

**CLAIM OF
BENEFICIAL USE
for Reservoir Permits by
CWRE's (not self-certified)**



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

**A fee of \$230 must accompany this form for permits
with priority dates of July 9, 1987, or later.**
Claims received without the correct fee of \$200 will be returned.

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>

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 # R-84721	PERMIT # (IF APPLICABLE) R-13571	PERMIT AMENDMENT # (IF APPLICABLE) NA
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2. Property Owner (current owner information)

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

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 holder of record (this may, or may not, be the current property owner)

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

ADDITIONAL PERMIT HOLDER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

January 19th, 2022

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Martin Meskers	December 21, 2021 January 12, 2022 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 County

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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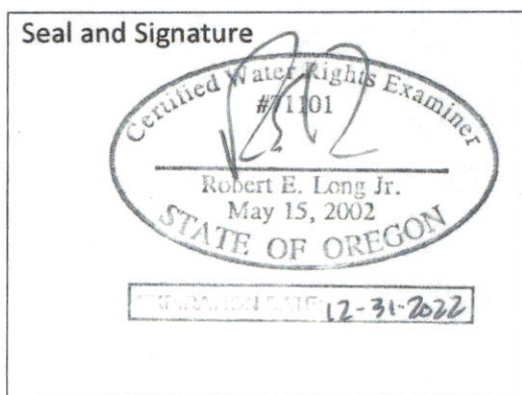
OWNER OF RECORD		
ADDRESS		
CITY	STATE	ZIP

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

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

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SECTION 3

CLAIM DESCRIPTION

1. Reservoir source and, if from surface water, the tributary:

RESERVOIR NAME OR NUMBER	SOURCE	TRIBUTARY
Reservoir 1	The reservoir is located at the head of a small, unnamed drainage feature in the Pudding River Basin. The water that flows into the reservoir comes from three field tile lines that drain the agricultural fields to the north and west. The water drained by these tiles is either precipitation or irrigation seepage and is very limited or non-existent during the summer months. The unnamed drainage continues about 2,500 ft (760 m) to the southeast before reaching Airport Road, where the drainage channel disappears. There are two other impoundments along this drainage between Reservoir 1 and Airport Road. The unnamed drainage presumably leads to Mill Creek about 3,000 ft to the southeast of Reservoir 1.	Unnamed drainage → Mill Creek → Pudding River

2. Developed use(s), period of use, and acre foot (af) for each use:

RESERVOIR NAME OR NUMBER	USES	SEASON OR MONTHS WHEN WATER WAS APPROPRIATED FOR STORAGE	VOLUME STORED (AF)
Reservoir 1	Storage, Nursery Use	Nov 1 – Mar 31	1.48 AF
Total Quantity of Water Stored			1.48 AF

3. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion to the reservoir:

The reservoir is located on-channel at the head of an unnamed drainage that leads of Mill Creek. Water is impounded by an earthen dam spanning a 100-ft wide section of the drainage channel with a maximum height of 20 ft. There are no diversion points or distribution works associated with this storage right.

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).

4. Variations:

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

YES **NO**

(e.g. "The permit allowed the development of three reservoirs. The permit holder only developed one of the reservoirs." or "The permit allowed for the storage of 9 acre feet of water. The reservoir was developed to hold 5.2 acre feet.")

The original permit was for 24 AF of storage behind a dam with a maximum height of 47 ft and a maximum reservoir depth of 33 ft. These design parameters necessitated dam safety conditions within the permit. The earthen dam was constructed at a much smaller scale than originally proposed. The maximum height as-built is about 20 ft with a maximum reservoir depth of about 12-13 ft. The estimated instantaneous storage at the elevation of the outfall structure is 1.48 AF.

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5. Claim Summary:

RESERVOIR NAME OR #	MAXIMUM STORAGE AUTHORIZED BY PERMIT (AF)	MAXIMUM STORAGE DEVELOPED (AF)
Reservoir 1	24.0 AF	1.48 AF

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SECTION 4

SYSTEM DESCRIPTION

Are there multiple reservoirs?

YES NO

If "YES" you will need to copy and complete Sections A through E for each reservoir.

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

Reservoir 1 (Unnamed reservoir in permit)

A. Reservoir Location

1. Is the reservoir on-channel?

YES NO

2. Provide dam outlet location and/or point of diversion(s).

TWP	RNG	MER	SEC	QQ	GLOT	DLC	MEASURED DISTANCES
2S	1W	WM	11	SE NE			Approx. 410 ft West and 2,260 ft South of the NE Corner of Section 11 (center of dam)

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), and Quarter-Quarters (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 the water from the point(s) of diversion to the reservoir.

1. Is a pump used?

YES NO

If "NO" items 2 through item 5 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (in cfs)

4. Provide pump calculations:

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5. 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)

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

6. Additional notes or comments related to the system:

A pump is not used to divert water into the reservoir. It is located on-channel at the head of the unnamed drainage and impounds water using the small earthen dam (described below in Section E).

