

T-10923

T-10923

RA

Name SBE, IncAddress 11880 Lauren Lane  
Newberg, OR 97132  
503-538-0727Change in APOADate Filed 6-30-09Initial notice date 7-14-09

DPD issued date

PD issued date

PD notice date

Date of FO 2-7-11 Vol 83 Page 492ext fo 10/11/2001 121 788C-Date 10/11/2003COBU due date 10/11/2004

COBU Received date

Certificate issued 86816 RR  
86817

## DESCRIPTION OF WATER RIGHT(S)

Name of Stream WellTrib. of Willamette RiverUse IR County Marion

Quantity of water (CFS) No. of Acres

Name of ditch

App # G-414 Per # G-288 Cert # 27212 PR Date 1956App # G-2725 Per # G-2524 Cert # 33762 PR Date 1963

App # Per # Cert # PR Date

App # Per # Cert # PR Date

App # Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
6-30-09	600.00	96996
6-30-09	125.00	97001
9-23-10	515.00	121417
9-17-2001	780.00	136434

FEES REFUNDED		
Date	Amount	Receipt#

Assignments:

Irrigation District noneAgent Greg & Malia KupillasCWRE same as agent

CC's list

RA Contractor: Newton



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **121417**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: SBE INC.

APPLICATION \_\_\_\_\_

BY: \_\_\_\_\_

PERMIT \_\_\_\_\_

CASH: ☐ CHECK: # 1123 OTHER: (IDENTIFY) ☐

TRANSFER T-10923

TOTAL REC'D \$ 575.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_

OTHER: (IDENTIFY) \$ \_\_\_\_\_

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES \$ \_\_\_\_\_

0410 RESEARCH FEES \$ \_\_\_\_\_

0408 MISC REVENUE: (IDENTIFY) \$ \_\_\_\_\_

TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_

0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER \$ \_\_\_\_\_ 0202 \$ \_\_\_\_\_

0203 GROUND WATER \$ \_\_\_\_\_ 0204 \$ \_\_\_\_\_

0205 TRANSFER \$ 575.00

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR \$ \_\_\_\_\_ 0219 \$ \_\_\_\_\_

LANDOWNER'S PERMIT 0220 \$ \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD # \_\_\_\_\_

0210 MONITORING WELLS \$ \_\_\_\_\_ CARD # \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FWWRD) \$ \_\_\_\_\_

0231 HYDRO LICENSE FEE (FWWRD) \$ \_\_\_\_\_

HYDRO APPLICATION \$ \_\_\_\_\_

**RECEIVED**

**TREASURY**

**OTHER (RDX) OVER THE COUNTER**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \$ \_\_\_\_\_

RECEIPT: **121417**

DATED: 9-23-16 BY: Felicia Brown



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **96996**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: SBE Inc.

BY: \_\_\_\_\_

CASH: ☐ CHECK: # 941 ☒ OTHER: (IDENTIFY) ☐ \_\_\_\_\_

APPLICATION	
PERMIT	
TRANSFER	<u>T-10923</u>

TOTAL REC'D \$ 600.00

**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 \$ \_\_\_\_\_

0203 GROUND WATER \$ \_\_\_\_\_

0205 TRANSFER \$ 600.00

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR \$ \_\_\_\_\_

LANDOWNER'S PERMIT \$ \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

**RECEIVED  
OVER THE COUNTER**

**EXAM FEE**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ 600.00

**EXAM FEE**

\$ \_\_\_\_\_

**RECORD FEE**

0202 \$ \_\_\_\_\_

0204 \$ \_\_\_\_\_

**LICENSE FEE**

0219 \$ \_\_\_\_\_

0220 \$ \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_

0210 MONITORING WELLS \$ \_\_\_\_\_

OTHER (IDENTIFY) \_\_\_\_\_

CARD #	
CARD #	

**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: **96996**

DATED: 6-30-09 BY: L. Bell





# Oregon

Tina Kotek, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

November 17, 2023

SBE INC  
11880 LAUREN LANE  
NEWBERG, OR 97132

On November 17, 2023, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

T-10923

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

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-10923



## Checklist for Claims of Beneficial Use Received at CSG Counter

Application #:	WRD Reviewer: Corie
Transfer #: T-10923	
Date Received: 11/17/2023	
CWRE Name: Doann Hamilton	
Priority Date (s): 7/10/1956 & 10/28/1963	

### 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 App  
or Transfer  
Number

### 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 #: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

PERMIT: \_\_\_\_\_

TRANSFER: \_\_\_\_\_

CASH: ☐ CHECK # \_\_\_\_\_ OTHER (IDENTIFY): \_\_\_\_\_

4611

6407 MISCELLANEOUS CORP & TAPE FEES \_\_\_\_\_

6410 RESEARCH FEES \_\_\_\_\_

6468 BASIC REVENUE (IDENTIFY) \_\_\_\_\_

TC162 DEPOSIT (LAD. IDENTIFY) \_\_\_\_\_

6240 EXTENSION OF TIME \_\_\_\_\_

6201 SURFACE WATER EXAM FEE \_\_\_\_\_

6202 GROUND WATER EXAM FEE \_\_\_\_\_

6205 TRANSFER EXAM FEE \_\_\_\_\_

6218 WELL CONSTRUCTION EXAM FEE \_\_\_\_\_

6219 WELL DRILL CONSTRUCTION EXAM FEE \_\_\_\_\_

6220 LAND/CONCRETE POINT EXAM FEE \_\_\_\_\_

6221 OTHER (IDENTIFY) EXAM FEE \_\_\_\_\_

6222 POWER LICENSE FEE (PUMP) EXAM FEE \_\_\_\_\_

6223 HYDRO LICENSE FEE (PUMP) EXAM FEE \_\_\_\_\_

WATER APPLICATION: \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

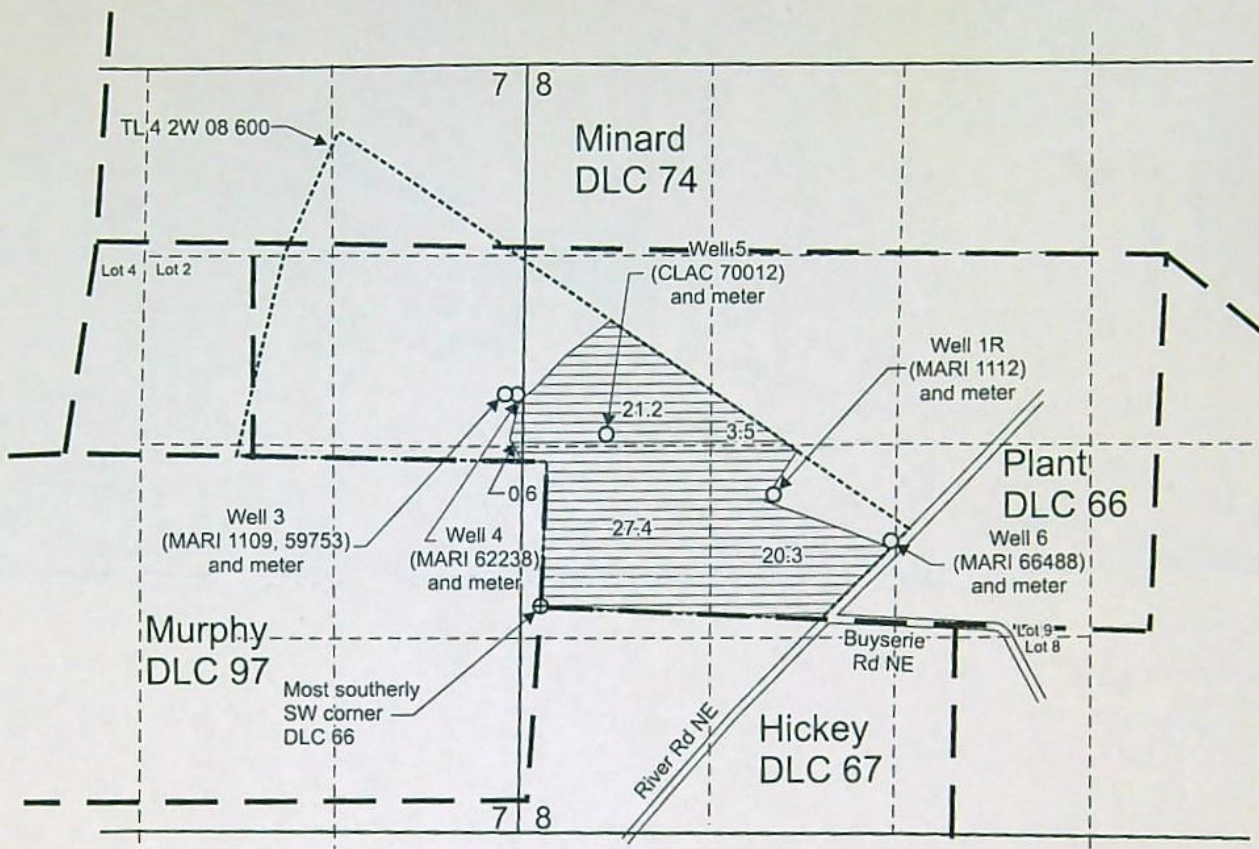
☐ RETURN TO APPLICANT - LETTER ATTACHED

### 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




# T.4S. R.2W. Sec. 7 & 8, W.M.



Well 1R (MARI 1112) is located 800 feet north and 1,620 feet east from the most southerly SW corner, DLC 66.  
 Well 3 (MARI 1109, 59753) is located 1,420 feet north and 310 feet west from the most southerly SW corner, DLC 66.

Well 4 (MARI 62238) is located 1,420 feet north and 260 feet west from the most southerly SW corner, DLC 66.  
 Well 5 (MARI 70012) is located 1,210 feet north and 450 feet east from the most southerly SW corner, DLC 66.  
 Well 6 (MARI 66488) is located 470 feet north and 2,440 feet east from the most southerly SW corner, DLC 66.

 Area (73.0 Acres) of primary irrigation under T-10923, formerly Certificate 27212, priority date July 10, 1956.

----- Tax lot boundary

— • — Donation Land Claim boundary

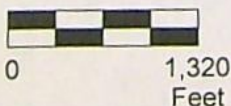
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Scale: 1" = 1,320'



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-10923, formerly Certificate 27212

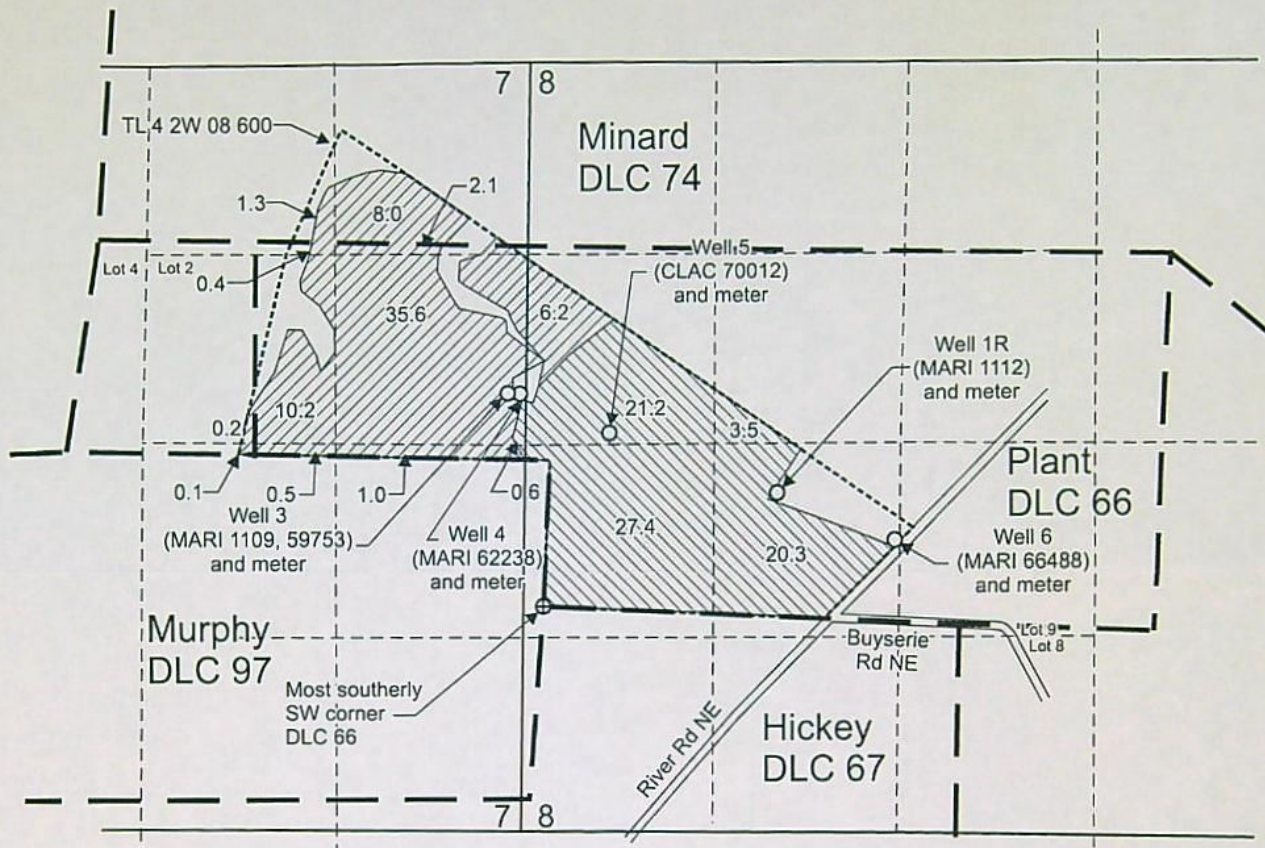
Pacific Hydro-Geology Inc.

11/2023

SBE, Inc.  
 T.4S. R.2W. Sec. 7 & 8, W.M.



# T.4S. R.2W. Sec. 7 & 8, W.M.



Well 1R (MARI 1112) is located 800 feet north and 1,620 feet east from the most southerly SW corner, DLC 66.  
 Well 3 (MARI 1109, 59753) is located 1,420 feet north and 310 feet west from the most southerly SW corner, DLC 66.

Well 4 (MARI 62238) is located 1,420 feet north and 260 feet west from the most southerly SW corner, DLC 66.  
 Well 5 (MARI 70012) is located 1,210 feet north and 450 feet east from the most southerly SW corner, DLC 66.  
 Well 6 (MARI 66488) is located 470 feet north and 2,440 feet east from the most southerly SW corner, DLC 66.

Area (65.6 Acres) of primary irrigation under T-10923, formerly Certificate 33762, priority date October 28, 1963.

Area (73.0 Acres) of supplemental irrigation under T-10923, formerly Certificate 33762, priority date October 29, 1963.

----- Tax lot boundary

— • — Donation Land Claim boundary

RECEIVED

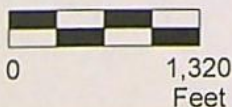
NOV 17 2023

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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.

Scale: 1" = 1,320'



Pacific Hydro-Geology Inc.

11/2023

Claim of Beneficial Use Map  
 T-10923, formerly Certificate 33762

SBE, Inc.  
 T.4S. R.2W. Sec. 7 & 8, W.M.



**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](http://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**

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-10923**

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

APPLICANT/BUSINESS NAME <b>SBE Inc</b>		PHONE NO. <b>(503) 538-0727</b>	ADDITIONAL CONTACT NO. <b>(503) 633-2666</b>
ADDRESS <b>11880 Lauren Lane</b>			
CITY <b>Newberg</b>	STATE <b>OR</b>	ZIP <b>97132</b>	E-MAIL <b>steve@schneiderwater.com</b>

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 <b>SBE Inc</b>			
ADDRESS <b>11880 Lauren Lane</b>			
CITY <b>Newberg</b>	STATE <b>OR</b>	ZIP <b>97132</b>	



4. Date of Site Inspection:

September 8, 2023

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Steve Schneider	September 8, 2023	Secretary/ Treasurer of SBE
Stan Schneider	September 8, 2023	President of SBE

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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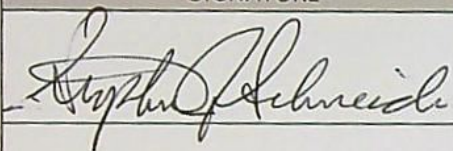


CWRE NAME <b>Doann Hamilton</b>		PHONE NO. <b>(503) 632-5016</b>	ADDITIONAL CONTACT NO. <b>(503) 349-6946</b>
ADDRESS <b>18487 S. Valley Vista Road</b>			
CITY <b>Mulino</b>	STATE <b>OR</b>	ZIP <b>97042</b>	E-MAIL <b>phgdmh@gmail.com</b>

### 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
	Stephen J Schneider	Sec-Treas	11/9/23

### 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:

CERTIFICATE	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)
27212 & 33762	Well 1	MARI 1112	NA	A Well in the Willamette River Basin
27212 & 33762	Well 3	MARI 1109, 59753	L-72473	
27212 & 33762	Well 4	MARI 62238	L-91798	
27212 & 33762	Well 5	MARI 70012	L-138838	
27212 & 33762	Well 6	MARI 66488	L-118528	

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



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 authorized Well 2 (MARI 1103) was not performing well and has not been used; therefore, Well 2 is not included in this Claim of Beneficial Use.

3. Claim Summary:

CERTIFICATE	NEW OR ADDITIONAL POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED
Certificate: 27212	Well 1R	0.91 cfs	0.63 to 0.73 cfs	Not Measured
	Well 3		1.41 cfs	Not Measured
	Well 4		0.66 cfs	Not Measured
	Well 5		0.29 to 0.34 cfs	Not Measured
	Well 6		0.30 to 0.35 cfs	Not Measured
Certificate: 33762	Well 1R	1.13 cs	0.63 to 0.73 cfs	Not Measured
	Well 3		1.41 cfs	Not Measured
	Well 4		0.66 cfs	Not Measured
	Well 5		0.29 to 0.34 cfs	Not Measured
	Well 6		0.30 to 0.35 cfs	Not Measured

SECTION 4a of 4e

SYSTEM DESCRIPTION

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

YES

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 1R

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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
Gould	7CLC 14 stage	Unknown	Turbine	5 inch	4 inch



## 2. Motor Information

MANUFACTURER	HORSEPOWER
Nidec Motor Corporation	25 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)
25 Hp	45 psi	127.1 feet (from 4 hour pump test)	0 feet	0.73 psi
25 Hp	60 psi	127.1 feet (from 4 hour pump test)	0 feet	0.63 psi

## 4. Provide pump calculations:

Well 1R (PSI 45)	$Q \text{ Pump} = \frac{(25 \text{ Hp}) \times (7.04 \text{ ft}^3/\text{sec Hp})}{(127.1 \text{ ft lift} + 114.3 \text{ ft pressure head})} = 0.73 \text{ cfs}$
Well 1R (PSI 60)	$Q \text{ Pump} = \frac{(25 \text{ Hp}) \times (7.04 \text{ ft}^3/\text{sec Hp})}{(127.1 \text{ ft lift} + 152.4 \text{ ft pressure head})} = 0.63 \text{ cfs}$

## 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.

## C. Additional notes or comments related to the system:

Access port is a 1-inch galvanized cap on the northwest side of the well in the base plate of the turbine pump attached to the well.

Well 1R supplies both Certificates 27212 and 33762

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**SECTION 4b of 4e**  
**SYSTEM DESCRIPTION**

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

**YES**

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
Layne and Bowler	8 stage 10RL	Unknown	Turbine	6 inch	6 inch

**2. Motor Information**

MANUFACTURER	HORSEPOWER
US Electric Motor	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	60 psi	97.5 feet (from 4 hour pump test)	0 feet	1.41 cfs

**4. Provide pump calculations:**

$$Q \text{ Pump} = \frac{(50 \text{ Hp}) \times (7.04 \text{ ft}^4/\text{sec Hp})}{(97.5 \text{ ft lift} + 152.4 \text{ ft pressure head})} = 1.41 \text{ cfs}$$

**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)?

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

**NO**  
**RECEIVED**  
**NOV 17 2023**  
**OWRD**



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

Access port is a 1-inch galvanized cap on the sanitary seal on the west side of the well casing underneath the turbine pump and above the base plate of the turbine pump.

Well 3 supplies both Certificates 27212 and 33762

**SECTION 4c of 4e**

**SYSTEM DESCRIPTION**

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

**YES**

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 4**

**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
Grundfos	GF230S250 8 stage	Unknown	Submersible	4 inch	4 inch

**2. Motor Information**

MANUFACTURER	HORSEPOWER
Franklin Electric	25 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)
25 Hp	60 psi	115.4 feet (from 4 hour pump test)	0 feet	0.66 cfs

**4. Provide pump calculations:**

$$Q_{\text{Pump}} = \frac{(25 \text{ Hp}) \times (7.04 \text{ ft}^3/\text{sec Hp})}{(115.4 \text{ ft lift} + 152.4 \text{ ft pressure head})} = 0.66 \text{ cfs}$$

RECEIVED

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

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

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

Access port is a ½-inch galvanized plug on east-southeast side of the sanitary seal.

Well 4 supplies both Certificates 27212 and 33762

**SECTION 4d of 4e**

**SYSTEM DESCRIPTION**

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

YES

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 5

**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
Grundfos	GF-150S50 8 stage	Unknown	Submersible	3 inch	3 inch

**2. Motor Information**

MANUFACTURER	HORSEPOWER
Franklin Electric	15 Hp

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### 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	60 psi	158.8 feet (from 4 hour pump test)	0 feet	0.34 cfs
15 Hp	80 psi	158.8 feet (from 4 hour pump test)	0 feet	0.29 cfs

### 4. Provide pump calculations:

Well 5 (PSI 60)	Q Pump = $\frac{(15 \text{ Hp}) \times (7.04 \text{ ft}^4/\text{sec Hp})}{(158.8 \text{ ft lift} + 152.4 \text{ ft pressure head})}$ = 0.34 cfs
Well 5 (PSI 80)	Q Pump = $\frac{(15 \text{ Hp}) \times (7.04 \text{ ft}^4/\text{sec Hp})}{(158.8 \text{ ft lift} + 203.2 \text{ ft pressure head})}$ = 0.29 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.

### C. Additional notes or comments related to the system:

Access port is a 1.25-inch galvanized plug on east-southeast side of the sanitary seal.

Well 5 supplies both Certificates 27212 and 33762

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SECTION 4e of 4e

### SYSTEM DESCRIPTION

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

YES

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 6



## 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
Grundfos	GS855150 12 stage	Unknown	Submersible	3 inch	3 inch

### 2. Motor Information

MANUFACTURER	HORSEPOWER
Grundfos	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	60 psi	153.1 feet (from 4 hour pump test)	0 feet	0.35 cfs
15 Hp	80 psi	153.1 feet (from 4 hour pump test)	0 feet	0.30 cfs

### 4. Provide pump calculations:

Well 6 (PSI 60)	$Q \text{ Pump} = \frac{(15 \text{ Hp}) \times (7.04 \text{ ft}^3/\text{sec Hp})}{(153.1 \text{ ft lift} + 152.4 \text{ ft pressure head})} = 0.35 \text{ cfs}$
Well 6 (PSI 80)	$Q \text{ Pump} = \frac{(15 \text{ Hp}) \times (7.04 \text{ ft}^3/\text{sec Hp})}{(153.1 \text{ ft lift} + 203.2 \text{ ft pressure head})} = 0.30 \text{ cfs}$

### 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.

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

Access port is a 1-inch galvanized plug on west-northwest side of the sanitary seal.

Well 6 supplies both Certificates 27212 and 33762

**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	February 7, 2011	
COMPLETENESS DATE FROM ORDER (C)	October 1 2016 extended to October 1, 2021 extended to October 1, 2023	June 2023

\* 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)?**

**YES**

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

If for a transfer extension order, provide the following information:

VOLUME	PAGE	DATE EXTENDED TO
103	238	October 1, 2021
121	788	October 1, 2023

**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**

*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 1R	McCrometer	18-10883-04	Working	105,200 gallons (September 8, 2023)	2018
Well 3	McCrometer	19-07042-06	Working	99,991,000 gallons (September 8, 2023)	2019
Well 4	McCrometer	09-05981-04	Working	77,819,600 gallons (September 8, 2023)	2009
Well 5	McCrometer	21-07586-03	Working	1,004,570 gallons (September 8, 2023)	2021
Well 6	McCrometer	17-08899-03	Working	7,064,660 gallons (September 8, 2023)	2017

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):

c) Condition per T-10823 final order:

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

Compliance Certificate 27212:

Authorized Well 1 (MARI 1125) develops water from the alluvial aquifer within the depth interval (perforated) of 110 to 190 feet in layers of clay and sand.

Well 1R (replacement) (MARI 1112) develops water from the alluvial aquifer within the depth interval (perforations) of 150 to 210 feet in layers of sandy clay, sand, and gravel.

Well 3 (MARI 1109, 59753) develops water from the alluvial aquifer within the depth intervals (perforations) of 80 to 100 feet, and 218.75 to 228 feet in layers of silty clay and sand.

Well 4 (MARI 62238) develops water from the alluvial aquifer within the depth intervals (screened) of 80 to 100 feet, 133 to 148 feet, and 224 to 240 feet primarily in layers of sand and gravel.



Well 5 (MARI 70012) develops water from the alluvial aquifer within the depth intervals (screened) of 127 to 147 feet, 155 to 165 feet, and 235 to 250 feet in layers of sand and gravel.

Well 6 (MARI 66488) develops water from the alluvial aquifer within the depth intervals (screened) of 140 to 180 feet, 198 to 203 feet, 218 to 223 feet, and 231 to 251 feet in layers of gravelly clay, sand, and clayey gravel.

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

Compliance Certificate 33762:

Authorized Well 2 (MARI 1103) develops water from the alluvial aquifer within the depth interval of 96 to 156 feet in layers of clay and sand.

Well 1R (replacement) (MARI 1112) develops water from the alluvial aquifer within the depth interval (perforations) of 150 to 210 feet in layers of sandy clay, sand, and gravel.

Well 3 (MARI 1109, 59753) develops water from the alluvial aquifer within the depth intervals (perforations) of 80 to 100 feet, and 218.75 to 228 feet in layers of silty clay and sand.

Well 4 (MARI 62238) develops water from the alluvial aquifer within the depth intervals (screened) of 80 to 100 feet, 133 to 148 feet, and 224 to 240 feet primarily in layers of sand and gravel.

Well 5 (MARI 70012) develops water from the alluvial aquifer within the depth intervals (screened) of 127 to 147 feet, 155 to 165 feet, and 235 to 250 feet in layers of sand and gravel.

Well 6 (MARI 66488) develops water from the alluvial aquifer within the depth intervals (screened) of 140 to 180 feet, 198 to 203 feet, 218 to 223 feet, and 231 to 251 feet in layers of gravelly clay, sand, and clayey gravel.

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

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## 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 1112	Well log and driller's notes for MARI 1112 – Well 1R
State Water Well Report – MARI 1109	Well log and driller's notes for MARI 1109 – Well 3
State Water Well Report – MARI 59753	Well log and driller's notes for MARI 59753 – Well 3 alteration
State Water Well Report – MARI 62238	Well log and driller's notes for MARI 62238– Well 4
State Water Well Report – MARI 70012	Well log and driller's notes for MARI 70012 – Well 5
State Water Well Report – MARI 66488	Well log and driller's notes for MARI 66488 – Well 6
BLM Cadastral Map	BLM Cadastral Map T. 4S. R. 2W. showing DLC and Government Lot locations
Pump Test Form Cover Sheet and Pump Test Data Sheet	Pumping Test Results for Well 1R (MARI 1112) conducted September 9, 2021
Pump Test Form Cover Sheet and Pump Test Data Sheet	Pumping Test Results for Well 3 (MARI 1109, 59753) conducted September 9, 2021
Pump Test Form Cover Sheet and Pump Test Data Sheet	Pumping Test Results for Well 4 (MARI 62238) conducted September 9, 2021
Pump Test Form Cover Sheet and Pump Test Data Sheet	Pumping Test Results for Well 5 (MARI 70012) conducted August 18, 2021
Pump Test Form Cover Sheet and Pump Test Data Sheet	Pumping Test Results for Well 6 (MARI 66488) conducted August 11, 2021

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## SECTION 7 CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on 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 maps 04 2W 07 and 08, 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

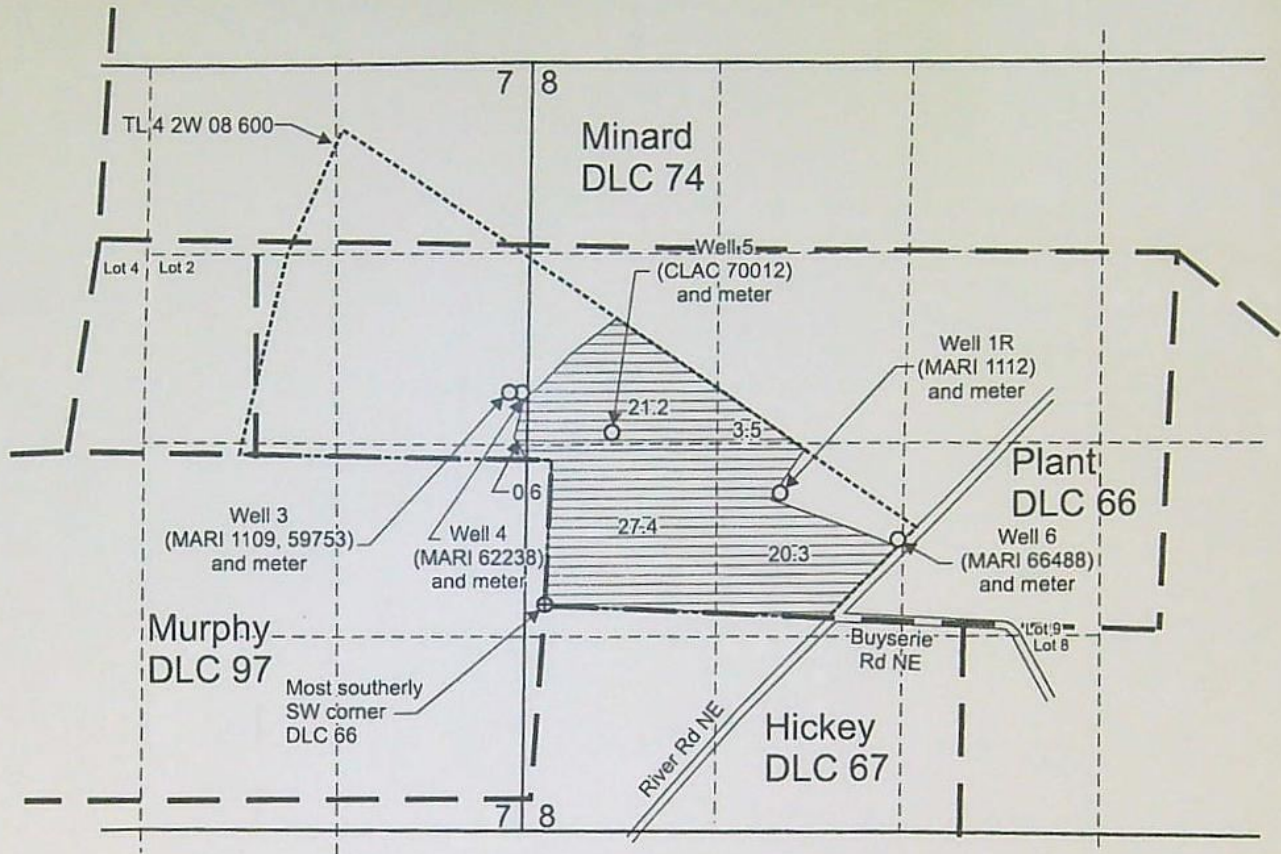
Please be sure that the map you submit includes ALL the items listed below.  
(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ 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.4S. R.2W. Sec. 7 & 8, W.M.




Well 1R (MARI 1112) is located 800 feet north and 1,620 feet east from the most southerly SW corner, DLC 66.

Well 3 (MARI 1109, 59753) is located 1,420 feet north and 310 feet west from the most southerly SW corner, DLC 66.

Well 4 (MARI 62238) is located 1,420 feet north and 260 feet west from the most southerly SW corner, DLC 66.

Well 5 (MARI 70012) is located 1,210 feet north and 450 feet east from the most southerly SW corner, DLC 66.

Well 6 (MARI 66488) is located 470 feet north and 2,440 feet east from the most southerly SW corner, DLC 66.

 Area (73.0 Acres) of primary irrigation under T-10923, formerly Certificate 27212, priority date July 10, 1956.

----- Tax lot boundary

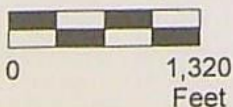
— • — Donation Land Claim boundary

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Scale: 1" = 1,320'



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-10923, formerly Certificate 27212

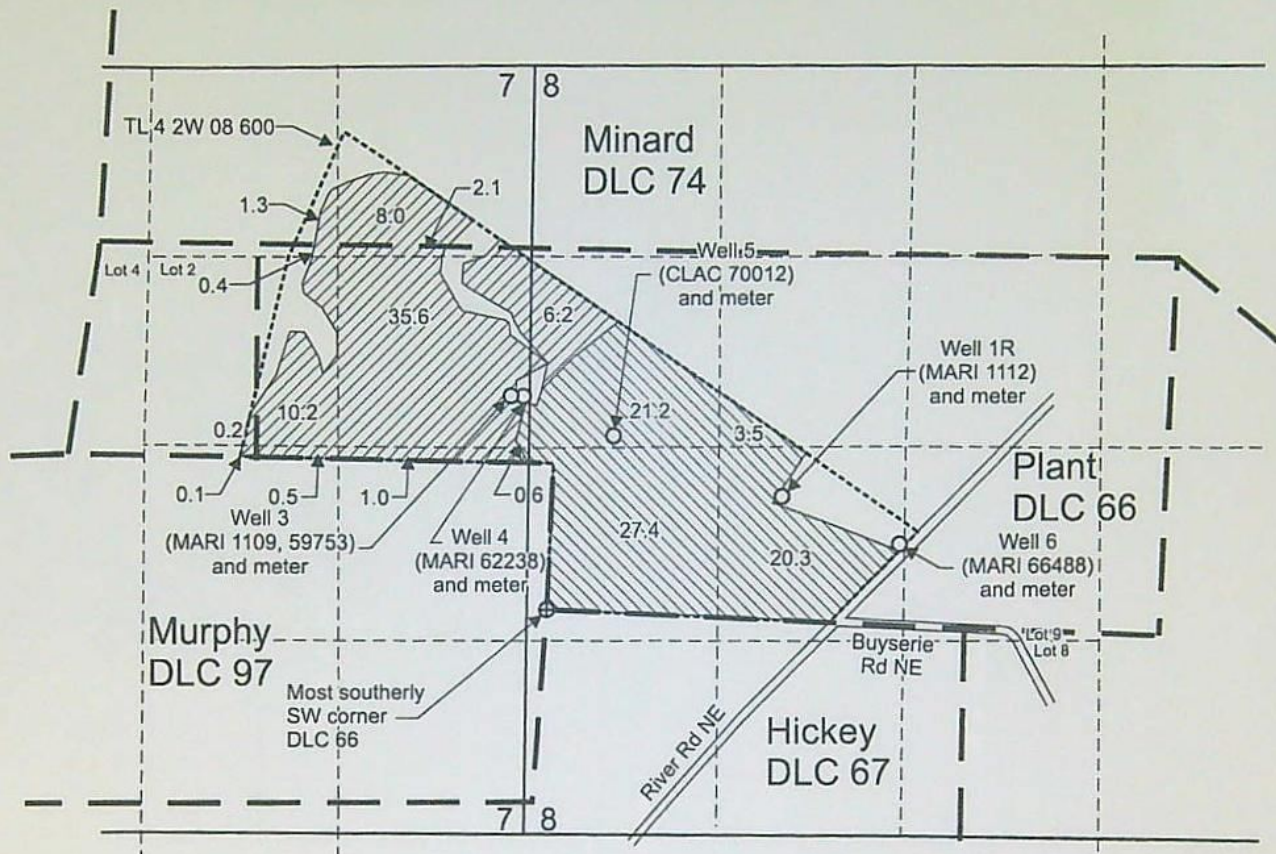
Pacific Hydro-Geology Inc.

11/2023

SBE, Inc.  
T.4S. R.2W. Sec. 7 & 8, W.M.



# T.4S. R.2W. Sec. 7 & 8, W.M.




Well 1R (MARI 1112) is located 800 feet north and 1,620 feet east from the most southerly SW corner, DLC 66.


Well 3 (MARI 1109, 59753) is located 1,420 feet north and 310 feet west from the most southerly SW corner, DLC 66.

Well 4 (MARI 62238) is located 1,420 feet north and 260 feet west from the most southerly SW corner, DLC 66.

Well 5 (MARI 70012) is located 1,210 feet north and 450 feet east from the most southerly SW corner, DLC 66.

Well 6 (MARI 66488) is located 470 feet north and 2,440 feet east from the most southerly SW corner, DLC 66.

 Area (65.6 Acres) of primary irrigation under T-10923, formerly Certificate 33762, priority date October 28, 1963.

 Area (73.0 Acres) of supplemental irrigation under T-10923, formerly Certificate 33762, priority date October 29, 1963.

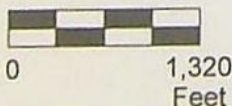
----- Tax lot boundary

— • — Donation Land Claim boundary



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.

Scale: 1" = 1,320'



Pacific Hydro-Geology Inc.

11/2023

Claim of Beneficial Use Map  
T-10923, formerly Certificate 33762

SBE, Inc.  
T.4S. R.2W. Sec. 7 & 8, W.M.



## NOTICE TO WATER WELL CONTRACTOR

The original and first copy  
of this report are to be  
filed with the

APR 22 1968

## WATER WELL REPORT

STATE OF OREGON

State Well No.

4/2W-8

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date

of well completion.

SALEM OREGON

Please type or print  
(Do not write above this line)

State Permit No.

## (1) OWNER:

Name Milo Schneider  
Address Star Route Box 97 St Paul Ore

## (2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

## (3) TYPE OF WELL:

Rotary ☒ Driven ☐  
Cable ☐ Jetted ☐  
Dug ☐ Bored ☐

## (4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐  
Irrigation ☐ Test Well ☐ Other ☐

## (5) CASING INSTALLED:

Threaded ☐ Welded ☒  
18" Diam. from 0 ft. to 98' 5" Gage 250  
15" Diam. from 0 ft. to 230' 2" Gage 250  
" Diam. from 0 ft. to 0 ft. Gage

## (6) PERFORATIONS:

Perforated? ☒ Yes ☐ No  
Type of perforator used torch

Size of perforations 38 in. by 6 in.  
720 perforations from 150 ft. to 210 ft.  
perforations from 0 ft. to 0 ft.  
perforations from 0 ft. to 0 ft.  
perforations from 0 ft. to 0 ft.  
perforations from 0 ft. to 0 ft.

