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billflatz@stuntzner.com

2318-B Pacific Avenue
FOREST GROVE, OREGON 97116

COOS BAY - FOREST GROVE - DALLAS - JUNCTION CITY

TO: Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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SUBJECT: Groundwater Application Submittal.

September 11, 2020

To Whom it may concern:

Please find enclosed:

- A completed groundwater application form.
- A completed groundwater application map
- Application attachments.
- A check for \$3,2600 for the statutory review fee.

Please call if you have any questions or need any further information.

Sincerely,
Stuntzner Engineering & Forestry, LLC

A handwritten signature in blue ink, appearing to read "Bill Flatz".

Bill Flatz, PE, CWRE

Application for a Permit to Use
Groundwater

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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME JAMES R. MEANS			PHONE (HM)
PHONE (WK) 503-543-7405	CELL		FAX
ADDRESS 33668 JOHNSONS LANDING ROAD			
CITY SCAPPOOSE	STATE OR	ZIP 97056	E-MAIL*

Organization

NAME ORENCO RE, LLC			PHONE	FAX
ADDRESS 33187 KAMMEYER			CELL	
CITY SCAPPOOSE	STATE OR	ZIP 97056	E-MAIL*	

Agent – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME BILL FLATZ / STUNTZNER ENGINEERING & FORESTRY			PHONE 503-357-5717	FAX
ADDRESS 2318-B PACIFIC AVENUE			CELL	
CITY FOREST GROVE	STATE OR	ZIP 97116	E-MAIL* BILLFLATZ@STUNTZNER.COM	

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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



James R Means
Applicant Signature

JAMES R MEANS MGR
Print Name and Title if applicable

08/25/2020
Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

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- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

N/A

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
1	SPRING LAKE	1,040'	-10' +/-
2	JACKSON CREEK	870'	-10' +/-

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials *(attach additional sheets if necessary).*

SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 1,166 GPM (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	16"	+2' TO 120'	120' TO 150'	0' TO 20'	N/A	ALLUVIAL SEDIMENT	150' +/-		
2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	16"	+2' TO 120'	120' TO 150'	0' TO 20'	N/A	ALLUVIAL SEDIMENT	150' +/-		
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

*** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of appropriation (POA) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POA is located, please call the customer service desk at (503) 986-0801.

Upper Columbia - OAR 690-033-0115 thru -0130

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Is the well or proposed well located in an area where the Upper Columbia Rules apply?

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Yes No

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If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the well or proposed well located in an area where the Lower Columbia rules apply?

Yes No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as

appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, you will be required to provide the following information, if applicable.

Yes No The proposed use is for more than one cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use: The nursery stock includes containerized plants. The irrigation methods are intended to be the most practical for a given species. Conservation methods are used when practical. The nursery is set up with water recovery in canals and the water is reused to prevent any water leaving the site during the irrigation season. Spring Lake is also in the nursery and can be used as a bulge. Drip irrigation and both high and low pressure impact sprinklers are used depending on the crop.

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Statewide - OAR 690-033-0330 thru -0340

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Is the well or proposed well located in an area where the Statewide rules apply?

Yes No

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If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Nursery	Year Round	519.8 (max.)

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 103.96Acres Supplemental: ____Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

The nursery now has permit S-53955 operating as the primary. If and when this groundwater permit is issued the S-53955 permit will be diminished to supplemental and the groundwater right will be the primary right.

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 519.8 AF max.

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: ____ (Exempt Uses: Please note that 15,000 gallons per day for single or group domestic purposes and 5,000 gallons per day for a single industrial or commercial purpose are exempt from permitting requirements.)
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*): ____

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SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

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Pump (give horsepower and type): Submersible pump. Horsepower to be determined at the time of construction. Estimated 20 to 40 hp depending on the yield of the well and the final design of the conveyance system.

Other means (describe): ____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water will be pumped directly from the well into a combination of buried mainlines and above ground irrigation pipe, irrigation area will be controlled with valves. The water may also be conveyed to the Spring lake or canal bulges to be irrigated using the existing pumps used under permit S-53955.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

Application methods will be a combination of drip, high and low pressure impact sprinklers and hand lines, depending on the specific plants grown at the time.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

The nursery stock includes containerized plants. A flow meter will be installed at each well. The irrigation methods are intended to conserve water such as drip irrigation when practical. Areas of the nursery will be lined to allow irrigation water to be recaptured and reused.