C. 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.

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:

D. 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)

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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. Reservoir

1. Does the reservoir require the submittal of as-built plans and specifications?

YES **NO**

*The permit contains a condition for the submittal of as-built plans if the dam was constructed in a way not consistent with the proposed and approved plans. However, the dam was constructed at a scale small enough that dam safety conditions are not required. The OWRD Dam Safety Coordinator has signed off on waiving the dam safety related conditions for this permit (Attachment 1).

If "YES", answer item 2; items 3 through 8 relating to this section may be deleted.

If "NO", skip items 2; answer items 3 through 8.

2. Complete the table:

HAVE THE DOCUMENTS BEEN SUBMITTED? YES OR NO	WHEN WERE THE DOCUMENTS SUBMITTED?	HAVE THEY BEEN APPROVED BY THE DEPARTMENT?	NUMBER OF ACRE FEET STORED

3. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table and items 4 through 8.

MAXIMUM DEPTH	AVERAGE DEPTH	SURFACE AREA (IN ACRES)	VOLUME (IN ACRE FEET)
12.2 ft (measured)	6.3 ft (measured)	0.25 ac	1.48 AF

4. Provide reservoir volume calculations:

Two methods of estimating volume were used to arrive at the value of 1.5 ac-ft.

Average Depth Method:

- 53 depth measurements were collected over three transects across the reservoir
- Average depth = 6.3 ft * Reservoir Area of 0.25 ac = **1.58 ac-ft**

Cross-sectional Volume Method:

- The shape of the reservoir was simplified into two triangular prisms based on the dimensions collected in the three transection lines (see Attachment 1).
- The reservoir was divided into the volume stored above the submerged slope of the dam and the volume of the rest of the reservoir (up-gradient of the toe of the dam)
- The volumes calculated for these sections of the reservoir were 34,530 ft³ and 23,670 ft³, respectively
- The total estimated volume = 58,200 ft³ = **1.37 ac-ft**
- The average of these two methods = **1.48 ac-ft**

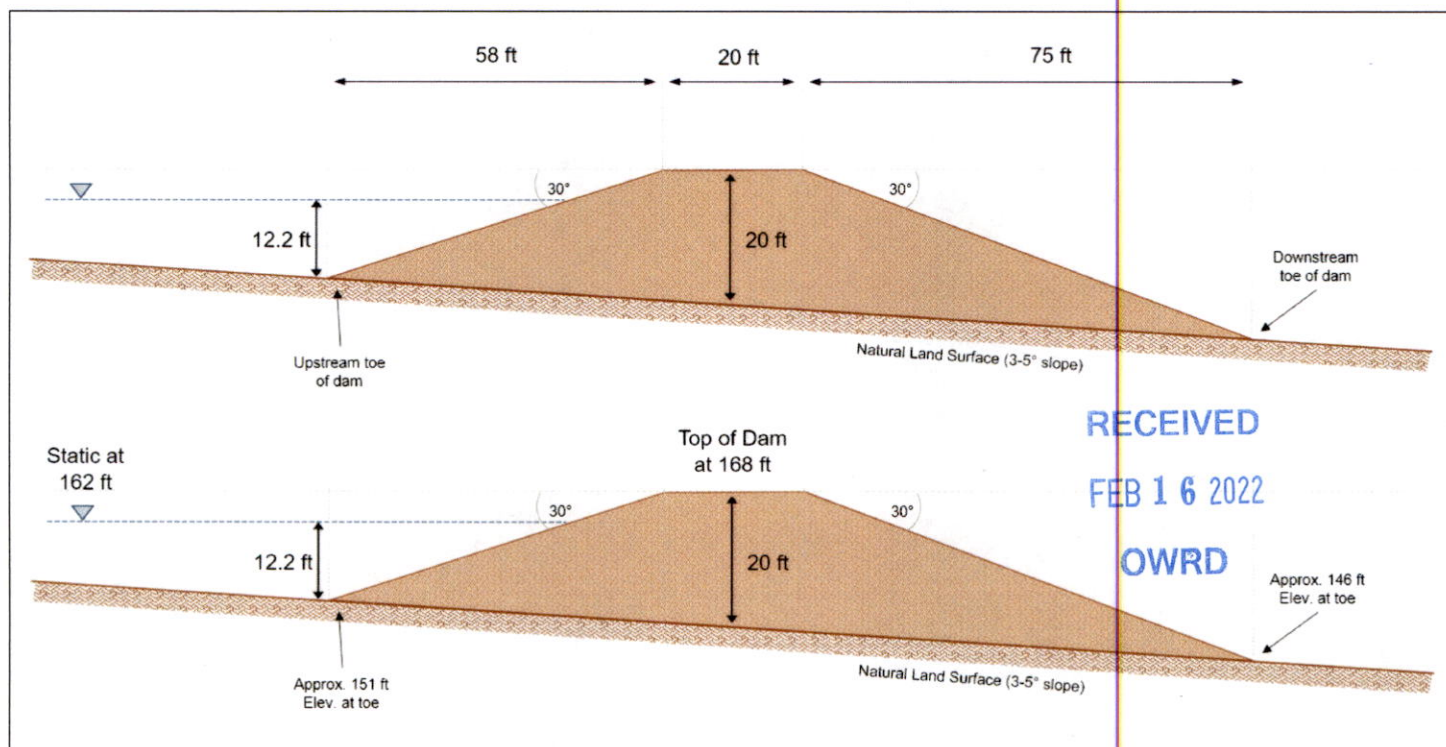
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5. Provide the following information concerning the physical characteristics of the dam:

