG
G-11611	1/26/1993	✓ NURSERY

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

SCALE: 1" = 400'

Certified Water Rights Examiner #056
J. H. Greenman
Nov. 19, 1987
STATE OF OREGON

RECEIVED
AUG 08 2008
WATER RESOURCES DEPT.
SALEM, OREGON

SECTIONS 30 & 31, T.1S., R.4E., W.M.
CLACKAMAS COUNTY, OREGON

Application No. G-13938

Permit No. G-12707 IRRIG AND AGRICULTURE

RECEIVED
MAY 30 2008
WATER RESOURCES DEPT
SALEM, OREGON

HANER, ROSS & SPORSEEN, INC.
2895 BEAVERCREEK ROAD
OREGON CITY, OR 97045

REARDON NURSERY INC.

FINAL PROOF SURVEY

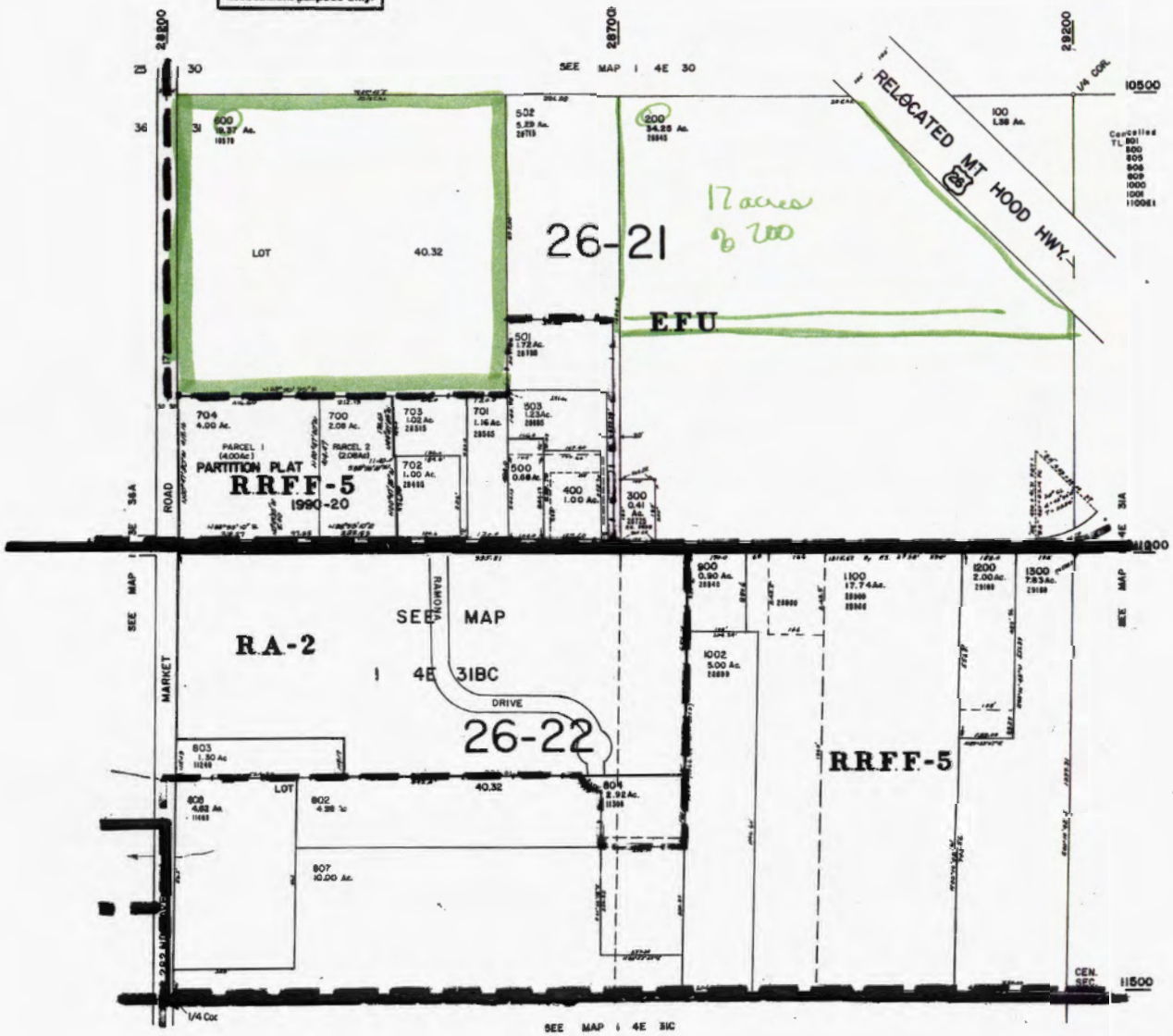
630DD

File n:\hrs_jobs\hrs_630dd\g-13938\630dd proof survey.dgn edr, jhg 10/01/99, 2008/04/17, 2008/05/09

NW1/4 SECTION 31 T.1S. R.4E. W.M.
CLACKAMAS COUNTY
1" = 200'

1 4E 31B

This map was prepared for assessment purpose only.



