

Name _____
 By _____
 Address _____

Application No. G14234
 Permit No. G13131
 Certificate No. _____

Stream Index, Page No. _____

FEES PAID

Date	Amount	Receipt No.
1-4-96	488.00	131307
5-5-97	\$12.00	11992
10-22-98	100.00	25429
ELY. 2-16-99	100.00	27772
12-29-10	515.58 Cert. Fee	12241

FEES REFUNDED

Date	Amount	Check No.
12-22-98	100.00	007985

Date filed _____
 Priority _____
 Action suspended until C-21

Return to applicant _____
 Date of approval 5/21/97

CONSTRUCTION

Date for beginning 5/21/98
 Date for completion _____
 Extended to 10-1-06, 10-1-2021

Date for application of water 10/1/01
 Extended to 10-1-06, 10-1-2021

PROSECUTION OF WORK

Form "A" filed _____
 Form "B" filed _____
 Form "C" filed _____

FINAL PROOF

Blank mailed _____
 Proof received _____
 Date certificate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

141079
G-14234 - Nov 1
R-893461

FOR _____ 1999.
 DATE MON 5-24 TIME 1255 AM
 FROM ANN
 FIRM L SCHRDR
 PHONE 503 - 232 - 7110
 FAX AREA CODE NUMBER EXTENSION
 MOBILE 503 - 238 - 4076
 AREA CODE NUMBER TIME TO CALL

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

MESSAGE 5-18-99
G 14234
G 13131 FAX
PUBLIC NOTICE
EXTENS TIME

SIGNED _____  FORM 4007 MADE IN U.S.A.

MESSAGE

ORDER ONLY

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated February 14, 2017.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

LIMITATIONS AND CONDITIONS

1. **Last Extension Condition**

This is to be the last extension of time granted for Permit G-13131. Any future extensions of time requests shall be denied.


CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-14234, Permit G-13131, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2006 to October 1, 2021.

DATED: April 7, 2017



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

-
- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0825.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

FO Date: April 7, 2017

Copies Mailed

Application: G-14234

By: SP

Permit: G-13131

On: 4-7-17

Original mailed to permit holder

Fairdale Nursery
23800 NE Airport Rd
Aurora, OR 97002

Copies sent to:

1. WRD - App. File G-14234/ Permit G-13131
2. Schroeder Law Offices, P.C.
1915 NE Cesar E. Chavez Boulevard
Portland, OR 97212

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving notification via e-mail - FO available in WRIS for review

(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 16, Joel Plahn

CASEWORKER: CAC

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **122241**

INVOICE # _____

RECEIVED FROM: Fairdale Nursery
BY: _____

APPLICATION	G-14234
PERMIT	
TRANSFER	

CASH: CHECK:# X 24761 OTHER: (IDENTIFY)

TOTAL REC'D \$ 575.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ **575.00**

46111

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		
	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **122241**

DATED: 12-29-16 BY: Felicia B.

OREWAT OREGON WATER RESOURCES DE

024761

ACCOUNT NO.

CHECK NO:

VOUCHER G13

INVOICE NUMBER

INVOICE DATE

INVOICE AMOUNT

AMOUNT PAID

DISCOUNT TAKEN

Ref:

RECEIVED BY OWRD

DEC 30 2016

SALEM, OR

CHECK TOTAL

575.00



Oregon
Kate Brown, Governor

Water Resources Department
725 Sumner St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

January 3, 2017

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #:** G 14234 (**Permit** G 13131). Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Corey Courchane at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

Application: G-14234

Permit: G-13131

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit
Holder(s)

Fairdale Nursery ✓

WRIG...Money Received on: 12-29-16

Extension Specialist ...

Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

Stacy Phillips...

N/A Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of
notice 1-10-17

Update WRIS Database

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

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

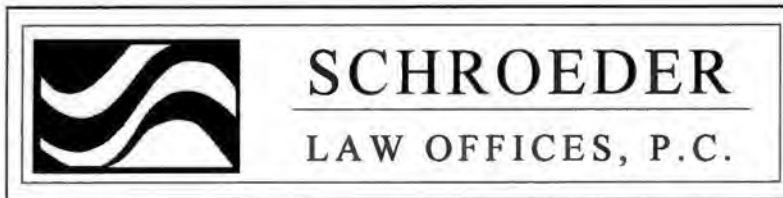
Yes or No: Return file to Extension Specialist after PN Corey

NOTES:

Laura A. Schroeder
Licensed in Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure
Licensed in Oregon
& Nevada

William F. Schroeder
(1928 - 2015)



Sarah R. Liljefelt
Licensed in Oregon, California
& Utah

Wyatt E. Rolfe
Of Counsel
Licensed in Oregon & Washington

James Browitt
Of Counsel
Licensed in Idaho & Washington

January 13, 2017

VIA US AND ELECTRONIC MAIL

Water Resources Department
Attn: Corey Courchane
725 Summer Street NE, Suite A
Salem, Oregon 97301
Email: corey.a.courchane@oregon.gov

RE: Corrected Mapping Enclosure for Extension Application for Permit G-13131 (Application G-14234)

Dear Corey Courchane:

Attached with this letter please find a revised map to replace the mapping enclosure submitted with the Extension Application for Permit G-13131 on December 29, 2016 showing the acres irrigated. The revised replacement map corrects the dimensions of the building notated on the map submitted with the extension application. No other aspect of the extension application is changed or effected.

Thank you for your assistance. Please contact our office if you have any questions.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.

Laura A. Schroeder

LAS:lmr

Enclosures

cc: Client

RECEIVED ENCL WRD
JAN 18 2017
SALEM, OR

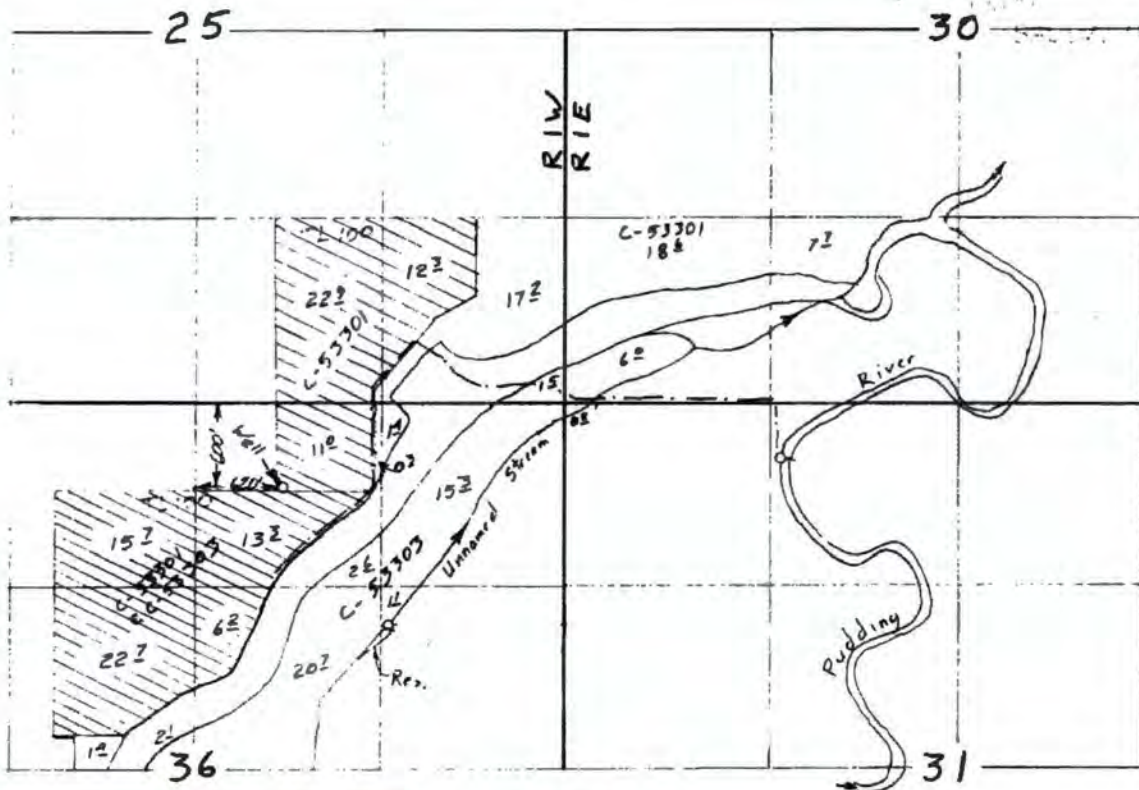
1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

440 Marsh Avenue, Reno, Nevada 89509 (775) 786-8800

www.water-law.com counsel@water-law.com

TOWNSHIP 3 SOUTH, RANGES 1 WEST & 1 EAST, W.M.

1987



RECEIVED BY OWBD Scale 1" = 1320'

JAN 18 2017

SALEM, OR

APPLICATION MAP

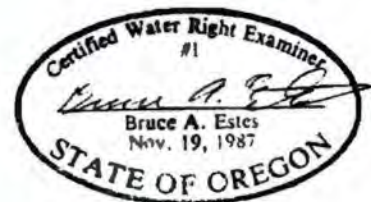
for

FAIRDALE NURSERY

Application No. G-14234

Permit No.

Fairdale Nursery has applied water to the entire place of use under permit G-13131 excepting a 1500 sq. ft. building located in the place of use.



ESTES SURVEYS

6293 Sunnyview Rd NE
Salem OR 97305
(503) 585-7593

60382 Arnold Rd
Bend OR 97702
(503) 382-7391

This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: 6-14234 Permit: 6-13131 Permit Amendment? No Yes T- pending approved
 Permit Holder's Name: Fairdale Nursery
 Permit Holder's Mailing Address: 23800 NE Airport Rd Aurora OR 97002
 email: afarley@countryridenursery.com
 Phone Number: 503-706-7913
 Agent/CWRE: Schroeder
 Drainage Basin: 2 County: Clackamas Watermaster District: 16 Watermaster: J Plahn NOR
M McCord
Middle Willamette

Date Permit was issued: May 21, 1997 Priority Date: January 5, 1995 Date of PN: 1-10-17
 Source: A well in Pudding River Basin
 Use: Agricultural Use on 104.1 acres
 "Q": 4.5 cfs

Orig "A" Date: May 21, 1998 Orig "B" Date: none Orig "C" Date: 2001
 Extension request received: 12-30-16 Last Authorized Date: 2006 Last Authorized "C" Date: 2006
 Request Number (1, 2, 3...): 2 Proposed "B" Date: 2021 Proposed C Date: 2021

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
✓		Begin construction: <u>CLAC 53487 4-27-98 / 6-23-98</u>
✓		Meter <u>(March 1999)</u>
✓		Annual water use report <u>(2000-06, 08, 13-15)</u>
✓		March SWL Initial <u>(3-15-99) Ref. (3-29-2000)</u>
		GW between <u>100 - 400 ft b1s</u> (depth of well is <u>164 ft</u>)

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

- Yes No
- Work was accomplished within the time allowed in the permit or previous extension
 - Water right permit holder conformed with the permit or previous extension conditions
 - Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 225 cfs 0.50 cfs of the total permitted quantity of water on 104.06 acres
 - Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$ 149,991 Estimated Remaining Cost: \$ 168,000

GW REVIEW: Y N ce
 MITIGATION REVIEW: Y B

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No

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

Identify the closest surface water or localized water basin. Yudding River

Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

- Yes No
- above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map
 - within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
 - within a critical or limited Ground Water Area? Name of area _____
 - within a sensitive, threatened or endangered species area source: "/gisdata/dev/projects/salmon/div33map.aml"
 - in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
 - within an area ranking low / moderate / high / Highest (circle one) for stream flow restoration needs Source: OWRD "Streamflow Restoration Maps (by region)"

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

Yes... "Good Cause" can be found. Approval of Extension Request
No ... "Good Cause" cannot be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

- 5-year Progress Report Checkpoints (Years: _____)
- Other: Last Extension

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

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates
Mailing / Issuance Date: 2/14 Protest Deadline Date: 3/31 FO Issuance Date: 4/7
Reviewer's Name: Corey Date: 1-3-17

Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

- 1. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? yes
If the permit has been cancelled, the Extension Application cannot be accepted.
- 2. Is the extension applicant's name and mailing address the permit holder of record? yes
 If an Assignment has **not** yet occurred, and is **not** submitted with the Extension of Time Application, the application cannot be accepted.
- 3. Did Construction begin on or before the "A" date (Actual Construction date), If no "A" date then by the "C" date (Completion Date)? yes
IF NO, Return application, The Extension cannot be granted.
- 4. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
- 5. Is the appropriate Extension of Time Application used? yes
 If the wrong application form is used, the Extension Application cannot be accepted.
 - If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
 - If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."
- 6. Are the requested date(s) for extension identified (Page 1)? yes
 - Check the permit to see if it includes a "B-Date" and/or a "C-Date."
 "B-Date" = date by which construction of the water delivery system for the permit is to be completed.
 "C-Date" = date by which full beneficial use of water under the permit is to be accomplished AND CONSTRUCTION MUST BEGIN by if no "A" DATE.
- 7. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? yes
 (If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.)
 If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.
- 8. Are all questions on the application answered? yes
 (NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)
- 9. Has the \$575 fee been paid? yes
***If applicable, has the \$85 fee for the Assignment been paid?** _____
 (As of July 1, 2013, the Extension of Time fee is \$575, and Request for Assignment fee is \$85)
 If the fee has **NOT** been paid, the application cannot be accepted.
****NOTE:** If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within one week, hold the Extension Application, and explain to them that if it is not received the application will be returned (as we are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks.
- 10. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Non-Muni Extension Application to Machel Bamberger or Corey Courchane. For municipal application route to, Machel Bamberger. One will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter.

Reviewed by: Corey Date: 7-3-17

OWRD Water Level Report

Logid	CLAC 53487	State Obs Nbr		Well Tag: On Log	14907	Tag On Well	14907	TRS	3.00S / 1.00W - 36ABB				
Site Name	FAIRDALE NURSERY L14907			Hm Phone			Max Csg Diam	10		Tax Map	03S-01W-36	Tax Lot	03S-01W-36
Owner	FAIRDALE NURSERY			Wrk Phone	503-687-0511		Max Depth	401		Quad24	SHERWOOD		
Contact				Cell Phone			Repeat Visits OK			Lat / Long WGS1984	45.2722732	-122.751707	
Address	13200 SW WILSONVILLE RD			FAX			Stop By House			XySource	GPS	Accuracy	10
City / St / Zip	WILSONVILLE	OR	97070	Owner Comments									
Well Address				Well Location Comments									
Directions to Well													
General Well Comments													

Date	Time	MP Hght	WL BLS	WL Elev	Method Code	Status Code	Measured By	Source Org	SourceOwr	WIComments
06/23/1998		48.00	112.00		R	U	DRILLER	DRILLER	WELL LOG	WELL LOG
03/15/1999	1.5	43.00	117.00		T	S	THOMAS A	PUMP INSTALLER	PERMIT COND PRGRM	
03/29/2000	1.5	45.80	114.20		T	S	TIM WILSON	PUMP INSTALLER	PERMIT COND PRGRM	
03/18/2002	1.6	50.40	109.60		T	S	KIM SCHNEIDER	DRILLER	PERMIT COND PRGRM	

Method Codes: A = Airline, T = Etape, V = Calibrated Etape, G = Uncalibrated Gage, H = Calibrated Gage, N = Not Measured, O = Observed, RA = Recorder Analog, RS = Recorder Shaft Encoder, RT = Recorder Transducer, R = Reported, S = Steel Tape, U = Unknown
 Status Codes: D = Dry, A = Falling, F = Flowing, P = Pumping, R = Rising, S = Static, U = Unknown

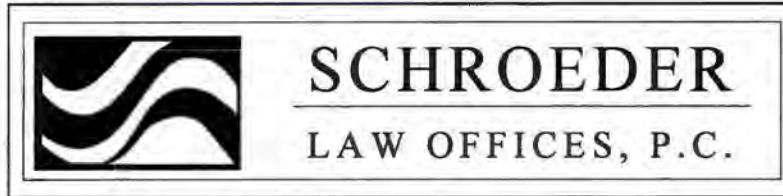
**Water Use Report from OWRD Water-Use Database (Some paper records may not have been entered)
Summarized by Water Year**

user_id	owner	water use report_id	pod_facility_name	Logid (wells only)	Water Year	Water Used (acre feet)	Nbr of Months in Summary
28457	JIM FARLEY FAIRDALE NURSERY	38311	A WELL (CLAC 53487/L-14907)	CLAC 53487	2000	48.03	12
28457	JIM FARLEY FAIRDALE NURSERY	38311	A WELL (CLAC 53487/L-14907)	CLAC 53487	2001	17.59	12
28457	JIM FARLEY FAIRDALE NURSERY	38311	A WELL (CLAC 53487/L-14907)	CLAC 53487	2002	27.13	12
28457	JIM FARLEY FAIRDALE NURSERY	38311	A WELL (CLAC 53487/L-14907)	CLAC 53487	2003	34.54	12
28457	JIM FARLEY FAIRDALE NURSERY	38311	A WELL (CLAC 53487/L-14907)	CLAC 53487	2004	21.00	12
28457	JIM FARLEY FAIRDALE NURSERY	38311	A WELL (CLAC 53487/L-14907)	CLAC 53487	2005	23.49	12
28457	JIM FARLEY FAIRDALE NURSERY	38311	A WELL (CLAC 53487/L-14907)	CLAC 53487	2006	21.27	12
28457	JIM FARLEY FAIRDALE NURSERY	38311	A WELL (CLAC 53487/L-14907)	CLAC 53487	2008	14.09	12
28457	JIM FARLEY FAIRDALE NURSERY	38311	A WELL (CLAC 53487/L-14907)	CLAC 53487	2013	22.69	12
28457	JIM FARLEY FAIRDALE NURSERY	38311	A WELL (CLAC 53487/L-14907)	CLAC 53487	2014	25.35	12
28457	JIM FARLEY FAIRDALE NURSERY	38311	A WELL (CLAC 53487/L-14907)	CLAC 53487	2015	38.08	12

Laura A. Schroeder
Licensed in Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure
Licensed in Oregon
& Nevada

William F. Schroeder
(1928 - 2015)



Sarah R. Liljefelt
Licensed in Oregon, California
& Utah

Wyatt E. Rolfe
Of Counsel
Licensed in Oregon & Washington

James Browitt
Of Counsel
Licensed in Idaho & Washington

December 29, 2016

VIA US PRIORITY MAIL EXPRESS

Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301


RE: Permit G-13131 (Application G-14234) Application for Extension of Time

To Whom It May Concern:

Enclosed for filing on behalf of Fairdale Nursery please find an Application for Extension of Time for Water Right Permit G-13131 (Application G-14234), with a check for the \$575.00 application fee.

Thank you for your assistance with this matter. Please contact our office if anything further is needed to process the Application.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.



Tara J. Jackson
Paralegal

TJJ:lm

Enclosures

cc: Client

RECEIVED BY OWRD

DEC 30 2016

SALEM, OR

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

440 Marsh Avenue, Reno, Nevada 89509 (775) 786-8800

www.water-law.com counsel@water-law.com

**Application for Extension of Time for a Water Right Permit
(NON-Municipal/NON Quasi-Municipal water Use)**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301
(503) 986-0900
www.wrd.state.or.us

RECEIVED BY OWRD

DEC 30 2016

SALEM, OR

Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

Instructions are in Attachment A.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT
***A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).***

JAMES FARLEY

I, ~~Adam Farley~~ *James Farley* for Fairdale Nursery

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

23800 NE Airport Rd
ADDRESS

Aurora
CITY

OR
STATE

97002
ZIP

(503) 706-7913
PHONE

afarley@countysidenursery.com
E-MAIL ADDRESS

the permit holder of:

Application Number G-14234

Permit Number G-13131

[OAR 690-315-0020(3)(b)]

RECEIVED BY OWRD

DEC 30 2016

SALEM, OR

do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month: Day: Year:** , be extended to _____, [OAR 690-315-0020(3)(i)]

N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month: October Day: 1 Year: 2006**, be extended to **October 1, 2021**. [OAR 690-315-0020(3)(i)]

I am the permit holder, or have written authorization from the permit holder (attached to this Application for Extension of Time), to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

James A Farley
Signature

12/20/16
Date

Printed Name

Title

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$575.
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

**MAIL COMPLETED APPLICATION
along with the Supporting documents and/ or evidence**

\$575 STATUTORY FEE TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301**

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GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:
http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).

- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these items.

1. Beginning Construction within required deadlines. OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

Yes No

Date construction began Month: April **Day:** 27 **Year:** 1998

Details of construction and attach documentation: _____

The well was constructed in 1998 at Countryside Drive with an average flow of 260 GPM. See attached well log.

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: _____ **Day:** _____ **Year:** _____

Details of construction and attach documentation: _____

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OAR 690-315-0020(3)(A)(e)(A)

2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or

prior extension of time. **In the 1st column** check the box for each condition (row) identified as relevant. **In the 3rd column** check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. **In the 4th column**, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	March 1999
<input checked="" type="checkbox"/>	Submittal of annual water usage report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	From 2000 to 2015. Most recently 12/2015
<input checked="" type="checkbox"/>	Submittal of initial static water level measurement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6/23/1998 (Well Log)
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Special well construction standards	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6/23/1998 (Well Log)
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): Pump Test prior to receiving a certificate	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior to 10/1/2022
<input checked="" type="checkbox"/>	Other (Specify): Submittal of reference water level measurement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	March 2000
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

2b. If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

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A pump test will be submitted prior to or with the claim of beneficial use.