CREST WIDTH (W)	DAM HEIGHT AT CENTERLINE (H)	DISTANCE FROM DOWNSTREAM TOP OF DAM TO DOWNSTREAM TOE (L)	DISTANCE FROM UPSTREAM TOP OF DAM TO UPSTREAM TOE (U)	WATER LEVEL AT INSPECTION	DOWN-STREAM SLOPE	UP-STREAM SLOPE
20 ft	20 ft	75 ft	58 ft	~162 ft	30°	30°

*Elevations were determined using high resolution 1-m LiDAR data for the reservoir site.

6. Provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.



7. Describe the outlet works (size and type of the outlet conduit and location):

Reservoir Outfall Structure:

The outfall structure is located at the toe of the upstream dam slope roughly centered along the dam's width. It consists of a vertical 12" perforated 14-gauge corrugated steel pipe nested inside of a 36" corrugated steel riser with perforations at the outfall elevation (approx. 162 - 162.5 ft). The riser structure prevents debris from blocking the flow of water through the outfall and into the discharge pipe. The 12" corrugated pipe continues under the dam following the previous natural drainage way to the downstream toe of the dam. Flow is regulated by a 12" gate valve with controls located at the crest of the dam.

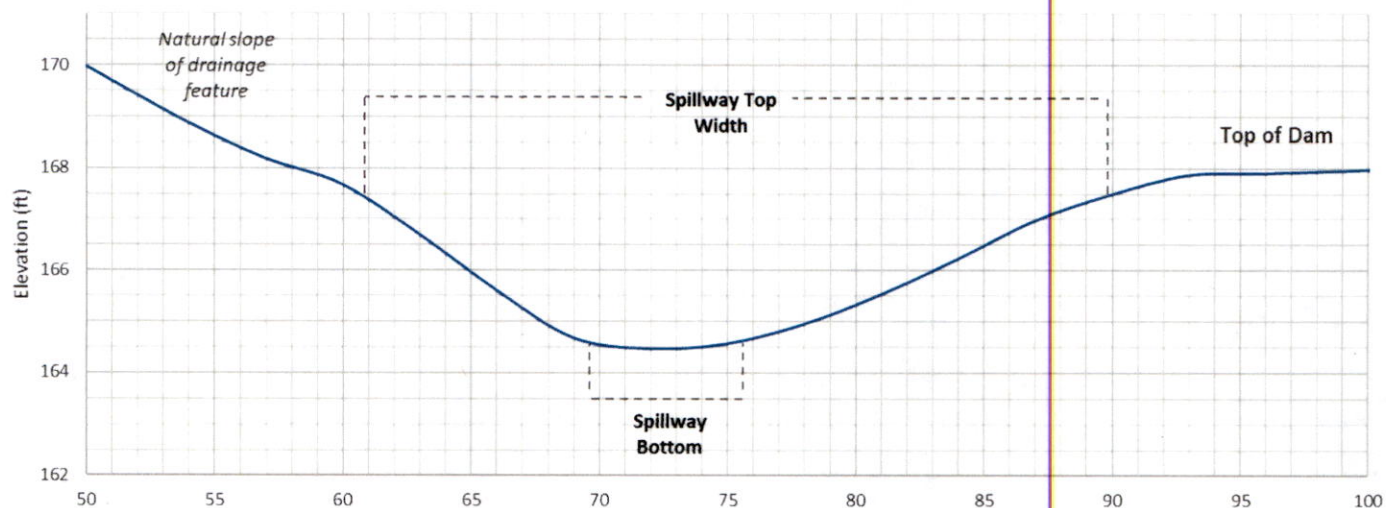
Dam Outlet Pipe:

The discharge line daylights from the earthen dam 75 ft from the crest of the dam at an elevation of approx. 146 ft. The discharge was observed to be actively passing water into the unnamed drainage during the site visit.

8. Describe the emergency spillway (dimensions and location):

BOTTOM WIDTH (W)	TOP WIDTH (L)	SPILLWAY DEPTH (H)
5 - 6 FT	25 - 30 FT	2.5 - 3.5 FT

Profile of the Dam Spillway from LiDAR Data (SW-NE)
Along Center of Dam Crest



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 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 extension final order:

	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	Construction was completed and water was stored by the end of 2004.	Oregon Flowers records show that the dam was constructed between September 1, 2003 and October 31, 2004 . 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

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2. Is there an extension final order(s)?~~YES~~ **NO****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 or appropriation.

b. Has a meter been installed?

YES ~~NO~~

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION	CURRENT METER READING	DATE INSTALLED
POD 1 (see Permit S-53910)	4" McCrometer Flowmeter	05-02009-04	Working	8,151,650	The meter has a 2005 serial number. It was purchased by Oregon Flowers on <u>March 25, 2005</u> and installed soon after.

