

**CLAIM OF  
BENEFICIAL USE  
for Surface Water Permits  
claiming more than 0.1 cfs**



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

**A fee of \$230 must accompany this form for permits  
with priority dates of July 9, 1987, or later.**

**A separate form shall be completed for each permit.**

*In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.*

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:  
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Go to "Resources for Water Right Examiners (CWRE)" Page  
<https://www.oregon.gov/OWRD/programs/WaterRights/COBU/Pages/default.aspx>

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-979-9103.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see  
<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx>

**SECTION 1  
GENERAL INFORMATION**

**1. File Information:**

|                                 |                            |                                 |
|---------------------------------|----------------------------|---------------------------------|
| APPLICATION #<br><b>S-84720</b> | PERMIT #<br><b>S-53910</b> | PERMIT AMENDMENT #<br><b>NA</b> |
|---------------------------------|----------------------------|---------------------------------|

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**2. Property Owner (current owner information):**

|                                                                         |                    |                     |                        |
|-------------------------------------------------------------------------|--------------------|---------------------|------------------------|
| APPLICANT/BUSINESS NAME<br><b>Oregon Flowers, Inc. (Martin Meskers)</b> |                    | PHONE NO.           | ADDITIONAL CONTACT NO. |
| ADDRESS<br><b>20727 Highway 99E NE</b>                                  |                    |                     |                        |
| CITY<br><b>Aurora</b>                                                   | STATE<br><b>OR</b> | ZIP<br><b>97002</b> | CITY<br><b>Aurora</b>  |

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each permit holder of record must sign this form.***

**3. Permit or holder of record (this may, or may not, be the current property owner):**

|                                                                         |                    |                     |  |
|-------------------------------------------------------------------------|--------------------|---------------------|--|
| APPLICANT/BUSINESS NAME<br><b>Oregon Flowers, Inc. (Martin Meskers)</b> |                    |                     |  |
| ADDRESS<br><b>20727 Highway 99E NE</b>                                  |                    |                     |  |
| CITY<br><b>Aurora</b>                                                   | STATE<br><b>OR</b> | ZIP<br><b>97002</b> |  |

|                                    |       |     |  |
|------------------------------------|-------|-----|--|
| ADDITIONAL PERMIT HOLDER OF RECORD |       |     |  |
| ADDRESS                            |       |     |  |
| CITY                               | STATE | ZIP |  |

**4. Date of Site Inspection:**

January 19<sup>th</sup>, 2022

**5. Person(s) interviewed and description of their association with the project:**

| NAME           | DATE                                                      | ASSOCIATION WITH THE PROJECT                                                                                                          |
|----------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Martin Meskers | December 21, 2021<br>January 12, 2022<br>January 19, 2022 | Founder/owner of Oregon Flowers, Inc. who was the original permit applicant and was present during the construction of the reservoir. |
| Tyler Meskers  |                                                           | COO of Oregon Flowers, Inc. Familiar with design, construction, and operation of the reservoir.                                       |

**6. County:**

Marion

**7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):**

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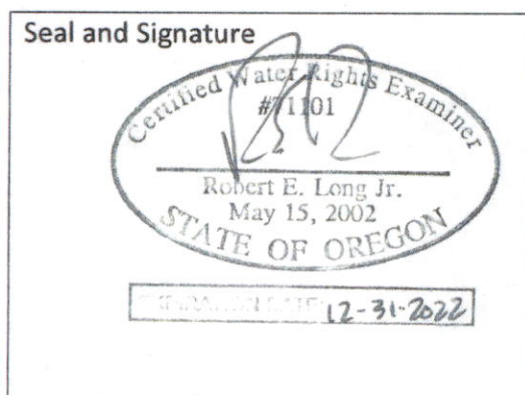
|                 |       |     |
|-----------------|-------|-----|
| OWNER OF RECORD |       |     |
| ADDRESS         |       |     |
| CITY            | STATE | ZIP |

Add additional tables for owners of record as needed

## SECTION 2 SIGNATURES

### CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



|                                                                  |                    |                                  |                                      |
|------------------------------------------------------------------|--------------------|----------------------------------|--------------------------------------|
| CWRE NAME<br><b>Robert Long, RG, LHG, CWRE</b>                   |                    | PHONE NO.<br><b>503-954-1326</b> | ADDITIONAL CONTACT NO.               |
| ADDRESS<br><b>1319 SE Martin Luther King Jr. Blvd, Suite 204</b> |                    |                                  |                                      |
| CITY<br><b>Portland</b>                                          | STATE<br><b>OR</b> | ZIP<br><b>97214</b>              | E-MAIL<br><b>Bob.long@cwmh2o.com</b> |

### Permit Holder's of Record Signature or Acknowledgement

***Each** permit or transfer holder of record must sign this form in the space provided below.*

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

| SIGNATURE | PRINT OR TYPE NAME | TITLE | DATE      |
|-----------|--------------------|-------|-----------|
|           | MARTIN MESKERS     | OWNER | 2-15-2022 |
|           |                    |       |           |

### SECTION 3

#### CLAIM DESCRIPTION

**1. Point of diversion name or number:**

|                                                                   |
|-------------------------------------------------------------------|
| POINT OF DIVERSION<br>(POD) NAME OR NUMBER<br>(CORRESPOND TO MAP) |
| <b>POD 1</b>                                                      |
|                                                                   |

**2. Point of diversion source and tributary:**

| POD<br>NAME OR NUMBER | SOURCE                             | TRIBUTARY                                        |
|-----------------------|------------------------------------|--------------------------------------------------|
| POD 1                 | Reservoir 1 (under Permit R-13571) | Unnamed drainage → Mill Creek →<br>Pudding River |

**3. Developed use(s), period of use, and rate for each use:**

| POD<br>NAME OR NUMBER        | USES           | IF IRRIGATION,<br>LIST CROP TYPE | SEASON OR MONTHS<br>WHEN WATER<br>WAS USED | ACTUAL RATE OR VOLUME<br>USED<br>(CFS, GPM, OR AF) |
|------------------------------|----------------|----------------------------------|--------------------------------------------|----------------------------------------------------|
| POD 1                        | Nursery<br>use | Nursery<br>flowers               | Year-round                                 | 0.31 cfs / 7.0 AF                                  |
| Total Quantity of Water Used |                |                                  |                                            | 0.31 cfs / 7.0 AF                                  |

**4. Provide a general narrative description of the distribution works.** This description must trace the water system from **each** point of diversion to the place of use:

Water is pumped from Reservoir 1 (under Permit R-13571) using a 20 HP submersible pump/motor on a floating platform. Water then flows through a 6" PVC pipe approx. 750 ft north to a 1,500 gallon, above-ground storage tank at the northeast corner of the property. The POD pumps into this storage tank, where it passes through sand filtration to remove particulate. The totalizing flow meter is located just before the storage tank. Water is distributed from the tank to the irrigation systems through a 6" mainline and three 4" lateral lines using a booster pump.

**Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).**

**5. Variations:**

Was the use developed differently from what was authorized by the permit, or permit amendment final order? If yes, describe below.

**YES**    **NO**

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

The original permit included up to 24 AF per year of usage across 24.5 acres at a maximum rate of 0.15 cfs per acre of nursery (max 3.67 cfs). The area actually of nursery use developed totals 19.7 acres. The annual volume used is 7.0 AF at a maximum rate of 0.31 cfs.

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**6. Claim Summary:**

| POD   | MAXIMUM RATE<br>AUTHORIZED                                  | CALCULATED<br>THEORETICAL RATE<br>BASED ON SYSTEM | AMOUNT OF WATER<br>MEASURED | USE            | # OF ACRES<br>ALLOWED | # OF ACRES<br>DEVELOPED |
|-------|-------------------------------------------------------------|---------------------------------------------------|-----------------------------|----------------|-----------------------|-------------------------|
| POD 1 | 0.15 cfs per acre<br>for nursery use, up<br>to 24.0 AF/year | 0.50 cfs                                          | NA                          | Nursery<br>Use | 24.5 ac               | 19.7 ac                 |

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## SECTION 4

### SYSTEM DESCRIPTION

Are there multiple PODs?

YES NO

If "YES" you will need to copy and complete a separate Section 4 for each POD.