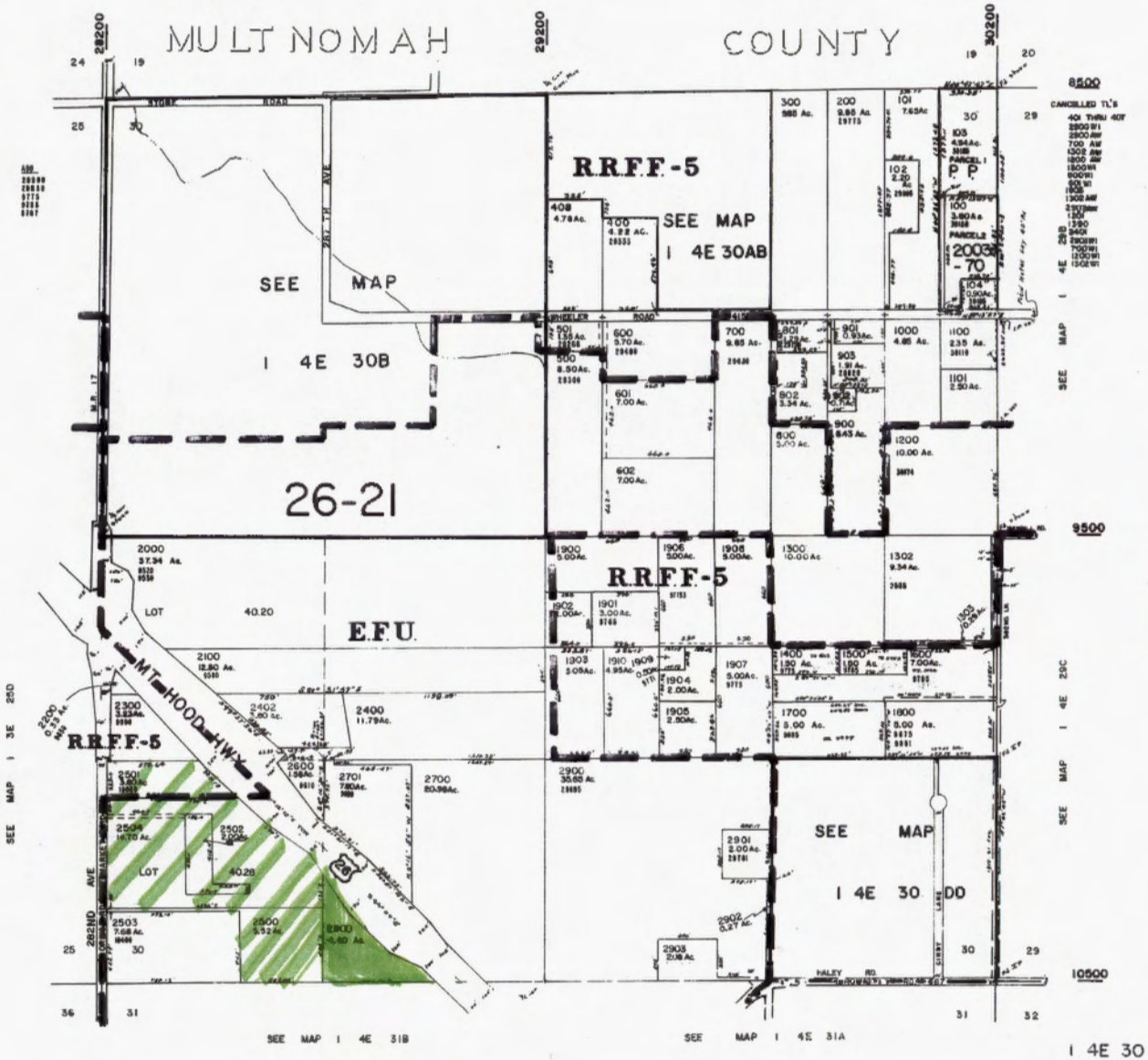
1 4E 31B

BOOK 6

This map was prepared for assessment purpose only.

SECTION 30 T.1S. R.4E. W.M.
CLACKAMAS COUNTY
1" = 400'

1 4E 30
& INDEX



1 4E 30
& INDEX

BOOK 6

Reardon
G-12707

Sprinkler Capacity Calcualtor

Data Entry (fill in underlined blanks)

Sprinkler group 1	Nozzle size =	5/32 inch	(type an apostrophe before the size)
	Pressure =	45 PSI	
	Number of heads =	40	
Sprinkler group 2 (if applicable)	Nozzle size =	0 inch	(type an apostrophe before the size)
	Pressure =	0 PSI	
	Number of heads =	0	
Sprinkler group 3 (if applicable)	Nozzle size =	0 inch	(type an apostrophe before the size)
	Pressure =	0 PSI	
	Number of heads =	0	

Results calculated

Sprinkler group 1 capacity =	188 gpm, or	0.419 cfs
Sprinkler group 2 capacity =	0 gpm, or	0 cfs
Sprinkler group 3 capacity =	0 gpm, or	0 cfs
Total sprinkler capacity =	188 gpm, or	0.419 cfs

Note: If entered values return a result of "#N/A" gpm, then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

Reardon
G-12707

Pump Capacity Calculation Sheet

using Department designed formula:

(hp)(efficiency) / (lift + psi head) = capacity in cfs

Efficiency:

Centrifugal = 6.61
Turbine = 7.04

Data Entry (fill in underlined blanks)

HP =	25
Efficiency =	7.04
Lift =	215
PSI =	45

Results Calculated

(hp)(efficiency) =	176
Head based on psi =	114.3
Total dynamic head = (head + lift)	329.3

Pump Capacity = 0.53 feet per second

9-29-00

Per Ma Greenman

needed time beyond
10-1-99 date to apply
all the water to TRANSFERRED
AREA

DSM

RECEIVED
NOV 22 1999
WATER RESOURCES DEPT.
SALEM, OREGON

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

I, Michael D. Reardon, Reardon Nursery, Inc.
NAME

10136 SE 282nd Ave, Boring OR 97003 503-663-1200
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-13938 Permit No G-12707, do hereby request that the time in which to:

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

and/or the time in which to:

[X] accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1999, be extended to October 1, 2000.

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

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

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

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

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

dk ✓

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**). Well has a perminently installed totalizing meter. The meter is readily accessable. The well is fitted with an airline suitable for measuring the water column.

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 Applicable

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: The installation (well, buried mainline & handset sprinkler lines) is complete. For full description see Report of Beneficial Use submitted Oct 1st and appended hereto.

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period: see 3.A.

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated): Beneficial use of the full amount of the permit has been made, see Report of Beneficial Use for details

4-Cost of project to date $45,000. Estimated remaining cost to complete the project Ø.

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

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit. Not Applicable

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes. Not Applicable

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.
The time extension was made necessary to allow the department (OWRD) opportunity to respond to a permit transfer application whose 60 day comment period ran past the expiration date of the permit.
A Report of Beneficial Use and Proof Survey were filed in timely fashion (copy appended)

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. Not Applicable

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding. Not Applicable

A) Has there been any change in this market since the permit was issued? No

B) Have these changes, if any, affected the economic feasibility of your project? No

7-Are there other present competing demands for water in your community? None of which I am aware.

A) Has there been any change in these demands for water since the permit was issued? No

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands? No

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community? No

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project? Yes

9-If the extension request is denied, is the current level of water use economically feasible?
Not Applicable

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

Michael D. Riordon Pres. 11-19-99

Signature Date

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF $ 100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

Please note the department is already in receipt of the $100.00 filing fee as the permit transfer application overstated the check accompanying the proper amount by $100.00 and these funds have not yet been refunded.

m:\exchange\leep\extfrm98
revised: June 21, 1999

RECEIVED

NOV 22 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. G-13938
Permit No. G-12707

COPY

SITE REPORT AND CLAIM OF BENEFICIAL USE

Permitee:	Reardon Nursery, Inc.
Land Owner:	Thomas R. Reardon & Reardon Nursery, Inc.
Interviewee:	Michael D. Reardon
Interview Date:	99/05/17
Telephone:	(503) 663-1200
Mailing Address:	10136 S. E. 282nd Ave. Boring, Oregon 97003
Source:	One well in the JOHNSON CREEK BASIN WITHIN WILLAMETTE RIVER BASIN.
Diversion Point:	The well is located South 24° 44' East, 536.5 feet from the Northwest Corner Section 31, Township 1 South, Range 4 East, Clackamas County, Oregon.
Use:	Water use is irrigation of 30.22 acres and supplemental irrigation of 36.37 acres; and agriculture use (nursery operations on 30.22 acres and supplemental agriculture use (nursery operations) on 36.37 acres. At the time of my observation a mix of container stock, in-ground nursery stock and green-house stock was planted.
Pump and Motor:	The well pump is a 25 horsepower Grundfos submersible turbine, model 135S250-15. Based upon operating observations of motor voltage and current (230± volts & 70.2± amps/leg), the motor horsepower was confirmed. A pump test has not yet been conducted but is scheduled to take place shortly; the results will be forwarded under separate cover.
Lift:	Water surface observed during pumping stabilized at about 215 feet below ground level.

Pipeline:	The well pump is connected to two buried 3" diameter PVC mainlines that run parallel from the well at the western boundary of the property to the eastern boundary, there turning north and connecting into the system served by Registration Certificate GR-3865 and Permit G-11611. Hand-set lines are connected to mainline hydrants spaced 120 apart. The aluminum hand-set lines are 2" diameter serving 40 impact sprinklers per set.
Sprinkler Heads:	The installation is composed of Rain Bird model 20J impact sprinklers equipped with 5/32" diameter nozzles. Sprinkler discharge pressures were measured when a full set was operating. The pressures observed were all at or very close to 45 psi. A set running 40 sprinklers with a discharge pressure of 45 psi will discharge (40 x 4.7 g.p.m.) = 188 g.p.m (0.419 c.f.s.). Independent conformation of the discharge rate was obtained by observing the rate of flow indicated on the totalizing-instantaneous flow meter installed at the well head. The meter indicated 180 g.p.m. while serving a 40 sprinkler set. This rate of flow (0.419 c.f.s.) exceeds the amount of 150 g.p.m. (0.334 cfs) allowed under Permit G-12707.
Survey Tie:	The Northwest Corner, Section 31, Township 1 South, Range 4 East, was used as the reference to tie the well head.
Special Conditions:	The well head is equipped with an access port and 1" diameter PVC air line extending 415 feet. A totalizing-instantaneous flow meter is installed in the mainline close to the wellhead. The static water surface was 159 feet on May 7, 1999. While this static level is marginally less that the limit of 160 feet placed on minimum depth to permitted groundwater withdrawl, it appears from the well log that the source is gravels between 325 and 345 feet, well below the stated minimum.

