

Regular

Name Robert W. Gabriel Trust
C/O Robert W. Gabriel
 Address 8474 Hazelgreen Rd. NE
Silverton, OR 97381

DESCRIPTION OF WATER RIGHT(S)

Name of Stream A WellTrib. of Labish Cr. BasinUse IrrigationCounty Marion wm 16

Quantity of water (CFS)

No. of Acres

Name of ditch

App# G-16408 Per # G-16056 Cert # 92078 PR Date 2005

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

Change in APOADate Filed 1-9-17Initial notice date 1-24-17DPD issued date 2-12-18PD issued date 4-12-18PD notice date 4-17-18Date of FO 6-21-18 Vol 108 Page 635

C-Date

COBU due date

COBU Received date

Certificate issued

Assignments:

Irrigation District

Agent Doann Hamilton - Pacific Hydro-Geology, Inc.
18487 S. Valley vista Rd. Mulino, OR 97042

CWRE

CC's list

☐ - Oversized map - Location

FEES PAID

Date	Amount	Receipt #
<u>1/9/17</u>	<u>1350.00</u>	<u>122301</u>
<u>1-10-2023</u>	<u>\$230.00</u>	<u>139890</u>
<u>10-10-2024</u>	<u>125.00</u>	<u>143976</u>

FEES REFUNDED

Date	Amount	Receipt #
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Application # Permit # Transfer # T-12558

Robert Gabriel RA# R13087-25

**Reimbursement Authority Process
Itemized Estimate Sheet
for
Certificates**

	New Est. Time (hr)	Multiplie r	Total Est Hours	Individual	New Hourly Rate	New Est. Cost	Date/Act. Time
1. Review COBU report & map - 1 originating cert	1.50	39%	2.08	Kerry	\$83.71	\$ 174.16	
2. Conflict Check	0.50	39%	0.69	Kerry	\$83.71	\$ 58.05	
3. Prep of def. letter - contingency time	0.50	39%	0.69	Kerry	\$83.71	\$ 58.05	
4. Enter pump test data -	0.00	39%	0.00	Kerry	\$83.71	\$ -	
5. Prep of 1 cert - 3 wells - 1 orig. + 2 add'l	3.00	39%	4.16	Kerry	\$83.71	\$ 348.32	
6a. Peer review - consultation	0.50	39%	0.69	Gerry	\$79.74	\$ 55.30	
6b. Peer review	0.30	39%	0.30	Dwight	\$119.24	\$ 35.77	
6c. Peer review	1.00	39%	1.39	Gerry	\$79.74	\$ 110.60	
7. Project Management	5.00	39%	6.94	Kerry	\$83.71	\$ 580.53	
8a. Water right data record update	1.00	39%	1.39	Support- Tonya	\$44.27	\$ 61.40	
8b. Water right data record update - IR of 12.0 acres	1.75	39%	2.43	Data Tech Shauna	\$61.42	\$ 149.08	
9. NEED review of PT -N/A	0.00	39%	0.00	Yeh	\$52.79	\$ -	
9. NEED review of PT - n/a	0.00	39%	0.00	Phil Marcy	\$84.50	\$ -	
Total	15.05		20.76		Sub Total	\$1,631	
					10% Overhead	\$163.13	
					TOTAL	\$1,794	

TFO issued 6-2-2018. C Date = 10-1-2023.
0.15cfs from Well 1 for IR of 12.0 acres
2 add'l POA's - Well 2 and Well 3
-quantity of water....
- same aquifer
- gw production only from alluvial gw reservoir

COBU - claimed 2 new wells - Well 2 (MARI 17269), & Well 3 (MARI 68355) + original Well 1 (amari 58798) - 0.15 cfs for IR of 12.0 acres



OREGON
WATER
RESOURCES
DEPARTMENT

OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT
Contract Number: **R13087-25**

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Robert Gabriel, hereafter Applicant, hereafter known together as the parties.

OWRD Information

Project Contact: Kerry Kavanagh
Reimbursement Authority
Oregon Water Resources Department
725 Summer Street NE
Salem OR 97301-1271
Phone: 503-979-3208
Email: Kerry.L.Kavanagh@water.oregon.gov

Applicant's Information

Name: Robert Gabriel

Address: 8474 Hazelgreen Rd NE
Silverton OR 97381
Phone: 503-932-1200
Email*: bobg@oreblueberry.com

Applicant's Representative

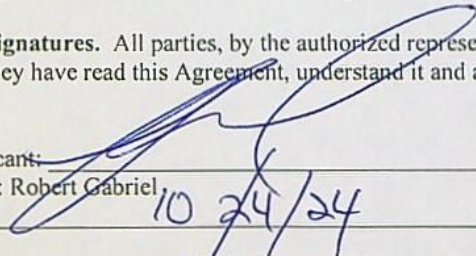
Name: Doann Hamilton
Title: Representative
Company: Pacific Hyrdo-Geology, Inc.
Address: 18487 S Valley Vista Rd
Mulino OR 97042
Phone: 503-349-6946
Email*: phgdmh@gmail.com

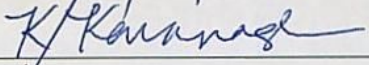
*By providing an Email address, consent is given to receive all correspondence electronically. (Paper copies of the certificate and final order documents will also be mailed.)

- 1. Purpose.** The purpose of this Agreement is to expedite the processing of the **Claim of Beneficial Use**. (Transfer Application Number: T-12558)
- 2. Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- 3. Restrictions.** Robert Gabriel and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- 4. Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- 5. Consideration.** Robert Gabriel shall pay OWRD in advance for actual costs incurred by OWRD. Robert Gabriel agrees to pay the full amount of **\$1794** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- 6. Confidentiality.** Robert Gabriel agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 7. Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47123

8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: 
Name: Robert Gabriel
Date: 10/24/24

For OWRD: 
Name: Kerry Kavanagh
Water Right Services Division
Date: 11-7-2024

Mail signed Agreement to:

Kerry Kavanagh
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

PCA 47123

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 144093

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

INVOICE #

RECEIVED FROM: Gabriel Farms, Inc.
BY: Jb Oregon Blueberry Farms & Nursery

APPLICATION
PERMIT
TRANSFER T-12558

CASH: ☐ CHECK: # 27589 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$1,794.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47123 R13081-25 \$
0413 OTHER: (IDENTIFY) C.H. Farms R.A. \$1,794.00

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 \$

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE RECORD FEE
0203 GROUND WATER \$ 0202 \$
0205 TRANSFER \$ 0204 \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE LICENSE FEE
LANDOWNER'S PERMIT \$ 0219 \$
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: 144093

DATED 10-31-24 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

OREGON BLUEBERRY FARMS & NURSERY

Oregon Water Resources Department

Date Type Reference
10/23/2024 Bill R13087-25 Contract

Original Amt.
1,794.00

Balance Due
1,794.00

24/2024
Discount
Check Amount

Payment
1,794.00
1,794.00

27589

RECEIVED
OCT 31 2024
OWRD

Checking Acct 1214 R13087-25 Contract

1,794.00

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 144093

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

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TRANSFER T-12558

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FUND TITLE
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RECEIPT: 144093

DATED 10-31-24 BY: [Signature]

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

KAVANAGH Kerry L * WRD

From: KAVANAGH Kerry L * WRD
Sent: Tuesday, October 22, 2024 4:45 PM
To: bobg@oreblueberry.com; Doann Hamilton
Cc: KAVANAGH Kerry L * WRD
Subject: Certificate RA Estimate R13087-25 for Robert Gabriel involving Application T-12558
Attachments: RA contract_T-12558.pdf; estimate request_T-12558.pdf; estimate receipt_T-12558.pdf

Hello,

Please find the attached estimate and agreement to review the claim of beneficial use (Claim). If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to review the claim of beneficial use.

If you have any questions, please send me an email at kerry.l.kavanagh@water.oregon.gov.

Thanks,
Kerry

Kerry Kavanagh

Certificate Reimbursement Authority Program Coordinator
Certificate Section, Water Rights Services Division
725 Summer St NE Suite A | Salem OR 97301 | Direct 503.979.3208
kerry.l.kavanagh@water.oregon.gov | <https://www.oregon.gov/OWRD>



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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 143976

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

INVOICE # _____

RECEIVED FROM: Pacific Hydro-Geology, Inc.

BY: _____

CASH: ☐ CHECK: # ☒ 6149 OTHER: (IDENTIFY) ☐

APPLICATION
PERMIT
TRANSFER T-12558

TOTAL REC'D \$125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47123 R13087-25 \$
0413 OTHER: (IDENTIFY) Certificate R \$125.00

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

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0205 TRANSFER EXAM FEE
0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 LICENSE FEE \$
LANDOWNER'S PERMIT 0220 LICENSE FEE \$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$

RECEIPT: 143976

DATED: 10-10-24 BY: Lisa D Miller

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 143976

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

INVOICE # _____

RECEIVED FROM: Pacific Hydro-Geology, Inc.

BY: _____

CASH: ☐ CHECK: # ☒ 6149 OTHER: (IDENTIFY) ☐

APPLICATION
PERMIT
TRANSFER T-12558

TOTAL REC'D \$125.00

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OTHER (IDENTIFY) _____

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TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$

RECEIPT: 143976

DATED: 10-10-24 BY: Lisa D Miller

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal



OREGON WATER RESOURCES DEPARTMENT
CERTIFICATE REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Certificate Request	Application Number _____ Permit Number _____ Transfer Number/Permit Amendment (if applicable) T-12558

	Applicant Information	Applicant's Representative/Contact
Name:	Robert Gabriel	Pacific Hydro-Geology, Inc. c/o Doann Hamilton
Address:	8474 Hazelgreen Rd NE Silverton, OR 97381	18487 S. Valley Vista Road Mulino, OR 97042
Phone:	503-932-1200	(503) 349-6946 cell
Fax:		(503) 632-5983
E-Mail Address:	bobg@oreblueberry.com	phgdmh@gmail.com

I certify that I (check one):

- ☒ have previously filed a Claim of Beneficial Use
☐ am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- For a groundwater permit, a pump test or exemption request must be submitted to OWRD prior to this request.
- The fee covers reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department
Certificate Reimbursement Authority Program
725 Summer St. NE, Suite A
Salem, OR 97301-1271

Received by OWRD

I certify that I am the (check one):

☒ Applicant ☒ Applicant's Representative ☐ Other (Please specify) _____

OCT 10 2024

Salem, OR

Name: DOANN HAMILTON

Signature: Dan H

OWRD USE ONLY: Reimbursement Authority Number: R13 087 25



Received by OWRD

OCT 10 2024

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Robert Gabriel

8474 Hazelgreen Rd NE Silverton, OR 97381

Transaction Type: RA T-12558

Fees Received: \$ 125⁰⁰

☐ Cash

☒ Check

Check No.

6149

Name(s) on Check: Pacific Hydro-Geology

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

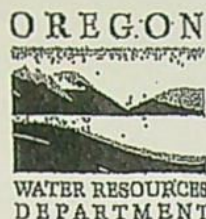
OWRD Customer Service Staff

Submission received by: Nick Reece

(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt Information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.



Received by OWRD

OCT 10 2024

Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Robert Gabriel

8474 Hazelgreen Rd NE Silverton, OR 97381

Transaction Type: RA T-12558

Fees Received: \$ 125⁰⁰

☐ Cash

☒ Check

Check No.

6149

Name(s) on Check:

Pacific Hydro-Geology

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Sincerely,

OWRD Customer Service Staff

Submission received by: Nick Reece

(Name of OWRD staff)

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Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

January 11, 2023

Robert Gabriel
8474 Hazelgreen RD NE
Silverton, OR 97381

On January 10, 2023, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

T-12558

The COBU included a report and map. In the future the Department will review your submittal. At that time, we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: <https://www.oregon.gov/owrd/programs/waterrights/ra/pages/default.aspx>.

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$230.00 COBU recording fee.

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file T-12558

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer:Corie L.
Transfer #:T-12558	
Date Received:1/10/2023	
CWRE Name:Doann Hamilton	
Priority Date (s):3/11/2005	

Fees Required:

- ☐ YES ☐ NO ☐ A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☒ YES ☐ NO ☐ A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
- Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.
- Fill in

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

MONEY SLIP			
DATE:		RECEIPT #:	
ACCESSION FROM:		APPLICABLE TAX:	
		FEDERAL:	
		STATE:	
CASH: <input type="checkbox"/> OTHER: <input type="checkbox"/>		OTHER (COUNTY):	
<input type="checkbox"/> <input type="checkbox"/>			
(000) TREASURY		(000) STATE (COUNTY)	
(000) COPIES		(000) OTHER	
(000) Interest Loan		(000) State Water Right Plan	
(000) Treasury		(000) State (COUNTY) ACT	
(000) MISCELLANEOUS			
(000) COPY & TAP FEES			
(000) RESEARCH FEES			
(000) MISCELLANEOUS (COUNTY)			
(000) DEPOSIT (MIS. COUNTY)			
(000) EXTENSION OF TIME			
WATER RIGHTS			
(000) SURFACE WATER			
(000) GROUND WATER			
(000) TRANSFER			
WELL CONSTRUCTION			
(000) WELL DRILL CONSTRUCTION			
(000) LANDOWNER'S PERMIT			
(000) OTHER (COUNTY)			
(000) TREASURY		(000) STATE (COUNTY) ACT	
(000) POWER LICENSE FEE (POWER)			
(000) HYDRO LICENSE FEE (POWER)			
HYDRO APPLICATION			

SPECIAL INSTRUCTIONS:

Fill in App
or Transfer
Number

Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
☐ Pump Test required (Priority Date on or after December 20, 1988)
☐ Pump Test submitted
☐ Pump Test not submitted

**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 # **139890**

INVOICE # _____

RECEIVED FROM: Gabriel Farms Inc.
BY: the Oregon Blueberry Farms Nursery

APPLICATION	
PERMIT	
TRANSFER	<u>T-12558</u>

CASH: ☐ CHECK: # 25557 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 230.00

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 \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____

0200 OTHER (IDENTIFY) 1084 \$ 230.00

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: **139890**

DATED: 1-10-2023 BY: Bruce

**CLAIM OF
BENEFICIAL USE
for Transfer New or Additional
POA Only**



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

A fee of \$230 must accompany this form for any Transfer final orders
including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights
has a priority date of July 9, 1987, or later, the fee is required.

**SECTION 1
GENERAL INFORMATION**

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Type of Authorized Change

This Claim is being submitted for a transfer where the only authorized change was a change in point(s) of appropriation or additional point(s) of appropriation, or a combination of both.

YES

If additional changes were authorized, you will need to select a different form.

1. File Information

APPLICATION #
T-12558

2a. Property Owner (current owner information): TL 06 3W 24A 1900 – Divert and convey

APPLICANT/BUSINESS NAME Robert W. Gabriel		PHONE NO.	ADDITIONAL CONTACT No.
ADDRESS 8474 Hazelgreen Rd NE			
CITY Silverton	STATE OR	ZIP 97381	E-MAIL

2b. Property Owner (current owner information): TL 06 3W 24A 2100

APPLICANT/BUSINESS NAME Robert W. Gabriel Trust / Robert W. Gabriel Trustee		PHONE No.	ADDITIONAL CONTACT No.
ADDRESS 8474 Hazelgreen Rd NE			
CITY Silverton	STATE OR	ZIP 97381	E-MAIL

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

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

TRANSFER HOLDER OF RECORD Robert Gabriel / Robert W. Gabriel Trust		
ADDRESS 8474 Hazelgreen Rd NE		
CITY Silverton	STATE OR	ZIP 97381

4. Date of Site Inspection:

August 11, 2020
June 1, 2022
July 1, 2022
August 1, 2022
September 6, 2022
October 3, 2022

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Bob Gabriel	August 11, 2020, October 3, 2022	Owner / operator
Bruce Gabriel	August 11, 2020, October 3, 2022	Plant manager

6. County

Marion

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

OWNER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

SECTION 2
SIGNATURES

CWRE Statement, Seal and Signature

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

Seal and Signature



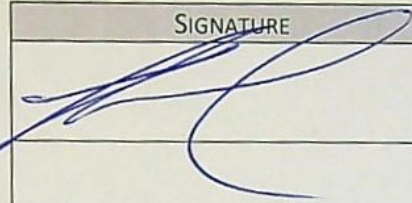
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CWRE NAME Doann Hamilton		PHONE NO. (503) 632-5013	ADDITIONAL CONTACT NO. (503) 349-6946
ADDRESS 18487 S. Valley Vista Road			
CITY Mulino	STATE OR	ZIP 97042	E-MAIL phgdmh@gmail.com

Transfer Holder of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	Robert Gabriel	Treasurer	12/20/22

SECTION 3 CLAIM DESCRIPTION

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Note: The Claim only needs to describe the new or additional point(s) of appropriation. This Claim does not need to provide information for the original point(s) of appropriation unless the original point of appropriation is either a new or additional point of appropriation on another right involved in this transfer.