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 (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.

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5. Outlet Pipe

a. Is the water user required to install a minimum 8" outlet pipe/conduit?

YES NO

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

b. Has the outlet pipe been installed?

YES NO

If "YES", items c relating to this section may be deleted.

c. Does the water user have other means to evacuate the reservoir?

YES NO

DESCRIBE HOW THE WATER USER PLANS TO EVACUATE THE RESERVOIR	HAS THIS PLAN BEEN APPROVED BY THE DEPARTMENT?	BY WHOM?
	YES NO	

6. 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 3).

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.

b. Has the fish screening been installed?

YES NO

c. When was the fish screening installed?

DATE	BY WHOM

Reminder: If the permit or transfer final order 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):

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> (search for ODFW Small Pump Screen Self Certification), complete and attach a copy of the 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.

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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.~~

7. 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 3**).

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 device been installed?

YES ~~NO~~

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

(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 (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 (DATE)	IF INSTALLED, BY WHOM

8. 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? **YES** ~~NO~~
- b. Was a fishway required? **YES** ~~NO~~
- c. Was submittal of a letter from an engineer required prior to storage of water? **YES** ~~NO~~
- d. Was submittal of a water management and conservation plan required? **YES** ~~NO~~
- e. Other conditions? **YES** ~~NO~~

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

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A. – The construction of the dam did not disturb significant riparian area.

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 3**).

E. – Other Conditions:

“The permittee shall bypass all live flow outside of the storage season” – 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 4**).

“There shall be no releases from the reservoir from April to October” – The outlet gate to the reservoir is closed during this period to capture and hold field drain runoff for reuse as nursery irrigation water.

“The outlet gate shall be cycled at least once per year and shall be operational at all times” – The CWRE observed that the outlet gate is functional and is operated regularly.

“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” – 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.

SECTION 6

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Attachment 1	2022 Letter from OWRD Dam Safety Coordinator
Attachment 2	Historic Satellite Imagery of the Reservoir Site
Attachment 3	2003 Letter from ODFW Waiving Fish Persistence Conditions
Attachment 4	2002 Water Master Comments of the Source and Timing of Flow

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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
- ☒ 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

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



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

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 | Office (503) 954-1326 | Cell (571) 245-7897

From: JANICEK Tony M * WRD <Tony.M.JANICEK@water.oregon.gov>
Sent: Tuesday, January 25, 2022 1:34 PM
To: Ian Godwin <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>
Sent: Tuesday, January 25, 2022 1:29 PM

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To: JANICEK Tony M * WRD <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 | 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

Cc: Bob Long <Bob.Long@cwmmh2o.com>; CLARK Gerald E WRD <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



Ian Godwin, GIT | Staff Hydrogeologist

1319 SE MLK Jr. Blvd., Suite 204, Portland, Oregon 97214

www.cwmmh2o.com

Office (503) 954-1326 | Cell (571) 245-7897

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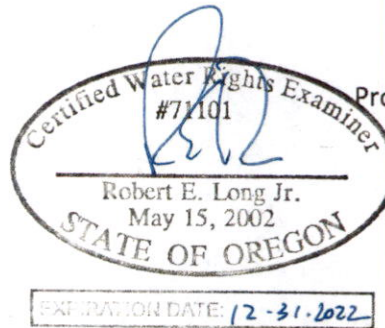
FEB 16 2022

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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 1/3rd (93 ft wide) and 2/3rd (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).

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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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@cwmmh2o.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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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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Application R-84721 Water Resources Department FEB 16 2022 PERMIT R-13571

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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

SEE NEXT PAGE

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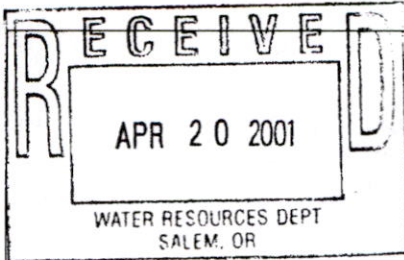
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Application R-84721 Water Resources Department
Basin 02 Volume 15A DEER CR & MISC
Gaineyjw

PERMIT R-13571
District 16

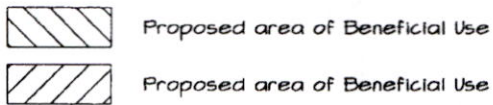
Section II, T.4S. R.1W. W.M.