POD Name or Number this section describes (only needed if there is more than one):

POD 1

#### A. Place of Use

1. Is the right for municipal use?

YES NO

If "YES" the table below may be deleted.

| TWP                   | RNG | MER | SEC | QQ    | GLOT | DLC | USE     | IF IRRIGATION,<br># PRIMARY<br>ACRES | IF IRRIGATION, #<br>SUPPLEMENTAL<br>ACRES |
|-----------------------|-----|-----|-----|-------|------|-----|---------|--------------------------------------|-------------------------------------------|
| 2S                    | 1W  | WM  | 11  | SE NE |      |     | Nursery | 18.1 ac                              |                                           |
| 2S                    | 1W  | WM  | 11  | SW NE |      |     | Nursery | 1.6 ac                               |                                           |
| Total Acres Irrigated |     |     |     |       |      |     |         | 19.7 ac                              |                                           |

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

#### B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

YES NO

If "NO" items 2 through item 6 may be deleted.

2. Pump Information:

| MANUFACTURER | MODEL                 | SERIAL NUMBER | TYPE (CENTRIFUGAL, TURBINE OR<br>SUBMERSIBLE) | INTAKE SIZE | DISCHARGE<br>SIZE |
|--------------|-----------------------|---------------|-----------------------------------------------|-------------|-------------------|
| Berkeley     | 6TS Series<br>#140 6" | Unk.          | Submersible                                   | 6"          | 4"                |

3. Motor Information:

| MANUFACTURER | HORSEPOWER |
|--------------|------------|
| Franklin     | 20 HP      |

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#### 4. Theoretical Pump Capacity:

| HORSEPOWER | OPERATING PSI | LIFT FROM SOURCE TO PUMP | LIFT FROM PUMP TO PLACE OF USE | TOTAL PUMP OUTPUT (IN CFS) |
|------------|---------------|--------------------------|--------------------------------|----------------------------|
| 20 HP      | ~ 0 PSI*      | 0 ft                     | 30 ft                          | 0.50 cfs                   |

#### 5. Provide pump calculations:

$\text{Max } Q_{\text{pump}} = (20 \text{ HP} * 0.75 \text{ eff.}) / (30 \text{ ft of lift} + \sim 0 \text{ ft of system pressure}) = 0.50 \text{ cfs}$

**Lift = Elevation of storage tank – elevation of reservoir surface  $\approx 198 \text{ ft} - 168 \text{ ft} = 30 \text{ ft}$**

\*The reservoir pump delivers water to an intermediate 1,500 gallon storage tank at the northeast corner of the property and does not pump directly into the irrigation system. Water is instead pumped from this tank using a booster pump to build pressure. The operating PSI is therefore approximately zero at the level of the storage tank (included in lift value).

#### 6. Measured Pump Capacity (using meter if meter was present and system was operating):

| INITIAL METER READING | ENDING METER READING | DURATION OF TIME OBSERVED | TOTAL PUMP OUTPUT (IN CFS) |
|-----------------------|----------------------|---------------------------|----------------------------|
|                       |                      |                           |                            |

\*System was not operating at the time of the site survey.

Reminder: For pump calculations use the reference information at the end of this document.

#### 7. Is the distribution system piped?

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YES NO

If "NO" items 8 through item 13 may be deleted.

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#### 8. Mainline Information:

| MAINLINE SIZE | LENGTH    | TYPE OF PIPE | BURIED OR ABOVE GROUND |
|---------------|-----------|--------------|------------------------|
| 6"            | ~1,150 ft | PVC          | Buried                 |
| 4"            | ~1,700 ft | PVC          | Buried                 |

#### 9. Lateral or Handline Information:

| LATERAL OR HANDLINE SIZE | LENGTH           | TYPE OF PIPE              | BURIED OR ABOVE GROUND |
|--------------------------|------------------|---------------------------|------------------------|
| 5/8" drip tape           | ~15,000 ft total | Movable plastic drip tape | Above ground*          |

\*The area of use is divided into four blocks, each with about 12-13 rows that are about 300 ft in length. Each row has a riser off of the 4" lateral lines, which pass between each block. A flexible dripline can be connected to the riser to irrigate each row, but not every row will have a dripline in place at one time. Large-head sprinklers can also be fitted to the risers as an alternative to the driplines. In either arrangement, only two blocks are typically irrigated at one time.

#### 10. Sprinkler Information:

| SIZE                | OPERATING PSI | SPRINKLER OUTPUT (GPM) | TOTAL NUMBER OF SPRINKLERS | MAXIMUM NUMBER USED | TOTAL SPRINKLER OUTPUT (CFS) |
|---------------------|---------------|------------------------|----------------------------|---------------------|------------------------------|
| Rainbird 30H - 1/8" | ~20-30        | 5.0 gpm                | 18                         | 18                  | 0.20 cfs                     |
| 14mm                | ~45-60        | 73 gpm                 | 1 (Water Reel)             | 1 (Water Reel)      | 0.16 cfs                     |

\*Only two of the four main nursery blocks are typically irrigated at one time. Each block has connections for 9 sprinkler heads. The set sprinklers and water reel systems are not used at the same time. Manufacturer information not available for 1/8" nozzle, output based on operator information and similar nozzle sizes from Rainbird.

**11. Drip Emitter Information:**

| SIZE | OPERATING PSI | EMITTER OUTPUT (GPM) | TOTAL NUMBER OF EMITTERS | MAXIMUM NUMBER USED | TOTAL EMITTER OUTPUT (cfs) |
|------|---------------|----------------------|--------------------------|---------------------|----------------------------|
|      |               |                      |                          |                     |                            |

**12. Drip Tape Information:**

| DRIPPER SPACING IN INCHES | GPM PER 100 FEET | TOTAL LENGTH OF TAPE | MAXIMUM LENGTH OF TAPE USED | TOTAL TAPE OUTPUT (cfs) | ADDITIONAL INFORMATION |
|---------------------------|------------------|----------------------|-----------------------------|-------------------------|------------------------|
| 8"                        | 0.34 gpm         | ~15,000 ft           | ~15,000 ft*                 | 0.11 cfs                | Rivulis T-Tape 5/8"    |

\*Only two of the four main nursery blocks are typically irrigated at one time. Each block contains about 12-13 rows that are about 300 ft in length, totaling about 7,500 ft of drip tape in each pair of blocks. The system is capable of operating all four blocks at one time, which would include the total ~15,000 ft of drip tape.

**13. Pivot Information:**

| MANUFACTURER | MAXIMUM WETTED RADIUS | OPERATING PSI | TOTAL PIVOT OUTPUT (GPM) | TOTAL PIVOT OUTPUT (cfs) |
|--------------|-----------------------|---------------|--------------------------|--------------------------|
|              |                       |               |                          |                          |

**C. Storage**

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)?

YES NO

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a:           Storage Tank  
                                    Bulge in System / Reservoir

YES NO  
YES NO

Complete appropriate table(s), unused table may be deleted.

**2. Storage Tank:**

| MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.) | CAPACITY (IN GALLONS) | ABOVE GROUND OR BURIED |
|----------------------------------------------|-----------------------|------------------------|
| Plastic                                      | 1,500 gal             | Above-ground           |

**3. Bulge in System / Reservoir:**

| RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP) | APPROXIMATE DAM HEIGHT | APPROXIMATE CAPACITY (IN ACRE FEET) |
|----------------------------------------------|------------------------|-------------------------------------|
| Reservoir 1 (Permit R-13571)                 | 20 ft (max)            | 1.48 AF                             |

**D. Gravity Flow Pipe**

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

YES NO

If "NO", items 2 through 4 relating to this section may be deleted.

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**2. Complete the table:**

| PIPE SIZE | PIPE TYPE | "C" FACTOR | AMOUNT OF FALL | LENGTH OF PIPE | SLOPE | COMPUTED RATE OF WATER FLOW (IN CFS) |
|-----------|-----------|------------|----------------|----------------|-------|--------------------------------------|
|           |           |            |                |                |       |                                      |

**3. Provide calculations:****4. If an actual measurement was taken, provide the following:**

| DATE OF MEASUREMENT | WHO MADE THE MEASUREMENT | MEASUREMENT METHOD | MEASURED QUANTITY OF WATER (IN CFS) |
|---------------------|--------------------------|--------------------|-------------------------------------|
|                     |                          |                    |                                     |

Attach measurement notes.

**E. Gravity Flow Canal or Ditch**

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

**1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?**

YES

NO

If "NO", items 2 through 4 relating to this section may be deleted.