Remarks: An Application for Water Right Transfer, Permit Amendment, was filed August 19, 1999 and is currently under review. Lands from which the water was to be obtained and the lands to which the water was to be transferred are, in both cases, planted and/or prepared for planting and the necessary piping is in place to put water to the land.

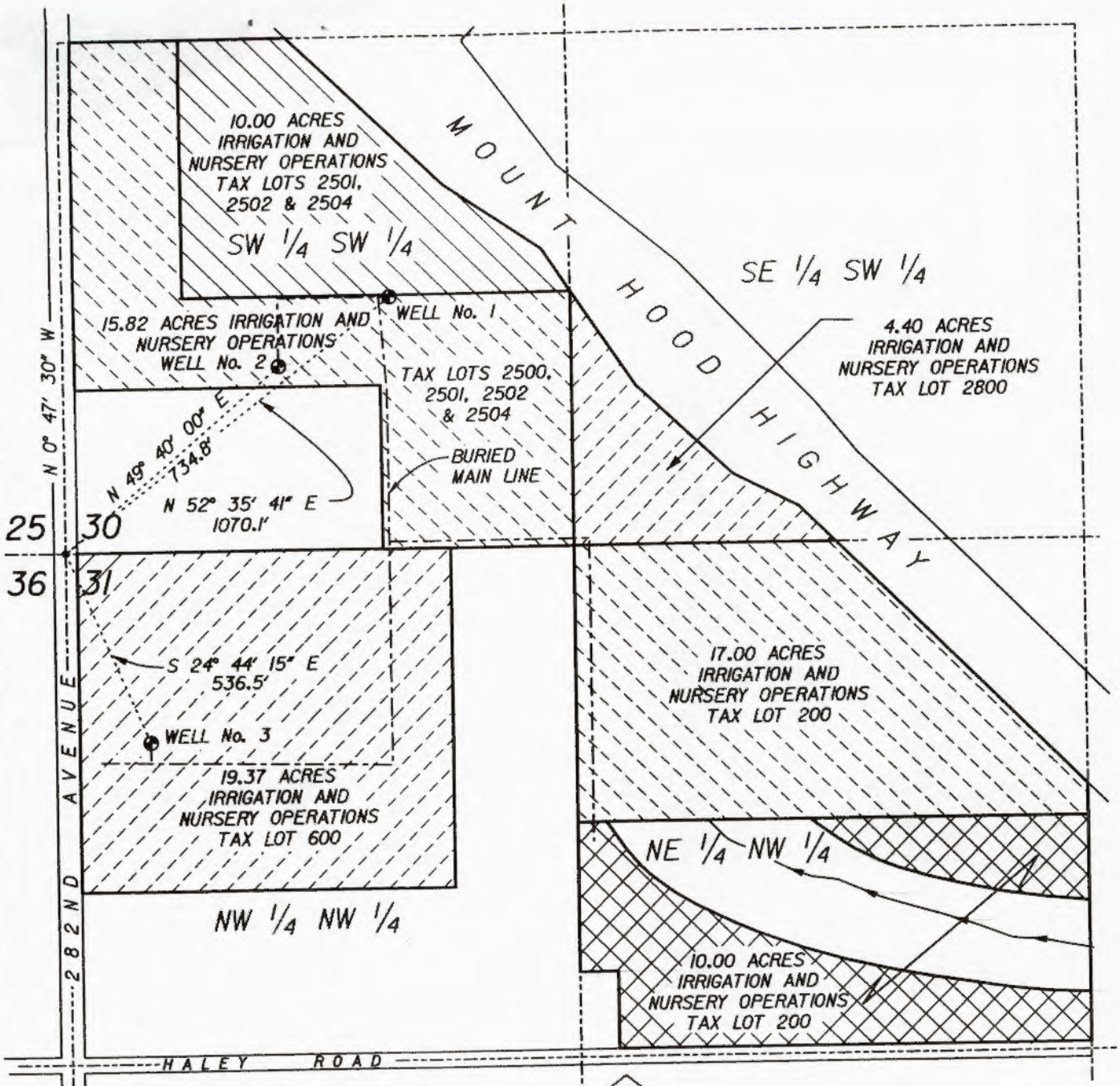
This final proof survey and inspection of the use as found to be completed under the terms and conditions of Permit G-12707 was completed by me on September 11, 1999, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

Certified Water Right Examiner
J. H. Greenman
Nov. 19, 1987
STATE OF OREGON

J. H. Greenman
Certified Water Right Examiner

I, Michael D. Reardon, agree to the above findings and do submit this site report and map as the Claim of Beneficial Use of Water as provided under the terms and conditions of Permit G-12707.

Michael D. Reardon



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

N

SCALE: 1" = 400'

SECTIONS 30 & 31, T.1S., R.4E., W.M.
CLACKAMAS COUNTY, OREGON

Certified Water Rights Examiner
4-056
J. H. Greenman
Nov. 19, 1987
STATE OF OREGON

LEGEND:

- Appropriations covered under Registration Certificate GR-3865, Permits G-11611 & G-12707.
- Origin of permit amendment transfer.
- Recipient of permit amendment transfer.

Application No. G-13938 Permit No. G-12707

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

REARDON NURSERY INC.

FINAL PROOF SURVEY

630DD

File C:\usth\dgn\630dd proof survey.dgn edr 10/01/99

HANER, ROSS & SPORSEEN, INC.
ENGINEERS CONSULTANTS SURVEYORS
15 S.E. 82ND DR.
GLADSTONE, OREGON 97027
657-1384
REGISTERED ENGINEERS
OREGON • WASHINGTON • IDAHO
NEVADA • MONTANA
MEMBER

TRANSMITTAL NOTICE

TO: Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RECEIVED
NOV 22 1999
WATER RESOURCES DEPT.
SALEM, OREGON

DATE: October 19, 1999

RE: Application No. G-13938
Permit No. G-12707

PROJECT NO: 630/DD

TRANSMITTED HEREWITH: mail

NO. OF COPIES	DATED	TITLE
1	-	Application for Extension of Time Michael D. Reardon Application No. G-13938 Permit No. G-12707
1		copy of Site report and Claim of Beneficial Use & Proof Survey

REMARKS:

- [x] FOR APPROVAL
- [ ] FOR REVIEW
- [ ] FOR INFORMATION
- [ ] FOR QUOTATION
- [ ] PER YOUR REQUEST
- [ ] RETURN ONE SET BY:
- [ ]

BY: J.H. Greenman
J.H. Greenman, CWRE

Water Resources Department

MEMO March 11, 1996

TO Application G- 13938

FROM GW: Dave Miller
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☐ Yes
☒ No

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

☐ Yes
☒ No

Use the Scenic Waterway condition (Condition 7J).

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

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

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

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

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

13938

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## 6-13938

ROUTED TO: WR

TOWNSHIP/
RANGE-SECTION: 1S/4E-31

APPLICATION ACCEPTED? [ ] yes [ ] no
CONDITIONS ATTACHED? [ ] yes [ ] no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Dom Mills

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13938

ROUTED TO: WR'S

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

CONDITIONS ATTACHED? [X] yes [ ] no

REMARKS OR FURTHER INSTRUCTIONS:
Please contact if questions.

Reviewer: Doug Miller

W 938

TO: Water Rights Section April 19, 1995

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

SUBJECT: Application G- 13938

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE Willamette Basin rules, one or more of the proposed POA's ~~is~~ (is not) within 1/4 feet/mile of a surface water source (unnamed trib) and taps a groundwater source hydraulically connected to the surface water.