Marion County

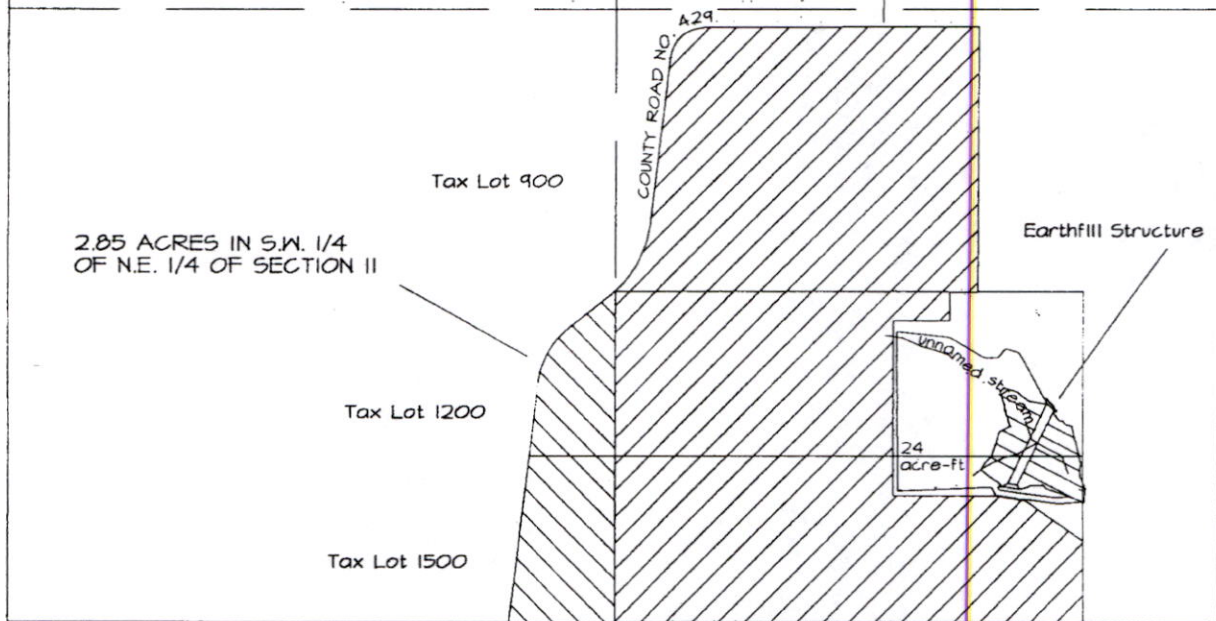


Application No. R84721
Permit No. R-13571

2 1
11 12



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



Scale: 1" = 400'

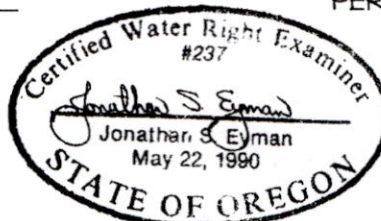
Earthfill Structure is located 2269' South
and 400' West of the NE Corner of Section II.

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
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, 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 land owner

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?

☒ YES ☒ NO
Define "all existing water rights" means: w/ers 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?

☐ YES ☒ NO, this will be self-regulating.
It's always an option. Is it necessary?

If YES, please explain: _____

Comments: Martin Meskott present during site visit 3.8.2002 @ 11:25.
Photos taken - film. After reservoir fills the tile lines 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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FEB 16 2002

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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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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.

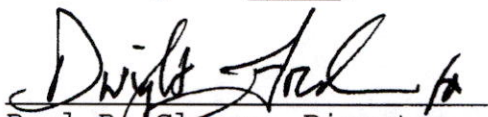
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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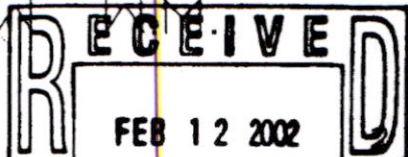
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Application S-84720 Water Resources Department
Basin 02 Volume 15A MILL CR
Gaineyjw

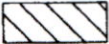
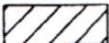
PERMIT 53910
District 16