1. New or additional point of appropriation name or number:

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)	SOURCE (IF LISTED IN TRANSFER FINAL ORDER)
Well 2	MARI 17269	L-125719	A well within the Labish Creek Basin
Well 3	MARI 68355	L-131128	A well within the Labish Creek Basin

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

If well logs are available, items A and B below can be deleted

2. Variations:

Was the use developed differently from what was authorized by the transfer final order, or extension final?

YES

If yes, describe below.

(e.g. "The order allowed three new/additional points of appropriation. The water user only developed one of the points.")

1. The location of Well 3 (CLAC 68355) is more correctly placed at:
250 feet south and 1,210 feet east from the N 1/4 corner, Section 24.

3. Claim Summary:

NEW OR ADDITIONAL POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
Well 2		0.30 cfs	Not measured
Well 3		1.32 cfs	420 to 450 gpm per dial on meter (0.94 to 1.00 cfs)
Total:	0.15 cfs		

SECTION 4a of 4b

SYSTEM DESCRIPTION

Are there multiple new or additional Points of Appropriation (POA)?

YES JAN 10 2023

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

OWRD

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

Well 2

A. POA System Information

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Unknown	Unknown	Unknown	Submersible	Unknown	4 inch

2. Motor Information

MANUFACTURER	HORSEPOWER
Unknown	15 Hp

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
15 Hp	68 psi	180 feet (likely an overly conservative estimate based on the drill stem depth for the air test recorded on well log)	0 feet	0.30 cfs

4. Provide pump calculations:

$$Q \text{ Pump} = \frac{(15 \text{ Hp}) \times 7.04 \text{ ft}^4/\text{sec Hp}}{(180 \text{ ft lift} + 172.7 \text{ ft pressure head})} = 0.30 \text{ cfs}$$

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not running during site visit			

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

B. Groundwater Source Information (Well and Sump)

3. Is the appropriation from a dug well (sump)?

NO

If "NO", items 4 through 6 relating to this section may be deleted.

Reminder: Construction standards for sumps can be found in OAR 690-210-0400.

C. Additional notes or comments related to the system:

Pump inside well 2 already existed when the property was purchased; no further information is known about the pump specifications.

This well also supplies Certificate 95621, Permit G-17913, and Permit G-17999

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YES

SECTION 4b of 4b SYSTEM DESCRIPTION

Are there multiple new or additional Points of Appropriation (POA)?

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

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

Well 3

A. POA System Information

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

1. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Franklin	8STS550	Unknown	Submersible	8 inch	6 inch

2. Motor Information

MANUFACTURER	HORSEPOWER
Franklin	50 Hp

3. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
50 Hp	68 psi	94.75 feet (from pump test recorded on well log)	0 feet	1.32 cfs

4. Provide pump calculations:

$Q \text{ Pump} = \frac{(50 \text{ Hp}) \times (7.04 \text{ ft}^4/\text{sec Hp})}{(94.75 \text{ ft lift} + 172.72 \text{ ft pressure head})} = 1.32 \text{ cfs}$
--

5. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Note: gpm reading on meter recorded August 1, 2022			0.27 to 0.29 cfs (121 to 129.7 gpm)
Note: gpm reading on meter recorded September 6, 2022			0.24 to 0.25 cfs (108.1 to 114 gpm)
Note: gpm reading on meter recorded October 3, 2022			0.94 to 1.00 cfs (420 to 450 gpm)

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

B. Groundwater Source Information (Well and Sump)

3. Is the appropriation from a dug well (sump)?

If "NO", items 4 through 6 relating to this section may be deleted.

Reminder: Construction standards for sumps can be found in OAR 690-210-0400.

NO
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C. Additional notes or comments related to the system:

This well also supplies Certificate 95621, Permit G-17913, and Permit G-17999

SECTION 5 CONDITIONS

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

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	DATE FROM TRANSFER	DATE THE NEW AND/OR ADDITIONAL POA(S) WERE READY FOR USE *THIS DATE MUST FALL BETWEEN THE "ISSUANCE DATE" AND THE "COMPLETENESS DATE"
ISSUANCE DATE	June 21, 2018	
COMPLETENESS DATE FROM ORDER (C)	October 1, 2023	May 2022

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

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

NO

If "NO", you may delete the following table.

3. Measurement Conditions:

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

YES

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

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

b. Has a meter been installed?

YES

c. Meter Information

POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well 2	Netafim	19-80023969	Working	1,509,754 gallons (August 11, 2020) 7,247,334 gallons (October 3, 2022)	June 2019
Well 3	Netafim	196006078	Working	53,044,800 gallons (August 11, 2020) 89,439,080 gallons (October 3, 2022)	October 2019

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

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

NO

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

5. Other conditions required by the transfer final order or extension final order:

a. Were there special well construction standards?

NO

b. Was submittal of a ground water monitoring plan required?

NO

c. Other conditions?

YES

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

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c1) Condition per Certificate 92078:

The well(s) shall produce water groundwater only from the alluvial groundwater reservoir.

Compliance:

Original Well 1 (MARI 58798) was drilled to a depth of 140 feet, cased from 0 to 140 feet, and perforated from 110 to 140 feet in sand and gravel.

It appears this well obtains water from the alluvial aquifer; therefore, this condition has been met.

c2) Condition per T-12558:

Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

Compliance:

Original Well 1 (MARI 58798) was drilled to a depth of 140 feet, cased from 0 to 140 feet, and perforated from 110 to 140 feet in sand and gravel.

Well 2 (MARI 17269) was drilled to a depth of 180 feet, cased from 0 to 180 feet, perforated from 110 to 141 feet in in sand and gravel.

Well 3 (MARI 68355) was drilled to a depth of 158 feet, cased from 0 to 158 feet, and perforated from 105 to 127 feet and 132 to 148 feet, in sand and gravel.

It appears the additional wells obtain water from the alluvial aquifer; therefore, this condition has been met.

SECTION 6 ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Claim of Beneficial Use Map	Claim of Beneficial Use Map
State Water Well Report – MARI 17269	Well log and driller's notes for MARI 17269 – Well 2
State Water Well Report – MARI 68355	Well log and driller's notes for MARI 68355 – Well 3

SECTION 7 CLAIM OF BENEFICIAL USE MAP

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

For the purpose of this Claim, the map identifying the location of the place of use does not require a new survey. The location of the place of use identified on the Claim map should be based on the original right of record at the time the transfer final order was issued. In transfers approved for additional points of appropriation, the original points must be identified the map based on the original right of record at the time the transfer final order was issued.

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

The COBU map was prepared using tax assessor's map 06 3W 13 and 06 3W 24A, overlain by a 2014 aerial photo titled USDA-FSA-APFO NAIP County Mosaic and obtained on line from the Natural Resources Conservation Service, Image Metadata:
<http://datagateway.nrcs.usda.gov/Catalog/ProductDescription/NAIPM.html>

Map Checklist

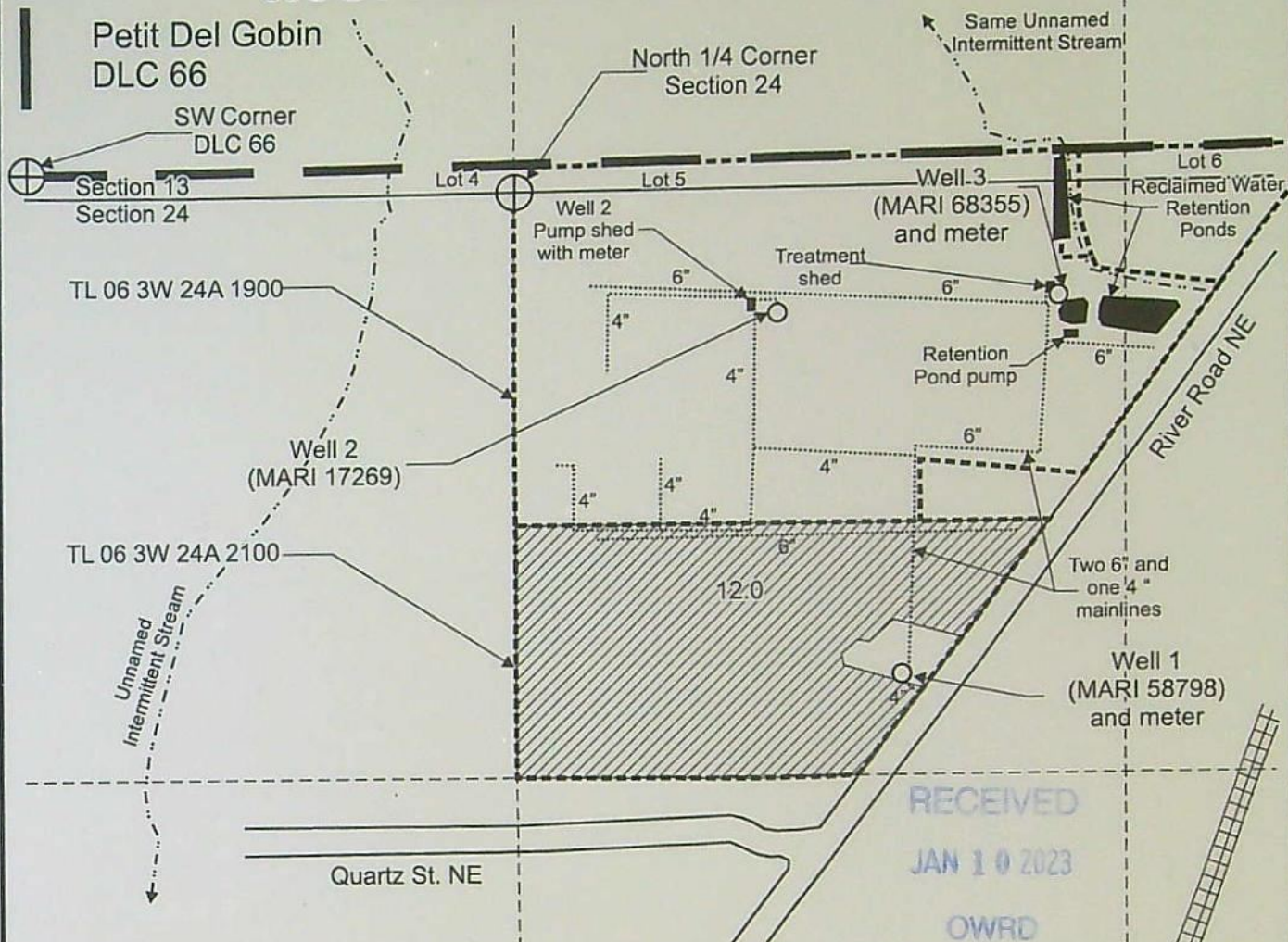
Please be sure that the map you submit includes ALL the items listed below.
 (Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots

- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☐ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☐ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.) ***Not required for this type of Claim of Beneficial Use**
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☐ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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T.6S. R.3W. Section 24, W.M.



Well 1 (MARI 58798) is located 1,085 feet south and 865 feet east from the N 1/4 corner, Section 24.

Well 2 (MARI 17269) is located 330 feet south and 1,690 feet east from the SW corner, DLC 66.

Well 3 (MARI 68355) is located 250 feet south and 1,210 feet east from the N 1/4 corner, Section 24.

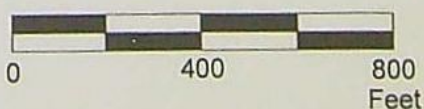
Area (12.0 Acres) irrigated under T-12558 (formerly Certificate 92078) priority date: March 11, 2005.

----- Tax lot boundary

— Donation Land Claim boundary

..... Irrigation mainline

Scale: 1" = 400'



EXPIRES: Jan 30, 2023

This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

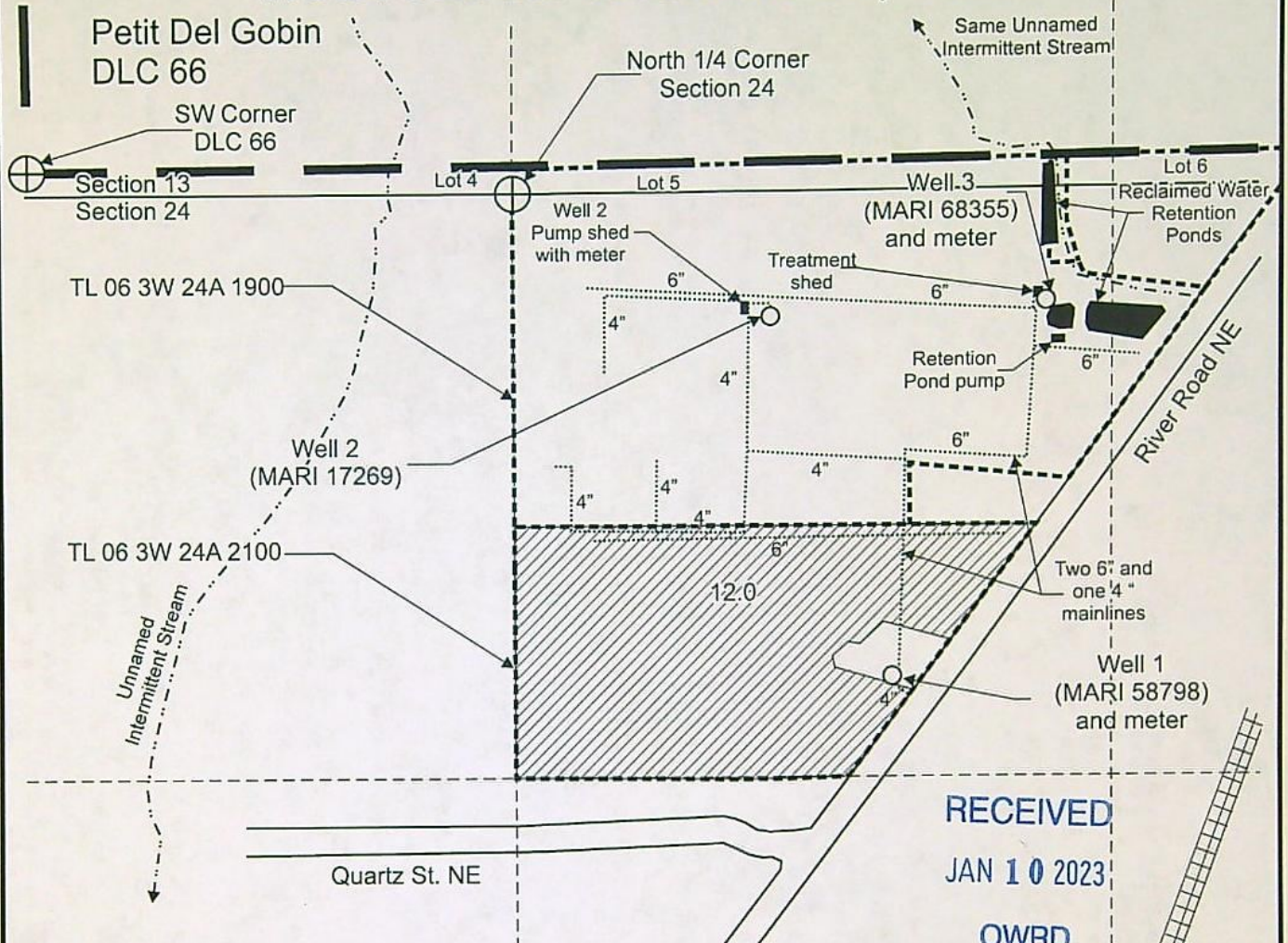
Claim of Beneficial Use Map
T-12558

Robert W. Gabriel Trust
T.6S. R.3W. Section 24, W.M.