## (7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from 0 ft. to 0 ft.

Diam. Slot size Set from 0 ft. to 0 ft.

## (8) WATER LEVEL: Completed well.

Static level ft. below land surface Date

Artesian pressure lbs. per square inch Date

## (9) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

525 gal./min. with ft. drawdown after hrs.

with air lift " " "

" " " " "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water 56 Was a chemical analysis made? ☐ Yes ☒ No

## (10) CONSTRUCTION:

Well seal—Material used Concrete 8'-98'Depth of seal and 0-20' ft.Diameter of well bore to bottom of seal 32" in.Were any loose strata cemented off? ☒ Yes ☐ No all above 8' DepthWas a drive shoe used? ☐ Yes ☒ NoDid any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off Concrete groutWas well gravel packed? ☒ Yes ☐ No Size of gravel: 3/4"

Gravel placed from 0 ft. to 230' ft.

## (11) LOCATION OF WELL:

County Marion Driller's well number1/4 1/4 Section 8 T. 4S R. 2W W.M.

Bearing and distance from section or subdivision corner

NOV 17 2023

## (12) WELL LOG:

Diameter of well below casing 0Depth drilled 234 ft. Depth of completed well 220 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level as drilling proceeds. Note drilling rates.

MATERIAL	From	To	SWL
top	0	4	
Brown Clay	4	32	
Blue Clay	32	56	
Black sand & Clay layers	56	64	
Brown sand	64	73	
Blue Clay	73	79	
Blue Clay	79	100	
Small sand layers	100	110	
Blue Clay	110	122	
Light Brown Clay	122	128	
Light Brown Clay	128	138	
Clay sand gravel	138	152	
Grey Clay	152	156	
Brown	156	158	
Brown	158	182	
Brown	182	187	
Brown	187	192	
Land Stone (Clay)	192	198	
1" & Clay layers	198	200	
Black sand	200	203	
Blue & Brown	203	204	
Blue & Brown	204	234	

Work started 2-1 1968 Completed 4-4-68Date well drilling machine moved off of well 4-4-68 19

## Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Edgar J. Mullen Date 4/12, 1968  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 581

## Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Milo Schneider Equip Co  
(Person, firm or corporation) (Type or print)

Address Star Route Box 97 St Paul Ore

[Signed] Milo Schneider  
(Water Well Contractor)

Contractor's License No. 387 Date 4-12-68, 19

(USE ADDITIONAL SHEETS IF NECESSARY)











# MARI 62238

STATE OF OREGON

## WATER SUPPLY WELL REPORT

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

WELL LABEL # L 91798

START CARD # 193851

### (1) LAND OWNER

Owner Well I.D. \_\_\_\_\_

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Company SBE, Inc.

Address 11880 Lauren Lane

City Newberg

State OR

Zip 97132

### (2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion

☐ Alteration (repair/recondition) ☐ Abandonment

### (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 246 ft.

#### BORE HOLE

#### SEAL

sacks/

Dia	From	To	Material	From	To	Amt	lbs
20	0	127	Bentonite	0	71	83	S
16	127	400	Cement	71	76	5	S

How was seal placed:

Method ☐ A ☐ B ☒ C ☐ D ☒ E

☒ Other bentonite P&P

Backfill placed from 261 ft. to 400 ft. Material slough

Filter pack from 61 ft. to 261 ft. Material CSSI etal Size 6/9 etal

Explosives used: ☐ Yes ☐ No Type \_\_\_\_\_ Amount \_\_\_\_\_

### (6) CASING/LINER

Casing	Liner	Dia	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	16	1	79	375	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10	2	80	250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10	100	133	250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10	148	224	250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10	240	258	250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) \_\_\_\_\_

Temp casing ☐ Yes ☐ No Dia \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

### (7) PERFORATIONS/SCREENS

Perforations Method \_\_\_\_\_

Screens Type v-wire Material 304SS

Perf/S	Casing/Screen	Liner	Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size
Screen		10	80	100	.04				PS
Screen		10	133	148	.04				PS
Screen		10	224	240	.04				PS

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
240	42		1
240	49		2

Temperature 55 ± °F Lab analysis ☐ Yes ☐ No

Water quality concerns? ☐ Yes (describe) \_\_\_\_\_

From	To	Description	Amount	Units

### (9) LOCATION OF WELL (legal description)

County MARION Twp 4 S N/S Range 2 W E/W WM

Sec 8 SW 1/4 of the NW 1/4 Tax Lot 600

Tax Map Number 4 2W 08 Lot \_\_\_\_\_

Lat \_\_\_\_\_ or \_\_\_\_\_ DMS or DD

Long \_\_\_\_\_ or \_\_\_\_\_ DMS or DD

☒ Street address of well ☐ Nearest address

21881 River Road NE, St. Paul, OR 97137

### (10) STATIC WATER LEVEL

Date \_\_\_\_\_ SWL(psi) + SWL(ft)

Existing Well / Predeepening		
Completed Well	11-24-2008	38

Flowing Artesian? ☐ Dry Hole? ☐

### WATER BEARING ZONES

Depth water was first found 55

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
	* 55	* 73	NM		NM
11-24-2008	* 80	* 236	550		38
* sand & gravel layers between these intervals					

### (11) WELL LOG

Ground Elevation \_\_\_\_\_

Material	From	To
Top soil	0	2
Clay, brown, soft, silty	2	27
Clay, grey, silty	27	55
Sand, black, fine	55	64
Clay, grey, soft, silty	64	66
Sand, black, fine	66	69
Clay, grey, soft, silty	69	71
Sand, black, fine	71	73
Clay, grey, soft w/some hard	73	74
Clay, grey, soft	74	80
Sand, black, fine w/clay, hard, grey & pumice	80	85
Sand, black, fine w/pumice	85	90
Clay, grey, soft	90	91
Clay, greenish brown, soft	91	93
Clay, green soft w/wood	93	95
Sand, brown, medium w/some clay, brown, soft	95	97
Clay, greenish grey, soft, sandy-silty	97	102
Clay, grey, soft	102	116

continued on page 2

Date Started 09-17-2008 Completed 11-24-2008

### (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 1797 Date 12-19-2008

Password: (if filing electronically)

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 649 Date 12-19-2008

Password: (if filing electronically)

Signed \_\_\_\_\_

Contact Info (optional)

WATER RESOURCES DEPT

SALEM, OREGON WATER RESOURCES DEPARTMENT

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

Form Version: 0.89



# MARI 62238

WATER SUPPLY WELL REPORT -  
continuation page

WELL I.D. # L 91798

START CARD # 193851

## (5) BORE HOLE CONSTRUCTION

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

### FILTER PACK

From	To	Material	Size

## (6) CASING/LINER

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## (7) PERFORATIONS/SCREENS

Perf/S	Casing/	Screen			Scrm/slot	Slot	# of	Tele/
cren	Liner	Dia	From	To	width	length	slots	pipe size

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

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

### Water Quality Concerns

From	To	Description	Amount	Units

## (10) STATIC WATER LEVEL

### Water Bearing Zones

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
					<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"/>	

## (11) WELL LOG

Material	From	To
Clay, grey, soft, silty-sandy	116	121
Clay, green, soft, silty	121	132
Clay, grey, silty-sandy	132	137
Gravel, 1/2" - & sand, black, medium w/wood & some clay, grey, hard	137	142
Clay, grey, silty, soft w/some gravel 1"	142	143
Sand, green, fine	143	145
Gravel, 2" - & sand, black, medium	145	146
Clay, green & brown, silty	146	151
Clay, tan & grey, soft w/some gravel, pea	151	157
Clay, tan, soft	157	161
Clay, green, soft	161	189
Clay, dark grey, soft	189	211
Clay, grey & green, soft w/some hard grey	211	221
Clay, brown, soft, silty	221	226
Sand, green & brown, fine-medium	226	228
Gravel, 1.5" - & sand, black, coarse-fine	228	236
Clay, dark grey, silty	236	243
Clay, green w/brown, medium-hard	243	251
Clay, multicolored, medium	251	291
Clay, greenish brown, soft, silty w/gravel, 1/2"	291	292
Clay, green & grey w/brown, medium	292	400

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WATER RESOURCES DEPT  
SALEM, OREGON

### Comments/Remarks

Bottom of screen assembly contains cement grout plug up to 246'.  
Steel plate ring w/pack access ports welded between 16" casing and 10" screen assembly at top of 16" casing.

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

ORIGINAL LOG #

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



SEP 10 2021

OWRD

**SBE Well #5**  
**SC 216497 - Well Tag ID # L128838**  
**Formation Log**  
**by Schneider Water Services**

<u>FM</u>	<u>TO</u>	<u>DESCRIPTION</u>
0	3	Topsoil
3	8	Clay, brown, medium, silty
8	27	Clay, tan, soft, silty and sandy
27	44	Clay, blue, sandy
44	65	Clay, blue green, sandy
65	75	Sand, grey, fine, with some clay, grey
75	100	Clay, blue and grey, firm, sticky, with some sand
100	108	Clay, green, sandy
108	135	Clay, grey and green, silty and sandy
135	143	Sand, brown and green, medium to fine
143	145	Sand, brown, coarse with gravel, black, 1/4- round
145	150	Clay, grey and brown, soft, silty
150	155	Clay, brown, soft, silty
155	160	Sand, brown, medium to fine
160	165	Clay, tan and brown, medium
165	185	Clay, green and grey, medium
185	205	Clay, grey, medium to firm
205	225	Clay, tan and brown, medium, silty
225	234	Clay, grey, silty
234	246	Sand, black, medium, with 1/2 gravel, black
244	265	Clay, grey, medium

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# MARI 66488

STATE OF OREGON  
WATER SUPPLY WELL REPORT  
(as required by ORS 537.765 & OAR 690-205-0210)

WELL I.D. LABEL# 118528  
START CARD # 201134  
ORIGINAL LOG #

(1) LAND OWNER Owner Well I.D. 6  
First Name Last Name  
Company SBE, Inc  
Address 11880 Lauren Lane  
City Newberg State OR Zip 97231

(2) TYPE OF WORK ☒ New Well ☐ Deepening ☐ Conversion  
☐ Alteration (complete 2a & 10) ☐ Abandonment (complete 5a)

(2a) PRE-ALTERATION  
Dia + From To Gauge Stil 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 261 ft.

BORE HOLE			SEAL			sacks/lbs	
Dia	From	To	Material	From	To	Amt	lbs
20	0	163	Bentonite	0	26	32	S
16	163	440				28	
						Calculated	67
			Cement	26	137	70	S
						Calculated	67

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E  
☒ Other Pour & probe bent.

Backfill placed from 269 ft. to 440 ft. Material Bentonite chip  
Filter pack from 119 ft. to 269 ft. Material Gravel Size pea

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 Stil Plstc Wld Thrd  
Screen Assembly ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐  
Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s)  
Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS  
Perforations Method  
Screens Type V-shaped wire wrap Material 304 SS  
Perf/ Casing/Screen Screen Liner Dia From To width length slots # of slots Tel/ pipe size  
Screen 10 140 180 0.04 8 25  
Screen 10 198 203 0.04 8 25  
Screen 10 218 223 0.04 8 25  
Screen 10 231 251 0.04 8 25

(8) WELL TESTS: Minimum testing time is 1 hour  
☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian  
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)  
147 54 8

Temperature 56 °F Lab analysis ☐ Yes By  
Water quality concerns? ☐ Yes (describe below) TDS amount 165  
From To Description Amount Units

(9) LOCATION OF WELL (legal description)  
County MARION Twp 4 S N/S Range 2 W E/W WM  
Sec 8 NE 1/4 of the SW 1/4 Tax Lot 600  
Tax Map Number 042W 08 Lot  
Lat " or 0 DMS or DD  
Long " or DMS or DD  
☒ Street address of well ☐ Nearest address  
21881 River Rd NE, St Paul, OR 97137

(10) STATIC WATER LEVEL  
Existing Well / Pre-Alteration Date SWL(psi) + SWL(ft)  
Completed Well 08-12-2016 95  
Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES Depth water was first found Indeterminate

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
08-12-2016	141	145			95
08-12-2016	199	203	See		95
08-12-2016	220	221	Section 8		95
08-12-2016	226	248			95

(11) WELL LOG Ground Elevation  
Material From To  
See Attached Formation log  
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Date Started 05-26-2016 Completed 08-16-2016

(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 797 Date 7/15/16  
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 649 Date 9/15/16  
Signed  
Contact Info (optional)



WATER SUPPLY WELL REPORT -  
continuation page

START CARD # 201134

ORIGINAL LOG #

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

Material	From	To	Amt	sacks/lbs

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

From	To	Material	Size

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
	10	<input type="checkbox"/>	251	261	.250			x	
		<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"/>							

[illegible]

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

[illegible][illegible][illegible]

10" tail pipe has a steel plate at 261'



SBE, Inc - Well 6  
 Start Card # 201134 - Well Tag ID # L 118528  
 Formation Log  
 by Schneider Water Services

<u>FM</u>	<u>TO</u>	<u>DESCRIPTION</u>
0	3	Top soil
3	8	Clay, brown, medium
8	18	Clay, tanish brown, medium, soft, silty
18	28	Clay, light brown/tan, medium silt, sticky
28	36	Clay, grey, medium silt, sticky
36	44	Clay, grey, medium coarse silt, sticky
44	45	Clay, grey, medium coarse silt with clay, hard
45	49	Clay, grey, silty, sticky
49	50	Sand, black and brown, fine
50	51	Clay, grey, medium soft
51	52	Sand, black and brown, fine, cemented
52	55	Clay, grey, medium soft
55	56	Sand, black, fine
56	57	Clay, grey, soft, silty with fine sand
57	58	Sandstone, black, fine
58	60	Sand, brown, fine
60	63	Clay, soft, grey, with wood
63	73	Sand, black, fine
73	77	Clay, grey, soft, with wood
77	78	Sand, black, fine
78	92	Clay, grey, medium
92	108	Clay, blue, medium
108	124	Clay, gray, soft
124	126	Clay, grey, with gravel, 1/4" - sandy
126	135	Clay, blue and grey, medium
135	138	Clay, gray and brown, medium, sandy, with wood
138	141	Clay, grey, medium
141	145	Gravel, 1"- with sand, medium
145	148	Clay, grey, medium, with wood
148	153	Clay, grey and brown, medium, little sandy
153	159	Clay, green and brown, silty, soft, with occasional gravel, 1/2"- and wood
159	162	Clay, brown, sandy, soft
162	163	Clay, brown, soft, sandy, with gravel 1"-

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# MARI 66488

SBE, Inc - Well 6  
Start Card # 201134 - Well Tag ID # L 118528  
Formation Log  
by Schneider Water Services

<u>FM</u>	<u>TO</u>	<u>DESCRIPTION</u>
163	167	Clay grey, soft, sticky
167	180	Clay, tan, soft, with occasional gravel, 3/4"-
180	195	Clay, green and grey, soft
195	199	Clay, dark grey, silty, soft
199	200	Clay, dark grey, silty, soft, with some gravel, 1/2"-
200	<del>202</del>	Clay, dark grey, sandy, soft
<del>202</del>	203	Sand, dark grey, medium, cemented
203	204	Clay, dark grey, sandy, soft
204	215	Clay, green, soft
215	220	Clay, tan, silty, soft
220	221	Sand, brown, medium coarse
221	226	Clay, tan, soft
226	230	Clay, tan, sandy, soft
230	232	Clay, greenish grey, silty, soft
232	240	Clay, brown, soft, sandy, with gravel, 1/4"-
240	242	Clay, grey, silty, soft
242	244	Clay, green, sandy, soft, with gravel, 1"-
244	248	Gravel, 2"- with clay, grey, sandy, soft
248	250	Clay, green, sandy, soft
250	335	Clay, green and grey, medium/hard
335	337	Clay, green, silty, medium, sticky
337	341	Clay, green, sandy, medium
341	359	Clay, dark grey, medium hard, sticky
359	365	Clay, green & grey, sticky
365	374	Clay, dark grey, medium hard
374	379	Clay, grey, medium, silty
379	381	Clay, green, medium, silty
381	386	Clay, green, medium, sandy
386	391	Clay, brown, medium-hard
391	400	Clay, grey, medium
400	407	Clay, grey, medium
407	413	Clay, grey, medium-hard, sticky
413	440	Clay, green, medium-hard, sticky

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PUMP TEST FORM  
COVER SHEET

Owner Information:

OWNER NAME/BUSINESS NAME: SBE, INC.	PHONE NO.: (503) 807-5025	ADDITIONAL CONTACT NO.: STEVE SCHNEIDER
ADDRESS: 11880 LAUREN LN NE		
CITY: NEWBERG	STATE: OR	ZIP: 97132
E-MAIL: STEVE@SCHNEIDERWATER.COM		

Pump Test Conducted By (If Different From Owner):

TEST CONDUCTED BY NAME: JUSTIN WETMORE	QUALIFICATION: (SELECT) Pump Installer <input checked="" type="checkbox"/>	LICENSE #: 43CPI
COMPANY: SCHNEIDER WATER SERVICES	PHONE NO.: (503) 633-2666	ADDITIONAL CONTACT NO.: KRISS SCHNEIDER
ADDRESS: 21881 RIVER RD NE		
CITY: SAINT PAUL	STATE: OR	ZIP: 97137
E-MAIL: KRISS@SCHNEIDERWATER.COM		

Tested Well Information (please attach well log(s) if available):

WELL LOG # (EX: MARI 99999)	WELL TAG # (EX: L-999999)	WELL NAME OR #	WELL DEPTH	ORIGINAL OWNER	DATE DRILLED	TEST DATE
MARI 1112	L-	WELL #1R	234 FT	MILO SCHNEIDER	4/4/1968	9/9/2021

(CONTINUED)

TWP (EX: 25S)	RNG (EX: 31E)	SEC (EX: 12)	QQ (EX: SE/SW)	SURVEYED LOCATION (EX: 100 ft N & 735 ft E fr SE cor, sec 6)	LATITUDE (EX: 44.94473859)	LONGITUDE (EX: -123.02787000)
4S	2W	8	NE/SW	TAX LOT 600	45.237103	-122.963583

List all water rights for which you are submitting this test. Please indicate if the tested well is listed as an authorized source of water on each water right. If not, you may also need to fill out a multiple well exemption (MWE) request form.

APPLICATION	PERMIT	TRANSFER	CERTIFICATE	IS THE TESTED WELL AN AUTHORIZED POA ON THIS RIGHT?
G- 2725	G- 2524	T- 10923	<del>XXXX</del>	<input checked="" type="radio"/> Yes <input type="radio"/> No (Need MWE Form)
G- 2725	G- 2524	T- 10923		<input type="radio"/> Yes <input checked="" type="radio"/> No (Need MWE Form)
G-	G-	T-		<input type="radio"/> Yes <input checked="" type="radio"/> No (Need MWE Form)

Nearby Wells and Streams: Please check yes or no. Do not leave blank.

☒ Yes Are there any wells, other than domestic or stock wells, within 1000 feet of the tested well?

If yes, identify the well by OWRD log number or attach a copy of the well log. Note the approximate distance to each well from the tested well and the approximate pumping rate of each.

If possible, indicate if they were turned on or off during the test or within 24 hours prior to the test (Indicate Not Pumped, if applicable).

WELL LOG # (EX: MARI 00000)	BEARING & DISTANCE FROM PUMPED WELL (FT)	DATE & TIME PUMP ON	DATE & TIME PUMP OFF	PUMPING RATE (GPM)
MARI 6648	~900 FT WNW	NOT PUMPED	NOT PUMPED	NOT PUMPED

☐ No Is there a lake, stream or other surface water body within ¼ mile of the tested well?

If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head.

Well elevation is above the surface water body. Approximate distance: \_\_\_\_\_ ft.

Approximate elevation difference: \_\_\_\_\_ ft.

☒ Yes Was the test conducted during normal use of the well?

Please indicate where pumped water was discharged: FIELD ADJACENT TO WELL

How far from the pumped well was water discharged? ~60 FT ft.

Additional forms can be found at: <https://www.oregon.gov/owrd/Forms/Pages/default.aspx>

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OREGON  
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DEPARTMENT

PUMP TEST FORM  
COVER SHEET

Water-Level Measurement Method: Electric Tape

Length of air line (if used): \_\_\_\_\_

\*Verify here: { Airline: \_\_\_\_\_ psi \_\_\_\_\_ feet.  
E-Tape: 500 \_\_\_\_\_ feet.

\*Airline measurements must be verified by an E-Tape measurement

Pressure transducer (if used):

Manufacturer: \_\_\_\_\_ Serial #: \_\_\_\_\_

Date Last Calibrated: \_\_\_\_\_ Units: \_\_\_\_\_

Pump Type: Turbine

HP: 25 Pump set at: 180 feet.

Pump idle time: >2 WEEKS

Discharge Measurement Method: Flowmeter

Flowmeter (if used):

Manufacturer: McCROMETER Serial #: 18-10883-04

Date Last Calibrated: 12/2018 Units: GPM

Note: Well must be idle for at least 16 hours prior to the test. Additional forms can be obtained from our web site at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Measuring Point (MP): Measuring point distance above land surface 2 feet.

Description (e.g., top port of 1 inch port pipe, west side) 1" TOP ACCESS PORT, WEST SIDE

Time pump turned on: Date 9/9/2021

Time 10:00 AM

Time pump turned off: Date 9/9/2021

Time 2:00 PM

Total pumping time: 4 hours 0 minutes.

Remember, your pump test may not be approved unless it meets the following criteria\*:

- ☐ The discharge rate was held constant for the entire pumping phase.
- ☐ The pump was on during the entire pumping phase ( $\geq 4$  hours).
- ☐ The discharge was measured at the start of pumping and at least once every hour during the test.
- ☐ Water levels were measured to an accuracy of 0.1 feet or 0.5 percent.
- ☐ Pre-test static water levels were measured at least three times in the hour before pumping began at no less than 20 minutes apart.
- ☐ Water levels were measured at the specified intervals during the pumping phase of the test for at least four hours ( $\leq 2$  min for the first 10 minutes,  $\leq 5$  min for 10 – 30 minutes, and  $\leq 15$  min for the remainder of the test)
- ☐ Water levels were measured at the specified intervals (see above) during the recovery phase of the test for four hours or until 90 percent of the maximum drawdown has recovered.
- ☐ If using an airline, measurements were calibrated with an E-Tape and the depth to water was  $\geq 300$  feet.
- ☐ The pump test cover sheet was completely filled out and signed.
- ☐ The pumping rate was as close as reasonably possible to the (anticipated) pumping rate during normal use of the well.
- ☐ The well was idle for at least 16 hours prior to the test.
- ☐ The pump test was completed by an acceptably qualified person (Oregon licensed water well constructors; Oregon registered professional geologists or certified engineering geologists; certified water rights examiners; Oregon registered professional engineers; and individuals whose primary occupation involves, wholly or in significant part, pump installation, service, or testing).

\*This checklist is intended for information purposes only and does not guarantee a pump test approval. The Department reserves all authority pertaining to the implementation of the rules under OAR 690-217.

Pump tests are intended to provide aquifer and well information for ground water resource characterization and to help solve well problems (OAR 690-217-0015(9)).

Pump test requirements for OAR 690-217 can be found online at:

[https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID=OARD=1BdwLynsYAPNSQIW330ZISFZuMscp4Hfil-1ftsDAAEsMC2\\_ROSsl-277278532?selectedDivision=3186](https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID=OARD=1BdwLynsYAPNSQIW330ZISFZuMscp4Hfil-1ftsDAAEsMC2_ROSsl-277278532?selectedDivision=3186)

Submit forms to:

Attn: Certificates Section, Oregon Water Resources Department  
725 Summer St NE Suite A, Salem, OR 97301

Forms may additionally be sent to [WRD\\_DL\\_pumptestsupport@oregon.gov](mailto:WRD_DL_pumptestsupport@oregon.gov)

I hereby certify that this test has been conducted in accordance with OAR 690-217:

OPERATOR SIGNATURE: \_\_\_\_\_

DATE: 9-9-21

OWNER SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

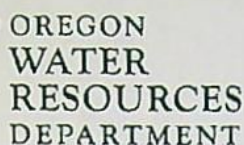
Additional forms can be found at: <https://www.oregon.gov/owrd/Forms/Pages/default.aspx>.

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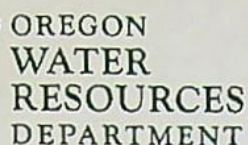


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OREGON  
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DEPARTMENT

PUMP TEST FORM  
COVER SHEET

Owner Information:

OWNER NAME/BUSINESS NAME: SBE, INC.		PHONE No.: (503) 807-5025	ADDITIONAL CONTACT No.: STEVE SCHNEIDER
ADDRESS: 11880 LAUREN LN NE			
CITY: NEWBERG	STATE: OR	ZIP: 97132	E-MAIL: STEVE@SCHNEIDERWATER.COM

Pump Test Conducted By (If Different From Owner):

TEST CONDUCTED BY NAME: JUSTIN WETMORE		QUALIFICATION: (SELECT) Pump Installer <input checked="" type="checkbox"/>	LICENSE #: 43CPI
COMPANY: SCHNEIDER WATER SERVICES		PHONE No.: (503) 633-2666	ADDITIONAL CONTACT No.: KRISS SCHNEIDER
ADDRESS: 21881 RIVER RD NE			
CITY: SAINT PAUL	STATE: OR	ZIP: 97137	E-MAIL: KRISS@SCHNEIDERWATER.COM

Tested Well Information (please attach well log(s) if available):

WELL LOG # (EX: MARI 99999)	WELL TAG # (EX: L-999999)	WELL NAME OR #	WELL DEPTH	ORIGINAL OWNER	DATE DRILLED	TEST DATE
MARI 59753	L- 72473	WELL #3	223 FT	SBE, INC.	9/1/1972	9/21/2021

(CONTINUED) 1109

TWP (EX: 26S)	RNG (EX: 31E)	SEC (EX: 12)	QQ (EX: SE/SW)	SURVEYED LOCATION (EX: 100 ft N & 736 ft E fr SE cor, sec 5)	LATITUDE (EX: 44.94473859)	LONGITUDE (EX: -123.02787000)
4S	2W	8	SW/NW	TAX LOT 600	45.239095	-122.970835

List all water rights for which you are submitting this test. Please indicate if the tested well is listed as an authorized source of water on each water right. If not, you may also need to fill out a multiple well exemption (MWE) request form.

APPLICATION	PERMIT	TRANSFER	CERTIFICATE	IS THE TESTED WELL AN AUTHORIZED POA ON THIS RIGHT?
G- 2725	G- 2524	T- 10923	<del>XXXXXX</del>	<input checked="" type="radio"/> Yes <input type="radio"/> No (Need MWE Form)
G- 414	G- 288	T- 10923		<input type="radio"/> Yes <input checked="" type="radio"/> No (Need MWE Form)
G-	G-	T-		<input type="radio"/> Yes <input checked="" type="radio"/> No (Need MWE Form)

Nearby Wells and Streams: Please check yes or no. Do not leave blank.

☒ Are there any wells, other than domestic or stock wells, within 1000 feet of the tested well?  
If yes, identify the well by OWRD log number or attach a copy of the well log. Note the approximate distance to each well from the tested well and the approximate pumping rate of each.  
If possible, indicate if they were turned on or off during the test or within 24 hours prior to the test (Indicate Not Pumped, if applicable).

WELL LOG # (EX: MARI 99999)	BEARING & DISTANCE FROM PUMPED WELL (FT)	DATE & TIME PUMP ON	DATE & TIME PUMP OFF	PUMPING RATE (GPM)
MARI 1103	~85 FT	NOT PUMPED	NOT PUMPED	N/A
MARI 62238	~100 FT	NOT PUMPED	NOT PUMPED	N/A
MARI 70012	~650 FT	NOT PUMPED	NOT PUMPED	N/A

☐ Is there a lake, stream or other surface water body within 1/4 mile of the tested well?  
If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head.  
Well elevation is above the surface water body. Approximate distance: \_\_\_\_\_ ft.  
Approximate elevation difference: \_\_\_\_\_ ft.

☒ Was the test conducted during normal use of the well?  
Please indicate where pumped water was discharged: FIELD ADJACENT TO WELL  
How far from the pumped well was water discharged? ~60 FT ft.

Additional forms can be found at: <https://www.oregon.gov/owrd/Forms/Pages/default.aspx>.

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Water-Level Measurement Method: Electric Tape

Length of air line (if used): \_\_\_\_\_

\*Verify here: { Airline: \_\_\_\_\_ psi \_\_\_\_\_ feet.  
E-Tape: 500 \_\_\_\_\_ feet.

\*Airline measurements must be verified by an E-Tape measurement

Pressure transducer (if used):

Manufacturer: \_\_\_\_\_ Serial #: \_\_\_\_\_

Date Last Calibrated: \_\_\_\_\_ Units: \_\_\_\_\_

Pump Type: Turbine

HP: 50 Pump set at: 200 feet.

Pump idle time: 7 DAYS

Discharge Measurement Method: Flowmeter

Flowmeter (if used):

Manufacturer: McCROMETER Serial #: 96-06631

Date Last Calibrated: AUGUST 1996 Units: GPM

Note: Well must be idle for at least 16 hours prior to the test. Additional forms can be obtained from our web site at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Measuring Point (MP): Measuring point distance above land surface 2 feet.

Description (e.g., top port of 1 inch port pipe, west side) 3/4" PROBE TUBE AT TOP OF CASING, EAST SIDE

Time pump turned on: Date 9/21/2021

Time 9:45 AM

Time pump turned off: Date 9/21/2021

Time 1:45 PM

Total pumping time: 4 hours 0 minutes.

Remember, your pump test may not be approved unless it meets the following criteria\*:

- ☐ The discharge rate was held constant for the entire pumping phase.
- ☐ The pump was on during the entire pumping phase ( $\geq 4$  hours).
- ☐ The discharge was measured at the start of pumping and at least once every hour during the test.
- ☐ Water levels were measured to an accuracy of 0.1 feet or 0.5 percent.
- ☐ Pre-test static water levels were measured at least three times in the hour before pumping began at no less than 20 minutes apart.
- ☐ Water levels were measured at the specified intervals during the pumping phase of the test for at least four hours ( $\leq 2$  min for the first 10 minutes,  $\leq 5$  min for 10 – 30 minutes, and  $\leq 15$  min for the remainder of the test)
- ☐ Water levels were measured at the specified intervals (see above) during the recovery phase of the test for four hours or until 90 percent of the maximum drawdown has recovered.
- ☐ If using an airline, measurements were calibrated with an E-Tape and the depth to water was  $\geq 300$  feet.
- ☐ The pump test cover sheet was completely filled out and signed.
- ☐ The pumping rate was as close as reasonably possible to the (anticipated) pumping rate during normal use of the well.
- ☐ The well was idle for at least 16 hours prior to the test.
- ☐ The pump test was completed by an acceptably qualified person (Oregon licensed water well constructors; Oregon registered professional geologists or certified engineering geologists; certified water rights examiners; Oregon registered professional engineers; and individuals whose primary occupation involves, wholly or in significant part, pump installation, service, or testing).

\*This checklist is intended for information purposes only and does not guarantee a pump test approval. The Department reserves all authority pertaining to the implementation of the rules under OAR 690-217.

Pump tests are intended to provide aquifer and well information for ground water resource characterization and to help solve well problems (OAR 690-217-0015(9)).

Pump test requirements for OAR 690-217 can be found online at:

[https://secure.sos.state.or.us/oard/displayDivisionRules.action?JSESSIONID\\_OARD=1BdwLynsYAPNSQIW330ZjSFZuMscp4Hfil-1ftsDAAEsMC2\\_ROSSl-277278532?selectedDivision=3186](https://secure.sos.state.or.us/oard/displayDivisionRules.action?JSESSIONID_OARD=1BdwLynsYAPNSQIW330ZjSFZuMscp4Hfil-1ftsDAAEsMC2_ROSSl-277278532?selectedDivision=3186)

Submit forms to:

Attn: Certificates Section, Oregon Water Resources Department  
725 Summer St NE Suite A, Salem, OR 97301

Forms may additionally be sent to [WRD\\_DL\\_pumptestsupport@oregon.gov](mailto:WRD_DL_pumptestsupport@oregon.gov)

I hereby certify that this test has been conducted in accordance with OAR 690-217:

OPERATOR SIGNATURE: LSM

DATE: 9-21-21

OWNER SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Additional forms can be found at: <https://www.oregon.gov/owrd/Forms/Pages/default.aspx>.

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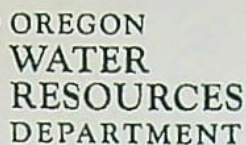




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OREGON  
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PUMP TEST FORM  
COVER SHEET

Owner Information:

OWNER NAME/BUSINESS NAME: SBE, INC.		PHONE No.: (503) 807-5025	ADDITIONAL CONTACT No.: STEVE SCHNEIDER
ADDRESS: 11880 LAUREN LN NE			
CITY: NEWBERG	STATE: OR	ZIP: 97132	E-MAIL: STEVE@SCHNEIDERWATER.COM

Pump Test Conducted By (If Different From Owner):

TEST CONDUCTED BY NAME: JUSTIN WETMORE	QUALIFICATION: (SELECT) Pump Installer <input checked="" type="checkbox"/>	LICENSE #: 43CPI
COMPANY: SCHNEIDER WATER SERVICES	PHONE No.: (503) 633-2666	ADDITIONAL CONTACT No.: KRISS SCHNEIDER
ADDRESS: 21881 RIVER RD NE		
CITY: SAINT PAUL	STATE: OR	ZIP: 97137 E-MAIL: KRISS@SCHNEIDERWATER.COM

Tested Well Information (please attach well log(s) if available):

WELL LOG # (EX: MARI 99999)	WELL TAG # (EX: L-999999)	WELL NAME OR #	WELL DEPTH	ORIGINAL OWNER	DATE DRILLED	TEST DATE
MARI 62238	L- 91798	WELL #4	246 FT	SBE, INC.	11/24/2008	9/2/2021

(CONTINUED)

TWP (EX: 25S)	RNG (EX: 31E)	SEC (EX: 12)	QQ (EX: SE/SW)	SURVEYED LOCATION (EX: 100 ft N & 735 ft E fr SE cor, sec 5)	LATITUDE (EX: 44.94473659)	LONGITUDE (EX: -123.02767000)
4S	2W	8	SW/NW	TAX LOT 600	45.239049	-122.970453

List all water rights for which you are submitting this test. Please indicate if the tested well is listed as an authorized source of water on each water right. If not, you may also need to fill out a multiple well exemption (MWE) request form.

APPLICATION	PERMIT	TRANSFER	CERTIFICATE	IS THE TESTED WELL AN AUTHORIZED POA ON THIS RIGHT?
G- 2725	G- 2524	T- 10923	<del>XXXX</del>	<input checked="" type="radio"/> Yes <input type="radio"/> No (Need MWE Form)
G- 414	G- 288	T- 10923		<input type="radio"/> Yes <input checked="" type="radio"/> No (Need MWE Form)
G-	G-	T-		<input type="radio"/> Yes <input checked="" type="radio"/> No (Need MWE Form)

Nearby Wells and Streams: Please check yes or no. Do not leave blank.

☒ Yes Are there any wells, other than domestic or stock wells, within 1000 feet of the tested well?

If yes, identify the well by OWRD log number or attach a copy of the well log. Note the approximate distance to each well from the tested well and the approximate pumping rate of each.

If possible, indicate if they were turned on or off during the test or within 24 hours prior to the test (Indicate Not Pumped, if applicable).

WELL LOG # (EX: MARI 99999)	BEARING & DISTANCE FROM PUMPED WELL (FT)	DATE & TIME PUMP ON	DATE & TIME PUMP OFF	PUMPING RATE (GPM)
MARI 1103	~85 FT	NOT PUMPED	NOT PUMPED	N/A
MARI 1109	~100 FT	NOT PUMPED	NOT PUMPED	N/A
MARI 70012	~650 FT	NOT PUMPED	NOT PUMPED	N/A

☐ No Is there a lake, stream or other surface water body within 1/4 mile of the tested well?

If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head.

Well elevation is above the surface water body.

Approximate distance: \_\_\_\_\_ ft.  
Approximate elevation difference: \_\_\_\_\_ ft.

☒ Yes Was the test conducted during normal use of the well?

Please indicate where pumped water was discharged: TO DISCHARGE POND

How far from the pumped well was water discharged? ~1500 FT

\_\_\_\_\_ ft.

Additional forms can be found at: <https://www.oregon.gov/owrd/Forms/Pages/default.aspx>.

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Water-Level Measurement Method: Electric Tape

Length of air line (if used): \_\_\_\_\_

\*Airline measurements must be verified by an E-Tape measurement

Pressure transducer (if used): \_\_\_\_\_

Manufacturer: \_\_\_\_\_

Serial #: \_\_\_\_\_

Date Last Calibrated: \_\_\_\_\_

Units: \_\_\_\_\_

Discharge Measurement Method: Flowmeter

Flowmeter (if used): \_\_\_\_\_

Manufacturer: McCROMETER

Serial #: 09-05981-04

Date Last Calibrated: 7/2009

Units: GPM

\*Verify here: { Airline: \_\_\_\_\_ psi \_\_\_\_\_ feet.  
E-Tape: 500 \_\_\_\_\_ feet.

Pump Type: Turbine

HP: 25 Pump set at: 131 feet.

Pump idle time: 18 HOURS

Note: Well must be idle for at least 16 hours prior to the test. Additional forms can be obtained from our web site at:  
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Measuring Point (MP): Measuring point distance above land surface 2 feet.

Description (e.g., top port of 1 inch port pipe, west side) TOP ACCESS PORT OF 1" PROBE TUBE PIPE, WEST SIDE.

Time pump turned on: Date 9/2/2021

Time 9:15 AM

Time pump turned off: Date 9/2/2021

Time 1:15 PM

Total pumping time: 4 hours 0 minutes.

Remember, your pump test may not be approved unless it meets the following criteria\*:

- ☐ The discharge rate was held constant for the entire pumping phase.
- ☐ The pump was on during the entire pumping phase ( $\geq 4$  hours).
- ☐ The discharge was measured at the start of pumping and at least once every hour during the test.
- ☐ Water levels were measured to an accuracy of 0.1 feet or 0.5 percent.
- ☐ Pre-test static water levels were measured at least three times in the hour before pumping began at no less than 20 minutes apart.
- ☐ Water levels were measured at the specified intervals during the pumping phase of the test for at least four hours ( $\leq 2$  min for the first 10 minutes,  $\leq 5$  min for 10 – 30 minutes, and  $\leq 15$  min for the remainder of the test)
- ☐ Water levels were measured at the specified intervals (see above) during the recovery phase of the test for four hours or until 90 percent of the maximum drawdown has recovered.
- ☐ If using an airline, measurements were calibrated with an E-Tape and the depth to water was  $\geq 300$  feet.
- ☐ The pump test cover sheet was completely filled out and signed.
- ☐ The pumping rate was as close as reasonably possible to the (anticipated) pumping rate during normal use of the well.
- ☐ The well was idle for at least 16 hours prior to the test.
- ☐ The pump test was completed by an acceptably qualified person (Oregon licensed water well constructors; Oregon registered professional geologists or certified engineering geologists; certified water rights examiners; Oregon registered professional engineers; and individuals whose primary occupation involves, wholly or in significant part, pump installation, service, or testing).