SECTION 7: PROJECT SCHEDULE

- Date construction will begin: As soon as the permit is issued.
- Date construction will be completed: October 31st 2025
- Date beneficial water use will begin: July 2021, if the first will is completed.

SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: The nursery is already set up to collect any runoff in the canal system. The collected water is reused for irrigation thus preventing any runoff or chemical products from leaving the nursery during the normal irrigation season.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: No excavation or clearing of the banks will be required to construct these two wells.

Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:
List: No additional state or federal permits or contracts will be required to construct these two wells and continue the existing nursery operations.

SECTION 9: WITHIN A DISTRICT

Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

The intent of this application is to have this ground water right as the primary nursery water source. If the ground water permit is issued, the surface water use under Permit S-53955 (Application S-85441) will be diminished to supplemental use.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Well Development
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information **RECEIVED**
- SECTION 5: Water Use **SEP 16 2020**
- SECTION 6: Water Management
- SECTION 7: Project Schedule
- SECTION 8: Resource Protection **OWRD**
- SECTION 9: Within a District
- SECTION 10: Remarks

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 3,260
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

Note: In addition to a groundwater application, a standard reservoir application is required to store groundwater in a reservoir. If an applicant proposes to divert water from a reservoir, a surface water application is also required.

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

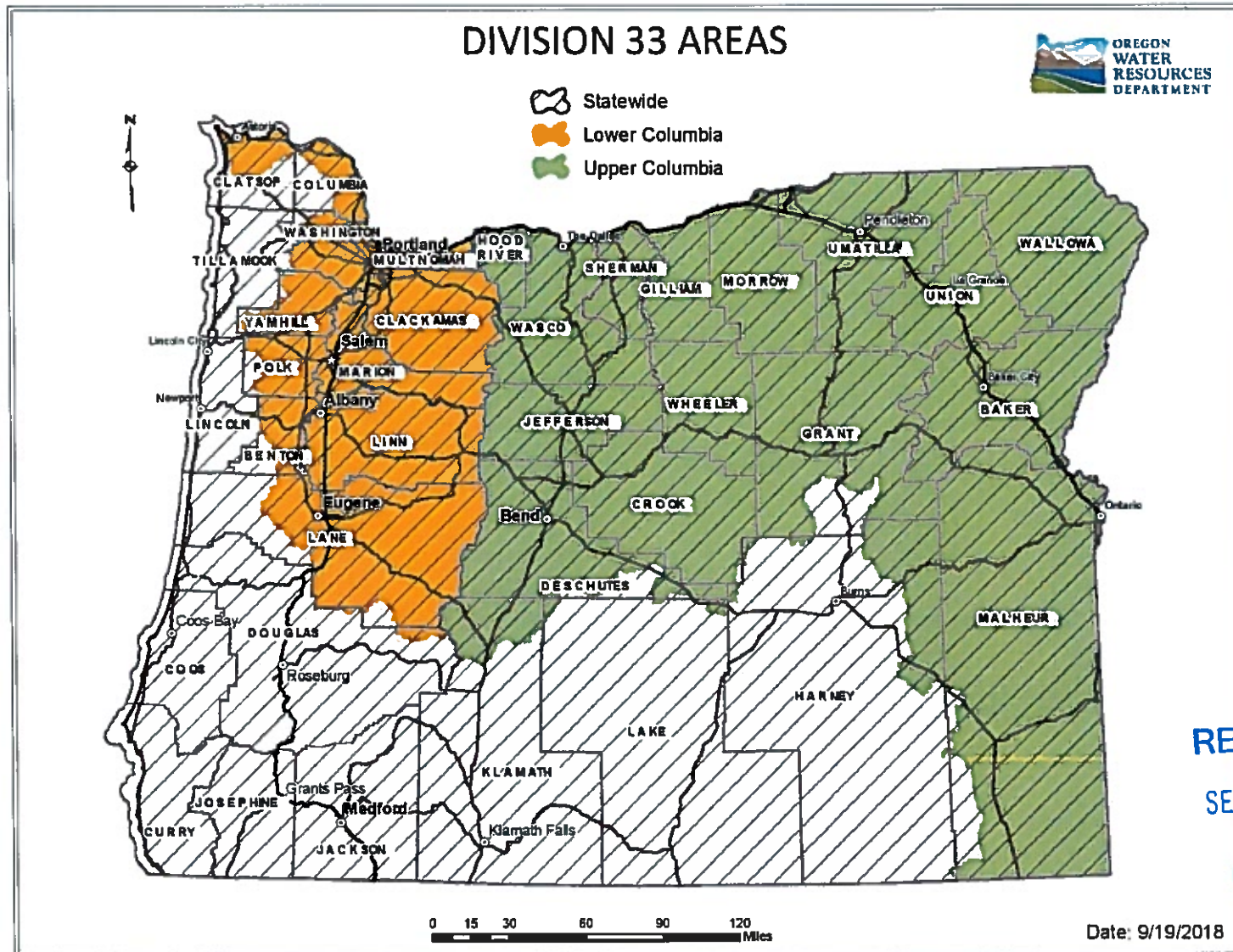
If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