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
   a.___will, or have the potential for substantial interference with the nearest
   b.___will not surface water source, namely unnamed trib.; or
   c.(X) will if properly conditioned, adequately protect the surface water from interference:
      i.(X) The permit should contain condition #(s) 4 I;
      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.(X) will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
      i.___The permit should contain condition #(s)_____;
      ii.(X) The permit should contain special condition(s) as indicated in "Remarks" below;
      iii.(X) 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.(X) The permit should allow groundwater production from no shallower than 160 ft. below land surface;
   c.___The permit should allow groundwater production only from the_____ groundwater reservoir between approximately _____ft. and _____ft. below land surface;
   d.___Well reconstruction is necessary to accomplish one or more of the above conditions.
   e.___One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: "4P" may become an approval manu condition soon. Attached is my proposed use of "4P"-like language using a 25' trigger. It satisfies OAR 690-502-100(4) unlike any existing manu condition.

(Well Construction Considerations on Reverse Side)

Proposed

Attachment to Review form ~~G-13698~~ G-13938

4P Willamette Special Groundwater Condition
Sandy/Boring Groundwater Limited Area
Damascus Groundwater Limited Area (Troutdale Ac

G-13938
P-G 12707

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

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

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

(c) A hydraulic interference decline of ~~fifteen~~ 25 or more fe
well providing water for senior exempt uses or wells covere

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

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

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

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

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

(e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

DM

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files Date

FROM:

SUBJECT: Groundwater Application G- 13938 Phone: 663-6773

Name: Reardon Nursery Inc.

Applicant(s) seek — gpm(150 cfs) from one well(s) in the

Willamette R. basin

Proposed use: Irrig. of Container Stock Nursery Operations

Johnson Ck. sub basin

sub basin

Pertinent 7 1/2 - minute quads Sandy

Proposed Well WRD# — T 1S R 4E S 31 QQ bb County CLACKAMAS

Legal Description 510', S11°18'36"E from NW corner Section 31, T1S/R4E

Well is 500' ft from unnamed trib Johnson Ck. (river/stream)

Well is 1700' ft from unnamed trib Johnson Ck. (river/stream)

Well elevation 535 ft. River/stream elevation 500 / ~~1700~~ 530 ft.

Well elevation - river/stream elevation 35' / 5'

Est Well depth 300' Est SWL 160' on —

Sealed to - Depth first water found -

Est Cased to 250' Perforations/screens -

Lined to - Perforations/screens -

Well tests and types -

Confined or unconfined? Hydraulically connected?

Potential to cause substantial interference?

Well WRD# T R S QQ County

Legal Description

Well is ft from (river/stream)

Well is ft from (river/stream)

Well elevation ft. River/stream elevation ft.

Well elevation - river/stream elevation

Well depth SWL on

Sealed to Depth first water found

Cased to Perforations/screens

Lined to Perforations/screens

Well tests and types

Confined or unconfined? Hydraulically connected?

Potential to cause substantial interference?

Conditioned water rights in area: OAR 690-502-160(4), 4I, 4G, 4J

Other nearby water rights of record: yes

Density of nearby wells of record: moderate / heavy

Comments: there are probably shallow declines in the deep Troutdale Aquifer, using the nearby Erickson well example. The reason is probably a combination of use and below-average precip.

See G-13935. It's much like this one.

References used: OAR 690-502-160, Ken Lite's Sandy - Boring data / analysis


(G-13938)
T1S/R4E-30,31
CHASE ROAD
Kelly Creek
HILLYARD RD
WELCH RD
BARNES
PORTLAND
TELFORD
CALLISTER ROAD
ELSA ST
DODGE
Orient
Johnson Creek
MULTNOMAH CO
CLACKAMAS CO
STONE RD
Anderson
Athletic Field
TRACTION
Proposed well Location
HALEY
Haley
Boring
North Fork
Deep Creek
SUNSHINE
BM 549
BM 573
BM 502
BM 518
BM 494
1700'

TO: Water Rights Section April 19, 1995

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

SUBJECT: Application G- 13938

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE Willamette Basin rules, one or more of the proposed POA's ~~is~~/is not within 1/4 feet/mile of a surface water source (unnamed trib) and taps a groundwater source hydraulically connected to the surface water.

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
   a.___will, or have the potential for substantial interference with the nearest
   b.___will not surface water source, namely unnamed trib.; or
   c.(X)will if properly conditioned, adequately protect the surface water from interference:
      i.(X)The permit should contain condition #(s) 4 I;
      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.(X)will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
      i.___The permit should contain condition #(s)_____;
      ii.(X)The permit should contain special condition(s) as indicated in "Remarks" below;
      iii.(X)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.(X)The permit should allow groundwater production from no shallower than ~~200~~ 160 ft. below land surface;
   c.___The permit should allow groundwater production only from the_____ groundwater reservoir between approximately _____ft. and _____ft. below land surface;
   d.___Well reconstruction is necessary to accomplish one or more of the above conditions.
   e.___One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

13938

REMARKS: "4P" may become an approved mainline condition soon. Attached is my proposed use of "4P"-like language using a 25' trigger. It satisfies OAR 690-502-100(4) unlike any existing mainline condition.

(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 b.____was not constructed according to the standards in effect at the time of 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)

Proposed

Attachment to Review form ~~G-13698~~ G-13938

4P Willamette Special Groundwater Condition
Sandy/Boring Groundwater Limited Area
Damascus Groundwater Limited Area (Troutdale Aquifer)

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

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

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

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

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

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

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

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

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

(e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification as to their accuracy signed by the individual making the measurements, and shall be submitted to the Department within 90 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

DMS

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files Date 4/95

FROM:

SUBJECT: Groundwater Application G- 13938 Phone: 663-6773

Name: Reardon Nursery Inc.

Applicant(s) seek — gpm(150 cfs) from one well(s) in the Willamette R. basin

Proposed use: Irrig. of Container Stock Nursery Operations — Johnson Ck. sub basin; sub basin.

Pertinent 7 1/2 - minute quads Sandy

Proposed Well WRD# — T 1S R 4E S 31 QQ bb County CLACKAMAS

Legal Description 510', S11°18'36"E from NW corner Section 31, T1S/R4E

Well is 500' ft from unnamed trib Johnson Ck. (river/stream)

Well is 1700' ft from unnamed trib Johnson Ck. (river/stream)

Well elevation 535 ft. River/stream elevation 500 / ~~1700~~ 530 ft.

Well elevation - river/stream elevation 35' / 5'

Est Well depth 300' Est SWL 160' on —

Sealed to — Depth first water found —

Est Cased to 250' Perforations/screens —

Lined to — Perforations/screens —

Well tests and types —

Confined or unconfined? Hydraulically connected?

Potential to cause substantial interference?

Well WRD# T R S QQ County

Legal Description

Well is ft from (river/stream)

Well is ft from (river/stream)

Well elevation ft. River/stream elevation ft.

Well elevation - river/stream elevation

Well depth SWL on

Sealed to Depth first water found

Cased to Perforations/screens

Lined to Perforations/screens

Well tests and types

Confined or unconfined? Hydraulically connected?

Potential to cause substantial interference?