\*This checklist is intended for information purposes only and does not guarantee a pump test approval. The Department reserves all authority pertaining to the implementation of the rules under OAR 690-217.

Pump tests are intended to provide aquifer and well information for ground water resource characterization and to help solve well problems (OAR 690-217-0015(9)).

Pump test requirements for OAR 690-217 can be found online at:

[https://secure.sos.state.or.us/oard/displayDivisionRules.action?JSESSIONID=OARD=1BdwLynsYAPNSQIW330ZiSFZuM-sc4Hfil-1ftsDAAEsMC2\\_ROSsl-277278532?selectedDivision=3186](https://secure.sos.state.or.us/oard/displayDivisionRules.action?JSESSIONID=OARD=1BdwLynsYAPNSQIW330ZiSFZuM-sc4Hfil-1ftsDAAEsMC2_ROSsl-277278532?selectedDivision=3186)

Submit forms to:

Attn: Certificates Section, Oregon Water Resources Department  
725 Summer St NE Suite A, Salem, OR 97301

Forms may additionally be sent to WRD\_DL\_pumptestsupport@oregon.gov

I hereby certify that this test has been conducted in accordance with OAR 690-217:

OPERATOR SIGNATURE: ILSM

DATE: 9-2-21

OWNER SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Additional forms can be found at: <https://www.oregon.gov/owrd/Forms/Pages/default.aspx>.

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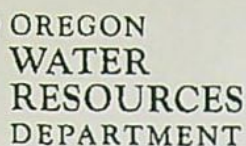
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OREGON  
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PUMP TEST FORM  
COVER SHEET

Owner Information:

OWNER NAME/BUSINESS NAME: SBE, INC.		PHONE No.: (503) 807-5025	ADDITIONAL CONTACT No.: STEVE SCHNEIDER
ADDRESS: 11880 LAUREN LN NE			
CITY: NEWBERG	STATE: OR	ZIP: 97132	E-MAIL: STEVE@SCHNEIDERWATER.COM

Pump Test Conducted By (If Different From Owner):

TEST CONDUCTED BY NAME: BEN HUTCHINGS	QUALIFICATION: (SELECT) Pump Installer <input checked="" type="checkbox"/>	LICENSE #: 43CPI
COMPANY: SCHNEIDER WATER SERVICES	PHONE No.: (503) 633-2666	ADDITIONAL CONTACT No.: KRISS SCHNEIDER
ADDRESS: 21881 RIVER RD NE		
CITY: SAINT PAUL	STATE: OR	ZIP: 97137
E-MAIL: KRISS@SCHNEIDERWATER.COM		

Tested Well Information (please attach well log(s) if available):

WELL LOG # (EX: MARI 99999)	WELL TAG # (EX: L-999999)	WELL NAME OR #	WELL DEPTH	ORIGINAL OWNER	DATE DRILLED	TEST DATE
MARI 70012	L- 128838	WELL #5	258 FT	SBE, INC.	8/18/2021	8/18/2021

(CONTINUED)

TWP (EX: 25S)	RNG (EX: 31E)	SEC (EX: 12)	QQ (EX: SE/SW)	SURVEYED LOCATION (EX: 100 ft N & 736 ft E fr SE cor, sec 6)	LATITUDE (EX: 44.94473859)	LONGITUDE (EX: -123.02787000)
4S	2W	8	NE/NW	TAX LOT 600	45.238332	-122.968137

List all water rights for which you are submitting this test. Please indicate if the tested well is listed as an authorized source of water on each water right. If not, you may also need to fill out a multiple well exemption (MWE) request form.

APPLICATION	PERMIT	TRANSFER	CERTIFICATE	IS THE TESTED WELL AN AUTHORIZED POA ON THIS RIGHT?
G- 2725	G- 2524	T- 10923	<del>XXXX</del>	<input checked="" type="radio"/> Yes <input type="radio"/> No (Need MWE Form)
G- 414	G- 288	T- 10923		<input type="radio"/> Yes <input checked="" type="radio"/> No (Need MWE Form)
G-	G-	T-		<input type="radio"/> Yes <input checked="" type="radio"/> No (Need MWE Form)

Nearby Wells and Streams: Please check yes or no. Do not leave blank.

☒ Are there any wells, other than domestic or stock wells, within 1000 feet of the tested well?  
If yes, identify the well by OWRD log number or attach a copy of the well log. Note the approximate distance to each well from the tested well and the approximate pumping rate of each.  
If possible, indicate if they were turned on or off during the test or within 24 hours prior to the test (Indicate Not Pumped, if applicable).

WELL LOG # (EX: MARI 99999)	BEARING & DISTANCE FROM PUMPED WELL (FT)	DATE & TIME PUMP ON	DATE & TIME PUMP OFF	PUMPING RATE (GPM)
MARI 1103	~725 FT	NOT PUMPED	NOT PUMPED	N/A
MARI 1109	~750 FT	NOT PUMPED	NOT PUMPED	N/A
MARI 62238	~650 FT	NOT PUMPED	NOT PUMPED	N/A

☐ Is there a lake, stream or other surface water body within 1/4 mile of the tested well?  
If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head.  
Well elevation is  above the surface water body. Approximate distance: \_\_\_\_\_ ft.  
Approximate elevation difference: \_\_\_\_\_ ft.

☐ Was the test conducted during normal use of the well?  
Please indicate where pumped water was discharged: FIELD ADJACENT TO WELL  
How far from the pumped well was water discharged? ~40 FT \_\_\_\_\_ ft.

Additional forms can be found at: <https://www.oregon.gov/owrd/Forms/Pages/default.aspx>.

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Water-Level Measurement Method: Electric Tape \*Verify here: { Airline: \_\_\_\_\_ psi \_\_\_\_\_ feet.  
Length of air line (if used): \_\_\_\_\_ E-Tape: 500 feet.

\*Airline measurements must be verified by an E-Tape measurement

Pressure transducer (if used):

Manufacturer: \_\_\_\_\_ Serial #: \_\_\_\_\_

Date Last Calibrated: \_\_\_\_\_ Units: \_\_\_\_\_

Discharge Measurement Method: Flowmeter

Flowmeter (if used):

Manufacturer: McCROMETER Serial #: 96-06631

Date Last Calibrated: 8/1996 Units: GPM

Pump Type: Submersible

HP: 40 Pump set at: 200 feet.

Pump idle time: 19 HRS

Note: Well must be idle for at least 16 hours prior to the test. Additional forms can be obtained from our web site at:  
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Measuring Point (MP): Measuring point distance above land surface 2 feet.

Description (e.g., top port of 1 inch port pipe, west side) TOP OF 1" PROBE TUBE AT TOC, WEST SIDE

Time pump turned on: Date 8/18/2021 Time 9:00 AM

Time pump turned off: Date 8/18/2021 Time 1:00 PM

Total pumping time: 4 hours 0 minutes.

Remember, your pump test may not be approved unless it meets the following criteria\*:

- ☐ The discharge rate was held constant for the entire pumping phase.
- ☐ The pump was on during the entire pumping phase ( $\geq 4$  hours).
- ☐ The discharge was measured at the start of pumping and at least once every hour during the test.
- ☐ Water levels were measured to an accuracy of 0.1 feet or 0.5 percent.
- ☐ Pre-test static water levels were measured at least three times in the hour before pumping began at no less than 20 minutes apart.
- ☐ Water levels were measured at the specified intervals during the pumping phase of the test for at least four hours ( $\leq 2$  min for the first 10 minutes,  $\leq 5$  min for 10 – 30 minutes, and  $\leq 15$  min for the remainder of the test)
- ☐ Water levels were measured at the specified intervals (see above) during the recovery phase of the test for four hours or until 90 percent of the maximum drawdown has recovered.
- ☐ If using an airline, measurements were calibrated with an E-Tape and the depth to water was  $\geq 300$  feet.
- ☐ The pump test cover sheet was completely filled out and signed.
- ☐ The pumping rate was as close as reasonably possible to the (anticipated) pumping rate during normal use of the well.
- ☐ The well was idle for at least 16 hours prior to the test.
- ☐ The pump test was completed by an acceptably qualified person (Oregon licensed water well constructors; Oregon registered professional geologists or certified engineering geologists; certified water rights examiners; Oregon registered professional engineers; and individuals whose primary occupation involves, wholly or in significant part, pump installation, service, or testing).

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Submit forms to:

Attn: Certificates Section, Oregon Water Resources Department  
725 Summer St NE Suite A, Salem, OR 97301

Forms may additionally be sent to [WRD\\_DL\\_pumptestsupport@oregon.gov](mailto:WRD_DL_pumptestsupport@oregon.gov)

I hereby certify that this test has been conducted in accordance with OAR 690-217:

OPERATOR SIGNATURE: [Signature] DATE: 8-18-21

OWNER SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Additional forms can be found at: <https://www.oregon.gov/owrd/Forms/Pages/default.aspx>.

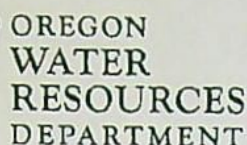
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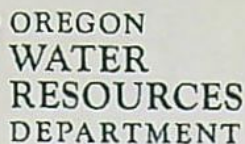


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OWNED





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DEPARTMENT

PUMP TEST FORM  
COVER SHEET

Owner Information:

OWNER NAME/BUSINESS NAME: SBE, INC.		PHONE No.: (503) 807-5025	ADDITIONAL CONTACT No.: STEVE SCHNEIDER
ADDRESS: 11880 LAUREN LN NE			
CITY: NEWBERG	STATE: OR	ZIP: 97132	E-MAIL: STEVE@SCHNEIDERWATER.COM

Pump Test Conducted By (If Different From Owner):

TEST CONDUCTED BY NAME: AUSTIN DYE	QUALIFICATION: (SELECT) Pump Installer <input checked="" type="checkbox"/>	LICENSE #: 43CPI
COMPANY: SCHNEIDER WATER SERVICES	PHONE No.: (503) 633-2666	ADDITIONAL CONTACT No.: KRISS SCHNEIDER
ADDRESS: 21881 RIVER RD NE		
CITY: SAINT PAUL	STATE: OR	ZIP: 97137
E-MAIL: KRISS@SCHNEIDERWATER.COM		

Tested Well Information (please attach well log(s) if available):

WELL LOG # (EX: MARI 99999)	WELL TAG # (EX: L-999999)	WELL NAME OR #	WELL DEPTH	ORIGINAL OWNER	DATE DRILLED	TEST DATE
MARI 66488	L- 118528	WELL #6	261 FT	SBE, INC.	9/15/2016	8/11/2021

(CONTINUED)

TWP (EX: 25S)	RNG (EX: 31E)	SEC (EX: 12)	QQ (EX: SE/SW)	SURVEYED LOCATION (EX: 100 ft N & 735 ft E fr SE cor, sec 5)	LATITUDE (EX: 44.94473859)	LONGITUDE (EX: -122.02787000)
4S	2W	8	NE/SW	TAX LOT 600	45.236227	-122.960389

List all water rights for which you are submitting this test. Please indicate if the tested well is listed as an authorized source of water on each water right. If not, you may also need to fill out a multiple well exemption (MWE) request form.

APPLICATION	PERMIT	TRANSFER	CERTIFICATE	IS THE TESTED WELL AN AUTHORIZED POA ON THIS RIGHT?
G- 2725	G- 2524	T- 10923	<del>XXXX</del>	<input checked="" type="radio"/> Yes <input type="radio"/> No (Need MWE Form)
G- 414	G- 288	T- 10923		<input type="radio"/> Yes <input checked="" type="radio"/> No (Need MWE Form)
G-	G-	T-		<input type="radio"/> Yes <input checked="" type="radio"/> No (Need MWE Form)

Nearby Wells and Streams: Please check yes or no. Do not leave blank.

☒ Yes Are there any wells, other than domestic or stock wells, within 1000 feet of the tested well?

If yes, identify the well by OWRD log number or attach a copy of the well log. Note the approximate distance to each well from the tested well and the approximate pumping rate of each.

If possible, indicate if they were turned on or off during the test or within 24 hours prior to the test (Indicate Not Pumped, if applicable).

WELL LOG # (EX: MARI 99999)	BEARING & DISTANCE FROM PUMPED WELL (FT)	DATE & TIME PUMP ON	DATE & TIME PUMP OFF	PUMPING RATE (GPM)
MARI 1112	~900 FT WNW	NOT PUMPED	NOT PUMPED	NOT PUMPED

☐ No Is there a lake, stream or other surface water body within ¼ mile of the tested well?

If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head.

Well elevation is above the surface water body. Approximate distance: \_\_\_\_\_ ft.

Approximate elevation difference: \_\_\_\_\_ ft.

☒ Yes Was the test conducted during normal use of the well?

Please indicate where pumped water was discharged: FIELD ADJACENT TO WELL

How far from the pumped well was water discharged? ~70 FT \_\_\_\_\_ ft.

Additional forms can be found at: <https://www.oregon.gov/owrd/Forms/Pages/default.aspx>.

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OWRD





OREGON  
WATER  
RESOURCES  
DEPARTMENT

PUMP TEST FORM  
COVER SHEET

Water-Level Measurement Method: Electric Tape

Length of air line (if used): \_\_\_\_\_

\*Verify here:

Airline: \_\_\_\_\_ psi \_\_\_\_\_ feet.  
E-Tape: 500 \_\_\_\_\_ feet.

\*Airline measurements must be verified by an E-Tape measurement

Pressure transducer (if used):

Manufacturer: \_\_\_\_\_ Serial #: \_\_\_\_\_

Date Last Calibrated: \_\_\_\_\_ Units: \_\_\_\_\_

Discharge Measurement Method: Flowmeter

Flowmeter (if used):

Manufacturer: McCROMETER Serial #: 17-08899-03

Date Last Calibrated: 6/26/2017 Units: GPM

Pump Type: Submersible

HP: 15 Pump set at: 153' 6" feet.

Pump idle time: >2 WEEKS

Note: Well must be idle for at least 16 hours prior to the test. Additional forms can be obtained from our web site at:  
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Measuring Point (MP): Measuring point distance above land surface 1.5 feet.

Description (e.g., top port of 1 inch port pipe, west side) 1" PORT ON TOP OF DISCHARGE FLANGE, NW SIDE

Time pump turned on: Date 8/11/2021

Time 9:20 AM

Time pump turned off: Date 8/11/2021

Time 1:20 PM

Total pumping time: 4 hours 0 minutes.

Remember, your pump test may not be approved unless it meets the following criteria\*:

- ☐ The discharge rate was held constant for the entire pumping phase.
- ☐ The pump was on during the entire pumping phase ( $\geq 4$  hours).
- ☐ The discharge was measured at the start of pumping and at least once every hour during the test.
- ☐ Water levels were measured to an accuracy of 0.1 feet or 0.5 percent.
- ☐ Pre-test static water levels were measured at least three times in the hour before pumping began at no less than 20 minutes apart.
- ☐ Water levels were measured at the specified intervals during the pumping phase of the test for at least four hours ( $\leq 2$  min for the first 10 minutes,  $\leq 5$  min for 10 – 30 minutes, and  $\leq 15$  min for the remainder of the test)
- ☐ Water levels were measured at the specified intervals (see above) during the recovery phase of the test for four hours or until 90 percent of the maximum drawdown has recovered.
- ☐ If using an airline, measurements were calibrated with an E-Tape and the depth to water was  $\geq 300$  feet.
- ☐ The pump test cover sheet was completely filled out and signed.
- ☐ The pumping rate was as close as reasonably possible to the (anticipated) pumping rate during normal use of the well.
- ☐ The well was idle for at least 16 hours prior to the test.
- ☐ The pump test was completed by an acceptably qualified person (Oregon licensed water well constructors; Oregon registered professional geologists or certified engineering geologists; certified water rights examiners; Oregon registered professional engineers; and individuals whose primary occupation involves, wholly or in significant part, pump installation, service, or testing).

\*This checklist is intended for information purposes only and does not guarantee a pump test approval. The Department reserves all authority pertaining to the implementation of the rules under OAR 690-217.

Pump tests are intended to provide aquifer and well information for ground water resource characterization and to help solve well problems (OAR 690-217-0015(9)).

Pump test requirements for OAR 690-217 can be found online at:

[https://secure.sos.state.or.us/oard/displayDivisionRules.action?JSESSIONID\\_OARD=1BdwLynsYAPNSQIW330ZjSFZuMscp4Hfil-1ftsDAAEsMC2.ROSS!-277278532?selectedDivision=3186](https://secure.sos.state.or.us/oard/displayDivisionRules.action?JSESSIONID_OARD=1BdwLynsYAPNSQIW330ZjSFZuMscp4Hfil-1ftsDAAEsMC2.ROSS!-277278532?selectedDivision=3186)

Submit forms to:

Attn: Certificates Section, Oregon Water Resources Department  
725 Summer St NE Suite A, Salem, OR 97301

Forms may additionally be sent to [WRD\\_DL\\_pumptestsupport@oregon.gov](mailto:WRD_DL_pumptestsupport@oregon.gov)

I hereby certify that this test has been conducted in accordance with OAR 690-217:

OPERATOR SIGNATURE: \_\_\_\_\_

DATE: 9-1-21

OWNER SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

RECEIVED

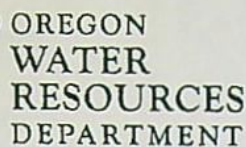
NOV 17 2023

OWRD

Additional forms can be found at: <https://www.oregon.gov/owrd/Forms/Pages/default.aspx>.

OWRD 20200115



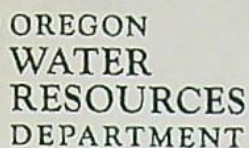


## Page 1 of 2

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OWNED





## Page 2 of 2

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RECEIVED  
NOV 17 2023  
OWEN





RECEIVED

NOV 17 2023

OWRD

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: SBE Inc.

11880 Lauren Ln. Newberg OR 97132

Transaction Type: Claim

Fees Received: \$ 0

☐ Cash ☐ Check: Check No. N/A

Name(s) on Check: N/A

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: Corie Lorrain  
(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 submittal.





**Oregon**  
Kate Brown, Governor

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

October 11, 2021

SBE INC  
11880 LAUREN LANE  
NEWBERG, OR 97132

Reference: File T-10923

We have received your application for extension of the time limit to make complete application of water under T-10923. We also have your check in the amount of \$780.00. A copy of receipt number 136434 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. **The time limit to make complete application of water is extended to October 1, 2023.** The order approving the extension was entered October 11, 2021, at Vol:121, Page:788.

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 may be lost.

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 extension final order, whichever occurs first.

If you have any questions, please contact the Ann Reece at 503-979-3214.

Sincerely,

Julie C. Baustian  
Water Right Services Support  
Transfers and Conservation Section

cc: Gregory J. Wacker, Watermaster Dist. #16 (via email)

Enclosure



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

In the Matter of Application for Extension	)	FINAL ORDER APPROVING AN EXTENSION
of Time for Transfer Application T-10923,	)	OF TIME FOR A PERMANENT TRANSFER
Marion County	)	

**Applicant**

SBE Inc.  
11880 Lauren Lane  
Newberg, OR 97132

**Authority**

Oregon Administrative Rules (OAR) 690-380-5140(2) authorizes the Department to grant an extension of time to complete a transfer.

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time to complete a transfer as authorized by a final order issued under OAR Division 380.

OAR 690-380-6020 (3) establishes that extensions are granted for one year, from October 1 to October 1 of each year. Extensions may be granted for longer time if the applicant can justify the need for a longer period of time by submission of pertinent evidence.

**Findings of Fact**

1. On September 17, 2021, the Department received an application for extension of time for Transfer Application T-10923. This is the second extension request.
2. On February 7, 2011, the Department signed an order, which was mailed on February 8, 2011, approving Transfer Application T-10923 to add five additional points of appropriation. The order was recorded in Special Order Volume 83, Pages 492-499. The order set a transfer completion date of October 1, 2016.
3. On October 21, 2016, the Department signed an order, which was mailed on October 28, 2016, approving an extension of time. The order was recorded in Special Order Volume 103, Pages 238-239. The order extended the transfer completion date to October 1, 2021.

**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. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.



4. Since the approval of previous extension, the applicant has completed construction on Well 5 and Well 6. Pumps and meters have been installed on Well 1, Well 3, Well 4, and Well 6. They have been connected to the irrigation system and are ready for use.
5. To fully complete the change, the applicant needs to rehabilitate Well 2, install pumps and meters on Well 2 and Well 5, and connect these two wells to the irrigation system.
6. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2023. The applicant has requested more than one year based on the additional time they will need to complete the rehabilitation work on Well 2 and connect Well 2 and Well 5 to the irrigation system. Consistent with OAR 690-380-6020(3), the Department will extend the transfer completion date to October 1, 2023.

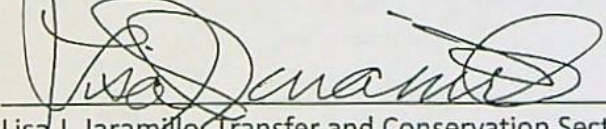
#### Conclusions of Law

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the previous extension order for Transfer Application T-10923.

Now, therefore, it is ORDERED:

The time for completion of the changes authorized by Transfer Application T-10923 shall be extended to **October 1, 2023**.

Signed at Salem, Oregon on OCT 11 2021.

  
\_\_\_\_\_  
Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources Department

Mailing date: OCT 12 2021



**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 # **136434**

INVOICE # \_\_\_\_\_

RECEIVED FROM: SBE Inc

BY: \_\_\_\_\_

APPLICATION

PERMIT

TRANSFER

1-10903

CASH: ☐ CHECK: # 103 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 780.00

**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**

46110

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_

\$

TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_

\$

0240 EXTENSION OF TIME

\$ 780.00

**WATER RIGHTS:**

0201 SURFACE WATER

**EXAM FEE**

\$

0202

**RECORD FEE**

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

**WELL CONSTRUCTION**

**EXAM FEE**

0218 WELL DRILL CONSTRUCTOR

\$

0219

**LICENSE FEE**

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$

RECEIPT:

**136434**

DATED:

9-17-2021 Mindy Carlson



RECEIVED



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271  
(503) 986-0900

SEP 17 2021

OWRD

Application for Extension of Time for  
Transfer of Water Right

Transfer Number: T- 10923

A summary of review criteria and procedures that are generally applicable to these applications is available at [https://www.oregon.gov/owrd/WRDFormsPDF/transfer\\_extension\\_criteriareview.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/transfer_extension_criteriareview.pdf)

Applicant = Transfer Holder of Record* SBE, Inc.			Contact Name <i>Steve Schneider</i>	Phone No. <i>503-807-5025</i>
Address 11880 LAUREN LANE				Fax No.
City NEWBERG	State OR	Zip 97132	E-Mail <i>steve@schneiderwater.com</i>	
Report Prepared By Pacific Hydro-Geology, Inc. / Doann Hamilton		Title CWRE	Contact Information Cell: (503) 349-6946 phgdmh@gmail.com	

\*The applicant must be the transfer holder of record. If the applicant is not the transfer holder of record, the applicant must request an assignment of interest prior to submitting the transfer extension application. Alternatively, the request for assignment may be submitted simultaneously with the extension application. Separate checks for the fees is helpful. Links to assignment forms: <https://www.oregon.gov/owrd/WRDFormsPDF/assign.pdf>, [https://www.oregon.gov/owrd/WRDFormsPDF/Assign by proof.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Assign_by_proof.pdf)

Contact information about assignments is available at <https://www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment/Pages/default.aspx>

**To the WATER RESOURCES DIRECTOR OF OREGON:**

1. I/WE, THE TRANSFER HOLDER(S) OF RECORD, do hereby make application for an extension of time within which to complete a change in (check all that apply):

☒ point(s) of diversion/appropriation

☐ place(s) of use

☐ character of use

under the terms of a final order of the Water Resources Director entered on February 7, 2011 (month/day/year) for Transfer Number T-10923.

2. THE FOLLOWING WORK HAS BEEN ACCOMPLISHED toward completion of the change within the time allowed, which expired on October 1, 2021 (month/day/year):

Proposed Wells 5 (L-128838) and 6 (MARI 66488) have been completed within the proper aquifer (water source).

Well 1R (MARI 1112), Well 3 (MARI 1109), Well 4 (MARI 62238) and Well 6 (MARI 66488) have been equipped with pumps and meters, and are connected to the irrigation system for use.

3. TO FULLY COMPLETE THE CHANGE, it will be necessary to accomplish the following:

Well 2 (MARI 1103) needs rehabilitation to improve the well performance, followed by test



pumping to determine if the rehabilitation was successful. The newly drilled Well 5 (L-128838), and Well 2, once rehabilitated, need to be equipped with pumps and meters, and then connected to the irrigation system.

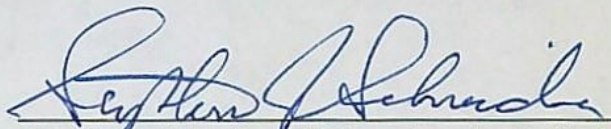
4. **I/WE ARE REQUESTING THE TIME FOR COMPLETION** be extended to October 1, 2023 (year).

*Transfer extensions can be authorized for one (1) calendar year from October 1 to October 1 of each year, or up to five (5) years for transfers involving municipal or quasi-municipal uses, unless the applicant can justify the need for a longer period of time by submission of pertinent evidence. OAR 690-380-6020 (3) and OAR 690-385-7200 (5).*

We would like to ask for an extended period of two years to allow us the additional time we will need to complete the work on Well 2 (MARI 1103) and connect all the new wells to the system.

5. **I/WE CERTIFY THAT TO THE BEST OF MY/OUR KNOWLEDGE** the information contained in this application is true and accurate.

9/10/21  
Date

 SBE Inc.  
Sec-Treas  
Signature of Applicant(s), i.e., Transfer Holder(s) of Record

6. **IN ORDER FOR AN APPLICATION TO BE COMPLETE**, it must be accompanied by the required fee. See the Department's fee schedule at [https://www.oregon.gov/owrd/WRDFormsPDF/fee\\_schedule.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf) or call (503) 986-0900.

7. **MAIL THE COMPLETED APPLICATION AND FEE TO:**

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

RECEIVED

SEP 17 2021

OWRD



## Checklist for Transfer Extension Requests

If a transfer applicant needs more time to complete changes approved in a Transfer Final Order, a request for more time may be made by submitting a one page application form as shown below. See OAR 690-380-6020 (regular transfers) or OAR 690-385-7200(district transfers)



Transfer T-10923

### APPLICATION FOR EXTENSION OF TIME FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at [http://www.oregon.gov/owrd/pubs/docs/forms/transfer\\_extension\\_criteriareview.pdf](http://www.oregon.gov/owrd/pubs/docs/forms/transfer_extension_criteriareview.pdf)

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, \_\_\_\_\_  
(Name of Applicant)

- ☒ Has a final order approving the transfer application been issued (NOT a permit amendment)?
- ☒ Have appropriate extension fees been submitted?
- ☒ Is the Transfer Extension request filled out?
- ☒ Is the Transfer Extension request signed by the transfer applicant of record (if not an assignment is needed)?
- ☒ Pull file.

After receipting, route the file and extension request to support staff for entering into WRIS.



## PHILLIPS Stacy H \* WRD

---

**From:** WACKER Gregory J \* WRD  
**Sent:** Monday, September 27, 2021 11:05 AM  
**To:** PHILLIPS Stacy H \* WRD  
**Subject:** RE: Request for WM Comments for Transfer Extension (T-10923)

Hi Stacy,

I would be willing to grant a Transfer Extension for (T-10923) based on the continuous progress and time associated with developing groundwater sources.

Thanks,

Greg Wacker

Watermaster, District 16  
Oregon Water Resources Department  
725 Summer Street NE, Suite A Salem, OR 97301 | 971-719-6262



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

---

**From:** PHILLIPS Stacy H \* WRD <Stacy.H.Phillips@oregon.gov>  
**Sent:** Monday, September 27, 2021 9:27 AM  
**To:** WACKER Gregory J \* WRD <Gregory.J.Wacker@oregon.gov>  
**Subject:** RE: Request for WM Comments for Transfer Extension (T-10923)

Thanks Greg!

Stacy H. Phillips

Restoration Program Technician  
725 Summer Street NE, Suite A, Salem, OR 97301  
Office: 503-986-0898 | Work Cell: 503-979-9948



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---

**From:** WACKER Gregory J \* WRD <Gregory.J.Wacker@oregon.gov>  
**Sent:** Monday, September 27, 2021 8:45 AM  
**To:** PHILLIPS Stacy H \* WRD <Stacy.H.Phillips@oregon.gov>  
**Subject:** RE: Request for WM Comments for Transfer Extension (T-10923)

I will take some time today and review it and let you know.

Thanks,



Greg Wacker

Watermaster, District 16  
Oregon Water Resources Department  
725 Summer Street NE, Suite A Salem, OR 97301 | 971-719-6262



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---

**From:** PHILLIPS Stacy H \* WRD <[Stacy.H.Phillips@oregon.gov](mailto:Stacy.H.Phillips@oregon.gov)>  
**Sent:** Monday, September 27, 2021 8:40 AM  
**To:** WACKER Gregory J \* WRD <[Gregory.J.Wacker@oregon.gov](mailto:Gregory.J.Wacker@oregon.gov)>  
**Subject:** RE: Request for WM Comments for Transfer Extension (T-10923)

Good morning Greg,

I should also include, to please let me know what your thoughts are on the extension. If it is ok to move forward or if you have any concerns.

Thanks,

Stacy H. Phillips

Restoration Program Technician  
725 Summer Street NE, Suite A, Salem, OR 97301  
Office: 503-986-0898 | Work Cell: 503-979-9948



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**From:** WACKER Gregory J \* WRD <[Gregory.J.Wacker@oregon.gov](mailto:Gregory.J.Wacker@oregon.gov)>  
**Sent:** Friday, September 24, 2021 4:01 PM  
**To:** PHILLIPS Stacy H \* WRD <[Stacy.H.Phillips@oregon.gov](mailto:Stacy.H.Phillips@oregon.gov)>  
**Cc:** REECE Ann L \* WRD <[Ann.L.Reece@oregon.gov](mailto:Ann.L.Reece@oregon.gov)>  
**Subject:** Re: Request for WM Comments for Transfer Extension (T-10923)

Will do Stacy!

Thanks

Greg Wacker

Watermaster, District 16  
Oregon Water Resources Department  
725 Summer Street NE, Suite A Salem, OR 97301 | 971-719-6262

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On Sep 24, 2021, at 3:41 PM, PHILLIPS Stacy H \* WRD <Stacy.H.Phillips@oregon.gov> wrote:

Hi Greg,

Please look over the attached documents for me regarding an extension for this transfer.

Thanks,

Stacy H. Phillips

Restoration Program Technician

725 Summer Street NE, Suite A, Salem, OR 97301

Office: 503-986-0898 | Work Cell: 503-979-9948

<image001.jpg>

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<T-10923-ext2-app.pdf>

<T-10923-approve-ord-2011.pdf>

<T-10923-ext1-ord-2016.pdf>

<Transfer Extension Guidelines for Watermaster Comments\_FINAL\_REVISIED\_7-22-2020.pdf>





Transfer T-10923

APPLICATION FOR EXTENSION OF TIME  
FOR TRANSFER OF WATER RIGHT

A summary of review criteria and procedures that are generally applicable to these applications is available at [http://www.oregon.gov/owrd/pubs/docs/forms/transfer\\_extension\\_criteriareview.pdf](http://www.oregon.gov/owrd/pubs/docs/forms/transfer_extension_criteriareview.pdf)

To the WATER RESOURCES DIRECTOR OF OREGON:

I/We, SBE, INC.

(Name of Applicant)

of 11880 Lauren Lane,Newberg

(Mailing Address)

(City)

state of Oregon, 97132,503-633-2666

(Zip Code)

(Phone Number)

do hereby make application for an extension of time within which to complete a change in:

point of diversion/appropriation X place of use character of useof water under the terms of an order of the Water Resources Director entered on February 7,  
2011, approving Transfer T-10923 in the name of SBE, INC.

for

## Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	7	SE NE	66	0.6
4 S	2 W	WM	8	SW NW	66	21.2
4 S	2 W	WM	8	SE NW	66	3.5
4 S	2 W	WM	8	NE SW	66	20.3
4 S	2 W	WM	8	NW SW	66	27.4

## Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	2 W	WM	7	NE NE		74	8.0
4 S	2 W	WM	7	NE NE		66	2.1
4 S	2 W	WM	7	NW NE		74	1.3
4 S	2 W	WM	7	NW NE		66	0.4
4 S	2 W	WM	7	SW NE		66	10.2
4 S	2 W	WM	7	SW NE	2		0.2
4 S	2 W	WM	7	SE NE		66	35.6
4 S	2 W	WM	7	NE SE		66	1.0
4 S	2 W	WM	7	NW SE		66	0.5
4 S	2 W	WM	7	NW SE	2		0.1
4 S	2 W	WM	8	SW NW		66	6.2

(Give location of your property, as shown on the order approving the transfer)

THE FOLLOWING HAS BEEN accomplished toward completion of the change within the time allowed, which expired on October 1, 2016:

Two of the authorized additional wells have been drilled which include Well 4 (MARI 62238) and Well 6 (well log pending submittal). All authorized acres have been irrigated.

(If for irrigation, how many acres total are now irrigated)

TO FULLY COMPLETE the change, it will be necessary to accomplish the following:

Complete construction of Well 5 and make full beneficial use of Well 5 and Well 6 (well log pending submittal).

I AM UNABLE TO COMPLETE the change under the terms of the order, within the time allowed, because production from Well 4 and then Well 6 were lower than planned, resulting in the need to construct 3 wells, rather than only 1 or 2. Therefore time and economic resources are needed to equip Well 6, complete construction of Well 5, and make full beneficial use of Well 5 and Well 6 (well log pending submittal).

And request that the time for completion be extended to October 1, 2021.

(Signature of applicant)

SEC-Treas

In order for an application to be complete, it must be accompanied by the required fee. See the Department's fee schedule at <http://www.oregon.gov/OWRD/> or call (503) 986-0900.

MAIL COMPLETED APPLICATION AND FEE TO:

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

RECEIVED  
SEP 23 2016WATER RESOURCES DEPT  
STATE OF OREGON





# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

October 25, 2016

SBE INC

11880 LAUREN LANE

NEWBERG, OR 97132

Reference: File T-10923

We have received your application for extension of the time limit to make complete application of water under T-10923. We also have your check in the amount of \$575.00. A copy of receipt number 121417 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. The time limit to make complete application of water is extended to 10/1/2021. The order approving the extension was entered 10/21/2016, at Volume 103, Page 238.

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.

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 extension final order, whichever occurs first.

If you have any questions, please contact the transfer section at 503-986-0808.

Sincerely,

Marissa Andrews

Water Right Services Support

Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. #16 (via email)  
Landowners (other or receiving)  
Irrigation District

Enclosure





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

In the Matter of Application for Extension     )  
of Time for Transfer Application T-10923,     )  
Marion County                                     )

FINAL ORDER APPROVING AN  
EXTENSION OF TIME

**Applicant**

SBE INC  
11880 LAUREN LANE  
NEWBERG, OR 97132

**Authority**

OAR 690-380-6020 establishes an application process and criteria for the review of extensions of time for the completion of changes authorized under water right transfer applications.

**Findings of Fact**

1. On September 23, 2016, the Department received an application for extension of time for Transfer Application T-10923.
2. The Department issued an order approving Transfer Application T-10923 on February 7, 2011. The order was recorded in Special Order Volume 83, Pages 492-499. The order set a transfer completion date of October 1, 2016.
3. The applicant has completed construction of Well 4 and Well 6, and has applied water to beneficial use.
4. To fully complete the change, the applicant needs to complete construction of Well 5 and apply water to beneficial use.
5. The applicant has requested that the time for completion of beneficial use be extended to October 1, 2021.

**Conclusions of Law**

Pursuant to OAR 690-380-6020, the Director of the Water Resources Department concludes the applicant has shown reasonable diligence to complete the transfer within the time period established by the order approving Transfer Application T-10923.

**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. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, 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.



Now, therefore, it is **ORDERED**:

The time for completion of the changes in place of use authorized by Transfer Application T-10923 shall be extended to October 1, 2021.

Dated at Salem, Oregon this 21 day of October, 2016.

  
\_\_\_\_\_  
Dwight French, Water Right Services Administrator, *for*  
Thomas M. Byler, Director

Mailing date: OCT 28 2016



# Water Right Transfer Checklist

Transfer T-10923

Transfer Specialist: RA

Transfer Type: Regular

Applicant Name/Address: SBE Inc, 11880 Lauren Lane, Newberg OR 97132

Agent Name/Address: Greg or Malia Kupillas

CWRE Name/Number: same as agent

Rec Landowner Name/Address: none

Irr. District Name/Address: none

Affected Gov'ts Name/Address: none

Commentors: Name/Address: none

## 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 414	G 288	27212	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	86816
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	G 2725	G 2524	33762	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	86817
<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions

Rec'd: 06/30/09	Proposed Action(s): POU POD HST APOD USE OTHER: apoa	
Fees Pd: 600	WM District: 16	ODFW District: none
Initial Notice: 07/14/09	WM Review sent: 07/07/09	ODFW Review sent: none
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: 07/07/09

## Processing Dates & Actions

Deficiency Contacts: \_\_\_\_\_

Newspaper Pub Affid Due: \_\_\_\_\_

☐ not required

DPD Mailed: \_\_\_\_\_

Affid of Pub Rec'd: \_\_\_\_\_

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

Last Day Published: \_\_\_\_\_

PD Mailed: \_\_\_\_\_

Affidavit Reminder Sent: \_\_\_\_\_

PD Weekly Notice: \_\_\_\_\_

Reminder Deadline: \_\_\_\_\_

## Preliminary Determination

☐ Electronic Files uploaded

☐ Preliminary Determination

☐ PD Cover letter

☐ Fee Refund Due

☐ PD Notice

☐ Remaining Rights

☐ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: KBM
Date: _____	Date: _____	Date: 2/4/11
Coordinator: _____	Coordinator: JKP	Coordinator: JKP
Date: _____	Date: 1/29/10	Date: 2/4/11
Comments/Special Issues: Reimbursement Authority		

Special Order Volume: Vol 83 Pages 492 Final Order Signature Date: 2-7-11

Notice of FO email'd to processors Dorothy Kava



**Review Checklist****T-10923****Processor: RA****Application**

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. (*from ALL affected Govt's*)
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

**Water right subject to transfer**

- ☐ Certificated right or Proof accepted "to the satisfaction...."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

**Application Map**

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

**Determining the "From" and "To" Lands (*make working copy of application and certificates to mark on*)**

- ☐ Only the authorized POD's/POA's and POU's to be transferred are listed.
- ☐ Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

**Ownership**

- ☐ The deed/ROLI matches the "*from*" lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. (*If transfer application is several years old, contact assessor's office*)
- ☐ The applicant is the owner of the "from" lands.
- ☐ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

**Evaluation (materials needed for peer reviewer in bold)**

- |   |                                      |                                    |  |  |
|---|--------------------------------------|------------------------------------|--|--|
| <input type="checkbox"/> application complete | <input type="checkbox"/> map         | <input type="checkbox"/> FPS       | <input type="checkbox"/> evidence of use | <input type="checkbox"/> land-use form |
| <input type="checkbox"/> deed/ROLI            | <input type="checkbox"/> certificate | <input type="checkbox"/> fees paid | <input type="checkbox"/> well logs       | <input type="checkbox"/> plat card     |
| <input type="checkbox"/> audit                | <input type="checkbox"/> dpd         |                                    |  |  |

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GWHeadgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintainMeasuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintainFish Screen Devices ☐

Injury: Y N      Enlargement: Y N

Conditions to avoid enlargement/injury –





# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

February 7, 2011

SBE INC  
11880 LAUREN LANE  
NEWBERG, OR 97132

REFERENCE: Transfer Application T-10923

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.