Pacific Hydro-Geology Inc.

12/2022

T.6S. R.3W. Section 24, W.M.



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Well 1 (MARI 58798) is located 1,085 feet south and 865 feet east from the N 1/4 corner, Section 24.

Well 2 (MARI 17269) is located 330 feet south and 1,690 feet east from the SW corner, DLC 66.

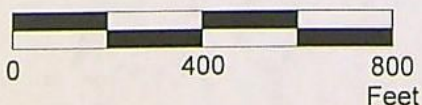
Well 3 (MARI 68355) is located 250 feet south and 1,210 feet east from the N 1/4 corner, Section 24.

Area (12.0 Acres) irrigated under T-12558 (formerly Certificate 92078) priority date: March 11, 2005.

- Tax lot boundary
- Donation Land Claim boundary
- Irrigation mainline

24

Scale: 1" = 400'



EXPIRES: Jan 30, 2023

This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

Claim of Beneficial Use Map
T-12558

Robert W. Gabriel Trust
T.6S. R.3W. Section 24, W.M.

Pacific Hydro-Geology Inc.

12/2022

#16

MAR 17269

6S/3W/24ah

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

(START CARD) # 25197

(1) OWNER: Well Number: 2918
Name BOLTMAN'S NURSERY INC.
Address P.O. Box 9098
City Brooks, Oregon State 97305 Zip

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD
☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 180' ft.
Explosives used ☐ Yes ☒ No Type Amount

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
8	0 19	Dry Bentonite	0 19	1350 pounds	

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other As Per 690-210-340

Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8	+1	180	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Liner:

Final location of shoe(s) 180'

(7) PERFORATIONS/SCREENS:
☒ Perforations Method Mills Knife 5/16" X 2 3/4"
☐ Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
110	141		376			<input checked="" 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
500+ 180 1 hr.

Temperature of water 53° 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 Marion Latitude Longitude
Township 6S Nor S, Range 3W E or W, WM.
Section 24 NW 1/4 NE 1/4
Tax Lot Lot Block Subdivision
Street Address of Well (or nearest address)
8375 River Rd. N.E.

(10) STATIC WATER LEVEL:
37 ft. below land surface. Date 4/12/91
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 76

From	To	Estimated Flow Rate	SWL
76	141	1000+	37
157	180	1000+	37

(12) WELL LOG: Ground elevation

Material	From	To	SWL
Topsoil	0	2	
Brown Clay	2	76	
Black Sand	76	79	
Muddy Black Sand and Gravel	79	94	
Cemented Brown Sand and Gravel	94	106	
Loose Brown Sand and Gravel	106	135	
Reddish Brown Sand and Gravel	135	145	
Blue Clay	145	157	
Black Sand	157	175	
Black Sand and Gravel	175	180	

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JAN 10 2023 WATER RESOURCES DEPT.
SALEM, OREGON
OWRD

Date started 4/11/91 Completed 4/12/91

(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 well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed Mark D. Beis WWC Number 753
Date 4/12/91

(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 well construction standards. This report is true to the best of my knowledge and belief. WILLAMETTE DRILLING CO. INC.
SIGNED Mark D. Beis WWC Number 753
Date 4/12/91

MARI 17269



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

Application for Well ID Number

RECEIVED

JAN 10 2023

OWRD

Do not complete if the well already has a Well Identification Number.

I. OWNER INFORMATION

Current Owner Name (please print): Robert W. Gabriel Trust, Robert Gabriel Trustee -----See Well Log MARI 17269

Mailing Address: 8474 Hazelgreen Rd NE

City, State, Zip: Silverton, OR 97381

RECEIVED BY OWRD

Mail Well ID Tag to: ☒ SAME AS ABOVE ☐ In Care Of (C/O)

MAR 13 2017

Name & Address: _____

City, State, Zip: _____

SALEM, OR

II. WELL LOCATION INFORMATION (Please fill out as completely as possible)

Township: 6S (North / South) Range: 3W (East / West) Section: 24 NW 1/4 of the NE 1/4

Tax Lot (usually last 3-5 numbers of Tax Map #): TL 06 2W 24A(1900) County Marion

GPS Coordinates: _____

Street Address of Well, City: 8375 River Rd NE, Salem, OR 97303

If the property had a different street address in the past: _____

III. GENERAL WELL INFORMATION (Please fill out as completely as possible, AND attach copy of Well Log, if available)

Use of Well (domestic, irrigation, commercial, industrial, monitoring): Irrigation

Date Well Constructed (or property built): April 12, 1991 Total Well Depth: 180 feet Casing Diameter: 8 inch

Owner at time the well was constructed (if known): Boltman's Nursery Inc. Well Log # (if known): MARI 17269

Other Information: _____

SUBMITTED BY (please print): Robert Gabriel

PHONE: (503) 873-1200

EMAIL &/or FAX: (503) 873-1300

Send application to: Oregon Water Resources Department 725 Summer St NE, Suite A, Salem, Oregon 97301; or fax to (503) 986-0902.
Applications are processed in the order they are received, and Well ID Numbers are mailed within 4-5 business days.

For Official Use Only by the Oregon Water Resources Department:

Received Date:

3-13-17

Well Log Number:

MARI 17269

Well Identification #:

L-125719

MARI 68355

WESTERBERG DRILLING INC.

PO BOX 1228

MOLALLA, OR 97038

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

WELL I.D. LABEL# 131128

START CARD # 215696

ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D. First Name Robert Last Name Gabriel

Company _____

Address 8376 Hazelgreen Rd NE

City Silverton State OR Zip 97381

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion

☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION

Dia + From To Gauge Stl Plstc Wld Thrd

Casing: _____

Material From To Amt sacks/lbs

Seal: _____

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Auger ☐ Cable Mud

☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community

☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering

☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 154 ft.

BORE HOLE			SEAL			sacks/ lbs
Dia	From	To	Material	From	To	
16	0	56	Bentonite	0	17	18 S
12	56	158				
			Calculated			15.9
			Cement	17	56	64 S
			Calculated			23

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E

☒ Other Bentonite poured & probed

Backfill placed from 154 ft. to 158 ft. Material Cement

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: ☐ Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount _____ Pounds Actual Amount _____ Pounds

(6) CASING/LINER

Casing	Liner	Dia	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12	20"	158	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe ☐ Inside ☒ Outside ☐ Other Location of shoe(s) 158

Temp casing ☒ Yes Dia 16 From ☒ 1 To 56

(7) PERFORATIONS/SCREENS

Perforations Method Mills Knife

Screens Type					Material				
Perf/S	Casing/Screen	Screen			Scrm/slot	Slot	# of	Tele-	
green	Liner	Dia	From	To	width	length	slots	pipe size	
Perf	Casing	12	105	127	3/8"	3.5	396	12	
		12	132	148	3/8"	3.5	288	12	

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
700	60	125	6

Temperature 54 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below) TDS amount 301 ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MARION Twp 6 S N/S Range 3 W E/W WM

Sec 24 NW 1/4 of the NE 1/4 Tax Lot 1900

Tax Map Number _____ Lot _____

Lat _____ or _____ DMS or DD

Long _____ or _____ DMS or DD

☒ Street address of well ☐ Nearest address

8375 River Rd N, Keizer, OR 97303

(10) STATIC WATER LEVEL

Existing Well / Pre-Alteration	Date	SWL (psi)	+ SWL (ft)
Completed Well	12-13-2018		34' 9"

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found _____

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
12-13-2018	97	127	350		34' 9"
12-13-2019	132	148	350		34' 9"

(11) WELL LOG

Ground Elevation _____

Material	From	To
Soil	0	2
Silt Brown	2	38
Clay Brown w/ Occasional Gravel	38	42
Clay Blue	42	55
Silt w/ Sand Grey	55	70
Sand & Gravel	70	90
Clay Brown w/ Gravel	90	97
Sand & Gravel Brown	97	116
Gravel Cemented Brown	116	127
Blue Clay w/ Gravel	127	132
Gravel	132	148
Clay Grey w/ Gravel	148	157
Sand Grey	157	158

RECEIVED

JAN 24 2019

OWRD

RECEIVED

JAN 10 2023

Date Started 11-09-2019 Completed 12-13-2018 **OWRD**

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, 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.

License Number 1358 Date 12-14-2019

Signed _____

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, 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.

License Number 588 Date 01-04-2019

Signed _____

Contact Info (optional) _____

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version: 0.95

WESTERBERG DRILLING INC.
PO BOX 1228
MOLALLA, OR 97038

WELL I.D. LABEL#	L 131128
START CARD #	215696
ORIGINAL LOG #	

[illegible]

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
					Calculated		
					Calculated		
					Calculated		
					Calculated		
					Calculated		

From	To	Material	Size

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

[illegible]

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

[illegible][illegible][illegible]

Cable tool rig used for perforating, development, & test pumping



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 21, 2018

ROBERT W GABRIEL TRUST
c/o ROBERT W. GABRIEL
8474 HAZELGREEN RD NE
SILVERTON, OR 97381

REFERENCE: Transfer Application T-12558

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Marcy Osborn, by telephone at 541-523-8224 or by e-mail at Marcy.J.Osborn@oregon.gov.

Sincerely,

Sarah Henderson

Sarah Henderson
Transfer and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. #16 (via email)
Doann Hamilton, Agent

Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING
T-12558, Marion County	)	ADDITIONAL POINTS OF
	)	APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

ROBERT W. GABRIEL TRUST
c/o ROBERT W. GABRIEL
8474 HAZELGREEN RD NE
SILVERTON, OR 97381

Findings of Fact

1. On January 9, 2017, ROBERT W. GABRIEL TRUST, c/o ROBERT W. GABRIEL filed an application for additional points of appropriation under Certificate 92078. The Department assigned the application number T-12558.
2. Notice of the application for transfer was published on January 24, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 12, 2018, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12558 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 12, 2018, for the applicant to respond. The applicant requested the completion date be extended to October 1, 2023 and for the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
4. On April 17, 2018, the Department issued a Preliminary Determination proposing to approve Transfer Application T-12558 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on April 17, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5. The right to be transferred is as follows:

Certificate: 92078 in the name of ROBERT W GABRIEL TRUST (perfected under Permit G-16056)
Use: IRRIGATION of 12.0 ACRES
Priority Date: MARCH 11, 2005
Rate: 0.15 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: A WELL within the LABISH CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	24	NW NE	WELL 1 - 1085 FEET SOUTH AND 865 FEET EAST FROM THE NORTH 1/4 CORNER OF SECTION 24

Authorized Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	3 W	WM	24	NW NE	12.0

6. Transfer Application T-12558 proposes two additional points of appropriation. WELL #2 is approximately 850 feet from the existing point of appropriation and WELL #3 is approximately 930 feet from the existing point of appropriation. The additional points of appropriation are described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	24	NW NE	WELL 2 - 330 FEET SOUTH AND 1690 FEET EAST FROM THE SW CORNER OF DLC 66
6 S	3 W	WM	24	NW NE	WELL 3 - 215 FEET SOUTH AND 1235 FEET EAST FROM THE NORTH 1/4 CORNER OF SECTION 24

Transfer Review Criteria (OAR 690-380-4010)

- Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12558.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights.
- All other application requirements are met.

Determination and Proposed Action

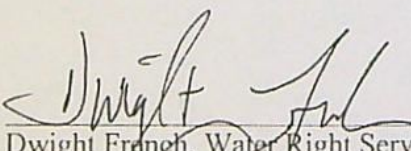
The additional points of appropriation proposed in Transfer Application T-12558 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

Now, therefore it is ORDERED:

1. The additional points of appropriation proposed in Transfer Application T-12558 are approved.
2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 92078 and any related decree.
3. Water right Certificate 92078 is cancelled.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

JUN 21 2018

Dated at Salem, Oregon this _____


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

Mailing Date JUN 22 2018

Water Right Transfer Cover Sheet

Transfer T-12558

Transfer Specialist: MJO / Arla

Transfer Type: Regular

Applicant Name/Address: ROBERT W. GABRIEL TRUST C/O ROBERT W. GABRIEL 8474 HAZELGREEN RD NE SILVERTON, OR 97381	Agent Name/Address: DOANN M. HAMILTON 18487 S VALLEY VISTA RD MULINO, OR 97042	Rec Landowner Name/Address:
CWRE Name/Number:	Irr. District Name/Address:	Affected Gov'ts Name/Address: Marion County Planning Department
Commentors: Name/Address:		Current Landowner Name/Address:

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	G-16408	G-16056	92078	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

Key Dates & Initial Actions

Rec'd: January 9, 2017	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION	
Fees Pd: 1350.00	WM District: 16	ODFW District:
Initial Notice: January 24, 2017	WM Review sent: 1/17/2017	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>	GW Review sent: 1/17/2017	

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper quote requested: _____

DPD Mailed: 2-12-18

☒ not required

☐ ODFW contact sheet sent with DPD, or ☒ N/A

Request for news \$ sent: _____

☐ WM measurement contact sheet sent, or ☒ N/A

News \$ received: _____

PD Signed: 4-12-18

Request to publish sent to newspaper: _____

PD Weekly Notice: 4-17-18

Affidavit of publication received: _____

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>Arla</u>	Reviewer: <u>Arla</u>
Date: _____	Date: <u>4/13/18</u>	Date: <u>6/11/18</u>
Coordinator: _____	Coordinator: <u>PKS</u>	Coordinator: <u>PKS</u>
Date: _____	Date: <u>4-11-18</u>	Date: <u>6-15-18</u>
Comments/Special Issues: <u>Δ APDA</u>		

Special Order Volume: Vol 108 Pages _____ Final Order Signature Date: JUN 21 2018
 Notice of FO email'd to processors _____



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

April 12, 2018

ROBERT W GABRIEL TRUST
c/o ROBERT W. GABRIEL
8474 HAZELGREEN RD NE
SILVERTON, OR 97381

SUBJECT: Water Right Transfer Application T-12558

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12558. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0806 or arla.l.heard@oregon.gov if I may be of assistance.

Sincerely,

Arla L. Heard

Transfer Specialist

Transfer and Conservation Section

cc: T-12558

Joel M. Plahn, District 16 Watermaster (via e-mail)

Doann Hamilton, Agent for the applicant (via e-mail)

encs

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12558, Marion County	)	PROPOSING APPROVAL OF
	)	ADDITIONAL POINTS OF
	)	APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

ROBERT W. GABRIEL TRUST
c/o ROBERT W. GABRIEL
8474 HAZELGREEN RD NE
SILVERTON, OR 97381

Findings of Fact

1. On January 9, 2017, ROBERT W. GABRIEL TRUST, c/o ROBERT W. GABRIEL filed an application for additional points of appropriation under Certificate 92078. The Department assigned the application number T-12558.
2. Notice of the application for transfer was published on January 24, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On February 12, 2018, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12558 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 12, 2018, for the applicant to respond. The applicant requested the completion date be extended to October 1, 2023 and for the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

4. The right to be transferred is as follows:

Certificate: 92078 in the name of ROBERT W GABRIEL TRUST (perfected under Permit G-16056)
Use: IRRIGATION of 12.0 ACRES
Priority Date: MARCH 11, 2005
Rate: 0.15 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: A WELL within the LABISH CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	24	NW NE	WELL 1 - 1085 FEET SOUTH AND 865 FEET EAST FROM THE NORTH 1/4 CORNER OF SECTION 24

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Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	3 W	WM	24	NW NE	12.0

5. Transfer Application T-12558 proposes two additional points of appropriation. WELL #2 is approximately 850 feet from the existing point of appropriation and WELL #3 is approximately 930 feet from the existing point of appropriation. The additional points of appropriation are described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
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Transfer Review Criteria (OAR 690-380-4010)

6. Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12558.
8. The proposed change would not result in enlargement of the right.
9. The proposed change would not result in injury to other water rights.
10. All other application requirements are met.