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

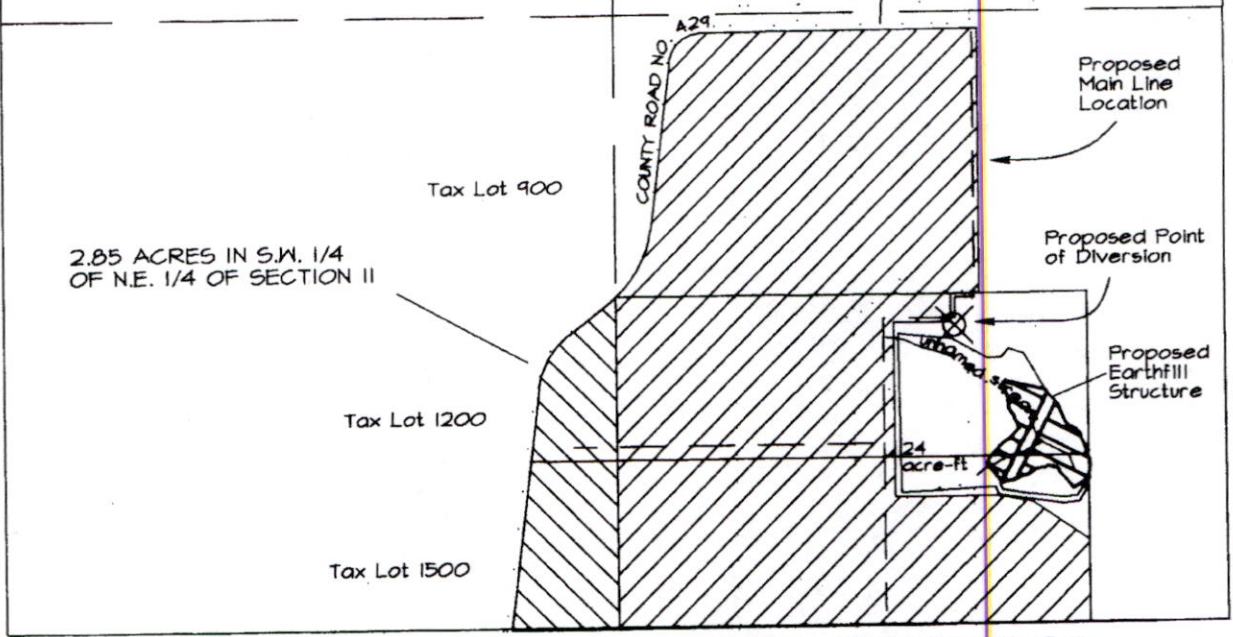
Marion County



WATER RESOURCES DEPT
SALEM, OR

-  Proposed area of Beneficial Use
-  Proposed area of Beneficial Use
-  Proposed Main Line

21.65 ACRES IN S.E. 1/4
OF N.E. 1/4 OF 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
Proposed Point of Diversion is 2000' South
and 540' 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

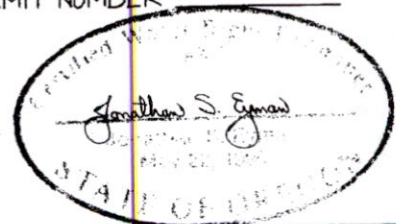
PERMIT NUMBER _____

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

App # S-84720

Permit # S-53910

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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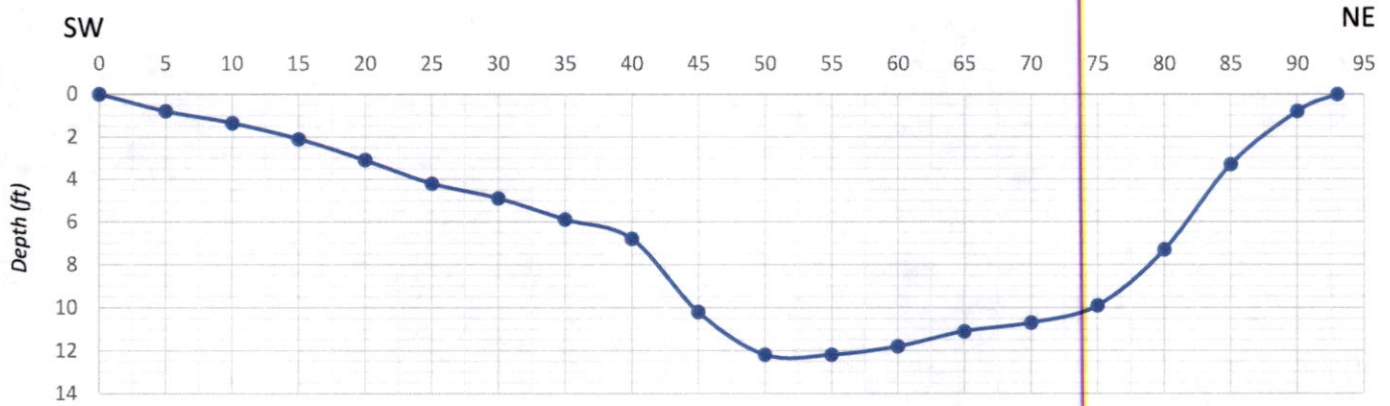
FEB 16 2002