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 me by telephone at (503) 986-0883 or by e-mail at [Sarah.A.Henderson@wr.d.state.or.us](mailto:Sarah.A.Henderson@wr.d.state.or.us).

Sincerely,

Sarah Henderson  
Executive Support  
Field Services Division

cc: Watermaster Dist. #16  
Greg Kupillas, CWRE  
Milo Schneider

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING A
T-10923, Marion County	)	CHANGE IN POINT OF
	)	APPROPRIATION AND ADDITIONAL
	)	POINTS OF APPROPRIATION

**Authority**

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

SBE, INC.  
11880 LAUREN LANE  
NEWBERG, OR 97132

**Findings of Fact**

**Background**

1. On June 30, 2009, SBE, INC. filed an application for a change in point of appropriation and additional points of appropriation under Certificates 27212 and 33762. The Department assigned the application number T-10923.
2. On May 21, 2010, the applicant submitted a revised map, correcting typographical errors in the map originally submitted.
3. The portion of the first right to be transferred is as follows:

**Certificate:** 27212 in the name of MILO SCHNEIDER (perfected under Permit G-288)

**Use:** IRRIGATION of 73.0 ACRES

**Priority Date:** JULY 10, 1956

**Rate:** 0.91 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

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.



Source: A WELL in the WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NW SW	66	AUTHORIZED WELL 1 (MARI 1125): 15 CHAINS EAST AND 11.8 CHAINS NORTH OF THE EXT L CORNER ON THE SOUTH LINE OF DLC 66

Authorized Place of Use:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	7	SE NE	66	0.6
4 S	2 W	WM	8	SW NW	66	21.2
4 S	2 W	WM	8	SE NW	66	3.5
4 S	2 W	WM	8	NE SW	66	20.3
4 S	2 W	WM	8	NW SW	66	27.4

4. Transfer Application T-10923 proposes to replace the authorized well (MARI 1125, which has been abandoned) with a replacement well (MARI 1112) and add five additional points of appropriation all within approximately 1,500 feet from the original point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	REPLACEMENT WELL 1 (MARI 1112): 800 FEET NORTH AND 1620 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 2 (MARI 1103): 1420 FEET NORTH AND 280 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 3 (MARI 1109): 1420 FEET NORTH AND 310 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 4: 1420 FEET NORTH AND 260 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	SW NW	66	WELL 5: 1210 FEET NORTH AND 450 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	NE SW	66	WELL 6: 470 FEET NORTH AND 2440 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

5. The portion of the second right to be transferred is as follows:

**Certificate:** 33762 in the name of MILO SCHNEIDER (perfected under Permit G-2524)

**Use:** PRIMARY IRRIGATION of 65.6 ACRES and SUPPLEMENTAL IRRIGATION of 73.0 ACRES

**Priority Date:** OCTOBER 28, 1963



Rate: 1.13 CUBIC FEET PER SECOND

Limit/Duty: ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

Source: A WELL in the WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	7	SE NE	66	WELL 2 (MARI 1103): 1420 FEET NORTH AND 280 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	2 W	WM	7	NE NE		74	8.0
4 S	2 W	WM	7	NE NE		66	2.1
4 S	2 W	WM	7	NW NE		74	1.3
4 S	2 W	WM	7	NW NE		66	0.4
4 S	2 W	WM	7	SW NE		66	10.2
4 S	2 W	WM	7	SW NE	2		0.2
4 S	2 W	WM	7	SE NE		66	35.6
4 S	2 W	WM	7	NE SE		66	1.0
4 S	2 W	WM	7	NW SE		66	0.5
4 S	2 W	WM	7	NW SE	2		0.1
4 S	2 W	WM	8	SW NW		66	6.2

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	7	SE NE	66	0.6
4 S	2 W	WM	8	SW NW	66	21.2
4 S	2 W	WM	8	SE NW	66	3.5
4 S	2 W	WM	8	NE SW	66	20.3
4 S	2 W	WM	8	NW SW	66	27.4

6. Transfer Application T-10923 proposes to retain authorized Well 2 (MARI 1103) and add five additional points of appropriation all within approximately 3,000 feet from the existing point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	REPLACEMENT WELL 1 (MARI 1112): 800 FEET NORTH AND 1620 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 3 (MARI 1109): 1420 FEET NORTH AND 310 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 4: 1420 FEET NORTH AND 260 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66



Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	SW NW	66	WELL 5: 1210 FEET NORTH AND 450 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	NE SW	66	WELL 6: 470 FEET NORTH AND 2440 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

7. The application requests to add five additional points of appropriation to the one authorized point of appropriation for each right, stating that "the existing wells produce sand and their production drops off significantly late in the irrigation season."
8. Notice of the application for transfer was published on July 14, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. On April 20, 2010, the Department mailed to the applicant a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10923, with the inclusion of a condition to install meters on all the wells. The draft Preliminary Determination cover letter set forth a deadline of May 20, 2010, for the applicant to respond.
10. On April 30, 2010, Steve Schneider responded by email with questions about the time allowed for completion of the changes, the legal authority of the Department to change conditions of original certificates (specifically to add a condition to require measuring devices), and a question about whether all the proposed well locations were considered to be in the same aquifer. The Department sent an email in reply on May 5, 2010.
11. The applicant's agent Greg Kupillas responded May 20, 2010 by email to request that the Department correct several clerical errors in the document, and conveyed comments from the applicant which included a request to extend the date for completion of the changes to October 1, 2015, because no more than one additional well per year is planned in order to see if the additional well is adequate to give the full water right available at the end of the irrigation season. Because of budget issues, even this schedule may be unattainable. Steve Schneider also requested the Department to remove the following proposed language from the document: *"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 appropriation."*
12. On May 26, the Department sent an email agreeing to correct the clerical errors and to extend the completion deadline.
13. On June 16, 2010, representatives of the Department met with applicant Steve Schneider and his agent Greg Kupillas to discuss Mr. Schneider's concerns about the proposed condition to require measuring devices on all the wells. It was determined that the next step in processing the transfer application would be to issue a revised Preliminary Determination.
14. The clerical errors in the original draft Preliminary Determination have been corrected in this document and the Department considers extension of the completion date to October 1, 2015



to be reasonable. The completion date has since been revised to 2016, due to the time that has elapsed since issuance of the original draft Preliminary Determination. The condition requiring meters on all the wells was removed from the revised draft Preliminary Determination at the applicant's request.

15. On July 14, 2010, the Department mailed to the applicant a copy of a revised draft Preliminary Determination proposing to deny Transfer Application T-10923, because without provision for measuring the quantity of water appropriated under the right, the Department could not make a positive determination that the addition of points of appropriation would not result in enlargement of the right or injury to other rights. The revised draft Preliminary Determination cover letter set forth a deadline of August 16, 2010, for the applicant to respond and offered options for resolving the potential for enlargement and injury which could allow the Department to approve the transfer.
16. Steve Schneider responded with a letter dated August 5, 2010 that was received by email on August 5 and by postal mail on August 9, 2010. Mr. Schneider took issue with the Department's Findings of Fact #19 and #20 in the revised draft Preliminary Determination in respect to the potential for enlargement of the right and possible injury to other rights as a result. However, he indicated agreement to install meters on all the wells in order to have the transfer approved.
17. On August 23, 2010, the Department sent a copy of the draft Preliminary Determination to the Oregon Department of Justice (DOJ) for review in light of the issues raised. Jesse Ratcliffe of the DOJ then offered the following comments (Findings of Fact #18-#21).
18. In order to approve a point of appropriation transfer, the Water Resources Commission must find "that a proposed change can be effected without injury to existing water rights." ORS 540.530(1)(a). This finding must be supported by a preponderance of the evidence—in other words, the Commission must find that the evidence shows that it is more likely than not that the proposed change will not injure existing water rights. The Commission may not simply assume that no injury will occur.
19. In this case, the transfer application calls for an increase in the total number of wells authorized for appropriation, and there is no evidence that the wells will be unable to appropriate water at a higher rate than allowed under Certificates 27212 and 33762.
20. The installation of meters will allow OWRD to ensure that the certificated rate is not being exceeded, and provide the evidence the commission requires to determine that injury will not occur on that basis.
21. The Commission's authority to condition approval of the transfer on the installation of meters derives from the Commission's duty to find that the transfer will not cause injury to existing water rights. If the Commission is unable to find that injury will not occur unless conditions are imposed on the transfer, it may approve the transfer only if the conditions are included in its approval.



22. The fundamental question in evaluating whether a transfer is injurious is, "Will the proposed transfer result in any other water right receiving less water than it would if the exercise of the transferred water right was maximized?" The Department evaluates the proposed change to determine whether the impacts of the change on other water rights from the same source (or hydraulically connected sources) are greater than the impacts that would result from efficient and intensive use within the limit of the existing right. Without a way to measure the total appropriation under a water right with multiple points of appropriation, it may not be possible to know whether or not the maximum allowed rate is being exceeded. Without assurance that enlargement of the transferred right would not occur, the Department would be unable to find that other surrounding groundwater rights accessing the same aquifer would not be injured.
23. On November 29, 2010, the Department issued a Preliminary Determination proposing to approve Transfer T-10923 and mailed a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on November 30, 2010, and in The Newberg Graphic newspaper on December 22 and 29, 2010 and January 5, 2011, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

*Transfer Review Criteria (OAR 690-380-4010)*

24. Water has been used within the last five years prior to the submittal of Transfer Application T-10923 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
25. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10923.
26. Based on Findings of Fact #7 and #11, the transfer proposes to add wells in order to access the full amount of water allowed under the right, which could represent an increase over what is currently accessible due to the limitations imposed by physical conditions at the authorized wells. This in itself would not represent enlargement or injury to other rights. However, unless there is a way to measure the increase and be sure that it does not exceed the limits of the right, enlargement could occur, which could in turn result in injury to other water rights. The ability to measure the total quantity diverted from the several wells is a necessary condition for approval of the transfer application.
27. The applicant's installation of meters on the wells will give the capability to measure the combined diversion from all of the wells to ensure that the allowed rate and duty are not exceeded. Therefore, if conditioned to require meters on all the wells, so that management of the right within the allowed rate and duty can be accomplished, the proposed change would NOT result in enlargement beyond what is legally allowed under the right.



28. The applicant's installation of meters on all the wells will give the capability of demonstrating that the proposed change would not result in enlargement. Therefore the proposed change would NOT result in injury to other water rights.

### Conclusions of Law

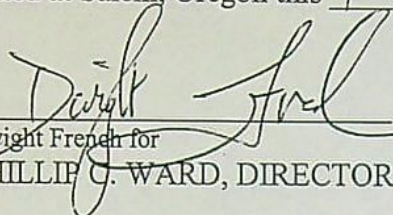
The change in point of appropriation and additional points of appropriation proposed in Transfer Application T-10923, with installation of meters on all the wells, is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

### Now, therefore, it is ORDERED:

1. The change in point of appropriation and additional points of appropriation proposed in application T-10923 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 Certificates 27212 and 33762 any related decree.
3. Water right certificates 27212 and 33762 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.
4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the replacement points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
5.
  - 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 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.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2016**. 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 changes and full beneficial use of the water.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.



Dated at Salem, Oregon this 7 day of February 2011.

  
Dwight French for  
PHILLIP C. WARD, DIRECTOR

Mailing Date: FEB 08 2011



## STATE OF OREGON

## COUNTY OF MARION

## CERTIFICATE OF WATER RIGHT

## THIS CERTIFICATE ISSUED TO

MILO SCHNEIDER  
STAR RT BOX 97  
ST. PAUL, OR 97137

confirms the right to use the waters of a WELL in the WILLAMETTE RIVER BASIN for SUPPLEMENTAL IRRIGATION of 4.1 ACRES.

This right was perfected under Permit G-2524. The date of priority is OCTOBER 28, 1963. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.03 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	7	SE NE	66	1420 FEET NORTH AND 280 FEET WEST FROM THE MOST SOUTHERLY SW CORNER, PLANT DLC 66

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, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

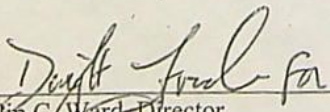
SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	8	NE SW	66	4.0
4 S	2 W	WM	8	NW SE	66	0.1

This certificate describes that portion of the water right confirmed by Certificate 33762, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered: **FEB 07 2011**, approving Transfer Application T-10923.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed **FEB 07 2011**.

  
Phillip C. Ward, Director



STATE OF OREGON  
COUNTY OF MARION  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MILO SCHNEIDER  
STAR RT BOX 55  
NEWBERG OR 97132

confirms the right to use the waters of a WELL in the WILLAMETTE RIVER BASIN for IRRIGATION of 4.1 ACRES.

This right was perfected under Permit G-288. The date of priority is JULY 10, 1956. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.05 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NW SW	66	15.0 CHAINS EAST AND 11.8 CHAINS NORTH OF EXT L CORNER ON SOUTH LINE OF DLC 66

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, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

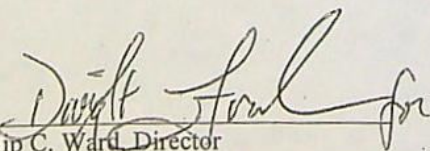
IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	8	NE SW	66	4.0
4 S	2 W	WM	8	NW SE	66	0.1

This certificate describes that portion of the water right confirmed by Certificate 27212, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 07 2011, approving Transfer Application T-10923.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director, affixed FEB 07 2011.

  
Phillip C. Ward, Director



AFFIDAVIT OF PUBLICATION  
STATE OF OREGON, COUNTY OF YAMHILL

I, Allen Herriges,  
being first duly sworn, depose and say  
that I am the Publisher of THE NEWBERG  
GRAPHIC, a newspaper of general  
circulation as defined by ORS 193.010  
and ORS 193.020, printed and published  
at Newberg, in the aforesaid County and  
State, that the

Advertisement

Public Notice

Water Rights Transfer Application - T-10923

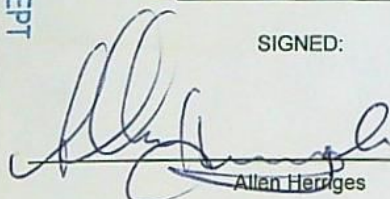
a printed copy of which is hereto annexed,  
was published in the entire issue of said  
newspaper for 3 consecutive weeks /  
insertions in the following issues:

12/22/2010

12/29/2010

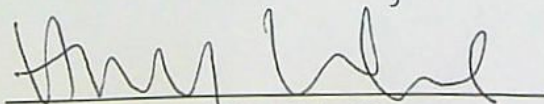
1/5/2011

SIGNED:

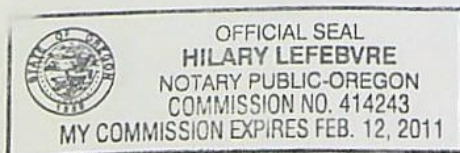
  
Allen Herriges

State of OREGON, County of Yamhill:

Subscribed and sworn to before me by Allen Herriges  
this 5<sup>th</sup> day of January, 2011.



Notarial Officer - State of Oregon



RECEIVED

JAN 07 2011

WATER RESOURCES DEPT  
SALEM, OREGON

com

www.NewbergGraphic.

PUBLIC NOTICES

PUBLIC NOTICE

T-10923 filed by SBE INC, 11880 LAUREN LANE, NEWBERG, OR 97132, proposes a change in point of appropriation and additional points of appropriation under Certificates 27212 and 33762. Certificate 27212 allows the use of 0.91 CUBIC FOOT PER SECOND (priority date JULY 10, 1956) from a well in Sec. 8, T 4 S, R 2 W, W.M. (Willamette River Basin) for IRRIGATION. Certificate 33762 allows the use of 1.13 CUBIC FEET PER SECOND (priority date October 28, 1963) from a well in Sec 7, T 4 S, R 2 W, W.M. (Willamette River Basin) for PRIMARY AND SUPPLEMENTAL IRRIGATION. Both certificates allow irrigation in Sec. 7 and 8, T 4 S, R 2 W, W.M. The applicant proposes to change a point of appropriation and add additional points of appropriation approximately 1500 to 3000 feet from the original points of appropriation. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is January 5, 2011. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Date of First Publication: Dec. 22, 2010  
Date of Last Publication: Jan. 5, 2011





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

November 29, 2010

SBE INC  
11880 LAUREN LANE  
NEWBERG OR 97132

RECEIVED

JAN 07 2011

WATER RESOURCES DEPT  
SALEM, OREGON

SUBJECT: Water Right Transfer Application T-10923

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10923. 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 30-day 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.

\* { Because the new points of appropriation are more than ¼ mile from the authorized points of appropriation, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me at the address shown in the letterhead, by **January 12, 2010**.

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) 986-0890 or  
Dorothy.I.Pedersen@wrд.state.or.us if I may be of assistance.

Sincerely,

*Kara Morris*

*for*

Dorothy I. Pedersen  
Field Services Division

cc: Mike L. McCord, District 16 Watermaster  
Greg Kupillas, CWRE #432

encs

RECEIVED

JAN 07 2011

WATER RESOURCES DEPT  
SALEM, OREGON



**Notice of Preliminary Determination for  
Water Right Transfer T-10923**

T-10923 filed by SBE INC, 11880 LAUREN LANE, NEWBERG, OR 97132, proposes a change in point of appropriation and additional points of appropriation under Certificates 27212 and 33762. Certificate 27212 allows the use of 0.91 CUBIC FOOT PER SECOND (priority date JULY 10, 1956) from a well in Sec. 8, T 4 S, R 2 W, W.M. (Willamette River Basin) for IRRIGATION. Certificate 33762 allows the use of 1.13 CUBIC FEET PER SECOND (priority date October 28, 1963) from a well in Sec. 7, T 4 S, R 2 W, W.M. (Willamette River Basin) for PRIMARY AND SUPPLEMENTAL IRRIGATION. Both certificates allow irrigation in Sec. 7 and 8, T 4 S, R 2 W, W.M. The applicant proposes to change a point of appropriation and add additional points of appropriation approximately 1500 to 3000 feet from the original points of appropriation. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

**RECEIVED**

JAN 07 2011

WATER RESOURCES DEPT  
SALEM, OREGON





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

Pd Noticed

11-30-10

November 29, 2010

SBE INC  
11880 LAUREN LANE  
NEWBERG OR 97132

SUBJECT: Water Right Transfer Application T-10923

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10923. 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 30-day 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.

Because the new points of appropriation are more than  $\frac{1}{4}$  mile from the authorized points of appropriation, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me at the address shown in the letterhead, by **January 12, 2010**.

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) 986-0890 or  
Dorothy.I.Pedersen@wrд.state.or.us if I may be of assistance.

Sincerely,

*Kara Manis*

*for*

Dorothy I. Pedersen  
Field Services Division

cc: Mike L. McCord, District 16 Watermaster  
Greg Kupillas, CWRE #432

encs



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10923, Marion County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
	)	APPROPRIATION AND ADDITIONAL
	)	POINTS OF APPROPRIATION

**Authority**

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

SBE, INC.  
11880 LAUREN LANE  
NEWBERG OR 97132

**Findings of Fact**

**Background**

1. On June 30, 2009, SBE, INC. filed an application for a change in point of appropriation and additional points of appropriation under Certificates 27212 and 33762. The Department assigned the application number T-10923.
2. On May 21, 2010, the applicant submitted a revised map, correcting typographical errors in the map originally submitted.

3. The portion of the first right to be transferred is as follows:

**Certificate:** 27212 in the name of MILO SCHNEIDER (perfected under Permit G-288)

**Use:** IRRIGATION of 73.0 ACRES

**Priority Date:** JULY 10, 1956

**Rate:** 0.91 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** A WELL in the WILLAMETTE RIVER BASIN

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.



**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NW SW	66	AUTHORIZED WELL 1 (MARI 1125): 15 CHAINS EAST AND 11.8 CHAINS NORTH OF THE EXT L CORNER ON THE SOUTH LINE OF DLC 66

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	7	SE NE	66	0.6
4 S	2 W	WM	8	SW NW	66	21.2
4 S	2 W	WM	8	SE NW	66	3.5
4 S	2 W	WM	8	NE SW	66	20.3
4 S	2 W	WM	8	NW SW	66	27.4

4. Transfer Application T-10923 proposes to replace the authorized well (MARI 1125, which has been abandoned) with a replacement well (MARI 1112) and add five additional points of appropriation all within approximately 1,500 feet from the original point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	REPLACEMENT WELL 1 (MARI 1112): 800 FEET NORTH AND 1620 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 2 (MARI 1103): 1420 FEET NORTH AND 280 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 3 (MARI 1109): 1420 FEET NORTH AND 310 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 4: 1420 FEET NORTH AND 260 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	SW NW	66	WELL 5: 1210 FEET NORTH AND 450 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	NE SW	66	WELL 6: 470 FEET NORTH AND 2440 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

5. The portion of the second right to be transferred is as follows:

**Certificate:** 33762 in the name of MILO SCHNEIDER (perfected under Permit G-2524)

**Use:** PRIMARY IRRIGATION of 65.6 ACRES and SUPPLEMENTAL IRRIGATION of 73.0 ACRES

**Priority Date:** OCTOBER 28, 1963

**Rate:** 1.13 CUBIC FEET PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year



Source: A WELL in the WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	7	SE NE	66	WELL 2 (MARI 1103): 1420 FEET NORTH AND 280 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	2 W	WM	7	NE NE		74	8.0
4 S	2 W	WM	7	NE NE		66	2.1
4 S	2 W	WM	7	NW NE		74	1.3
4 S	2 W	WM	7	NW NE		66	0.4
4 S	2 W	WM	7	SW NE		66	10.2
4 S	2 W	WM	7	SW NE	2		0.2
4 S	2 W	WM	7	SE NE		66	35.6
4 S	2 W	WM	7	NE SE		66	1.0
4 S	2 W	WM	7	NW SE		66	0.5
4 S	2 W	WM	7	NW SE	2		0.1
4 S	2 W	WM	8	SW NW		66	6.2

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	7	SE NE	66	0.6
4 S	2 W	WM	8	SW NW	66	21.2
4 S	2 W	WM	8	SE NW	66	3.5
4 S	2 W	WM	8	NE SW	66	20.3
4 S	2 W	WM	8	NW SW	66	27.4

6. Transfer Application T-10923 proposes to retain authorized Well 2 (MARI 1103) and add five additional points of appropriation all within approximately 3,000 feet from the existing point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	REPLACEMENT WELL 1 (MARI 1112): 800 FEET NORTH AND 1620 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 3 (MARI 1109): 1420 FEET NORTH AND 310 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 4: 1420 FEET NORTH AND 260 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	SW NW	66	WELL 5: 1210 FEET NORTH AND 450 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66



Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	WELL 6: 470 FEET NORTH AND 2440 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

7. The application requests to add five additional points of appropriation to the one authorized point of appropriation for each right, stating that "the existing wells produce sand and their production drops off significantly late in the irrigation season."
8. Notice of the application for transfer was published on July 14, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. On April 20, 2010, the Department mailed to the applicant a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10923, with the inclusion of a condition to install meters on all the wells. The draft Preliminary Determination cover letter set forth a deadline of May 20, 2010, for the applicant to respond.
10. On April 30, 2010, Steve Schneider responded by email with questions about the time allowed for completion of the changes, the legal authority of the Department to change conditions of original certificates (specifically to add a condition to require measuring devices), and a question about whether all the proposed well locations were considered to be in the same aquifer. The Department sent an email in reply on May 5, 2010.
11. The applicant's agent Greg Kupillas responded May 20, 2010 by email to request that the Department correct several clerical errors in the document, and conveyed comments from the applicant which included a request to extend the date for completion of the changes to October 1, 2015, because no more than one additional well per year is planned in order to see if the additional well is adequate to give the full water right available at the end of the irrigation season. Because of budget issues, even this schedule may be unattainable. Steve Schneider also requested the Department to remove the following proposed language from the document: *"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 appropriation."*
12. On May 26, the Department sent an email agreeing to correct the clerical errors and to extend the completion deadline.
13. On June 16, 2010, representatives of the Department met with applicant Steve Schneider and his agent Greg Kupillas to discuss Mr. Schneider's concerns about the proposed condition to require measuring devices on all the wells. It was determined that the next step in processing the transfer application would be to issue a revised Preliminary Determination.
14. The clerical errors in the original draft Preliminary Determination have been corrected in this document and the Department considers extension of the completion date to October 1, 2015 to be reasonable. The condition requiring meters on all the wells has been removed at the applicant's request.



15. On July 14, 2010, the Department mailed to the applicant a copy of a revised draft Preliminary Determination proposing to deny Transfer Application T-10923, because without provision for measuring the quantity of water appropriated under the right, the Department could not make a positive determination that the addition of points of appropriation would not result in enlargement of the right or injury to other rights. The revised draft Preliminary Determination cover letter set forth a deadline of August 16, 2010, for the applicant to respond and offered options for resolving the potential for enlargement and injury which could allow the Department to approve the transfer.
16. Steve Schneider responded with a letter dated August 5, 2010 that was received by email on August 5 and by postal mail on August 9, 2010. Mr. Schneider took issue with the Department's Findings of Fact #19 and #20 in the revised draft Preliminary Determination in respect to the potential for enlargement of the right and possible injury to other rights as a result. However, he indicated agreement to install meters on all the wells in order to have the transfer approved.
17. On August 23, 2010, the Department sent a copy of the draft Preliminary Determination to the Oregon Department of Justice (DOJ) for review in light of the issues raised. Jesse Ratcliffe of the DOJ then offered the following comments (Findings of Fact #18-#21).
18. In order to approve a point of appropriation transfer, the Water Resources Commission must find "that a proposed change can be effected without injury to existing water rights." ORS 540.530(1)(a). This finding must be supported by a preponderance of the evidence—in other words, the Commission must find that the evidence shows that it is more likely than not that the proposed change will not injure existing water rights. The Commission may not simply assume that no injury will occur.
19. In this case, the transfer application calls for an increase in the total number of wells authorized for appropriation, and there is no evidence that the wells will be unable to appropriate water at a higher rate than allowed under Certificates 27212 and 33762.
20. The installation of meters will allow OWRD to ensure that the certificated rate is not being exceeded, and provide the evidence the commission requires to determine that injury will not occur on that basis.
21. The Commission's authority to condition approval of the transfer on the installation of meters derives from the Commission's duty to find that the transfer will not cause injury to existing water rights. If the Commission is unable to find that injury will not occur unless conditions are imposed on the transfer, it may approve the transfer only if the conditions are included in its approval.
22. The fundamental question in evaluating whether a transfer is injurious is, "Will the proposed transfer result in any other water right receiving less water than it would if the exercise of the transferred water right was maximized?" The Department evaluates the proposed change to determine whether the impacts of the change on other water rights from the same source (or hydraulically connected sources) are greater than the impacts that would result from efficient



and intensive use within the limit of the existing right. Without a way to measure the total appropriation under a water right with multiple points of appropriation, it may not be possible to know whether or not the maximum allowed rate is being exceeded. Without assurance that enlargement of the transferred right would not occur, the Department would be unable to find that other surrounding groundwater rights accessing the same aquifer would not be injured.

#### *Transfer Review Criteria (OAR 690-380-4010)*

23. Water has been used within the last five years prior to the submittal of Transfer Application T-10923 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
24. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10923.
25. Based on Findings of Fact #7 and #11, the transfer proposes to add wells in order to access the full amount of water allowed under the right, which could represent an increase over what is currently accessible due to the limitations imposed by physical conditions at the authorized wells. This in itself would not represent enlargement or injury to other rights. However, unless there is a way to measure the increase and be sure that it does not exceed the limits of the right, enlargement could occur, which could in turn result in injury to other water rights. The ability to measure the total quantity diverted from the several wells is a necessary condition for approval of the transfer application.
26. The applicant's installation of meters on the wells will give the capability to measure the combined diversion from all of the wells to ensure that the allowed rate and duty are not exceeded. Therefore, if conditioned to require meters on all the wells, so that management of the right within the allowed rate and duty can be accomplished, the proposed change would NOT result in enlargement beyond what is legally allowed under the right.
27. The applicant's installation of meters on all the wells will give the capability of demonstrating that the proposed change would not result in enlargement. Therefore the proposed change would NOT result in injury to other water rights.

#### **Determination and Proposed Action**

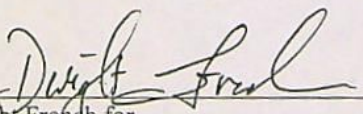
The change in point of appropriation and additional points of appropriation proposed in Transfer Application T-10923, with installation of meters on all the wells, appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.



*If Transfer Application T-10923 is approved, the final order will include the following:*

- 1. The change in point of appropriation and additional points of appropriation proposed in application T-10923 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 Certificates 27212 and 33762 any related decree.*
- 3. Water right certificates 27212 and 33762 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
- 4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the replacement points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
- 5. 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 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.*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 7. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2016. 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 changes and full beneficial use of the water.*
- 8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this 29 day of November 2010.

  
Dwight French for  
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Dorothy Pedersen. If you have questions about the information in this document, you may reach me at 503-986-0890 or Dorothy.I.Pedersen@wr.d.state.or.us.

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



**Notice of Preliminary Determination for  
Water Right Transfer T-10923**

T-10923 filed by SBE INC, 11880 LAUREN LANE, NEWBERG, OR 97132, proposes a change in point of appropriation and additional points of appropriation under Certificates 27212 and 33762. Certificate 27212 allows the use of 0.91 CUBIC FOOT PER SECOND (priority date JULY 10, 1956) from a well in Sec. 8, T 4 S, R 2 W, W.M. (Willamette River Basin) for IRRIGATION. Certificate 33762 allows the use of 1.13 CUBIC FEET PER SECOND (priority date October 28, 1963) from a well in Sec. 7, T 4 S, R 2 W, W.M. (Willamette River Basin) for PRIMARY AND SUPPLEMENTAL IRRIGATION. Both certificates allow irrigation in Sec. 7 and 8, T 4 S, R 2 W, W.M. The applicant proposes to change a point of appropriation and add additional points of appropriation approximately 1500 to 3000 feet from the original points of appropriation. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is [DATE OF LAST PUBLICATION]. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.



**Kara Morris**

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**From:** Katie Turner [kturner@newtonconsultants.com]  
**Sent:** Tuesday, November 23, 2010 11:10 AM  
**To:** Kara Morris  
**Subject:** FW: ROI for T-10923/SBE  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
Kara,

Let me know if this is what you were looking for.

**Katie Turner, G.I.T.**

*Office Manager / Geologic Technician*  
Newton Consultants, Inc.  
521 SW 6th Street, Suite 100  
Redmond, Oregon 97756  
541-504-9960 ext. 210  
541-504-9961 fax

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**From:** Ruth Schellbach [mailto:schellre@wrdd.state.or.us]  
**Sent:** Thursday, April 22, 2010 8:17 AM  
**To:** Katie Turner  
**Subject:** RE: ROI for T-10923/SBE

Yes, I have the signed final deliverables cover sheet. Go ahead and invoice us.

Ruth Schellbach  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266  
(503) 986-0894

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**From:** Katie Turner [mailto:kturner@newtonconsultants.com]  
**Sent:** Wednesday, April 21, 2010 11:25 AM  
**To:** Ruth Schellbach  
**Subject:** RE: ROI for T-10923/SBE

Hi Ruth,

I looked over the ownership information and it looks fine. I did not see the date of the information but it describes the Last Certified Year as 2009 and this information matched the information currently available on the Marion County Assessor Property Records viewed online.

Since everything else has been sent to you, is it safe to say it can be invoiced?

Sincerely,

**Katie Turner, G.I.T.**

*Office Manager / Geologic Technician*  
Newton Consultants, Inc.  
521 SW 6th Street, Suite 100  
Redmond, Oregon 97756  
541-504-9960 ext. 210

11/23/2010



541-504-9961 fax

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**From:** Ruth Schellbach [mailto:schellre@wrd.state.or.us]

**Sent:** Monday, April 19, 2010 8:14 AM

**To:** Katie Turner

**Subject:** ROI for T-10923/SBE

Katie,

Here is an ownership report for SBE, T-10923.

I'll also give it to Dorothy.

Ruth Schellbach  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266  
(503) 986-0894



**Dorothy Pedersen**

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**From:** Dorothy Pedersen  
**Sent:** Friday, October 22, 2010 4:45 PM  
**To:** 'Ratcliffe Jesse D'; Dwight French  
**Subject:** RE: T-10923 Preliminary Determination language  
**Attachments:** 10923-pd-for final DOJ review.doc

Jesse,

We are anxious to finalize the Preliminary Determination for T-10923. I've attached my draft for your review. I've added the information you shared with us by email and by phone, but the "CITE" placeholder is highlighted, pending information about the correct citation.

I'm sure you are very busy, but I would appreciate having you review the document within the next week or so, or indicate that we should just go ahead and issue the Preliminary Determination.

Thank you very much for your assistance,  
Dorothy

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**From:** Ratcliffe Jesse D [mailto:[jesse.d.ratcliffe@doj.state.or.us](mailto:jesse.d.ratcliffe@doj.state.or.us)]  
**Sent:** Tuesday, September 28, 2010 11:40 AM  
**To:** Dorothy Pedersen; Dwight French  
**Subject:** RE: T-10923 Preliminary Determination language

Dorothy,

The "CITE" note was related to my question about contested cases. I wanted to make sure that I was citing the correct portion of the Administrative Procedure Act. I will send you the correct cite shortly.

Jesse

-----Original Message-----

**From:** Dorothy Pedersen [mailto:[pedersdi@wrd.state.or.us](mailto:pedersdi@wrd.state.or.us)]  
**Sent:** Tuesday, September 28, 2010 11:29 AM  
**To:** Ratcliffe Jesse D; Dwight French  
**Subject:** RE: T-10923 Preliminary Determination language

Jesse,

Thank you very much for this statement. I have one question: What is intended in the yellow highlighted "CITE" spot?

In answer to your question; yes, the transfer applicant is entitled to a contested case hearing, as is any other person, if he files a protest after issuance of the Preliminary Determination (OAR 690-380-4030 and 4200). The fee for an applicant to file a protest is \$300.00 under ORS 536.050(j), while the protest fee for any other person is \$600.00.

Dorothy

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**From:** Ratcliffe Jesse D [mailto:[jesse.d.ratcliffe@doj.state.or.us](mailto:jesse.d.ratcliffe@doj.state.or.us)]  
**Sent:** Monday, September 27, 2010 5:46 PM  
**To:** Dwight French; Dorothy Pedersen  
**Subject:** T-10923 Preliminary Determination language

Dwight and Dorothy,

10/22/2010



Below is a short explanation of the authority to impose conditions on the approval of a POD/POA transfer. This is of course not as detailed as we would be if the matter were litigated, but I think it is sufficient to show that the authority issue has been considered, and that OWRD and the Commission have a reasoned position on the issue. Please let me know if you have any comments or questions. I also have one question- I am assuming based on *Kusyk* that a transfer applicant is entitled to a contested case hearing if the applicant disagrees with the proposed outcome. Is this OWRD's position?

Thanks,

Jesse

In order to approve a point of appropriation transfer, the Water Resources Commission must find "that that a proposed change can be effected without injury to existing water rights." ORS 540.530(1)(a). This finding must be supported by a preponderance of the evidence – in other words, the Commission must find that the evidence shows that it is more likely than not that the proposed change will not injure existing water rights. CITE. The Commission may not simply assume that no injury will occur. In this case, the transfer application calls for an increase in the total number of wells authorized for appropriation, and there is no evidence that the wells will be unable to appropriate water at a higher rate than allowed under Certificates 27212 and 33762. The installation of meters will allow OWRD to ensure that the certificated rate is not being exceeded, and provide the evidence the Commission requires to determine that injury will not occur on that basis.

The Commission's authority to condition approval of the transfer on the installation of meters derives from the Commission's duty to find that the transfer will not cause injury to existing water rights. If the Commission is unable to find that injury will not occur unless conditions are imposed on the transfer, it may approve the transfer only if the conditions are included in its approval.

\*\*\*\*\*CONFIDENTIALITY NOTICE\*\*\*\*\*

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

\*\*\*\*\*



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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10923, Marion County	)	PROPOSING APPROVAL OF A
	)	CHANGE IN POINT OF
	)	APPROPRIATION AND ADDITIONAL
	)	POINTS OF APPROPRIATION

**Authority**

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

SBE INC  
11880 LAUREN LANE  
NEWBERG OR 97132

**Findings of Fact**

***Background***

1. On June 30, 2009, SBE INC filed an application for additional points of appropriation under Certificates 27212 and 33762. The Department assigned the application number T-10923.
2. On May 21, 2010, the applicant submitted a revised map, correcting typographical errors in the map originally submitted.