**2. Complete the table:**

| CANAL OR DITCH TYPE (MATERIAL) | TOP WIDTH OF CANAL OR DITCH | BOTTOM WIDTH OF CANAL OR DITCH | DEPTH | "N" FACTOR | AMOUNT OF FALL | LENGTH OF CANAL/ DITCH | SLOPE | COMPUTED RATE (IN CFS) |
|--------------------------------|-----------------------------|--------------------------------|-------|------------|----------------|------------------------|-------|------------------------|
|                                |                             |                                |       |            |                |                        |       |                        |

**3. Provide calculations:****4. If an actual measurement was taken, provide the following:**

| DATE OF MEASUREMENT | WHO MADE THE MEASUREMENT | MEASUREMENT METHOD | MEASURED QUANTITY OF WATER (IN CFS) |
|---------------------|--------------------------|--------------------|-------------------------------------|
|                     |                          |                    |                                     |

Attach measurement notes.

**F. Additional notes or comments related to the system:**

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## SECTION 5 CONDITIONS

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

### 1. Time Limits:

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension of time:

|                                   | DATE FROM PERMIT | DATE ACCOMPLISHED*                            | DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS                                                                                                                                    |
|-----------------------------------|------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ISSUANCE DATE                     | 04/10/2003       |                                               |                                                                                                                                                                                                              |
| BEGIN CONSTRUCTION (A)            | NA               | Water was stored and used by the end of 2004. | Oregon Flowers records show that the reservoir was constructed between <b>September 1, 2003</b> and <b>October 31, 2004</b> . NAIP Imagery from the summer of 2005 shows the dam in place and storing water. |
| COMPLETE CONSTRUCTION (B)         | NA               |                                               |                                                                                                                                                                                                              |
| COMPLETE APPLICATION OF WATER (C) | 10/01/2007       |                                               |                                                                                                                                                                                                              |

\* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

### 2. Is there an extension final order(s)?

YES **NO**

If "NO", items a and b relating to this section may be deleted.

~~a. Did the Extension Final Order require the submittal of Progress Reports?~~

~~YES NO~~

~~If "NO", item b relating to this section may be deleted.~~

~~b. Were the Progress Reports submitted?~~

~~YES NO~~

~~If the reports have not been submitted, attach a copy of the reports if available.~~

### 3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

YES **NO**

If "NO", items b through f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed?

**YES** NO

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c. Meter Information

| POD NAME<br>OR # | MANUFACTURER               | SERIAL #    | CONDITION<br>(WORKING OR NOT) | CURRENT METER<br>READING | DATE INSTALLED                                                                                       |
|------------------|----------------------------|-------------|-------------------------------|--------------------------|------------------------------------------------------------------------------------------------------|
| POD 1            | 4" McCrometer<br>Flowmeter | 05-02009-04 | Working                       | 8,151,650                | Unit has 2005 serial<br>number. The unit was<br>purchased and<br>installed in the spring<br>of 2005. |

If a meter has been installed, items d through f relating to this section may be deleted.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? ~~YES~~ **NO**

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

| NAME | TITLE | APPROXIMATE DATE |
|------|-------|------------------|
|      |       |                  |

f. Measurement Device Description

| DEVICE DESCRIPTION | CONDITION<br>(WORKING OR NOT) | DATE INSTALLED |
|--------------------|-------------------------------|----------------|
|                    |                               |                |

4. Recording and reporting conditions:

a. Is the water user required to report the water use to the Department? ~~YES~~ **NO**

\*The permit states that "the Director may require the permittee to keep and maintain a record of the amount (volume) of water used..." though the applicant is not aware of such a request to date.

If "NO", item b relating to this section may be deleted.

b. Have the reports been submitted? ~~YES~~ **NO**

If the reports have not been submitted, attach a copy of the reports if available.

5. Fish Screening:

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? ~~YES~~ **NO**

\*The permit includes standard fish screening conditions. However, a letter from 9/23/2003 from ODFW to the applicant states that "After visiting the planned reservoir site, ODFW staff has determined that permit conditions 'the permittee shall install, maintain, and operate fish screening as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion' and 'The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish' are unnecessary and are waived." This letter was written by ODFW Fisheries Biologist Dick Caldwell (Attachment 1).

If "NO", items b through e relating to this section may be deleted.

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

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b. Has the fish screening been installed? YES ☐ NO ☒

c. When was the fish screening installed?

| DATE | BY WHOM |
|------|---------|
|      |         |

~~Reminder: If the permit was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.~~

d. ~~If the diversion involves a pump and the total diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:~~

- ~~• Has the self-certification form previously been submitted to the Department? NA YES ☒ NO ☐~~

~~If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx> complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).~~

~~Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self-certification form needs to have been previously submitted or be attached to this form.~~

e. ~~If the diversion does not involve a pump or the total diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:~~

- ~~• Has the ODFW approval been previously submitted? NA YES ☒ NO ☐~~

~~If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:  
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>~~

~~Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.~~

## 6. By-pass Devices:

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES ☐ NO ☒

\*The permit includes standard fish screening conditions. However, a letter from 9/23/2003 from ODFW to the applicant states that "After visiting the planned reservoir site, ODFW staff has determined that permit conditions 'the permittee shall install, maintain, and operate fish screening as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion' and 'The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish' are unnecessary and are waived." This letter was written by ODFW Fisheries Biologist Dick Caldwell (Attachment 1).

If "NO", items b and c relating to this section may be deleted.

~~Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.~~

b. Have by-pass devices been installed? YES ☐ NO ☒

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

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(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

| DESCRIPTION<br>(E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM. | IF INSTALLED<br>(DATE) | IF INSTALLED, BY WHOM |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                    |                        |                       |

**7. Other conditions required by permit, permit amendment final order, or extension final order:**

- |                                                                                  |            |           |
|----------------------------------------------------------------------------------|------------|-----------|
| a. Was the water user required to restore the riparian area if it was disturbed? | <b>YES</b> | <b>NO</b> |
| b. Was a fishway required?                                                       | <b>YES</b> | <b>NO</b> |
| c. Was submittal of a water management and conservation plan required?           | <b>YES</b> | <b>NO</b> |
| d. Other conditions?                                                             | <b>YES</b> | <b>NO</b> |

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>A. – The construction of the dam did not disturb significant riparian area.</p> <p>C. – This and the two other dam safety-related conditions (as-built drawings if reservoir construction varied from approved designs, and approval of dam foundation before construction) were waived by the OWRD Dam Safety Coordinator (see Attachment 2).</p> <p>E. – Other Conditions:</p> <p><i>"The permittee shall bypass all live flow outside of the storage season"</i> – The outlet gate allows for passage of live flow over the non-storage season. There is little to no live flow outside of the storage season and what flow there is comes from irrigation drainage through field drain tiles (see Attachment 3).</p> <p><i>"There shall be no releases from the reservoir from April to October"</i> – The outlet gate to the reservoir is closed during this period to capture and hold field drain runoff for reuse as nursery irrigation water.</p> <p><i>"The outlet gate shall be cycled at least once per year and shall be operational at all times"</i> – The CWRE observed that the outlet gate is functional and is operated regularly.</p> <p><i>"Routine maintenance of the dam, its spillway and all appurtenant structures shall be performed as necessary to remove trees, brush and debris, to repair slumps, or defective equipment"</i> – The CWRE observed that the dam crest, slope, and spillway were cleared of trees, brush, and debris and that slumps and erosional features were repaired.</p> |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

**SECTION 6  
ATTACHMENTS**

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**OWRD**

Provide a list of any additional documents you are attaching to this report:

| ATTACHMENT NAME     | DESCRIPTION                                                        |
|---------------------|--------------------------------------------------------------------|
| <b>ATTACHMENT 1</b> | <b>2003 Letter from ODFW Waiving Fish Persistence Conditions</b>   |
| <b>ATTACHMENT 2</b> | <b>2022 Letter from OWRD Dam Safety Coordinator</b>                |
| <b>ATTACHMENT 3</b> | <b>2002 Water Master Comments of the Source and Timing of Flow</b> |

## SECTION 7

### CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

This CBU map was prepared with the aid of satellite imagery and field survey measurements of the reservoir and associated dam collected in the field. Field surveys included three transects of the reservoir, measurements of the scale of the dam, and location of pipelines and risers. Imagery reviewed in this process included:

NAIP Imagery from: 1995, 2000, 2005, 2007, 2009, 2012, 2014, and 2017

OSIP Imagery from: 2018

#### Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

**(Reminder: Incomplete maps and/or claims may be returned.)**

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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# ATTACHMENT 1



# Oregon

Theodore R. Kulungoski, Governor

Department of Fish and Wildlife

Northwest Region

17330 SE Evelyn Street

Clackamas, OR 97015-9514

(503) 657-2000

(503) 657-2030

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SEP 26 2003

WATER RESOURCES DEPT  
SALEM, OREGON



Oregon Flowers, Inc.  
c/o Mr. Martin Meskers  
P.O. Box 311  
Aurora, OR 97002

September 23rd, 2003

Re: Oregon Water Resources Dept. application (R-8472) and S-84720

Dear Mr. Meskers:

The Oregon Department of Fish & Wildlife (ODFW) has reviewed permit conditions given to the Oregon Water Resources Department (OWRD) for the construction of a reservoir, R-84721, and to appropriate water, S-84720, located on a unnamed tributary of Mill Creek in the Pudding River drainage.