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[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. Use *chronological order*. (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
5/21/1997	Date the permit was signed - find date above signature on last page of permit.	
3/1998- 3/1999	Well construction, irrigation pipe installed, site preparation	\$68,000
09/1998 – 04/1999	Furnish and install electric service for new well.	\$6,274.53
03/1999	Furnish and install 30HP submersible pump and well discharge piping for new well.	\$8,535.90
04/2000 – 09/2001	Replace control transformer, adjust overloads and pump control parameters, trouble shoot faulty Bermad valve.	\$935.00
10/1/2001	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-B		\$83,745.43 82,810.43

* If exact cost is not known, you must provide your best estimate.

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4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. Use *chronological order*.

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CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2001	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
10/2001-09/2006	Found and attempted to resolve a PGE power issue, filtration air-charged, low pressure in well and repaired treatment unit drain line, high amps tripped breaker, repaired plumbing at Bermad valve and reservoir, installed overflow off of reservoir, rebed iron filter and repaired iron treatment unit, replaced ice cube relays to alleviate hammering, multiple time clock repairs and then replaced time clock, float and valve repairs at reservoir, repaired Bermad valve, replaced floats, repaired leaking iron filter, replaced relay at reservoir, conducted system orientation with new manager, and worked to fix booster tripping issues.	2001: \$155 2002: \$3,955 2003: \$750 2004: \$1,685 2005: \$405 2006: \$2,375
10/1/2006	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
07/2008-04/2011	Replaced timer, addressed PGE power issue, adjusted overloads	\$585.00
07/2015	Built a new Yaskawa 30HP VFD pump controls	\$29,068.12
12/2015	Installed main breaker on new VFD panel	\$17,211.95
06/2016	Replaced VFD and 30HP motor after electrical event.	\$10,075.37
Total Cost of Chart-C		\$66,245.44 50,235.07

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: ~~\$149,990.87~~ 133,045.50
(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

[OAR 690-315-0020(3)(e)(B)]

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

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7. For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CLAC 53487	14907	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	225 GPM	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit								

8. Has a Permit Amendment Application been filed? Yes No

If yes, identify Transfer No. T-_____

Has the Permit Amendment been approved? Yes No
 If yes, on what date was the Permit Amendment approved? _____

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[OAR 690-315-0020(3)(e)(C)]

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: 104.066

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
1997	0	1998	104.066	1999	104.066
2000	104.066	2001	104.066	2002	104.066
2003	104.066	2004	104.066	2005	104.066
2006	104.066	2007	104.066	2008	104.066
2009	104.066	2010	104.066	2011	104.066
2012	104.066	2013	104.066	2014	104.066
2015	104.066	2016	104.066		

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# _____ Acres 104.066 (POD/POA) # _____ Acres _____

(POD/POA) # _____ Acres _____ (POD/POA) # _____ Acres _____

[OAR 690-315-0020(3)(i)(j)]

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
January 2017 to January 2018	Evaluate options to allow use of full rate and duty allowed under permit from current well or obtain permit amendment to add additional POA to allow full use	\$8,0000
January 2019 to January 2020	Construction of additional POA with pump and controls	\$160,000
January 2020 to October 2020	Completion and submission of pump test(s)	\$1000-2000 (depending on number of POAs)

October 1, 2020 – October 1, 2022	Submit COBU	\$3,000
Year: 2021	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$173,000.00

[OAR 690-315-0020(3)(g)]

11. Estimated remaining cost to complete the project: ~~\$173,000.00~~ 168,000

(The total cost from CHART-E)

[OAR 690-315-0020(3)(h)]

12. Describe the reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances. Include any additional unforeseen events and/or other governmental regulation or requirements.

Water has not been applied to full beneficial use because the current well is insufficient to allow application of water at the full rate and duty allowed under the permit. Power supply issues with the current well have required expenditure of funds that could have otherwise been allocated toward increasing the current diversion capacity or to explore a permit amendment to allow an additional POA under the permit.

[OAR 690-315-0020(3)(k)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

In order to have sufficient time to obtain OWRD's approval of this extension application and potential permit amendment we request until October 1, 2021 to apply water to beneficial use consistent with the permit.

[OAR 690-315-0020(3)(m)(n)]

14. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

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Attach permit, and documentation to the application.

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JUL 10 1998

clac
53487

STATE OF OREGON

WATER SUPPLY WELL REPORT - Well ID# L14907ER RESOURCES DEPT. (START CARD) # 102365

(as required by ORS 537.765)

Instructions for completing this report are on the last page of this form. SALEM, OREGON

(1) OWNER: Well Number Mira Monte #1

Name Fairdale Nursery
Address 13200 SW Wilsonville Rd.
City Wilsonville State OR Zip 97070

(2) TYPE OF WORK

New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:

Rotary Air Rotary Mud Cable Auger
 Other Reverse Circulation Rotary

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 164 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
20	0	18	Bentonite	0	35	288 sks
18	18	401	Cement w/ bent.	35	109	71 sks

How was seal placed: Method A B C D E

Other Bentonite was poured & probed

Backfill placed from _____ ft. to _____ Material see (12)

Gravel placed from 109 ft. to 164 ft. Size of DELTA CSSI 6x9

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	+2	164.3	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
except @ screen							
plate bottom							
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

Perforations Method _____

Screens Type V-shape wire wrap Material 304SS

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
119	127	.060	cont.	10	PS	<input type="checkbox"/>	<input type="checkbox"/>
129	144	.060	cont.	10	PS	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
see attached graphs			1 hr.

Temperature of water ~55°F Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom _____

Did any strata contain water not suitable for intended use? Too little

Salty Muddy Odor Colored Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Clark Latitude _____ Longitude _____
Township 3S N or S Range 1W E or W. WM.
Section 36 NW 1/4 NE 1/4
Tax Lot 100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Countryside Drive

(10) STATIC WATER LEVEL:

48 ft. below land surface. Date 6/23/98
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found drilled with flooded hole-

indeterminate

From	To	Estimated Flow Rate	SWL
109	142	see (8)	See (10)
207	211	30±	70±
242	251		
any others (sand/gravel)		indeterminate	NM

(12) WELL LOG:

Ground Elevation approx. 160

Material	From	To	SWL
see attached log			
Backfill:			
Pea Gravel & CSSI	164	166	
Bentonite (3/8 chips)	166	200	
CSSI & slough	200	279	
Bentonite (3/8 chips)	279	300	
Slough	300	401	

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Date started 4/27/98 Completed 6/23/98

(unbonded) Water Well Constructor Certification:

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

Signed _____ WWC Number 1367
Date 7/7/98

(bonded) Water Well Constructor Certification:

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

Signed _____ WWC Number 649
Date 7/7/98

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WATER RESOURCES DEPT.
SALEM, OREGON

Fairdale Nursery Well Log @ Mira Monte Farm

by Schneider Drilling Co.

Well ID #L14907 - Start Card No. 102365

From	To	Description
0	2	Top soil
2	10	Clay, brown, silty
10	26	Clay, brown, soft
26	43	Sand, med-fine, brn, & gravel, 1/2"-
43	53	Sand, med-fine, brn, & gravel, 2"-
53	63	Clay, brown, med, silty
63	76	Sand, brown, med-fine
76	78	Gravel, small, w/ cementation, w/sand, med
78	80	Clay, gray, soft, silty
80	84	Clay, brown, silty
84	95	Clay, gray, silty
95	98	Gravel w/wood, w/ cementation & sand
98	103	Sand, w/ cementation, green
103	105	Gravel, 2"-, w/ cementation & sand
105	109	Clay, gray, soft, silty
109	131	Gravel, 1/2"-, w/ cementation, w/sand, coarse
131	139	Gravel, 2"-, some vesicular, some cementation
139	140	Wood
140	142	Sand, med-fine, gray
142	149	Clay, blue-gray, soft, silty
149	155	Clay, gray, med
155	171	Clay, green & brown, w/sand, med
171	191	Clay, dk gray & brown, med
191	207	Clay, light gray w/some brown, med
207	211	Sand & pea gravel, multi-colored
211	233	Clay, gray-brn
233	238	Clay, blue, med
238	242	Clay, gray, med, sandy
242	251	Sand, w/ cementation, w/multi-colored pea gravel
251	261	Clay, gray, med
261	273	Clay, green-gray, med, silty
273	294	Clay, silty, & sandstone, gray
294	297	Sand, w/ cementation, fine, hard, gray
297	300	Clay, silty, gray
300	311	Clay, sandy, gray-green
311	335	Clay, gray, med
335	339	Clay, gray, sandy
339	346	Clay, gray, med
346	356	Clay, blue, med
356	375	Clay, gray, med
375	401	Clay, gray, med, silty

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SALEM, OR

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FAIRDALE NURSERY
13200 SW WILSONVILLE RD
WILSONVILLE, OREGON 97070

(503) 687-0511

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

APPLICATION FILE NUMBER: G-14234

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SOURCE OF WATER: A WELL IN PUDDING RIVER BASIN

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PURPOSE OR USE: AGRICULTURAL USE ON 104.1 ACRES

SALEM, OR

MAXIMUM RATE: 4.5 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 5, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 36, T3S, R1W, W.M.; 600 FEET SOUTH & 620 FEET EAST FROM N1/4 CORNER, SECTION 36

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4	22.9 ACRES
SE 1/4 SE 1/4	12.3 ACRES
SECTION 25	

NW 1/4 NE 1/4	24.3 ACRES
SW 1/4 NE 1/4	6.2 ACRES
NE 1/4 NW 1/4	15.7 ACRES
SE 1/4 NW 1/4	22.7 ACRES

SECTION 36

TOWNSHIP 3 SOUTH, RANGE 1 WEST, W.M.

Application G-14234

Water Resources Department

PERMIT G-13131

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Groundwater production shall only be from the Confined Troutdale Aquifer groundwater reservoir between approximately 100 feet and 400 feet below land surface.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report static water level measurements as described below. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements, if required, will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

Application G-14234

Water Resources Department

PERMIT G-13131

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DEC 30 2016

SALEM, OR

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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

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STANDARD CONDITIONS

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

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

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

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

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

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

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

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued May 21, 1997

BCD

Robert D. Smiley
Water Resources Department
Director

Basin 02

Volume 13 PUDDING RIVER AND MISC.
MGMT.CODE 7EG,7ER,7FG,7FR

District 16

Application G-14234

Water Resources Department

PERMIT G-13131

RECEIVED BY OWRD

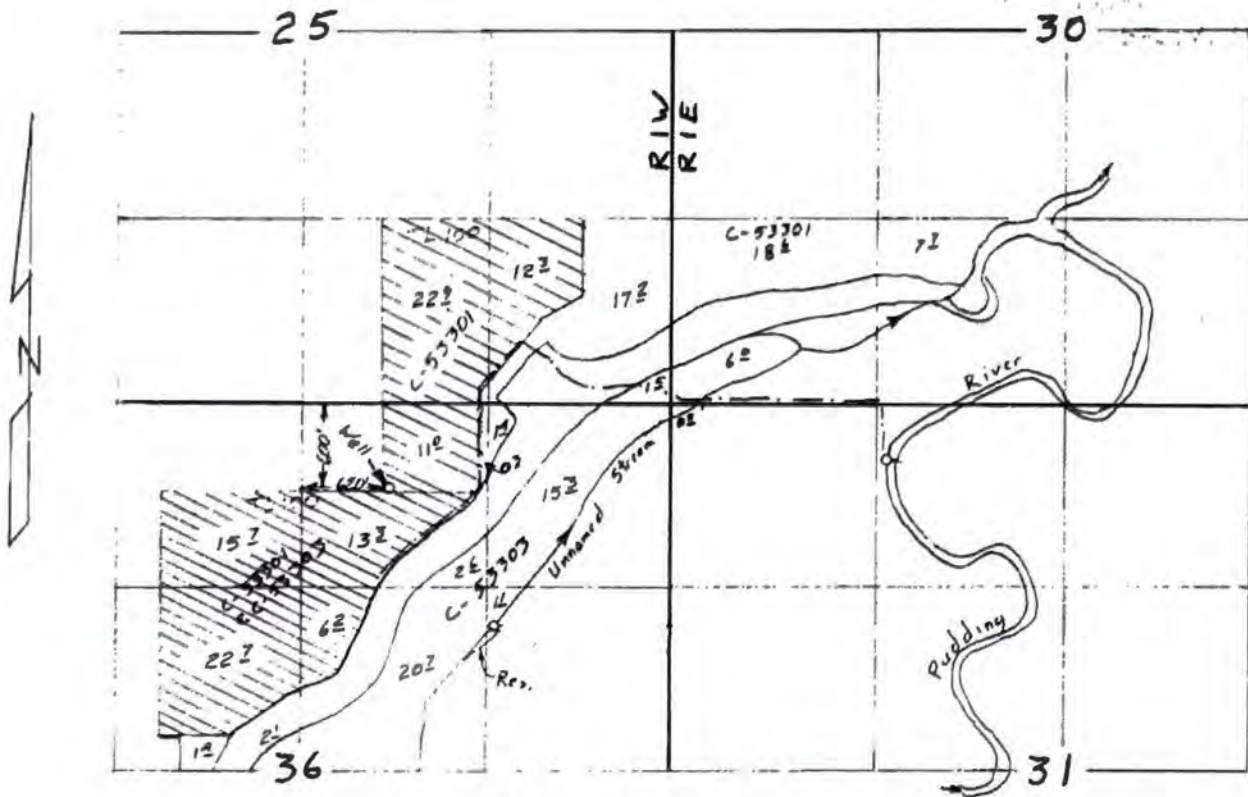
DEC 30 2016

SALEM, OR



TOWNSHIP 3 SOUTH, RANGES 1 WEST & 1 EAST, W.M.

1000' 1000'



Scale 1" = 1320'

RECEIVED BY OWRD

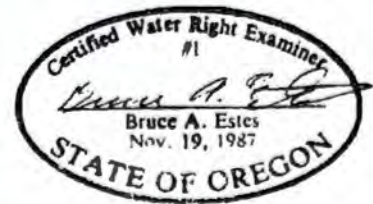
DEC 30 2016

SALEM, OR

APPLICATION MAP
for
FAIRDALE NURSERY

Application No. G-14234
Permit No.

Fairdale Nursery has applied water to the entire place of use under permit G-13131 excepting a 15x15 sq. ft. building located in the place of use.



ESTES SURVEYS

6293 Sunnyview Rd NE
Salem OR 97305
503-585-7593

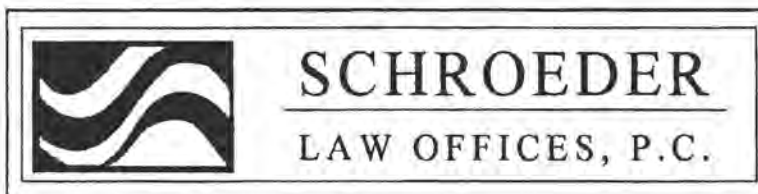
60382 Arnold Rd
Bend OR 97702
(503) 382-7391

This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

Laura A. Schroeder
Licensed in Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure
Licensed in Oregon
& Nevada

William F. Schroeder
(1928 - 2015)



Sarah R. Liljefelt
Licensed in Oregon, California
& Utah

Wyatt E. Rolfe
Of Counsel
Licensed in Oregon & Washington

James Browitt
Of Counsel
Licensed in Idaho & Washington

January 13, 2017

VIA US AND ELECTRONIC MAIL

Water Resources Department
Attn: Corey Courchane
725 Summer Street NE, Suite A
Salem, Oregon 97301
Email: corey.a.courchane@oregon.gov

RE: Corrected Mapping Enclosure for Extension Application for Permit G-13131 (Application G-14234)

Dear Corey Courchane:

Attached with this letter please find a revised map to replace the mapping enclosure submitted with the Extension Application for Permit G-13131 on December 29, 2016 showing the acres irrigated. The revised replacement map corrects the dimensions of the building notated on the map submitted with the extension application. No other aspect of the extension application is changed or effected.

Thank you for your assistance. Please contact our office if you have any questions.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.

Laura A. Schroeder

LAS:imt

Enclosures

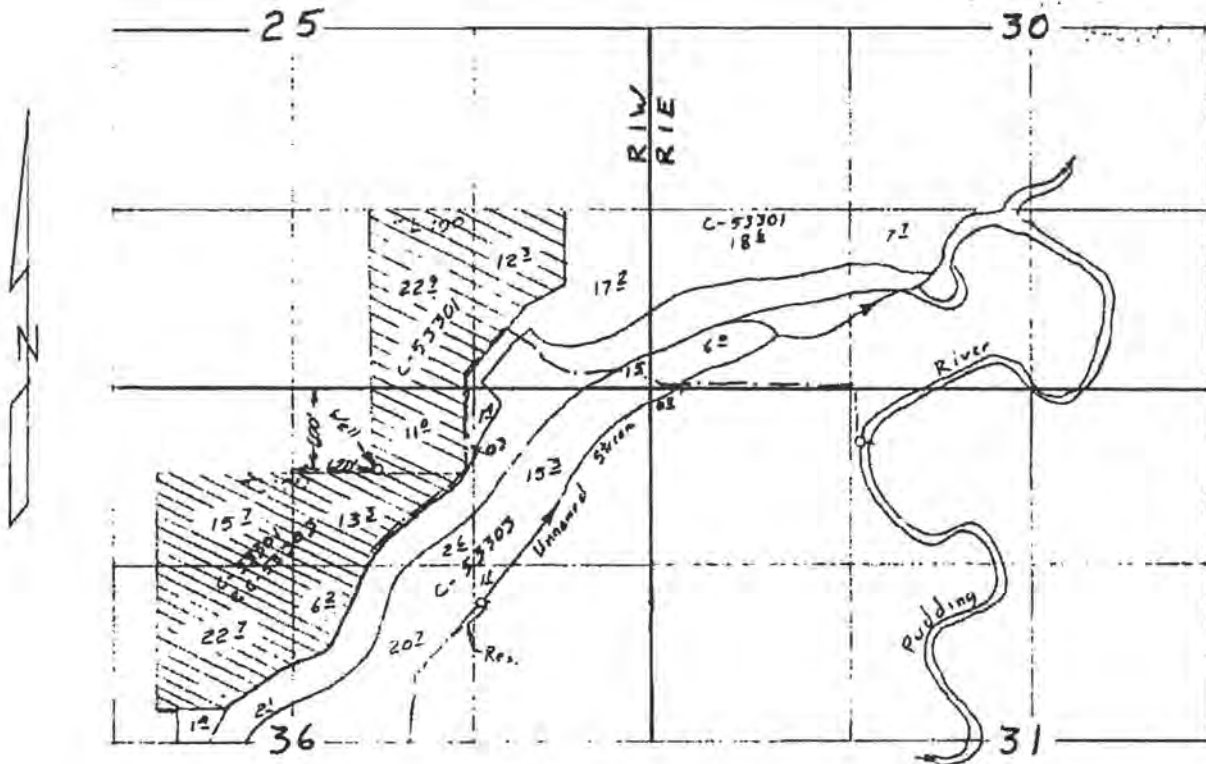
cc: Client

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

440 Marsh Avenue, Reno, Nevada 89509 (775) 786-8800

www.water-law.com counsel@water-law.com

TOWNSHIP 3 SOUTH, RANGES 1 WEST & 1 EAST, W.M.



Scale 1" = 1320'

Fairdale Nursery has applied water to the entire place of use under permit G-13131 excepting a 1500 sq. ft. building located in the place of use.

APPLICATION MAP
for
FAIRDALE NURSERY
Application No. G-~~14234~~ 14234
Permit No.



ESTES SURVEYS
 6295 Sunnyview Rd NE 60382 Arnold Rd
 Salem OR 97305 Bond OR 97702
 503-585-7593 (503) 382-7391

This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-13131, Water Right Application G-14234, in)
the name of Fairdale Nursery) PROPOSED FINAL ORDER

Permit Information

Application: G-14234
Permit: G-13131
Basin: 2 – Middle Willamette / Watermaster District 16
Date of Priority: January 5, 1995
Source of Water: A well in Pudding River Basin
Purpose or Use: Agricultural use on 104.1 acres
Maximum Rate: 4.5 cubic feet per second (cfs)

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

In Summary, the Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2006, to October 1, 2021¹.

- Make the extension subject to certain conditions set forth below.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

¹Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

Application – Application for Extension of Time

PFO – Proposed Final Order

cfs – cubic feet per second

gpm – gallons per minute

Well – CLAC 53487

FOF – Finding of Fact

VFD – variable frequency drive

POA – point of appropriation

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

FINDINGS OF FACT

1. On May 21, 1997, Permit G-13131 was issued by the Department. The permit authorizes the use of up to 4.5 cfs of water from a well in Pudding River Basin for agricultural use on 104.1 acres. The permit specified actual construction of the well to begin by May 21, 1998, and complete application of the water to the use was to be made on or before October 1, 2001.

2. One prior permit extension has been granted for Permit G-13131. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2001, to October 1, 2006.
3. On December 30, 2016, the permit holder, James Farley of Fairdale Nursery, submitted an "Application for Extension of Time" to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-13131 be extended from October 1, 2006, to October 1, 2021.
4. On January 10, 2017, notification of the Application for Extension of Time for Permit G-13131 was published in the Department's Public Notice. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

In order to approve an application for an extension of time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

5. On December 30, 2016, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

6. Actual construction of the well began prior to the May 21, 1998 deadline specified in the permit. According to the permit holder, construction of CLAC 53487 (Well) began April 27, 1998.
7. According to the well log received by the Department on July 10, 1998, construction of the Well began April 27, 1998.