OWRD

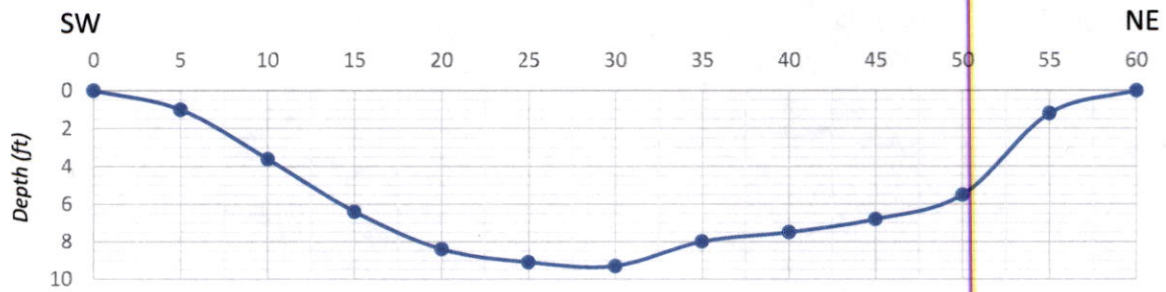
ATTACHMENT 2

Reservoir Depth Cross-Section Data

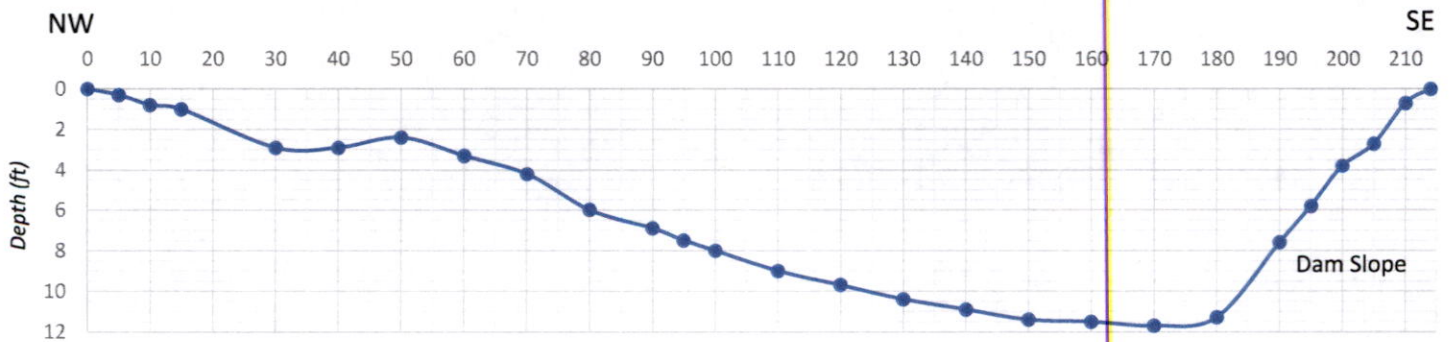
Transect 1



Transect 2



Transect 3



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FEB 16 2022

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T4S, R1W W.M.
Section 11



CwM-H2O

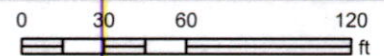
Complete Water Management



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



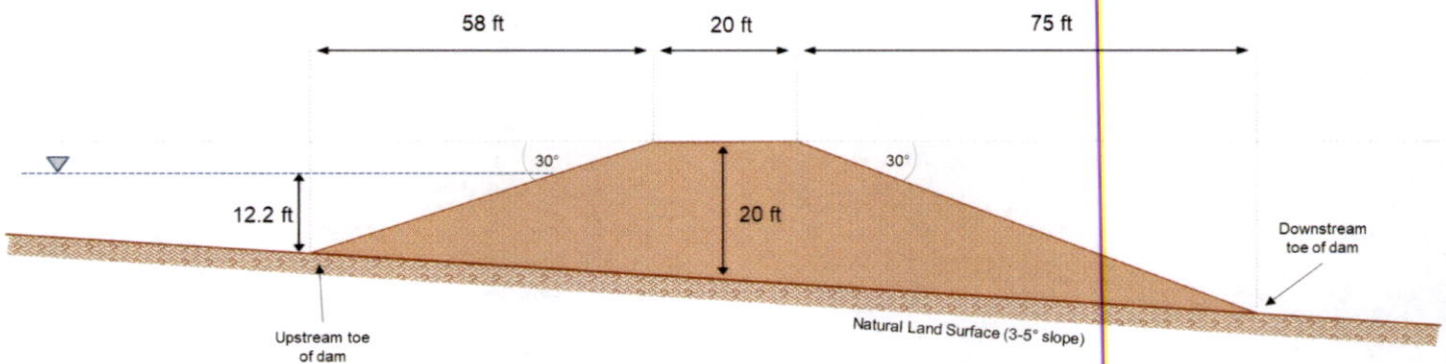
Proj#: 2123001
Oregon Flowers Water Rights
Oregon Flowers, Inc.
20727 Hwy 99E
Aurora, OR, 97002