After visiting the planned reservoir site, ODFW staff has determined that permit conditions "The permittee shall install, maintain, and operate fish screening as required by ODFW to prevent fish from entering the proposed diversion" and "The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish" are unnecessary and are waived.

A copy of this letter will be forwarded to Mr. Jerry Gainey of the OWRD. If you have any questions or concerns related to this issue please don't hesitate to call.

Sincerely,

Dick Caldwell  
Fisheries Biologist  
North Willamette Fish District  
(503) 657-2000 ext. 235

cc. Mr. Jerry Gainey

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## ATTACHMENT 2

Ian Godwin

---

**From:** JANICEK Tony M \* WRD <Tony.M.JANICEK@water.oregon.gov>  
**Sent:** Thursday, February 3, 2022 1:22 PM  
**To:** Ian Godwin  
**Cc:** CLARK Gerald E \* WRD  
**Subject:** RE: Dam Safety Permit Conditions

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ian,

I have reviewed the report you sent. Based on the information in the report, this dam is not statutory and is therefore not subject to regulation by OWRD Dam Safety. As a result, any dam safety conditions in the permit related to a statutory dam do not apply to this dam.

*Tony Janicek, PhD, PE, CWRE*  
State Engineer for Water Resources  
725 Summer St. NE, Suite A, Salem, Oregon 97301  
Cell: 971-718-7921



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---

**From:** Ian Godwin <lgodwin@cwmh2o.com>  
**Sent:** Tuesday, January 25, 2022 1:36 PM  
**To:** JANICEK Tony M \* WRD <Tony.M.JANICEK@water.oregon.gov>  
**Subject:** RE: Dam Safety Permit Conditions

Great, thank you!

*Ian Godwin, GIT | CwM-H2O | Staff Hydrogeologist*  
[www.CwMH2O.com](http://www.CwMH2O.com) | Office (503) 954-1326 | Cell (571) 245-7897

---

**From:** JANICEK Tony M \* WRD <[Tony.M.JANICEK@water.oregon.gov](mailto:Tony.M.JANICEK@water.oregon.gov)>  
**Sent:** Tuesday, January 25, 2022 1:34 PM  
**To:** Ian Godwin <[lgodwin@cwmh2o.com](mailto:lgodwin@cwmh2o.com)>  
**Subject:** RE: Dam Safety Permit Conditions

I have received it and will review it and get back to you.

---

**From:** Ian Godwin <[lgodwin@cwmh2o.com](mailto:lgodwin@cwmh2o.com)>  
**Sent:** Tuesday, January 25, 2022 1:29 PM

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**To:** JANICEK Tony M \* WRD <[Tony.M.JANICEK@water.oregon.gov](mailto:Tony.M.JANICEK@water.oregon.gov)>  
**Subject:** FW: Dam Safety Permit Conditions

Good afternoon Tony,

Please see the attached email and report. I tried to send this to you yesterday but it looks like I got your email wrong and it was kicked back to me. If you could send confirmation that you have received this, that would be great. Thank you!

Best,  
**Ian Godwin, GIT | CwM-H2O | Staff Hydrogeologist**  
[www.CwMH2O.com](http://www.CwMH2O.com) | Office (503) 954-1326 | Cell (571) 245-7897

---

**From:** Ian Godwin  
**Sent:** Monday, January 24, 2022 1:10 PM  
**To:** [tony.m.janicek@water.oregon.org](mailto:tony.m.janicek@water.oregon.org)  
**Cc:** Bob Long <[Bob.Long@cwmmh2o.com](mailto:Bob.Long@cwmmh2o.com)>; CLARK Gerald E WRD <[Gerald.E.CLARK@water.oregon.gov](mailto:Gerald.E.CLARK@water.oregon.gov)>  
**Subject:** Dam Safety Permit Conditions

Good afternoon Tony,

I am a hydrogeologist at CwM-H2O working with Bob Long, CWRE. We are working with Oregon Flowers, Inc. to manage their water rights, which include Reservoir Permit R-13571 and the related Surface Water Permit S-53910. The reservoir in question was originally proposed to hold over 20 acre-feet of water with a dam more than 40 ft high, and dam safety permit conditions were included in Permit R-13571. The dam was constructed at a much smaller scale than what was outlined in the permit and dam safety conditions no longer apply. The Permittee is seeking to submit a claim of beneficial use, and we were recommended to contact you regarding the dam safety conditions by Gerry Clark. CwM has conducted a field survey to document the as-built scale of the dam and reservoir to demonstrate that dam safety conditions can be waived.

Please review the attached memorandum that describes the field evaluation and resulting calculations for storage volume and dam height. We are seeking written confirmation that the dam safety related conditions can be waived during the claim of beneficial use process. Please let me or Bob know if you have any questions or if other information is needed. Thank you!

Best,  
Ian Godwin

|                                                                                     |                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>Ian Godwin, GIT   Staff Hydrogeologist</b><br>1319 SE MLK Jr. Blvd., Suite 204, Portland, Oregon 97214<br><a href="http://www.cwmh2o.com">www.cwmh2o.com</a><br>Office (503) 954-1326   Cell (571) 245-7897 |
|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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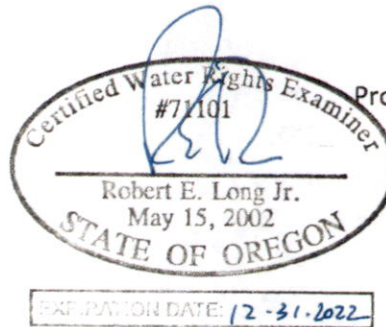
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January 24, 2022

Tony Janicek, PhD, PE  
Dam Safety Program Coordinator  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301



Project No. 2123001

**RE: RECONSIDERATION OF DAM SAFETY CONDITIONS FOR RESERVOIR ON PERMIT R-13571**

Dear Mr. Janicek:

CwM-H2O (CwM) is working with Oregon Flowers, Inc. of Aurora to manage and progress their small water rights portfolio. Oregon Flowers holds Oregon Water Resources Department (OWRD) reservoir and surface water permits (R-13571 and S-53910) that are connected to a small reservoir immediately southeast of the Aurora Airport (coordinates: 45.23908, -122.76597). These two permits were written in April 2003 based on the original and approved designs for the reservoir impoundment from July 2002. The dam was originally designed with a maximum height of 47 ft, maximum reservoir depth of 33 ft, and a storage volume of up to 24 acre-feet (Attachment 1 – Permit R-13571). These proposed parameters exceeded both the dam height and storage volume and the following dam safety-related conditions for permit R-13571:

- *"The earthen dam, the resultant reservoir, and the emergency spillway shall be constructed and maintained according to the plans and specifications on file with the Oregon Water Resources Dam Safety program. Any significant change in the approved design prior to or during construction shall be documented by the project engineer in a letter to Dam Safety. All construction shall be performed under the supervision of a registered engineer licensed in Oregon."*
- *"No fill shall be placed until the preparation of the foundation and excavation of the ore trench has been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both."*
- *"No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design, a set of reproducible as-built drawings, including a revised reservoir capacity graph/table, must accompany the engineer's written certification of completion."*

A dam was constructed within the permit window (completion date of October 1, 2007) and at the planned location, but at a much smaller scale than originally proposed. The permit holders now wish to certificate the water stored and put to beneficial use under these water rights. CwM has communicated with Gerry Clark, OWRD Water Rights Specialist regarding these conditions

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and the claim of beneficial use (CBU) process for Permits R-13571 and S-53910. Mr. Clark indicated that the dam safety conditions may be waived if the permit holder demonstrates that the as-built scale of the dam and reservoir no longer require dam safety protocols. This memo documents field activities that CwM conducted to measure the as-built dam height and storage volume. The goal of these actions is to establish the capacity of the "as-built" reservoir and document the dimensions of the earthen dam. Based on this evaluation, the permittee seeks to obtain approval to waive the above dam safety conditions associated with Permit R-13571 so that Oregon Flowers can submit CBUs for Permits R-13571 and S-53910.