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Figure 1: Map of Division 33 Areas



For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the Division 33 rules apply: https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

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**Means Nursery, Havlik property
Groundwater Application Attachments**

8-21-2020

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- Checklist and Processing Information, 2 pages, page 2**
- Land Use Information Form and maps, 5 pages, page 4**
- Statutory Warranty Deeds, 4 pages, page 9**
- OWRD fee calculation printout, 1 page, page 13**
- OWRD Location Information Lookup printout, 1 page, page 14**
- Well Log Colu-50334 as example, located south of site, 1 page, page 15**
- Secretary of state business entity data printout, 1 page, page 16**

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
503-986-0900
www.oregon.gov/OWRD

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NOTE TO APPLICANTS

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In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or groundwater registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

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Applicant

NAME MEANS NURSERY, INC.			PHONE (HM)		
PHONE (WK) 503-543-7542		CELL	FAX		
ADDRESS 33668 JOHNSON LANDING ROAD					
CITY SCAPPOOSE		STATE OR	ZIP 97056	E-MAIL* SGREISEN@MEANSNURSERY.COM	

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
3N	2W	13		600	PA-80	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
3N	2W	13		700	PA-80	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Columbia County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
- Water Right Transfer
- Permit Amendment or Groundwater Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water: Reservoir/Pond Groundwater Surface Water (name) _____

Estimated quantity of water needed: 219.8 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other Nursery

Briefly describe:

The owner wants to drill 2 wells and use them as the primary water right for the existing nursery.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

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Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): CC20 304.1

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued



Local governments are invited to express special land use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

NAME <u>Hyden Richardson</u>	TITLE: <u>Planner II</u>
SIGNATURE <u>[Signature]</u>	DATE: <u>8/17/2020</u>
PHONE: <u>(503) 397-7216</u>	
GOVERNMENT ENTITY <u>Columbia County</u>	

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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COLUMBIA COUNTY, OREGON		2019-03778
DEED-D		
Cnt=1 Pgs=4 KLUGD	05/14/2019 12:40:00 PM	
\$20.00 \$11.00 \$10.00 \$60.00 \$6.00	\$106.00	
I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.		
Elizabeth E. Huser - County Clerk		

GRANTOR'S NAME:
 Albert J Havlik, Trustee under the Trust Agreement dated August 5, 1980 as to Parcels 1 & 2, Albert J Havlik and Patricia A Havlik, Trustees of the Steven L Havlik Trust, Albert Havlik, and Mary Ann Robinson Parcel 3

GRANTEE'S NAME:
 Orenco RE, LLC, an Oregon limited liability company

AFTER RECORDING RETURN TO:
 Order No.: 360418004972-JS
 Orenco RE, LLC, an Oregon limited liability company
 33187 Kammeyer Road
 Scappoose, OR 97056

SEND TAX STATEMENTS TO:
 Orenco RE, LLC, an Oregon limited liability company
 33187 Kammeyer Road
 Scappoose, OR 97056

APN: 5715
 5716
 Map: 3213-00-00600
 3213-00-00700
 Vacant Land, Scappoose, OR 97056

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Albert J Havlik, Trustee under the Trust Agreement dated August 5, 1980 as to Parcels 1 & 2 and Albert J Havlik and Patricia A Havlik, Trustees of the Steven L Havlik Trust and Albert Havlik and Mary Ann Robinson, as to Parcel 3 Grantor, conveys and warrants to Orenco RE, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Columbia, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE MILLION FOUR HUNDRED EIGHTY-FIVE THOUSAND EIGHTY AND NO/100 DOLLARS (\$1,485,080.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

T1002 360418004972

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STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 5-13-19

Albert J Havlik, Trustee under the Trust Agreement dated August 5, 1980 as to Parcels 1 & 2