3. The portion of the first right to be transferred is as follows:

**Certificate:** 27212 in the name of MILO SCHNEIDER (perfected under Permit G-288)

**Use:** IRRIGATION of 73.0 ACRES

**Priority Date:** JULY 10, 1956

**Rate:** 0.91 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** A WELL in the WILLAMETTE RIVER BASIN

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.
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**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NW SW	66	AUTHORIZED WELL 1 (MARI 1125): 15 CHAINS EAST AND 11.8 CHAINS NORTH OF EXT L CORNER ON SOUTH LINE OF DLC 66

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	-Acres
4 S	2 W	WM	7	SE NE	66	0.6
4 S	2 W	WM	8	SW NW	66	21.2
4 S	2 W	WM	8	SE NW	66	3.5
4 S	2 W	WM	8	NE SW	66	20.3
4 S	2 W	WM	8	NW SW	66	27.4

4. Transfer Application T-10923 proposes to replace the authorized well (MARI 1125, which has been abandoned) with a replacement well (MARI 1112) and add five additional points of appropriation all within approximately 1,500 feet from the original point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	REPLACEMENT WELL 1 (MARI 1112): 800 FEET NORTH AND 1620 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 2 (MARI 1103): 1420 FEET NORTH AND 280 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 3 (MARI 1109): 1420 FEET NORTH AND 310 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 4: 1420 FEET NORTH AND 260 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	SW NW	66	WELL 5: 1210 FEET NORTH AND 450 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	NE SW	66	WELL 6: 470 FEET NORTH AND 2440 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

5. The portion of the second right to be transferred is as follows:

**Certificate:** 33762 in the name of MILO SCHNEIDER (perfected under Permit G-2524)

**Use:** PRIMARY IRRIGATION of 65.6 ACRES and SUPPLEMENTAL IRRIGATION of 73.0 ACRES

**Priority Date:** OCTOBER 28, 1963

**Rate:** 1.13 CUBIC FEET PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year



Source: A WELL in the WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	7	SE NE	66	WELL 2 (MARI 1103): 1420 FEET NORTH AND 280 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	2 W	WM	7	NE NE		74	8.0
4 S	2 W	WM	7	NE NE		66	2.1
4 S	2 W	WM	7	NW NE		74	1.3
4 S	2 W	WM	7	NW NE		66	0.4
4 S	2 W	WM	7	SW NE		66	10.2
4 S	2 W	WM	7	SW NE	2		0.2
4 S	2 W	WM	7	SE NE		66	35.6
4 S	2 W	WM	7	NE SE		66	1.0
4 S	2 W	WM	7	NW SE		66	0.5
4 S	2 W	WM	7	NW SE	2		0.1
4 S	2 W	WM	8	SW NW		66	6.2

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	7	SE NE	66	0.6
4 S	2 W	WM	8	SW NW	66	21.2
4 S	2 W	WM	8	SE NW	66	3.5
4 S	2 W	WM	8	NE SW	66	20.3
4 S	2 W	WM	8	NW SW	66	27.4

6. Transfer Application T-10923 proposes to retain authorized Well 2 (MARI 1103) and add five additional points of appropriation all within approximately 3,000 feet from the existing point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	REPLACEMENT WELL 1 (MARI 1112): 800 FEET NORTH AND 1620 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 3 (MARI 1109): 1420 FEET NORTH AND 310 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 4: 1420 FEET NORTH AND 260 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	SW NW	66	WELL 5: 1210 FEET NORTH AND 450 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66



Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	WELL 6: 470 FEET NORTH AND 2440 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

7. The application requests to add five additional points of appropriation to the one authorized point of appropriation for each right, stating that "the existing wells produce sand and their production drops off significantly late in the irrigation season."
8. Notice of the application for transfer was published on July 14, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. On April 20, 2010, the Department mailed to the applicant a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10923, with the inclusion of a condition to install meters on all the wells. The draft Preliminary Determination cover letter set forth a deadline of May 20, 2010, for the applicant to respond.
10. On April 30, 2010, Steve Schneider responded by email with questions about the time allowed for completion of the changes, the legal authority of the Department to change conditions of original certificates (specifically to add a condition to require measuring devices), and a question about whether all the proposed well locations were considered to be in the same aquifer. The Department sent an email in reply on May 5, 2010.
11. The applicant's agent Greg Kupillas responded May 20, 2010 by email to request that the Department correct several clerical errors in the document, and conveyed comments from the applicant which included a request to extend the date for completion of the changes to October 1, 2015, because no more than one additional well per year is planned in order to see if the additional well is adequate to give the full water right available at the end of the irrigation season. Because of budget issues, even this schedule may be unattainable. Steve Schneider also requested the Department to remove the following proposed language from the document: *"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 appropriation."*
12. On May 26, the Department sent an email agreeing to correct the clerical errors and to extend the completion deadline.
13. On June 16, 2010, representatives of the Department met with applicant Steve Schneider and his agent Greg Kupillas to discuss Mr. Schneider's concerns about the proposed condition to require measuring devices on all the wells. It was determined that the next step in processing the transfer application would be to issue a revised Preliminary Determination.
14. The clerical errors in the original draft Preliminary Determination have been corrected in this document and the Department considers extension of the completion date to October 1, 2015 to be reasonable. The condition requiring meters on all the wells has been removed at the applicant's request.



15. On July 14, 2010, the Department mailed to the applicant a copy of a revised draft Preliminary Determination proposing to deny Transfer Application T-10923, because without provision for measuring the quantity of water appropriated under the right, the Department could not make a positive determination that the addition of points of appropriation would not result in enlargement of the right or injury to other rights. The revised draft Preliminary Determination cover letter set forth a deadline of August 16, 2010, for the applicant to respond and offered options for resolving the potential for enlargement and injury which could allow the Department to approve the transfer.
16. Steve Schneider responded with a letter dated August 5, 2010 that was received by email on August 5 and by postal mail on August 9, 2010. Mr. Schneider's letter asserted the following:
  - a) OWRD failed to provide any evidence of authority to require the meters as part of the transfer;
  - b) The transfer does not propose any increase beyond the allowed rate or duty and to suggest that it does requires proof. However, the Findings lacked any evidence that enlargement would occur.
  - c) OWRD failed to identify any rights that would be injured and to provide SBE, Inc. the opportunity to obtain an affidavit consenting to the proposed change from the holders of water rights that would be injured.
  - d) Mr. Schneider indicated agreement to install meters on all the wells if there were no other way to have the transfer approved.
17. On August 23, 2010, the Department sent a copy of the draft Preliminary Determination to the Oregon Department of Justice for review in light of the issues raised. Jesse Ratcliffe of the DOJ then offered the following comments (Findings of Fact #18-#21).
18. In order to approve a point of appropriation transfer, the Water Resources Commission must find "that a proposed change can be effected without injury to existing water rights." ORS 540.530(1)(a). This finding must be supported by a preponderance of the evidence—in other words, the Commission must find that the evidence shows that it is more likely than not that the proposed change will not injure existing water rights. CITE The Commission may not simply assume that no injury will occur.
19. In this case, the transfer application calls for an increase in the total number of wells authorized for appropriation, and there is no evidence that the wells will be unable to appropriate water at a higher rate than allowed under Certificates 27212 and 33762.
20. The installation of meters will allow OWRD to ensure that the certificated rate is not being exceeded, and provide the evidence the commission requires to determine that injury will not occur on that basis.
21. The Commission's authority to condition approval of the transfer on the installation of meters derives from the Commission's duty to find that the transfer will not cause injury to existing water rights. If the Commission is unable to find that injury will not occur unless



conditions are imposed on the transfer, it may approve the transfer only if the conditions are included in its approval.

22. The fundamental question in evaluating whether a transfer is injurious is, "Will the proposed transfer result in any other water right receiving less water than it would if the exercise of the transferred water right was maximized?" The Department evaluates the proposed change to determine whether the impacts of the change on other water rights from the same source (or hydraulically connected sources) are greater than the impacts that would result from efficient and intensive use within the limit of the existing right. Without a way to measure the total appropriation under a water right with multiple points of appropriation, it may not be possible to know whether or not the maximum allowed rate is being exceeded. Without assurance that enlargement of the transferred right would not occur, the Department would be unable to find that other surrounding groundwater rights accessing the same aquifer would not be injured.

#### *Transfer Review Criteria (OAR 690-380-4010)*

23. Water has been used within the last five years prior to the submittal of Transfer Application T-10923 according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
24. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10923.
25. Based on Findings of Fact #7 and #11, the transfer proposes to add wells in order to access the full amount of water allowed under the right, which could represent an increase over what is currently available due to the limitations imposed by physical conditions at the authorized wells. This in itself would not represent enlargement or injury to other rights. However, unless there is a way to measure the increase and be sure that it does not exceed the limits of the right, enlargement could occur, which could in turn result in injury to other water rights.
26. The applicant's installation of meters on the wells will give the capability to measure the combined diversion from all of the wells to ensure that the allowed rate and duty are not exceeded. Therefore, if conditioned to require meters on all the wells, the proposed change would NOT result in enlargement beyond what is legally allowed under the right.
27. The applicant's installation of meters on all the wells will give the capability of demonstrating that the proposed change would not result in enlargement. Therefore the proposed change would NOT result in injury to other water rights.



## Determination and Proposed Action

The change in point of appropriation and additional points of appropriation proposed in Transfer Application T-10923, with installation of meters on all the wells, appears 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 application T-10923 is approved, the final order will include the following:*

- 1. The change in point of appropriation and additional points of appropriation proposed in application T-10923 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 Certificates 27212 and 33762 any related decree.*
- 3. Water right certificates 27212 and 33762 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
- 4. The quantity of water diverted at the additional points of appropriation, together with that diverted at the replacement points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
- 5. 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 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.*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
- 7. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2016**. 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 changes and full beneficial use of the water.*



8. *When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this \_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
Dwight French for  
PHILLIP C. WARD, DIRECTOR

This Preliminary Determination was prepared by Dorothy Pedersen. If you have questions about the information in this document, you may reach me at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us.

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



**Dorothy Pedersen**

---

**From:** Ratcliffe Jesse D [jesse.d.ratcliffe@doj.state.or.us]

**Sent:** Monday, September 27, 2010 5:46 PM

**To:** Dwight French; Dorothy Pedersen

**Subject:** T-10923 Preliminary Determination language

Dwight and Dorothy,

Below is a short explanation of the authority to impose conditions on the approval of a POD/POA transfer. This is of course not as detailed as we would be if the matter were litigated, but I think it is sufficient to show that the authority issue has been considered, and that OWRD and the Commission have a reasoned position on the issue. Please let me know if you have any comments or questions. I also have one question- I am assuming based on *Kusyk* that a transfer applicant is entitled to a contested case hearing if the applicant disagrees with the proposed outcome. Is this OWRD's position?

Thanks,

Jesse

In order to approve a point of appropriation transfer, the Water Resources Commission must find "that that a proposed change can be effected without injury to existing water rights." ORS 540.530(1)(a). This finding must be supported by a preponderance of the evidence – in other words, the Commission must find that the evidence shows that it is more likely than not that the proposed change will not injure existing water rights. CITE. The Commission may not simply assume that no injury will occur. In this case, the transfer application calls for an increase in the total number of wells authorized for appropriation, and there is no evidence that the wells will be unable to appropriate water at a higher rate than allowed under Certificates 27212 and 33762. The installation of meters will allow OWRD to ensure that the certificated rate is not being exceeded, and provide the evidence the Commission requires to determine that injury will not occur on that basis.

The Commission's authority to condition approval of the transfer on the installation of meters derives from the Commission's duty to find that the transfer will not cause injury to existing water rights. If the Commission is unable to find that injury will not occur unless conditions are imposed on the transfer, it may approve the transfer only if the conditions are included in its approval.

\*\*\*\*\*CONFIDENTIALITY NOTICE\*\*\*\*\*

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

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## Dorothy Pedersen

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**From:** Dwight French  
**Sent:** Monday, August 23, 2010 11:06 AM  
**To:** Moulun Renee M; Ratcliffe Jesse D  
**Cc:** Dorothy Pedersen; Tom Paul  
**Subject:** FW: Transfer T-10923  
**Attachments:** 10923-pd.doc; 10923 Applicant Response to Revised DPD.pdf; Kusk Settlement.pdf; Kusk Appeal.pdf; Kusk Protest Order.pdf

Good Morning Renee and Jesse:

Attached are some documents and below are questions regarding a situation that may be headed for hearing and on up so we are doing our due diligence before we issued the Proposed Determination for this transfers. The email string below, including an email from the transfer applicant, provide additional background. Naturally, I'd be happy to discuss any of this for additional background if you need it.

I'll let you two figure out who is going to review these questions.

Thank you in advance for your help on this issue.  
Dwight

---

**From:** Dorothy Pedersen  
**Sent:** Thursday, August 19, 2010 2:56 PM  
**To:** Dwight French  
**Subject:** RE: Transfer T-10923

Dwight,

Attached is the proposed T-10923 PD with sections highlighted in yellow. Tom suggested that in view of Steve Schneider's response to the Department's determination, and the Kusk court case, we should have the document's findings reviewed prior to issuing a signed Preliminary Determination.

Our determination is that we cannot find "no enlargement or injury" from the proposed five additional points of appropriation without some way for the water user to measure the total amount of water diverted from all the wells. The Watermaster review requested meters. The first draft Preliminary Determination therefore included the usual metering condition. The applicant contested the Department's authority to require meters to be installed (particularly on the existing POA) as a condition of the transfer, and requested the metering condition to be removed. This was done and a *revised* draft Preliminary Determination issued as a denial, stating that the Department could not approve the transfer because without a way to demonstrate that enlargement was not occurring (through measurement or some other means that might be suggested by the applicant) we could not make an affirmative finding that the addition of five wells would not result in enlargement or injury.

The applicant's response is attached, and some documents from the thick Kusk file.

Here are questions for Renee or Jesse:

1. Are the Department's findings re: enlargement and injury justified?
2. Is the condition to require meters within our authority and phrased appropriately?
3. If not, what suggestions can you give us?
4. How soon will we likely have a response, so we can manage Mr. Schneider's expectations for issuance of the Preliminary Determination?

Thank you,  
Dorothy

8/23/2010



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**From:** Dwight French  
**Sent:** Thursday, August 19, 2010 12:10 PM  
**To:** Dorothy Pedersen  
**Subject:** RE: Transfer T-10923

Please attach the wording of the draft PD that we want Renee to review and word a question for me to send to her. Then I'll look it over and send off to her for review.

Thank you,  
Dwight

---

**From:** Steve Schneider [mailto:SteveS@seidc.com]  
**Sent:** Wednesday, August 18, 2010 2:00 PM  
**To:** Dorothy Pedersen  
**Cc:** Greg; Tom Paul; Director; Stan Schneider; tom@flyingfir.com  
**Subject:** RE: Transfer T-20923

Dorothy,

Considering the continued inability of the Department to counter our arguments, it is obvious that further review by us will have no impact on the Department's extorting meters without authority. Given that, and the extremely tardy and gross mishandling of this transfer, all that is desired at this time, and what was desired and paid for from the beginning, is an expeditious, accurate, and lawful processing. Unfortunately, we will settle for 0 out of 3 and figure we are lucky to have something processed at all.

When can we realistically expect to see the document that was along ago paid for?

BTW: While consistency might be perceived as fair, it is absolutely no justification for continuing to illegally mandate a requirement; especially when it is repeatedly brought to the department's attention that it is not legal nor required to favorably process the application. In fact, it demonstrates that all landowners that had the illegal requirement imposed were treated unfairly.

Sincerely,  
Steve Schneider  
Sec-Treas  
SBE, Inc.

---

**From:** Dorothy Pedersen [mailto:pedersdi@wrd.state.or.us]  
**Sent:** Tuesday, August 17, 2010 3:18 PM  
**To:** Steve Schneider  
**Cc:** Greg  
**Subject:** RE: Transfer T-20923

Steve,

I apologize for the delay in responding to acknowledge receipt of your letter. I was out of town all last week, but will now proceed to prepare the Preliminary Determination. The determination will be to approve T-10923, based on your agreement to the inclusion of a condition to install meters on all the wells as indicated in your letter dated August 5, 2010. This is consistent with the Department's current practice for transfers that propose additional points of appropriation.

The conditions in the Preliminary Determination will be consistent with the first draft preliminary determination, and the findings will be essentially the same as the revised draft, with additional findings to document issuance of the revised draft and your response.

Please let me know if you would like me to email you the Preliminary Determination document for your review

8/23/2010



before it is signed. I anticipate it will have cleared peer review and be ready for signature by either Thursday afternoon or Monday. (Our office is closed for mandatory furlough on Friday).

Dorothy

---

**From:** Steve Schneider [mailto:SteveS@seidc.com]  
**Sent:** Thursday, August 05, 2010 5:51 PM  
**To:** Dorothy Pedersen  
**Cc:** Tom Paul; Director  
**Subject:** Transfer T-20923

Please see attached letter.

Steve Schneider  
SBE, Inc.



## Dorothy Pedersen

---

**From:** Dorothy Pedersen  
**Sent:** Thursday, August 19, 2010 4:45 PM  
**To:** 'Steve Schneider'  
**Cc:** 'Greg'  
**Subject:** RE: Transfer T-20923

Steve,

The Preliminary Determination has been drafted. At the suggestion of the Deputy Director, I have forwarded it to my supervisor, who will request a review by the Department of Justice before it is signed and issued by our agency.

I apologize that this will unfortunately result in an unknown amount of delay, and can certainly understand your frustration that the process has taken much longer than anticipated. Once we have the DOJ's answer, I will see that the Preliminary Determination is issued as promptly as possible.

Sincerely,  
Dorothy

---

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**To:** Dorothy Pedersen  
**Cc:** Greg; Tom Paul; Director; Stan Schneider; tom@flyingfir.com  
**Subject:** RE: Transfer T-20923

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**Sent:** Tuesday, August 17, 2010 3:18 PM  
**To:** Steve Schneider  
**Cc:** Greg  
**Subject:** RE: Transfer T-20923

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8/19/2010



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**To:** Dorothy Pedersen  
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Please see attached letter.

Steve Schneider  
SBE, Inc.



RECEIVED

AUG 09 2010

WATER RESOURCES DEPT  
SALEM, OREGON

August 5, 2010

Dorothy Pedersen  
OR Water Resources Dept.  
725 Summer St NE, Suite A  
Salem, OR 97301-1271

via USPS & email to [Dorothy.I.Pederson@wrdd.state.or.us](mailto:Dorothy.I.Pederson@wrdd.state.or.us)

RE: T-10923

Dear Ms. Pedersen:

We are in receipt of your July 14, 2010 letter enclosing a draft of your Preliminary Determination (PD) regarding the above Transfer. The PD proposes to DENY the subject Transfer. However, the letter enclosing the PD states,

"Identified issues could be resolved by one of the following alternatives:

- Agreement to install totalizing flow meters on all the wells; or
- Another proposal that would give the water user the ability to measure and control the amount being diverted from all the wells to prevent enlargement beyond the rate and duty allowed under the rights from occurring."

We do not concur with some of the Findings of Fact in the PD, in particular #19 and #20, and are surprised that the Department persists at imposing the meter requirement on all wells in the subject Transfer without proceedings/justification as required by law. OWRD has repeatedly failed to provide any evidence of authority to require the meters as part of the subject Transfer. At best, OWRD is relying on an alleged requirement to make an affirmative finding that the allowed rate and duty are not exceeded, asserting that meters would allow that affirmative finding to be made. However, OAR 690-380-4010 (c) only requires the Department to include an assessment as to whether the proposed transfer would result in enlargement. There is significant legal difference in those terms. Findings of Fact must be supported by evidence in the record; something that is missing in the PD's findings as there is no evidence that enlargement would occur or that there would be injury. An assessment as the term is used in the aforementioned rule, appears to have no official legal definition, but can be construed to mean to make an analysis or evaluation; it does not infer that one needs to go to the extreme of making a determination or a Finding of Fact, in fact it suggests the contrary since the Agency that created said rules chose not to use the term "determination", "finding" or a derivative thereof. The aforementioned rule does not require a specific action based on the assessment, either affirmative or negative.

The pure and simple fact is that the subject Transfer does not propose any enlargement. The quality of the water from the existing source (i.e. sand production) makes production at the allowed rate problematic, but not impossible. In addition, late season water table decline makes pumping at the allowed rate problematic for any reasonable duration, but again not impossible. To compensate, the rate is reduced and the pumping duration increased to compensate, all as allowed. The proposed Transfer does not propose any increase in the allowed rate or duty; to suggest that it does requires proof. However, OWRD has failed to provide any such proof. In summary, OWRD made an unsubstantiated negative finding in the PD partly based on inaccurate Findings of Facts contained therein.

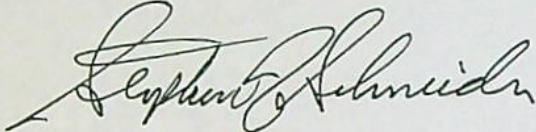


In addition, OWRD has failed to identify anyone that would be injured if the proposed Transfer were granted, and, OWRD has failed to provide SBE, Inc. the opportunity to obtain an affidavit consenting to the proposed Transfer change from any holder(s) of water rights that would be injured, as identified by OWRD as being injured, all as required by ORS 540.530 (1)(a).

We grow weary of arguing these issues as we feel they are falling on deaf ears and there certainly must be another agenda for OWRD's persistence at this inappropriate behavior. Accordingly, we request that if after reviewing the above, you will still not approve the Transfer, then we will agree to installing meters on all the wells, pursuant to the first bullet above, in order to have the proposed Transfer approved. We make this choice only because it is not worth the time and costs to prove our points in the legal arena. We expect the Transfer to be processed expeditiously as we originally paid to have done.

Please promptly advise us of your decision.

Sincerely

A handwritten signature in black ink, appearing to read "Stephen J. Schneider". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

SBE, Inc.  
11880 Lauren Lane  
Newberg, OR 97132  
Stephen J Schneider  
Secretary-Treasurer

Cc: Tom Paul via [paultj@wrд.state.or.us](mailto:paultj@wrд.state.or.us)  
Phil Ward via [Director@wrд.state.or.us](mailto:Director@wrд.state.or.us)



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WATER RESOURCES DEPT  
SALEM, OREGON

August 5, 2010

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OR Water Resources Dept.  
725 Summer St NE, Suite A  
Salem, OR 97301-1271

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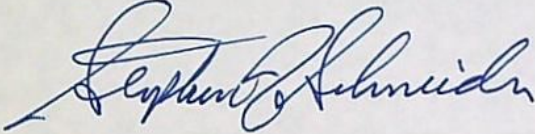


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SBE, Inc.  
11880 Lauren Lane  
Newberg, OR 97132  
Stephen J Schneider  
Secretary-Treasurer

Cc: Tom Paul via [paultj@wrд.state.or.us](mailto:paultj@wrд.state.or.us)  
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**Dorothy Pedersen**

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**Sent:** Thursday, August 05, 2010 5:51 PM  
**To:** Dorothy Pedersen  
**Cc:** Tom Paul; Director  
**Subject:** Transfer T-20923  
**Attachments:** SBE ltr re T-10923 Preliminary Determination.pdf  
Please see attached letter.

Steve Schneider  
SBE, Inc.

8/6/2010



August 5, 2010

Dorothy Pedersen  
OR Water Resources Dept.  
725 Summer St NE, Suite A  
Salem, OR 97301-1271

via USPS & email to [Dorothy.I.Pederson@wrdd.state.or.us](mailto:Dorothy.I.Pederson@wrdd.state.or.us)

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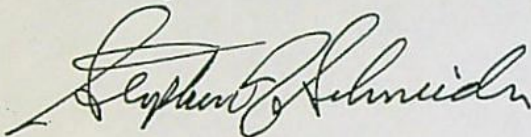


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Phil Ward via [Director@wrld.state.or.us](mailto:Director@wrld.state.or.us)





# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

July 14, 2010

SBE INC  
11880 LAUREN LANE  
NEWBERG OR 97132

SUBJECT: Water Right Transfer Application T-10923

Please find enclosed a revised draft of our Preliminary Determination regarding Transfer Application T-10923. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the Department cannot make an affirmative finding that enlargement would not occur with the addition of points of appropriation.

Identified issues could be resolved by one of the following alternatives:

- Agreement to install totalizing flow meters on all the wells; or
- Another proposal that would give the water user the ability to measure and control the amount being diverted from all the wells to prevent enlargement beyond the rate and duty allowed under the rights from occurring.

Because the new points of appropriation are more than ¼ mile from the authorized points of appropriation, if you go forward with T-10923, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive your written response modifying the application to resolve the issues that we have identified or by requesting that we proceed with processing of the application in its present form. If we do not receive your response by **August 16, 2010**, a Preliminary Determination may be issued denying the application.

Please do not hesitate to contact me at (503) 986-0890 or [Dorothy.I.Pedersen@wrdd.state.or.us](mailto:Dorothy.I.Pedersen@wrdd.state.or.us) if I may be of assistance.

Sincerely,

Dorothy Pedersen  
Field Services Division

cc: T-10923  
Mike L. McCord, District 16 Watermaster  
Greg Kupillas, agent

encs



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

In the Matter of Transfer Application  
T-10923, Marion County

) **D R A F T** (revised)  
)  
) PRELIMINARY DETERMINATION  
) PROPOSING DENIAL OF A CHANGE  
) IN POINT OF APPROPRIATION AND  
) ADDITIONAL POINTS OF  
) APPROPRIATION

**Authority**

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

SBE INC  
11880 LAUREN LANE  
NEWBERG OR 97132

**Findings of Fact**

***Background***

1. On June 30, 2009, SBE INC filed an application for additional points of appropriation under Certificates 27212 and 33762. The Department assigned the application number T-10923.
2. On May 21, 2010, the applicant submitted a revised map, correcting typographical errors in the map originally submitted.

3. The portion of the first right to be transferred is as follows:

**Certificate:** 27212 in the name of MILO SCHNEIDER (perfected under Permit G-288)

**Use:** IRRIGATION of 73.0 ACRES

**Priority Date:** JULY 10, 1956

**Rate:** 0.91 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** A WELL in the WILLAMETTE RIVER BASIN



**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NW SW	66	AUTHORIZED WELL 1 (MARI 1125): 15 CHAINS EAST AND 11.8 CHAINS NORTH OF EXT L CORNER ON SOUTH LINE OF DLC 66

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	7	SE NE	66	0.6
4 S	2 W	WM	8	SW NW	66	21.2
4 S	2 W	WM	8	SE NW	66	3.5
4 S	2 W	WM	8	NE SW	66	20.3
4 S	2 W	WM	8	NW SW	66	27.4

4. Transfer Application T-10923 proposes to replace the authorized well (MARI 1125, which has been abandoned) with a replacement well (MARI 1112) and add five additional points of appropriation all within approximately 1,500 feet from the original point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	REPLACEMENT WELL 1 (MARI 1112): 800 FEET NORTH AND 1620 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 2 (MARI 1103): 1420 FEET NORTH AND 280 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 3 (MARI 1109): 1420 FEET NORTH AND 310 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 4: 1420 FEET NORTH AND 260 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	SW NW	66	WELL 5: 1210 FEET NORTH AND 450 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	NE SW	66	WELL 6: 470 FEET NORTH AND 2440 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

5. The portion of the second right to be transferred is as follows:

**Certificate:** 33762 in the name of MILO SCHNEIDER (perfected under Permit G-2524)

**Use:** PRIMARY IRRIGATION of 65.6 ACRES and SUPPLEMENTAL IRRIGATION of 73.0 ACRES

**Priority Date:** OCTOBER 28, 1963

**Rate:** 1.13 CUBIC FEET PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year



Source: A WELL in the WILLAMETTE RIVER BASIN

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	7	SE NE	66	WELL 2 (MARI 1103): 1420 FEET NORTH AND 280 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	2 W	WM	7	NE NE		74	8.0
4 S	2 W	WM	7	NE NE		66	2.1
4 S	2 W	WM	7	NW NE		74	1.3
4 S	2 W	WM	7	NW NE		66	0.4
4 S	2 W	WM	7	SW NE		66	10.2
4 S	2 W	WM	7	SW NE	2		0.2
4 S	2 W	WM	7	SE NE		66	35.6
4 S	2 W	WM	7	NE SE		66	1.0
4 S	2 W	WM	7	NW SE		66	0.5
4 S	2 W	WM	7	NW SE	2		0.1
4 S	2 W	WM	8	SW NW		66	6.2

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	7	SE NE	66	0.6
4 S	2 W	WM	8	SW NW	66	21.2
4 S	2 W	WM	8	SE NW	66	3.5
4 S	2 W	WM	8	NE SW	66	20.3
4 S	2 W	WM	8	NW SW	66	27.4

6. Transfer Application T-10923 proposes to retain authorized Well 2 (MARI 1103) and add five additional points of appropriation all within approximately 3,000 feet from the existing point of appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	REPLACEMENT WELL 1 (MARI 1112): 800 FEET NORTH AND 1620 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 3 (MARI 1109): 1420 FEET NORTH AND 310 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 4: 1420 FEET NORTH AND 260 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	SW NW	66	WELL 5: 1210 FEET NORTH AND 450 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66



Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	WELL 6: 470 FEET NORTH AND 2440 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

7. The application requests to add five additional points of appropriation to the one authorized point of appropriation for each right, stating that "the existing wells produce sand and their production drops off significantly late in the irrigation season."
8. Notice of the application for transfer was published on July 14, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
9. On April 20, 2010, the Department mailed to the applicant a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10923, with the inclusion of a condition to install meters on all the wells. The draft Preliminary Determination cover letter set forth a deadline of May 20, 2010, for the applicant to respond.
10. On April 30, 2010, Steve Schneider responded by email with questions about the time allowed for completion of the changes, the legal authority of the Department to change conditions of original certificates (specifically to add a condition to require measuring devices), and a question about whether all the proposed well locations were considered to be in the same aquifer. The Department sent an email in reply on May 5, 2010.
11. The applicant's agent Greg Kupillas responded May 20, 2010 by email to request that the Department correct several clerical errors in the draft document, and conveyed comments from the applicant which included a request to extend the date for completion of the changes to October 1, 2015, because no more than one additional well per year is planned in order to see if the additional well is adequate to give the full water right available at the end of the irrigation season. Because of budget issues, even this schedule may be unattainable. Steve Schneider also requested the Department to remove the following proposed language from the document: *"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 appropriation."*
12. On May 26, the Department sent an email agreeing to correct the clerical errors and to extend the completion deadline.
13. On June 16, 2010, representatives of the Department met with applicant Steve Schneider and his agent Greg Kupillas to discuss Mr. Schneider's concerns about the proposed condition to require measuring devices on all the wells. It was determined that the next step in processing the transfer application would be to issue a revised draft Preliminary Determination.
14. The clerical errors in the original draft Preliminary Determination have been corrected in this document and the Department considers extension of the completion date to October 1, 2015 to be reasonable. The condition requiring meters on all the wells has been removed at the applicant's request.



### *Transfer Review Criteria (OAR 690-380-4010)*

15. Under ORS 540.530, the Department may issue an order approving a transfer if the Department finds the proposed change can be effected without injury to other water rights.
16. OAR 690-380, which implements the statutes, states a transfer application shall be approved if the Department determines that the following four criteria are met:
  - a) The water right affected by the proposed transfer is a water use subject to transfer;
  - b) The portion of the water right is not cancelled;
  - c) The proposed transfer would not result in enlargement as defined in OAR 690-380-0100(2) "Enlargement means an expansion of a water right and includes, but is not limited to: Using a greater rate or duty of water per acre than currently allowed under a right ... or Diverting more water at the new point of diversion or appropriation than is legally available to that right at the original point of diversion or appropriation"; and
  - d) Except as provided in OAR 690-380-5030, the proposed transfer would not result in injury as defined in OAR 690-380-0100(3) "Injury ... means a proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled."
17. Water has been used within the last five years prior to the submittal of Transfer Application T-10923 according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
18. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-10923.
19. Based on Finding of Fact #7, the transfer proposes to add wells in order to access the full amount of water allowed under the right, which would represent an increase over what is currently available due to the limitations imposed by physical conditions at the authorized wells. Absent the capability to measure the combined diversion from all of the wells to ensure that the allowed rate and duty are not exceeded, the Department is unable to make an affirmative finding that the proposed change would NOT result in enlargement beyond what is legally allowed under the right.
20. Without the capability of demonstrating that the proposed change would not result in enlargement, the Department cannot find that the proposed change would NOT result in injury to other water rights.

### **Determination and Proposed Action**

The change in point of appropriation and additional points of appropriation proposed in Transfer Application T-10923 appear NOT 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 denied.



Dated at Salem, Oregon this \_\_\_\_ day of \_\_\_\_\_ 2010.

D R A F T

\_\_\_\_\_  
Phillip C. Ward, Director

This revised draft Preliminary Determination was prepared by Dorothy Pedersen. If you have questions about the information in this document, you may reach me at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us.



## Dorothy Pedersen

---

**From:** Dorothy Pedersen  
**Sent:** Wednesday, May 26, 2010 3:02 PM  
**To:** 'Greg'; Ruth Schellbach  
**Cc:** 'Steve Schneider'; Mike Mccord; Bill Ferber  
**Subject:** RE: T-10923, SBE Inc.

Greg,

Your response and Steve Schneider's response to the T-10923 draft Preliminary Determination are under consideration. Thank you for pointing out the clerical and mathematical errors in the draft, so that they can be corrected in the signed document.

#1 and #3: We generally carry the cfs to the same number of decimal places as in the original certificate, unless it is necessary to take it out farther to remain proportional for a very small portion of the right. Therefore, the rates for this transfer should be 0.91 cfs for Certificate 27212 and 1.13 cfs for Certificate 33762.

#2, #5, #6 and #7: I agree.

#4: Thank you for clarifying the changes that are proposed for this right. We will modify the document. My current understanding is:

For Certificate 27212 there is a change (from Authorized Well 1 to Replacement Well 1) and addition of Wells 2, 3, 4, 5 and 6

For Certificate 33762 there is retention of Authorized Well 2 and addition of Replacement Well 1 and Wells 3, 4, 5 and 6

Let me know if this is still not correct.

Regarding the comments from Steve Schneider:

#1: We consider the request for additional time reasonable and will change the completion date to October 1, 2015.

#2: Our response to this comment will be the subject of a separate communication to be sent shortly.

Dorothy

---

**From:** Greg [mailto:phggek@bctonline.com]  
**Sent:** Thursday, May 20, 2010 1:11 PM  
**To:** Ruth Schellbach  
**Cc:** Dorothy Pedersen; 'Steve Schneider'  
**Subject:** T-10923, SBE Inc.

Ruth:

This message provides our responses to the Draft Preliminary Determination (DPD) for T-10923. I have revised the transfer application map to correct the typographical errors noted in the DPD. A PDF version

5/26/2010



of the revised map is attached for your use. Please note that the conversion of the original map to a PDF file changes the scale slightly. For this reason, I will also send you the original of the map in the mail.

This message includes my comments regarding a number of typographic or clerical errors in the DPD that I have noted. Additionally, my comments are followed by comments from Mr. Steve Schneider, who is representing SBE Inc.

My comments are as follows:

1. In Finding #3, the rate given for the portion of Certificate 27212 affected by the transfer is 0.909 cfs. I believe that this rate should be revised to reflect the fact that this right is authorized for the full 1/80 cfs per acre. The right allows 0.96 cfs for 77.1 acres, equal to 0.0125 cfs, or 1/80 cfs per acre. Accordingly, the portion of the right affected by the transfer should be assigned a rate of 73.0 acres x 0.0125 cfs/acre, or 0.913 cfs.
2. In Finding #5, the use for the portion of Certificate 33762 affected by the transfer is given as "IRRIGATION OF 65.6 ACRES PRIMARY, 73 ACRES SUPPLEMENTAL." This should be revised to "PRIMARY IRRIGATION OF 65.6 ACRES, SUPPLEMENTAL IRRIGATION OF 73.0 ACRES."
3. In Finding #5, the rate given for the portion of Certificate 33762 affected by the transfer is 1.109 cfs. I believe that this rate should be revised to reflect the authorized rate. The right allows 1.16 cfs for 142.7 acres (77.1 acres primary and 65.6 acres supplemental), equal to 0.0813 cfs per acre. Accordingly, the portion of the right affected by the transfer should be assigned a rate of 138.6 acres x 0.0813 cfs/acre, or 1.127 cfs.
4. Finding #6 states that "Transfer Application T-10923 proposes to replace the authorized well and add additional points of appropriation..." As indicated in the "Other Remarks" section of the transfer application, the applicant wishes to retain Authorized Well 2 for possible future use. Therefore, the application does not propose to replace the authorized well. Please strike the words "...replace the authorized well and..." so that the statement reads "Transfer Application T-10923 proposes to add additional points of appropriation..."
5. Finding #8, second line: Please delete the bracket that follows "T-10923."
6. Introductory paragraph under "Determination and Proposed Action", first sentence: Please insert the word "in" between "change" and "points", so that it reads "The change in points of appropriation..."
7. Determination and Proposed Action #7: This transfer does not include a change in place of use; therefore, this item is not relevant and should be deleted.

Following are comments from Mr. Steve Schneider:

1. Page 5 of the draft, paragraph 8: The time for completion and full beneficial use needs to be extended to October 1, 2015. There is the possibility of needing to construct up to three more wells after we see how the wells perform at the end of at least one season. Only one additional well per year is planned at most in order to see if the additional well is adequate to have the full water right available at the end of irrigation season. There is also the possibility that a new well might not be constructed every year as budget issues could arise, especially given the current economic conditions, or the end of season yields is questionable and an additional season's operation is needed to better ascertain whether another well



is needed or not.

2. Page 4 of the draft, paragraph 5a: This language needs to be removed. We asked for the specific legal authority by which meters were being required in this transfer. The May 5, 2010 email below contains the Department's detailed response. We have discussed this with our legal counsel and have the points which more than substantiate the need to have this requirement removed from the transfer documents:

- a. The citations given by WRD, i.e. ORS 540.310 and ORS 540.435, clearly do not give watermasters the right to require measuring devices on wells. ORS 540.310 is only related to ditches and canals, not wells, and is not an appropriate citation for this transfer. ORS 540.435 gives authority to the Water Resources Commission to order the installation of a measuring device only if the WRC finds it necessary because of serious water management problems as identified therein, and then it may do so only by rule. No such finding has been made, nor rule adopted related to the places of use and points of appropriation related to the subject transfer. Accordingly, the watermaster must not have authority to require meters under the existing certificates and hence under the subject transfer.  
If watermasters did in fact have authority to require meters for the existing certificates, then putting such language in the transfer documents would be superfluous.
- b. If watermasters did in fact have broad based authority to require or not require meters, then putting language into the transfer documents that only requires meters takes away the watermasters authority to not require meters at some time in the future, or ever allow water use under the subject transfer unless each well has a meter; whereas the WRD alleges that they have authority to not require meters now.
- c. Contrary to what is alleged by WRD, we find that it is not 'commonly understood' that a transfer asking for multiple points is likely to result in enlargement. This was certainly not understood by SBE and we ask WRD to produce substantial evidence to support such a bald statement. The subject transfer asked for no enlargement and the draft restricts it to no enlargement. Enlargement could happen even with one well simply by upsizing the pump when a well has the production capability; accordingly, multiple sources are not known to be any more likely to result in enlargement.
- d. If the watermaster has authority to require a meter or meters at any time, and we are in an area of such concern over illegal use (enlargement), why hasn't the watermaster broadly required meters on all water rights?
- e. No evidence of a written request from the watermaster for meters has been found or provided with the subject transfer documents.
- f. If the requirement for meters is not removed, SBE will conclude that it is being extorted by WRD to install them as a condition for obtaining the transfer.
- g. As a point of information, installing meters on new wells is expensive, but we plan to do this even without it being required as management tool; however, installing meters on existing wells is much more costly and we had not made plans to do so.