Conditioned water rights in area: OAR 690-502-160(4), 4I, 4G, 4J

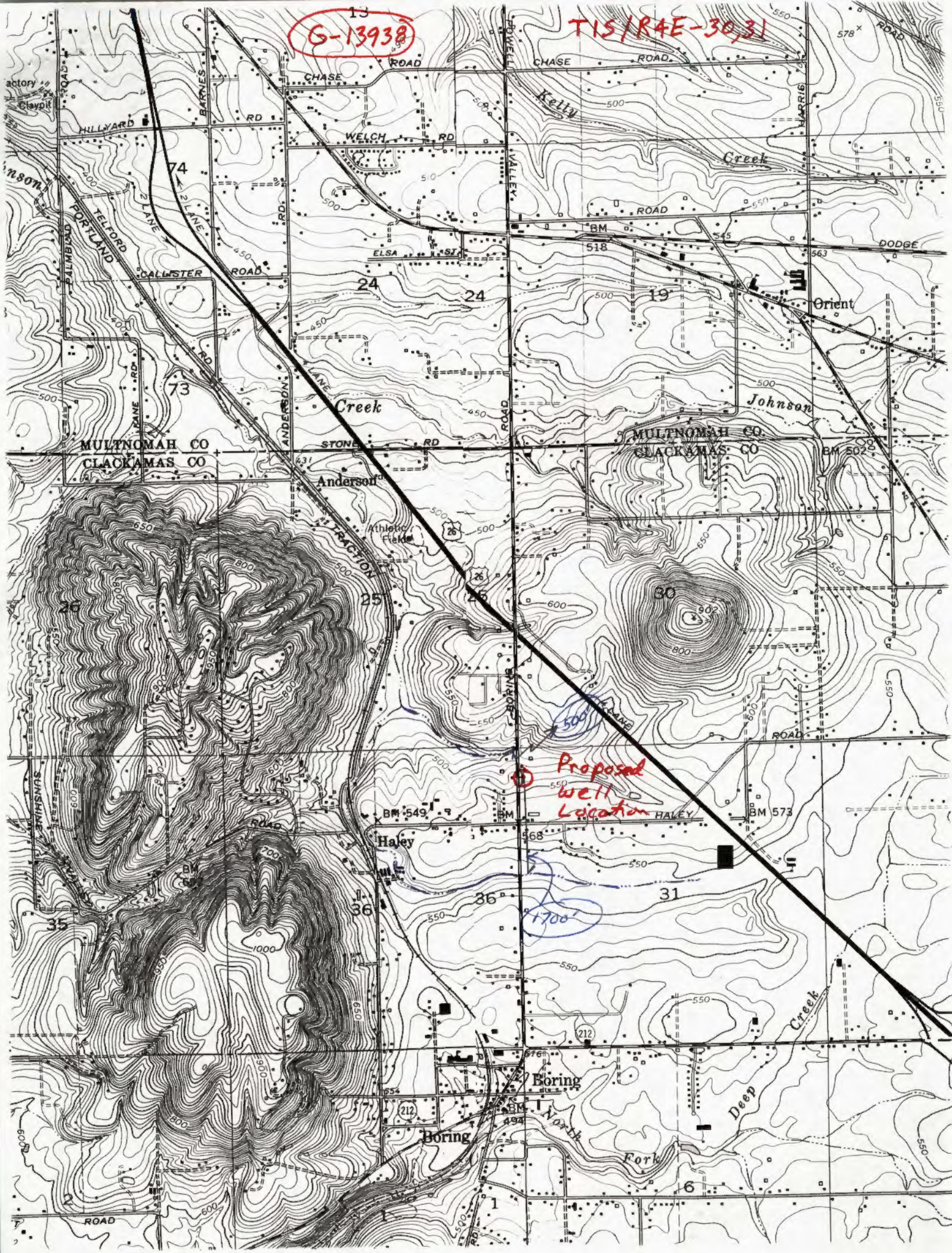
Other nearby water rights of record: yes

Density of nearby wells of record: moderate / heavy

Comments: there are probably shallow declines in the deep Troutdale Aquifer, using the nearby Erickson well example. The reason is probably a combination of use and below-average precip.

See G-13935. It's much like this one.

References used: OAR 690-502-160, Ken Lite's Sandy-Boring data / analysis


G-13938
T1S/R4E-30,31
CHASE ROAD
Kelly Creek
WELCH RD
HILLYARD RD
BARNES ROAD
PORTLAND
TELFORD
PALMBLAD
CALLISTER ROAD
ELSA ST
ANDERSON RD
STONE RD
MULTNOMAH CO
CLACKAMAS CO
Anderson
Athletic Field
TRACTION
Orient
DODGE
Johnson Creek
BORING
HALEY
Haley
Proposed well Location
1700'
Boring
North Fork
Deep Creek
SUNSHINE
ROAD

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

December 16, 1999

REARDON NURSERY INC.
10050 SE 282ND AVENUE
BORING, OR 97009-9413

REFERENCE: File G-13938

This will acknowledge that your claim of beneficial use and map in the name of REARDON NURSERY INC. were received on OCTOBER 1, 1999. These will be reviewed in the future to insure they are complete and correct.

If you have any questions please contact me at (503) 378-8455, extension 263, or dial toll free (within Oregon only) at 1-800-624-3199, extension 263.

Sincerely,

STEVE BROWN
Program Analyst
Certificate Section

SCB:tcb

cc: J. H. GREENMAN, CWRE #56

Oregon Water Resources Department
Water Rights Division

Water Right Permit Extension Application
for Permit Number G 12707

Water Right Application Number G 13938

Proposed Final Order

This Proposed Final Order applies only to permit number G 12707.

Summary of Recommendation
The Department proposes to:

grant the extension for complete application of water from October 1, 1999 to October 1, 2000.

Application History
Permit no. G 12707 was granted by the Water Resources Department on AUGUST 21, 1996. The permit authorizes use of 0.334 CFS of water from A WELL for NURSERY OPERATIONS in the JOHNSON CREEK basin. It specified that construction must be completed by October 1, 1998, and water applied to full beneficial use by October 1, 1999. A copy of permit no. G 12707 is attached.

On NOVEMBER 22, 1999, the Department received an application from REARDON NURSERY, INC. for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2000 to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact
ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up by a permit amendment that changes the place of use for some of the area to be watered. The applicant needs more time to apply water to the new area of transfer.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
   a) Work on the water development project completed to date includes construction of well and water system. Water has been applied to part of the area.
   b) The applicant has invested approximately $ 45,000 of an estimated total water system project cost of $ 45,000.
   c) The work remaining to be completed consists of the remaining complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for the application of water should be extended to October 1, 2000 as requested by the applicant.

Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2000 to complete the application of water.

Recommendation

The Department proposes to issue an order to:
extend the permit time to complete application of water from October 1, 1999 to October 1, 2000.

DATED: OCTOBER 10, 2000

Dwight French
Water Rights Section Manager

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

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
   a) Your name, address and telephone number;
   b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
   c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
   d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
   e) Any citation of legal authority supporting your protest, if known; and
   f) The $25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **NOVEMBER 24, 2000**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

This document was prepared by Dallas Miller. 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 272. 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 Brendalee Wilson. Her extension number is 276.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496.

Mailing List for Extension PFO Copies

Application #G 13938 **PFO Date 10/10/00**

Original mailed to:
Applicant: **REARDON NURSERY, INC.**

Copies Mailed
By: JF
(SUPPORT STAFF)
on: 10/9/00
(DATE)

For Extension PFO's - Copies sent to:

1. WRD - File #

2. WRD - Watermaster District # 16:

3. WRD - Regional Manager: NW

4. ODFW District Biologist: DON BENNETT, CLACKAMAS

5. DEQ Regional Office: ANDY SCHAEDEL, PORTLAND

6. WRD - John Falk (for reservoir permit extensions only)

7. WRD - Regional Liaison

8. CWRE:

Other interested parties:

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

15. _____

16. _____

CASEWORKER: **DSM**

Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

July 19, 2000

Mike Reardon
Reardon Nursery, Inc.
10136 SE 282nd Ave.
Boring, OR 97003

RE: Ground Water Permit G-12707

Dear Mr. Reardon:

Please disregard my letter of May 10, 2000, notifying you to curtail use of water from the above referenced well. You may use the full rate and duty outlined under this permit, however, please keep a record of the amount (volume) of water use on a monthly basis and either fax or mail me the monthly meter readings.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