BY: Albert J Havlik
Albert J Havlik
Trustee

Albert J Havlik and Patricia A Havlik, Trustees of the Steven L Havlik Trust, UTA dated 08/27/1993 as to Parcel 3

BY: Albert J Havlik
Albert J Havlik
Trustee

BY: Patricia A Havlik
Patricia A Havlik
Trustee

Albert Havlik
Albert Havlik as to Parcel 3

Mary Ann Robinson
Mary Ann Robinson as to Parcel 3

State of OREGON
County of Columbia

This instrument was acknowledged before me on 5-13-19 by

Albert J Havlik as Trustee under the Trust Agreement dated August 5, 1980 as to Parcel 1 & 2.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 4-29-23



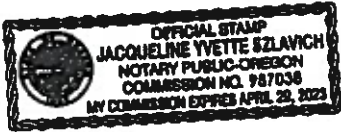
State of OREGON
County of Columbia

This instrument was acknowledged before me on 5-13-19 by

Albert J Havlik and Patricia A Havlik as Trustees of the Steven L Havlik Trust, UTA dated 08/27/1993 as to Parcel 3.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 4-29-23



State of OREGON
County of Columbia

This instrument was acknowledged before me on 5-13-19 by

Albert J Havlik as to Parcel 3.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 4-29-23



State of OREGON
County of Columbia

This instrument was acknowledged before me on 5-13-19 by

Mary Ann Robinson as to Parcel 3.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 4-29-23



EXHIBIT "A"
Legal Description

PARCEL 1: Beginning at the Southeast corner of the Jesse Miles Donation Land Claim which corner is also described as the quarter section corner between Sections 18 and 19, Township 3 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon; and running thence West on the line between said Sections 18 and 19, 23 chains and 92 links; thence North 70°14' West 16.20 chains; thence South 20°00' West 0.15 chains; thence North 70°23' West 35 chains and 67 links to the East side of line of the Northern Pacific Railroad right of way; thence along the said East line of said right of way North 3°45' West 14 chains and 70 links; thence South 84°45' East 74.20 chains to a point in the East line of the Jesse Miles Donation Land Claim; thence South 0°13' West 25.21 chains to the place of beginning, being in Columbia County, Oregon. EXCEPTING THEREFROM that portion conveyed to Barbara Steinfeld, in deed recorded July 31, 1946 in Book 87, page 471, Deed Records of Columbia County, Oregon. ALSO EXCEPTING THEREFROM that portion conveyed to H.G. Palmberg and Alma L. Palmberg in deed recorded September 19, 1946 in Book 88, page 542, Deed Records of Columbia County, Oregon. ALSO EXCEPTING THEREFROM that portion conveyed to Albert Havlik and Patricia Havlik in deed recorded March 3, 1977 in Book 210, page 387, Deed Records of Columbia County, Oregon. ALSO EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its Department of Transportation by deed recorded November 18, 2009 in Fee Number 2009-010506, Records of Columbia County, Oregon.

Also a 15 foot roadway running Westerly from the Southwesterly corner of herein described land along the Northerly side of the Southerly line of said Donation Land Claim to the paved highway from Scappoose in said County to City of Portland, except that portion of said 15 foot roadway, that falls within the boundaries of the Northern Pacific Railway Company's right of way. Also excepting all that portion of said 15 foot roadway together with all rights thereto conveyed by William A. Reddaway and Ethel May Reddaway to State of Oregon by deed recorded February 18, 1941 in Book 67, page 549, Deed Records of Columbia County, Oregon.

PARCEL 2: Beginning at a point that is North 22°16' East a distance of 394.7 feet from the section corner which is common to Sections 18 and 19, Township 3 North of Range 1 West of the Willamette Meridian, Columbia County, Oregon and Sections 13 and 24, Township 3 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon; thence Southerly along the Easterly line of the Thomas J. Jackson D.L.C. to the Northeast corner of that tract of land conveyed by Albert E. Johnson and Orpha M. Johnson, husband and wife, to Loren Albert Johnson by deed recorded June 11, 1921 in Book 31, at page 404, deed records of Columbia County, Oregon; thence South 70°14' East a distance of 332 feet, more or less, to center line of main drainage ditch of Scappoose Drainage District; thence Northerly along center line of said drainage ditch to point of intersection with a line running South 70°14' East from point of beginning; thence North 70°14' West to the point of beginning.