## Field Assessment Activities

On January 21, 2022, Bob Long, *CWRE, RG, LHG* and project hydrogeologist Ian Godwin, *GIT* of CwM completed a day of field evaluations at the reservoir site. The goal of this work was documenting the as-built scale of the dam and reservoir. The following actions were completed as part of the field assessment:

- Two depth transects across the width of the reservoir (29 total measurements),
- A depth transect along the center length of the reservoir (25 total measurements),
- Measurements of the dam and related structures at the surface,
- GIS assessment of 1-m LiDAR data of the reservoir site.

## Reservoir Depth Transects and Volume Calculations

CwM completed a total of three depth transects of the reservoir. Field staff set up transects across the reservoir and measured depth at regular intervals using a measuring tape with a weight at the end. Two transects crossed the width of the reservoir at approximately 1/3<sup>rd</sup> (93 ft wide) and 2/3<sup>rd</sup> (60 ft wide) points along the length of the reservoir. The third transect followed the center-line along the length of the reservoir (214 ft long). A map of the transects and a depth profile for each is included in Attachment 2.

### Transect 1 (93 ft long)

- 18 depth measurements, every 5 ft
- Average depth = 6.6 ft
- Maximum depth = 12.2 ft

### Transect 2 (60 ft long)

- 11 depth measurements, every 5 ft
- Average depth = 6.1 ft
- Maximum depth = 9.1 ft

### Transect 3 (214 ft long)

- 25 measurements, every 5-10 ft
- Average depth = 6.1 ft
- Maximum depth = 11.7 ft

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CwM estimated the surface area of the reservoir using aerial imagery and ArcGIS Pro to be approx. **0.25 acres**. The overall average depth among the 54 measurements collected was **6.3 ft**. A simple calculation for the approximate volume of the reservoir is:

$$\text{Estimated volume} = 0.25 \text{ acres} \times 6.3 \text{ ft} = \mathbf{1.57 \text{ acre-feet}}$$

CwM also calculated the volume of the reservoir using the dimensions as measured in the field and by approximating its shape as a triangular prism (the volume above the submerged slope of the dam) and triangular pyramid (from the toe of the dam to the up-stream end of the reservoir).

$$\text{Volume of triangular pyramid} = \frac{1}{3} A * H$$

A = cross-sectional area of reservoir at toe of dam, H = length from toe to end of reservoir

$$\text{Volume} = \frac{1}{3} (12.2 \text{ ft} \times 93 \text{ ft} \times 175 \text{ ft}) = 34,533 \text{ ft}^3 = \mathbf{0.793 \text{ acre-feet}}$$

$$\text{Volume of triangular prism} = \frac{1}{2} D * L * W$$

D = depth at toe of dam, L = length of submerged dam face, W = reservoir width at toe of dam

$$\text{Volume} = \frac{1}{2} (12.2 \text{ ft} \times 40 \text{ ft} \times 98 \text{ ft}) = 23,670 \text{ ft}^3 = \mathbf{0.543 \text{ acre-feet}}$$

$$\text{Total volume of reservoir} \approx \mathbf{1.34 \text{ acre-feet}}$$

### Measurements of Dam Dimensions

CwM took measurements of the dam surface while on site and compared the field data to high resolution LiDAR-derived values using GIS software. A sketch and LiDAR elevation profile of the dam is included in Attachment 3. The maximum height of the dam was calculated based on the elevations of the top of the dam (168 ft), the slope and length of the dam faces, and the slope of the natural ground surface below the dam.

$$\text{Dam Width (across drainage)} = 100 \text{ ft}$$

$$\text{Dam Crest Width} = 20 \text{ ft}$$

$$\text{Slope of Dam} = 30^\circ \text{ on both sides}$$

$$\text{Length of Dam Face from Crest to Downstream Toe} = 75 \text{ ft}$$

$$\text{Length of Dam Face from Crest to Upstream Toe (submerged)} = 58 \text{ ft}$$

$$\text{Approximate Slope of Natural Ground Surface} = 3\text{-}5^\circ$$

$$\mathbf{\text{Maximum Height of Dam} = 20 \text{ ft}} \text{ (calculated from the above measured parameters)}$$

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## Conclusions

Based on CwM's field measurements of the dam structure and reservoir, it is clear that the storage volume falls far below the 9.2 acre-feet threshold for dam safety conditions. The static water elevation in the reservoir tops out at about 162.5 ft, as that is the approximate elevation of the outfall structure for the dam. In the unlikely case that the outfall structure could not evacuate water fast enough, the elevation of the emergency spillway (about 20 ft wide and 3 ft deep) is 164.5 ft. With the spillway draining water, the surface area of the reservoir would increase to approximately 0.35 acres (based on 1-m LiDAR data), with an estimated maximum volume of 2.0 – 2.3 acre-feet.

Based on this evaluation, CwM requests the removal of the three dam safety requirements contained in Permit R-13571.

If you have any questions about the survey methods or the reservoir site, please contact the undersigned at 503-954-1326, using Mr. Long's cell phone at (503) 799-0304, or via email at [bob.long@cwmh2o.com](mailto:bob.long@cwmh2o.com).

Sincerely,

**CwM H2O, L.L.C.**



Robert Long, *RG, LHG, CWRE*  
Principal Consultant

Attachment 1 – Permits R-13571 and S-53910

Attachment 2 – Reservoir Depth Cross-section Data

Attachment 3 – Dam Structure LiDAR and Field Measurement Data

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# ATTACHMENT 1

STATE OF OREGON

COUNTY OF MARION

PERMIT TO CONSTRUCT A RESERVOIR AND STORE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

OREGON FLOWERS INC  
ATTN: MARTIN W MESKERS  
PO BOX 311  
AURORA, OREGON 97002

(503) 678-2580

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

APPLICATION FILE NUMBER: R-84721

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF MILL CREEK

STORAGE FACILITY: AN UNNAMED RESERVOIR

PURPOSE OR USE OF THE STORED WATER: TO BE APPROPRIATED UNDER APPLICATION S-84720, PERMIT #53910, FOR NURSERY OPERATIONS ON 24.5 ACRES

MAXIMUM VOLUME: 24.0 ACRE FEET EACH YEAR

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MARCH 31

DATE OF PRIORITY: APRIL 20, 2001

The area submerged by the reservoir, when full, will be 2.0 acres and the maximum depth of water will be 33.0 feet. The maximum height of the dam shall not exceed 47.0 feet.

DAM LOCATION: SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SECTION 11, T4S, R1W, W.M.; 2269 FEET SOUTH & 400 FEET WEST FROM NE CORNER, SECTION 11

THE AREA TO BE SUBMERGED BY THE RESERVOIR IS LOCATED AS FOLLOWS:

SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
SECTION 11  
TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

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Application R-84721 Water Resources Department

PERMIT R-13571

## 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 permittee shall bypass all live flow outside the storage season described above.

There shall be no releases from the reservoir April 1 through October 31 of each year.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.

The outlet gate shall be cycled at least once each year and shall be fully operational at all times.

Routine maintenance of the dam, its spillway and all appurtenant structures shall be performed as necessary to remove trees, brush and debris, or to repair slumps, areas of erosion, or defective equipment.

The earthen dam, the resultant reservoir, and the emergency spillway, shall be constructed and maintained according to the plans and specifications on file with the Oregon Water Resources Dam Safety program. Any significant change in the approved design prior to or during construction shall be documented by the project engineer in a letter to Dam Safety. All construction shall be performed under the supervision of a registered engineer licensed in Oregon.

No fill shall be placed until preparation of the foundation and excavation of the core trench has been completed and examined in its entirety by the engineer of record, or by the Water Resources Dam Safety Engineer, or both.

No water shall be stored until the Water Resources Department receives written certification from the engineer of record that construction has been completed in accordance with the approved plans and specifications. If construction deviates from the approved design a set reproducible asbuilt drawings, including a revised reservoir capacity graph/table, must accompany the engineer's written certification of completion.

The completed structure shall not be enlarged, modified, altered or otherwise changed without the prior written approval of the Director of the Water Resources Department or the Director's authorized representative. Except for routine repair and maintenance, plans and specifications prepared by an Oregon licensed engineer are required for any significant modification, alteration, or rehabilitation of the dam, spillway or appurtenant structures.