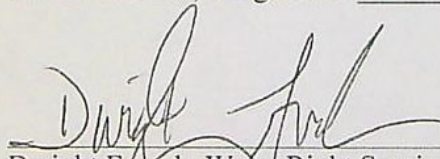
Determination and Proposed Action

The additional points of appropriation proposed in Transfer Application T-12558 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12558 is approved, the final order will include the following:

- 1. The additional points of appropriation proposed in Transfer Application T-12558 are approved.*
- 2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 92078 and any related decree.*
- 3. Water right Certificate 92078 is cancelled.*
- 4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
- 5. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 6. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
- 7. After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this APR 12 2018


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

This Preliminary Determination was prepared by Arla Heard. If you have questions about the information in this document, you may reach me at 503-986-0806 or arla.l.heard@oregon.gov

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

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>



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 15, 2018

ROBERT W GABRIEL TRUST
c/o ROBERT W. GABRIEL
8474 HAZELGREEN RD NE
SILVERTON, OR 97381

SUBJECT: Water Right Transfer Application T-12558 *font*

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12558. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication, simultaneously with issuance of the Preliminary Determination. The notice initiates a period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision. The protest period will end 30 days after the Department's notice.

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at *Arle* if I may be of assistance.

Sincerely,

Transfer Specialist
[NW REGION] or [Transfer and Conservation Section] *font*

cc: T-12558
Joel M. Plahn, District 16 Watermaster (via e-mail)
Doann Hamilton, Agent for the applicant (via e-mail)

encs

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12558, Marion County	)	PROPOSING APPROVAL OF
	)	ADDITIONAL POINTS OF
	)	APPROPRIATION

Authority

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

ROBERT W. GABRIEL TRUST
c/o ROBERT W. GABRIEL
8474 HAZELGREEN RD NE
SILVERTON, OR 97381

Findings of Fact

1. On January 9, 2017, ROBERT W. GABRIEL TRUST filed an application for
→ ADDITIONAL POINTS OF APPROPRIATION under Certificate 92078. The Department
assigned the application number T-12558.

2. Notice of the application for transfer was published on January 24, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

3. On February 12, 2018, the Department sent a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12558 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of March 12, 2018, for the applicant to respond. The applicant requested the completion date be extended to October 1, 2023 and for the Department to proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

4. The right to be transferred is as follows:

Certificate: 92078 in the name of ROBERT W GABRIEL TRUST (perfected under Permit G-16056)

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

Use: IRRIGATION of 12.0 ACRES
Priority Date: MARCH 11, 2005
Rate: 0.15 CUBIC FOOT PER SECOND
Limit/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.
Period of Use: MARCH 1 THROUGH OCTOBER 31
Source: A WELL within the LABISH CREEK BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	24	NW NE	WELL 1 - 1085 FEET SOUTH AND 865 FEET EAST FROM THE NORTH 1/4 CORNER OF SECTION 24

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
6 S	3 W	WM	24	NW NE	12.0

5. Transfer Application T-12558 proposes two additional ^{centered} points of appropriation. WELL #2 is approximately 850 feet from the existing point of appropriation and WELL #3 is approximately 930 feet from the existing point of appropriation. The additional points of appropriation are described below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	24	NW NE	WELL 2 - 330 FEET SOUTH AND 1690 FEET EAST FROM THE SW CORNER OF DLC 66
6 S	3 W	WM	24	NW NE	WELL 3 - 215 FEET SOUTH AND 1235 FEET EAST FROM THE NORTH 1/4 CORNER OF SECTION 24

Transfer Review Criteria (OAR 690-380-4010)

- Water has been used within the last five years according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Transfer Application T-12558.
- The proposed change would not result in enlargement of the right.
- The proposed change would not result in injury to other water rights ~~X~~ ✓ yes
- All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation proposed in Transfer Application T-12558 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-12558 is approved, the final order will include the following:

1. *The additional points of appropriation proposed in Transfer Application T-12558 are approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 92078 and any related decree.*
3. *Water right Certificate 92078 is cancelled.*
4. *The quantity of water diverted at the additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
6. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2023**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
7. *After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this _____ day of _____ 2018.

D R A F T

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

This Preliminary Determination was prepared by Marcy Osborn. If you have questions about the information in this document, you may reach me at 541-523-8224 ext.228 or marcy.j.osborn@oregon.gov.

Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

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>

delete
~~Protests should be addressed to the attention of Transfer and Conservation Section, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.~~

**Notice of Preliminary Determination for
Water Right Transfer T-12558**

*change to
lower
case*

*no
spaces* T-12558 filed by Robert W. Gabriel Trust, c/o Robert W. Gabriel 8474 Hazelgreen Rd NE
Silverton, OR 97381, proposes ADDITIONAL POINTS OF APPROPRIATION under
Certificate 92078. ~~The right~~ allows the use of 0.15 CUBIC FOOT PER SECOND from a WELL
in Sec. 24, T 6 S, R 3 W, W.M. ~~for irrigation in Sec. 24.~~ The applicant proposes two additional
points of appropriation in Sec. 24, T 6 S, R 3 W, W.M. The Water Resources Department
proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-
380-5000.

no spaces

Any person may protest the preliminary determination or may file a standing statement.
Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably
ascertainable issues and include all reasonably available arguments supporting the person's
position. In addition, protests must be accompanied by a \$700 protest fee for non-applicant, or
\$350 protest fee for applicant. Call (503) 986-0807 to obtain additional information. Protests
must be received by the Department on or before [30 days after WRD notice], or within 30 days
of the last date of publication in a newspaper, whichever is later. If no protests are filed, the
Department will issue a final order consistent with the preliminary determination.

File Prep

CW		CW	
<input checked="" type="checkbox"/>	File Assigned (computer entry)	<input checked="" type="checkbox"/>	Print Tax Lot Map(s)/Ownership info if available on the web
<input checked="" type="checkbox"/>	Make Copies App, Map, GW review, (WM Review, ODFW to send to applicant later) Affidavits if applicable	<input checked="" type="checkbox"/>	Print: Certs, WR maps, (Tabulations, Sp Or, Air Photos or other helpful info to aid in processing)
<input checked="" type="checkbox"/>	Bundle Originals with cover sheet	<input checked="" type="checkbox"/>	Check Area of Interest – print if needed
<input checked="" type="checkbox"/>	Check for any public comments submitted electronically. Print any comments received.	<input checked="" type="checkbox"/>	Any irrigation districts that need notice based on Area of Interest Check. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Note:

APPLICATION/MAP REVIEW

PR	CW		PR	CW	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Appropriately signed	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ditch Company, Irr. Dist. and/or BOR sent copies
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Checked WRIS contact address/e-mail for accuracy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Appropriate Fees Paid
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Revisit application checklist & Supporting Docs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Overpayment of Fees, Refund Request with FO
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any deficiencies that need to be addressed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Notes:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Land Use Form matches Tax Lots, is signed by proper official and is APPROVED

DETERMINING THE "FROM" AND "TO" LANDS

PR	CW		PR	CW	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Only the authorized POD's/POA's and POU's to be transferred are listed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Marked on certificate the quantity of water being transferred, cancelled, and remaining
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Compare Water Right map to App Map for Accuracy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Check and notate on Plat Card for Conflicts (To and From Lands) N/A if no change in POU or Use

INJURY REVIEWS/COMMENTS/CONDITIONS

PR	CW				
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ODFW	<input type="checkbox"/> Fish Screens	<input type="checkbox"/> Other:	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ground water			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Watermaster	<input type="checkbox"/> Headgate	<input type="checkbox"/> Prior to diverting	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/> Measuring Devices	<input type="checkbox"/> Prior to diverting	<input type="checkbox"/> Type of Device?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Injury	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Enlargement	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conditions to Avoid Enlargement/Injury			

DPD		PD		FO		COV		DPD/PD/ FINAL ORDER/COVER LETTER
PR	CW	PR	CW	PR	CW	PR	CW	
	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>	UPDATE WRIS APPS FOLDER (FIELD STAFF ONLY)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Check tenses ex...Find & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Correct address? Add Agent, Receiving Landowner if applicable etc...
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Compare "from lands" with marked up Certificate
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Compare Authorized POD(s)/POA(s) with marked up Certificate
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Add Watermaster conditions (send copy of review to applicant if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Add Ground water conditions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ODFW recommendations (send copy of review to applicant if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hidden findings unveiled?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Add any cancellation language or special situations
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Attach supporting documents to cover letter if applicable

OWNERSHIP VERIFICATION					
PR	CW		PR	CW	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	The deed/ROI matches the "from" lands.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Notarized, signed statement of consent (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	All owners on the deed/ROI have signed the application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Compare with current tax lot map.
PR	CW	PD PUBLIC NOTICE/NEWSPAPER NOTICE/COVER LETTER			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	UPDATE WRIS APPS FOLDER (FIELD STAFF ONLY)			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Check tenses ex...Find & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Format matches current template			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Content matches PD info?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Spell checked?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Correct address?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cost Estimate for Newspaper if applicable send email to support staff <input type="checkbox"/> 2 weeks <input type="checkbox"/> three weeks			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Send Letter to Applicant/Agent regarding newspaper notice cost			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Have funds been received from Applicant/Agent for newspaper costs?			
PR	CW	REMAINING RIGHT CERTIFICATE			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	UPDATE WRIS APPS FOLDER (FIELD STAFF ONLY)			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Check tenses ex...Find & Replace point(s), Right(s) Meter(s), Device(s) Is/Are, Was/Were			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Table Format matches current template			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Content format matches original certificate			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Spell checked?			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Name and address matches originating certificate?			
CW	CASEWORKER WRAP UP				
<input checked="" type="checkbox"/>	Organize Working Docs For Peer Review (Remove Duplicates)				
<input checked="" type="checkbox"/>	Update Computer entry (add postal confirmation receipt number and date file was mailed)				
<input checked="" type="checkbox"/>	Put file contents on Salem Exchange Folder				
<input checked="" type="checkbox"/>	Print e-mail and correspondence put it in order of the findings of PD (if applicable)				
<input checked="" type="checkbox"/>	Has Affidavit of Publication been received? <input type="checkbox"/> N/A <input type="checkbox"/> Yes--Date for FO: _____ <input type="checkbox"/> No—have Codi call newspaper				

COMMENTS:

[illegible]



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-12558

Review Due Date: 2/16/17

Applicant Name: ROBERT GABRIEL TRUST

Proposed Changes: ☐ POU ☐ POD ☒ POA ☐ USE ☐ OTHER

Reviewer(s): Jeana Eastman

Date of Review: Feb. 2, 2017

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No
Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Have headgate notices been issued for the source that serves the transferred right(s)?
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized?
☐ Yes ☒ No If "Yes", explain: _____
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____ ☒ N/A
7. For POD changes and instream transfers, check here ☐ if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses: _____ ☒ N/A
8. For instream transfers that propose protection of a reach beyond the mouth of the source stream: ☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No
9. For POU changes: ☒ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☐ No If "Yes", explain: _____

10. For POU or USE changes: ☒ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No If "Yes", explain: _____
11. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"? ☐ Yes ☒ No If "Yes", explain: _____
12. What alternatives may be available for addressing any issues identified above: _____
13. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☒ No ☐ Yes, as checked below:
- ☐ A Headgate should be required prior to diverting water.
 - ☐ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of page 3)
 - a. *Before water use may begin under this order, the water user shall install a **totalizing flow meter***, or, with prior approval of the Director, another suitable measuring device, ☐ at each point of diversion/appropriation (new and existing) or ☐ at each new point of diversion/appropriation.*
 - b. *The water user shall maintain the meters or measuring devices in good working order.*
 - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
 - ☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of page 3)
 - a. *Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*
 - b. *Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.*

* The following alternative device(s) should be substituted for the bold, underlined device in the above selected condition:

- | | |
|---|--|
| <input type="checkbox"/> Weir | <input type="checkbox"/> Submerged Orifice |
| <input type="checkbox"/> Parshall Flume | <input type="checkbox"/> Flow Restrictor |
| <input type="checkbox"/> Other: _____ | |

Oregon Water Resources Department**Measurement Condition Information for the Applicant***(to be sent with the Draft Preliminary Determination or Final Order)*

Transfer #: T-_____

☐ In order to avoid enlargement of the right or injury to other rights, a _____ will be required to be installed **prior to diversion of water**, as a condition of this transfer:

☐ at each point of diversion/appropriation (new and existing) **or**

☐ at each new point of diversion/appropriation.

For additional information, or to obtain approval of a different type of measurement device, the applicant should contact the area Watermaster:

Watermaster name: _____

District: _____

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

Note: If a device other than the one specified in the Preliminary Determination or Final Order is approved by the Watermaster, fill out and mail the form below to the Salem office.

Approval of an Alternate Measurement Device**T-_____***(to be filled out after consultation with the applicant, or after a site visit)*

On behalf of the Director, I authorize use of the following suitable **alternate measurement device**:

Watermaster signature_____
District_____
Date

If this form is used for approval of an alternative measurement device, it must be mailed to:

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 12558

GW Reviewer DENNIS ORLOWSKI

Date Review Completed: 10/16/2017

Summary of Enlargement (Same Source) Review:

☐ The proposed transfer fails to keep the original place of use from receiving water from the same source.

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled.

Summary of Well Construction Assessment:

☐ The proposed POA does not have a well log.

☐ The proposed POA does not appear to meet current well construction standards. Route through Well Construction and Compliance Section.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☒ Water Right Transfer
☐ Permit Amendment
☐ GR Modification
☐ Other

Application: T-12558

Applicant Name: Robert W. Gabriel Trust

Proposed Changes:

☐ POA
☐ USE

☒ APOA
☐ POU

☐ SW→GW
☐ OTHER

☐ RA

Reviewer(s): Dennis Orłowski

Date of Review: 10/16/2017

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

1. Basic description of the changes proposed in this transfer: This proposed transfer relates to certificate 92078, which is for irrigation of 12.0 acres using one well (authorized POA: MARI 58798/Well 1) pumping at a maximum instantaneous rate of 0.15 cfs (subject to duty and season limitations).

MARI 58798 is also a proposed POA for applications G-18294 (0.45 cfs) and G-18430 (0.46 cfs). Application G-18294 was issued a PFO on 9/19/17, and application G-18430 an IR on 8/3/17 with a Proposal to Approve; therefore, for this transfer review it was assumed that the allocations for both of these pending applications also apply here.

This transfer proposes to add two APOAs to certificate 92078:

- MARI 17269/Well 2: also the authorized POA for cert. 83030 CN/T-12361 (0.668 cfs) and GR3312/T-12360 (0.267 cfs), and proposed POA for applications G-18294 (0.45 cfs) and G-18430 (0.46 cfs).
- Proposed Well 3: not yet drilled, but listed as a proposed POA for pending applications G-18294 and G-18430.

This review assumed a combined instantaneous maximum pumping rate of 1.995 cfs to account for stacking of water right allocations at MARI 17269/Well 2, the highest combined allocation of the three wells under consideration.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: The authorized POA, MARI 58798/Well 1, produces groundwater from sand and gravel beds encased in silt and clay deposits (Willamette Aquifer). In this area the water-bearing deposits are overlain by 60-80 feet of confining silts and clays (Willamette Silt) (Gannett and Caldwell, 1998; Conlon and others, 2005).

Proposed APOAs MARI 17269/Well 2 and Well 3 also produce/will produce groundwater from the same alluvial aquifer system.

3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?

☐ Yes ☒ No _____

b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?

☐ Yes ☒ No Comments: This proposed transfer would add 0.15 cfs to the combined (stacked) allocation for MARI 17269/Well 2 of 1.995 cfs; this would be a very small relative addition.

The most recent groundwater review for MARI 17269 (application G-18430, evaluated at 1.995 cfs) did not find likely injury to other groundwater users, and that long-term groundwater level trends in the alluvial aquifer system were relatively stable.

b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?

☐ Yes ☐ No If yes, explain:

5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?

☐ Yes ☒ No Comments: See response for 4a (i.e., this transfer would result in relatively very small increase in combined allocation for MARI 17269/Well 2).

b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?