The Department has determined based on Finding of Fact (FOF) 6 and 7 that the prosecution of the construction of the well began prior to May 21, 1998.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of

construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

OAR 690-315-0040(3)(a)

Amount of Construction (The amount of construction completed within the time allowed in the previous extension.²)

8. During the most recent extension period, being from October 1, 2001, to October 1, 2006, the work accomplished consisted of the installation of an overflow off of the reservoir.
9. Since October 1, 2006, the applicant states the following was accomplished:
 - Built and installed a 30 HP variable frequency drive (VFD) pump control; and
 - Installed main breaker on new VFD panel.

The Department has determined based on FOF 8, that work has been accomplished during the last extension period, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

OAR 690-315-0040(3)(c)

Compliance with Conditions

The water right permit holder's conformance with the previous extension conditions.

10. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

The Department has determined that the permit holder has demonstrated compliance with permit conditions as required by Permit G-13131»:

- Installation of a meter prior to beginning water use;
- Submittal of annual water use reports; and
- Submittal of an initial and reference level March static water level measurement.

² **"Actual Construction"** is defined in OAR 690-315-0020(3)(d)(A)and(B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

OAR 690-315-0040(3)(b)

Beneficial Use of Water: the amount of beneficial use made of the water during the previous extension conditions.

11. The Application states a maximum rate of 225 gpm (0.5 cfs) of water has been appropriated from the Well for agricultural use on 104.066 acres.

12. According to the permit holder, delay of full beneficial use of water under Permit G-13131 was due, in part, to insufficient yield of water from the permitted Well. Power supply issues with the Well have required expenditure of funds that could have otherwise been allocated toward increasing the current diversion capacity. The permit holder requests more time in which to gain approval for the construction of an additional point of appropriation to obtain the full quantity of water allowed under the permit, or evaluate the options to allow use of the full rate and duty allowed under this permit from the current Well.

Beneficial use of water has been demonstrated under this permit as all permit conditions were satisfied by October 1, 2001.

OAR 690-315-0040(2)(b),(3)(d),(4)(d)

Financial Investments to Appropriate and Apply Water to a Beneficial Purpose

13. As of December 30, 2016, the Application states an approximate total of \$149,991 has been invested. The Application included costs associated with repairs, and maintenance which are not "actual construction" under this permit and therefore are not counted towards development. After deducting these costs, the approximate total investment for "actual construction" to date is approximately \$133,046 which is about 44 percent of the total projected cost for complete development of this project. The Application states an additional \$168,000 investment is needed to complete this project, which includes a possible permit amendment and construction of an additional point of appropriation (POA) with pump and controls.

The Department has determined based on FOF 13, that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The application provides evidence that work has been accomplished towards completion of the water system; the permit holder has demonstrated compliance with permit conditions, a financial investment has been made, and; beneficial use of water has been demonstrated. The Department has determined the applicant has demonstrated reasonable diligence in previous performance under Permit G-13131.

The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In

accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

- (a) The amount of water available to satisfy other affected water rights and scenic waterway flows;
- (b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);
- (c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;
- (d) Economic investment in the project to date;
- (e) Other economic interests dependent on completion of the project; and
- (f) Other factors relevant to the determination of the market and present demands for water and power.

OAR 690-315-0040(4)(a)

The amount of water available to satisfy other affected water rights and scenic waterway flows.

14. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-13131; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

OAR 690-315-0040(4)(b)

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

15. The point of appropriation for Permit G-13131, located within the Pudding River Basin, is not located within a limited or critical groundwater area.
16. Pudding River is not located within or above any state or federal scenic waterway.
17. The point of appropriation is not in an area listed by the Department of Environmental Quality as a water quality limited stream.

OAR 690-315-0040(4)(c)

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

18. Pudding River is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species

Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

OAR 690-315-0040(4)(d)

Economic interests dependent on completion of the project.

19. The Application states an approximate total of \$133,046 has been invested in the project.

OAR 690-315-0040(4)(e)

Other economic interests dependent on completion of the project.

20. The Application did not identify economic interests other than those of the applicant's that may be dependent on completion of the project.

OAR 690-315-0040(4)(f)

Other factors relevant to the determination of the market and present demand for water and power.

21. No other factors relevant to the determination of the market and present demand for water and power have been identified.

OAR 690-315-0040(2)(f)

Fair Return Upon Investment

22. The Application did not identify that the use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

OAR 690-315-0040(2)(g)

Other Governmental Requirements

23. The Application did not identify any delay in the development of this project that was caused by any other governmental requirements.

OAR 690-315-0040(2)(h)

Unforeseen Events

24. According to the permit holder, unforeseen events extended the length of time needed to fully develop and perfect Permit G-13131, in that the permit holders were faced with an insufficient yield of water and power supply issues with the Well, which restricted their ability to complete development of the project in a timely manner.

OAR 690-315-0040(2)(i)

Denial of the Extension Will Result in Undue Hardship

25. The Application did not state if a denial of the extension would result in undue hardship.

OAR 690-315-0040(2)(c)

Good Faith of the Appropriator

26. The Application provides evidence of good faith of the appropriator under Permit G-13131.

The Department has determined that the applicant has shown good faith and reasonable diligence.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

27. As of December 30, 2016, the Application states the remaining work to be completed consists of either altering the authorized Well to obtain the full rate under this permit, or submitting and gaining approval for a Permit Amendment to add an additional POA; construction of an additional POA with pump and controls; and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2021, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-13131 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

LIMITATIONS AND CONDITIONS

1. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. The Department determined the need to place a "Last Extension Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 2 of the "Conditions" section of this PFO, was determined to be necessary due to the lapse of

time since the issuance of Permit G-13131 on May 21, 1997.

CONCLUSIONS OF LAW

1. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The applicant has complied with the construction timeline requirements to begin actual construction as required by ORS 537.630, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 6 through 26, full application of water to beneficial use can be accomplished by October 1, 2021, as required by OAR 690-315-0040(1)(c).
4. The applicant can complete the project within the time period requested for the extension on the project, but the extension is conditioned to mitigate the effects of the subsequent development on competing demands on the resource and is granted only for the reasonable time necessary to complete water development and apply water to beneficial use. OAR 690-315-0050(5).
5. The applicant has demonstrated good cause for the extension, but the extension must be conditioned to ensure this is the last extension granted in order to ensure future diligence; OAR 690-315-0050(5).

continued on the following page

PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit G-13131 from October 1, 2006, to October 1, 2021.

Subject to the following conditions:

LIMITATIONS AND CONDITIONS

1. Last Extension Condition

This is to be the last extension of time granted for Permit G-13131. Any future extensions of time requests shall be denied.

DATED: February 14, 2017



Dwight French, Administrator,
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **February 14, 2017**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.

Mailing List for Extension PFO Copies

PFO Date: February 14, 2017

Copies Mailed

Application: G-14234

By: SP

Permit: G-13131

On: 2-14-17

Original mailed to Applicant:

Fairdale Nursery
23800 NE Airport Rd
Aurora, OR 97002

Copies sent to:

1. WRD - App. File G-14234/ Permit G-13131
2. Schroeder Law Offices, P.C.
1915 NE Cesar E. Chavez Boulevard
Portland, OR 97212

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 16, Joel Plahn

CASEWORKER: CAC

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

Application – Application for Extension of Time

PFO – Proposed Final Order

cfs – cubic feet per second

gpm – gallons per minute

Well – CLAC 53487

FOF – Finding of Fact

VFD – variable frequency drive

POA – point of appropriation

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

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OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

FINDINGS OF FACT

1. On May 21, 1997, Permit G-13131 was issued by the Department. The permit authorizes the use of up to 4.5 cfs of water from a well in Pudding River Basin for agricultural use on 104.1 acres. The permit specified actual construction of the well to begin by May 21, 1998, and complete application of the water to the use was to be made on or before October 1, 2001.

2. One prior permit extension has been granted for Permit G-13131. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2001, to October 1, 2006.
3. On December 30, 2016, the permit holder, James Farley of Fairdale Nursery, submitted an "Application for Extension of Time" to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-13131 be extended from October 1, 2006, to October 1, 2021.
4. On January 10, 2017, notification of the Application for Extension of Time for Permit G-13131 was published in the Department's Public Notice. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

In order to approve an application for an extension of time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

5. On December 30, 2016, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

6. Actual construction of the well began prior to the May 21, 1998 deadline specified in the permit. According to the permit holder, construction of CLAC 53487 (Well) began April 27, 1998.
7. According to the well log received by the Department on July 10, 1998, construction of the Well began April 27, 1998.

The Department has determined based on Finding of Fact (FOF) 6 and 7 that the prosecution of the construction of the well began prior to May 21, 1998.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of

construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

OAR 690-315-0040(3)(a)

Amount of Construction (The amount of construction completed within the time allowed in the previous extension.²)

8. During the most recent extension period, being from October 1, 2001, to October 1, 2006, the work accomplished consisted of the installation of an overflow off of the reservoir.
9. Since October 1, 2006, the applicant states the following was accomplished:
 - Built and installed a 30 HP variable frequency drive (VFD) pump control; and
 - Installed main breaker on new VFD panel.

The Department has determined based on FOF 8, that work has been accomplished during the last extension period, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

OAR 690-315-0040(3)(c)

Compliance with Conditions

The water right permit holder's conformance with the previous extension conditions.

10. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

The Department has determined that the permit holder has demonstrated compliance with permit conditions as required by Permit G-13131»:

- Installation of a meter prior to beginning water use;
- Submittal of annual water use reports; and
- Submittal of an initial and reference level March static water level measurement.

² **"Actual Construction"** is defined in OAR 690-315-0020(3)(d)(A)and(B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

OAR 690-315-0040(3)(b)

Beneficial Use of Water: the amount of beneficial use made of the water during the previous extension conditions.

11. The Application states a maximum rate of 225 gpm (0.5 cfs) of water has been appropriated from the Well for agricultural use on 104.066 acres.
12. According to the permit holder, delay of full beneficial use of water under Permit G-13131 was due, in part, to insufficient yield of water from the permitted Well. Power supply issues with the Well have required expenditure of funds that could have otherwise been allocated toward increasing the current diversion capacity. The permit holder requests more time in which to gain approval for the construction of an additional point of appropriation to obtain the full quantity of water allowed under the permit, or evaluate the options to allow use of the full rate and duty allowed under this permit from the current Well.

Beneficial use of water has been demonstrated under this permit as all permit conditions were satisfied by October 1, 2001.

OAR 690-315-0040(2)(b),(3)(d),(4)(d)

Financial Investments to Appropriate and Apply Water to a Beneficial Purpose

13. As of December 30, 2016, the Application states an approximate total of \$149,991 has been invested. The Application included costs associated with repairs, and maintenance which are not "actual construction" under this permit and therefore are not counted towards development. After deducting these costs, the approximate total investment for "actual construction" to date is approximately \$133,046 which is about 44 percent of the total projected cost for complete development of this project. The Application states an additional \$168,000 investment is needed to complete this project, which includes a possible permit amendment and construction of an additional point of appropriation (POA) with pump and controls.

The Department has determined based on FOF 13, that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The application provides evidence that work has been accomplished towards completion of the water system; the permit holder has demonstrated compliance with permit conditions, a financial investment has been made, and; beneficial use of water has been demonstrated. The Department has determined the applicant has demonstrated reasonable diligence in previous performance under Permit G-13131.

The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In

accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

- (a) The amount of water available to satisfy other affected water rights and scenic waterway flows;
- (b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);
- (c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;
- (d) Economic investment in the project to date;
- (e) Other economic interests dependent on completion of the project; and
- (f) Other factors relevant to the determination of the market and present demands for water and power.

OAR 690-315-0040(4)(a)

The amount of water available to satisfy other affected water rights and scenic waterway flows.

14. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-13131; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

OAR 690-315-0040(4)(b)

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

15. The point of appropriation for Permit G-13131, located within the Pudding River Basin, is not located within a limited or critical groundwater area.
16. Pudding River is not located within or above any state or federal scenic waterway.
17. The point of appropriation is not in an area listed by the Department of Environmental Quality as a water quality limited stream.

OAR 690-315-0040(4)(c)

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

18. Pudding River is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species

Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

OAR 690-315-0040(4)(d)

Economic interests dependent on completion of the project.

19. The Application states an approximate total of \$133,046 has been invested in the project.

OAR 690-315-0040(4)(e)

Other economic interests dependent on completion of the project.

20. The Application did not identify economic interests other than those of the applicant's that may be dependent on completion of the project.

OAR 690-315-0040(4)(f)

Other factors relevant to the determination of the market and present demand for water and power.

21. No other factors relevant to the determination of the market and present demand for water and power have been identified.

OAR 690-315-0040(2)(f)

Fair Return Upon Investment

22. The Application did not identify that the use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

OAR 690-315-0040(2)(g)

Other Governmental Requirements

23. The Application did not identify any delay in the development of this project that was caused by any other governmental requirements.

OAR 690-315-0040(2)(h)

Unforeseen Events

24. According to the permit holder, unforeseen events extended the length of time needed to fully develop and perfect Permit G-13131, in that the permit holders were faced with an insufficient yield of water and power supply issues with the Well, which restricted their ability to complete development of the project in a timely manner.

OAR 690-315-0040(2)(i)

Denial of the Extension Will Result in Undue Hardship

25. The Application did not state if a denial of the extension would result in undue hardship.

OAR 690-315-0040(2)(c)

Good Faith of the Appropriator

26. The Application provides evidence of good faith of the appropriator under Permit G-13131.

The Department has determined that the applicant has shown good faith and reasonable diligence.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

27. As of December 30, 2016, the Application states the remaining work to be completed consists of either altering the authorized Well to obtain the full rate under this permit, or submitting and gaining approval for a Permit Amendment to add an additional POA; construction of an additional POA with pump and controls; and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2021, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-13131 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

LIMITATIONS AND CONDITIONS

1. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. The Department determined the need to place a "Last Extension Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 2 of the "Conditions" section of this PFO, was determined to be necessary due to the lapse of

time since the issuance of Permit G-13131 on May 21, 1997.

CONCLUSIONS OF LAW

1. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The applicant has complied with the construction timeline requirements to begin actual construction as required by ORS 537.630, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 6 through 26, full application of water to beneficial use can be accomplished by October 1, 2021, as required by OAR 690-315-0040(1)(c).
4. The applicant can complete the project within the time period requested for the extension on the project, but the extension is conditioned to mitigate the effects of the subsequent development on competing demands on the resource and is granted only for the reasonable time necessary to complete water development and apply water to beneficial use. OAR 690-315-0050(5).
5. The applicant has demonstrated good cause for the extension, but the extension must be conditioned to ensure this is the last extension granted in order to ensure future diligence; OAR 690-315-0050(5).

continued on the following page

PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit G-13131 from October 1, 2006, to October 1, 2021.

Subject to the following conditions:

LIMITATIONS AND CONDITIONS

1. **Last Extension Condition**

This is to be the last extension of time granted for Permit G-13131. Any future extensions of time requests shall be denied.

DATED: February 14, 2017


Dwight French, Administrator,
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **March 31, 2017**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.

2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

-
- If you have questions about statements contained in this document, please contact Corey A Courchane at (503)986-0825.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
Fax: 503-986-0901
-

Mailing List for Extension PFO Copies

PFO Date: February 14, 2017

Copies Mailed

Application: G-14234
Permit: G-13131

By: MA
On: 3-8-17

Original mailed to Applicant:

Fairdale Nursery ✓
23800 NE Airport Rd
Aurora, OR 97002

Copies sent to:

1. WRD - App. File G-14234/ Permit G-13131 ✓
2. Schroeder Law Offices, P.C. ✓
1915 NE Cesar E. Chavez Boulevard
Portland, OR 97212

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 16, Joel Plahn

CASEWORKER: CAC



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

November 1, 2016

Certified mail number 7016 1370 0000 0680 7590

Return receipt requested

FAIRDALE NURSERY
13200 SW WILSONVILLE RD
WILSONVILLE, OR 97070

Reference: Application G-14234. Permit G-13131

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2006.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2006. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (December 30, 2016) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact Corey Courchane by telephone at 503-986-0825, Jeffrey Pierceall by telephone at 503-986-0802, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File G-14234

OWRD Watermaster District 16

PERMIT STATUS REVIEW BY Corey Courchane DATE 10-17-16 FILE # G-14234

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if: update appropriate db

no Extension pending _____

no Assignment is pending _____

no Cancellation has been requested _____

no Dept. has **already sent a certified** 60-Day Compliance letter (date _____, # _____)
Was **60 days notice** allowed? Y N If No, How Much Time? _____
Was mail deliverable as addressed? Y N date _____
If mail returned, online/www check? Y N date _____ successful? Y N
Re-send Cert. Letter? Y N date _____
Send cancellation order Y N

*Send letter
10-17-16
CC*

no Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received _____

2. IF NONE OF THE ABOVE APPLY

yes Send **certified** "C" date notice packet to permit holder.
"C" DATE October 1, 2006 BASIN NUMBER 2 WM # 16

CWRE or AGENT Schroeder Law Offices 3355 NE Davis Portland OR

3. AOI Yes _____ NO If Yes, name of AOI _____

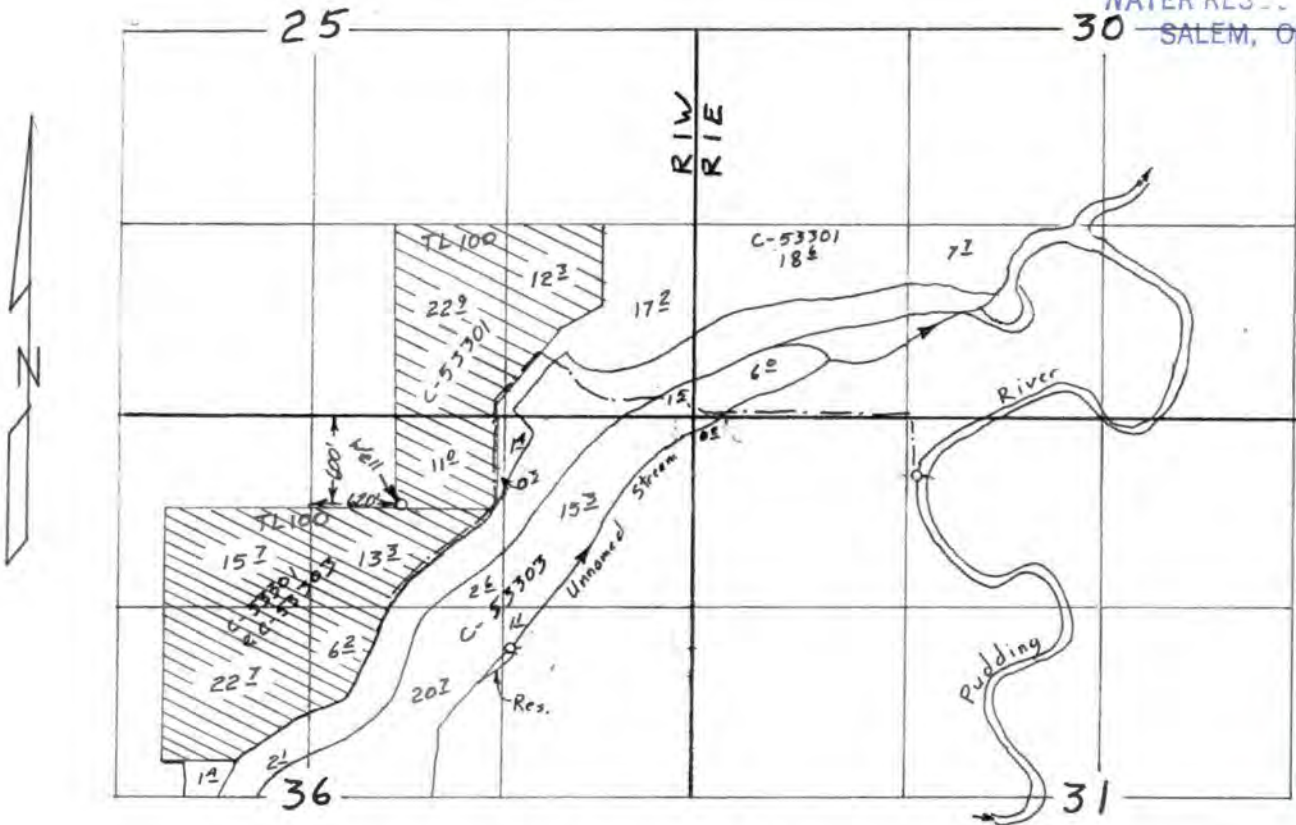
97232

TOWNSHIP 3 SOUTH, RANGES 1 WEST & 1 EAST, W.M.

REC

JAN - 4 1996

WATER RIGHTS
SALEM, OREGON



Scale 1" = 1320'

APPLICATION MAP
for
FAIRDALE NURSERY
Application No. C-¹⁴²³⁴~~53301~~
Permit No.



ESTES SURVEYS

6293 Sunnyview Rd NE
Salem, OR 97305
(503) 585-7593

60382 Arnold Rd
Bend, OR 97702
(503) 382-7391

This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

RECEIVED

JUL 10 1998

STATE OF OREGON

WATER SUPPLY WELL REPORT - Well ID# L14997 WATER RESOURCES DEPT (START CARD) # 102365

(as required by ORS 537.765)

Instructions for completing this report are on the last page of this form. SALEM, OREGON

clac
53487

(1) OWNER: Well Number Mira Monte #1

Name Fairdale Nursery
Address 13200 SW Wilsonville Rd.
City Wilsonville State OR Zip 97070

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

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 164 ft.
Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
20	0	18	Bentonite	0	35	288 sks
18	18	401	Cement w/ bent.	35	109	71 sks

How was seal placed: Method A B C D E
 Other Bentonite was poured & probed
Backfill placed from _____ ft. to _____ ft. Material see (12)
Backfill placed from 109 ft. to 164 ft. Size of backfill CSSI 6x9

Casing/Liner	Diameter	From	To	Gauge	Material			
					Steel	Plastic	Welded	Threaded
Casing	10	+2	164.3	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner								

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:
 Perforations Method _____
 Screens Type V-shape wire wrap Material 304SS

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
119	127	.060	cont.	10	PS	<input type="checkbox"/>	<input type="checkbox"/>
129	144	.060	cont.	10	PS	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

<input checked="" type="checkbox"/> Pump	<input type="checkbox"/> Bailer	<input type="checkbox"/> Air	<input type="checkbox"/> Flowing Artesian
Yield gal/min	Drawdown	Drill stem at	Time
see attached graphs			1 hr.