Juno Pandian

Ms. JUNO PANDIAN
Watermaster Dist. 20

STATE OF OREGON

INTEROFFICE MEMO

TO: MARIE LICARI, FISCAL

DATE: 10/3/00

FROM: D.S. Miller
Authorized Examiner

SUBJECT: Request for Refund Check

Please ~~refund~~ transfer $ 100 ~~to~~ From T 8321 to File G 13938
file no. _____, receipt no. _____. These funds are refunded due to:

- _____ Application rejected
- _____ Application withdrawn
- ✓ Excess fees collected for application T8321
- _____ File closed
- _____ Other: _____
- _____ Protest Filing Fees

Reardon Nursery wishes $100 excess fees for T8321 to be applied as Extension fee for G 13938

Oregon
John A. Kitzhaber, M.D., Governor

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

July 14, 2000

MICHAEL REARDON, REARDON NURSERY, INC.
10136 SE 282ND AVE
BORING, OR 97003

REFERENCE: File G 13938, Permit G 12707

Dear Mr. Reardon:

Regarding your application for extension of time, it doesn't appear necessary to extend this permit. If you completed construction by 10/1/98, and made application of water by 10/1/99 as the permit requires there is no need to extend the permit. A permit cannot be extended unless the construction of the system and application of the water has not taken place within the permit time limits..

According to your extension request, the reason for extending the permit time limits is to allow time beyond the Transfer time limit on the comment period. This is not necessary, because a right cannot be transferred until the water has been applied and the Final Proof Report submitted. Since you bave applied the water and submitted the Final Proof the Transfer can be processed after the Final Proof is examined and is determined to be correct.

Your Final Proof Report and Transfer can be processed without the extension of time. I recommend you withdraw your extension application. Please advise.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 16, CWRE

9/25/00
Per Jake
Extension needed because transfer construct & applic. water will be after A&B dates
DSM

REARDON NURSERY, INC.
10050 SE 282nd Avenue
Boring, Oregon 97009

Phone: (503) 663-1200
Fax: (503) 663-5134

DATE: 8-2-99
TO: ~~Don Kraner~~ DALLAS MILLER
FROM:
SUBJECT: Water rights.
TOTAL PAGES SENT: Cover + 1

Please see attached letter and let me know if there is any problem.

Sincerly
Michael Reardon

8/2/99
DALLAS, I SPOKE WITH MIKE REARDON WHO TOLD ME THEY HAD SENT IN THEIR "C" FORM BUT WANT TO WITHDRAW IT. I TOLD HIM IF THERE WAS ANY PROBLEM, YOU'D GIVE HIM A CALL.

THANKS, DON K.

10050 S.E. 282nd
Boring, OR 97009

Reardon Nursery, Inc.

Telephone (503) 663-1200
FAX (503) 663-5134

This letter to notify you that we wish to withdraw notice of completion of application of water to a beneficial use with regard to permit #12707 and permit #12894 (reference files G 13938 and G 14082)

Sincerely,

Michael D. Reardon Pres.

Michael D. Reardon
President

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

May 4, 1999

REARDON NURSERY INC
10050 SE 282ND
BORING OR 97009-9413

REFERENCE: File G-13938 & G-14082

This letter is in regard to your water use Permit G-12707 and G-12894. As we pointed out to you in our letter of August 4, 1998, your claim of beneficial use must be received in this office by **August 3, 1999**.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported..as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right.

You are hereby notified that unless your claim is received on or before **August 3, 1999**, your permit will be canceled without further notice.

If you have any questions, please contact the Water Rights Section.

Sincerely,

DALLAS MILLER
Water Rights Specialist

DM:jh

cc: Bill Ferber, Watermaster
J.H. Greenman, CWRE

CERTIFIED - RETURN RECEIPT REQUESTED

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

August 4, 1998

REARDON NURSERY INC
10050 SE 282ND
BORING OR 97009-9413

REFERENCE: Files G-13938 & G-14082

We have received your notice that complete application of water has been made under Permits G-12707 and G-12894.

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **August 3, 1999**. A list of Certified Examiners is enclosed for your information.

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

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

In addition, before the Water Right Certificate is issued, you are required to submit a well pump test. This test must he done according to the instructions in the hrochure. Forms and brochures are available upon request.

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

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

Sincerely,

DALLAS MILLER
Natural Resource Specialist 2

DM:jh

enclosure

cc: Bill Ferber, Watermaster
J.H. Greenman, CWRE

Form B (690—9-77)

Application No. G 13938

NOTICE OF COMPLETION OF CONSTRUCTION

I, Michael Reardon Pres. Reardon Nursery Inc, the holder of Permit No. G 12707 to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 27th day of ~~July~~ June, 1998.

Remarks: If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of July, 1998

Michael Reardon Pres.
(Signature of Applicant)

(Address)

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

RECEIVED
AUG 03 1998
WATER RESOURCES DEPT.
SALEM, OREGON

Form C (690—9-77)

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

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

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

Application No. G 13938

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Michael Reardon Pres. Reardon Nursery Inc., the holder of Permit No. G 12707 to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 17th day of July, 1998.

Remarks: Premature

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of July, 1998

Michael Reardon Pres.
(Signature of Applicant)

(Address)

RECEIVED
AUG 03 1998
WATER RESOURCES DEPT.
SALEM, OREGON

Is your RETURN ADDRESS completed on the reverse side?

- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

2. ☐ Restricted Delivery
Consult postmaster for fee.

3. Article Addressed to:

REARDON NURSERY INC
10050 SE 282ND
BORING OR 97009-9413

G-13938 WR's

4a. Article Number
P-56497

4b. Service Type
☐ Registered ☑ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
5/13/97

5. Received By: *(Print Name)*

6. Signature: *(Addressee or Agent)*
X

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form **3811**, December 1994 102595-98-B-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.

Reardon Nursery, Inc.
10050 S.E. 282nd
Boring, OR 97009-9413

PORTLAND OR 972
PM
30 JUL
1998

USA 32

RECEIVED

AUG 03 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
Commerce Building
158 12th Street NE.
Salem, OR. 97310-0210

97310/0210

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

WATER RESOURCES DEPT
158 12TH ST NE
SALEM OR 97310

200 10
100 51 x 2
102
100
502

Application No. G-13938

RECEIVED
JAN 13 1995
WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

Applicant(s) Reardon Nursery Incorporated
(Please print or type - use dark ink)

Mailing Address: 10136 SE 282nd Avenue

Boring (*City*) OR (*State*) 97003 (*Zip*) 503-663-6773 (*Daytime Phone No.*)

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

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

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

Distance from development to stream: 1/4 mile

Elevation difference between streambed and development: 50 feet

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

Diameter of well: 10" *Depth in feet:* 300'

Type and size of well casing: 8" Steel *No. of feet:* 250'

Estimated depth to water: 160'

Type of access port or measuring device: Air line

Wells to be drilled by: Not yet determined

Address:

If the water well is flowing artesian, describe your water control and conservation works: Not applicable

TR 1/13/95

2. ***TOTAL AMOUNT OF WATER*** *to be applied to beneficial use:* ~~0.110~~ *cubic feet per second,* ***OR*** approx. ~~49~~ 150 *gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each:*

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

If for more than one use, give the quantity of water from each source for each use; Not Applicable

*If for **DOMESTIC** use, state the number of households to be supplied;* Not Applicable

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

Not Applicable

*If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served;* Not Applicable

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

Irrigation ~~4.40~~ 61 TR #13195

Other (describe)

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

A buried mainline will deliver water to the tract. Hand lines fitted with impact sprinklers will put water on the land.