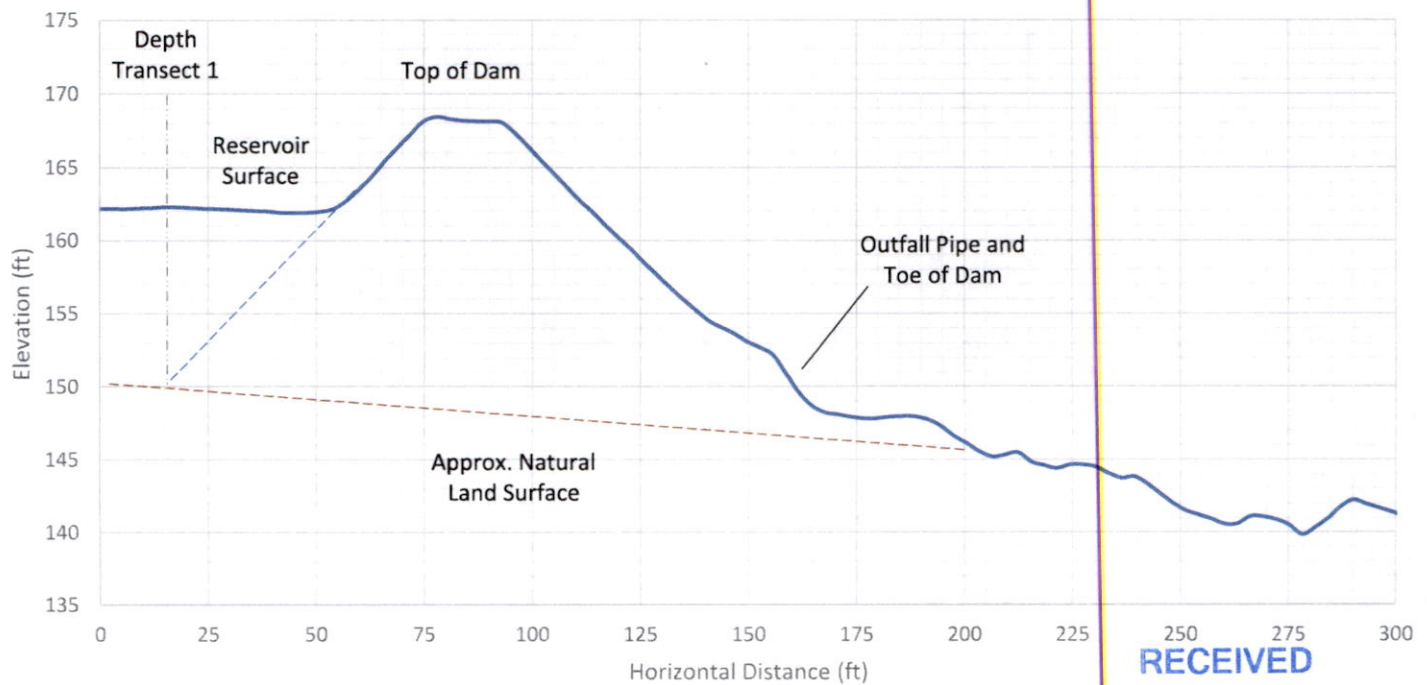
ATTACHMENT 3

Dam Structure LiDAR and Field Measurement Data

Field Measurements and Dam Scale



LiDAR Transect Across the Dam (NW-SE)

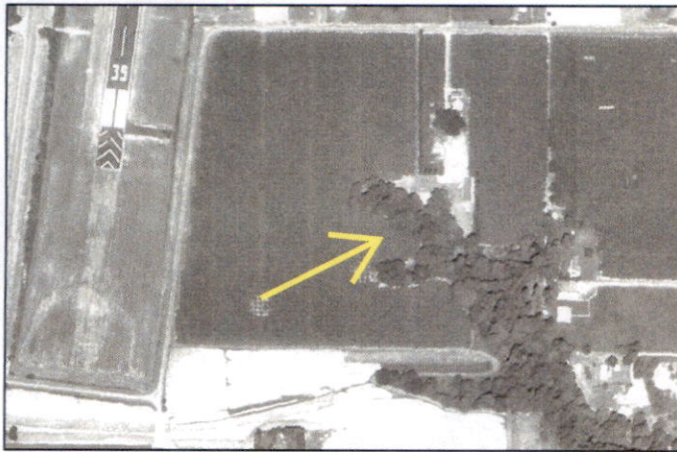


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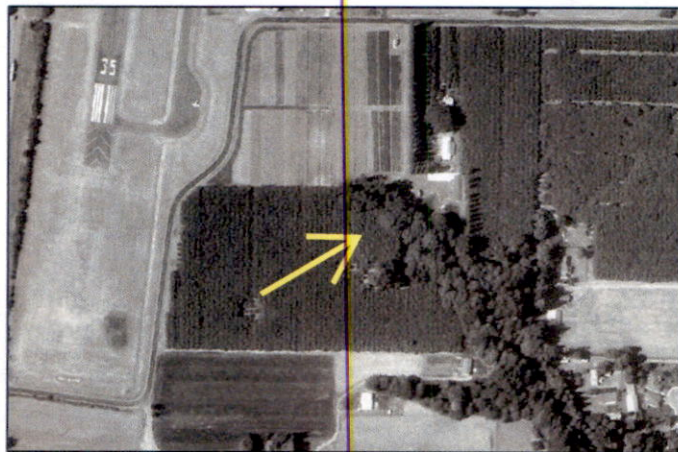
FEB 16 2022

OWRD

ATTACHMENT 2



1995 NAIP Imagery



2000 NAIP Imagery



2005 NAIP Imagery



2009 NAIP Imagery



2014 NAIP Imagery



2018 OSIP Imagery

CwM-H2O 
Complete Water Management

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Portland, Oregon 97214(503)
954-1326

RESERVOIR CONSTRUCTION HISTORY PERMIT R-13571

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Imagery from 1995 and 2000 shows the area of the reservoir covered in trees. Starting in the 2005 imagery, the area has been cleared, the reservoir berm constructed, and water is being stored.

OWRD

ATTACHMENT 3



Oregon

Theodore R. Kulongoski, 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-84721 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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WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened
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, if ☒ NO, if "all existing water rights" means w/rs 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 Meskerr present during site visit 3.8.2002 @ 1125.
Photos taken - film. After reservoir fills the tile lines will empty
into the reservoir with minimal to no surface flow time.

Name: Bil Levee Date: 3.22.2002 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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FEB 16 2002

OWRD