Please contact me if you have any questions or need additional information.

Regards,

Gregory E. Kupillas, R.G., C.W.R.E.

Pacific Hydro-Geology Inc.  
18487 S. Valley Vista Road  
Mulino, Oregon 97042-8741  
(503) 632-5016

5/26/2010

OK  
See 537,777  
but, unless can  
find no enlargement  
cannot approve transfer  
Change in  
conditions of  
right  
So, the affirmative  
find no enlargement  
need a meter  
Back page of  
WM review was sent



## Dorothy Pedersen

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**From:** Greg [phggek@bctonline.com]  
**Sent:** Thursday, May 27, 2010 11:38 AM  
**To:** Dorothy Pedersen; Ruth Schellbach  
**Cc:** 'Steve Schneider'; Mike Mccord; Bill Ferber  
**Subject:** RE: T-10923, SBE Inc.

Dorothy,

Thanks for your response. This let you know that I agree with your assessment of items #1, #3, and #4.

Greg

---

**From:** Dorothy Pedersen [mailto:pedersdi@wrdd.state.or.us]  
**Sent:** Wednesday, May 26, 2010 3:02 PM  
**To:** Greg; Ruth Schellbach  
**Cc:** 'Steve Schneider'; Mike Mccord; Bill Ferber  
**Subject:** RE: T-10923, SBE Inc.

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**Sent:** Thursday, May 20, 2010 1:11 PM  
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**Cc:** Dorothy Pedersen; 'Steve Schneider'  
**Subject:** T-10923, SBE Inc.

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Please contact me if you have any questions or need additional information.

Regards,

Gregory E. Kupillas, R.G., C.W.R.E.

Pacific Hydro-Geology Inc.  
18487 S. Valley Vista Road  
Mulino, Oregon 97042-8741  
(503) 632-5016

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 9.0.819 / Virus Database: 271.1.1/2898 - Release Date: 05/26/10 11:26:00

5/27/2010



**From:** Steve Schneider [mailto:SteveS@seidc.com]

**Sent:** Friday, April 30, 2010 3:06 PM

**To:** Ruth Schellbach

**Cc:** Dorothy Pedersen; phggek@bctonline.com; Stan Schneider; Tom Schneider - hm; Salem Opeifa

**Subject:** RE: T-10923 FW: List Pack for 042w08 00600

Ruth,

Before we finalize our comments on the draft, we have a couple of concerns that I hope you can address:

1. The transfer application was to add/replace points of appropriation; it was not intended to change other conditions/limitations the original certificates. However, the draft transfer now includes a requirement that all wells have a meter. This was not required in the original certificates. By what authority is that requirement, which is an expansion of the conditions/limitations in the original certificates, proposed to be included? Please be specific by citing the specific applicable ORS and OAR.
2. Is the time for completion negotiable? Not all the wells have been constructed yet and until we add well(s) and use them throughout the summer irrigation season we not be certain how many of the wells will be needed. Accordingly, we would like to have more time.
3. Is all the groundwater in the Willamette Valley alluvial formations in the vicinity of the proposed well locations considered to be the same aquifer for the purposes of this transfer? We need to know this since the proposed transfer requires all the wells to be from the same aquifer as the original certificates.

As soon as we receive your response to these issues, we will prepare a written comment on the proposed draft through our CWRE.

We anxiously await your reply.

Regards,

Steve Schneider

Sec-Treas

SBE, Inc.





# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

April 20, 2010

SBE INC  
11880 LAUREN LANE  
NEWBERG OR 97132

SUBJECT: Water Right Transfer Application T-10923

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-10923. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

According to information provided in the application, two remaining right certificates will be issued for 4.0 acres in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  and 0.1 acres in the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 8 with the original points of appropriation identified in the previous certificates 27212 (primary) and 33762 (supplemental).

Two typographical errors were noted on the map submitted with the transfer application. The primary acreage in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 8 should indicate 6.2 acres as described in Certificate 33762 and not 6.8 acres. The second error is in the description for the 4.1 remaining acres where Certificate 272212 should be 27212. Please submit a revised map with these two corrections.

Water measurement devices are required at the new diversion points. Enclosed is a contact information sheet to assist you in pursuing additional information or approval of the required (or alternate) devices.

Issuance of the Preliminary Determination will occur shortly after we receive both a corrected map and your comments on the draft. If we do not receive your response and the map by **May 20, 2010**, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0890 or [Dorothy.I.Pedersen@wrdd.state.or.us](mailto:Dorothy.I.Pedersen@wrdd.state.or.us) if I may be of assistance.

Sincerely,

Dorothy I. Pedersen  
Field Services Division

cc: T-10923  
Mike L. McCord, District 16 Watermaster  
Greg Kupillas, CWRE #432

encs





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

Transfer #: T-10923

- ☒ A totalizing flow meter will be required to be installed prior to diversion of water at the proposed point(s) of diversion or appropriation as a condition of this transfer.

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

Watermaster name: Mike McCordDistrict: 16Address: 725 Summer Street NE Ste. ACity/State/Zip: Salem, OR 97301Phone: 503 986-0889Email: mike.l.mccord@wrdd.state.or.us

*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



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-10923, Marion County

) **D R A F T**  
)  
) PRELIMINARY DETERMINATION  
) PROPOSING APPROVAL OF  
) CHANGES IN POINTS OF  
) APPROPRIATION AND ADDITIONAL  
) POINTS OF APPROPRIATION

**Authority**

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

SBE INC  
11880 LAUREN LANE  
NEWBERG OR 97132

**Findings of Fact**

***Background***

1. On June 30, 2009, SBE INC filed an application for additional points of appropriation under Certificates 27212 and 33762. The Department assigned the application number T-10923.
2. On \_\_\_\_\_, 2010, the applicant submitted a revised map, correcting typographical errors in the map originally submitted.

3. The portion of the first right to be transferred is as follows:

**Certificate:** 27212 in the name of MILO SCHNEIDER (perfected under Permit G-288)  
**Use:** IRRIGATION of 73.0 ACRES  
**Priority Date:** JULY 10, 1956  
**Rate:** 0.909 CUBIC FOOT PER SECOND  
**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year  
**Source:** A WELL in the WILLAMETTE RIVER BASIN



**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NW SW	66	15 CHAINS EAST AND 11.8 CHAINS NORTH OF EXT L CORNER ON SOUTH LINE OF DLC 66

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	7	SE NE	66	0.6
4 S	2 W	WM	8	SW NW	66	21.2
4 S	2 W	WM	8	SE NW	66	3.5
4 S	2 W	WM	8	NE SW	66	20.3
4 S	2 W	WM	8	NW SW	66	27.4

4. Transfer Application T-10923 proposes to replace the authorized well and add additional points of appropriation within approximately ¼ mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	REPLACEMENT WELL 1: 800 FEET NORTH AND 1620 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 2: 1420 FEET NORTH AND 280 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 3: 1420 FEET NORTH AND 310 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 4: 1420 FEET NORTH AND 260 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	SW NW	66	WELL 5: 1210 FEET NORTH AND 450 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	NE SW	66	WELL 6: 470 FEET NORTH AND 2440 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

5. The portion of the second right to be transferred is as follows:

**Certificate:** 33762 in the name of MILO SCHNEIDER (perfected under Permit G-2524)

**Use:** IRRIGATION of 65.6 ACRES PRIMARY, 73 ACRES SUPPLEMENTAL

**Priority Date:** OCTOBER 28, 1963

**Rate:** 1.109 CUBIC FEET PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** A WELL in the WILLAMETTE RIVER BASIN



Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	7	SE NE	66	1420 FEET NORTH AND 280 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	2 W	WM	7	NE NE		74	8.0
4 S	2 W	WM	7	NE NE		66	2.1
4 S	2 W	WM	7	NW NE		74	1.3
4 S	2 W	WM	7	NW NE		66	0.4
4 S	2 W	WM	7	SW NE		66	10.2
4 S	2 W	WM	7	SW NE	2		0.2
4 S	2 W	WM	7	SE NE		66	35.6
4 S	2 W	WM	7	NE SE		66	1.0
4 S	2 W	WM	7	NW SE		66	0.5
4 S	2 W	WM	7	NW SE	2		0.1
4 S	2 W	WM	8	SW NW		66	6.2

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	7	SE NE	66	0.6
4 S	2 W	WM	8	SW NW	66	21.2
4 S	2 W	WM	8	SE NW	66	3.5
4 S	2 W	WM	8	NE SW	66	20.3
4 S	2 W	WM	8	NW SW	66	27.4

6. Transfer Application T-10923 proposes to replace the authorized well and add additional points of appropriation within approximately ¼ mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	REPLACEMENT WELL 1: 800 FEET NORTH AND 1620 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 3: 1420 FEET NORTH AND 310 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 4: 1420 FEET NORTH AND 260 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	SW NW	66	WELL 5: 1210 FEET NORTH AND 450 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	NE SW	66	WELL 6: 470 FEET NORTH AND 2440 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66



7. Notice of the application for transfer was published on July 14, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

***Transfer Review Criteria (OAR 690-380-4010)***

8. Water has been used within the last five years prior to the submittal of Transfer Application T-10923] according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of Transfer Application T-10923.
10. The proposed change would not result in enlargement of the rights.
11. The proposed change would not result in injury to other water rights.

**Determination and Proposed Action**

The change points of appropriation and additional points of appropriation proposed in Transfer Application T-10923 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 application T-10923 is approved, the final order will include the following:*

1. *The change in points of appropriation and additional points of appropriation proposed in application T-10923 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 Certificates 27212 and 33762 any related decree.*
3. *Water right certificates 27212 and 33762 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
4. *The quantity of water diverted at the additional points of appropriation, together with that diverted at the replacement points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
5. *Water use measurement conditions:*
  - 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 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.*
- 6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
  - 7. The former place of use of the transferred right shall no longer receive water under the right.*
  - 8. The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2011. 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 changes and full beneficial use of the water.*
  - 9. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this \_\_\_\_ day of \_\_\_\_\_ 2010.

D R A F T

\_\_\_\_\_  
Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or [Dorothy.I.Pedersen@wr.d.state.or.us](mailto:Dorothy.I.Pedersen@wr.d.state.or.us).



**Cindy Smith**

---

**From:** Tom Paul  
**Sent:** Thursday, April 08, 2010 9:39 AM  
**To:** Cindy Smith  
**Subject:** FW: SBE Inc's Application

Cindy, here is one for all staff.

Tom

Thomas J. Paul, Deputy Director  
 Oregon Water Resources Department  
 725 Summer Street NE  
 Salem, OR 97301  
 503-986-0882 (phone)  
 503-986-0903 (fax)

---

**From:** Steve Schneider [mailto:SteveS@seidc.com]  
**Sent:** Thursday, April 08, 2010 8:29 AM  
**To:** Tom Paul; Director  
**Cc:** Kriss Schneider; jschmidt@gotsky.com; Greg  
**Subject:** FW: SBE Inc's Application

Tom & Paul,

Thought you might be interested in what one of your staff did and a citizen's appreciation of the refreshing approach (see emails below). This is an approach rarely seen from your agency, or from any agency of our state government.

I received an apology one other time, many years ago, from someone in your agency, but that was only after a fairly lengthy discourse about the the inappropriate actions of your agency and the apology came after the individual finally followed up and verified that my position was correct. I still remember the situation, and the individual, who unfortunately is no longer with your agency. That individual earned a sincere respect from me that continues to this day. Salem Opeifa is on the same track. Wish it could be said about everyone in state government; but a culture such as that has to start at the top. In the meantime, this citizen's perception will continue to be that the state of Oregon believes it can do no wrong, a concept likely carried over from the days of King George, and one that will continue make this, and many other citizens, continue to vote against issues that would give state agencies more power, especially monetary issues.

*Steve Schneider*

Vice President

Schneider Equipment, Inc.  
 21881 River Road NE  
 St. Paul, OR 97137  
 ph 503-633-2666  
 fx 503-633-2668

---

**From:** Steve Schneider  
**Sent:** Thursday, April 08, 2010 8:04 AM  
**To:** 'Salem Opeifa'  
**Cc:** Greg; Dorothy Pedersen; 'Tom Schneider'; Stan Schneider  
**Subject:** RE: SBE Inc's Application

4/8/2010



Salem,

Thank you for response. It is rare to see government own up to its own failings. I laud you for having the courage and ethics to put forth an apology; It would be great to see the rest of your agency and other state agencies take on this refreshing approach.

However, I do believe that there has been more than one application that 'fell into the cracks' and I encourage you to look further into this.

We look forward to an expeditious processing of our application.

Regards,

*Steve Schneider*

Vice President

Schneider Equipment, Inc.

21881 River Road NE

St. Paul, OR 97137

ph 503-633-2666

fx 503-633-2668

---

**From:** Salem Opeifa [mailto:opeifasb@wrd.state.or.us]

**Sent:** Wednesday, April 07, 2010 4:20 PM

**To:** Steve Schneider

**Cc:** Greg; Dorothy Pedersen

**Subject:** SBE Inc's Application

Mr. Stephen J Schneider,

Thank you for returning your signed copy of the Applicant's Agreement for the processing of your application through the Reimbursement Authority Program. The Department representative has signed the Agreement and a copy of the fully executed agreement is attached to this email.

Regarding your letter dated April 5, 2010, it is possible to give a whole list of reasons or excuses for what happened to your application, the fact is, the system we put in place to assist you failed. For this, I personally apologize that it took us that long to discover that one of the applications fell into the cracks. It is my responsibility to make sure all the aspects of the program is working correctly. I do appreciate your letter and we have revised certain aspects of our procedures to prevent such omission in the future.

I have taken it upon myself to monitor your application and make sure it gets our immediate attention, given the lost time. I will contact you to let you know when the contractor's work is complete or if any question arises and when the Department takes over the processing of the application. Again, I apologize for the delay. Barring the need for additional information relating to the application, I hope the process goes smoothly from here on. We are here to serve you, please feel free to contact me with any question or comment that you might have concerning the Program.

Thank you. We will be in touch.

Sincerely,

Salem Opeifa

Loan/Contract Specialist

Ph: 503-986-0929

Fax: 503-986-0904

salem.b.opeifa@wrd.state.or.us

4/8/2010





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

## Watermaster Review Form: Water Right Transfer

Transfer Application: T-10923

Review Due Date: \_\_\_\_\_

Applicant Name: SBE Inc.

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

Reviewer(s): MLM

Date of Review: Sep. 17, 2009

1. Do you have information suggesting that the water rights may be subject to forfeiture?  
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: \_\_\_\_\_
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: \_\_\_\_\_
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: \_\_\_\_\_
4. Are there upstream water rights that would be affected by the proposed change?  
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: \_\_\_\_\_
5. 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: \_\_\_\_\_
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?  
☐ Yes ☒ No If "Yes", explain: \_\_\_\_\_
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☐ No ☒ N/A If "Yes", explain: \_\_\_\_\_
8. For POU or USE changes, 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: \_\_\_\_\_
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: \_\_\_\_\_
10. What alternatives may be available for addressing any issues identified above: \_\_\_\_\_



11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No

12. The checked water control and measurement conditions should be included in the transfer:

<b>Headgates:</b> <input type="checkbox"/> NA	<input type="checkbox"/> Present and should be maintained.	<input checked="" type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
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**Measurement Devices:**

☐ The water user shall maintain and operate the existing measurement device and shall make such improvements as may be required by the Department.

Surface Water Diversion or Groundwater Point of Appropriation:

☐ The Director may require the water user to install a totalizing flow meter or other suitable measuring devices at each point of diversion/appropriation. If the Director notifies the water user to install totalizing flow meters or other measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the meters or measuring devices in good working order and shall allow the Watermaster access to the meters or measuring devices.

☒ Water use measurement conditions: (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.
- 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.

Reservoirs:

☐ The Director may require the water user to install staff gages or 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. Additionally, if the reservoir is located in-channel, weirs or other suitable measuring devices may be required upstream and downstream of the reservoir, and an adjustable outlet valve may be required. If the Director notifies the water user to install adjustable outlet valves, staff gages, weirs, or other suitable measuring devices, the water user shall install such devices specified by the Director within the period allowed in the notice. Once installed, the water user shall maintain the devices in good working order and shall allow the Watermaster access to the devices.

☐ Water use measurement conditions: (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:

☐ Weir
 ☐ Submerged Orifice
 ☐ Other: \_\_\_\_\_  
☐ Parshall Flume
 ☐ Flow Restrictor



**Oregon Water Resources Department****Measurement Condition Information for the Applicant***(to be sent with the Draft Preliminary Determination or Final Order)*Transfer #: T-10923

☒ A totalizing flow meter will be required to be installed **prior to diversion of water** at the proposed point(s) of diversion or appropriation as a condition of this transfer.

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

Watermaster name: Mike McCordDistrict: 16Address: 725 Summer Street NE Ste. ACity/State/Zip: Salem, OR 97301Phone: 503 986-0889Email: mike.l.mccord@wrđ.state.or.us

*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





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-10923

Applicant Name: SBE Inc.

Proposed Changes: ☒ POA  
☐ USE

☒ APOA  
☐ POU

☐ SW→GW  
☐ OTHER

☒ RA

Reviewer(s): Josh Hackett

Date of Review: 07/20/2009

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 application proposes a change in POA to certificate 27212 and an addition of POAs to certificates 27212 and 33762. MARI 1125 is the authorized POA on certificate 27212; this application seeks to replace it with MARI 1112. This application also seeks to add MARI 1109, MARI 62238, Proposed well #5, and Proposed well #6 to both certificates 27212 and 33762.
2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
☒ Yes ☐ No Comments: The authorized POAs develop water from alluvial sands and gravels. The proposed POAs (MARI 1112, MARI 1109, MARI 62238, Proposed well #5, Proposed well #6) also develop from alluvial sands and gravels.
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: The proposed POAs are not located significantly closer to existing groundwater rights and will not likely result in a increase in interference.
- 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: \_\_\_\_\_

- 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

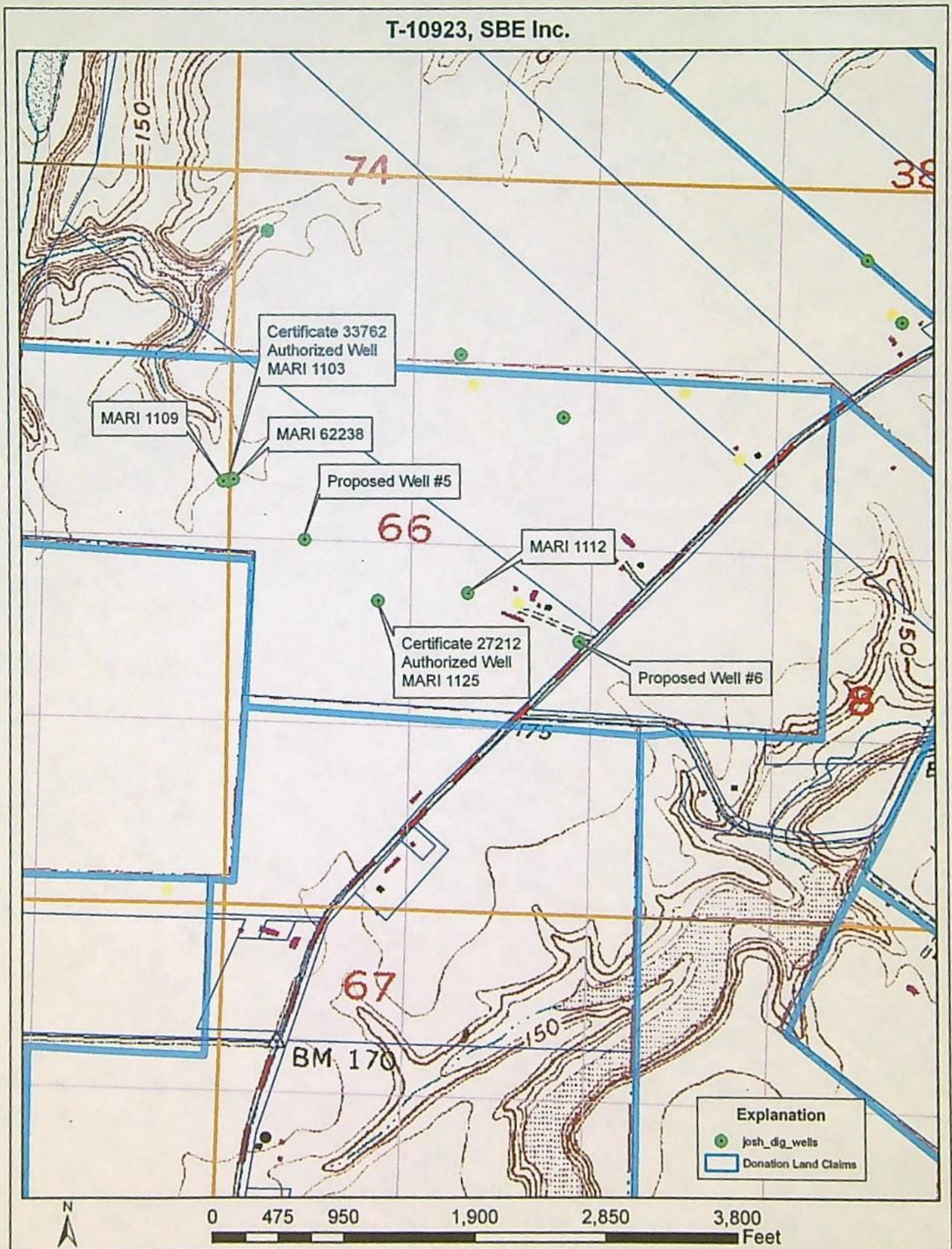
Stream: \_\_\_\_\_ ☐ Minimal ☐ Significant

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: \_\_\_\_\_



## Well Location Map







# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

July 8, 2009

SBE INC  
11880 LAUREN LANE  
NEWBERG OR 97132

Reference: Application T- 10923

On June 30, 2009, we received your water right Transfer application. The application was accompanied by \$600.00. Our receipt number 96996 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.

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.

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of [diversion or 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 transfer is approved, the buyer's consent to the transfer will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

If you have any questions, please contact the Transfer Section at (503)986-0883.

cc: Watermaster Dist. #16 (via email)  
Groundwater (via email)  
Greg or Malia Kupillas, Agent

enclosure





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

### Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 07/14/09

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: MARION  
Transfer: 10923  
Water Right: CERT 27212,33762  
Priority Date: 1956,1963  
Name: SBE, INC  
Address: 11880 LAUREN LANE, NEWBERG OR 97132  
Change: APOA  
Source: WELL  
Authorized APOA: T4S R2W 7,8  
Proposed APOA: T4S R2W 7,8

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

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. Comments should be sent to the Transfers Section at the Department's Salem office.



# **ORIGINALS**

Transfer Application and Map

Amendments/Revisions to Appl & Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

&

Other Supporting Documentation



# Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at [www.wrd.state.or.us/OWRD/PUBS/forms.shtml](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. TYPE OF TRANSFER APPLICATION

Please check one

<p><input checked="" type="checkbox"/> Permanent Transfer</p> <p><input type="checkbox"/> Temporary Transfer (1 to 5 yrs.)</p> <p style="margin-left: 20px;">• total number of years: _____</p> <p style="margin-left: 40px;">(begin year: _____)</p> <p style="margin-left: 40px;">(end year: _____)</p>	<p><input type="checkbox"/> Instream Transfer</p> <p style="margin-left: 40px;"><input type="checkbox"/> Permanent</p> <p style="margin-left: 40px;"><input type="checkbox"/> Time-Limited</p> <p><input type="checkbox"/> Drought Transfer</p> <p><input type="checkbox"/> Other</p>
---	---

## 2. APPLICANT INFORMATION

Name: SBE, Inc.  
First Last

Address: 11880 Lauren Lane

Newberg OR 97132  
City State Zip

Phone: (503) 538-0727 (503) 633-2666  
Home Work Other

Fax: (503) 633-2668 E-Mail address: steves@seidc.com

### 3. AGENT INFORMATION

*(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)*

Name: Greg or Malia Kupillas / Pacific Hydro-Geology Inc.  
 First Last

Address: 18487 S. Valley Vista Road

Mulino OR 97042  
 City State Zip

Phone: (503) 632-5016 Same  
 Home Work Other

Fax: (503) 632-5983 E-Mail address: phggek@bctonline.com

- If an agent is listed above, please check one of the following:
  - ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
  - ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

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*Last revised: 7/27/2007*

Transfer Application/1

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#### 4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.	G-414	G-288	27212
2.	G-2725	G-2524	33762
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.
- Check **all** proposed change(s) included in this transfer application:
  - ☐ Place of Use      ☐ Point of Diversion (POD)      ☐ Additional Point of Diversion
  - ☐ Character of Use      ☐ Point of Appropriation (POA, or well)      ☒ Additional POA
  - ☐ Instream Transfer      ☐ Surface Water POD to Ground Water POA
  - ☐ Substitution of Supplemental Groundwater right for Primary Surface water right
  - ☐ Historic POD change      ☐ Other
- Reason(s) for change(s): The existing wells produce sand and their production drops off significantly late in the irrigation season.

#### 5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

*The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.*

Water is currently pumped from two wells, MARI 1112 (30 Hp pump) and MARI 1109 (75 Hp pump) and conveyed through a 6-inch mainline to hydrants which can be connected to handlines equipped with impact sprinklers or a hard hose traveler.

- System capacity: 1.89 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

Both rights are covered by a single, interconnected system.

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## 6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
  - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
  - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
  - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
  - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

## 7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is 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? ☐ Yes ☒ No

*If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:*

Not Applicable

## 8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Marion County Planning Department, P.O. Box 14500, Salem, OR 97309

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## 9. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners (for Permanent Transfers see Section 12(c)):

Names of Current Landowner(s): Not Applicable

First

Last

Address: \_\_\_\_\_

City

State

Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☒ Yes

☐ No

☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): Not Applicable

First

Last

Address: \_\_\_\_\_

City

State

Zip

- Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

## 10. Other Remarks (optional)

Please see the attached transfer application map for reference to the locations of the wells discussed in the following remarks. Authorized Well 1 (MARI 1125) was abandoned and replaced by MARI 1112, designated as Replacement Well 1 for this transfer; however, the change was not documented at that time. Authorized Well 2 (MARI 1103) still exists, but has been replaced by MARI 1109, designated as Proposed Well 3 for this transfer. When MARI 1109 was drilled, it was close enough to the original well (MARI 1103) that documentation of the change in a transfer was not required. The applicant is currently using MARI 1112 (Replacement Well 1) and MARI 1109 (Proposed Well 3) for irrigation of land under both rights. The applicant wishes to retain Authorized Well 2 for possible future use, document Replacement Well 1 and Proposed Well 3, and add proposed Wells 4, 5, and 6, in order to be able to use all of these wells either together or in any combination for irrigation of lands under both rights.

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## 11. ATTACHMENTS

Check each of the following attachments included with this application.  
The application will be returned if all required attachments are not included.

### Supplemental Form A –

#### Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

### Supplemental Form B –

#### Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☒ The Evidence of Use Affidavit **must** be accompanied by **supporting documentation**.

#### Map

- ☒ *Water Right Transfer*  
The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.
- ☐ *Temporary Transfer or Historical POD Change*  
A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

#### Water Well Report(s)/Well Log(s):

- ☒ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

### Land Use Information For Proposed Changes:

#### For Instream Transfers:

- ☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

#### For All Other Transfers:

- ☒ Land Use Information Form is enclosed; *or*
- ☐ All of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
  - ② Change in place of use only,
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures, *and*
  - ④ Irrigation only.

#### Fees:

- ☒ Amount enclosed: \$ 600.00  
See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

#### Instream Water Right Transfers, also include:

### Supplemental Form C –

#### Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

#### Temporary Transfers, also include:

#### Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved.

#### Affidavit of Consent:

- ☐ If the applicant is **NOT** the owner of record for the land **from** which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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**Before submitting your application to the Department, be sure you have:**

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

**12. SIGNATURES**

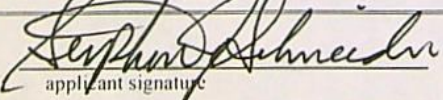
- Check one of the following, as appropriate, and sign the application in the signature box below:

- ☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company within the last three months;
- (b) A copy of written notification of the proposed transfer provided by the applicant to **all** lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is **not** the applicant, a **notarized statement consenting to the transfer** (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

- ☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.
- ☐ I (we) affirm that 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. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.
- ☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.
- ☐ I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

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

 applicant signature	Steve Schneider name and title if applicable (print)	Secy Treas date	6/29/09 date
 applicant signature	 name and title if applicable (print)	 name and title if applicable (print)	 date

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## Water Right Transfer Supplemental Form A

### DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

- Certificate Number or other identifying number: Certificate 27212

#### 1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.)  <input checked="" type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.)  <input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.)  <input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <u>instead</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.)  <input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.)  <input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)  <input type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)	<p style="text-align: center;">Proposed new use:</p> <input type="checkbox"/> <b>Irrigation</b> <input type="checkbox"/> <b>Municipal</b> <input type="checkbox"/> <b>Quasi-municipal</b> <input type="checkbox"/> <b>Commercial</b> <input type="checkbox"/> <b>Industrial</b> <input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> ) <input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____ <input type="checkbox"/> <b>Other</b> _____  <input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.)  <input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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## 2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input type="checkbox"/> Certificated Right	27212	G-288
	Certificate Number	Permit Number or Decree Name
<input type="checkbox"/> Adjudicated, Non-certificated Right		
	Name of Decree	Page Number
<input type="checkbox"/> Permit for which Proof has been Approved		
	Permit Number	Date Claim of Beneficial Use Submitted
<input type="checkbox"/> Transferred Right for which Proof has been Filed		
	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Milo Schneider
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 73.0 acres
- Priority Date(s): July 10, 1956

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: A Well

Tributary to: Willamette River Basin

*If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

*For applications proposing a Change in Place of Use or Character of Use:*

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☒ Yes    ☐ No    ☐ N/A – No Change in Place of Use or Character of Use

*If “Yes”, what are the Permit, Registration or Certificate Numbers? Certificate 33762*  
*Pursuant to ORS 540.510, any “layered” water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).*

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- Certificate Number or other identifying number: Certificate 27212

The following information **must be provided only** for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-___)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
MARI 1125	Authorized Well 1 7/10/1956	4S	2W	WM	8	NW SW	DLC 66	11.8 chains north and 15.0 chains east from the Ext. L corner on south line, DLC 66

- Does the water right being transferred involve a ground water source(s)?

☒ Yes      ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Auth. Well 1 MARI 1125									
10923									







- Certificate Number or other identifying number: Certificate 27212

### 3. PROPOSED CHANGES TO THE WATER RIGHT

*Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.*

#### Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Replacement Well 1	4S	2W	WM	8	NE SW	DLC 66	800 feet north and 1620 feet east from the most southerly SW corner, DLC 66
Authorized Well 2	4S	2W	WM	7	SE NE	DLC 66	1420 feet north and 280 feet west from the most southerly SW corner, DLC 66
Proposed Well 3	4S	2W	WM	7	SE NE	DLC 66	1420 feet north and 310 feet west from the most southerly SW corner, DLC 66
Proposed Well 4	4S	2W	WM	7	SE NE	DLC 66	1420 feet north and 260 feet west from the most southerly SW corner, DLC 66
Proposed Well 5	4S	2W	WM	8	SW NW	DLC 66	1210 feet north and 450 feet east from the most southerly SW corner, DLC 66
Proposed Well 6	4S	2W	WM	8	NE SW	DLC 66	470 feet north and 2440 feet east from the most southerly SW corner, DLC 66

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☒ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

*If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

*If "No", describe the anticipated construction for the proposed well(s) in the following table:*

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▪ Certificate Number or other identifying number: Certificate 27212

### Construction of Proposed Point(s) of Appropriation or Well(s)

*Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.*

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L- )	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Yes	Replacement Well 1 MARI 59753									
Yes	Authorized Well 2 MARI 1103									
Yes	Proposed Well 3 MARI 1109									
Yes	Proposed Well 4 MARI 62238									
No	Proposed Well 5	16 inches	16" steel	250'	80-250	80'	30'	80'	Per OARs	~250'
No	Proposed Well 6	16 inches	16" steel	250'	80-250	80'	30'	80'	Per OARs	~250'

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**Location of Proposed Place of Use:** (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer  
(NOTE: Complete this table **only** if a Change in Place of Use is being proposed.)

[illegible]

1092 for Proposed Well 4 (MARI 62238). The actual casing/screen diameters and lengths,  
screened or perforated intervals, and total well depths, may vary depending on actual  
conditions encountered in the field. The objective will be to complete new wells so they  
obtain water from the alluvial aquifer.

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## Water Right Transfer Supplemental Form A

### DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: Certificate 33762

### 1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
<input type="checkbox"/> <b>Change</b> (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) <input checked="" type="checkbox"/> <b>Additional</b> (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) <input type="checkbox"/> <b>Historic Point of Diversion or Appropriation Change</b> (Unauthorized point of diversion or appropriation used for more than 10 years.) <input type="checkbox"/> <b>Surface Water to Ground Water</b> (A new point of appropriation will be used <u>instead</u> of the old point of diversion. The old point of diversion will <u>not</u> be used.) <input type="checkbox"/> <b>Point of Diversion Change due to Government Action</b> (The old point of diversion or appropriation can no longer be used due to government action.) <input type="checkbox"/> <b>Exchange</b> (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	<input type="checkbox"/> <b>All of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.) <input type="checkbox"/> <b>Only a portion of the right will be exercised at a different location than currently authorized</b> (Use of water at the current location will be discontinued.)	Proposed new use: <input type="checkbox"/> <b>Irrigation</b> <input type="checkbox"/> <b>Municipal</b> <input type="checkbox"/> <b>Quasi-municipal</b> <input type="checkbox"/> <b>Commercial</b> <input type="checkbox"/> <b>Industrial</b> <input type="checkbox"/> <b>Instream</b> (complete and attach <i>Supplemental Form C</i> ) <input type="checkbox"/> <b>Domestic</b> (indicate number of households) _____ <input type="checkbox"/> <b>Other</b> _____  <input type="checkbox"/> <b>Substitution</b> (A supplemental ground water right will be substituted for a primary surface water right.) <input type="checkbox"/> <b>Supplemental Use to Primary Use</b> (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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## 2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

<input type="checkbox"/> Certificated Right	33762 <small>Certificate Number</small>	G-2524 <small>Permit Number or Decree Name</small>
<input type="checkbox"/> Adjudicated, Non-certificated Right	 <small>Name of Decree</small>	 <small>Page Number</small>
<input type="checkbox"/> Permit for which Proof has been Approved	 <small>Permit Number</small>	 <small>Date Claim of Beneficial Use Submitted</small>
<input type="checkbox"/> Transferred Right for which Proof has been Filed	 <small>Previous Transfer Number</small>	 <small>Date Claim of Beneficial Use Submitted</small>

- Name on Permit, Certificate, or Decree: Milo Schneider
- County: Marion
- Authorized Use(s) to be Affected by Transfer: Irrigation of 65.6 acres and  
supplemental irrigation of 73.0 acres
- Priority Date(s): October 28, 1963

*If there are **multiple Priority Dates** identified on the water right, any information provided on **pages 3 through 6** of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: A Well  
  
Tributary to: Willamette River Basin

*If there are **multiple Sources** listed on the water right, any information provided on **pages 3 through 6** of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

**For applications proposing a Change in Place of Use or Character of Use:**

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?  

☒ Yes    ☐ No    ☐ N/A – No Change in Place of Use or Character of Use

*If "Yes", what are the Permit, Registration or Certificate Numbers? Certificate 27212*  
*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

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▪ Certificate Number or other identifying number: Certificate 33762

The following information **must be provided** only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

**Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:**

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
MARI 1103	Authorized Well 2	4S	2W	WM	7	SE NE	DLC 66	1420 feet north and 280 feet west from the most southerly SW corner, DLC 66

- Does the water right being transferred involve a ground water source(s)?

☒ Yes ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

- A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

- B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

**Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)**

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Auth. Well 2 MARI 1103									

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▪ Certificate Number or other identifying number: Certificate 33762

Will the ENTIRE water right be affected by this transfer? ☐ Yes ☒ No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If "No", the following information **must be provided** only for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.

**Location of Existing Authorized Place of Use to be Affected:**

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NE NE	DLC 74	8.0
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NE NE	DLC 66	2.1
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NW NE	DLC 74	1.3
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NW NE	DLC 66	0.4
Auth. Well 2 October 28, 1963	4S	2W	WM	7	SW NE	DLC 66	10.2
Auth. Well 2 October 28, 1963	4S	2W	WM	7	SW NE	Lot 2	0.2
Auth. Well 2 October 28, 1963	4S	2W	WM	7	SE NE	DLC 66	36.2
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NE SE	DLC 66	1.0
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NW SE	DLC 66	0.5
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NW SE	Lot 2	0.1
Auth. Well 2 October 28, 1963	4S	2W	WM	8	SW NW	DLC 66	27.4
Auth. Well 2 October 28, 1963	4S	2W	WM	8	SE NW	DLC 66	3.5
Auth. Well 2 October 28, 1963	4S	2W	WM	8	NE SW	DLC 66	20.3
Auth. Well 2 October 28, 1963	4S	2W	WM	8	NW SW	DLC 66	27.4

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Supplemental Form 23



- Certificate Number or other identifying number: Certificate 33762

### 3. PROPOSED CHANGES TO THE WATER RIGHT

*Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.*

#### Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table **only** if a **Change in Point of Diversion or Appropriation** is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Replacement Well 1	4S	2W	WM	8	NE SW	DLC 66	800 feet north and 1620 feet east from the most southerly SW corner, DLC 66
Proposed Well 3	4S	2W	WM	7	SE NE	DLC 66	1420 feet north and 310 feet west from the most southerly SW corner, DLC 66
Proposed Well 4	4S	2W	WM	7	SE NE	DLC 66	1420 feet north and 260 feet west from the most southerly SW corner, DLC 66
Proposed Well 5	4S	2W	WM	8	SW NW	DLC 66	1210 feet north and 450 feet east from the most southerly SW corner, DLC 66
Proposed Well 6	4S	2W	WM	8	NE SW	DLC 66	470 feet north and 2440 feet east from the most southerly SW corner, DLC 66

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☒ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

*If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)*

*If "No", describe the anticipated construction for the proposed well(s) in the following table:*

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### Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L- )	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Yes	Replacement Well 1 MARI 1112									
Yes	Proposed Well 3 MARI 1109									
Yes	Proposed Well 4 MARI 62238									
No	Proposed Well 5	16"	16" steel	250'	80'-250'	80'	30'	80'	Per OARs	~250'
No	Proposed Well 6	16"	16" steel	250'	80'-250'	80'	30'	80'	Per OARs	~250'

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- Certificate Number or other identifying number: Certificate 33762

*Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.*

**Location of Proposed Place of Use:** (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer  
(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

[illegible]

Remarks: The construction specifications for Proposed Wells 5 and 6 are based on the log for Proposed Well 4 (MARI 62238). The actual casing/screen diameters and lengths, screened or perforated intervals, and total well depths, may vary depending on actual conditions encountered in the field. The objective will be to complete new wells so they obtain water from the alluvial aquifer.