Temperature of water ~55°F Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Clack Latitude _____ Longitude _____
Township 3S N or S Range 1W E or W. WM.
Section 36 NW 1/4 NE 1/4
Tax Lot 100 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Countryside Drive

(10) STATIC WATER LEVEL:
48 ft. below land surface. Date 6/23/98
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found drilled with flooded hole _____ indeterminate

From	To	Estimated Flow Rate	SWL
109	142	see (8)	See (10)
207	211	30±	70±
242	251		
any others (sand/gravel)		indeterminate	NM

(12) WELL LOG:
Ground Elevation approx. 160

Material	From	To	SWL
see attached log			
Backfill:			
Pea Gravel & CSSI	164	166	
Bentonite (3/8 chips)	166	200	
CSSI & slough	200	279	
Bentonite (3/8 chips)	279	300	
Slough	300	401	

Date started 4/27/98 Completed 6/23/98

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
Signed _____ WWC Number 1367
Date 7/7/98

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed _____ WWC Number 649
Date 7/7/98

RECEIVED

JUL 10 1998

WATER RESOURCES DEPT.
SALEM, OREGON**Fairdale Nursery Well Log @ Mira Monte Farm**

by Schneider Drilling Co.

Well ID #L14907 - Start Card No. 102365

From	To	Description
0	2	Top soil
2	10	Clay, brown, silty
10	26	Clay, brown, soft
26	43	Sand, med-fine, brn, & gravel, 1/2"-
43	53	Sand, med-fine, brn, & gravel, 2"-
53	63	Clay, brown, med, silty
63	76	Sand, brown, med-fine
76	78	Gravel, small, w/ cementation, w/sand, med
78	80	Clay, gray, soft, silty
80	84	Clay, brown, silty
84	95	Clay, gray, silty
95	98	Gravel w/wood, w/ cementation & sand
98	103	Sand, w/ cementation, green
103	105	Gravel, 2"-, w/ cementation & sand
105	109	Clay, gray, soft, silty
109	131	Gravel, 1/2"-, w/ cementation, w/sand, coarse
131	139	Gravel, 2"-, some vesicular, some cementation
139	140	Wood
140	142	Sand, med-fine, gray
142	149	Clay, blue-gray, soft, silty
149	155	Clay, gray, med
155	171	Clay, green & brown, w/sand, med
171	191	Clay, dk gray & brown, med
191	207	Clay, light gray w/some brown, med
207	211	Sand & pea gravel, multi-colored
211	233	Clay, gray-brn
233	238	Clay, blue, med
238	242	Clay, gray, med, sandy
242	251	Sand, w/ cementation, w/multi-colored pea gravel
251	261	Clay, gray, med
261	273	Clay, green-gray, med, silty
273	294	Clay, silty, & sandstone, gray
294	297	Sand, w/ cementation, fine, hard, gray
297	300	Clay, silty, gray
300	311	Clay, sandy, gray-green
311	335	Clay, gray, med
335	339	Clay, gray, sandy
339	346	Clay, gray, med
346	356	Clay, blue, med
356	375	Clay, gray, med
375	401	Clay, gray, med, silty

TO: Water Rights Section

April 29, 1996

FROM: Groundwater/Hydrology Section

Don Malla

Reviewer's Name

SUBJECT: Application G- 14234

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE Willamette Basin rules, one or more of the proposed POA's ~~is~~ is not within 1/4 feet/mile of a surface water source () and taps a groundwater source hydraulically connected to the surface water.
- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or have the potential for substantial interference with the nearest
 - b. ___ will not surface water source, namely _____; or
 - c. ___ will if properly conditioned, adequately protect the surface water from interference:
 - i. ___ The permit should contain condition #(s) 7F;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or likely be available in the amounts requested without injury to prior rights
 - b. ___ will not and/or within the capacity of the resource; or
 - c. ___ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ___ The permit should contain condition #(s) 7E;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
- 4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than ___ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than 100 ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the Confined Troutdale groundwater reservoir between approximately 100 ft. and 400 ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

14234
14234

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____, 199__
(Signature)

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

_____, 199__
(Signature)

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files

Date April 26, 1996

FROM: Dann Miller

SUBJECT: Groundwater Application G- 14234

Phone: 687-0511

Name: Fairdale Nursery

Applicant(s) seek gpm (4 1/2 cfs) from one well(s) in the Willamette basin

Proposed use: Ag 104 AC Nursery
Malilla sub basin
Pudding sub basin

Pertinent 7 1/2 - minute quads Sherwood
Canby

Well Proposed WRD# T 35 R 1W S 36 QQ ab County Clackamas

Legal Description 600'S + 620'E fm North Quarter Corner Section 36

Well is 500 ft from Unnamed trib Willamette R. (1) (river/stream)

Well is 800' ft from Unnamed trib Pudding R. (2) (river/stream)

Well elevation 155 ft. River/stream elevation (1) 145; (2) 85 ft.

Well elevation - river/stream elevation (1) 10'; (2) 70'

Well depth 300' (est) SWL 80 (est) on

Sealed to Depth first water found

Cased to 300' (est) Perforations/screens

Lined to Perforations/screens

Well tests and types

Confined or unconfined? Unconfined Hydraulically connected? yes

Potential to cause substantial interference? yes

Well WRD# T R S QQ County

Legal Description

Well is ft from (river/stream)

Well is ft from (river/stream)

Well elevation ft. River/stream elevation ft.

Well elevation - river/stream elevation

Well depth SWL on

Sealed to Depth first water found

Cased to Perforations/screens

Lined to Perforations/screens

Well tests and types

Confined or unconfined? Hydraulically connected?

Potential to cause substantial interference?

Conditioned water rights in area: yes, 4I + a 46

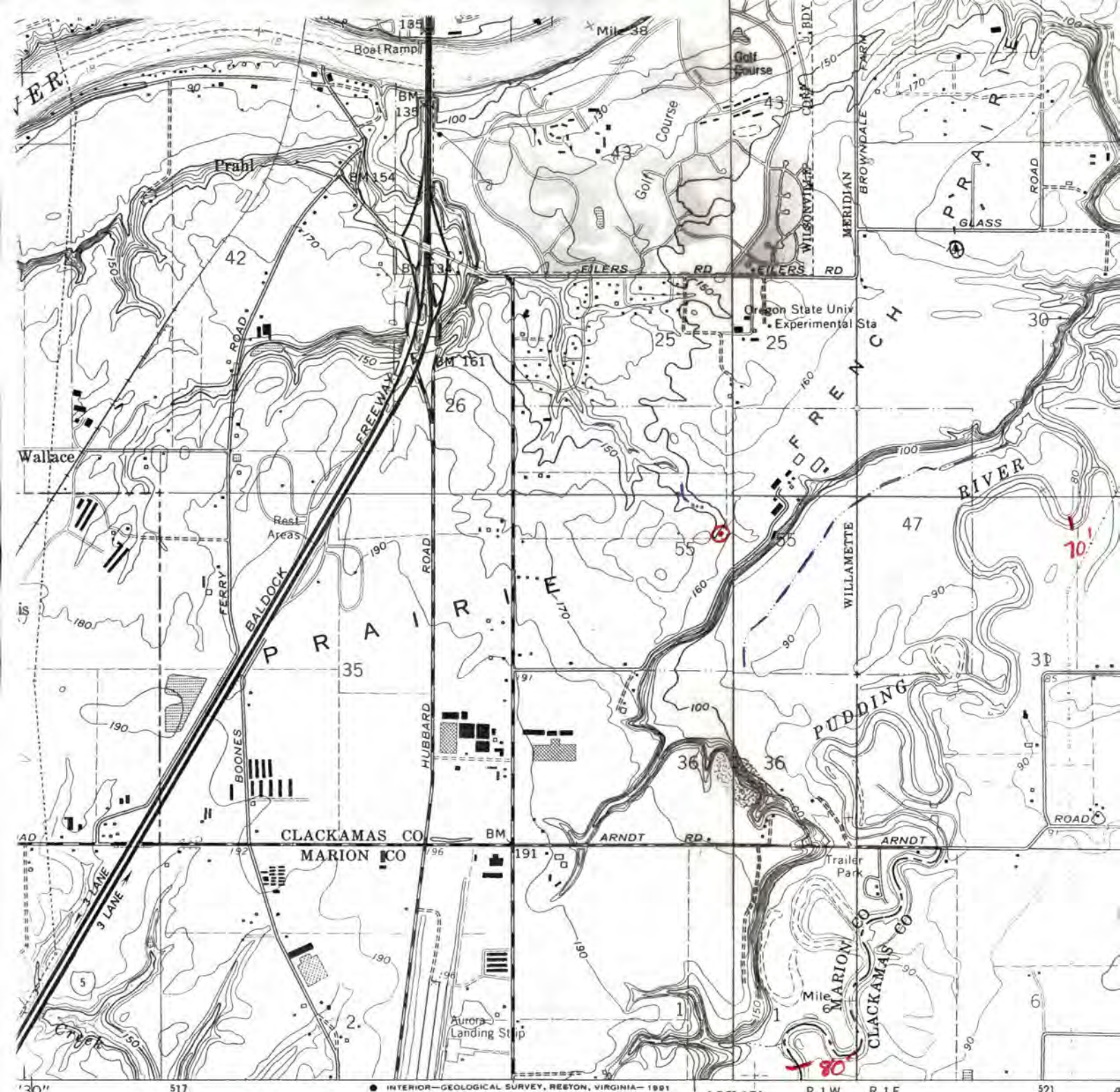
Other nearby water rights of record: yes

Density of nearby wells of record: moderate

Comments WSP-1833's plate displays a WL contour of 120' MSL at the proposed well location. After reviewing the well logs for Sections 25 + 36, I am not impressed with the occurrences + thickness of clay beds which would produce a confined aquifer + barrier to surface water interference. Perhaps the applicant can tell us more about the timing of waters in the surface sources nearby. Perhaps the applicants would relocate the well location.

References used: USGS WSP-1833

→ conditions seem necessary to protect gw + sw sources + users from a 4 1/2 cfs well.



G-14234



QUADRANGLE LOCATION

ROAD CLASSIFICATION

- Heavy-duty ————— Light-duty —————
- Medium-duty ————— Unimproved dirt - - - - -
- Ⓜ Interstate Route Ⓜ U. S. Route Ⓜ State Route

SHERWOOD, OREG.

45122-C7-TF-024

1961
PHOTOREVISED 1985
DMA 1474 IV SE-SERIES V885

Mapped, edited, and published by the Geological Survey, U.S. Department of the Interior, under authority of the National Map Act of 1947. Control by USGS, NOS/NOAA, USCE, and State of Oregon.

Topography from aerial photographs by photogrammetric methods. Aerial photographs taken 1952. Field checked 1954. Revised from aerial photographs taken 1960. Field checked 1981.

Selected hydrographic data compiled from NOS/NOAA Chart 18860. This information is not intended for navigational purposes.

Projection and 10,000-foot grid ticks: Oregon coordinate system, north zone (Lambert conformal conic). 1000-meter Universal Transverse Mercator grid ticks, zone 10, shown in blue. 1927 North American datum.

To place on the predicted North American Datum 1983, move the projection lines 22 meters north and 94 meters east as shown by dashed corner ticks. Red tint indicates areas in which only landmark buildings are shown. Fine red dashed lines indicate selected fence lines.

Revisions shown in purple compiled from aerial photographs taken 1981 and other sources. This information not field checked. Map edited 1985. Purple tint indicates extensions of urban area.

REVIEW CHECKLIST

FOR G- 14234

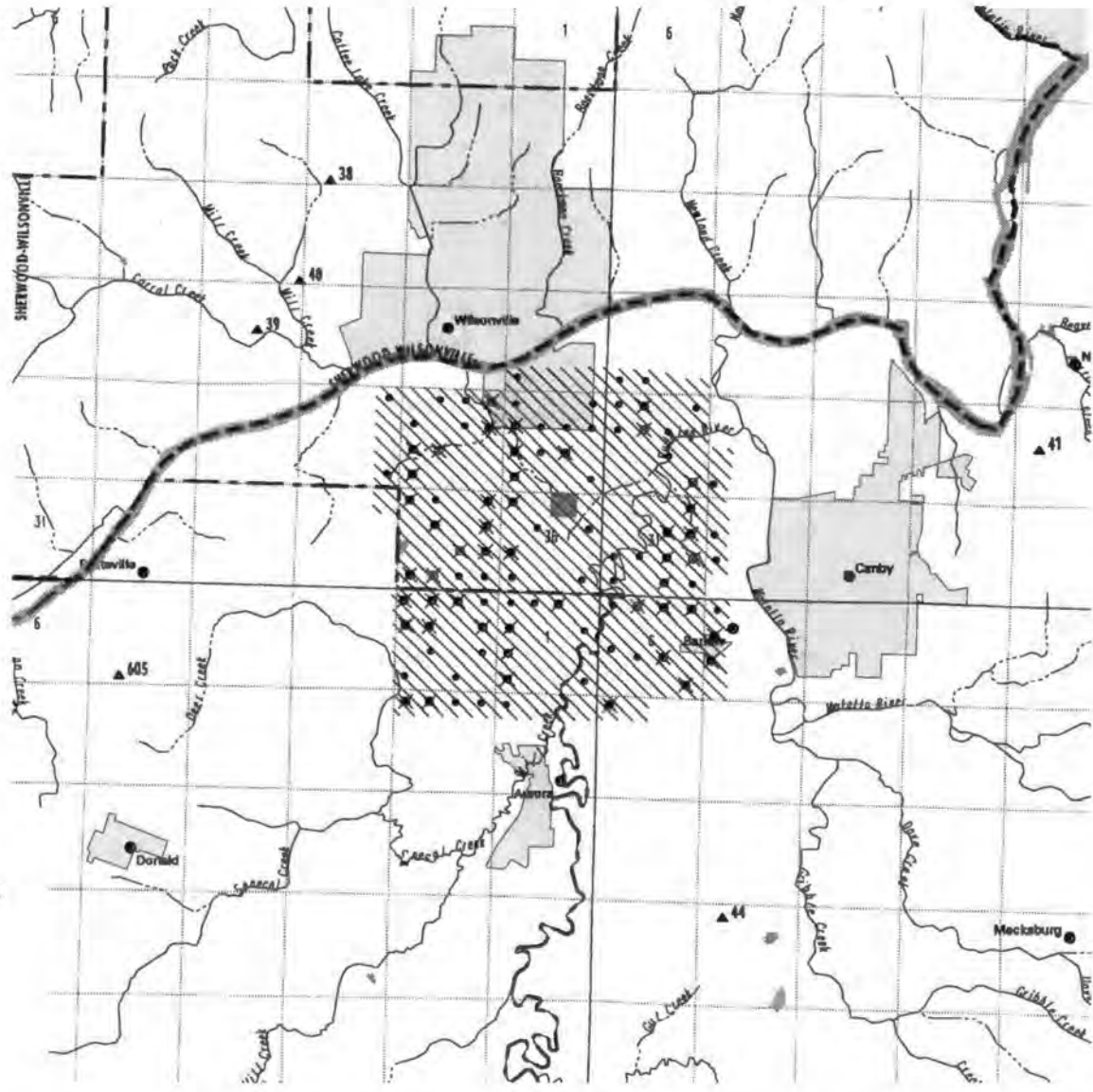
- Appropriate parts of the stream index
- Estimated number of wells within one-mile radius & identified types.
- Verify that the well log is in application. If not, provide one. not found
- State observation wells within five-mile radius.
- List groundwater permits within a five-mile radius with extraordinary conditions.

APPLICATIONS WITH PERMIT CONDITIONS: 35, 14, 36 NWN

G12748 G13193
 12721 13862 ✓
 13435 13297
 11982 72141
 13356 13265
 13853 ✓ 13465 ✓
 12683 13854 ✓
 12596
 13692 -
 13693 - AG

Wells in the vicinity of application G 14234

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



WELLS WITHIN 1 MILE OF G 14234

DO	119
ID	9
IM	4
IR	57
MO	33
MU	6

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14234

PERMIT	T/R/S/QQ	USE	RATE	UNITS
G 9959	3.00S 1.00W26NENE	MU	0.1100	C
G 9959	3.00S 1.00W26NENE	MU	0.6700	C
G 5500	3.00S 1.00W26SENE	IS	1.6500	C
G 10909	3.00S 1.00W26SENE	IR	0.2700	C
G 10909	3.00S 1.00W26SENE	IS	2.2900	C
G 10909	3.00S 1.00W26SENE	RC	0.2700	C
G 11532	3.00S 1.00W26SENE	RC	0.1700	C
G 5961	3.00S 1.00W25SWNW	DI	0.6700	C
G 3488	3.00S 1.00W26NWSW	IR	0.2800	C
G 4687	3.00S 1.00W26NESW	IS	0.3100	C
G 6837	3.00S 1.00W26NESW	IR	0.0190	C
G 6837	3.00S 1.00W26NESW	IS	0.3110	C
G 4262	3.00S 1.00W25NWSW	IR	0.1300	C
G 5961	3.00S 1.00W25NWSW	DI	0.6700	C
G 966	3.00S 1.00W25NWSE	IR	0.6400	C
G 3649	3.00S 1.00W25NWSE	IR	0.2500	C
G 7307	3.00S 1.00W26SWSW	IR	0.3100	C
G 9535	3.00S 1.00W26SWSW	IR	0.0840	C
G 9535	3.00S 1.00W26SWSW	IS	0.3510	C
G 2450	3.00S 1.00W25SWSW	IR	0.1300	C
GR 2366	3.00S 1.00W25SWSW	IR	0.6696	C
G 7195	3.00S 1.00W35NWNW	IS	0.2600	C
GR 527	3.00S 1.00W35NWNW	IR	1.1161	C
G 4583	3.00S 1.00W35NENE	IR	0.9400	C
GR 2175	3.00S 1.00W36NWNW	IR	0.2455	C
GR 4050	3.00S 1.00W36NWNW	IR	0.5580	C
G 2951	3.00S 1.00W35SENE	DO	0.0550	C
G 8690	3.00S 1.00W35SENE	IR	0.6600	C
G 4034	3.00S 1.00W35SENE	IR	0.5750	C
G 4034	3.00S 1.00W35SENE	IR	0.6100	C
G 4034	3.00S 1.00W35SENE	IR	0.7000	C
G 10814	3.00S 1.00W35NWSE	IC	1.6900	C
G 4126	3.00S 1.00W35NESE	IR	0.2600	C
G 5771	3.00S 1.00W35NESE	IR	0.3000	C
GR 2910	3.00S 1.00W36NWSW	IR	0.6696	C
GR 2172	3.00S 1.00W35SWSW	IR	0.6696	C
G 8690	3.00S 1.00W35SESE	IR	0.9800	C
G 3346	3.00S 1.00E30NENW	IR	0.2400	C
G 11751	3.00S 1.00E30SENE	IR	1.5500	C
G 8557	3.00S 1.00E30SESE	IR	0.4000	C
G 8557	3.00S 1.00E30SESE	IS	0.6900	C
GR 1050	3.00S 1.00E31NENE	IR	0.4464	C
GR 1051	3.00S 1.00E31SWNE	IR	0.6920	C
GR 2850	3.00S 1.00E31SENE	IR	0.4464	C
GR 3620	3.00S 1.00E31NWSE	IR	0.2299	C
G 7075	3.00S 1.00E31NESE	IR	0.1800	C
G 2428	3.00S 1.00E31SWSE	IR	0.2100	C
GR 772	3.00S 1.00E31SWSE	IR	0.5022	C
GR 774	3.00S 1.00E31SWSE	IR	0.7813	C
GR 757	4.00S 1.00W 2NWNW	IR	1.1161	C
G 6303	4.00S 1.00W 2NENW	IR	0.0200	C
G 10532	4.00S 1.00W 2NENW	IR	0.2100	C
G 10689	4.00S 1.00W 2NENW	NU	1.0000	C
G 3380	4.00S 1.00W 2NWNE	IR	0.1700	C
G 11809	4.00S 1.00W 1NWNE	IR	0.6540	C
G 5341	4.00S 1.00W 2SWNW	IR	0.6600	C
G 10389	4.00S 1.00W 2SENE	IR	0.0804	C
G 10389	4.00S 1.00W 2SENE	NU	0.6696	C
G 10532	4.00S 1.00W 2SENE	IR	0.1800	C
GR 910	4.00S 1.00W 2SENE	IR	0.1339	C
G 10203	4.00S 1.00W 1SWNW	IR	1.0491	C

G	2666	4.00S	1.00W	1NWSW	IR	0.5400	C
G	1653	4.00S	1.00W	1SWSW	IR	0.7232	C
G	10177	4.00S	1.00W	11NWNW	IR	0.1900	C
G	1531	4.00S	1.00W	11NENW	IR	0.0500	C
GR	1979	4.00S	1.00W	11NENW	IR	0.2232	C
G	5528	4.00S	1.00E	6NENW	IR	0.7100	C
GR	773	4.00S	1.00E	6NWNE	IR	0.5580	C
GR	2638	4.00S	1.00E	6NENE	IR	0.5580	C
GR	4053	4.00S	1.00E	5SWNW	IR	0.2232	C
G	4162	4.00S	1.00E	6NWSE	FP	0.0100	C
G	4162	4.00S	1.00E	6NWSE	IR	0.0250	C
G	4162	4.00S	1.00E	6NWSE	RC	0.0100	C
G	24	4.00S	1.00E	5NWSW	MU	0.3300	C
G	6225	4.00S	1.00E	6SESE	IR	0.7000	C
GR	3036	4.00S	1.00E	7NWNW	IR	0.4464	C

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-14234

ROUTED TO: WR

TOWNSHIP/

RANGE-SECTION: 35/1W-36

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Donna Miller

2002

Oregon Water Resources Department
October 2002 through September 2003
Annual Water Use - Monthly Quantities Form

USER-ID 28457

2003



Facility <input type="checkbox"/> POD-ID <input type="checkbox"/>	38311 GALLONS				
October - 2002	1,354,652				
November - 2002	1,305,896				
December - 2002	498,554				
January - 2003	333,166				
February - 2003	358,500				
March - 2003	373,568	274,372			
April - 2003	266,724	313,568			
May - 2003	266,284				
June - 2003	598,934				RECEIVED JAN 09 2004 WATER RESOURCES DEPT SALEM, OREGON
July - 2003	2,123,754				
August - 2003	1,946,158				
September - 2003	1,885,232				
TOTAL *	11,254,510				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER. If use is irrigation, total number acres irrigated 104

I certify this information is true and accurate to the best of my knowledge.