Stream: _____

☐ Minimal ☐ Significant

Stream: _____

☐ Minimal ☐ Significant

Provide context for minimal/significant impact: _____

6. What conditions or other changes in the application are necessary to address any potential issues identified above: _____

7. Any additional comments: _____

References

Application file: G-12558

Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-water hydrology of the Willamette Basin, Oregon: U.S. Geological Survey Scientific Investigations Report 2005-5168.

Gannett, M.W. and Caldwell, R., 1998, Geologic framework of the Willamette Lowland aquifer system, Oregon and Washington: U.S. Geological Survey Professional Paper 1424-A, 32 p.

Legend

PODs

Other

source_type

- Well
- Sump
- Spring
- Stream
- Reservoir
- Obs Well Current
- Obs Well Non-Current
- State Obs Well Current
- State Obs Well Non-Current
- Other Wells

0 600 1,200 2,400 3,600 4,800 Feet

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OSBORN Marcy J * WRD

From: Doann Hamilton <phgdmh@gmail.com>
Sent: Wednesday, February 21, 2018 5:27 AM
To: OSBORN Marcy J; Bob Gabriel
Subject: Fwd: DPD T-12558 Nursery site issued

Hi Marcy

I am forwarding you my client Bob Gabriel T-12558 email

On behalf of our client, we agree to the proposed actions and conditions set out in this Draft Preliminary Determination

We would like to extend the completion date to 2023 to allow time to install Well 3.

As for the list pack

I will forward a second email with that information.

Thank you
Doann Hamilton
Pacific Hydro-Geology, Inc.
503-349-6946

----- Forwarded message -----

From: Bob Gabriel <bobg@oreblueberry.com>
Date: Tue, Feb 20, 2018 at 3:59 PM
Subject: RE: DPD T-12558 Nursery site issued
To: Doann Hamilton <phgdmh@gmail.com>

I approve the conditions and allow Doann Hamilton to act as our agent . Thanks Bob

From: Doann Hamilton [mailto:phgdmh@gmail.com]
Sent: Monday, February 19, 2018 1:33 PM
To: Bob Gabriel <bobg@oreblueberry.com>; Patty Smith <pattys@oreblueberry.com>
Subject: Re: DPD T-12558 Nursery site issued

Hi Bob

Have you been able to review and send me an email you approve of the DPD

And give me permission to send off for list pack for this one?

Doann Hamilton

On Tue, Feb 13, 2018 at 7:09 AM, Doann Hamilton <phgdmh@gmail.com> wrote:

Hi Bob

The Draft Preliminary Determination (DPD) for your water right transfer T-12558, Nursery site, to add Well 2 and Well 3 from Certificate 92078 has been issued.

If you have not received a copy by now I will attach the document to this email.

I have already reviewed the form and have not seen any errors from what we submitted to OWRD. I need you to please review the application and make sure everything is how you wish to proceed.

The only conditions I see stated in this DPD:

1. Certificate 92078 will be canceled but the conditions and limitations of that certificated still remain.
2. Irrigation of 12.0 acres from March 1 through October 31.
3. Use of:
 - Authorized Well 1(MARI 58798)
 - Proposed Well 2 (MARI 17269)
 - Proposed Well 3 to be drilled have been approved.
4. Use of 0.15 cfs (678 gpm)
5. The new Well 2 and 3 must acquire water from the same aquifer as the original Well 1 (MARI 58798) – which is alluvium (Well 2 complies).
6. Before water use begins a totalizing flow meter must be installed on each well.
7. The permit also requires that you keep a record of your water use (from the meter) each month. At this time, the Department is not requiring you to submit annual reports to OWRD annually but reserves the right to ask them in the future.

8. All these conditions must be completed by October 1, 2019.

9. A claim of beneficial use (COBU) must be filed by a Certified Water Right Examiner (CWRE) (which we are) by October 1, 2020 of which we can provide this service for you.

Please note they place a completion date of October 1, 2019 to get all the conditions of this transfer finalized, but the case worker is allowing us to extend that time if you need.

I want to note:

T-12361 has a completion date of October 1, 2018 but you told me to file for an extension

- Because you could not get well 3 drilled by that time

Now Application G-18430 which is still being process but should be done this year

- Will have a completion date 2023
- This permit also needs well 3 drilled
-

My question to you:

- Do you want to ask OWRD to extend the completion date to 2023 to avoid applying for an extension if you cannot get Well 3 drilled by October 1, 2019?

If all is acceptable please let me know in writing (by responding to this email) that all is acceptable and we can proceed with the transfer as it appears in the DPD.

OWRD is also asking for a confirmation of your approval of this draft PD and a "report of landownership".

As your agent, we can notify OWRD on your behalf if you agree to this modification and we can arrange to have a free "report of ownership" prepared for you by a title company.

Please let me know if you would like me to get the "report of ownership" and respond to the Department on your behalf concerning the Draft Preliminary Determination if you agree to the terms or not.

We must respond by March 12, 2018.

So in summary what I need from you by March 12, 2018

1. Written confirmation (by responding to this email) confirming you agree with the proposed action and conditions of this DPD and we can notify the Department on your behalf that you agree to the proposed actions.
2. Please confirm you can complete all the conditions of this permit (drilling the new well, installing irrigation lines, and putting all the wells to full 0.15 cfs use) by October 1, 2019 or if you wish to extend that date. Please let me know what time frame you would like to have to complete these tasks.
3. Confirm you allow us on your behalf to obtain the "report of Ownership" for you

Thank you

Doann Hamilton

--

Pacific Hydro-Geology, Inc.

18487 S. Valley Vista Rd.

Mulino, OR 97042

(503) 349-6946

Fax: (503) 632-5983

email: phgdmh@gmail.com

--

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email: phgdmh@gmail.com



Fidelity National Title Company

500 Liberty St. Ste #200, Salem, OR 97301
Phone: 503-585-7219 Fax: 503-585-0326
E-mail Customer Service at: customerservicesalem@fnf.com

MARION COUNTY PROPERTY PROFILE INFORMATION

Parcel #: R19926
Ref Parcel #: 063W24A 02100
Owner: **Robert W Gabriel Tr**
CoOwner: **Gabriel Robert W Tre**
Owner Phone:
Site: **8295 River Rd NE**
Salem OR 97303
Mail: 8474 Hazelgreen Rd NE
Silverton OR 97381
Plat:
Twn/Rng/Sec: T: 06S R: 03W S: 24 Q: NE QQ:
Legal: ACRES 12.59
School Dist: 1 GERVAIS
Zoning: EFU Exclusive Farm Use
Land Use: 551 - Specially assessed farm land, improved, zoned EFU, SA, FT or UTF
Std Land Use: VAGR - VACANT AGRICULTURE/RURAL

ASSESSMENT & TAX INFORMATION

Market Total: **\$162,670**
Market Land: **\$63,300**
Market Impr: **\$99,370**
Exemption: **\$0**
2017 Taxes: **\$1,563.98**
Levy Code: 00100210
Millage Rate: 11.9606
Assd Total: **\$130,760**

PROPERTY CHARACTERISTICS

Year Built: 1952
Bedrooms: 3
Bathrooms: 1.00
Fin Area: 1,216 SF
Unfin Area: 0 SF
Main Floor: 1,216 SF
Second Floor: 0 SF
Attic: 0 SF
Bsmt Unfin: 0 SF
Bsmt Fin: 0 SF
Lot Size: 12.59 acres (548,420 SF)
Garage: Attached - 480 SF
Census: 1076 002502
Lot/Block: /
Neighborhood:
Watershed: Chehalem Creek-Willamette River

SALE & LOAN INFORMATION

Sale Date: 2/16/2006
Sale Amount: \$375,000
Document #: 26080086
Deed Type: Warranty Deed
Loan Amount: \$0
Lender:
Loan Type:
Interest Type:
Title Co: **FIDELITY NATIONAL TITLE**

February 20, 2018

Property Identification

Account No.:

R19926

Situs Address:

8295 RIVER RD NE
SALEM, OR 97303

Map Tax Lot:

063W24A 02100

Owner:

ROBERT W GABRIEL TR &
GABRIEL, ROBERT W TRE
8474 HAZELGREEN RD NE
SILVERTON, OR 97381

Manufactured Home ID:**Legal Description:**

ACRES 12.59

Subdivision:**Related Accounts:****Linked Accounts:**

Owner History

Buyer	Seller	Sales Info	Deed Info
ROBERT W GABRIEL TR &	GABRIEL, ROBERT W		5/15/2014 12:00:00 AM 36050012 WD - WARRANTY DEED
GABRIEL, ROBERT W 8474 HAZELGREEN RD NE SILVERTON, OR 97381	ZIELINSKI, JOHN P W 11383 RIVER RD NE GERVAIS, OR 97026	2/15/2006 \$375,000 9 -	26080086 WD - WARRANTY DEED
ZIELINSKI, JOHN P W 11383 RIVER RD NE GERVAIS, OR 97026	ZIELINSKI, GLORIA A 829 GREENWOOD DR SALEM, OR 97303	1/25/2005 \$99,655 6 -	24310164 WD - WARRANTY DEED
ZIELINSKI, GLORIA A 829 GREENWOOD DR SALEM, OR 97303	ZIELINSKI, RAYMOND J EST 829 GREENWOOD DR NE SALEM, OR 97303	7/22/1999 6 -	16190127 EX - PERSONAL REPRESENTATIVE DEED OR EXECUTOR DEED
ZIELINSKI, RAYMOND J EST 829 GREENWOOD DR NE SALEM, OR 97303	ZIELINSKI, RAYMOND JAMES 829 GREENWOOD DR NE SALEM, OR 97303	11/10/1998 \$0 25 - Rerecording or corrections deed - Run In.	15450441 DC - DEATH CERTIFICATE
			6350388 DE - MISCELLANEOUS DEEDS 1974 AND BEFORE

Property Details

Legal Acreage:

12.59 acres

Levy Code Area:

100210

Property Code:

A93

Property Class:

551

Mortgage Agent-Lender:**Mortgage Account No.:****Zoning:**

EFU (Contact Local Jurisdiction)

Miscellaneous Code:SPEC;ZONE SPECIALLY ASSESSED ACCOUNT;FARM
ZONED**Plat:****Exemption:****Expiration Date:****Land Information:**

ID	Type	Acres	Sq Ft
L1	1221 - MARKET HOMESITE	1	
L2	OSD - ON SITE DEVELOPMENT	0	
L3	3230 - TWO BENCH DRY	11.59	

Improvements/Structures:

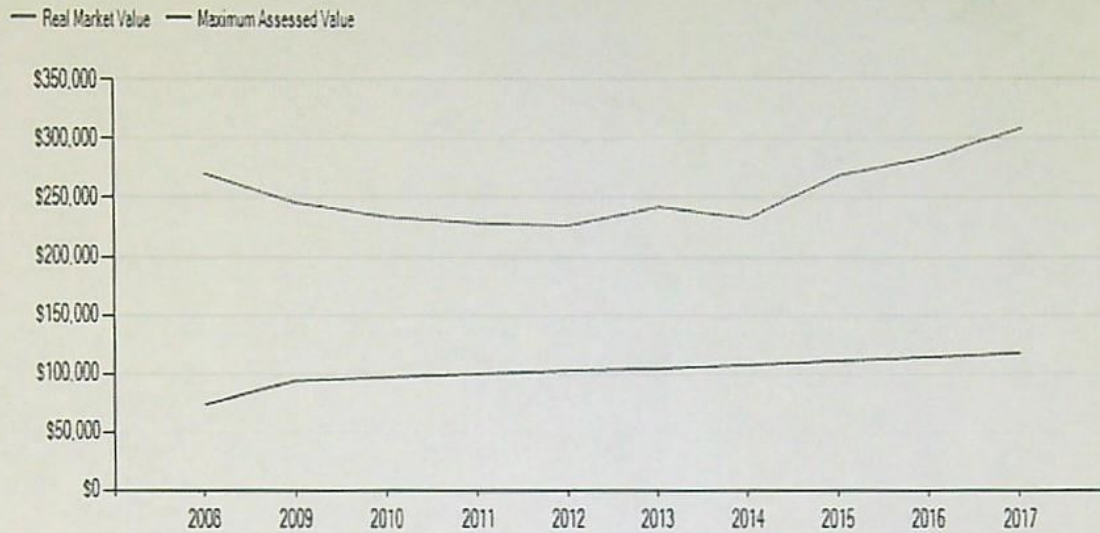
ID	Type	Make/Model	Class	Area/Count	Year Built
1	RESIDENTIAL				
1.1	MAIN AREA		3	1216	1952
1.2	ATTACHED GARAGE, UNFINISHED		3	480	1952
1.3	YARD IMP'S; CLASS 3; FAIR			1	
2	ASPHALT DRIVEWAY				
2.1	ASPHALT DRIVEWAY			1350	1952
3	PUMP HOUSE				
3.1	PUMP HOUSE			80	
4	GENERAL PURPOSE BUILDING				
4.1	GENERAL PURPOSE BUILDING		5	960	1979

Value Information (per most recent certified tax roll)

RMV Land Market:	\$50,320
RMV Land Spec.	\$159,570
Assess.:	
RMV Structures:	\$99,370
RMV Total:	\$309,260
SAV:	\$33,830
Exception RMV:	\$0
Exemption RMV:	\$0
Exemption Description:	None
M5 Taxable:	\$183,520
MAV:	\$117,780
MSAV:	\$12,980

AV: \$130,760

Graph shows tax roll Real Market Value and Maximum Assessed Value of this property for past 10 years. For a detailed explanation, please see definition of Assessed Value above (hover over the "i").



Assessment History

Year	Improvements RMV	Land RMV	Special Mkt/Use	Exemptions	Taxable Assessed Value
2016	\$82,830	\$49,830	\$151,980/\$12,600	None	\$126,950
2015	\$80,060	\$48,830	\$140,560/\$12,230	None	\$123,250
2014	\$78,210	\$41,580	\$113,400/\$11,880	None	\$119,670
2013	\$76,300	\$42,340	\$123,900/\$11,280	None	\$115,940
2012	\$59,140	\$42,480	\$125,470/\$10,960	None	\$112,580
2011	\$73,830	\$42,400	\$112,610/\$10,090	None	\$109,840
2010	\$78,150	\$43,040	\$113,070/\$9,800	None	\$106,650
2009	\$81,890	\$44,820	\$119,410/\$9,520	None	\$103,550
2008	\$85,990	\$12,550	\$172,410/\$13,240	None	\$87,020
2007	\$77,560	\$13,290	\$165,300/\$12,970	None	\$84,610

Taxes: Levy, Owed

Taxes Levied 2017-18: \$1,563.98
Tax Rate: 11.9606
Current Tax Payoff Amount: \$0

Year	Total Levied	Ad Valorem	Special Assessments	Principal	Interest Due	Date Paid	Total Owed
------	--------------	------------	---------------------	-----------	--------------	-----------	------------

Year	Total Levied	Ad Valorem	Special Assessments	Principal	Interest Due	Date Paid	Total Owed
2017	\$1,563.98	\$1,563.98	None	\$0.00	\$0.00	11/15/17	\$0.00
2016	\$1,520.05	\$1,520.05	None	\$0.00	\$0.00	11/15/16	\$0.00
2015	\$1,426.85	\$1,426.85	None	\$0.00	\$0.00	11/15/15	\$0.00
2014	\$1,377.17	\$1,377.17	None	\$0.00	\$0.00	11/17/14	\$0.00
2013	\$1,331.22	\$1,331.22	None	\$0.00	\$0.00	11/15/13	\$0.00
2012	\$1,273.83	\$1,273.83	None	\$0.00	\$0.00	11/15/12	\$0.00
2011	\$1,244.36	\$1,244.36	None	\$0.00	\$0.00	11/15/11	\$0.00
2010	\$1,206.20	\$1,206.20	None	\$0.00	\$0.00	11/12/10	\$0.00
2009	\$1,179.09	\$1,179.09	None	\$0.00	\$0.00	11/15/09	\$0.00
2008	\$1,010.14	\$1,010.14	None	\$0.00	\$0.00	11/17/08	\$0.00

Tax Payment History

Year	Transaction ID	Tax Paid	Discount	Interest	Amount Paid	Date Paid
2017	12310851.1	\$1,517.06	\$46.92	\$0	\$1,517.06	11/15/17
2016	12171443.1	\$1,474.45	\$45.60	\$0	\$1,474.45	11/15/16
2015	12037213.1	\$1,384.04	\$42.81	\$0	\$1,384.04	11/15/15
2014	11888256.1	\$1,335.85	\$41.32	\$0	\$1,335.85	11/17/14
2013	11766967.12	\$1,291.28	\$39.94	\$0	\$1,291.28	11/15/13
2012	11609408.1	\$1,235.62	\$38.21	\$0	\$1,235.62	11/15/12
2011	11476513.1	\$1,207.03	\$37.33	\$0	\$1,207.03	11/15/11

✓
After recording, return to
(File No. 30123002)

Theresa M. Wade
Garrett Hemann Robertson P.C.
1011 Commercial Street NE
Salem OR 97301

Until a change is requested, all tax
statements shall be sent to the following address:

Robert W. Gabriel, Trustee
8474 Hazelgreen Road NE
Silverton OR 97381

STATUTORY WARRANTY DEED

(ORS 93.850)

Robert W. Gabriel, Grantor, conveys and warrants to Robert W. Gabriel, Trustee of Robert W. Gabriel Trust dated May 9, 2014, Grantee, the following described real property situated in Marion County, State of Oregon, free of encumbrances except as specifically set forth herein:

See Exhibit A which is made a part hereof by this reference

and commonly known as 8295 River Road NE, Keizer, OR 97303; bearing Tax Account No. R19926.