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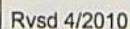
Supplemental Form A

-7-

Description of Proposed Change(s) to a Water Right



## SBETTransferAppMapRvsd.cdr





# **Water Right Transfer Supplemental Form B** **AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon )  
 ) ss  
 County of Marion )

I, Steve Schneider, in my capacity as property owner and officer in SBE Inc.,  
 mailing address 11880 Lauren Lane, Newberg, OR 97132  
 telephone number ( 503 ) 538-0727, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: \_\_\_\_\_; **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.

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

☒ Personal observation                      ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
4	S	2	W	WM	7	NE NE	DLC 74	8.0
4	S	2	W	WM	7	NE NE	DLC 66	2.1
4	S	2	W	WM	7	NW NE	DLC 74	1.3
4	S	2	W	WM	7	NW NE	DLC 66	0.4
4	S	2	W	WM	7	SW NE	DLC 66	10.2
4	S	2	W	WM	7	SW NE	Lot 2	0.2
4	S	2	W	WM	7	SE NE	DLC 66	36.2
4	S	2	W	WM	7	NE SE	DLC 66	1.0

(continues on reverse side)

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

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Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
4	S	2	W	WM	7	NW SE	DLC 66	0.5
4	S	2	W	WM	7	NW SE	Lot 2	0.1
4	S	2	W	WM	8	SW NW	DLC 66	27.4
4	S	2	W	WM	8	SE NW	DLC 66	3.5
4	S	2	W	WM	8	NE SW	DLC 66	20.3
4	S	2	W	WM	8	NW SW	DLC 66	27.4

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):  
Irrigation of row crops and grass seed.

5. The water delivery system used to apply water as authorized by the right is described below:  
Water is currently pumped from two wells, MARI 1112 (30 Hp pump) and MARI 1109  
(75 Hp pump) and conveyed through a 6-inch mainline to hydrants which can be connected to  
handlines equipped with impact sprinklers or a hard hose traveler.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☒ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number \_\_\_\_\_,
- ☐ Other: \_\_\_\_\_

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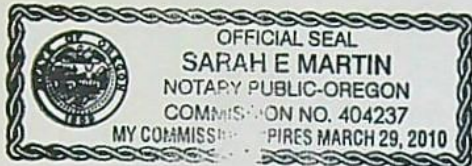


Stephen Schneider  
Signature of Affiant

June 29, 2009  
Date

Signed and sworn to (or affirmed) before me this 29 day of June, 2009.

Sarah E. Martin  
Notary Public for Oregon



My Commission Expires: March 29, 2010

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## Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: SBE, Inc.

Mailing Address: 11880 Lauren Lane

Newberg

City

Oregon

State

97132

Zip

Daytime Phone: (503) 538-0727

### A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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:
4S	2W	7		4 2W 08 600	11	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
4s	2w	8		4 2W 08 600	Primer Asgletu	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
						<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, or used:

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 ☐ Exchange of Water  
☐ Allocation of Conserved Water ☐ Limited Water Use License  
☐ Permit Amendment of Ground Water Registration Modification

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

Estimated quantity of water needed: 1.73 ☒ 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 \_\_\_\_\_

Briefly describe:

This transfer adds several new wells to two existing irrigation water rights to allow the user to irrigate the lands using any or all of the wells in combination.

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

### Receipt for Request for Land Use Information

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SALEM, OREGON

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



## 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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 136.020(9)

Land uses to be served by 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: Brandon Reich Title: At-Large Member  
 Signature: [Signature] Phone: 588-1538 Date: 6-30-09  
 Government Entity: Marin Co

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

### Receipt for Request for Land Use Information

Applicant Name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff Contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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ORIGINAL  
File Original, and  
Duplicate with the  
STATE ENGINEER  
SALEM, OREGON

AUG 30 1956

# WATER WELL DRILLERS REPORT

STATE OF OREGON

Do Not State Well No. 4/2w-8M11  
Fill In State Permit No. G-286

## (1) OWNER:

Name MIL O SCHNEIDER  
Address ST PAUL ORE

## (2) LOCATION OF WELL:

County Marion Owner's number, if any  
R. F. D. or Street No. Box 84 Star Route  
Bearing and distance from section or subdivision corner  
S. 78° 32' E. from the NE corner  
of Daniel Murphy Donation Township  
1/4 Sec 8 Range 2 N. Sec 7 E.

## (3) TYPE OF WORK (check):

well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐  
and/or, describe material and procedure in Item 11.

## (4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐  
Irrigation ☒ Test Well ☐ Other ☐

## (5) EQUIPMENT:

Rotary ☒  
Cable ☐  
Dug Well ☐

## CASING INSTALLED:

Threaded ☐ Welded ☒

FROM	ft. to	ft.	Diam.	Gage or Wall
"TOP"	190	10	5/8"	"
"	"	"	"	"
"	"	"	"	"
"	"	"	"	"

## If gravel packed

Diameter of Bore	from ft.	to ft.
20"	Top	191
"	"	"
"	"	"
"	"	"

Type and size of shoe or well ring

Size of gravel: 3/4 pea

Describe joint

## (7) PERFORATIONS:

Type of perforator used Touch

SIZE	of perforations	14	in.	length, by	5	in.
FROM	ft. to	ft.	perf per foot	6	No. of rows	"
"110"	190	6	"	"	6	"
"	"	"	"	"	"	"
"	"	"	"	"	"	"
"	"	"	"	"	"	"

## SCREENS:

Give Manufacturer's Name, Model No. and Size

## (8) CONSTRUCTION:

Was a surface sanitary seal provided? ☒ Yes ☐ No To what depth 20 ft.

Were any strata sealed against pollution? ☐ Yes ☒ No

If yes, note depth of strata

FROM ft. to ft.

## METHOD OF SEALING

Cement

## (9) WATER LEVELS:

Depth at which water was first found 60 ft.

Standing level before perforating 55 ft.

Standing level after perforating 35 ft.

Log Accepted by:

[Signed] Milo Schneider dated 8-25-56  
Owner

## (10) WELL TESTS:

Was a pump test made? ☒ Yes ☐ No If yes, by whom Milo Schneider  
Yield: 620 gal./min. with 180 ft. draw down after 8 hrs.  
" " " " " " " "

Artesian flow \_\_\_\_\_ g.p.m.

Shut-in pressure \_\_\_\_\_ lbs. per square inch.

Bailer test 30 g.p.m. with 20 ft. drawdown

Temperature of water 56 Was a chemical analysis made? ☐ Yes ☒ No

Was electric log made of well? ☐ Yes ☒ No

## (11) WELL LOG:

Diameter of well, 10 inches.

Total depth 190 ft. Depth of completed well 190 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

0	ft.	4	ft.	Top Soil
4	"	21	"	Brown CLAY
21	"	40	"	SANDY CLAY
40	"	60	"	Blue SANDY CLAY
60	"	80	"	Blue CLAY
80	"	102	"	FINE BLACK SAND
102	"	117	"	Blue CLAY
117	"	140	"	BLACK SAND
140	"	155	"	BROWN CLAY
155	"	162	"	BLACK SAND
162	"	178	"	BROWN CLAY
178	"	190	"	Blue CLAY + Sand layers
"	"	"	"	"
"	"	"	"	"
"	"	"	"	"
"	"	"	"	Turbid. 25AP?

Ground elevation at well site \_\_\_\_\_ feet above mean sea level.

Work started July 19 19 56 Completed July 28 19 56

## Well Driller's Statement:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME ARROW DRILLING + SUPPLY  
(Person, firm, or corporation) (Typed or printed)

Address 729 NO. MAIN NEWBER

Driller's well number

[Signed] Marlin W. Hoffman  
(Well Driller)

License No. 117 Dated 8-25-56

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CONTRACTOR RECEIVED

APR 22 1968

## WATER WELL REPORT

STATE OF OREGON

State Well No.

State Permit No.

STATE ENGINEER, SALEM, OREGON 97310  
within 30 days from the date of well completion.

SALEM OREGON

ER Please type or print  
(Do not write above this line)

Name Walter Schnader Co  
Address Star Route Box 97 St Paul Ore

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

**(4) PROPOSED USE (check):**

Rotary	<input checked="" type="checkbox"/>	Driven	<input type="checkbox"/>	Domestic	<input type="checkbox"/>	Industrial	<input type="checkbox"/>	Municipal	<input type="checkbox"/>
Cable	<input type="checkbox"/>	Jettied	<input type="checkbox"/>	Irrigation	<input type="checkbox"/>	Test Well	<input type="checkbox"/>	Other	<input type="checkbox"/>
Dug	<input type="checkbox"/>	Bored	<input type="checkbox"/>						

Threaded ☐ Welded ☒

18"	Diam. from	0	ft. to	98'-5"	Gage	250
15"	Diam. from	0	ft. to	23'-2"	Gage	250
	Diam. from		ft. to		Gage	

Perforated? ☒ Yes ☐ No

Type of perforator used	Torch		
Size of perforations	3/8	in. by	6 in.
7.20	perforations from	1.50	ft. to 2.10 ft.
	perforations from		ft. to ft.
	perforations from		ft. to ft.
	perforations from		ft. to ft.
	perforations from		ft. to ft.

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name \_\_\_\_\_  
Type \_\_\_\_\_ Model No. \_\_\_\_\_  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(8) WATER LEVEL: Completed well.

Static level	ft. below land surface	Date
Artesian pressure	lbs. per square inch	Date

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom?

525 gal./min. with ft. drawdown after hrs.  
with air lift " "  
" " " "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water 56 Was a chemical analysis made? ☐ Yes ☒ No

Well seal—Material used Concrete 80-78  
 and 0-20 ft.  
 Depth of seal \_\_\_\_\_ ft.  
 Diameter of well bore to bottom of seal 3 2 in.  
 Were any loose strata cemented off? ☒ Yes ☐ No all above 80  
 Was a drive shoe used? ☐ Yes ☒ No  
 Did any strata contain unusable water? ☐ Yes ☒ No  
 Type of water? \_\_\_\_\_ depth of strata \_\_\_\_\_  
 Method of sealing strata off Concrete grout  
 Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/4 - 3/4  
 Gravel placed from 0 ft. to 230 ft.

(11) LOCATION OF WELL:

County Marion Driller's well number \_\_\_\_\_  
 " " Section 3 T 45 R 2W W.M.

Bearing and distance from section or subdivision corner

(12) WELL LOG:

Diameter of well below casing ..... 0 .....

Depth drilled 234 ft. Depth of completed well 220 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level as drilling proceeds. Note drilling rates.

MATERIAL	From	To	SWL
top	0	4	
Brown Clay	4	32	
Blue Clay	32	36	
Black sand & Clay layers	36	64	
Brown sand	64	73	
" silt	73	79	
Blue Clay	79	100	
small sand layers	100	110	
Blue Clay	110	122	
" " sand	122	128	
light Brown Clay	128	137	
" " " Gravelly	137	152	
Clay sand gravel	152	156	
grey Clay	156	158	
Brown "	158	180	
" silt	182	187	
Brown Clay	187	192	
" silt	192	198	
sand stone (clay)	198	200	
" & Clay layers	200	203	
Black sand	203	204	
Blue & Brown	204	234	

Work started 2-1 1968 Completed 4-4-68 19  
Date well drilling machine moved off of well 4-4-68 19

**Drilling Machine Operator's Certification:**

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Edgar J. Muller Date 4/12, 1968  
(Drilling Machine Operator)

Drilling Machine Operator's License No. 581**Water Well Contractor's Certification:**

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Mills Schneider Equip Co  
(Person, firm or corporation) (Type or print)

Address Her Wrote Box 97 H Paul A

[Signed] Wib Schneider

Contractor's License No. 387 Date 4-12-68 19

(USE ADDITIONAL SHEETS IF NECESSARY)

T 10923



Authorized Well 2

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MARI...1103

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

STATE ENGINEER, SALEM 10, OREGON within 30 days from the date of well completion.

JAN 28 1963

STATE ENGINEER OF OREGON  
SALEM, OREGON

State Well No. 4/2W-7H

State Permit No.

(1) OWNER:

Name Milo Schneider  
Address Star Rt., Box 97  
St. Paul, Oregon

(2) LOCATION OF WELL:

County Marion Driller's well number  
1/4 1/4 Section 7 & 8 T. 4S R. 2W W.M.  
Bearing and distance from section or subdivision corner  
8.19 Ch N. 34° - 47' W. of N.E. Cor  
Cl #97 Township 4S R 2W Sec 7 & 8

(3) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐  
If abandonment, describe material and procedure in Item 12.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐  
Irrigation ☒ Test Well ☐ Other ☐

(5) TYPE OF WELL:

Rotary ☒ Driven ☒  
Cable ☐ Jetted ☐  
Dug ☐ Bored ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☒  
8" Diam. from 0 ft. to 188 ft. Gage 188  
8" Diam. from 96 ft. to 156 ft. Gage 250  
" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Perforated? ☒ Yes ☐ No  
Type of perforator used TORCH  
Size of perforations 3/4 in. by 10 in.  
320 ea perforations from 96 ft. to 156 ft.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.  
perforations from ft. to ft.

(8) SCREENS:

Well screen installed ☐ Yes ☒ No  
Manufacturer's Name Model No.  
Slot size Set from ft. to ft.  
Diam. Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Well seal—Material used in seal Concrete  
Depth of seal 13' ft. Was a packer used? No  
Diameter of well bore to bottom of seal 20" in.  
Were any loose strata cemented off? ☐ Yes ☒ No Depth  
Was a drive shoe used? ☐ Yes ☒ No  
Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/4 70yds  
Gravel placed from 13 ft. to 156 ft.  
Did any strata contain unusable water? ☐ Yes ☒ No  
Type of water? Depth of strata  
Method of sealing strata off

(10) WATER LEVELS:

Static level 14 ft. below land surface Date 4-15-62  
Artesian pressure lbs. per square inch Date

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level  
Was a pump test made? ☒ Yes ☐ No If yes, by whom? Milo Schneider  
Yield: 800 gal./min. with 92 ft. drawdown after 8 hrs.  
" 700 " 78 " 8 1/2 "  
" 500 " 56 " 9 "  
Bailer test gal./min. with ft. drawdown after hrs.  
Artesian flow g.p.m. Date  
Temperature of water 55 Was a chemical analysis made? ☐ Yes ☒ No

(12) WELL LOG:

Diameter of well below casing 153 ft.  
Depth drilled 156 ft. Depth of completed well 153 ft.  
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
0 to 2 top soil	0	2
brown clay	2	19
brown clay w/ sand layers	19	62
blue clay few sand layers	62	104
hard blue clay	104	125
sand & wood	125	126
sand & layers brown clay	126	156
brownish yellow clay	156	

Pump was set 146' overall  
Air line 130' with direct reading gauge

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WATER RESOURCES DEPT  
SALEM, OREGON

Work started 3-10-62 Completed 12-29-62  
Date well drilling machine moved off of well 19

(13) PUMP:

Manufacturer's Name Layne & Bowler  
Type turbine H.P. 25

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Milo Schneider  
(Person, firm or corporation) (Type or print)  
Address Star Rt., Box 97, St. Paul

Drilling Machine Operator's License No. 212

[Signed] Milo Schneider  
(Water Well Contractor)

Contractor's License No. 387 Date 12-29, 1962

(USE ADDITIONAL SHEETS IF NECESSARY)

T 10923







# MARI 62238

Proposed Well 4

STATE OF OREGON  
WATER SUPPLY WELL REPORT  
(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # 1 91798

START CARD # 193851

## (1) LAND OWNER

Owner Well I.D. \_\_\_\_\_

First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
Company SBE, Inc.  
Address 11880 Lauren Lane  
City Newberg State OR Zip 97132

## (2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion  
☐ Alteration (repair/recondition) ☐ Abandonment

## (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 246 ft.

BORE HOLE			SEAL			sacks/	
Dia	From	To	Material	From	To	Amt	lbs
20	0	127	Bentonite	0	71	83	S
16	127	400	Cement	71	76	5	S

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

☒ Other bentonite P&P

Backfill placed from 261 ft. to 400 ft. Material slough

Filter pack from 61 ft. to 261 ft. Material CSSI etal Size 6/9 etal

Explosives used: ☐ Yes Type \_\_\_\_\_ Amount \_\_\_\_\_

## (6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Std	Plstc	Wld	Thrd
SA		16		1	79	375				
FS		10		2	80	250				
ES		10		100	133	250				
ES		10		148	224	250				
NY		10		240	258	250				

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) \_\_\_\_\_

Temp casing ☐ Yes Dia \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

## (7) PERFORATIONS/SCREENS

Perforations Method \_\_\_\_\_

Screens Type v-wire

Material 304SS

Perf/S	Casing/Screen	Liner	Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size
Screen		10	80	100	.04				PS
Screen		10	133	148	.04				PS
Screen		10	224	240	.04				PS

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
240	42		1
240	49		2

Temperature 55 ± °F Lab analysis ☐ Yes ☐ No

Water quality concerns? ☐ Yes (describe) \_\_\_\_\_

From	To	Description	Amount	Units
		DEC 26 2008		

WATER RESOURCES DEPT

SALEM, OREGON

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

## (9) LOCATION OF WELL (legal description)

County MARION Twp 4 S N/S Range 2 W E/W WM

Sec 8 SW 1/4 of the NW 1/4 Tax Lot 600

Tax Map Number 42W 08 Lot \_\_\_\_\_

Lat \_\_\_\_\_ or \_\_\_\_\_ DMS or DD

Long \_\_\_\_\_ or \_\_\_\_\_ DMS or DD

☒ Street address of well ☐ Nearest address

21881 River Road NE, St. Paul, OR 97137

## (10) STATIC WATER LEVEL

Date \_\_\_\_\_ SWL(psi) + SWL(ft)

Existing Well / Predeepening		
Completed Well	11-24-2008	38

Flowing Artesian? ☐ Dry Hole? ☐

## WATER BEARING ZONES

Depth water was first found 55

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
	# 55	# 73	NM		NM
11-24-2008	# 80	# 236	SSS		38
* sand/gravel layers between these intervals					

## (11) WELL LOG

Ground Elevation \_\_\_\_\_

Material	From	To
Top soil	0	2
Clay, brown, soft, silty	2	27
Clay, grey, silty	27	55
Sand, black, fine	55	64
Clay, grey, soft, silty	64	66
Sand, black, fine	66	69
Clay, grey, soft, silty	69	71
Sand, black, fine	71	73
Clay, grey, soft w/some hard	73	74
Clay, grey, soft	74	80
Sand, black, fine w/clay, hard, grey & pumice	80	85
Sand, black, fine w/pumice	85	90
Clay, grey, soft	90	91
Clay, greenish brown, soft	91	93
Clay, green soft w/wood	93	95
Sand, brown, medium w/some clay, brown, soft	95	97
Clay, greenish grey, soft, sandy-silty	97	102
Clay, grey, soft	102	116

Date Started 09-17-2008 Completed 11-24-2008

## (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 1797 Date 12-19-2008

Password: (if filing electronically) \_\_\_\_\_

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 649 Date 12-19-2008

Password: (if filing electronically) \_\_\_\_\_

Signed \_\_\_\_\_

Contact Info (optional) \_\_\_\_\_

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Form Version: 0.89



# MARI 62238

WATER SUPPLY WELL REPORT -  
continuation page

WELL I.D. # L 91798

START CARD # 193851

## (5) BORE HOLE CONSTRUCTION

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

### FILTER PACK

From	To	Material	Size

## (6) CASING/LINER

Casing/Liner	Dia	+	From	To	Gauge	Std	Plstc	Wld	Thrd

## (7) PERFORATIONS/SCREENS

Perf/S creen	Casing/ Liner	Screen Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/ pipe size

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

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

### Water Quality Concerns

From	To	Description	Amount	Units

## (10) STATIC WATER LEVEL

### Water Bearing Zones

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)

## (11) WELL LOG

Material	From	To
Clay, grey, soft, silty-sandy	116	121
Clay, green, soft, silty	121	132
Clay, grey, silty-sandy	132	137
Gravel, 1/2" - & sand, black, medium w/wood & some clay, grey, hard	137	142
Clay, grey, silty, soft w/some gravel 1"	142	143
Sand, green, fine	143	145
Gravel, 2" - & sand, black, medium	145	146
Clay, green & brown, silty	146	151
Clay, tan & grey, soft w/some gravel, pea	151	157
Clay, tan, soft	157	161
Clay, green, soft	161	189
Clay, dark grey, soft	189	211
Clay, grey & green, soft w/some hard grey	211	221
Clay, brown, soft, silty	221	226
Sand, green & brown, fine-medium	226	228
Gravel, 1.5" - & sand, black, coarse-fine	228	236
Clay, dark grey, silty	236	243
Clay, green w/brown, medium-hard	243	251
Clay, multicolored, medium	251	291
Clay, greenish brown, soft, silty w/gravel, 1/2"	291	292
Clay, green & grey w/brown, medium	292	400

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WATER RESOURCES DEPT  
SALEM, OREGON

## Comments/Remarks

Bottom of screen assembly contains cement grout plug up to 246'.  
Steel plate ring w/pack access ports welded between 16" casing and 10" screen assembly at top of 16" casing.

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JUN 30 2009

WATER RESOURCES DEPT  
SALEM, OREGON

T 10923





320 Church Street NE Salem, OR 97301  
Phone: 503.581.1431 Fax: 503.316.0406  
Email: salemcs@ameri-title.com

### PROPERTY PROFILE

Account #	: P122438	Ref Parcel #	: 042W08 00600
Owner	: Schneider Equipment Inc	R: 02W T: 04S S: 08 Q:	QQ:
CoOwner	:	Stat Class	:
Site	: 21881 River Rd NE Saint Paul 97137		
Mail	: 21881 River Rd NE Saint Paul Or 97137		
Land Use	: 000 *unknown Land Use Code*	Census Tract	: 101.00 Block: 1
Subdivision:		Phone	:
Legal	:		
	:		
BldgUse	:		
Zoning	: *UNKNOWN ZONING CODE*		

### ASSESSMENT & TAX INFORMATION

Market Total : \$234,093  
Mkt Land :  
Mkt Improvmt : \$234,093  
% Improved : 100  
09-10 Taxes : \$2,857.36  
Levy Code : 04500160  
Millage Rate : 12.9050  
M50AssdTotal :  
SpecialAssmnt :  
NbrhoodCode :

### PROPERTY CHARACTERISTICS

Year Built	:	Remodel Yr	:
Bedrooms	:	Bathrooms	:
Stories	:	Residence #	:
TotalFinSF	:	MainFloorSF	:
2nd Floor SF	:	2ndFlrFinSF	:
2ndFlrUnFinSF	:	2ndFlrLCSF	:
BsmTotSF	:	BsmFinSF	:
BsmUnFinSF	:	BsmLCSF	:
AtticTotalSF	:	AtticFinSF	:
AtticUnFinSF	:	AtticLCSF	:
Deck	:	DeckSF	:
Patio	:	Patio SF	:
Porch	:	Porch SF	:
Garage Type	:		
DetGarageSF	:	DetGrg2ndFISF	:
DetGrgAtticSF	:	AttGrgSF	:
BsmGrgSF	:	CarportSF	:
Lot Acres	:	LotSqFt	:
Roof Type	:	Roof Material	:
DrivewayMat	:	Driveway SF	:
Heat/Cool	:		
Fireplace	:		
Fireplace #	:		

### SALE & LOAN INFORMATION

Sale Date :  
Sale Amount :  
Document # :  
Deed Type :  
Loan Amount :  
Lender :  
Loan Type :  
Interest Type :  
Vesting :  
Title Co :  
Loan Type :

### PRIOR SALE INFORMATION

Previous Sale Date :  
Previous Sale Amt :

### Mobile Home

Brand :  
Dimensions :

### Other Improvements

### Size

- 1.
- 2.
- 3.
- 4.





Property Information   Tax Summary   Assessment History   Improvement Information   New Search   Search Results   Log Off   Printable Summary

### Search Results for P122438

<b>Owner Name</b> SCHNEIDER EQUIPMENT INC	<b>Property ID Number</b> P122438
<b>Owner Address</b> 21881 RIVER RD NE ST PAUL, OR 97137	<b>Situs Address</b> 21881 RIVER RD NE ST PAUL, OR 97137
<b>Alternate Account Number</b> 2-06159000	<b>Neighborhood</b>
<b>Map Tax Lot</b> 042W08 00600	<b>Levy Code Area</b> (SAINT PAUL FD) 50 ; 240 ; 313 ; 325 ; 338 ; 424 ; 450 ; 460 ; 500 ; 701 ; 501

### Last Certified Year (2009) Information for P122438

RMV Land Non-LSU	\$0
RMV Land LSU	\$0
RMV Improvements	\$234,093
RMV Total	\$234,093
Land LSU	\$0
Total Exemptions	\$0
M5 Net Value	\$234,093
M50 Assd Value	\$234,093

### Important Information About P122438

If applicable, the described property is receiving special valuation based upon its use. Additional rollback taxes which may become due based on the provisions of the special valuation are not indicated in this listing.

### Total Tax Payoff Amount Worksheet

Interest Date

04/15/2010

Tax Summary

Current Property Tax

Property Tax History Summary

Current Year Tax Owed

Total Tax Payoff Amount

\$0.00

\$0.00

### Tax Summary

Year	Total Levied	Ad Valorem	Special Assessments	Principal	Interest Due	Date Paid	Total Owed
2009	2,857.36	2,857.36	0.00	0.00	0.00	11/12/09	0.00
2008	1,573.06	1,573.06	0.00	0.00	0.00	11/17/08	0.00
2007	1,652.30	1,652.30	0.00	0.00	0.00	11/13/07	0.00
2006	1,166.47	1,166.47	0.00	0.00	0.00	11/13/06	0.00



2005	1,230.55	1,230.55	0.00	0.00	0.00	11/15/05	0.00
2004	1,616.71	1,616.71	0.00	0.00	0.00	11/15/04	0.00
2003	2,163.24	2,163.24	0.00	0.00	0.00	11/17/03	0.00
2002	2,432.86	2,432.86	0.00	0.00	0.00	11/15/02	0.00
2001	2,757.57	2,757.57	0.00	0.00	0.00	11/15/01	0.00
2000	2,309.27	2,309.27	0.00	0.00	0.00	11/15/00	0.00
1999	2,422.63	2,422.63	0.00	0.00	0.00	11/15/99	0.00
1998	2,500.94	2,381.85	119.09 [SA006] 119.09	0.00	0.00	11/15/98	0.00
1997	2,666.77	2,666.77	0.00	0.00	0.00	12/22/97	0.00
1996	3,393.57	3,143.57	250.00 [SA006] 250.00	0.00	0.00	11/15/96	0.00
1995	3,259.27	3,259.27	0.00	0.00	0.00	11/15/95	0.00

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please send e-mail to the [Assessor@co.marion.or.us](mailto:Assessor@co.marion.or.us).

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320 Church Street NE Salem, OR 97301  
Phone: 503.581.1431 Fax: 503.316.0406  
Email: salemcs@ameri-title.com

### PROPERTY PROFILE

Account #	: R11849	Ref Parcel #	: 042W08 00600
Owner	: Sbe Inc	R: 02W T:04S S: 08 Q:	QQ:
CoOwner	:	Stat Class	: A44
Site	: 21891 River Rd NE Saint Paul 97137		
Mail	: 11880 NE Lauren Ln Newberg Or 97132		
Land Use	: 551 Agr,Farm	Census Tract	: 101.00 Block: 1
Subdivision:		Phone	:
Legal	:		
	:		
BldgUse	: SEED-GRASS,BEET,RADISH,RAPE,ETC		
Zoning	: EFU EXCLUSIVE FARM USE		

### ASSESSMENT & TAX INFORMATION

Market Total	: \$633,050
Mkt Land	: \$171,100
Mkt Improvmt	: \$461,950
% Improved	: 73
09-10 Taxes	: \$8,010.51
Levy Code	: 04500160
Millage Rate	: 12.9050
M50AssdTotal	: \$620,730
SpecialAssmnt	:
NbrhoodCode	: 05E

### PROPERTY CHARACTERISTICS

Year Built	: 1995	Remodel Yr	:
Bedrooms	: 4	Bathrooms	: 2.00
Stories	:	Residence #	: 1
TotalFinSF	: 2,228	MainFloorSF	: 2,228
2nd Floor SF	:	2ndFlrFinSF	:
2ndFlrUnFinSF	:	2ndFlrLCSF	:
BsmTotSF	:	BsmFinSF	:
BsmUnFinSF	:	BsmLCSF	:
AtticTotalSF	:	AtticFinSF	:
AtticUnFinSF	:	AtticLCSF	:
Deck	:	DeckSF	:
Patio	: Yes	Patio SF	: 544
Porch	:	Porch SF	:
Garage Type	: Multiple		
DetGarageSF	: 2,856	DetGrg2ndFlrSF	:
DetGrgAtticSF	:	AttGrgSF	:
BsmGrgSF	:	CarportSF	: 520
Lot Acres	: 162.09	LotSqFt	:
Roof Type	: Gable	Roof Material	: Composition
DrivewayMat	: Asphalt/conc	Driveway SF	: 20,800
Heat/Cool	: Heat Pump		
Fireplace	:		
Fireplace #	:		

### SALE & LOAN INFORMATION

Sale Date	: 11/27/1995
Sale Amount	: \$564,565
Document #	: 1275-0221
Deed Type	: Memo Agree Sale
Loan Amount	:
Lender	:
Loan Type	:
Interest Type	:
Vesting	: Corporation
Title Co	: First American Title
Loan Type	:

### PRIOR SALE INFORMATION

Previous Sale Date	:
Previous Sale Amt	:

### Mobile Home

Brand	:
Dimensions	:

### Other Improvements

	Size
1. Yard Improvements	1
2. General Purpose Bldg	874
3. Loft Barn	2,280
4. General Purpose Bldg	3,060





Property  
Information

Tax  
Summary

Assessment  
History

Improvement  
Information

New  
Search

Search  
Results

Log  
Off

Printable  
Summary

### Search Results for R11849

Owner Name

SCHNEIDER, MILO O & RITA B

Owner Address

<SBE INC  
11880 LAUREN LANE  
NEWBERG, OR 97132

Alternate Account Number

1-41578000

Map Tax Lot

042W08 00600

Property ID Number

R11849

Situs Address

21891 RIVER RD NE  
ST PAUL, OR 97137

Neighborhood

NOR.RUR - RURAL, NOR RUR

Levy Code Area

(SAINT PAUL FD) 50 ; 240 ; 313 ; 325 ; 338 ; 424 ;  
450 ; 460 ; 500 ; 701 ; 501

### Last Certified Year (2009) Information for R11849

RMV Land Non-LSU	\$0
RMV Land LSU	\$2,228,670
RMV Improvements	\$461,950
RMV Total	\$2,690,620
Land LSU	\$171,100
Total Exemptions	\$0
M5 Net Value	\$789,780
M50 Assd Value	\$620,730

### Important Information About R11849

If applicable, the described property is receiving special valuation based upon its use. Additional rollback taxes which may become due based on the provisions of the special valuation are not indicated in this listing.

### Total Tax Payoff Amount Worksheet

Interest Date

04/15/2010

Tax Summary

Current Property Tax

Property Tax History Summary

Current Year Tax Owed

Total Tax Payoff Amount

\$0.00

\$0.00

### Tax Summary

Year	Total Levied	Ad Valorem	Special Assessments	Principal	Interest Due	Date Paid	Total Owed
2009	8,010.51	8,010.51	0.00	0.00	0.00	10/20/09	0.00
2008	7,749.45	7,749.45	0.00	0.00	0.00	11/06/08	0.00
2007	7,438.39	7,438.39	0.00	0.00	0.00	10/29/07	0.00



2006	6,170.71	6,170.71	0.00	0.00	0.00	11/03/06	0.00
2005	5,640.90	5,640.90	0.00	0.00	0.00	11/09/05	0.00
2004	5,441.18	5,441.18	0.00	0.00	0.00	11/05/04	0.00
2003	5,388.25	5,388.25	0.00	0.00	0.00	11/06/03	0.00
2002	4,644.79	4,644.79	0.00	0.00	0.00	11/01/02	0.00
2001	4,872.33	4,872.33	0.00	0.00	0.00	11/07/01	0.00
2000	4,440.38	4,440.38	0.00	0.00	0.00	11/01/00	0.00
1999	4,406.10	4,406.10	0.00	0.00	0.00	11/08/99	0.00
1998	4,273.42	4,273.42	0.00	0.00	0.00	11/10/98	0.00
1997	4,493.49	4,493.49	0.00	0.00	0.00	12/19/97	0.00
1996	4,137.69	4,137.69	0.00	0.00	0.00	11/15/96	0.00
1995	4,087.85	4,087.85	0.00	0.00	0.00	11/06/95	0.00

# INFORMATION SUBJECT TO DISCLAIMERS

If you have questions, comments, or suggestions regarding this site,  
please send e-mail to the [Assessor@co.marion.or.us](mailto:Assessor@co.marion.or.us).

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## MEMORANDUM OF CONTRACT

KNOW ALL MEN BY THESE PRESENTS That on November 22, 1995, Milo O. and Rita B. Schneider as vendor(s) and SBE, Inc. as vendee(s), made and entered into a certain land sales contract, wherein the vendor(s) agreed to sell to the vendee(s) and the latter agreed to purchase from the vendor(s) the fee simple title in and to the following described real property in Marion County, State of Oregon, to wit:

See Exhibit "A"

The true and actual consideration for this transfer, set forth in the contract, is \$ 564,565.00.

And that the said vendor is the owner of said real property subject to the terms and provisions of said contract made and entered into between the parties for the sale and purchase of said property.

IN WITNESS WHEREOF, the vendor(s) has/have executed this memorandum on November 22, 1995. If the vendor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930

NOTE: The foregoing memorandum "shall be recorded by the vendor and within 15 days after the instrument is attached and the parties are bound thereby." ORS 30.930

Milo O. Schneider  
Milo O. Schneider  
Rita B. Schneider  
Rita B. Schneider  
Stanley M. Schneider, Pres.  
BY SBE, Inc. authorized representative  
Thomas A. Schneider, Vice-Pres.

STATE OF OREGON, County of Marion ss.

This instrument was acknowledged before me on November 22, 1995, by Milo O. Schneider and Rita B. Schneider

This instrument was acknowledged before me on November 22, 1995, by Stanley M. Schneider and Thomas A. Schneider

as President and Vice-President



Marie A. Rehm  
Notary Public for Oregon  
My Commission expires: 2-25-99

Milo O. and Rita B. Schneider  
21891 River Road, NE  
St. Paul, OR 97137  
Vendor's Name and Address  
SBE, Inc.  
11880 Lauren Lane  
Newberg, OR 97132  
Vendee's Name and Address  
After Recording, return to:  
Milo O. and Rita B. Schneider  
21891 River Road NE, St. Paul, Oregon 97137  
Until Requested otherwise send all tax statements to:  
SBE, Inc.  
11880 Lauren Lane, Newberg, Oregon 97132

STATE OF OREGON, )  
County of \_\_\_\_\_ ss.  
I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_, and recorded in book/reel/volume No \_\_\_\_\_ on page \_\_\_\_\_ and/or as fee/file/instrument/microfilm/reception No \_\_\_\_\_, Record of Deeds of said County.

Witness my hand and seal of County affixed.

Name \_\_\_\_\_ Title \_\_\_\_\_  
By \_\_\_\_\_, Deputy

201385 F.A.T. OF W.V.T.

REEL  
1275  
PAGE  
221



## DESCRIPTION OF PREMISES:

Beginning at the most Westerly South West corner of the Charles Plant Donation Land Claim #66, in Township 4 South, Range 2 West of the Willamette Meridian, in Marion County, State of Oregon, said point also being the South East corner of the Charles Duprey Donation Land Claim, in said Township and Range; and running thence North 14° 52' East, running 20.90 chains, thence North 24° 33' East 13.97 chains to an iron bar; thence South 56° 13' East 74.13 chains to the center of the County Road; thence South 43 Degrees 37' West, along the center of said road, 13.19 chains to a stone in the South line of said Plant Claim; thence North 87° 45' West, along said South line 30.24 chains to an iron pipe at an angle in said South Line; thence North 1° 13' East 15.33 chains to a reentrant corner in the South line of said Plant Claim; thence North 87° 44' West along said South line 33.20 chains to the place of beginning; being situated in the Peter Minard Claim, and in the Charles Plant Claim in Township 4 South, Range 2 West of the Willamette Meridian, in Marion County, State of Oregon, and also referred to as tax lot 600.

ORIGINAL



REEL:1275

PAGE: 221

November 27, 1995 , 11:22A

CONTROL #: 1275221

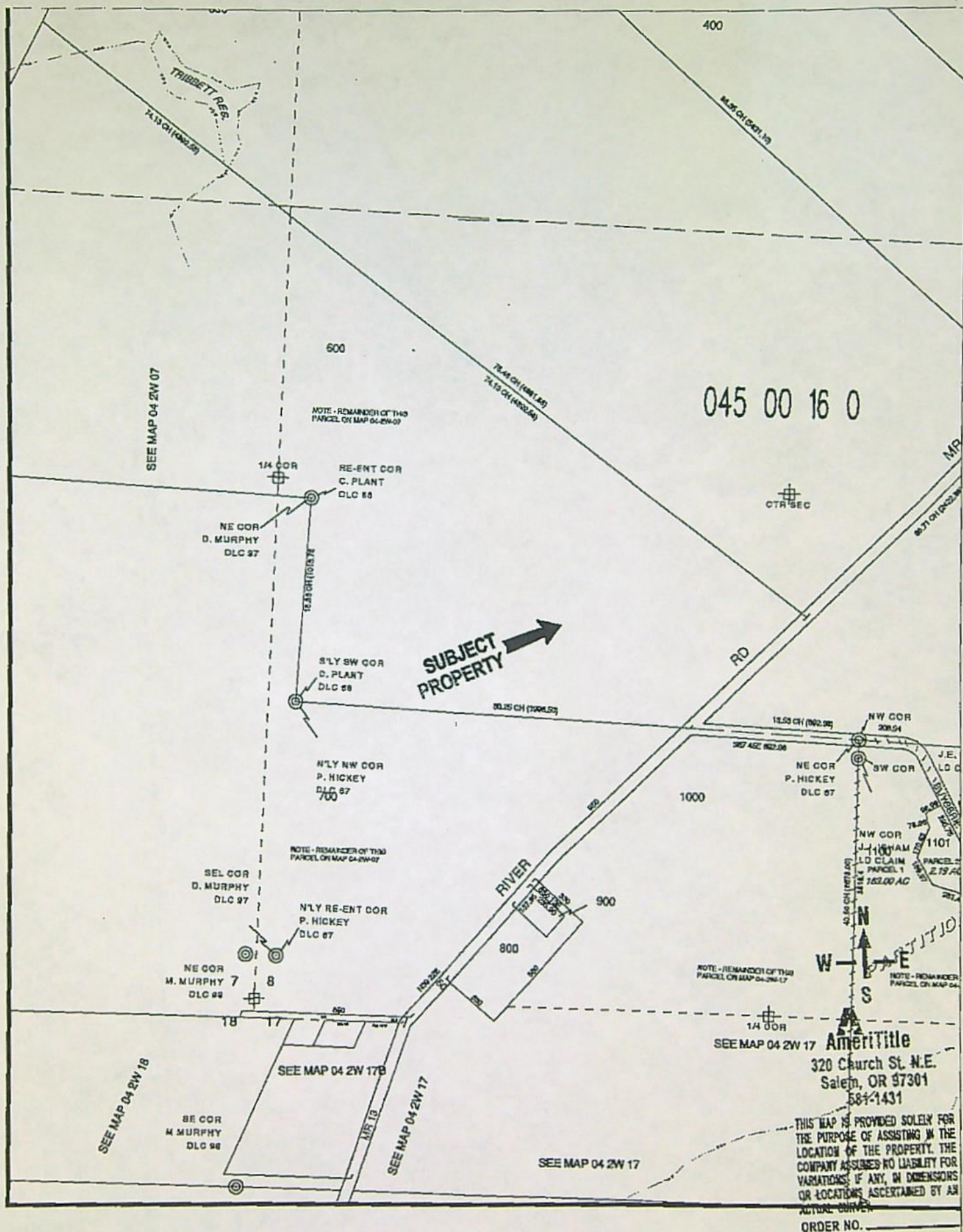
State of Oregon  
County of Marion

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

FEE: \$40.00

ALAN H DAVIDSON  
COUNTY CLERK











**REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT**

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and SBE, Inc hereafter Applicants, hereafter known together as the parties.