Michael Haught
Signature
Michael HAUGHT
Name - Please Print

Prod. Manager
Title

FAIRDALE NURSERY
Reporting Entity

Dec 31, 2004
Date

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1271



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2003 has ended! All water use reports for October 2002 to September 2003 are requested to be submitted. We are a little late this year due to our efforts to develop a website from which you may submit your data, if you so choose. If you would like to test the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by March 1, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter.
Mary Grainey



JIM FARLEY
FAIRDALE NURSERY
13200 SW WILSONVILLE RD
WILSONVILLE OR 97070

<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>

User-ID 28457
Password: 28457

38311

0 G 13131 G 14234 1/5/1995 AG L 3 S 1 W 36 NWNE

4.5 C P A WELL

UNN STR

USER-ID

28457

2001

Oregon Water Resources Department
 October 2001 through September 2002
 Annual Water Use - Monthly Quantities Form

USER-ID 28457

2002



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>	<u>38311</u> ^{AG}				
October - 2001	<u>783,000 (G)</u>				
November - 2001	<u>609,000 (G)</u>				
December - 2001					
January - 2002					
February - 2002					
March - 2002					
April - 2002					
May - 2002	<u>1,044,000 (G)</u>				
June - 2002	<u>870,000 (G)</u>				
July - 2002	<u>1,620,000 (G)</u>				
August - 2002	<u>2,175,000 (G)</u>				
September - 2002	<u>1,740,000 (G)</u>				
TOTAL *	<u>8,844,000</u>				

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 OCT 24 2002
 WATER RESOURCES DEPT
 SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER (G). If use is irrigation, total number acres irrigated 104
 I certify this information is true and accurate to the best of my knowledge.

Michael Haugh Signature Prod. Manager Title FAIRDALE NURSERY Reporting Entity 01/23/2002 Date
MICHAEL HAUGH
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 158 12th Street NE; Salem, OR 97310-0210



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT



Dear Water User: It is a new water year! All water use reports for October 2001 to September 2002 are requested to be submitted by January 1, 2003. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary Graine

JIM FARLEY USER-ID 28457
 FAIRDALE NURSERY
 13200 SW WILSONVILLE RD
 WILSONVILLE OR 97070

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO							
38311		0	G	13131	G	14234	1/5/1995	AG	L	3	S	1	W	36	NWNE	4.5	C	P	A	WELL	UNN STR

G14234

USER-ID 28457

PAGE 02



2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

2001



FAIRDALE NURSERY

Facility <input checked="" type="checkbox"/>	POD-ID <input checked="" type="checkbox"/>	38311 ^{AG}			
October - 2000		402,649			
November - 2000		328,738			
December - 2000					
January - 2001					
February - 2001					
March - 2001		408,000			
April - 2001		302,704			
May - 2001		655,141			
June - 2001		850,419			
July - 2001		1,277,287			
August - 2001		758,081			
September - 2001		700,207			
TOTAL *		5,773,226			

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JAN 3 12 2001
WATER RESOURCES DEPT
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: METER (G) If use is irrigation, total number acres irrigated 104

I certify this information is true and accurate to the best of my knowledge.

Michael Haugh Prod. Manager
Signature Title

FAIRDALE NURSERY
Reporting Entity

1/30/02
Date

5036820332

11:00

01/30/2002



1999

App: G14234
 Oregon Water Resources Department
 October 1999 through September 2000
 Annual Water Use - Monthly Quantities Form

USER-ID 28457

2000



Facility <input type="checkbox"/>					
POD-ID <input type="checkbox"/>	38311 <u>AB</u>				
October - 1999	1,200,000 <u>G</u>				
November - 1999					
December - 1999					
January - 2000					
February - 2000					
March - 2000					
April - 2000					
May - 2000	1,200,000				
June - 2000	2,400,000				
July - 2000	4,018,000				
August - 2000	4,018,000				
September - 2000	4,014,300				
TOTAL *	16,850,300				

RECEIVED

MAR 07 2001

WATER RESOURCES DEPT.
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Meter (G). If use is irrigation, total number acres irrigated 104

I certify this information is true and accurate to the best of my knowledge.

Jim Farley
Signature

Owner
Title

FAIRDALE NURSERY
Reporting Entity

12/28/00
Date

JIM FARLEY
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G 14234

Final Order
Extension of Time for Permit Number G 13131

Application History

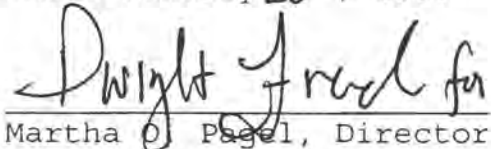
On March 23, 1999, James Farley-Fairdale Nursery submitted an application to the Department for an extension of time for permit number G 13131. The Department issued Permit number G 13131 on May 21, 1997. The permit called for completion of construction of the water development project by October 1, 2001 and complete application of water to the full beneficial use by October 1, 2001. In accordance with OAR 690-320-0010(8), on May 18, 1999, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2006, and the time to fully apply water to beneficial use to October 1, 2006. The protest period closed July 2, 1999. No protest was filed, however written comments were received by Laura Shroeder, attorney for the applicant. The comments requested the application history show the applicant submitted a letter to the Department on October 21, 1998 requesting an extension of time.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5).

Order

The extension of time for Application G 14234, Permit Number G 13131, therefore, is approved. The deadline for completing construction is extended to October 1, 2006. The deadline for applying water to full beneficial use is extended to October 1, 2006.

DATED January 26, 2000

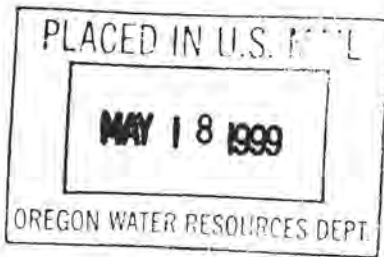

Martha O. Pagel, Director



Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The

petition for review must be filed within 60 days after the date
this order is served. ORS 183.484.



**Oregon Water Resources Department
Water Rights Division**

Water Right Permit Extension Application
for Permit Number G 13131

Water Right Application Number G 14234

Proposed Final Order

This Proposed Final Order applies only to permit number G 13131.

Summary of Recommendation

The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 2001 to October 1, 2006, and
- grant the extension for complete application of water from October 1, 2001 to October 1, 2006.

Application History

Permit no. G 13131 was granted by the Water Resources Department on May 21, 1997. The permit authorizes use of 4.5 cfs of water from a well for Agricultural Use on 104.1 acres in the Pudding River basin. It specified that construction must be completed, and water applied to full beneficial use by October 1, 2001. A copy of permit no. G 13131 is attached.

On March 23, 1999, the Department received an application from James Farley-Fairdale Nursery for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2006 to complete construction of the water system and to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

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

findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up because the permittee reports there is insufficient volume of water to operate the system as originally designed. It is necessary to redesign the delivery and application of water system to accommodate the existing water supply.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of well, electric power and irrigation pipe installed. No water has yet been applied.
 - b) The applicant has invested approximately \$ 75,000 of an estimated total water system project cost of \$ 165,000.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction and the length of time requested for completion of the application of water should be extended to October 1, 2006 as requested by the applicant.

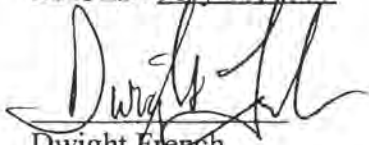
Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2006 to complete construction and until October 1, 2006 to complete the application of water.

Recommendation

The Department proposes to issue an order to:
extend the permit time to complete construction from October 1, 2001 to October 1, 2006
and
extend the permit time to complete application of water from October 1, 2001 to October 1, 2006.

DATED: ~~May 18, 1999~~


Dwight French
Water Rights Section Manager

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

Protest Rights and Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
 - d) A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e) Any citation of legal authority supporting your protest, if known; and
 - f) A \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **July 2, 1999**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

This document was prepared by Dallas Miller. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 272. Outside of Oregon you can dial 1-503-378-8455.

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STATE OF OREGON
COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FAIRDALE NURSERY
13200 SW WILSONVILLE RD
WILSONVILLE, OREGON 97070

(503) 687-0511

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

APPLICATION FILE NUMBER: G-14234

SOURCE OF WATER: A WELL IN PUDDING RIVER BASIN

PURPOSE OR USE: AGRICULTURAL USE ON 104.1 ACRES

MAXIMUM RATE: 4.5 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 5, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 36, T3S, R1W, W.M.; 600 FEET SOUTH & 620 FEET EAST FROM N1/4 CORNER, SECTION 36

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4	22.9 ACRES
SE 1/4 SE 1/4	12.3 ACRES
SECTION 25	

NW 1/4 NE 1/4	24.3 ACRES
SW 1/4 NE 1/4	6.2 ACRES
NE 1/4 NW 1/4	15.7 ACRES
SE 1/4 NW 1/4	22.7 ACRES
SECTION 36	

TOWNSHIP 3 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Groundwater production shall only be from the Confined Troutdale Aquifer groundwater reservoir between approximately 100 feet and 400 feet below land surface.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report static water level measurements as described below. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place**Initial and Annual Measurements**

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun**Reference Water Level Determination**

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements, if required, will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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

STANDARD CONDITIONS

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

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

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

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

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

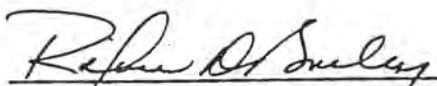
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued May 21, 1997


Water Resources Department
Director

Basin 02

Volume 13 PUDDING RIVER AND MISC.
MGMT.CODE 7EG,7ER,7FG,7FR

District 16

Application G-14234

Water Resources Department

PERMIT G-13131

Mailing List for PFO Extension Copies

Application #

G 14234

PFO Date 5/18/99

Original mailed to:

Applicant:

James Farley - Fairdale Nurseries

Mailed (support staff) on: <u>5/17/99</u> (date)

Copies sent

Regional Manager NW

Watermaster LG

ODFW Don Bennett, Clackamas

DEQ Tom Roseta, Portland

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

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076



**SCHROEDER
LAW OFFICES**

Legal Support for People Feeding the World

P.O. BOX 772
200 N.W. 1st
BOARDMAN, OR 97818
TELEPHONE (541) 481-5297
FAX (541) 481-4329

Laura A. Schroeder

Admitted in Oregon, Idaho, Nevada, & Washington



Portland Direct Line (503) 232-4033

June 17, 1999

RECEIVED

JUN 21 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

Dallas Miller
Water Rights Specialist
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

**RE: Proposed Final Order Approving Extension Application for Water Right
Permit Number G 13131
*Water Right Application File Number G-14234 - Farley***

Dear Mr. Miller:

As the attorneys for the Applicant in the above matter, we have reviewed the Proposed Final Order regarding permit number G-13131. In our review, we noticed that the "Application History" was incomplete. Though the Department's *application* form was not returned until March 23, 1999, the extension was *requested* by letter of October 21, 1998, copy enclosed.

Pursuant to the enclosed letter, please include the date of our client's request in the "Applicaition History" of the Final Order for permit number G-13131.

Please contact our office at (503) 232-7110 if you have any questions or require further information.

302
3252
306
309
0117

Very truly yours,

SCHROEDER LAW OFFICES

Laura Schroeder
Laura Schroeder

cc: F.O.
TG Schroeder

Janet
Please enter
COMMENTS RLV.
IN EXT data
base
DSM
then FILE done

Enclosure

cc: client

farley

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
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RECEIVED

JUN 21 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

October 21, 1998

Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310

**Re: Permit G-13131 (Fairdale Nursery/Farley)
Application for Extension of Time**

To Whom It May Concern:

This office represents the permittee, Fairdale Nursery/James Farley, in the above-referenced activity. It is likely that the permit holder will be unable to complete the development within the time allowed. Permittee requests an extension up to and through October 1, 2006.

It is anticipated that additional information may be needed when processing this request at which time please contact the undersigned.

Enclosed is a check for \$100.00 to cover the application fee for this request.

Sincerely,

SCHROEDER LAW OFFICES

Laura A. Schroeder MEH

Laura A. Schroeder
Molly E. Hickman, Paralegal

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
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Admitted in Oregon, Idaho, Nevada, & Washington



Portland Direct Line (503) 232-4033
Boardman Direct Line (541) 481-5297

March 22, 1999

RECEIVED

MAR 23 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

Dallas Miller
Water Rights Specialist
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

RE: Application for Extension of Time (File G-14234) - Farley

Dear Mr. Miller:

Pursuant to your letter of February 24, 1999, we have prepared the necessary Application for Extension of Time for Application No. G-14234.

As you may recall, the required fee for this extension request was previously paid on February 6, 1999. See receipt number 27772, a copy of which is enclosed.

If you should have any questions or need further information, please call us at (503) 232-7110.

Very truly yours,

SCHROEDER LAW OFFICES

Laura Schroeder

Enclosures

cc: client

RECEIVED

MAR 23 1999

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, James A. Farley - Fairdale Nursery
13200 SW Wilsonvill Rd., ^{NAME} Wilsonville, OR 97070 (503) 682-0511
ADDRESS CITY STATE ZIP PHONE

record owner of application No. G-14234 permit No. G-13131, do hereby request that the time in which to:

complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, ~~19~~2001, be extended to October 1, 2006, and/or the time in which to

accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, ~~19~~2001 be extended to October 1, 2006.

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

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

2-Have you put any water to use under this permit [yes/no]? no
If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? _____ If no, please explain. Which terms and/or conditions have not been completely fulfilled at this time. Well is scheduled to be used by March 15, 1999

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit.

(a) within past year One Well has been drilled, all electrical,
Irrigation Pipe Installed

(b) prior to this past year site preparations

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MAR 23 1999

WATER RESOURCES DEPT.
SALEM, OREGON

6 and have accomplished beneficial use of water to the extent of
(amount of water used or acres irrigated) none as of date of

this application

4-Cost of project to date \$75,000-approx Projected cost for
completion of project \$90,000.

5-Have there been any unforeseen events which delayed development
of water system? insuffecient water volume to operate system

as originally designed

6-Have there been any significant government requirements that
have delayed the completion of construction or application of
water ? [please explain] no

7-What reasons was the project not completed within permit time
limits ? Redesign of delivery and application system to

accomodate existing water supply

8-Has there been any change in the demand for water or power
since permit was issued? (please explain) no

9-Has there been any change in the market for water or power
since the permit was issued? (please explain) no

RECEIVED

MAR 23 1999

WATER RESOURCES DEPT.
SALEM, OREGON

10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)

Yes, this project will provide irrigation for Nursery

stock, frost protection and late season digging

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

No, the place of use has been converted to containers

requiring intensified water use

12-Is there an alternative source of water available [yes/no please explain]? A minimal supplemental supply is available

from the Pudding River

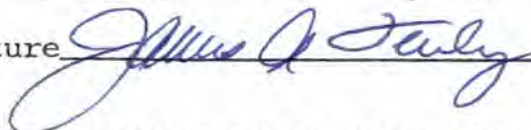
13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area ? (please explain)

No, it has enhanced the resource by recharge

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

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

Signature



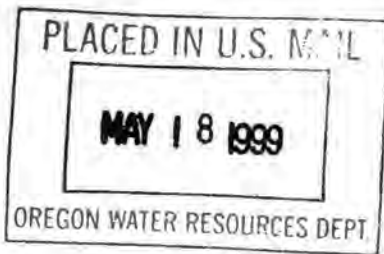
3/18/99
Date

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:
WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310

RECEIVED

MAR 20 1999

BY: *yc*



**Oregon Water Resources Department
Water Rights Division**

Water Right Permit Extension Application
for Permit Number G 13131

Water Right Application Number G 14234

Proposed Final Order

This Proposed Final Order applies only to permit number G 13131.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 2001 to October 1, 2006, and

grant the extension for complete application of water from October 1, 2001 to October 1, 2006.

Application History

Permit no. G 13131 was granted by the Water Resources Department on May 21, 1997. The permit authorizes use of 4.5 cfs of water from a well for Agricultural Use on 104.1 acres in the Pudding River basin. It specified that construction must be completed, and water applied to full beneficial use by October 1, 2001. A copy of permit no. G 13131 is attached.

On March 23, 1999, the Department received an application from James Farley-Fairdale Nursery for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2006 to complete construction of the water system and to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

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

findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up because the permittee reports there is insufficient volume of water to operate the system as originally designed. It is necessary to redesign the delivery and application of water system to accommodate the existing water supply.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of well, electric power and irrigation pipe installed. No water has yet been applied.
 - b) The applicant has invested approximately \$ 75,000 of an estimated total water system project cost of \$ 165,000.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction and the length of time requested for completion of the application of water should be extended to October 1, 2006 as requested by the applicant.

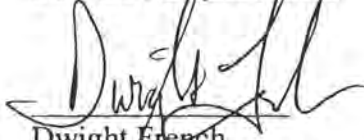
Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2006 to complete construction and until October 1, 2006 to complete the application of water.

Recommendation

The Department proposes to issue an order to:
extend the permit time to complete construction from October 1, 2001 to October 1, 2006
and
extend the permit time to complete application of water from October 1, 2001 to October 1, 2006.

DATED: ~~May 18, 1999~~


Dwight French
Water Rights Section Manager

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

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2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **July 2, 1999**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

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STATE OF OREGON

COUNTY OF CLACKAMAS

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WILSONVILLE, OREGON 97070

(503) 687-0511

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

APPLICATION FILE NUMBER: G-14234

SOURCE OF WATER: A WELL IN PUDDING RIVER BASIN

PURPOSE OR USE: AGRICULTURAL USE ON 104.1 ACRES

MAXIMUM RATE: 4.5 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 5, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 36, T3S, R1W, W.M.; 600 FEET SOUTH & 620 FEET EAST FROM N1/4 CORNER, SECTION 36

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4	22.9 ACRES
SE 1/4 SE 1/4	12.3 ACRES
SECTION 25	

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NE 1/4 NW 1/4	15.7 ACRES
SE 1/4 NW 1/4	22.7 ACRES
SECTION 36	

TOWNSHIP 3 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Groundwater production shall only be from the Confined Troutdale Aquifer groundwater reservoir between approximately 100 feet and 400 feet below land surface.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report static water level measurements as described below. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place**Initial and Annual Measurements**

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun**Reference Water Level Determination**

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements, if required, will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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

STANDARD CONDITIONS

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

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

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

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

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

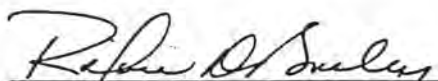
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued May 21, 1997



Water Resources Department
Director

Basin 02

Volume 13 PUDDING RIVER AND MISC.
MGMT.CODE 7EG,7ER,7FG,7FR

District 16

Application G-14234

Water Resources Department

PERMIT G-13131

Oregon Water Resources Department



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
1(800)624-3199 • (503)378-8455
www.wrd.state.or.us

Fax Transmittal

TO: ANNE @ L.-S. - OFFICE (PO.)
FAX: 503-238-4076 DATE: MON 5-24 PAGES: 9
FROM: RESEARCH DIV 499
COMMENTS: _____

APPLIC. FILE# G-14234

FAX OF EXTEN OF TIME FINDINGS

HOPE THIS HELPS
Herb

Director's Office

- Water Resources Commission
- Legislation and Rules
- Public Information

Field & Technical Services

- Dam Safety
- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

FAX: 503-378-2496

Administrative Services

- Accounting/Fiscal
- Personnel
- Water Development Loan Fund

Resource Management

- Regional Liaisons

Field & Technical Services

- Enforcement

FAX: 503-378-8130

Water Rights & Adjudications

- Water Rights Information
- Adjudications
- Hydroelectric
- Certificates/Final Proofs
- Hearings/Contested Cases

Northwest Region

- District 16 Watermaster
- Transfers

FAX: 503-378-6203

PAGE #1

Mike Zwart, 11:06 AM 5/11/99 , Re: static water levels

X-Sender: zwartmj@mailhub.wrd.state.or.us
Date: Tue, 11 May 1999 11:06:30 -0700
To: Dallas Miller <Dallas.S.MILLER@wrd.state.or.us>
From: Mike Zwart <Mike.J.ZWART@wrd.state.or.us>
Subject: Re: static water levels

Dallas,

Yes, the permittee has submitted a water level measurement.