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

Proposed date construction work will begin April 1995

Proposed date construction work will be completed April 1996

Proposed date water use will be completed October 1997

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

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

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

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

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

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

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

REMARKS:

6) Please send all correspondence to the applicant with copies to CWRE.
A new map will be prepared to describe approximately 61 A. within the S 1/2 SW 1/4 Sec 30 and N 1/2 NW 1/4 Sec 31 at a ~~better~~ later date.

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

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

Thomas R Recvelun — *Signature of Applicant* — Jan 13, 1995 — *Date*

Michael Reardon — *Signature of Co-Applicant, if any* — Jan 13, 1995 — *Date*

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

_____

_____

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

_____, 19____.

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

_____

Water Resources Director

*By:*_____

This instrument was first received in the office of the Water Resources Director at SALEM, Oregon, on the 13th day of JAN, 1995, at 2:45 o'clock, P M.

APPLICATION NO: G-13938

A:APPFORM 9/89

Please disregard the letter and enclosures sent to you on September 12, 1995.

HANER, ROSS & SPORSEEN, INC.
ENGINEERS CONSULTANTS SURVEYORS
15 S.E. 82ND DR.
GLADSTONE, OREGON 97027
657-1384
REGISTERED ENGINEERS
MEMBER

September 12, 1995

Mr. Gerry Clark
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

Re: Application File G-13935

Dear Clark:

In response to your inquiry letter of August 31, I've consulted with Mr. Reardon and offer the following items to complete the application.

- The amount of water to be applied to beneficial use is 150 gallons/minute. This amount should already appear on the application; same having been revised from the original amount of 49 gallons/minute during a conference with Steve Brown of your office.
- A revised map is enclosed. This map indicates the acreage on which the water will be put and the location of the proposed well.
- I understand the land use information form has been found. Please advise if such is not the case and we will forward a copy of same.
- A legal description for the deeded lands and a legal description for the leased lands is enclosed.

I hope this letter satisfied all you questions, if not please contact my office.

Sincerely,

HANER, ROSS & SPORSEEN

J.H. Greenman, PE, C.W.R.E.

cc: Thomas Reardon
w/enclosures

App. No. G-13938
Permit No._____

Legal Description

Deeded Lands

The Southwest quarter of the Southwest quarter Section 30, Township 1 South, Range 4 East, Willamette Meridian, Clackamas County, Oregon;

Excepting therefrom the tract more particularly described as follows:

> Commencing at the southwest corner of said Section 30; thence N 89°34'45"E, along the south line thereof, a distance of 30.00 feet to a point in the east line of S.E. 282nd Ave., and the point of beginning of the tract herein to be described; thence continuing N 89°34'45"E, along said south line, a distance of 789.13 feet to an iron rod; thence N 0°37'00"E, a distance of 423.00 feet to an iron rod; thence S 89°34'45"W, parallel with the south line of said Section 30, a distance of 793.14 feet to a point in the east line of said SE 282nd Ave; thence S 0°04'15"W , along said east line, a distance of 422.94 feet to the point of beginning; and,

Excepting therefrom the rights of the public in and to the rights-of-way of Southeast 282 Avenue (Market Road 17) and the Mount Hood Highway (U.S. Highway 26);

The southeast quarter of the southwest quarter, Section 30, Township 1 South, Range 4 East, Willamette Meridian, Clackamas County, Oregon; lying south and west of the southwest right-of-way line of the Mount Hood Highway (U.S. Highway 26);

The West half of the northwest quarter of the northwest quarter and the west half of the east half of the northwest quarter of the northwest quarter, Section 31, Township 1 South, Range 4 East, Willamette Meridian, Clackamas County, Oregon;

Excepting the rights of the public in and to the right-of-way of Southeast 282 Avenue (Market Road 17).

The above described parcels contain 49.59 Acres, more or less.

App. No. G-13938

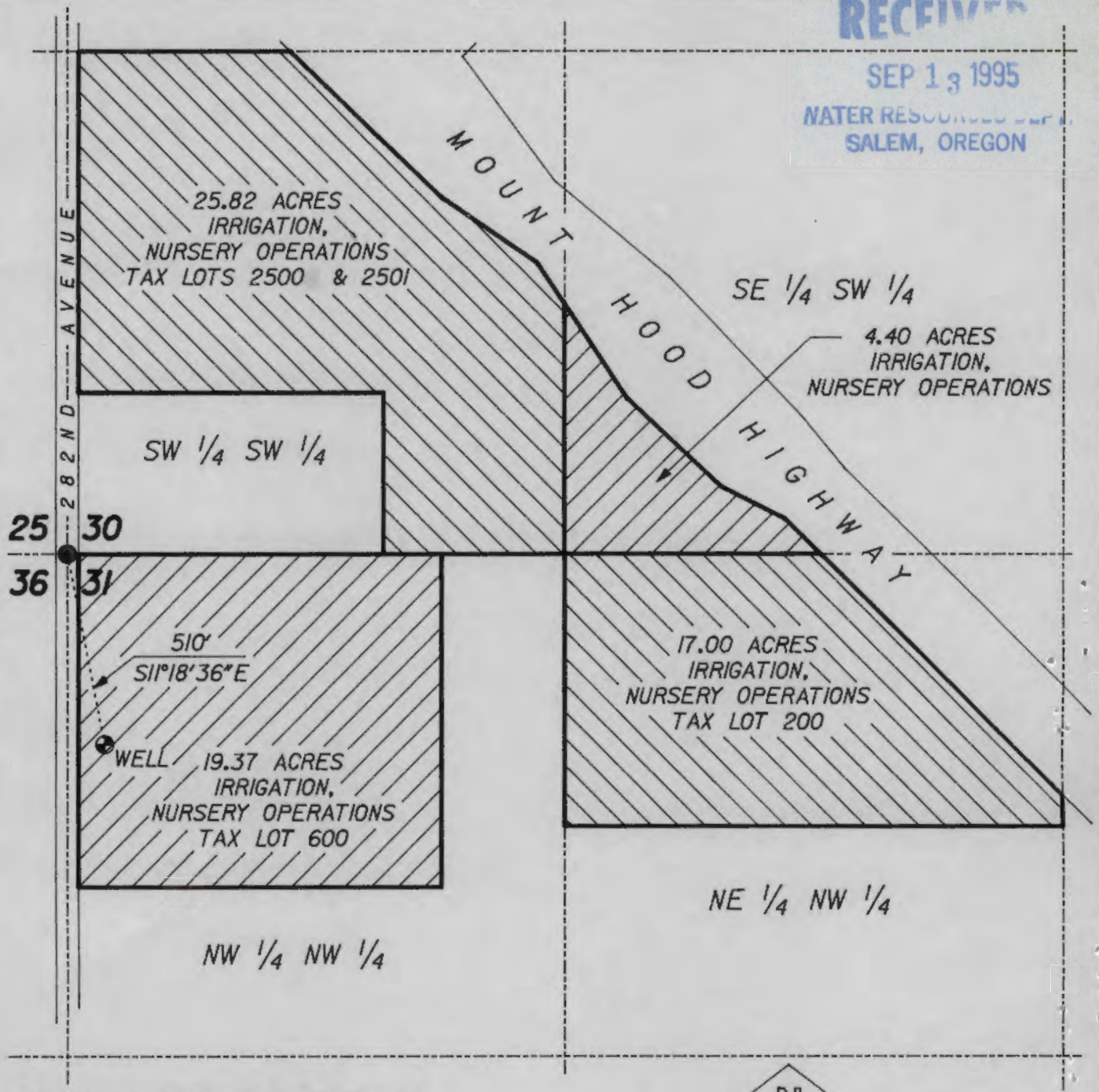
Permit No._____

Legal Description

Lease Lands

The northerly 17 acres of the Northeast quarter of the Northwest quarter of Section 31, Township 1 South, Range 4 East, of the Willamette Meridian, Clackamas County, Oregon; and an access right-of-way from Haley Extension Road and adjacent to the freeway into the above described tract.