The true consideration for this conveyance is \$0.00 (nil). The purpose of this deed is to transfer the property listed above to the Robert W. Gabriel Trust dated May 9, 2014.

SUBJECT TO:

1. All liens and encumbrances of record.
2. Proceedings by a public agency which may result in taxes or assessments or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
3. Easements, liens, encumbrances, interests, or claims thereof which are not shown by the public records; any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose and which are not shown by the public records.
5. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets, highways, or right-of ways.

6. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water, whether or not shown by the public records.

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under a standard policy of title insurance. The limitations contained herein expressly do not relieve Grantor of any liability or obligations under this instrument, but merely define the scope, nature and amount of such liability or obligations.

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

DATED this 9th day of May, 2014.


Robert W. Gabriel

STATE OF OREGON)
) ss.
County of Marion)

On this 9th day of May, 2014, personally appeared the above named Robert W. Gabriel and acknowledged the forgoing instrument to be his voluntary act and deed.



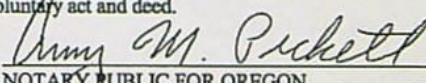

NOTARY PUBLIC FOR OREGON
My Commission Expires: July 17, 2015

EXHIBIT A

Beginning at a point 20 chains South of the quarter section corner between Sections 13 and 24 in Township 8 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; thence East 11.96 chains to the center of the Salem and Fairchild (County) Road; thence North 38° East along said road, 10.80 chains; thence West 18.60 chains; thence South 8.51 chains to the place of beginning.

REEL: 3605

PAGE: 12

May 15, 2014, 02:26 pm.

CONTROL #: 361133

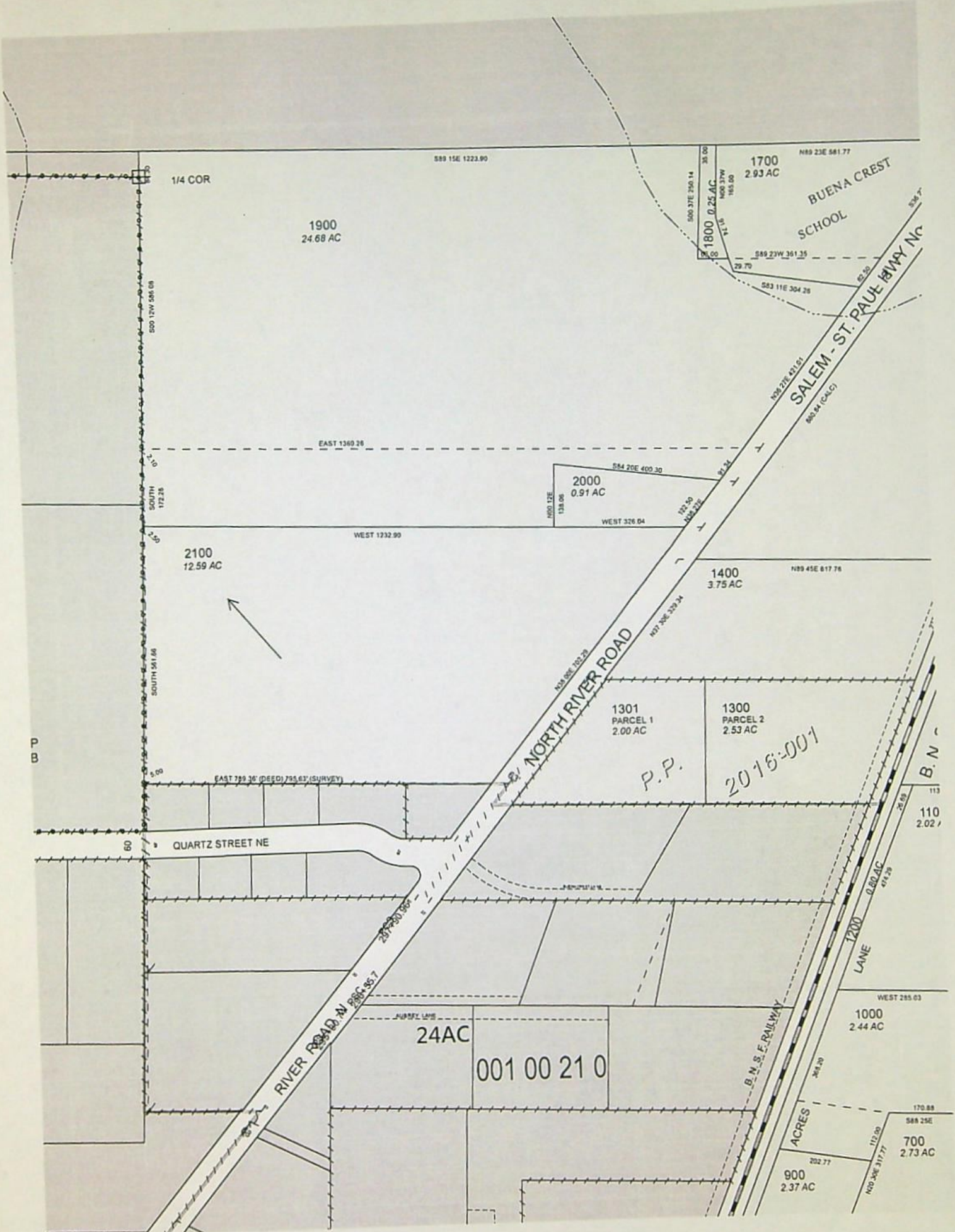
State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 56.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.



1/4 COR

1900
24.68 AC

1700
2.93 AC

N89 23E 581.77

BUENA CREST
SCHOOL

S89 37E 250.14
S89 37W 165.00
S89 23W 361.35
S83 11E 304.26
S84 20E 400.30
N89 23E 421.51
863.84 (CALC)

SALEM-ST. PAUL HWY NO. 1

EAST 1360.26

2000
0.91 AC

S84 20E 400.30

WEST 326.04

WEST 1232.90

2100
12.59 AC

1400
3.75 AC

N89 45E 617.76

NORTH RIVER ROAD

1301
PARCEL 1
2.00 AC

1300
PARCEL 2
2.53 AC

P.P.

2016-001

EAST 789.36' (DEED) 795.67' (SURVEY)

QUARTZ STREET NE

24AC

001 00 21 0

RIVER ROAD N

B.N. S.E. RAILWAY

LANE

1200

0.60 AC

474.59

26.69

1113

110

2.02 AC

WEST 285.03

1000

2.44 AC

170.88

S88 25E

700

2.73 AC

112.00

N89 30E 317.77

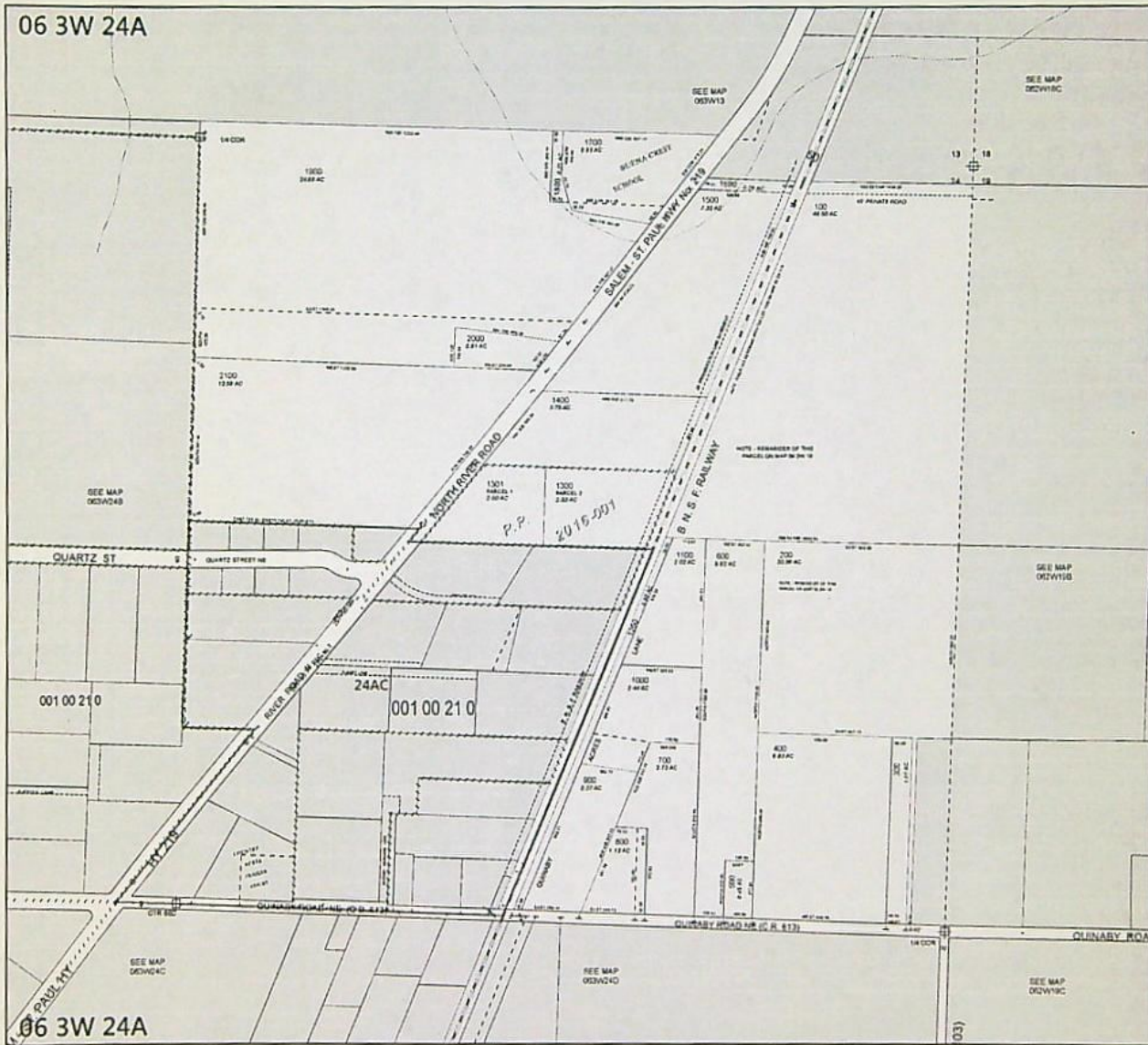
202.77

900

2.37 AC

ACRES

06 3W 24A



06 3W 24A



MARION COUNTY, OREGON
NE1/4 SEC24 T6S R3W W.M.
SCALE 1" = 200'

LEGEND

- | | |
|------------------------------|-------------------------|
| LINE TYPES | |
| Section Boundary | Historical Boundary |
| Road Right-of-Way | Easement |
| Railroad Right-of-Way | Railroad Centerline |
| Private Road ROW | Section Line |
| Subdivision Plat Boundary | Map Boundary |
| Waterline - Section Boundary | Waterline - Non-Section |

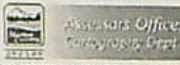
- CORNER TYPES**
- 1/16th Section Cor
 - DLC Corner
 - 1/4 Section Cor
 - 18, 15 Section Corners
 - 21, 27

NUMBERS
See Code Number
000 00 00 0
Average 8.88 AC All acres listed are Net Acres, excluding any portions of the section within public ROWs

NOTES
1. A tick mark in the road indicates that the stated dimension extends into the public ROW.

CANCELLED NUMBERS	

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.marion.or.us

PLOT DATE: 1/23/2018

06 3W 24A

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 92078

Description of Water Delivery System

System capacity: 0.15 cfs cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **Water is pumped from the authorized well using a 30 Hp submersible pump to convey water through six-inch PVC mainlines with hydrants where portable aluminum lateral lines with impact sprinklers are attached.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 58798	6 S	3 W	24	NW NE	2100	1,085 feet south and 865 feet east from the N ¼ corner, Section 24
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MARI 17269	6 S	3 W	24	NW NE	1900	330 feet south and 1,690 feet east from the SW corner, DLC 66
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	6 S	3 W	24	NW NE	1900	215 feet south and 1,235 feet east from the N ¼ corner, Section 24

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|--|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- ☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

RECEIVED

JAN 09 2017
TACS

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92078

List the change proposed for the acreage in each $\frac{1}{4}$ $\frac{1}{4}$. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.											
Twp	Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp		Rng	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
										APOA	6	S	3	W	24	NW	NE	2100	NA	12.0	IR	Wells 1,2&3	March 11, 2005
TOTAL ACRES:											TOTAL ACRES:						12.0						

Additional remarks: The well specifications given below for the Proposed Well 3 are estimates only. The actual well construction will be based on conditions encountered in the field. The objective will be to construct a well which develops water from the alluvial aquifer.

T 12558

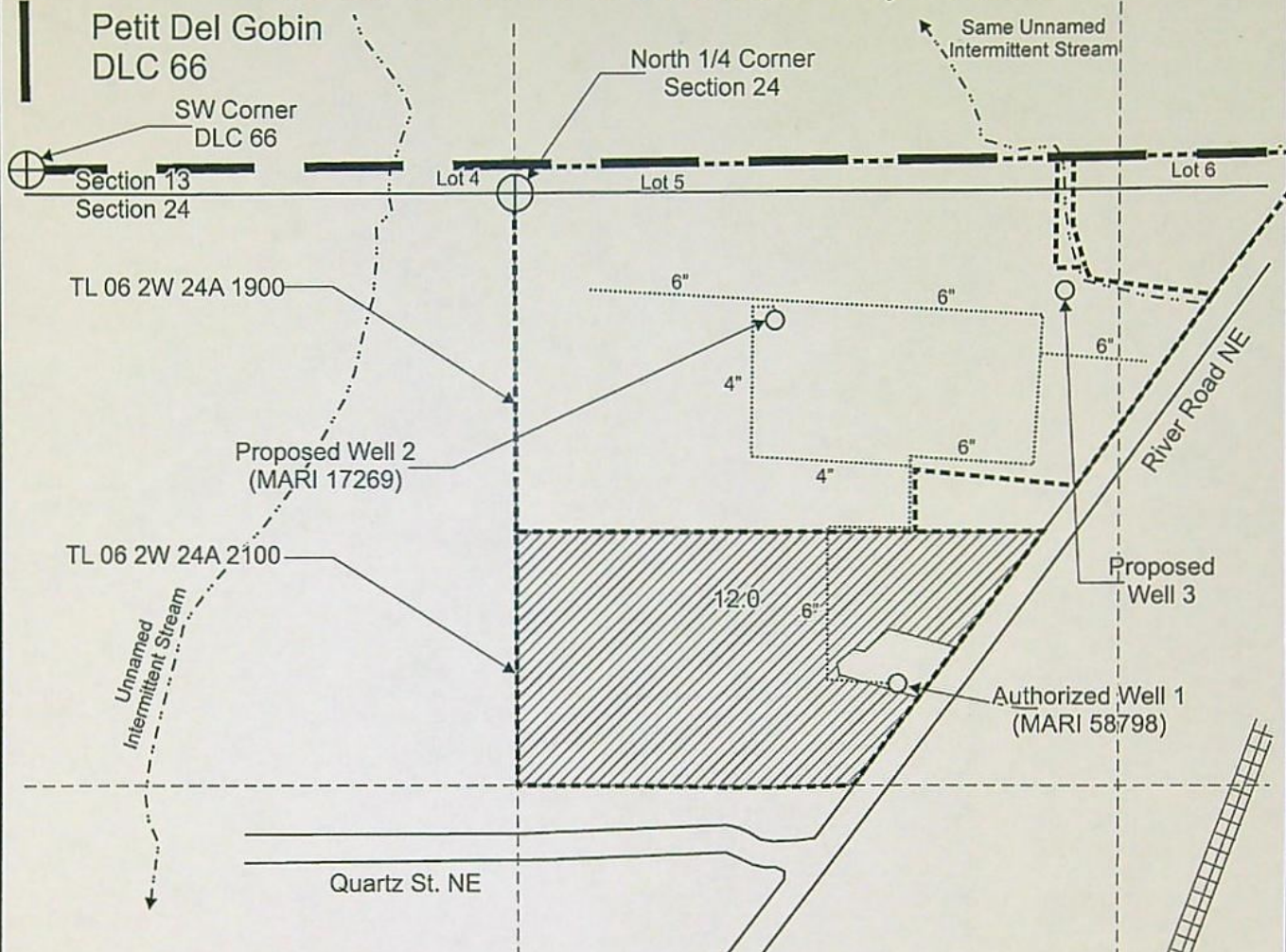
OWRPD

JAN 09 2017

RECEIVED

Revised 7/1/2013

T.6S. R.3W. Section 24, W.M.