#### STANDARD CONDITIONS

Use under this permit is limited to the reservoir area. This permit does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

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.

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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.

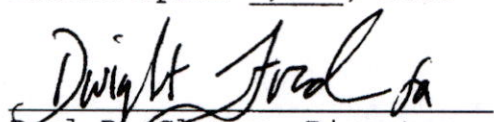
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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.

The reservoir shall be filled and 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 April 10, 2003

  
Paul R. Cleary, Director  
Water Resources Department

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Application R-84721    Water Resources Department  
Basin 02                Volume 15A DEER CR & MISC  
Gaineyjw

PERMIT R-13571  
District 16

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, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.



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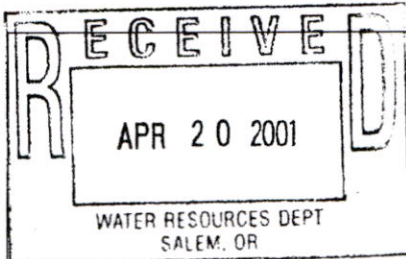
OWRD

Application R-84721    Water Resources Department  
Basin 02                Volume 15A DEER CR & MISC  
Gaineyjw

PERMIT R-13571  
District 16

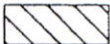
Section II, T.4S. R.1W. W.M.

Marion County

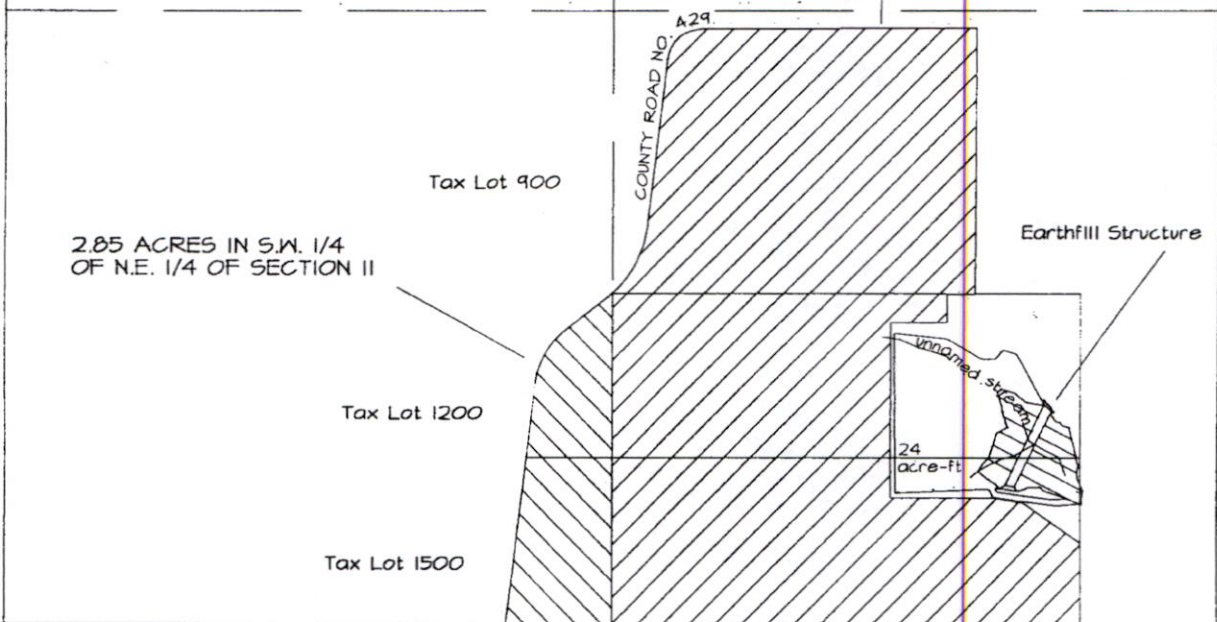


Application No. R84721  
Permit No. R-13571

2 1  
11 12

 Proposed area of Beneficial Use  
 Proposed area of Beneficial Use

21.65 ACRES IN S.E. 1/4  
OF N.E. 1/4 CF SECTION II



Scale: 1" = 400'

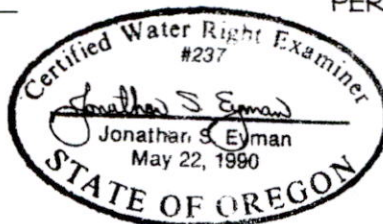
Earthfill Structure is located 2269' South  
and 400' West of the NE Corner of Section II.

Stream is within the Willamette Basin

APPLICATION MAP FOR PERMIT TO CONSTRUCT A RESERVOIR  
APPLICATION MAP FOR PERMIT TO APPROPRIATE SURFACE WATER  
FOR  
OREGON FLOWERS, INC

APPLICATION NUMBER \_\_\_\_\_

PERMIT NUMBER \_\_\_\_\_



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

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# WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened, or Endangered Species  
OAR 690-33-310 through 340.

FILE#: R 84721

OREGON FLOWERS INC.  
PO BOX 311  
AURORA, OR 97002

Date: 2/1/02 21 day Deadline Date: 2/22/02 Application # \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

SOURCE OF WATER: ☒ GROUNDWATER ☒ SURFACE WATER ☐ STORAGE

DESCRIPTION OF THE SOURCE: Tile lines supplying unnamed stream / Mill Creek  
(A spring, well, sump, exempt pond, unnamed stream, etc.)

1) If from surface water, does the water at the proposed diversion location flow into another water body?

☐ YES

☐ NO

☒ SOMETIMES

If sometimes, describe the time period, Between: Mid-October and late June

late June and Mid-October, according to  
Land owner.

2) Does the source ever go dry in the area of the proposed diversion?

☒ YES

☒ NO, according to land owner

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

☐ YES

☒ NO, according to

If YES, please explain: \_\_\_\_\_

4) Is there sufficient flow at the proposed point of diversion to satisfy all existing water rights and provide the quantity of water requested under this application?

Define "all existing water rights"

☒ YES

☒ NO

if "all existing water rights" means wtrs withdrawn from this drainage

5) Did you meet with staff from another agency to discuss this application?

☐ YES

☒ NO

Who: \_\_\_\_\_

Agency: \_\_\_\_\_

Date: \_\_\_\_\_

6) Is mitigation an option?

Its always an option. Is it necessary?

☐ YES

☒ NO, this will be self-regulating.

If YES, please explain: \_\_\_\_\_

Comments: Martin Meskert present during site visit 3.8.2002 @ 1125.  
Photos taken - film. After reservoir fills the tile liner will empty  
into the reservoir with minimal to no surface flow time.

Name: Bill Jerven

Date: 3.27.2002 Title: Wm #16

WRD Contact:

Kerry Lefever, Acting Interagency Coordinator, Water Rights Division  
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@wrdr.or.state.us

Revised: 02/23/01

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STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

OREGON FLOWERS INC.  
ATTN: MARTIN W MESKERS,  
PO BOX 311  
AURORA, OREGON 97002

(503) 678-2580

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

APPLICATION FILE NUMBER: S-84720

SOURCE OF WATER: A RESERVOIR, TO BE CONSTRUCTED UNDER APPLICATION  
R-84721, PERMIT #R-13571, TRIBUTARY OF MILL CREEK

PURPOSE OR USE: NURSERY OPERATIONS ON 24.5 ACRES

MAXIMUM VOLUME: 24.0 ACRE FEET FROM AN UNNAMED RESERVOIR

PERIOD OF USE: YEAR-ROUND FROM AN UNNAMED RESERVOIR

DATE OF PRIORITY: APRIL 20, 2001

POINT OF DIVERSION LOCATION: SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SECTION 11, T4S, R1W, W.M.; 2269  
FEET SOUTH & 400 FEET WEST FROM NE CORNER, SECTION 11

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.

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Application S-84720 Water Resources Department

PERMIT 53910

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW ¼ NE ¼ 2.85 ACRES  
SE ¼ NE ¼ 21.65 ACRES  
SECTION 11  
TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

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

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

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Application S-84720 Water Resources Department FEB 16 2022 PERMIT 53910

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## STANDARD CONDITIONS

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

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.