Mike

At 10:47 AM 5/11/99 -0700, you wrote:

>Has the permittee Fairdale Nursery submitted a water level report yet
under
>permit G 13131, file G 14234?
>
>
>



Oregon

John A. Kitzhaber, M.D., Governor

February 24, 1999

Water Resources Department

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

LAURA SCHROEDER
3355 NE DAVIS
PORTLAND, OR 97232

REFERENCE: File G 14234

Dear Laura Schroeder:

In regard to the \$100 fee submitted for an extension of time. I apologize for the confusion. For an extension of time, and before an extension can be considered filed it is necessary to fill out the enclosed form. Enclosed is receipt 27772 for the fee submitted.

It is necessary to complete the enclosed form before we can process it. If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 16

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076



**SCHROEDER
LAW OFFICES**

Legal Support for People Feeding the World

P.O. BOX 772
200 N.W. 1st
BOARDMAN, OR 97818
TELEPHONE (541) 481-5297
FAX (541) 481-4329

Laura A. Schroeder

Admitted in Oregon, Idaho, Nevada, & Washington



Portland Direct Line (503) 232-4033
Boardman Direct Line (541) 481-5297

February 10, 1999

RECEIVED

FEB 16 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

Dallas Miller
Water Rights Specialist
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

RE: Request for Extension (File G-14234)
Your letter dated December 31, 1998

Dear Mr. Miller:

On December 18, 1998 we discussed the filing of requests for extensions. Since that time the Department refunded \$100.00 without explanation. We return a check for \$100.00. Please maintain the referenced extension request on file with its original date of filing.

As we discussed, the administrative rules in effect at the time this request was filed do not require the permit holder to wait until the expiration of the development period before submitting an extension request. Accordingly, there are no grounds for refunding the application fee at this time.

If you are requesting additional information, please do so by requesting completion of any item necessary.

Very truly yours,

SCHROEDER LAW OFFICES

Laura Schroeder

Enclosures



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 31, 1998


LAURA SCHROEDER
SCHROEDER LAW OFFICE
3355 NE DAVIS
PORTLAND OR 97232

RE: Files G-14234, 62173, & G-14110 (Fairdale Nursery, L&L Farms, & M.Arterburn)

Enclosed is our \$300 refund in excess extension fees collected on the above files.

If you have any questions, please contact me at the number above, or toll-free 1-800-624-3199.

Sincerely,



Janet Halladey
Water Rights Division

enclosure

INTEROFFICE MEMO

DATE: 12/16/98

TO: FISCAL SECTION

FROM: JANET HALLADEY

SUPERVISOR APPROVAL

[Handwritten signature]

SUBJECT: Request for refund check



Please refund \$ 100⁰⁰ to Laura Schroeder
file G-14234, receipt 25628. These funds are
refunded due to:

- Application rejected
- Application withdrawn
- Excess fees collected for assignment
- Excess fees collected for extension

[Handwritten initials]

MAILING ADDRESS:

Laura Schroeder - Schroeder Law Offices

RECEIVED

DEC

17 1998

3355 NE Davis

Portland OR 97232



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 14, 1998

LAURA A. SCHROEDER
SCHROEDER LAW OFFICES
3355 NE DAVIS
PORTLAND, OR 97232

REFERENCE: File G 14232

Dear Ms. Schroeder:

Regarding your request for an extension of time for permit G 13131. It is not necessary to apply at this time because the date for complete application of water under this permit is not until 10/1/2001. To file for an extension of time it is also necessary to complete an application of time form.

We are refunding the \$100 fee submitted. If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller
Water Rights Specialist

cc: Watermaster, District 16, Fairdale Nursery

232 4033
Buy-Off
Bring up next
1-7-98
Resound \$100
Pencaster ?

DSM
+ 100
Resound
Phase
Jewett

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **25628**

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

INVOICE # _____

RECEIVED FROM: Laura Schaefer
BY: _____

APPLICATION	6-14234
PERMIT	
TRANSFER	

CASH: CHECK: # X 24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 102-

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

REDUCTION OF EXPENSE

CASH ACCT. \$

PCA AND OBJECT CLASS _____ VOUCHER # _____

0427 WRD OPERATING ACCT

PCA 66111

MISCELLANEOUS			
0407 COPY & TAPE FEES			\$
0410 RESEARCH FEES			\$
0408 MISC REVENUE: (IDENTIFY) _____			\$
(New) TC165 DEPOSIT LIAB. (IDENTIFY) _____			\$
(Existing) TC168			
WATER RIGHTS:			
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION			
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

0240 OTHER (IDENTIFY) Ext. _____

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

	LIC NUMBER	
0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **25628**

DATED: 10-22-98 BY: L. Ba

App G-14234

3555 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076



**SCHROEDER
LAW OFFICES**

Legal Support for People Feeding the World

P.O. BOX 772
200 N.W. 1st
BOARDMAN, OR 97818
TELEPHONE (541) 481-5297
FAX (541) 481-4320

October 21, 1998

Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310

RECEIVED
OCT 22 1998
WATER RESOURCES DEPT.
SALEM, OREGON

**Re: Permit G-13131 (Fairdale Nursery/Farley)
Application for Extension of Time**

To Whom It May Concern:

This office represents the permittee, Fairdale Nursery/James Farley, in the above-referenced activity. It is likely that the permit holder will be unable to complete the development within the time allowed. Permittee requests an extension up to and through October 1, 2006.

It is anticipated that additional information may be needed when processing this request at which time please contact the undersigned.

Enclosed is a check for \$100.00 to cover the application fee for this request.

Sincerely,

SCHROEDER LAW OFFICES

Laura A. Schroeder MEH

Laura A. Schroeder
Molly E. Hickman, Paralegal

COPY CHECK-OFF SHEET FOR ~~PROPOSED~~ FINAL ORDERS

CC: FILE # G-14234

WATERMASTER # 16

REGIONAL MANAGER: NORTHWEST

ODF&W - Clackamas County:

CWRE (if agent): BRUCE A ESTES #1

DEQ

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

LAURA SCHROEDER
33 - DAVIS
Portland, OR 97232

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):
SCHROEDER LAW OFFICES 3355 N.E. DAVIS PORTLAND, OR. 97232

CASEWORKER : GH



Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14234

Final Order

Application History

On January 4, 1996, FAIRDALE NURSERY submitted an application to the Department for a water use permit. The proposed use requests 4.5 cubic feet per second (cfs) from a well for agricultural nursery use on 104.1 acres. The well is in the Pudding River basin, within the Willamette River basin.

On July 30, 1996, the Department issued a Proposed Final Order conditionally allowing the request. The Department's Ground Water/Hydrology section found that if adequately conditioned the well does not have the potential for substantial interference with the Pudding River. Pursuant to OAR 690-502-050(1)(e), the Willamette Basin Program, nursery use is a classified use.

The protest period closed September 13, 1996; on behalf of the applicant, Kathleen Moss of Schroeder Law Offices submitted a protest to the Proposed Final Order on September 12, 1996. A contested case hearing was not requested. The concerns raised in the protest have been addressed and based on agreement to the modification below the protest has been withdrawn.

Findings of Fact and Conclusions of Law

The issue raised in the protest is the condition requiring annual static water level measurements. Based on continued discussions with the applicant and revaluation of the proposed condition the Department now finds that the condition may be modified as follows. Deletions are struck out; new language is underlined.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual ~~annual~~ static water level measurements as described below. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place
Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements, if required, will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if ~~annual~~ water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The Department finds that as modified above and as described in the attached permit, the proposed use will ensure the preservation of the public welfare, safety, and health.

Order

Upon payment of outstanding permit recording fees, Application G-14234 shall be approved as modified above and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$12.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-14234.

DATED April 30 , 1997

for 
Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.625(2), the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FAIRDALE NURSERY
13200 SW WILSONVILLE RD
WILSONVILLE, OREGON 97070

(503) 687-0511

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

APPLICATION FILE NUMBER: G-14234

SOURCE OF WATER: A WELL IN PUDDING RIVER BASIN

PURPOSE OR USE: AGRICULTURAL USE ON 104.1 ACRES

MAXIMUM RATE: 4.5 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 5, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 36, T3S, R1W, W.M.; 600 FEET SOUTH & 620 FEET EAST FROM N1/4 CORNER, SECTION 36

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4	22.9 ACRES
SE 1/4 SE 1/4	12.3 ACRES
SECTION 25	

NW 1/4 NE 1/4	24.3 ACRES
SW 1/4 NE 1/4	6.2 ACRES
NE 1/4 NW 1/4	15.7 ACRES
SE 1/4 NW 1/4	22.7 ACRES
SECTION 36	

TOWNSHIP 3 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently

as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

Groundwater production shall only be from the Confined Troutdale Aquifer groundwater reservoir between approximately 100 feet and 400 feet below land surface.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report static water level measurements as described below. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

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Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements, if required, will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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

STANDARD CONDITIONS

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

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076



SCHROEDER
LAW OFFICES

Legal Support for People Feeding the World

P.O. BOX 1302
115 W. HERMISTON AVE., STE. 140
HERMISTON, OR 97838
TELEPHONE (541) 564-9290
FAX (541) 564-0188

RECEIVED

APR 16 1997

WATER RESOURCES DEPT.
SALEM, OREGON

April 14, 1997

Adam Sussman
Oregon Water Resources Department
158 12th St. N.E.
Salem, OR 97310-0210

RE: Fairdale Nursery, Application G-14234

Dear Adam:

This letter is to confirm our telephone conversation of April 10, 1997, wherein our office agreed that we would withdraw our protest on the above reference application provided that the Department makes the changes as stated below. For your convenience, I have enclosed a copy of the proposed final order with these changes.

On Pages 6 and 7 of the proposed final order, the following sentences should read:

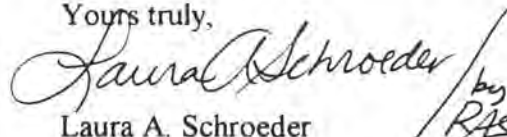
"To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report ~~annual~~ static water level measurements, *as described below.*"

"Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements, *if required,* will be compared."

"The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if ~~annual~~ water level measurements reveal any of the following events:"

The rest of proposed final order will remain intact. Please let me know if your understanding of our agreement is different from that stated above. As long as both parties are in agreement, we request the Department to move forward with issuing this permit.

Yours truly,


by RAS

Laura A. Schroeder

Enc.
cc: Bruce Estes

Russ,

do a F.O and

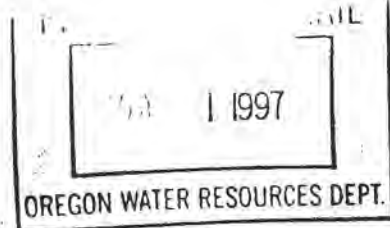
permit consistent

w/this Hr.

discuss changes in

F.O

A.S.



Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14234

Final Order

Application History

On January 4, 1996, FAIRDALE NURSERY submitted an application to the Department for a water use permit. The proposed use requests 4.5 cubic feet per second (cfs) from a well for agricultural nursery use on 104.1 acres. The well is in the Pudding River basin, within the Willamette River basin.

On July 30, 1996, the Department issued a Proposed Final Order conditionally allowing the request. The Department's Ground Water/Hydrology section found that if adequately conditioned the well does not have the potential for substantial interference with the Pudding River. Pursuant to OAR 690-502-050(1)(e), the Willamette Basin Program, nursery use is a classified use.

The protest period closed September 13, 1996; on behalf of the applicant, Kathleen Moss of Schroeder Law Offices submitted a protest to the Proposed Final Order on September 12, 1996. A contested case hearing was not requested. The concerns raised in the protest have been addressed and based on agreement to the modification below the protest has been withdrawn.

Findings of Fact and Conclusions of Law

The issue raised in the protest is the condition requiring annual static water level measurements. Based on continued discussions with the applicant and reevaluation of the proposed condition the Department now finds that the condition may be modified as follows. Deletions are struck out; new language is underlined.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual ~~annual~~ static water level measurements as described below. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

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Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements, if required, will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if ~~annual~~ water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The Department finds that as modified above and as described in the attached permit, the proposed use will ensure the preservation of the public welfare, safety, and health.

Order

Upon payment of outstanding permit recording fees, Application G-14234 shall be approved as modified above and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$12.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-14234.

DATED April 30 , 1997


for Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.625(2), the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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

STATE OF OREGON
COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FAIRDALE NURSERY
13200 SW WILSONVILLE RD
WILSONVILLE, OREGON 97070

(503) 687-0511

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

APPLICATION FILE NUMBER: G-14234

SOURCE OF WATER: A WELL IN PUDDING RIVER BASIN

PURPOSE OR USE: AGRICULTURAL USE ON 104.1 ACRES

MAXIMUM RATE: 4.5 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 5, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 36, T3S, R1W, W.M.; 600 FEET SOUTH & 620 FEET EAST FROM N1/4 CORNER, SECTION 36

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4	22.9 ACRES
SE 1/4 SE 1/4	12.3 ACRES
SECTION 25	

NW 1/4 NE 1/4	24.3 ACRES
SW 1/4 NE 1/4	6.2 ACRES
NE 1/4 NW 1/4	15.7 ACRES
SE 1/4 NW 1/4	22.7 ACRES
SECTION 36	

TOWNSHIP 3 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently

as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

Groundwater production shall only be from the Confined Troutdale Aquifer groundwater reservoir between approximately 100 feet and 400 feet below land surface.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report static water level measurements as described below. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements, if required, will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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

STANDARD CONDITIONS

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

RECEIVED

APR 16 1997

WATER RESOURCES DEPT.
SALEM, OREGONP. 2
WORKING
COPYOregon Water Resources Department
Water Rights DivisionWater Rights Application
Number G-14234

Proposed Final Order

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

Application History

On January 5, 1995, FAIRDALE NURSERY submitted an application to the Department for the following water use permit:

- Amount of Water: 4.5 cubic feet per second
- Use of Water: Agriculture Nursery use on 104.1 acres
- Source of Water: A Well in Pudding River Basin
- Area of Proposed Use: Clackamas County within

SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 25

NW 1/4 NE 1/4
SW 1/4 NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4
SECTION 36

TOWNSHIP 3 SOUTH, RANGE 1 WEST, W.M.

On MAY 2, 1996, the Department mailed the applicant notice of its Initial Review, determining that water is available year round for Agriculture use. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On MAY 21, 1996, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

Within 30 days of the Department's public notice, written comments were received from Jean Underhill Wilkinson.

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

Application G-14234

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

Findings of Fact

The Willamette Basin Program allows the following use: Agriculture use for Nursery Operations.

No senior water rights exist on the well or on downstream waters.

The well is not within or above a State Scenic Waterway.

Water is available for further appropriation for the period year round.

The Department finds that no more than 15.6 cfs would be necessary for the proposed use. The amount of water requested, 4.5 cfs, is allowable.

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

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there is not a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Plan.

Application G-14234

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

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

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

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

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

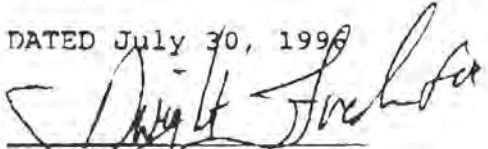
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

Application G-14234

DATED July 30, 1996


Steven P. Applegate
Administrator
Water Rights and Adjudications Division**Protest Rights**

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than **September 13, 1996**.

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

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

GH

Application G-14234

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF Clackamas

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

FAIRDALE NURSERY
13200 SW WILSONVILLE RD
WILSONVILLE, OREGON 97070

(503) 687-0511

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

APPLICATION FILE NUMBER: G-14234

SOURCE OF WATER: A WELL IN PUDDING RIVER BASIN

PURPOSE OR USE: AGRICULTURAL USE ON 104.1 ACRES

MAXIMUM RATE: 4.5 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 5, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 36, T3S, R1W, W.M.;
600 FEET SOUTH & 620 FEET EAST FROM N1/4 CORNER, SECTION 36

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4	22.9 ACRES
SE 1/4 SE 1/4	12.3 ACRES
SECTION 25	

NW 1/4 NE 1/4	24.3 ACRES
SW 1/4 NE 1/4	6.2 ACRES
NE 1/4 NW 1/4	15.7 ACRES
SE 1/4 NW 1/4	22.7 ACRES
SECTION 36	

TOWNSHIP 3 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, shall keep a

Application G-14234 Water Resources Department

PERMIT DRAFT

Application G-14234

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

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

Groundwater production shall only be from the Confined Troutdale Aquifer groundwater reservoir between approximately 100 feet and 400 feet below land surface.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report ~~annual~~ static water level measurements. The static water level shall be measured in the month of (Generally March). Reports shall be submitted to the Department within 30 days of measurement.

as described below.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements, *if required,* will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided

by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if ~~annual~~ water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include

Application G-14234

an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

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

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

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

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

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

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

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application G-14234 Water Resources Department
Basin 02 Volume 13 PUDDING RIVER AND MISC.
GH MGMT.CODE

PERMIT DRAFT
District 16

FILE # G 14234

FO CHECKLIST

REVIEW DATE: 4/22/97

PROTESTED FILE TO FO CONVERSION

INITIALS: PK

In preparing the FO, you should check the following:

1. Protests from whom APPLICANT Attorney SCHEIDT
2. Verify names and addresses on the PFO CC list. **ALL** commentators (regardless of comment date), affected landowners (were they notified?), and those who paid the \$10 fee should be listed.
3. Verify payment of recording fees (circle the appropriate option)
 - (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
 - (2) Issue FO w/o permit if fees are lacking PO 488
 - 200 (EXAM)
 - 100 (1ST CFS)
 - 200 (40 CFS)
 - 500
4. Y / N Is the file lacking a signed oath of accuracy for the application?

Modify FO as needed to:

5. Y / N revise, add, or exclude permit conditions or management codes 7F 7E
NO SMALLER THAN 100 FT R/W FROM CONFINED TRAVELING RIVER 100 + 400
6. Y / N Correct POD or POU (verify from map)
7. Permit number _____ (to files with oath, fees, and other issues)

Once FO document is completed:

8. Save WordPerfect document in M:\T\FO\DONE\WEEK &
M:\T\FO\PROTESTS\DONE\WEEK m:\exchg\masswch\prot
January 13, 1997

Pages #12

Application No. G14234

RECEIVED

JAN - 4 1996

State of Oregon
WATER RESOURCES DEPARTMENT

WATER RESOURCES
SALEM, OREGON

Application for a Permit to Appropriate Groundwater

Applicant(s) Fairdale Nursery (Jim Farley)
(Please print or type - use dark ink)

Mailing Address: 13200 SW Wilsonville Road
Wilsonville, OR 97070 (503) 687-0511
City State Zip Daytime Phone No.

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

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

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

Distance from development to stream: 3600 ft.

Elevation difference between streambed and development: 95' ±

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

Diameter of well: or wells: 12" or 16" Depth in feet: estimate 300'

Type and size of well casing: probably 12" or 16" No. of feet: 300' or more if multiple wells are required

Estimated depth to water: 80' (SWL)

Type of access port or measuring device: in accordance with OAR 690-210-280

Wells to be drilled by: Schneider Drilling Company

Address: 21881 River Road NE, St. Paul, OR 97137

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

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 4 1/2 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one groundwater source, give the quantity of water from each: _____

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JAN - 4 1996

WATER REL. SALEM, OR - G. 11

3. INTENDED USE(s) OF WATER: Agriculture (Nursery)

If for more than one use, give the quantity of water from each source for each use; _____

If for DOMESTIC use, state the number of households to be supplied; N/A

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

N/A

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; N/A

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

Irrigation 104.1 acres nursery

Other (describe) _____

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

Water is distributed through a buried 6" mainline throughout the farm as outline in drawing. 4" wade rain take offs are every 120' using handlines and traveler.

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin w/in one year of permit issuance

Proposed date construction work will be completed October 1, 1997

Proposed date water use will be completed October 1, 1998

NOTE: Prior to the issuance of a permit it will be necessary to submit a map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the property on which the water is to be used. The legal description may be copied from your deed, title insurance policy, or land sales contract.

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

JAN - 4 1996

WATER RESOURCES

SALEM, OREGON

____ Applicant CWRE _____ Other (Identify in REMARKS section)

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

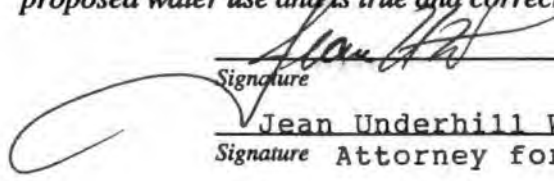
Applicant & CWRE _____ Other (Identify in REMARKS section)

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

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

REMARKS: These lands have irrigation rights under certificates 53301 and 53303.
Please send all deficiencies to Schroeder Law Offices, 3355 N.E. Davis, Portland, Oregon 97232.

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



Signature
Jean Underhill Wilkinson
Signature Attorney for Jim Farley

1/02/96

Date

Date

RECEIVED

JAN - 4 1996

WATER RESOURCES
SALEM, OREGON

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 5th day of January, 1995, at 8 o'clock, A M.