PARCEL 3: Commencing at the Northeast corner of the Thomas J. Jackson Donation Land Claim in Section 18, Township 3 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon; thence Northwesterly along the North line of said Donation Land Claim to the Easterly line of the right of way of the Spokane, Portland & Seattle Railway Company (formerly right of way of the Northern Pacific Railway Company); thence Southerly along the Easterly right of way line to an intersection of the Northerly line of that certain tract of land conveyed by Albert E. Johnson and Orpha M. Johnson to Loren Albert Johnson by deed recorded June 11, 1921 in Book 31 at page 404, deed records of Columbia County, Oregon; thence Southeasterly along said North line to the Northeast corner of said last described tract; thence Northerly to the place of beginning.

EXHIBIT "B"
Exceptions

Subject to:

The Land has been classified as Farm Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: 5715 and 5716

Regulations, levies, liens, assessments, rights of way and easements of Scappoose Drainage Improvement Company.

Rights of the public to any portion of the Land lying within the area commonly known as Haviak Street.

Any adverse claim based upon the assertion that:

- a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Jackson Creek, in the event the boundary of said Jackson Creek has been artificially raised or is now or at any time has been below the high watermark, if said Jackson Creek is in its natural state.
- b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
- c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Jackson Creek, or has been formed by accretion to any such portion.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Scappoose Drainage District
 Purpose: right of way to build canals etc.
 Recording Date: March 22, 1937
 Recording No: Book 80, Page 222
 Affects: Parcel 2

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Scappoose Drainage District
 Purpose: right of way and easement to build ditches, drains, embankments, power lines etc.
 Recording Date: June 4, 1938
 Recording No: Book 62, Page 515
 Affects: Parcel 1

Limited access to and from the Land as set forth in Deed shown below, which provides that there shall be no right of easement or right of access to, from or across the State Highway other than as expressly provided for in said Deed:

Grantor: William Reddaway and Ethel May Reddaway
 Grantee: State of Oregon, by and through its State Highway Commission
 Recording Date: February 18, 1941
 Recording No.: Book 87, page 549

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Portland General Electric Company
 Purpose: right of way
 Recording Date: March 10, 1960
 Recording No: Book 141, page 787
 Affects: Exact location not disclosed

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Portland General Electric Company
 Purpose: right of way
 Recording Date: July 11, 1960
 Recording No: Book 142, page 784
 Affects: East line

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: AT&T Corp. and AT&T Communications - East Inc.
 Purpose: right to operate, maintain, upgrade and expand its existing cable, as well as to install new conduits and fiber or replacement
 Recording Date: October 29, 2008
 Recording No: 2008-010054
 Affects: West line

Limited access to and from the Land as set forth in Deed shown below, which provides that there shall be no right of easement or right of access to, from or across the State Highway other than as expressly provided for in said Deed:

Grantor: Albert J. Haviak, Trustee under Trust Agreement dated August 5, 1980
 Grantee: State of Oregon, by and through its Department of Transportation
 Recording Date: November 18, 2009
 Recording No.: 2009-010506 and 2009-010507

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: State of Oregon, by and through its Department of Transportation
 Purpose: construct and maintain slopes and to install, plant, remove and maintain vegetative area
 Recording Date: November 18, 2009
 Recording No: 2009-010506 and 2009-010507

Landowners' Notice Scappoose Drainage Improvement Company

Recording Date: March 19, 2014
 Recording No.: 2014-001667



Oregon Water Resources Department
Groundwater Application

[Main](#)
[Help](#)
[Return](#)
[Contact Us](#)

Today's Date: Wednesday, August 12, 2020

Base Application Fee.		\$1,340.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	2.32	\$1,050.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed groundwater points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	2	\$350.00
Subtotal:		\$2,740.00
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st groundwater point of appropriation is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$3,260.00

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How would you like to enter your Location?

- Latitude/Longitude in Decimal Degrees (ex: Latitude: 45.0123 degrees, Longitude: -121.5321 degrees)
- Latitude/Longitude in Decimal Minutes (ex: 45 degrees, 27.567 minutes)
- Latitude/Longitude in Degrees, Minutes, Seconds (ex: 45 degrees, 37 minutes, 28 seconds)
- By Address (ex: 725 Summer ST NE Salem, OR 97301)
- By Public Land Survey (Township 1S, Range 3E, Section 5, NE Quarter/Quarter of SW Quarter)

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Meridian: Willamette Meridian

Township: 3 North

Range: 2 West

Section: 13

Quarter/Quarter: SE (40 acres)

Quarter: SE (160 acres)