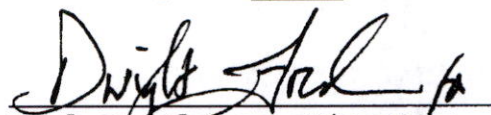
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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 April 10, 2003



Paul R. Cleary, Director  
Water Resources Department

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Application S-84720    Water Resources Department  
Basin 02    Volume 15A MILL CR  
Gaineyjw

PERMIT 53910  
District 16

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, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

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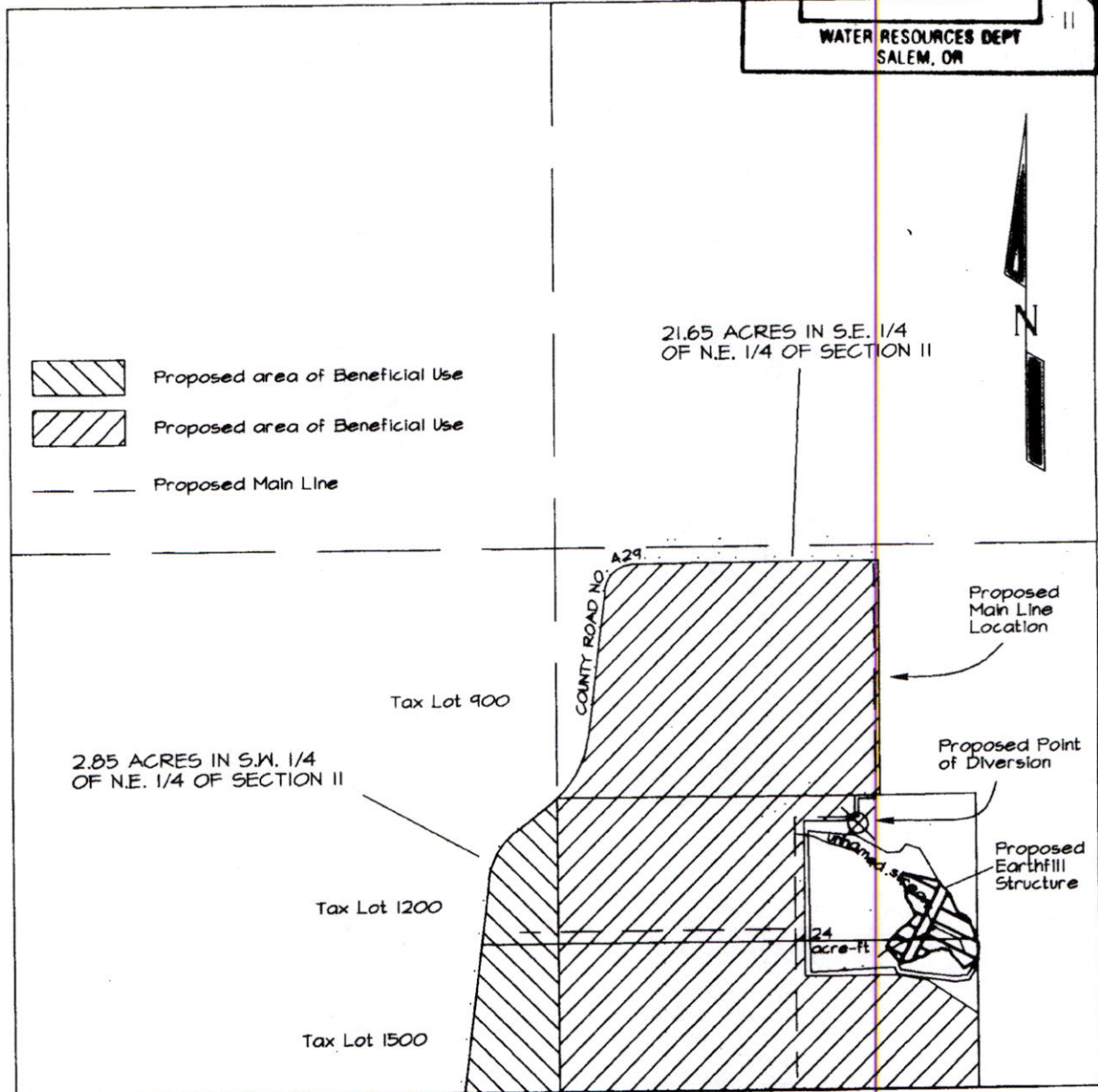
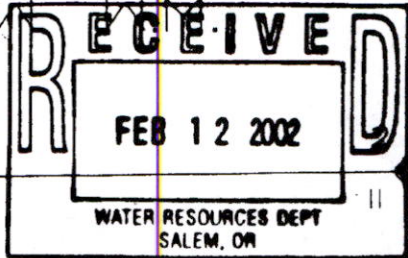
FEB 16 2022

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Application S-84720    Water Resources Department  
Basin 02                      Volume 15A MILL CR  
Gaineyjw

PERMIT 53910  
District 16

Section II, T.4S. R.11E  
Marion County



Scale: 1" = 400'  
Earthfill Structure is located 2269' South  
and 400' West of the NE Corner of Section II.

Stream is within the Willamette Basin  
Proposed Point of Diversion is 2000' South  
and 590' West of the NE Corner of Section II.

APPLICATION MAP FOR PERMIT TO CONSTRUCT A RESERVOIR  
APPLICATION MAP FOR PERMIT TO APPROPRIATE SURFACE WATER  
FOR  
OREGON FLOWERS, INC

APPLICATION NUMBER S-84720

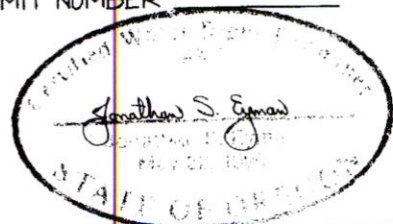
PERMIT NUMBER

Revised 02/08/2002 to  
show point of diversion.

App # S-84720

Permit # S-53910

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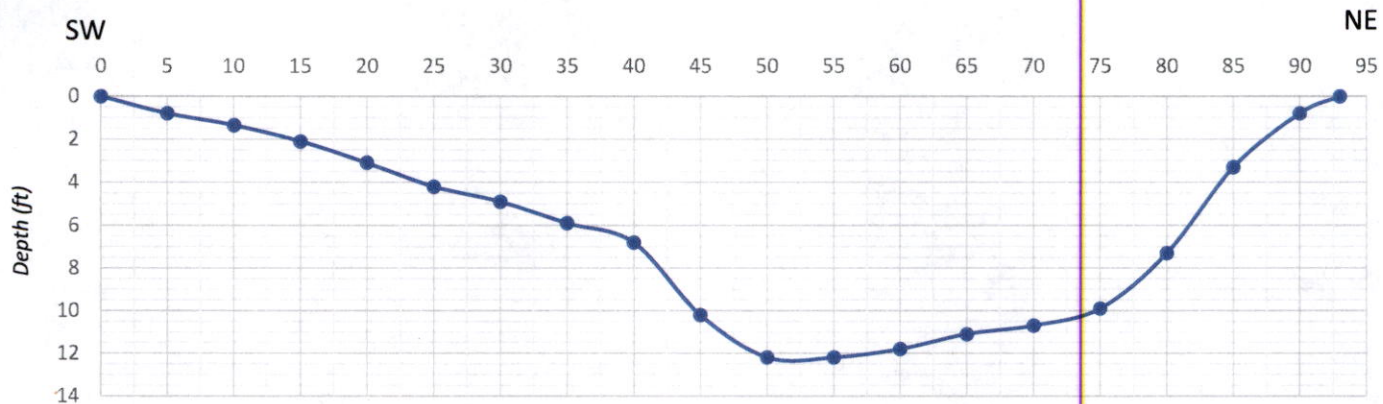


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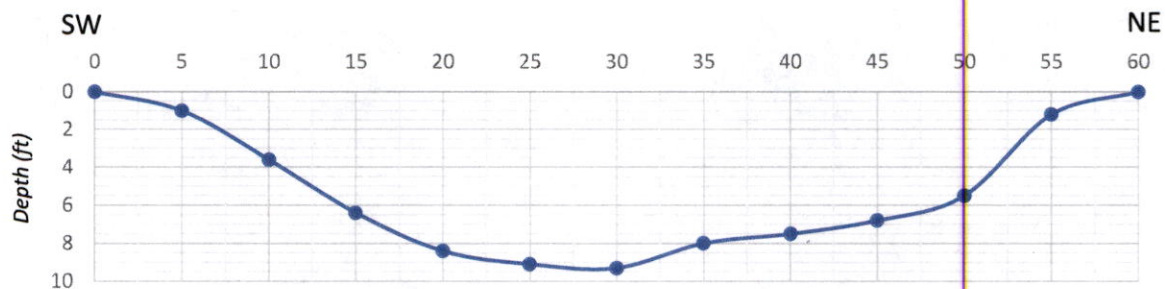
## ATTACHMENT 2