The above described parcel contain 17 Acres, more or less.



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

SCALE: 1" = 400'

Certified Water Rights Examiner
J. H. Greenman
Nov. 19, 1987
STATE OF OREGON
95/09/12

SECTIONS 30 & 31, T.1S., R.4E., W.M.
CLACKAMAS COUNTY, OREGON

Application No. G-13953

Permit No. _____

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

REARDON NURSERY INC.

GROUND WATER RIGHT APPLICATION MAP

630DD

File 630dd3.dgn sdr 09/12/95

HANER, ROSS & SPORSEEN, INC.
ENGINEERS CONSULTANTS SURVEYORS
15 S.E. 82ND DR.
GLADSTONE, OREGON 97027
657-1384
REGISTERED ENGINEERS
OREGON • WASHINGTON • IDAHO
NEVADA • MONTANA

TRANSMITTAL NOTICE

TO: Oregon Water Resources Department
158 12th St. NE
Salem, OR 97310

DATE: December 1, 1994

RE: Readon Nursery Incorporated
Ground Water Rights Applications

PROJECT NO: 630/DD

TRANSMITTED HEREWITH:

NO. OF COPIES	DATED	TITLE
1 Original	-	Application for Permit to Appropriate Ground Water
1 Original	-	Legal Descriptions
1	11/03/94	Drawing entitled: Readon Nursery Inc.
1	11/22/94	Land Use Information Form
1	-	Check in amount of ~~$300.00~~ dep

REMARKS:

cc: Readon Nursery Inc.

Fee:
Water Right App: $200 Examin. fee
100 Recording fee
$300

- [ ] FOR APPROVAL
- [ ] FOR REVIEW
- [ ] FOR INFORMATION
- [ ] FOR QUOTATION
- [ ] PER YOUR REQUEST
- [ ] RETURN ONE SET BY:
- [x] For Permit

BY: J.H. Greenman, PE, PLS, CWRE

Planning Official Initials: PSP

Description of Water Use

Applic.# G-13935

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: Reardon Nursery, Inc.
Address: 10136 S.E. 282nd Ave.
Boring, OR 97003

Phone: 503-663-6773

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

- [X] Irrigation (crop type, golf course, nursery or greenhouse): Irrigation, Nursery Operations
- [ ] Livestock (type of livestock, feedlot, slaughterhouse):
- [ ] Residential (# units, single or multi-family, # lots if partition or subdivision):
- [ ] Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.):
- [ ] Industrial (i.e., factory, pulp mill, research and development, processing, etc.):
- [ ] Institutional (i.e., school, library, etc.):
- [ ] Mining (aggregate, metal, open pit, placer, etc.):
- [ ] Recreation (park, campsite, pond, etc.)
- [ ] Fish and Wildlife (pond, hatchery, etc.)
- [ ] Hydropower (dam, reservoir, power generating or transmitting facilities):
- [ ] Other (Name and list key characteristics):

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
[ ] Surface Water Name sources:	_____ Cubic feet per second.
	150 Gallons per minute.
	_____ Acre-Feet
[ ] Reservoir or pond	
[X] Ground Water	

PFO CHECKLIST

Application #: G 13938 Vol ___ Subbasin ___

Basin: 2 WAB: ___

Township 1S Range 4E Section 31 1/4 1/4 NWNW

POU: T1S/4E/30 - SWSW-25.32ac / SESW-4.40ac
1S/4E/31 - NWNW-19.37ac / NENW-17.00

X 1. Completeness checklist verified? (Y) / N

need written authorization for LEASED land

2. Indicators that the process **should not** continue (ie - protest, items missing, letter to file indicating hold, other) Y / N

X 3. Groundwater review A B (C) D 4I-7B, 7H

X a. convert 4 series macro conditions to 7 series (Y) / N

X b. Is second groundwater review necessary? Y / (N) reason ___

X c. Is the well located in a groundwater limited area? (Y) / N

X d. SWW Y / (N) "X" Sandy Boring GWLA

X 4. SWW restrictions Y / (N) NOT in Special Deep Trontdale Ag.

150gpm = 0.334 cfs
IRRIG & NURSERY OP
~~6.4 ac~~ 66.59 ac

X 5. TMDL Basin? (NONE) or Tualatin, Yamhill, Pudding

X 6. Basin Program limitations? Y / (N) 690-502-160 gw

X 7. Withdrawl? Y / (N) ___ season allowed ___

X 8. Basin Maps have been checked. The River Mile is Johnson Cr

N/A 9. Water Availability (50% < July 17, 1992 OR 80% [50% storage] > July 17, 1992) ___

a. Notify Ken Stahr due to change in Q, Duty, or Season Y / N

X 10. Rate 1/80 1/40 Duty 2.5 5 Season year-round Mar1-Oct31 - Nursery Op (Agric) Irrig

X 11. Use IRRIG, Nursery Period of Allowed Use March1-Oct31 ; Nursery operation year-round

X 12. Priority Date(s) 1/13/95 ~~TR~~ IR mail date 10/11/95

N/A 13. B.O.R. project Y / N contract # ___

X 14. Division 33 (Y) / N (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) water quality

X 15. Conflicts (Y) / N App G-13272 (Permit G-11611) same lands, diff well (GWB)
↳ SUPPLEMENTAL Nursery Op & Primary IRRIG

X 16. Objections? Y / (N) IR or TR modified? Y / N ___

17. Additional conditions ___

X 18. Land use approval (OK'd) needs approval county notified NA CLACKAMAS CO.

X 19. SIZE Small (≤0.1cfs, ≤9.2AF), (Medium (>0.1 or <1.5cfs, >9.2 or <100AF)) Large (≥1.5 cfs, ≥100 AF)?

X 20. Permit conditions from TR/(IR) (Y) / N 7B, 7H, gw no shallower than 160 ft

X 21. Watermaster District #: 16

X 22. Regional Office (NWR, NCR, ER, SCR, or SWR)

23. PFO has been saved and moved to m:\t\pfo\done\week#\app# from m:\t\pfo\work\week#\app#

on map - 66.59 acres
* Leased land - 17.00 acres in NENW Section 31 → NEED written authorization
↳ same land as "TRACT 2" in App G-13272 (Permit G-11611) - easement given

Name: Kerry Lefever Date: 3/14/96

Oregon

WATER
RESOURCES
DEPARTMENT

October 11, 1995

REARDON NURSERY INC
10136 SE 282nd AVE
BORING, OREGON 97003

Reference: File G-13938

Dear Applicant:

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

Should be a good letter not

talked with Mr. Reardon on Oct. 16, 1995 at 11:06 a.m. to confirm this. J. A.

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

Initial Review Determinations:

1. Your application is complete and not defective.

2. The proposed use is not prohibited by law or rule.

3. The use of water for NURSERY STOCK **is allowed** under OAR 502, the Willamette Basin Program.

4. The use of 0.334 cubic foot per second (150.0 GALLONS PER MINUTE) from a Well for NURSERY OPERATIONS ON 66.59 ACRES **is available** all year round.

Summary of Allowable Water Use

The use of 0.0334 cfs of water from a Well for Nursery Operation for year round use may be allowable.

Because of the Departments determination, your application can be moved to the next phase of the water rights application review process.

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.

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

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a $50 processing charge per application.) To accomplish this you must notify the Department in writing by **October 24, 1995**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Groundwater production shall be from no shallower than 160 feet below land surface.

5. You will be required to comply with state and federal water quality standards.

<u>If you have any questions:</u>

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,

Gary Holliday

Gary Holliday
Initial Reviewer

cc: Regional Manager, Watermaster, Water Availability Section, Schneider Drilling Co.(Steve)

enclosures: Flow Chart of Water Right Process
Stop Processing Form

2-wab 010100
pou 010100
gw c