Find Location

Location

Latitude/Longitude: n/a, n/a
OR Lambert X,Y: n/a, n/a

Public Land Survey (TRSQQ)

Meridian: WM
Township/Range/Section: 3N-2W-13
Quarter/Quarter: SE-SE

Political Features

County: Columbia
OWRD Region: NW
Watermaster District: 18

DEQ Region:
ODFW Region: Northwest Region
ODFW District: NWWD-Coast Range Unit

Hydrologic Features

Basin: Willamette
Water Availability Basin: (0)
Priority WAB Name: (0)

Groundwater Features

Groundwater Restricted Area: n/a

Other Features

4D Rules Apply: Rules apply
Division 33 Ruleset(s): Statewide; Lower Columbia; STATEWIDE

Colu
50334

WELL #2

LD8336

(1) **OWNER:** MEANS NURSERY
Address 27400 NW ST HELENS ROAD
City PORTLAND
Well No. 5
St OR Zip 97212

(9) **LOCATION OF WELL by legal description:**
County COLUMBIA Lat. ' ' ' ' Long. ' ' ' '
Township 3 N Range 2 W W.M.
Section 24 NE 1/4 NW 1/4
Tax Lot 0600 Lot Block Subdivision
Street Address of Well (or nearest Address)
HIGHWAY 30 SCAPOOSE, OR 97056

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(2) **TYPE OF WORK:** NEW WELL
(3) **DRILL METHOD:** ROTARY AIR
(4) **PROPOSED USE:** DOMESTIC

(10) **STATIC WATER LEVEL:**
10 ft. below land surface. Date 10/31/96
Artesian pressure _____ lb per square in. Date _____

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(5) **BORE HOLE CONSTRUCTION:**
Special Construction Approval NO _____ Depth of Compl. Well 140 ft
Explosives used NO _____ Type _____ Amount _____
MOLE SEAL
Dian. From To Material From To Amount
12 0 18 CEMENT 0 18 25 SACS
8 16 140 _____

(11) **WATER BEARING ZONES:**
Depth at which water was first found 10
From To Est Flow Rate SWL
130 140 125 10
130 80 10-20 10
10 80 5-10 10

Seal placement method C
Backfill: from _____ ft to _____ ft Material _____
Gravel: from _____ ft to _____ ft Size _____

(12) **WELL LOG:**
Material Ground elevation
From To SWL
TOP SOIL FILL LOAM 0 3
SAND, SILT, GRAVEL 3 80 10
GRAVEL SAND 80 130
GRAVEL CLEAN 130 140

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WATER RESOURCES DEPT.
SALEM, OREGON

Date started 10/20/96 Completed 10/31/96

(6) **CASING/LINER:**
Dian. From To Gauge Material Connection
Casing 8 +1 140 _____ STEEL WELDED
Lin _____
Final Location of shoe(s) 140

(7) **PERFORATIONS/SCREENS:**
[] Perf. Method _____
[] Screens Type _____ Material _____
From To Slot Size Number Dian. Tele/pipe Size Casing/liner

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed _____ WWC Number _____
Date _____

(8) **WELL TESTS:** Minimum testing time is 1 hour
Test type AIR
Yield GPM Draw-down Drill stem at Time
125 _____ 140 1 hr.

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

Signed A. McNeill WWC Number 1480
Date 11/17/96

Temperature of water 52 Depth Artesian Flow Found _____
Was water analysis done? NO By whom _____
Reason for water not suitable for use _____
Depth of strata _____

Business Registry Business Name Search

OWRD

08-04-2020

14:49

New Search

Business Entity Data

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1454295-93	DLLC	ACT	OREGON	06-27-2018	06-27-2021	
Entity Name	ORENCO RE, LLC					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	33187 KAMMEYER				
Addr 2					
CSZ	SCAPPOOSE	OR	97056	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	06-27-2018	Resign Date	
Name	JAMES	ROGER	MEANS			
Addr 1	33187 KAMMEYER					
Addr 2						
CSZ	SCAPPOOSE	OR	97056	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	33187 KAMMEYER			
Addr 2				
CSZ	SCAPPOOSE	OR	97056	Country UNITED STATES OF AMERICA

Type	MEM	MEMBER	Resign Date	
Name	JAMES	ROGER	MEANS	
Addr 1	33187 KAMMEYER			
Addr 2				
CSZ	SCAPPOOSE	OR	97056	Country UNITED STATES OF AMERICA

New Search

Name History

Business Entity Name	End Date