APPLICATION NO: 614234

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14234

Proposed Final Order

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

Application History

On January 5, 1995, FAIRDALE NURSERY submitted an application to the Department for the following water use permit:

- Amount of Water: 4.5 cubic feet per second
- Use of Water: Agriculture Nursery use on 104.1 acres
- Source of Water: A Well in Pudding River Basin
- Area of Proposed Use: Clackamas County within

SW 1/4 SE 1/4
SE 1/4 SE 1/4
SECTION 25

NW 1/4 NE 1/4
SW 1/4 NE 1/4
NE 1/4 NW 1/4
SE 1/4 NW 1/4
SECTION 36

TOWNSHIP 3 SOUTH, RANGE 1 WEST, W.M.

On MAY 2, 1996, the Department mailed the applicant notice of its Initial Review, determining that water is available year round for Agriculture use. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On MAY 21, 1996, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

Within 30 days of the Department's public notice, written comments were received from Jean Underhill Wilkinson.

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

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

Findings of Fact

The Willamette Basin Program allows the following use: Agriculture use for Nursery Operations.

No senior water rights exist on the well or on downstream waters.

The well is not within or above a State Scenic Waterway.

Water is available for further appropriation for the period year round.

The Department finds that no more than 15.6 cfs would be necessary for the proposed use. The amount of water requested, 4.5 cfs, is allowable.

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

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there is not a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

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

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

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

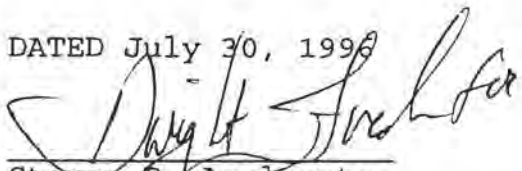
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED July 30, 1996


Steven P. Applegate
Administrator
Water Rights and Adjudications Division

Protest Rights

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than **September 13, 1996**.

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

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

GH

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF Clackamas

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

FAIRDALE NURSERY
13200 SW WILSONVILLE RD
WILSONVILLE, OREGON 97070

(503) 687-0511

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

APPLICATION FILE NUMBER: G-14234

SOURCE OF WATER: A WELL IN PUDDING RIVER BASIN

PURPOSE OR USE: AGRICULTURAL USE ON 104.1 ACRES

MAXIMUM RATE: 4.5 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JANUARY 5, 1995

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 36, T3S, R1W, W.M.;
600 FEET SOUTH & 620 FEET EAST FROM N1/4 CORNER, SECTION 36

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4	22.9 ACRES
SE 1/4 SE 1/4	12.3 ACRES
SECTION 25	

NW 1/4 NE 1/4	24.3 ACRES
SW 1/4 NE 1/4	6.2 ACRES
NE 1/4 NW 1/4	15.7 ACRES
SE 1/4 NW 1/4	22.7 ACRES
SECTION 36	

TOWNSHIP 3 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, shall keep a

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

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

*Groundwater production shall only be from the Confined Troutdale Aquifer groundwater reservoir between approximately 100 feet and 400 feet below land surface.

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

To monitor the effect of water use from ^{as described below,} the well(s) authorized under this permit, the Department requires the water user to make and report ~~annual~~ static water level measurements. The static water level shall be measured in the month of (Generally March). Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements, will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

if req. red,

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided

by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if ~~annual~~ water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include

an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

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

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

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

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

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

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

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application G-14234 Water Resources Department
Basin 02 Volume 13 PUDDING RIVER AND MISC.
GH MGMT.CODE

PERMIT DRAFT
District 16

RECEIVED

SEP 12 1996

BY RESOURCES DEPT
SALEM OREGON

PROTEST FORM

Any person may submit a protest against a Proposed Final Order. For persons other than the applicant, the protest fee required at the time of submitting the protest is \$200.00. An applicant is not required to submit a fee for a protest. The protest must be submitted to the Water Resources Department, 158 12th Street NE, Salem, Oregon 97310. In addition (attach additional pages if necessary), the protest must include the following:

Application Number G-14234

Applicant's Name Fairdale Nursery

Name, address and telephone number of the protestant:

Fairdale Nursery
Name

13200 S.W. Wilsonville Rd.
Street Address

Wilsonville OR 97070
City State Zip Code

(503) 682-0511
Telephone Number



Describe your interest in the proposed final order and, if you claim to represent the public interest, a precise statement of the public interest represented:

See attached formal protest

Describe, in detail, how the proposed final order will impair or be detrimental to your interest:

See attached formal protest

Describe, in detail, how the proposed final order is in error or deficient and how to correct the alleged error or deficiency:

See attached formal protest

Cite any legal authority supporting the protest:

See attached formal protest

I certify that the information I have provided in this protest is accurate, true and correct to the best of my knowledge.

Kathleen D. Moss
Signature of Protestant

September 12, 1996
Date

Notice: The Department is required to hold a contested case hearing, if within 30 days after the close of the period for submitting protests, the applicant requests one. By signature below, I as the applicant and request a contested case hearing.

Signature of Applicant

Date

Measurement conditions
& reporting

Hearing Letter



APPLICANT'S NAME
ADDRESS AND CITY
STATE AND ZIP
APPLICANT'S PHONE NUMBER

DATE OF HEARING
CASE NUMBER

Describe your case in the proposed final order and explain why you believe the proposed order is not in your best interest.

Describe in detail how the proposed final order will affect you and your family.

Describe in detail how the proposed final order will affect your ability to support your family.

Is there any other information you would like to provide?

I certify that the information I have provided is true and correct.

[Signature]
APPLICANT

[Signature]
STATE OF MICHIGAN

The Department is required to hold a contested case hearing if you file a timely appeal of the proposed order. The hearing is held in the office of the hearing officer. The hearing officer will hear the applicant and request a final order.

Date

Signature of Applicant



**SCHROEDER
LAW OFFICES**

RECEIVED

SEP 12 1996

WATER RESOURCES DEPT
SALEM, OREGON

Laura A. Schroeder

Admitted in Oregon, Idaho, Nevada, & Washington



Portland Direct Line (503) 232-4033

Hermiston Direct Line (541) 564-9290

1355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076

P.O. BOX 1392
115 W. HERMISTON AVE.
SUITE 140
HERMISTON, OR 97838
TELEPHONE (541) 564-9290
FAX (541) 564-0158

September 12, 1996

Martha Pagel, Director
Water Resources Department
158 12th Street N.E.
Salem, OR 97310-0210

Re: Protest of Application G-14234
Applicants: Fairdale Nursery
Protestant: Fairdale Nursery
13200 S.W. Wilsonville Rd.
Wilsonville, OR 97070

Dear Ms. Pagel:

Schroeder Law Offices represents Fairdale Nursery. Pursuant to ORS 537.153(6) and on behalf of Fairdale Nursery, we submit the following protest of the Proposed Final Order dated July 30, 1996 on the above referenced ground water appropriation application.

INTEREST

Protestant's interest in the Proposed Final Order stems from Protestant's status as the applicant in the groundwater appropriation at issue.

PROTEST

Protestant agrees that this permit should be issued, however Protestant disagrees with the Department's condition that the permittee report annual static water level measurements because this condition is an on-going requirement. Application G-14234 should be modified to discontinue the measurement if the permittee's water use complies with the conditions imposed over a period of time.

This condition as stated is detrimental to Protestant because it imposes a condition which is perpetual. By doing so, the Department forces Protestant to keep monthly records of water use and incur annual costs of hiring a certified water rights examiner, registered professional

geologist, registered professional engineer, licensed well constructor or licensed pump installer to measure the water level. Protestant will incur these costs annually, with no finality.

The Department has previously allowed measurement to discontinue if the data collected indicate that the water level has risen, is stable, or has declined less than 15 feet. (See permit G-12472). This permit should be modified to impose similar provisions.

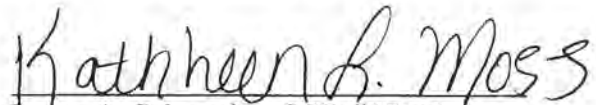
CONCLUSION

While Protestant agrees that this permit should be issued, Protestant disagrees with the Department's condition requiring an annual static water level measurement with no termination date.

Based on the foregoing, application G-14234 should be modified.

Respectfully submitted,

SCHROEDER LAW OFFICES



Laura A. Schroeder, OSB #87339

Kathleen L. Moss, OSB #94931

RECEIVED

SEP 12 1996

THE EE RESOURCES DEPT
SALEM, OREGON

How To Read the Listing

Applications are organized by Oregon's major river basins, as listed below:

- 1-North Coast
- 2-Willamette
- 3-Bendy
- 4-Hood
- 5-Deschutes
- 6-John Day
- 7-Umatilla
- 8-Grande Ronde
- 9-Powder
- 10-Malheur
- 11-Owyhee
- 12-Malheur L.
- 13-Goose/Summer
- 14-Klamath
- 15-Rogue
- 16-Umpqua
- 17-S. Coast
- 18-Mid Coast
- 19-Columbia
- 20-Snake



G-12345	2	Dry C. > Rowe R.	0.50	C	IR	40.00	Coos	1/1/1995	SEN/SECTION 9, T16S, R4W	W. Clinton...	PFO 2
---------	---	------------------	------	---	----	-------	------	----------	--------------------------	---------------	-------

Basin number

Amount

What it flows into

The source

Unit of measure:
C - cubic feet per second
G - gallons per minute

Application number:
G - groundwater
R - reservoir
S - surface
I - instream

Amount

Irrigated acres

County of use; Priority date

Applicant name & address

Stage of Review:
IR - Initial review
PFO - proposed final order

Legal description of general area of use:
"Southeast quarter of the Northeast quarter of Section 9, Township 16 South, Range 4 West"

Type of use (e.g.: IR - irrigation; see codes below)

Decision codes:
1 permit may be issued as requested by applicant
2 permit may be issued with appropriate conditions
3 permit unlikely to be issued

Some commonly-used Type of Use abbreviations (for definitions, please consult Oregon Administrative Rules Chapter 690, Division 11):

- AG-agriculture
- CF/CH/CL/CR-cranberry uses
- CM-commercial
- CS-campground
- DI-domestic, incl. lawn & garden
- DN-domestic, incl. non-commercial
- DO-domestic
- DS-domestic/stock
- FI-fish
- FP-fire protection
- FW-fish & wildlife
- GD-group domestic
- GR-groundwater recharge
- GT-geothermal
- IC-irrigation, primary & supplemental
- ID,IL-irrigation with Domestic or Livestock use, respectively
- IM-industrial, manufacturing
- IR-irrigation
- IS-supplemental irrigation
- LV,LW-livestock/wildlife
- M-mining
- MU-municipal
- NU-nursery use
- PA-pollution abatement
- PW-power
- QM-quasi-municipal
- RC-recreation
- RW-road construction
- ST-storage
- SW-swimming
- TC-temperature control
- WT-wildlife

PROPOSED FINAL ORDER REQUEST FORM

RECEIVED

AUG 15 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Your Name, Address, and Phone Number:

Laura A. Schroeder
PO Box 1392
Hermiston, OR 97838

Phone: 541-564-9290

Please send me the Proposed Final Order for Water Right Application:

3-108629
6-14234 sent 8/16/96
#

Return this form and \$10 per PFO to:

PFO Requests
Proposed Final Order Team
Oregon Water Resources Department
158 12th St. NE
Salem OR 97310

Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued.



**SCHROEDER
LAW OFFICES**

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076

P.O. BOX 1392
115 W. HERMISTON AVE.
SUITE 140
HERMISTON, OR 97838
TELEPHONE (541) 564-9290
FAX (541) 564-0158

August 13, 1996

RECEIVED

AUG 15 1996

WATER RESOURCES DEPT.
SALEM, OREGON

PFO Request
Proposed Final Order Team
Oregon Water Resources Department
158 12th St. NE
Salem, OR 97310-0210

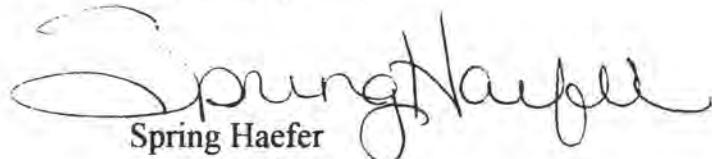
RE: Fairdale Nursery - Application G-14234

To Whom It May Concern:

We represent Fairdale Nursery. Please copy us with any documents pertaining to the above referenced file. Also, please send a complete copy of the proposed final order to our Hermiston office address at P.O. Box 1392, Hermiston, Oregon, 97838. We are enclosing a \$10.00 fee to insure that we receive a copy of the final order.

If you have any questions, please feel free to contact our office at (541) 564-9290.

Very truly yours,


Spring Haefer
Firm Administrator

encl.

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-14234

ROUTED TO: WR

TOWNSHIP/

RANGE-SECTION: 35/1W-36

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Donna M. [Signature]

TO: Water Rights Section April 29, 1996
 FROM: Groundwater/Hydrology Section Donna Miller
 SUBJECT: Application G- 14234 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or have the potential for substantial interference with the nearest
 - b. ___ will not surface water source, namely _____; or
 - c. ___ will if properly conditioned, adequately protect the surface water from interference:
 - i. ___ The permit should contain condition #(s) 7F;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

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

4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than ___ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than 100 ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the Confined Troutlake groundwater reservoir between approximately 100 ft. and 400 ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

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

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

_____, 199__.
(Signature)

PFO CHECKLIST

Application #: G 14234 Vol _____ Subbasin _____

Basin: 2 WAB: _____

Ownership _____ Range _____ Section _____ 1/4 1/4 _____

- 1. Completeness checklist verified? Y / N
- 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, other) Y / N
- 3. Groundwater review A B C D
 - a. Is second groundwater review necessary? Y / N reason _____
 - b. Is the well located in a groundwater limited area? Y / N
- 4. SWW Y / N Triage Y / N conditions/restrictions Y / N _____
- 5. Basin Program limitations? Y / N _____
- 6. Withdrawal? Y / N season allowed _____
- 7. Basin Maps have been checked. Y / N The River Mile is _____
- 8. Water Availability (50% < July 17, 1992 OR 80% [50% storage] > July 17, 1992) NA
 - a. Notify Ken Stahr Y / N (Q, Duty, or Season) _____
- 9. Rate/Duty/Season Varies
- 10. Use Agri Period of Allowed Use _____
- 11. Priority Date(s) Jan 4, 1996 TR / IR mail date _____
- 12. B.O.R. project Y / N contract # _____
- 13. TMDL Basin? Y / N (Tualatin, Yamhill, Pudding) Division 33 Y / N (Abv Boon > July 17, 92 //// Elw Boon > April 18, 94 or June 3, 94)
- 14. Conflicts Y / N _____
- 15. Objections? Y / N PFO different from IR/TR Y / N _____
- 16. Conditions (from IR/TR/ or Additional) Y / N (macro series 4-7) 7E, 7F, 100ft deep, Troutdale Aquifer
- 17. Land use approval OK'd needs approval county notified NA
- 18. SIZE Small (<0.1cf, <9.2AF), Medium (>0.1 or <1.5cf, >9.2 or <100AF) Large (>1.5 cf, >100 AF)?
- 19. Watermaster Dist: (1 2 16 18 -NWR) (3 4 5 -NCR) (6 8 9 10 -ER) (11 12 17 -SCR) (14 15 19 -SWR)

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-14234

WATERMASTER # 16

REGIONAL MANAGER: NORTHWEST

ODF&W - Clackamas County:

CWRE (if agent): BRUCE A ESTES #1

DEQ

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):
SCHROEDER LAW OFFICES 3355 N.E. DAVIS PORTLAND, OR. 97232

CASEWORKER : GH





**SCHROEDER
LAW OFFICES**

3355 N.E. DAVIS
PORTLAND, OR 97232
TELEPHONE (503) 232-7110
FAX (503) 238-4076

P.O. BOX 1392
115 W. HERMISTON AVE.
SUITE 140
HERMISTON, OR 97838
TELEPHONE (541) 564-9290
FAX (541) 564-0158

RECEIVED
JUN 14 1996
WATER RESOURCES DEPT.
SALEM, OREGON

June 12, 1996

Oregon Water Resources Department
Attn: Water Rights Section
Commerce Building
158 12th Street NE
Salem, OR 97310

RE: Public Notice Comments
File G-14234

Dear Department Personnel:

The purpose of this letter is to comment on the water use requested under G-14234. Page 3 of the Initial Review of May 2, 1996 provides in pertinent part:

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

In our June 6 and June 7, 1996 correspondence with Don Miller, Water Resources Department, we were informed that the above language requires only an initial reference water level measurement, probably in the month of March, and does not require annual water level measurements after the reference level measurement. We were also informed that because it is unlikely that the aquifer feeding the applicant's well will decline to a point which would require annual surveillance and because it has been recommended by Mr. Miller that annual water level measurements not be required, it is unlikely that the proposed final order will include a condition requiring annual measurements.

RECEIVED

JUN 14 1996

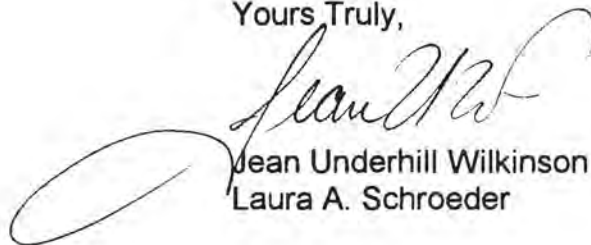
WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department
Page - 2

From the information given to us by Don Miller, it is our understanding that the Department's review of G-14234 does not require the applicant to make annual water level measurements. We would concur that annual water level measurements need not occur in this case.

If our interpretation of our recent correspondence is incorrect, please notify Jean Wilkinson at 503-232-1674.

Yours Truly,

A handwritten signature in black ink, appearing to read "Jean Underhill Wilkinson". The signature is written in a cursive style with a large, sweeping initial "J".

Jean Underhill Wilkinson
Laura A. Schroeder



**SCHROEDER
LAW
OFFICES**

3355 N.E. Davis
Portland, Oregon 97232



Oregon Water Resources Department
Attn: Water Rights Section
Commerce Building
158 12th Street NE
Salem, OR 97310

97310-0705



MAY 2, 1996

FAIRDALE NURSERY;
JIM FARLEY
13200 SW WILSONVILLE RD
WILSONVILLE, OREGON 97070

Reference: File G-14234

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for Agriculture use **is allowed** under OAR 502, the Willamette Basin Program.
4. The use of 4.5 cubic feet per second from a Well for Agriculture purposes (Nursery Operations) on 104.1 acres **is available** year round.

Summary of Initial Determinations

The use of 4.5 cfs from a Well for Agriculture use on 104.1 acres may be allowed year round.

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



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

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **MAY 16, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. You may be required to measure the amount of water used and report that use annually.
2. If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.
3. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of (Generally March). Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place
Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun
Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

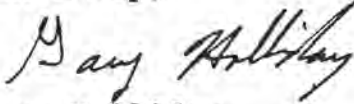
4. The priority date for this application is January 4, 1996.
5. The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.
6. Groundwater production shall be from the confined Troutdale groundwater reservoir only.

G-14234
May 2, 1996
Page 5

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday
Initial Reviewer

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

IR MAILING LIST ADDITIONS

OWNERS OF PROPERTY (OTHER THAN APPLICANT) CROSSED BY THE DELIVERY SYSTEM OR OTHER WATER WORKS:

GOVERNMENTAL ENTITIES ON THE LAND USE FORM OTHER THAN COUNTIES:

✓ OTHER:

Schroeder Law Offices 3355 N.E. Davis Portland, OR. 97232

IR CHECKLIST

Application #: G 14234 Vol _____ Subbasin _____

Basin: 2 WAB: _____ POU-WAB: 0164100

Township 3 S Range 1W Section 25, 36 1/4 1/4 _____

- 1. Completeness checklist verified. Y / N or No Checklist
- 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, or other) Y / N
- 3. Groundwater review A B C D
 - a. Is the well located in a groundwater limited area? Y / N
 - b. SWW Y / N
- 4. SWW restrictions Y / N _____
- 5. TMDL Basin? Y / N Tualatin, Yamhill, Pudding
- 6. Basin Program limitations? Y / N _____
- 7. Withdrawal? Y / N _____ season allowed _____
- 8. Basin Maps have been checked Y / N The River Mile is _____
- 9. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) NA _____
- 10. Rate 0.15 per acre Duty _____ Season _____
- 11. Use Ag. Period of Allowed Use _____
- 12. Priority Date(s) Jan. 4, 1996
- 13. B.O.R. project Y / N contract # _____
- 14. Division 33 Y / N (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994)
- 15. Conflicts Y / N _____
- 16. Land use approval OK'd needs approval county notified NA
- 17. Conditions? (BOR, GW, other) Y / N 7F, 7E, Confined Tract Sale
- 18. Watermaster District #: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
- 19. Regional Office (NWR, NCR, ER, SCR, or SWR)
- 20. IR has been saved to m:\t\ir\sent\app # _____ from m:\t\ir\work\app # _____

Irreversible right under permit 5-19470

Name: M. JB Date: 5-1-96

fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses.

(3) Multnomah Channel and drainage waters originating within drainage districts are classified for domestic, livestock, municipal, industrial, irrigation, commercial, agricultural, mining, power, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses.

(4) Except as specified in subsections (1)(a), (b) and (c) of this rule, all stream systems in the Columbia Subbasin and Columbia Slough are classified year-round only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses.

Stat. Auth.: ORS 536.300 & 536.340
Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

Groundwater Classifications and Conditions

690-502-160 (1) Use of groundwater from the basalt aquifer within the Cooper-Bull Mountain Critical Groundwater Area shall be as described in the State Engineer's order designating the Cooper-Bull Mountain Critical Groundwater Area dated May 17, 1974.