### Reservoir Depth Cross-Section Data

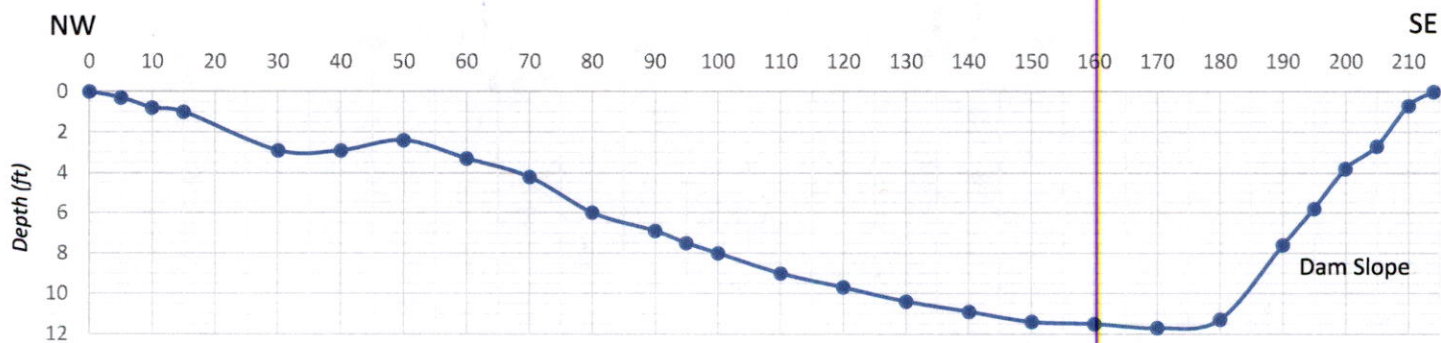
**Transect 1**



**Transect 2**



**Transect 3**



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T4S, R1W W.M.  
Section 11

Transect 3

Transect 2

Transect 1

Crest of Dam

Spillway

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**CwM-H2O**

Complete Water Management



1319 SE MLK, Jr. Blvd, Suite 204  
Portland, Oregon 97214  
(503) 954-1326

**Attachment 2**  
**Map of Depth Survey Transects**  
**and Dam Structure**

| 1   | DATE | AUTH | DRAFT     |
|-----|------|------|-----------|
|     |      |      |           |
|     |      |      |           |
| No. | Date | By   | Revisions |

0 30 60 120  
ft

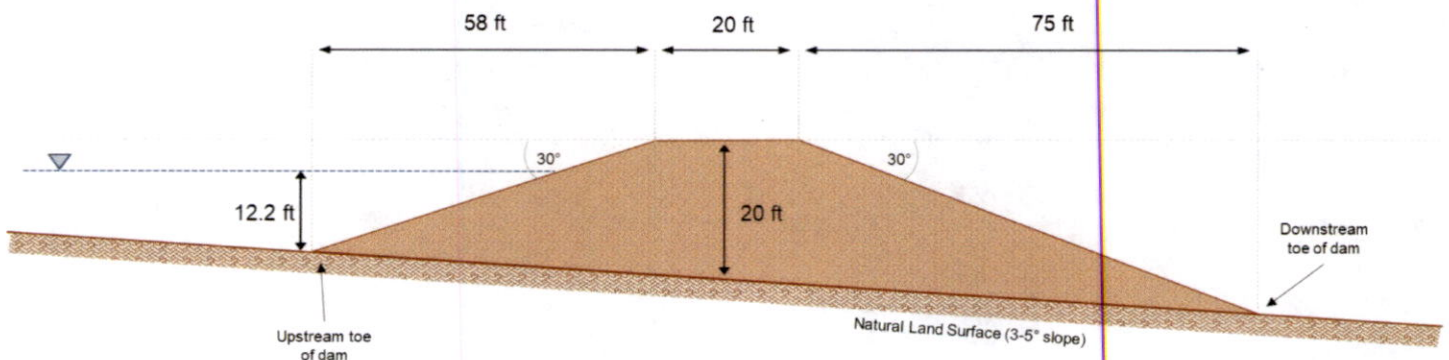
**Proj#: 2123001**  
**Oregon Flowers Water Rights**  
Oregon Flowers, Inc.  
20727 Hwy 99E  
Aurora, OR, 97002



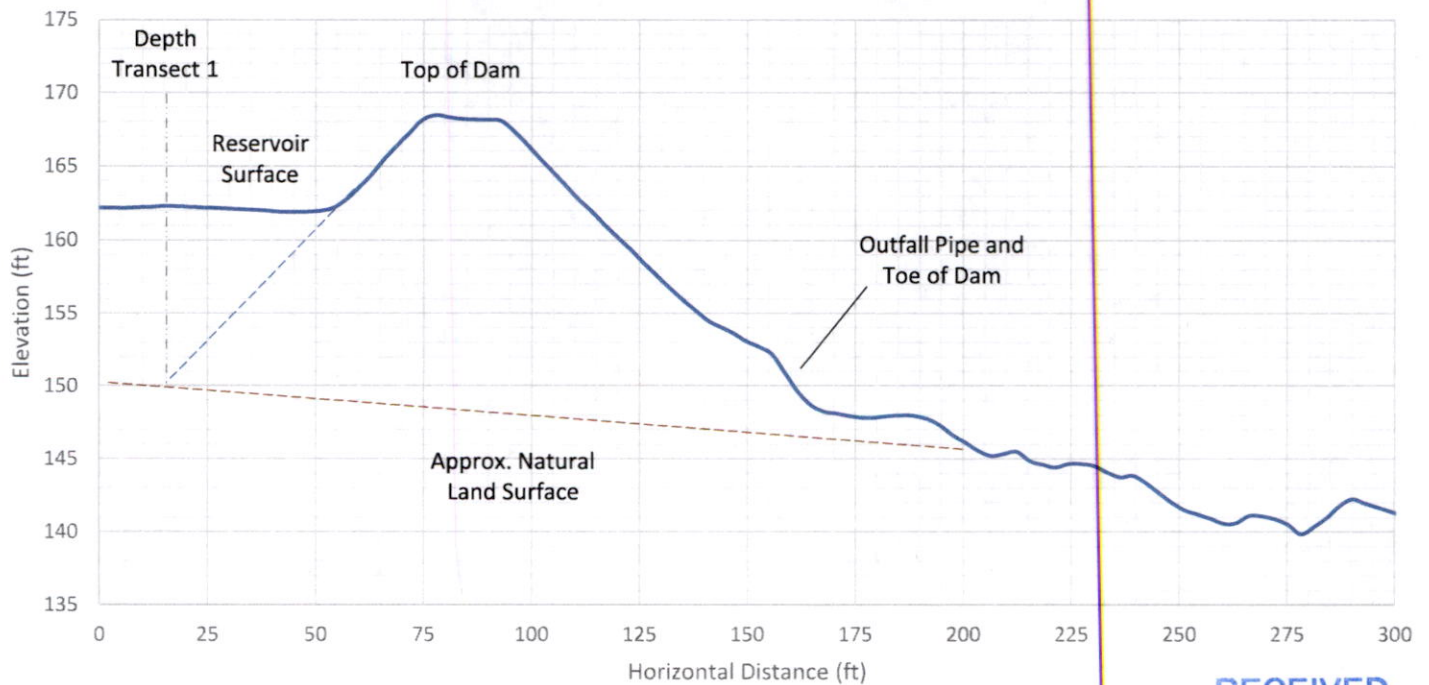
# ATTACHMENT 3

## Dam Structure LiDAR and Field Measurement Data

Field Measurements and Dam Scale



LiDAR Transect Across the Dam (NW-SE)



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## WATERMASTER DIVISION 33 APPLICATION WORK SHEET

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FILE#: R 84721

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Define "all existing water rights":

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☐ YES

☒ NO

Who: \_\_\_\_\_ Agency: \_\_\_\_\_ Date: \_\_\_\_\_

6) Is mitigation an option?

Its always an option. Is it necessary?

☐ YES

☒ NO, this will be self-regulating.

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Comments: Martin Meskerc present during site visit 3.8.2002 @ 11:25.  
Photos taken - film. After reservoir fills the tile lines will empty  
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Name: Bill Lefer

Date: 3.27.2002 Title: Wm #16

WRD Contact:

Kerry Lefever, Acting Interagency Coordinator, Water Rights Division  
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@wrdr.or.state.us

Revised: 02/23/01

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