Authorized Well 1 (MARI 58798) is located 1,085 feet south and 865 feet east from the N 1/4 corner, Section 24.

Proposed Well 2 (MARI 17269) is located 330 feet south and 1,690 feet east from the SW corner, DLC 66.

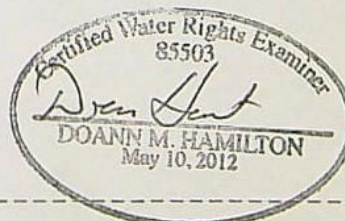
Proposed Well 3 is located 215 feet south and 1,235 feet east from the N 1/4 corner, Section 24.

Area (12.0 Acres) irrigated under Certificate 92078, priority date, 3-11-05.

----- Tax lot boundary

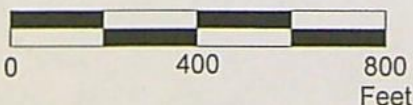
———— Donation Land Claim boundary

..... Irrigation mainline



24

Scale: 1" = 400'



RENEWS June 28, 2017
This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

Transfer Application Map
Certificate 92078

Robert W. Gabriel Trust
T.6S. R.3W. Section 24, W.M.

Pacific Hydro-Geology Inc.

12/2016

JAN 09 2017

OWRD

T 12558

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ROBERT W GABRIEL TRUST
8474 HAZELGREEN RD NE
SILVERTON OR 97381

confirms the right to the use of water perfected under the terms of Permit G-16056. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16408

SOURCE OF WATER: A WELL IN LABISH CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 12.0 ACRES

MAXIMUM RATE: 0.15 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MARCH 11, 2005

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
6 S	3 W	WM	24	NW NE	1085 FEET SOUTH AND 865 FEET EAST FROM N1/4 CORNER, SECTION 24

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres	XFER	RR
6 S	3 W	WM	24	NW NE	12.0	12 ²	0
						12 ²	0

0.15 CFS XFER

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device as approved by the Director in good working order.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

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

The well(s) shall produce groundwater only from the alluvial groundwater reservoir.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interference.

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

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

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

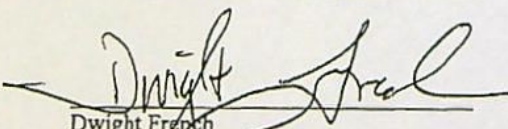
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right 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.

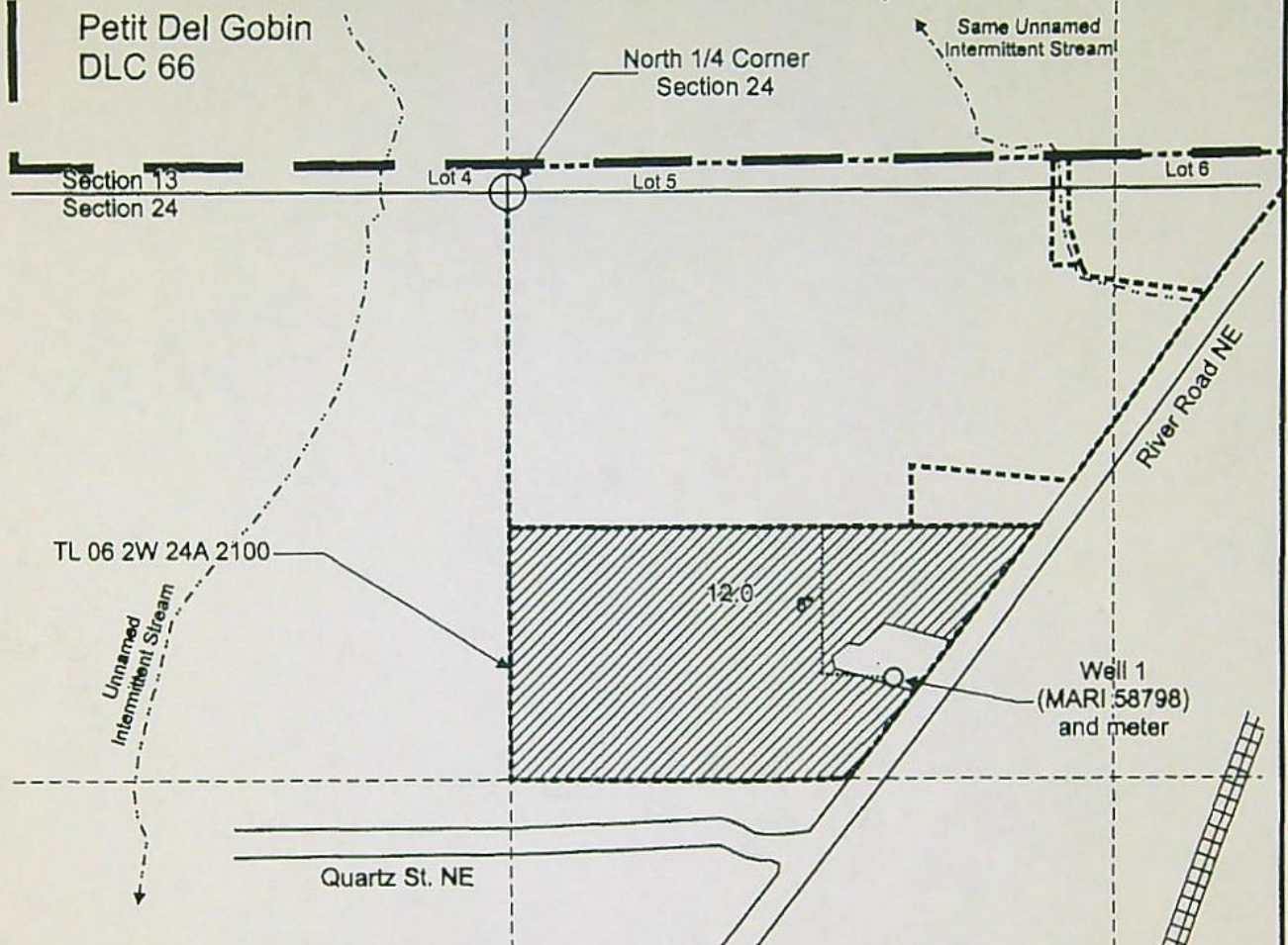
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Issued NOV 29 2016


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

T.6S. R.3W. Section 24, W.M.



Well 1 (MARI 58798) is located 1,085 feet south and 865 feet east from the N 1/4 corner, Section 24.

Area (12.0 Acres) irrigated under Application G-16408, Permit G-16056.

- Tax lot boundary
- Donation Land Claim boundary
- Irrigation main line

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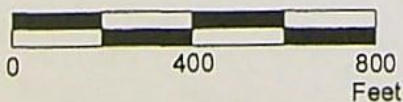
WATER RESOURCES DEPT
SALEM, OREGON



RENEWED June 20, 2017

24

Scale: 1" = 400'



This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership lines.

Claim of Beneficial Use Map
Application G-16408, Permit G-16056

Robert W. Gabriel Trust
T.6S. R.3W. Section 24, W.M.

Pacific Hydro-Geology Inc.

04/2016

February 12, 2018

Property Identification

Account No.:

R19926

Situs Address:

8295 RIVER RD NE
SALEM, OR 97303

Map Tax Lot:

063W24A 02100

Owner:

ROBERT W GABRIEL TR &
GABRIEL, ROBERT W TRE
8474 HAZELGREEN RD NE
SILVERTON, OR 97381

Manufactured Home ID:

Legal Description:

ACRES 12.59

Subdivision:

Related Accounts:

Linked Accounts:

Owner History

Buyer	Seller	Sales Info	Deed Info
ROBERT W GABRIEL TR &	GABRIEL, ROBERT W		5/15/2014 12:00:00 AM 36050012 WD - WARRANTY DEED
GABRIEL, ROBERT W 8474 HAZELGREEN RD NE SILVERTON, OR 97381	ZIELINSKI, JOHN P W 11383 RIVER RD NE GERVAIS, OR 97026	2/15/2006 \$375,000 9 -	26080086 WD - WARRANTY DEED
ZIELINSKI, JOHN P W 11383 RIVER RD NE GERVAIS, OR 97026	ZIELINSKI, GLORIA A 829 GREENWOOD DR SALEM, OR 97303	1/25/2005 \$99,655 6 -	24310164 WD - WARRANTY DEED
ZIELINSKI, GLORIA A 829 GREENWOOD DR SALEM, OR 97303	ZIELINSKI, RAYMOND J EST 829 GREENWOOD DR NE SALEM, OR 97303	7/22/1999 6 -	16190127 EX - PERSONAL REPRESENTATIVE DEED OR EXECUTOR DEED
ZIELINSKI, RAYMOND J EST 829 GREENWOOD DR NE SALEM, OR 97303	ZIELINSKI, RAYMOND JAMES 829 GREENWOOD DR NE SALEM, OR 97303	11/10/1998 \$0 25 - Rerecording or corrections deed - Run In.	15450441 DC - DEATH CERTIFICATE
			6350388 DE - MISCELLANEOUS DEEDS 1974 AND BEFORE

ORIGINALS

Transfer Application

Transfer Map

Evidence of Use Affidavit

Documentation of Use

Land Use Information Form

Report of Ownership

Miscellaneous

Superseded Pages

Receipt



State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

Check all items included with this application. (N/A = Not Applicable)

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 92078**
Please include a separate Part 5 for each water right. (See instructions on page 6)
- Attachments:**
 - ☒ Completed Transfer Application Map.
 - ☒ Completed Evidence of Use Affidavit and supporting documentation.
 - ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
 - ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
 - ☒ ☐ N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
 - ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
 - ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500' from the surface water source and more than 1000' upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete
☐ Land Use Form not enclosed or incomplete
☐ Additional signature(s) required ☐ Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____/____/____

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Part 2 of 5 – Transfer Application Map Checklist

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- ☒ ☐ N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- ☐ ☒ N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- ☒ Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- ☐ ☒ N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- ☒ Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- ☐ ☒ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 5 – Fee Worksheet

Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

1. For irrigation calculate cfs for each water right involved as follows:
 - a. Divide total authorized cfs by total acres in the water right (*for C12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be transferred to get the transfer cfs (*x 45 ac = 0.56 cfs*).
 - b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (*For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of water rights on all the land included in the transfer; however **do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land**. The fee should be assessed only once for each "on the ground" acre included in the transfer. (*In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

FEE WORKSHEET for SUBSTITUTION

1	Base Fee (includes change to one well)	1	\$725.00
	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 3a above: _____ (2b) <i>If only one well this will be 0</i>		
2	Multiply line 2b by \$350 and enter » » » » » » » » » » » » » » » »	2	NA
3	Add entries on lines 1 through 2 above » » » » » » Fee for Substitution:	3	\$0

Permanent Transfer Application Form – Page 3 of 8

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Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Robert W. Gabriel Trust c/o Robert W. Gabriel			PHONE NO. (503) 873-1200	ADDITIONAL CONTACT NO.
ADDRESS 8474 Hazelgreen Rd NE			FAX NO.	
CITY Silverton	STATE OR	ZIP 97381	E-MAIL	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

AGENT/BUSINESS NAME Doann Hamilton/Pacific Hydro-Geology, Inc.			PHONE NO. (503) 632-5016	ADDITIONAL CONTACT NO. (503) 349-6946 (cell)
ADDRESS 18487 S. Valley Vista Road			FAX NO. (503) 632-5983	
CITY Mulino	STATE OR	ZIP 97042	E-MAIL phgdmh@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
We are operating two adjoining historic farm properties and wish to use wells on both properties to irrigate the place of use of this certificate.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Check One Box

- ☒ By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- ☐ I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- ☐ I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

I understand that prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Statesman Journal

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



 Applicant Signature	<u>Robert Gabriel</u> Print Name and title if applicable	<u>12/22/16</u> Date
Applicant Signature	Print Name and title if applicable	Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

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Check the following boxes that apply:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- ☐ The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- ☐ Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? ☐ Yes ☒ No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

<http://www.oregon.gov/owrd/docs/transfer-propertytransactions.pdf>

RECEIVING LANDOWNER NAME NA			PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: NA

- ☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

- ☐ Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Marion County Planning Division	ADDRESS 4155 Silverton Road NE	
CITY Salem	STATE Oregon	ZIP 97305

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Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 92078

Description of Water Delivery System

System capacity: 0.15 cfs cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. **Water is pumped from the authorized well using a 30 Hp submersible pump to convey water through six-inch PVC mainlines with hydrants where portable aluminum lateral lines with impact sprinklers are attached.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 58798	6 S	3 W	24	NW NE	2100	1,085 feet south and 865 feet east from the N ¼ corner, Section 24
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MARI 17269	6 S	3 W	24	NW NE	1900	330 feet south and 1,690 feet east from the SW corner, DLC 66
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NA	6 S	3 W	24	NW NE	1900	215 feet south and 1,235 feet east from the N ¼ corner, Section 24

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- | | |
|--|--|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- ☒ Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- ☐ No Complete all of Table 2 to describe the portion of the water right to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 92078

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date			
										APOA	6	S	3	W	24	NW	NE	2100	NA	12.0	IR	Wells 1,2&3	March 11, 2005
TOTAL ACRES:											TOTAL ACRES:						12.0						

Additional remarks: The well specifications given below for the Proposed Well 3 are estimates only. The actual well construction will be based on conditions encountered in the field. The objective will be to construct a well which develops water from the alluvial aquifer.

T 12558

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JAN 09 2017
OWRPD

Revised 7/1/2013

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? ☐ Yes ☐ No

If YES, list the certificate, water use permit, or ground water registration numbers: NA.

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)

Ground water supplemental Permit or Certificate # NA;

Surface water primary Certificate # NA.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # NA

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

- ☒ Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx

AND/OR

- ☒ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well -specific rate (cfs or gpm). If less than full rate of water right
Authorized Well 1	Yes	MARI 58798	See Well Log MARI 58798							
Proposed Well 2	Yes	MARI 17269	See Well Log MARI 17269							
Proposed Well 3	No	NA	200 feet	8 inch	0 to 200 feet	0 to 50 feet	TBD	NA	Alluvial	TBD

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Application for Water Right Transfer Evidence of Use Affidavit



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing.
Supporting documentation must be attached.