(2) Groundwater Classification: The ground-water resources of the Willamette Basin are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and statutorily exempt groundwater uses with the following exceptions:

(a) Groundwater from the *shallow* Troutdale aquifer and the specially designated portion of the *deep* Troutdale aquifer in the Sandy-Boring area is classified for exempt uses only. The Sandy-Boring Groundwater Limited Area is as described and shown in Exhibit 1. Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed and shall contain the Special Permit Conditions specified in section (4) of this rule. Applications may be rejected if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications;

(b) Groundwater from the basalt aquifers in the Damascus, Gladtidings, Kingston, Mt. Angel, Parrett Mountain, and Stayton-Sublimity areas, and the Troutdale aquifer in the Damascus area is classified for exempt uses only:

(A) The Damascus Groundwater Limited Area is as described and shown in Exhibit 2. The Gladtidings Groundwater Limited Area is as described and shown in Exhibit 3. The Kingston Groundwater Limited Area is as described and shown in Exhibit 4. The Mt. Angel Groundwater Limited Area is as described and shown in Exhibit 5. The Parrett Mountain Groundwater Limited Area is as described and shown in Exhibit 9. The Stayton-Sublimity Groundwater Limited Area is as described and shown in Exhibit 7;

(B) Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in section (3) of this rule. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of permit issuance, the applicant shall prepare a plan for the Water

Resources Commission which shall indicate the steps for obtaining an alternate long-term water supply.

(c)(A) Except as provided in paragraph (B) of this subsection, groundwater from the basalt aquifers in the Sherwood-Dammach-Wilsonville Groundwater Limited Area as described and shown in Exhibit 6 is classified for exempt uses only;

(B) Groundwater applications G-12155 (City of Sherwood) and G-13353 (Manke Lumber Co.) shall be processed according to the classifications in effect on the date the application was filed. Permits shall contain the Special Permit Conditions specified in Section (3) of this rule.

(d) Groundwater in the basalt aquifers in the Chehalem Mountain, Eola Hills and South Salem Hills Groundwater Limited Areas is classified for exempt uses, irrigation and rural residential fire protection systems only. Permits may be issued, for a period not to exceed five years, for fire protection and for drip or equally efficient irrigation provided the Director finds the proposed use and amount do not pose a threat to the groundwater resource or existing permit holders. The amount of water used for irrigation shall be further limited to one acre-foot per acre per year. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08:

(A) The Chehalem Mountain Groundwater Limited Area is as described and shown in Exhibit 8. The Eola Hills Groundwater Limited Area is as described and shown in Exhibit 10. The South Salem Hills Groundwater Limited Area is as described and shown in Exhibit 11;

(B) Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in section (3) of this rule. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of permit issuance, the applicant shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long-term water supply;

(e) Groundwater — Surface water hydraulic connection: These rules are in addition to the requirements of OAR 690-09. Groundwater in unconfined alluvium within 1/4 mile of the banks of a stream or surface water source is presumed to be in hydraulic connection with the surface water source, unless the applicant or appropriator provides satisfactory information or demonstration to the contrary. This hydraulically connected groundwater shall be classified the same as the surface source. This section shall not apply to those groundwater uses exempted by ORS 537.545. Notwithstanding such classification, permits may be issued for the use of water from a well in an unconfined aquifer that is hydraulically connected to groundwater, within a quarter mile of a stream, provided that surface water impacts are mitigated through storage releases.

(3) Special Columbia River Basalt Group Aquifer Permit Conditions: New permits issued to appropriate groundwater from Columbia River Basalt Group aquifers shall be specially conditioned. The conditions shall specify:

(a) A static water level measurement be made and submitted before any use of water may commence at the well;

(b) The permittee/appropriator install a meter or other suitable measuring device approved by the Director and submit an annual report of water used to the Department;

(c) Limits on acceptable amounts of depletion and interference with other users;

(d) Use of water from the well be controlled or shut off if limits specified in the permit to protect the resource from depletion, and prior appropriators from interference, are exceeded;

(e) The Department shall determine, from measurements submitted by the permittee/ appropriator, or other data on file in the department, the initial and subsequent water levels from which the previously cited declines are referenced;

(f) Following the issuance of a permit, the permittee/ appropriator shall measure the water levels in the permitted well each year between March 1 and March 31 (spring high-water level) and submit the data to the Department within 90 days of measurement. Water level measurements shall be made by a certified water rights examiner, licensed water well driller, licensed pump installer, registered geologist, licensed land surveyor, registered professional engineer or the permittee/ appropriator;

(g) Any other conditions derived from OAR 690-08 as deemed necessary to protect the groundwater resource.

(4) Special Permit Conditions: New permits issued to appropriate groundwater from aquifers within the Sandy-Boring Groundwater Limited Area and the Troutdale aquifer in the Damascus Groundwater Limited Area shall be specially conditioned. The conditions shall specify:

(a) A static water level measurement be made and submitted before any use of water may commence at the well;

(b) Limits on acceptable amounts of depletion and interference with other users;

(c) Use of water from the well be controlled or shut off if limits specified in the permit to protect the resource from depletion, and prior appropriators from interference, are exceeded;

(d) The Department shall determine, from measurements submitted by the permittee/ appropriator, or other data on file in the department, the initial and subsequent water levels from which the previously cited declines are referenced;

(e) Following the issuance of a permit, the permittee/ appropriator shall measure the water levels in the permitted well each year between March 1 and March 31 (spring high-water level) and submit the data to the Department within 90 days of measurement. Water level measurements shall be made by a certified water rights examiner, licensed water well driller, licensed pump installer, registered geologist, licensed land surveyor, registered professional engineer or the permittee/ appropriator;

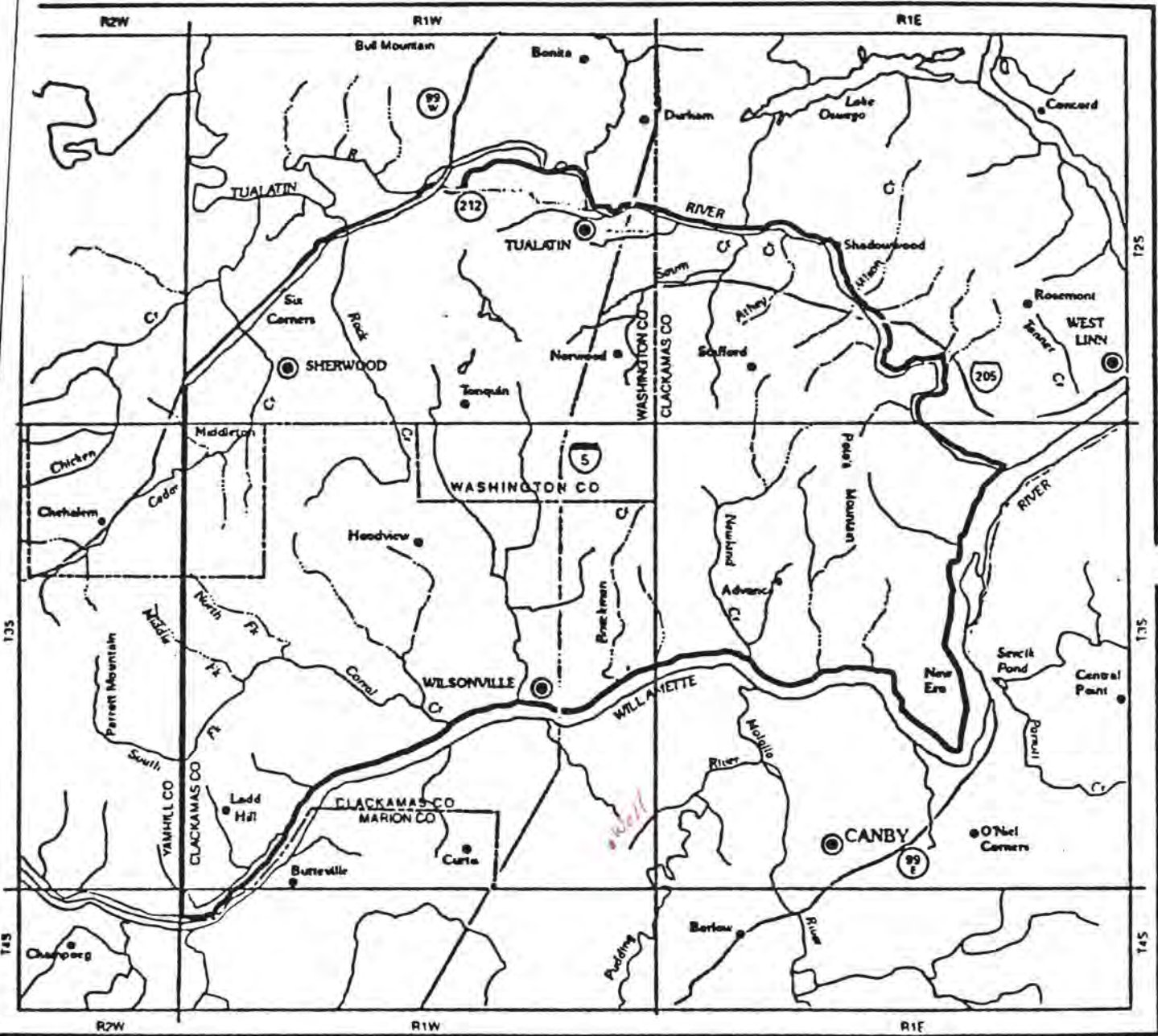
(f) Any other conditions as specified in OAR 690-08 as deemed necessary to protect the groundwater resource.

[ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the Water Resources Department.]

Stat. Auth.: ORS Ch. 536 & 537

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1993, f. & cert. ef. 9-9-92; WRD 3-1994, f. & cert. ef. 3-10-94, WRD - 1994, f. & cert. ef. 11-7-94

Sherwood-Dammasch-Wilsonville Groundwater Limited Area



TOWNSHIP 33 RANGE 1W W.M. Card #1 SECTION 25

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
-DLC #43 Lot 2 Lot 1				-DLC #43 Lot 4 Lot 3				-DLC #55				-DLC #55						
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
												272 ³¹		T-6536	55501			
												268 ³⁰		24626	19470	22467		
20° 40° 20° 10° 2°														25430	20003	20548		
37° 36° 9° 18°														2843	22130	26739		
3° 10°														31206	24516	26740		
18° 18°														91218	G-966	29298		
														GR-249	GR-2366	1		
														GR-3054	GR-4050	2		
														G-2607	G-2450	38671		
38°														G-3883	G-3649	38511		
15° 18°														G-4524	G-4262	43440		
Municipal														G-4968	G-4551	64750		
15° 24° 25° 10° 10° 6°														G-5686	G-5500	68251		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 35 RANGE 1W W.M. Card #2 SECTION 25

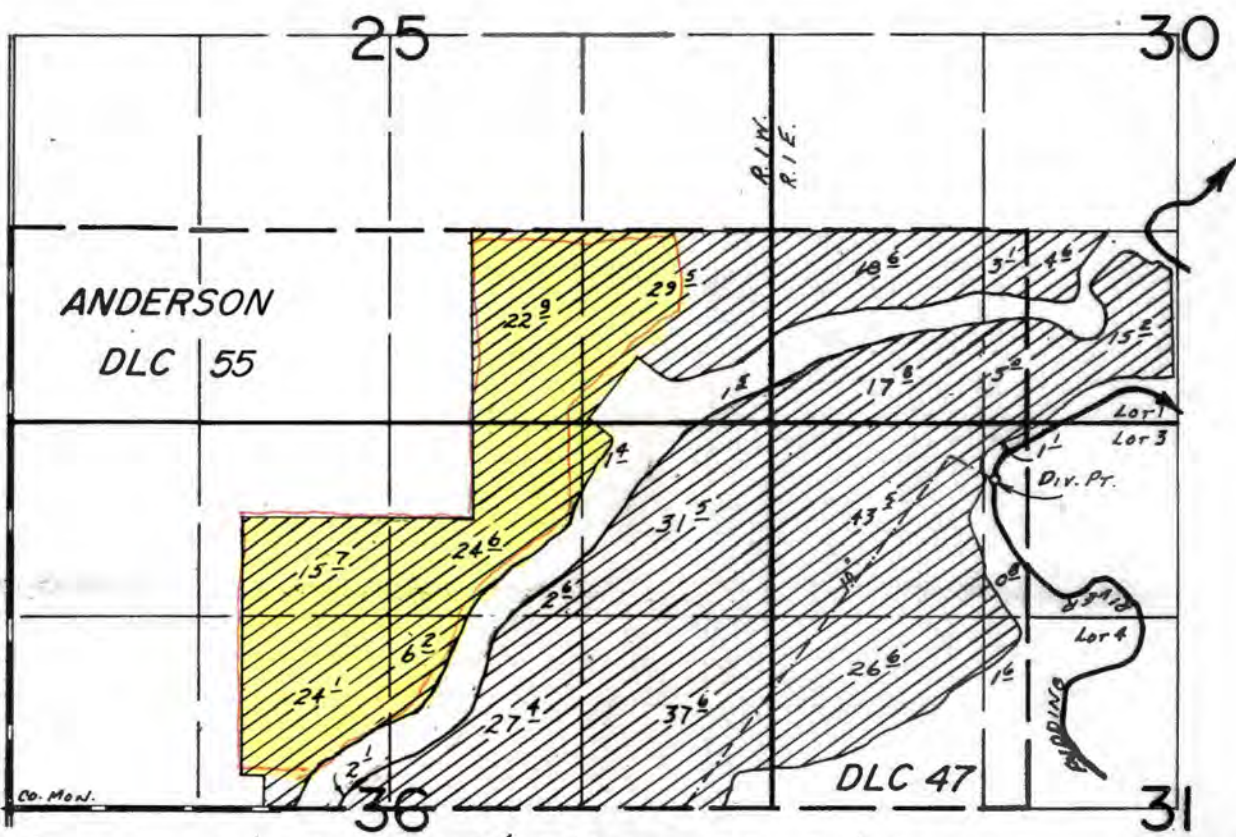
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
														G-6365	G-5961			
20° 40° 20° 10° 2°														Sp. Or. V. 30, P. 154		45245		
14° 6°														25430	20003			
D POD T-6018														Sp. Or. V. 30, P. 156		45247		
														28113	22130			
														15	57191	43040	53303	
Municipal														59312	44751	CANCELED		
Municipal														51780	46319	13		
Municipal														610842	G-9957	17		
MUN														610843	G-9958	63707		
MUN														610844	G-9959	65708		
Municipal														50693	49240			
Municipal														G-11344	G-10515	12		
PES														R-69453	R-11131	68252		
22° 39° 20° 11°														69454	60677			
20° 40° 20° 10° 16°														82	6-11737	G-10909		

TOWNSHIP 35 RANGE 1W W.M. CARD #3 SECTION 25

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
14° 6°														F6018	(C-95247)	68253		
MUN														G-10806	G-10923			
RES-Rel														R-10105				
-REC- RC														70420				
-RC- RC														G-12146				
														22° 13°	G-14234			

1/80 2.5

T.3S.,R.1W.&1E.,W.M.



Div. Pt. Loc.: 1700 S. & 230 W. FROM NE COR. ANDERSON DLC 47.

SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

Application No. 24626. Permit No. 19470.....
IN NAME OF

O. O. OGDEN

Surveyed May 16... 1956, by R. D. BEST.....

5-15-85

DFK-3D-16

AWB

RECEIVED

JAN - 4 1996

WATER RESOURCES
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

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

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

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



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

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Fairdale Nursery (Jim Farly)
 Address: 13200 S.W. Wilsonville Rd.
Wilsonville, OR 97070
 Phone: 687-0511

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

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

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	<u>4.5</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

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

REC
JAN - 4 1996

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

Applicant's Name: Fairdale Nursery (Jim Farley)
 Address: 13200 S.W. Wilsonville Rd.
 City: Wilsonville State: OR Zip: 97070 Day Phone: 687-0511

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

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
<u>31W 34 00100</u>	<u>GAD</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

*3/4 Sec 25
N 1/2 Sec 36
T35, R1W*

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.
Clackamas Co.

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

For Local Government Use Only

Application No. 614234
Permit No. _____

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

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

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan.
 Cite applicable ordinance section(s); 402.03. Go to section b) on reverse side.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)**

Receipt for Request for Land Use Information

WRD Applicant Name: _____

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

City or County: _____
 Staff Contact: _____ Phone: _____
 Signature: _____ Date of Information Request: _____

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: LINDA PREISZ Date: 10/27/95

Title: PLANNER Phone: 655-8521

Signature: *Linda Preisz*

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

Additional Comments:

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 27772

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

INVOICE # _____

RECEIVED FROM: Laura A. Schroeder
BY: _____

APPLICATION	G-14234
PERMIT	G-13131
TRANSFER	

CASH: CHECK: # 2422 OTHER: (IDENTIFY)

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

RECEIVED

ADJUDICATIONS
PUBLICATIONS / MAPS
OTHER: (IDENTIFY)
OTHER: (IDENTIFY)

MAR 23 1999
WATER RESOURCES DEPT.
SALEM, OREGON

\$
\$
\$
\$

REDUCTION OF EXPENSE

PCA AND OBJECT CLASS

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

MISCELLANEOUS
0407 COPY & TAPE FEES
0410 RESEARCH FEES
0408 MISC REVENUE: (IDENTIFY)
(New) TC165 DEPOSIT LIAB. (IDENTIFY)
(Existing) TC168 WATER RIGHTS:
0201 SURFACE WATER
0203 GROUND WATER
0205 TRANSFER
WELL CONSTRUCTION
0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT

PCA #66111

EXAM FEE
\$
\$
\$
EXAM FEE
\$

RECORD FEE
\$
\$
\$
LICENSE FEE
\$
\$

0240 OTHER (IDENTIFY) EXT. OF TIME \$100.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE
0210 MONITORING WELLS
OTHER (IDENTIFY)

\$	CARD #
\$	CARD #

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

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

LIC NUMBER	
	\$
	\$
	\$

RECEIPT # 27772

DATED: 2-16-99

BY: Roger Wright

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Blue Copy-Fiscal

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **27772**

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

INVOICE # _____

RECEIVED FROM: Laura A. Schroeder
BY: _____

APPLICATION	<u>7-14234</u>
PERMIT	<u>7-13131</u>
TRANSFER	

CASH: CHECK: # 2422 OTHER: (IDENTIFY)

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

MISCELLANEOUS		\$
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
(New) TC165 DEPOSIT LIAB. (IDENTIFY)		\$

PCA #66111

(Existing) TC168	WATER RIGHTS:	EXAM FEE		RECORD FEE
0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$	0204	\$
0205	TRANSFER	\$	0206	\$
	WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	0219	\$
	LANDOWNER'S PERMIT		0220	\$

0240 OTHER (IDENTIFY) EXT. OF TIME \$100.00

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302	LOTTERY PROCEEDS	\$
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0467 HYDRO ACTIVITY

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

RECEIPT # **27772**

DATED: 2-15-99

BY: Roger Wright

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **11992**

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

INVOICE # _____

RECEIVED FROM: Fairdale Nursery
BY: _____

APPLICATION	14234
PERMIT	
TRANSFER	

CASH: CHECK: # 24-7038 OTHER: (IDENTIFY)

TOTAL REC'D \$ 12.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

REDUCTION OF EXPENSE

CASH ACCT. _____ \$

PCA AND OBJECT CLASS _____ VOUCHER # _____

0427 WRD OPERATING ACCT

PCA 66111

0407 MISCELLANEOUS COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) _____	\$
TC165 DEPOSIT LIAB. (IDENTIFY) _____	\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$ 12.00
0205 TRANSFER	\$	0206	\$
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
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0467 HYDRO ACTIVITY

0233 POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION _____		\$

RECEIPT # **11992**

DATED: 5-5-97 BY: Darlene Bushnell

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **5449**

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

INVOICE # _____
G14234

RECEIVED FROM: *Laura Schroeder*
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # *2428* OTHER: (IDENTIFY)

TOTAL REC'D \$ *10.00*

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY) <i>PFO</i>	\$	<i>10.00</i>
TC165 DEPOSIT LIAB. (IDENTIFY)	\$	

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$
OTHER (IDENTIFY)			

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **5449**

DATED: *8-15-96* BY: *FLO L*

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **131307**

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

INVOICE # _____

RECEIVED FROM: Fairdale Nursery
BY: _____

APPLICATION	G14234
PERMIT	
TRANSFER	

CASH: CHECK: # 24-7038 OTHER: (IDENTIFY)

TOTAL REC'D \$ 488.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

COST CENTER AND OBJECT CLASS

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$ <u>200.00</u>	842.004	\$ <u>288.00</u>
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
_____	LANDOWNER'S PERMIT	\$	842.024	\$
_____	OTHER (IDENTIFY)			

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #	
_____	MONITORING WELLS	\$	CARD #	
_____	OTHER (IDENTIFY)			

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # **131307**

DATED: 1-4-96 BY: Flo Pissone



**SCHROEDER
LAW
OFFICES**

3355 N.E. Davis
Portland, Oregon 97232

Dallas Miller
Water Rights Specialist
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

2
MAR
1999



97310+0700





SCHROEDER
LAW
OFFICES

3355 N.E. Davis
Portland, OR 97232



97310+0700





Fairdale Nursery
13200 S.W. Wilsonville Road
Wilsonville, OR 97070

App# G14234

RECEIVED

MAY - 5 1997

WATER RESOURCES DEPT.
SALEM, OREGON



Water Resources Dept
Commerce Bldg
158 12th Street NE
Salem, Or 97310-0210

97310/0210



Application No. . . G 14234

Permit No. . . G13131

Name FAIRDALE NURSERY; FARLEY, JIM
13200 SW WILSONVILLE RD

Address WILSONVILLE, OR 97070

Assigned

Address

Beginning construction 5/21/98

Completion of construction

Extended to

Complete application of water 10/1/01

Extended to

CΦ6

614234