State of Oregon)
County of MARION) ss

I, ROBERT GABRIEL, in my capacity as PROPERTY OWNER,
mailing address 8474 HAZELGREEN ROAD NE, SILVERTON, OR 97381
telephone number (503) 873-1200, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

☒ Personal observation ☐ Professional expertise

2. I attest that:

☒ Water was used during the previous five years on the **entire** place of use for
Certificate # 92078; **OR**

☐ My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township	Range	Mer	Sec	1/4 1/4	Gov't Lot or DLC	Acres (if applicable)

OR

- ☐ Confirming Certificate # ____ has been issued within the past five years; **OR**
- ☐ Part or all of the water right was leased instream at some time within the last five years. The
instream lease number is: ____ (Note: If the entire right proposed for
transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for
non-use would be rebutted under ORS 540.610(2) is attached.
- ☐ Water has been used at the actual current point of diversion or appropriation for more than
10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

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FS
OWRD

3. The water right was used for: (e.g., crops, pasture, etc.): NURSERY STOCK

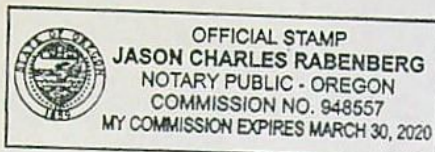
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant

Date

12/22/16

Signed and sworn to (or affirmed) before me this 22nd day of DEC, 2016.



Notary Public for Oregon

My Commission Expires: March 30, 2020

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none">• Power usage records for pumps associated with irrigation use• Fertilizer or seed bills related to irrigated crops• Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none">• District assessment records for water delivered• Crop reports submitted under a federal loan agreement• Beneficial use reports from district• IRS Farm Usage Deduction Report• Agricultural Stabilization Plan• CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant(s): Robert W. Gabriel Trust, Robert Gabriel Trustee

Mailing Address: 8474 Hazelgreen Road NE

City: Silverton

State: OR

Zip Code: 97381

Daytime Phone: (503) 873-1200

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>6S</u>	<u>3W</u>	<u>24A</u>	_____	<u>1900</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Irrigation</u>
<u>6S</u>	<u>3W</u>	<u>24A</u>	_____	<u>2100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Irrigation</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Marion County

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 0.15 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe:

This Land Use Information Form is to accompany a water right transfer application that proposes to add additional points of appropriation (wells) to an existing water right (Certificate 92078).

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC 17.136
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: LISA MILLIMAN Title: ASSOCIATE PLANNER
 Signature: Lisa Milliman Phone: 503 588 5238 Date: 1/9/17
 Government Entity: MARION COUNTY

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

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

RECEIVED

JAN 09 2017

#16

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.765)

MAR 17 1991

(START CARD) # 25197

6S/3W/24ah

(1) OWNER: Well Number: 2918

Name BOLTMAN'S NURSERY INC.

Address P.O. Box 9098

City Brooks, Oregon State 97305 Zip

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable

☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation

☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 180' ft.

Explosives used ☐ Yes ☒ No Type Amount

HOLE			SEAL			Amount sacks or pounds
Diameter in	From ft	To ft	Material	From ft	To ft	
14	0	19	Dry Bentonite	0	19	1350 pounds
8	0	180				

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E

☐ Other As Per 690-210-340

Backfill placed from ft. to ft. Material

Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	8	+1	180	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 180'

(7) PERFORATIONS/SCREENS:

☒ Perforations Method Mills Knife 5/16" x 2 3/4"
☐ Screens Type Material

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
110	141		376			<input checked="" type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
500+		180	1 hr.

Temperature of water 53° 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 Marion Latitude Longitude

Township 6S Nor S, Range 3W E or W, WM.

Section 24 NW 1/4 NE 1/4

Tax Lot Lot Block Subdivision

Street Address of Well (or nearest address)

8375 River Rd. N.E.

(10) STATIC WATER LEVEL:

37 ft. below land surface. Date 4/12/91

Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 76

From	To	Estimated Flow Rate	SWL
76	141	1000+	37
157	180	1000+	37

(12) WELL LOG:

Ground elevation

Material	From	To	SWL
Topsoil	0	2	
Brown Clay	2	76	
Black Sand	76	79	
Muddy Black Sand and Gravel	79	94	
Cemented Brown Sand and Gravel	94	106	
Loose Brown Sand and Gravel	106	135	
Reddish Brown Sand and Gravel	135	145	
Blue Clay	145	157	
Black Sand	157	175	
Black Sand and Gravel	175	180	

Date started 4/11/91 Completed 4/12/91

(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 well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed Mark D. Beis WWC Number 753 Date 4/12/91

(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 well construction standards. This report is true to the best of my knowledge and belief. WILLAMETTE DRILLING CO. INC. WWC Number 753

Signed Mark D. Beis Date 4/12/91

12558

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

MARI 58798

WELL I.D. # 75483
START CARD # 172076

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

(1) LAND OWNER Well Number 81
Name John P.W. Zielinski
Address 11383 River Rd NE
City Gervais State OR Zip 97026

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

(3) DRILL METHOD
☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Other

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

(5) BORE HOLE CONSTRUCTION Special Construction: ☐ Yes ☒ No
Depth of Completed Well 140 ft.
Explosives used: ☐ Yes ☒ No Type _____ Amount _____

BORE HOLE				SEAL			
Diameter	From	To	Material	From	To	Sacks or Pounds	
12"	0	60'	3/8 Bent	0	50'	32	sacks
8"	60'	140'	Casing + 1	50'	140'		

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☒ Other Poured and Probed
Backfill placed from 50 ft. to 60 ft. Material 3/8 Bentonite
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER							
Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 8"	+1	140'	2350	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used ☐ Inside ☒ Outside ☐ None
Final location of shoe(s) 140'

(7) PERFORATIONS/SCREENS							
<input checked="" type="checkbox"/> Perforations Method <u>Mills knife</u>				<input type="checkbox"/> Screens Type _____ Material _____			
From	To	Slot Size	Number	Diameter	Tele/pipe size	Casing	Liner
110'	140'	1/8 x 3	240	—	—	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian
Yield gal/min 500+ Drawdown _____ Drill stem at 140' Time _____

Temperature of water 53° Depth Artesian Flow Found _____
Was a water analysis done NO Yes By whom _____
Did any strata contain water not suitable for intended use NO ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strata: _____

(9) LOCATION OF WELL (legal description)
County Marion
Tax Lot 2100 Lot _____
Township 6 S No. 5 Range 3 E or W WM
Section 24 NW 1/4 NE 1/4
Lat _____ or _____ (degrees or decimal)
Long _____ or _____ (degrees or decimal)

Street Address of Well (or nearest address) 8295 River Rd NE Salem, OR

(10) STATIC WATER LEVEL
41 ft. below land surface. Date 3-15-05
_____ ft. below land surface. Date _____
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES			
Depth at which water was first found <u>62'</u>			
From	To	Estimated Flow Rate	SWL
62'	140'	500+	41'

(12) WELL LOG			
Material	From	To	SWL
Top Soil	1'	3'	41'
Hard Brown Sticky Clay	3'	62'	41'
Silty Brown Cemented	62'	84'	41'
Sand + Gravel	84'	101'	41'
Sandy Brown Sand +	101'	140'	41'
Small Gravel			
Brown Sand + Gravel			

Date Started 03-09-2005 Completed 03-14-2005

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, 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.

WWC Number 1733 Date 03-15-2005

Signed Troy L. Beier

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, 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.

WWC Number 5161 Date 03-15-2005

Signed Dallas L. Beier

ORIGINAL - WATER RESOURCES DEPARTMENT

FIRST COPY - CONSTRUCTOR

SECOND COPY - CUSTOMER 06/16/2004

JAN 09 2017

OWRD

T 12558



Oregon Blueberry Farm

12558

OWRD

LEWD

Google

Imagery Date: 7/23/2016 45°02'26.69" N 122°59'46.88" W elev 179 ft

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **122301**

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

INVOICE # _____

RECEIVED FROM: Gabriel Farms, INC.

BY: DBA Oregon Blueberry

CASH: ☐ CHECK: # 19449 OTHER: (IDENTIFY) Farms & Nursery

APPLICATION	
PERMIT	
TRANSFER	<u>T-12558</u>

TOTAL REC'D \$ 1350.00

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 \$ _____

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>1350.00</u>		

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

		CARD #
0211 WELL CONST START FEE	\$ _____	
0210 MONITORING WELLS	\$ _____	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY

**RECEIVED
OTHER / PDX
OVER THE COUNTER**

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT:

122301

DATED:

1/9/17

BY:

Jelene

Regular Permanent Water Right Transfer Application Checklist

Checked by TS Date 8.09.17

(If OK, check box to left; if not, fill in the blank)

☒ 1. Page 1 of application: Are all attachments that have been checked actually included?
If not, what is missing? _____

☒ 2. Are fees included and correct? Fee paid: see notebook
If not, the correct fee would be: _____ so the amount missing is: _____

Certs & acres involved:

Changes: _____

cfs involved .15 cfs

Source: _____

► If a Substitution (see Page 5 of application)

Base fee for 1 well (POA)	\$725.00
Number of additional wells = _____	x \$350.00 = _____
Total =	

► If a Government Action POD change (see: Page 5): NO CHARGE

► If any other type of "regular permanent" transfer:

Base fee for one water right, one change and first cfs =	\$1,000.00
# of additional water rights beyond the first (see Part 4 of application) = _____	x \$450.00 = _____
Additional fee for groundwater staff review if any number of changes to well location(s), additional well(s) or change from SW diversion point to a well =	\$350.00
1 or 2 additional TYPEs of change* (see Page 5 of application) = _____	x \$800.00 = _____
If Place of Use or Character of Use change and transfer involves more than 1 cfs (based on primary acres x rate), # cfs or fraction above the first cfs = _____	x \$300.00 = _____
HINT: Total cfs on WR (÷) total # acres on WR (x) # acres involved in transfer = # cfs involved in transfer	
Sub-total =	
If a letter from ODFW endorsing this as a "fish-friendly" transfer is included, multiply sub-total by 0.50 =	
Total = sub-total minus 50% "fish-friendly" reduction, if applicable =	

*NOTE: [POD/APOD, POA/APOA, SW to GW, Gov Action] are all counted as one type
POU is counted as one type
[USE or (Supplemental to Primary)] are counted as one type

☒ 3. Page 3 of application: Have all the applicants listed at the top of the page signed?
If no, whose signature is missing? _____

☒ 4. Are all listed certificates or permits shown by WRIS as non-cancelled?
If no, which are cancelled? _____
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number _____ and check the #4 box at left on this checklist.

☐ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?
☐ N/A ☐ Form D needed from _____ (district)

6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application and assign it a numbered transfer folder. Put this check sheet in the transfer folder. If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the **deficiencies listed in the "staff" section at the bottom of Application Page 1**, unless the applicant or agent can resolve the deficiencies within 2-3 days.



Oregon Water Resources Department
Transfer Fee Calculation for Permanent (Non-District) Transfer

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

Effective Date: 7/1/2013	Fee Calculation
Base Fee (includes one type of change to one water right for up to 1 cfs)	\$1,000.00
Fill in information below-- Check each box that applies.	
Types of Change Proposed:	
<input checked="" type="checkbox"/> Place of Use	
<input type="checkbox"/> Point of Diversion (POD)/Appropriation (POA); and/or Additional POD/POA; and/or SW POD to GW POD	
<input type="checkbox"/> Character of Use	\$0.00
Enter total number of water rights included in transfer: 1	\$0.00
<input checked="" type="checkbox"/> Check this box if you propose to add or change a well, or change from a surface water POD to a well.	\$350.00
<input type="checkbox"/> Check this box if you propose to change the place of use or character of use for a NON-irrigation right.	
<input type="checkbox"/> Check this box if you propose to change the place of use or character of use for an irrigation right.	
Total Transfer CFS(rounded up to the next whole cfs):	
Subtotal:	\$1,350.00
Check each box that applies.	
<input type="checkbox"/> The transfer is necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932.	
<input type="checkbox"/> The transfer is endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat.	
Discount:	
Transfer Fee:	\$1,350.00
Return to Edit	Clear



Oregon

Kate Brown, Governor

January 17, 2017

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

ROBERT W. GABRIEL TRUST
C/O ROBERT W. GABRIEL
8474 HAZELGREEN RD NE
SILVERTON, OR 97381

Reference: Application T- 12558

On January 9, 2017, we received your water right Transfer application. The application was accompanied by \$1350.00. Our receipt number 122301 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the requested change. A review form will also be sent to our groundwater staff to determine whether the proposed well accesses the same source of water as the original well.

Your application will be examined to determine whether additional information is needed. We will notify you if further information or corrections to the application or map are required.

This application may require publication of a notice for two consecutive weeks in a newspaper with general circulation in the area where the water right is located. If it is determined that newspaper notice will be required, the Department will prepare the notice and notify you of the cost. You will be responsible for submitting payment to the Department prior to publication of the notice.

Except as provided under ORS 540.510(3) for municipalities, you may not use water from the new point of appropriation until a final order approving the transfer application has been issued by the Department.

In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

Refer to the following page for a chart showing the steps and expected timelines for the processing of your application.

If you have any questions, please contact the Transfer Section at (503) 986-0807.

Cc: Watermaster Dist. #16 (via email)
Doann M. Hamilton, Agent

Enclosure



Transfer Applications: Regular

The holder of a water right may apply to permanently change an existing water use subject to transfer as defined in ORS 540.505(4). An application may involve any of the following changes: Point of diversion or appropriation; Additional point of diversion or appropriation; Historic POD; Place of use; Character of use; Instream; Substitution; or Exchange.

The Department seeks public comment on the recently-filed transfer applications listed below. Any person may comment on a transfer application. Comments must be received by the Department on or before February 23, 2017. Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time.

Transfer	T 12558
Water Right	Cert:92078
County/Basin	Marion / Willamette(2)
Applicant Name	GABRIEL, ROBERT W. 8474 HAZELGREEN RD NE SILVERTON, OR 97381
Proposed Change	ADDITIONAL POINT OF APPROPRIATION
Sources/TRSQ40Q160	A WELL > LABISH CREEK BASIN / 6.00S 3.00W 24 NWNE
Use/Quantity	IRRIGATION / 0.150 CFS
Priority Date	03/11/2005
Transfer	T 12559
Water Right	Cert:20056 , Cert:20059 , Cert:28253 , Cert:33094
County/Basin	Marion / Willamette(2)
Applicant Name	SCHURTER, BRYAN 2913 HIBBARD RD NE SILVERTON, OR 97381
Proposed Change	ADDITIONAL POINT OF DIVERSION, PLACE OF USE
Sources/TRSQ40Q160	BEAVER CREEK > PUDDING RIVER / 7.00S 1.00W 17 SWNE BEAVER CREEK > PUDDING RIVER / 7.00S 1.00W 17 NWSE UNNAMED CR/KUENZI RS > BEAVER CREEK / 7.00S 1.00W 16 SWNW UNNAMED STREAM/RESERVOIR > PUDDING RIVER / 7.00S 1.00W 17 SWNE
Use/Quantity	IRRIGATION / 0.473 CFS IRRIGATION / 0.100 CFS IRRIGATION / 0.220 CFS IRRIGATION / 0.450 CFS IRRIGATION / 0.030 CFS
Priority Date	10/25/1944, 07/18/1945, 10/27/1958, 04/19/1961
Transfer	T 12560
Water Right	Cert:29298 , Cert:38511
County/Basin	Clackamas / Willamette(2)
Applicant Name	OREGON STATE UNIVERSITY; NORTH WILLAMETTE RESEARCH AND EXTENSION CENTER 15210 NE MILEY RD AURORA, OR 97002
Proposed Change	POINT OF APPROPRIATION, ADDITIONAL POINT OF APPROPRIATION
Sources/TRSQ40Q160	A WELL > WILLAMETTE RIVER / 3.00S 1.00W 25 NWSE A WELL > WILLAMETTE RIVER / 3.00S 1.00W 25 NWSE
Use/Quantity	IRRIGATION / 0.640 CFS IRRIGATION / 0.250 CFS
Priority Date	08/26/1958, 04/12/1967