**OWRD Information**

Contact: **Dorothy Pedersen**  
Title: Transfer Advisor  
Address: 725 Summer Street, NE  
Salem, OR 97301-1271  
Phone: 503 986-0890  
Fax: 503 986-0903

Email: [Dorothy.I.Pedersen@wrdd.state.or.us](mailto:Dorothy.I.Pedersen@wrdd.state.or.us)

**Applicant's Information**

Name: **SBE, Inc**  
Contact:  
Address: 11880 Lauren Lane  
Newberg, OR 97132  
Phone: 503 538-0727  
Fax: 503-633-2668

Email: [steves@seidc.com](mailto:steves@seidc.com)

**Applicant's Representative**

Name: **Pacific Hydro-Geology, Inc.**  
Contact: Greg Kupillas  
Address: 18487 S. Valley Vista Road  
Mulino, OR 97042  
Phone: 503 632-5016  
Fax: 503-632-5983

Email: [phgqek@bctonline.com](mailto:phgqek@bctonline.com)

**Purpose** The purpose of this Agreement is to expedite the processing of the **Transfer Application**. (Application Number: T-10923)

1. **Authority** The OWRD has been authorized pursuant to HB 2551 (2003 Oregon Laws) 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.
2. **Restrictions.** SBE, Inc 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.
3. **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.
4. **Statement of Work.** The Statement of Work is contained in Exhibit A attached hereto and incorporated by reference into this Agreement. OWRD agrees to perform this work in accordance with the terms and conditions of this Agreement.
5. **Consideration.**
  - a. SBE, Inc shall pay OWRD in advance for actual costs incurred by OWRD as specified in the Statement of work attached and incorporated as Exhibit A. The estimated maximum reimbursement payable to OWRD under this Agreement is **\$900.00**. SBE, Inc agrees to pay the full amount of **\$900.00** 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.
  - b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
6. **Subcontracts.** OWRD intends to undertake the work described in this Agreement by assigning the work to a contractor from its established pre-qualified contractor pool.



7. **Contract Documents.** This Agreement consists of the following documents which are listed in descending order of precedence: this Agreement and the attached Exhibit A. All attached Exhibits are incorporated into this Agreement by reference.
8. **Confidentiality.** SBE, Inc 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.
9. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, **Newton Consultants** (Contractor) 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.
10. **Termination.** Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Contractor up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant and appropriately notifying the Contractor, will refund any unspent balance after paying the contractor for the work done.
11. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
12. **Duration of Estimate.** The Estimate of Time to complete the work in Exhibit A (Statement of Work) becomes 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 must re-apply for a new estimate.
13. **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.
14. **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.
15. **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.
16. **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.

For SBE, Inc: \_\_\_\_\_  
Name/Title:

\_\_\_\_\_ Date

For OWRD: \_\_\_\_\_  
Tracy Louden – Administrator

\_\_\_\_\_ Date

Mail signed Agreement to:

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



Exhibit A

Statement of Work

Application Number: T – 10923

Name of Applicant: SBE, Inc

**Reimbursement Authority Process  
Itemized Estimate Sheet**  
For  
Transfer Application

	Item	Time
1	Review of application for completeness.	1.5
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	1.0
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	1.0
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	2.0
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	2.0
Total Estimated Time:		7.5

Total estimated cost is 7.5 hours at \$120.00 per hour = \$ 900.00

Completion of Draft Preliminary Determination: **April 30, 2010**

Deadline for Applicant's Review of the Draft Preliminary Determination: **May 31, 2010\***

*\*Dates are contingent on the Applicant's expeditious resolution of any deficiency and may be affected by Department's work load.*



**Reimbursement Authority  
Final Deliverables Cover Sheet  
for  
Transfers**

Transfer # 10923

Applicant: SBE, Inc.

**The following items have been submitted electronically\*:**

- ☐ Contact List
- ☐ Draft Preliminary Determination (DPD)
- ☐ DPD Cover Letter
- ☐ PD Notice
- ☐ PD Cover Letter
- ☐ Remaining Right Certificates (one for each right that is not entirely affected by the transfer)
- ☐ Instream Water Right Certificate (if needed)

**\*NOTE:** Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

**The following items are enclosed:**

- ☐ Review checklist
- ☐ Marked copy of transfer application
- ☐ (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- ☐ (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- ☐ Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- ☐ Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.

☐ Signature of Contractor: \_\_\_\_\_ Date: \_\_\_\_\_

***For WRD use only:***

WRD approval by: \_\_\_\_\_ Date: \_\_\_\_\_



# Reimbursement Authority Process Itemized Estimate Sheet for Water Rights Transfer

Application Number 10923

Name of Applicant: Ron Deconinck

## Proposed Timeline

07/14/09	Public Notice (start of 30-day comment period).
08/25/09	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
09/30/09	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	<b>Completion of contract work:</b> Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

*For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.*

## Estimate

	Item	Time
1	Review of application for completeness.	
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
<b>Total Estimated Time:</b>		

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Newton Consultants

Authorized Representative: \_\_\_\_\_

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



**Review Checklist****T-10923****Processor: RA****Application**

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. (*from ALL affected Govt's*)
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

**Water right subject to transfer**

- ☐ Certificated right or Proof accepted "to the satisfaction...."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

**Application Map**

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

**Determining the "From" and "To" Lands (*make working copy of application and certificates to mark on*)**

- ☐ Only the authorized POD's/POA's and POU's to be transferred are listed.
- ☐ Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

**Ownership**

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. (*If transfer application is several years old, contact assessor's office*)
- ☐ The applicant is the owner of the "from" lands.
- ☐ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

**Evaluation**

- Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW
- |                     |   |   |  |
|---------------------|---|---|--|
| Headgate            | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Measuring Devices   | <input type="checkbox"/> When in the judgment | <input type="checkbox"/> Prior to diverting | <input type="checkbox"/> Existing and maintain |
| Fish Screen Devices | <input type="checkbox"/>                      |   |  |
- Injury: Y N      Enlargement: Y N
- Conditions to avoid enlargement/injury -

**Materials needed for peer reviewer**

- ☐ application marked ☐ transfer map ☐ Water right map (if marked) ☐ certificate marked
- ☐ deed/ROLI (if marked) ☐ plat card marked printout (if POU or Use change)
- ☐ other processing notes



# MEMO

Date: July 9, 2009

To: Joan

From: Sarah Henderson

RE: T- 10923

Ship file to contractor under Reimbursement Authority

Charge to PCA #47125

Number of copied pages 44

Send (overnight) to:

Newton Consultants

Attn: David Newton

531 SW 6<sup>th</sup> St., Suite 100

Redmond, OR 97756



## Shipping Checklist for Reimbursement Authority Files

File T-10923      Applicant: SBE, Inc.

Agent/Contact: Greg or Malia Kupillas

Ship to Contractor: Newton

### Items included:

- ☒ Copy of front of file folder
- ☒ Application Cover Letter, if there is one
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of Use Affidavit
- ☒ Supporting documentation for evidence of use
- ☒ Land-use Information form
- ☐ Ownership documentation or ☒ Need to ask for ownership info in DPD cover letter
- ☒ Certificate or copy of decree for each right to be transferred
- ☒ Final Proof Map or decree map for each right to be transferred
- ☒ Well logs (if change in POA, SW POD-to-GW POA change) or ☐ NA
- ☐ Watermaster review or ☒ Will email watermaster review when available
- ☐ ODFW review (if change in POD) or ☐ Will send later or ☒ NA
- ☐ GW review (if POA change or POD-to-POA change) or ☒ Will send later or ☐ NA
- ☒ Final Deliverable cover sheet
- ☒ Itemized Estimate sheet for contractor

### Additional things to check:

- ☒ All regular application processing fees paid
- ☒ Reimbursement Authority \$125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 07/14/09

Number of sheets copied 44

File contents copied by Sarah Henderson      Date: July 9, 2009



**WATER RESOURCES DEPARTMENT  
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

**RECEIVED**

**JUN 30 2009**

House Bill 2551 (2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enter into regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
<input checked="" type="checkbox"/>	Transfer Application	<u>T-10923</u>
<input type="checkbox"/>	Certificate Request	_____

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	<u>SBE, Inc.</u>	<u>Pacific Hydro-Geology, Inc.</u> <u>Greg Kupillas</u>
Address:	<u>11880 Lauren Lane</u> <u>Newberg, OR 97132</u>	<u>18487 S. Valley Vista Rd.</u> <u>Mulino, OR 97042</u>
Phone:	<u>(503) 633-2666</u>	<u>(503) 632-5016</u>
Fax:	<u>(503) 633-2668</u>	<u>(503) 632-5983</u>
E-Mail Address:		<u>pluggk@betonline.com</u>

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within one (1) business day.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates 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 application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

I certify that I am the (check one) ☐ Applicant ☒ Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

Signature: Gregory E. Kupillas Name: Gregory E. Kupillas

**OWRD USE ONLY**

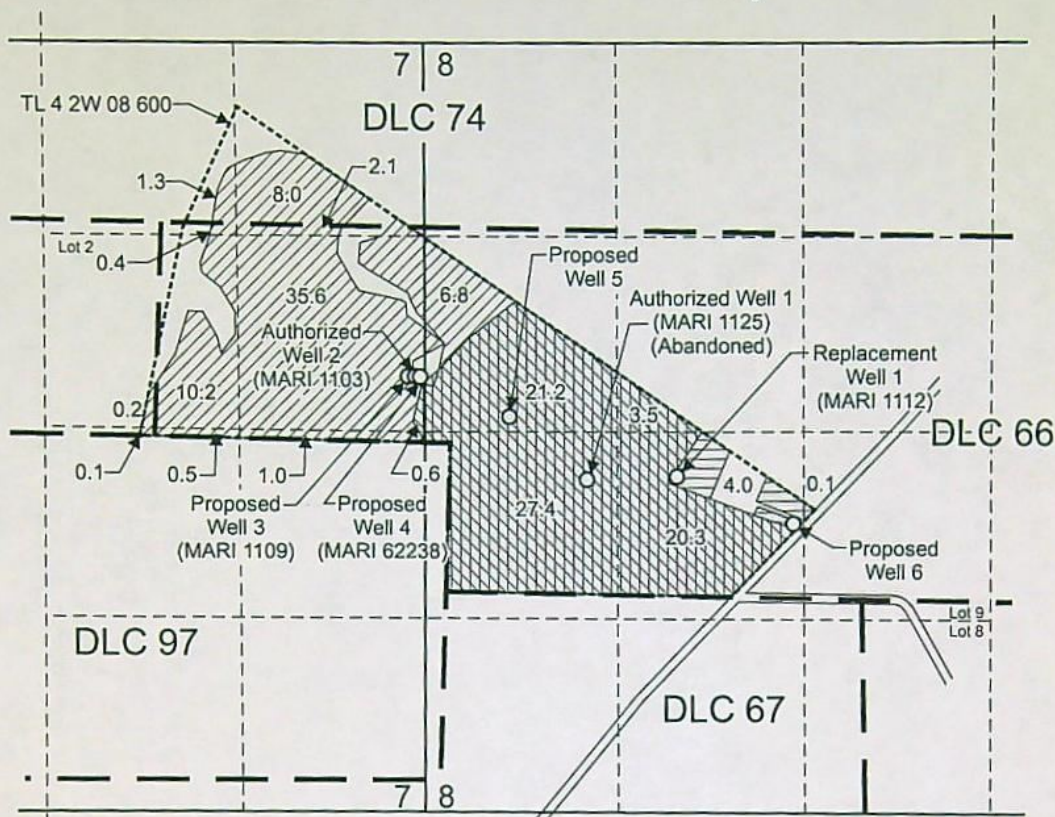
Contractor Assigned:	<u>Newton</u>	Total Amount Paid: \$ <u>125</u>
OWRD Approval:	_____	

R09 276 09



# T.4S. R.2W. Sec. 7 & 8, W.M.

Superseded  
by map  
5/24/2010



Authorized Well 1 (MARI 1125) was located 11.8 chains (780 feet) north and 15.0 chains (990 feet) east from the Ext. L corner on south line (i.e., most southerly SW corner), DLC 66.

Replacement Well 1 (MARI 1112) is located 800 feet north and 1,620 feet east from the most southerly SW corner, DLC 66.

Well 2 (MARI 1103) is located 1,420 feet north and 280 feet west from the most southerly SW corner, DLC 66.

Proposed Well 3 (MARI 1109) is located 1,420 feet north and 310 feet west from the most southerly SW corner, DLC 66.

Proposed Well 4 (MARI 62238) is located 1,420 feet north and 260 feet west from the most southerly SW corner, DLC 66.

Proposed Well 5 is located 1,210 feet north and 450 feet east from the most southerly SW corner, DLC 66.

Proposed Well 6 is located 470 feet north and 2,440 feet east from the most southerly SW corner, DLC 66.

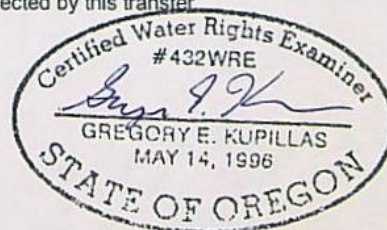
Area (73.0 Acres) of primary irrigation under Certificate 27212 affected by this transfer.

Area (65.6 Acres) of primary irrigation under Certificate 33762 affected by this transfer.

Area (73.0 Acres) of supplemental irrigation under Certificate 33762 affected by this transfer.

Area (4.1 Acres) under Certificates 27212 and 33762 remaining.

----- Tax lot boundary



EXPIRATION DATE: 6/30/11

RECEIVED

JUN 30 2009

WATER RESOURCES DEPT  
SALEM, OREGON

Scale: 1" = 1,320'



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.

Water Right Transfer Application Map

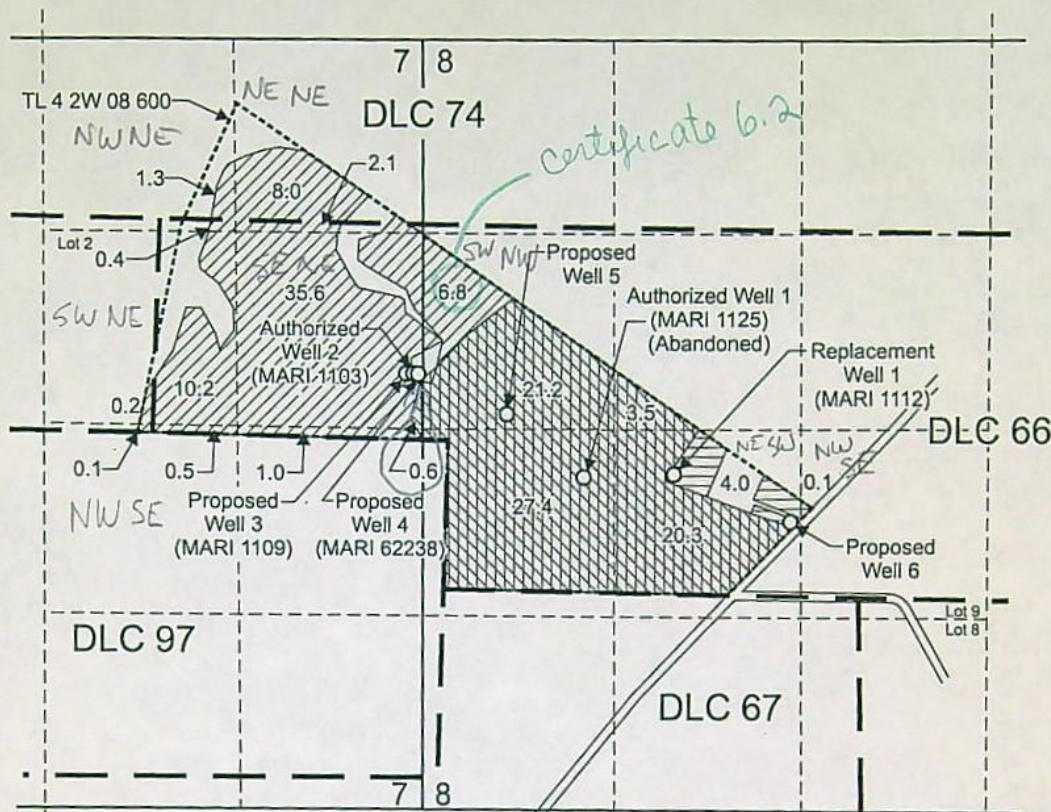
Pacific Hydro-Geology Inc.

SBE, Inc.  
T.4S. R.2W. Sec. 7 & 8, W.M.

6/2009



# T.4S. R.2W. Sec. 7 & 8, W.M.



Authorized Well 1 (MARI 1125) was located 11.8 chains (780 feet) north and 15.0 chains (990 feet) east from the Ext. L corner on south line (i.e., most southerly SW corner), DLC 66.

Replacement Well 1 (MARI 1112) is located 800 feet north and 1,620 feet east from the most southerly SW corner, DLC 66.

Well 2 (MARI 1103) is located 1,420 feet north and 280 feet west from the most southerly SW corner, DLC 66.

Proposed Well 3 (MARI 1109) is located 1,420 feet north and 310 feet west from the most southerly SW corner, DLC 66.

Proposed Well 4 (MARI 62238) is located 1,420 feet north and 260 feet west from the most southerly SW corner, DLC 66.

Proposed Well 5 is located 1,210 feet north and 450 feet east from the most southerly SW corner, DLC 66.

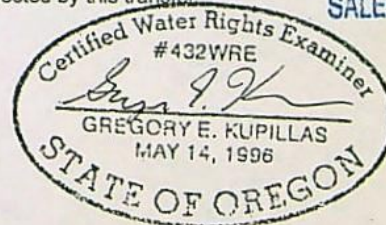
Proposed Well 6 is located 470 feet north and 2,440 feet east from the most southerly SW corner, DLC 66.

- ✓ Area (73.0 Acres) of primary irrigation under Certificate 27212 affected by this transfer.
- ✓ Area (65.6 Acres) of primary irrigation under Certificate 33762 affected by this transfer.
- ✓ Area (73.0 Acres) of supplemental irrigation under Certificate 33762 affected by this transfer.
- Area (4.1 Acres) under Certificates 27212 and 33762 remaining.
- Tax lot boundary

**RECEIVED**

APR 19 2010

WATER RESOURCES DEPT  
SALEM, OREGON



EXPIRATION DATE: 6/30/11

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.

Scale: 1" = 1,320'



Water Right Transfer Application Map

Pacific Hydro-Geology Inc.

SBE, Inc.  
T.4S. R.2W. Sec. 7 & 8, W.M.

6/2009



## Review Checklist

T-10923

Processor: RA

Application

- ☒ The type of change is clearly indicated. APOA
- ☐ The application is appropriately signed. SBE Mulo Schneider - Steve Schneider Secretary/Treasurer
- ☒ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☒ Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's)
- ☒ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☒ All required attachments received.

Water right subject to transfer

- ☒ Certificated right or Proof accepted "to the satisfaction..."
- ☒ The right been exercised according to terms & conditions of certificate.
- ☒ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☒ No information in record that suggests forfeiture.
- ☒ No conflicts identified on the plat cards and plat card reports printed.
- NA ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☒ The map has an original CWRE signature.
- ☒ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☒ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☒ Metes and bounds for the POD's/POA's are properly described on the map. ck location of wells OK
- ☒ The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
- ☒ Map acres match the tabulation on the certificate.
- ☒ Have final proof maps/decree maps for the rights. ☐ Application map matches certificate FPS. 4.1 ac "remaining"
- ☒ Have necessary aerial photos.

NA Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- ☐ Only the authorized POD's/POA's and POU's to be transferred are listed.
- ☐ Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☒ Have current tax lot map. (If transfer application is several years old, contact assessor's office)
- NA ☐ The applicant is the owner of the "from" lands.
- ☐ All owners on the deed/ROLI have signed the application.
- NA ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☒ Agent has authorization to make decisions.

Evaluation

- Reviews/comments/conditions received? ☐ Watermaster ☒ ODFW ☒ GW
- NA Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
- Measuring Devices ☐ When in the judgment ☒ Prior to diverting ☐ Existing and maintain
- NA Fish Screen Devices ☐
- Injury: Y (N) Enlargement: Y (N)
- Conditions to avoid enlargement/injury -

Materials needed for peer reviewer

- ☐ application marked ☐ transfer map ☐ Water right map (if marked) ☐ certificate marked
- ☐ deed/ROLI (if marked) ☐ plat card marked printout (if POU or Use change)
- ☐ other processing notes

RECEIVED

APR 19 2010

WATER RESOURCES DEPT  
SALEM, OREGON



■ Certificate Number or other identifying number: Certificate 33762

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Will the ENTIRE water right be affected by this transfer? ☐ Yes ☒ No

APR 19 2010

If "Yes", the remainder of this page does not need to be completed. Go on to the next page. **WATER RESOURCES DEPT  
SALEM, OREGON**

If "No", the following information **must be provided only** for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.)

Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

**Location of Existing Authorized Place of Use to be Affected:**

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NE NE	DLC 74	8.0
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NE NE	DLC 66	2.1
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NW NE	DLC 74	1.3
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NW NE	DLC 66	0.4
Auth. Well 2 October 28, 1963	4S	2W	WM	7	SW NE	DLC 66	10.2
Auth. Well 2 October 28, 1963	4S	2W	WM	7	SW NE	Lot 2	0.2
Auth. Well 2 October 28, 1963	4S	2W	WM	7	SE NE	DLC 66	36.2
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NE SE	DLC 66	1.0
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NW SE	DLC 66	0.5
Auth. Well 2 October 28, 1963	4S	2W	WM	7	NW SE	Lot 2	0.1
Auth. Well 2 October 28, 1963	4S	2W	WM	8	SW NW	DLC 66	(27.4) OK
Auth. Well 2 October 28, 1963	4S	2W	WM	8	SE NW	DLC 66	3.5
Auth. Well 2 October 28, 1963	4S	2W	WM	8	NE SW	DLC 66	20.3
Auth. Well 2 October 28, 1963	4S	2W	WM	8	NW SW	DLC 66	27.4

primary  
map  
suppl  
map

✓  
✓  
✓  
✓  
✓  
✓  
35.6 .6  
✓  
✓  
✓  
✓  
27.4  
6.8 21.2  
66.2 ✓  
(6.6 diff) ✓  
✓

138.6

73

**RECEIVED**

JUN 30 2009

Supplemental Form A 3



STATE OF OREGON  
COUNTY OF        MARION  
**CERTIFICATE OF WATER RIGHT**

**This Is To Certify, That**    **MILLO SCHNEIDER**

of Star Route Box 97, St. Paul, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of Willamette River for the purpose of

142.7 irrigation of 65.6 acres and supplemental irrigation of 77.1 acres under Permit No. G-25211 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 28, 1963

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.16 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Plant DLC 66, Section 7, T. 1 S., R. 2 W., W. M. Well located 1420 feet North and 280 feet West from the most Southerly SW Corner of Plant DLC 66.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year;

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

Primary	Supplemental	
8.0 acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Minard DLC 71
2.1 acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Plant DLC 66
1.3 acres		NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Minard DLC 71
0.4 acre		NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Plant DLC 66
0.2 acre		Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ )
10.2 acres		SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Plant DLC 66
35.6 acres	0.6 acre	SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Plant DLC 66
1.0 acre		NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Plant DLC 66
0.5 acre		NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Plant DLC 66
0.1 acre		Lot 2 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ )

Section 7



Primary

Supplemental

6.2 acres

21.2 acres

3.5 acres

24.3 acres

27.4 acres

0.1 acre

SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  as projected within Plant DLC 66

SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  as projected within Plant DLC 66

NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  as projected within Plant DLC 66

NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  as projected within Plant DLC 66

NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  as projected within Plant DLC 66

Section 8

T. 4 S., R. 2 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

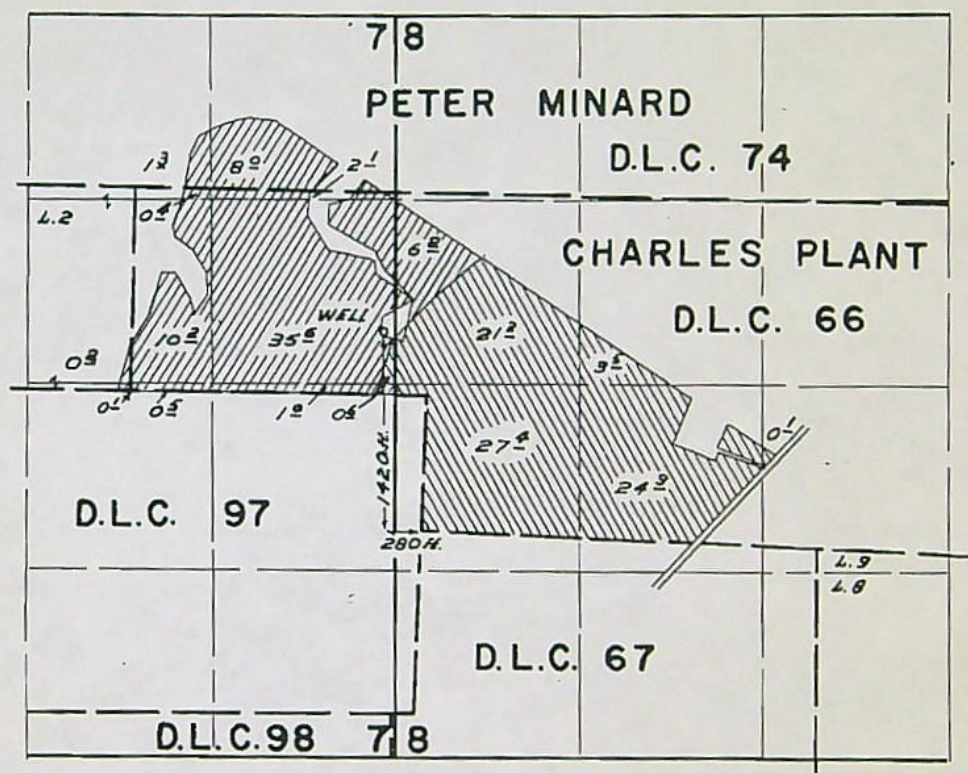
this 13 day of March, 1967.

CHRIS L. WHEELER

State Engineer



T. 4 S. R. 2 W. W. M.



**PRIMARY**



**SUPPLEMENTAL**

# FINAL PROOF SURVEY

## UNDER

Application No. G-2725 Permit No. G-2524  
IN NAME OF

MILO SCHNEIDER

Surveyed AUG. 19 1965, by C. GARDNER.



STATE OF OREGON  
COUNTY OF MARION  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** **MILLO SCHNEIDER**

of Star Route, Box 55, Newberg, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well a tributary of Willamette River for the purpose of irrigation of 77.1 acres,

under Permit No.G-288 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 10, 1956

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.96 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Charles Plant DLC #66, Section 8, Township 4 South, Range 2 West, W.M.; 15.0 chs. E. and 11.8 chs. N. of Ext. L cor. on S. line, Plant DLC #66.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

0.6 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 7  
21.2 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
3.5 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
24.3 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
27.4 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
0.1 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 8

All as projected within Charles Plant DLC #66  
Township 4 South, Range 2 West, W.M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

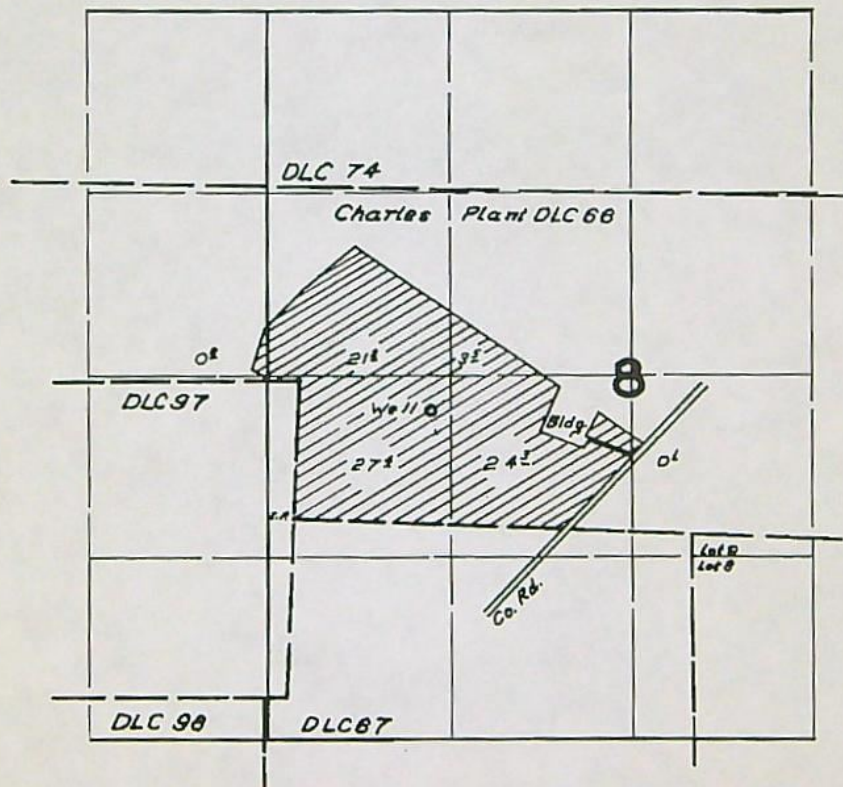
this date. July 11, 1960

LEWIS A. STANLEY

State Engineer



T. 4S. R. 2W.W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. *G 414* Permit No. *G-288*  
IN NAME OF

*Milo Schneider*

Surveyed *April 20 1959*, by *R.H. Jackson*



Kusyk et al.

Condition for measurement based on authority in <sup>ORS</sup> 537.777,  
~~ORS~~ OAR 690-200-005(3+4) 690-250-0060

Transfer allowed only if no injury to existing right  
ORS 540.530

No specific injury from transfer could be identified

However potential for interference may exist

Potential for injury may be eliminated by regulating the  
interfering well.

Transfer may be approved provided it contains a condition to  
regulate any well that causes interference

Court found:

Purpose of Department is to make determination that  
transfer would not result in injury.

Need to do that, not negotiate first to avoid that  
determination.



T-10923 SBE

6/16/10

Steve Schneider

~~What if~~

Why would there be enlargement with 6 wells rather than with one?

Sept - Issue a revised DPD considering all input



## **Basis for Approving or Denying Transfer Applications**

### **540.530 Order authorizing change of use, place of use or point of diversion.**

(1)(a) If, after hearing or examination, the Water Resources Commission finds that a proposed change can be effected without injury to existing water rights, the commission shall make an order approving the transfer and fixing a time limit within which the approved changes may be completed.

From OAR 690-380:

(3) "Injury" or "Injury to an existing water right" means a proposed transfer would result in another, existing water right not receiving previously available water to which it is legally entitled.



therefore, this item is not relevant and should be deleted.

Following are comments from Mr. Steve Schneider:

1. Page 5 of the draft, paragraph 8: The time for completion and full beneficial use needs to be extended to October 1, 2015. There is the possibility of needing to construct up to three more wells after we see how the wells perform at the end of at least one season. Only one additional well per year is planned at most in order to see if the additional well is adequate to have the full water right available at the end of irrigation season. There is also the possibility that a new well might not be constructed every year as budget issues could arise, especially given the current economic conditions, or the end of season yields is questionable and an additional season's operation is needed to better ascertain whether another well is needed or not.
2. Page 4 of the draft, paragraph 5a: This language needs to be removed. We asked for the specific legal authority by which meters were being required in this transfer. The May 5, 2010 email below contains the Department's detailed response. We have discussed this with our legal counsel and have the points which more than substantiate the need to have this requirement removed from the transfer documents:

- a. The citations given by WRD, i.e. ORS 540.310 and ORS 540.435, clearly do not give watermasters the right to require measuring devices on wells. ORS 540.310 is only related to ditches and canals, not wells, and is not an appropriate citation for this transfer. ORS 540.435 gives authority to the Water Resources Commission to order the installation of a measuring device only if the WRC finds it necessary because of serious water management problems as identified therein, and then it may do so only by rule. No such finding has been made, nor rule adopted related to the places of use and points of appropriation related to the subject transfer. Accordingly, the watermaster must not have authority to require meters under the existing certificates and hence under the subject transfer.
- b. If watermasters did in fact have authority to require meters for the existing certificates, then putting such language in the transfer documents would be superfluous.
- c. If watermasters did in fact have broad based authority to require or not require meters, then putting language into the transfer documents that only requires meters takes away the watermasters authority to not require meters at some time in the future, or ever allow water use under the subject transfer unless each well has a meter; whereas the WRD alleges that they have authority to not require meters now.
- d. Contrary to what is alleged by WRD, we find that it is not 'commonly understood' that a transfer asking for multiple points is likely to result in enlargement. This was certainly not understood by SBE and we ask WRD to produce substantial evidence to support such a bald statement. The subject transfer asked for no enlargement and the draft restricts it to no enlargement. Enlargement could happen even with one well simply by upsizing the pump when a well has the production capability; accordingly, multiple sources are not known to be any more likely to result in enlargement.
- e. If the watermaster has authority to require a meter or meters at any time, and we are in an area of such concern over illegal use (enlargement), why hasn't the watermaster broadly required meters on all water rights?
- f. No evidence of a written request from the watermaster for meters has been found or provided with the subject transfer documents. -- Last page of WRM review was sent with DPD
- g. If the requirement for meters is not removed, SBE will conclude that it is being extorted by WRD to install them as a condition for obtaining the transfer.
- h. As a point of information, installing meters on new wells is expensive, but we plan to do this even without it being required as management tool; however, installing meters on existing wells is much more costly and we had not made plans to do so.

Don't agree with premise of no authority.  
Prompt for meters is to prevent enlargement/injury

invite to meet

See ORS 537.777  
Invite  
Meet with applic  
Can't make finding  
of no injury  
1 -> many wells  
Can't get to no injury  
Flowmeters provided.  
certainty of no enlargement  
& injury

(Cusick case)  
Need to add  
re: injury  
Proposed initially  
to agree



WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application  
T-10923, Marion County

DRAFT  
PRELIMINARY DETERMINATION  
PROPOSING APPROVAL OF  
CHANGES IN POINTS OF  
APPROPRIATION AND ADDITIONAL  
POINTS OF APPROPRIATION

### Authority

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. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

## Applicant

SBE INC  
11880 LAUREN LANE  
NEWBERG OR 97132

## Findings of Fact

## Background

1. On June 30, 2009, SBE INC filed an application for additional points of appropriation under Certificates 27212 and 33762. The Department assigned the application number T-10923.
2. On May 21, 2010, the applicant submitted a revised map, correcting typographical errors in the map originally submitted.

3. The portion of the first right to be transferred is as follows:

**Certificate:** 27212 in the name of MILO SCHNEIDER (perfected under Permit G-288)

Use: IRRIGATION of 73.0 ACRES

Priority Date: JULY 10, 1956

Rate: 0.909 CUBIC FOOT PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** A WELL in the WILLAMETTE RIVER BASIN



**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NW SW	66	15 CHAINS EAST AND 11.8 CHAINS NORTH OF EXT L CORNER ON SOUTH LINE OF DLC 66

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	7	SE NE	66	0.6
4 S	2 W	WM	8	SW NW	66	21.2
4 S	2 W	WM	8	SE NW	66	3.5
4 S	2 W	WM	8	NE SW	66	20.3
4 S	2 W	WM	8	NW SW	66	27.4

4. Transfer Application T-10923 proposes to replace the authorized well and add additional points of appropriation within approximately ¼ mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	REPLACEMENT WELL 1: 800 FEET NORTH AND 1620 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 2: 1420 FEET NORTH AND 280 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 3: 1420 FEET NORTH AND 310 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 4: 1420 FEET NORTH AND 260 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	SW NW	66	WELL 5: 1210 FEET NORTH AND 450 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	NE SW	66	WELL 6: 470 FEET NORTH AND 2440 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

5. The portion of the second right to be transferred is as follows:

**Certificate:** 33762 in the name of MILO SCHNEIDER (perfected under Permit G-2524)

**Use:** IRRIGATION of 65.6 ACRES PRIMARY, 73 ACRES SUPPLEMENTAL

**Priority Date:** OCTOBER 28, 1963

**Rate:** 1.109 CUBIC FEET PER SECOND

**Limit/Duty:** ONE-EIGHTIETH cfs per acre, not to exceed 2.5 acre-feet per acre per year

**Source:** A WELL in the WILLAMETTE RIVER BASIN



Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	7	SE NE	66	1420 FEET NORTH AND 280 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	2 W	WM	7	NE NE		74	8.0
4 S	2 W	WM	7	NE NE		66	2.1
4 S	2 W	WM	7	NW NE		74	1.3
4 S	2 W	WM	7	NW NE		66	0.4
4 S	2 W	WM	7	SW NE		66	10.2
4 S	2 W	WM	7	SW NE	2		0.2
4 S	2 W	WM	7	SE NE		66	35.6
4 S	2 W	WM	7	NE SE		66	1.0
4 S	2 W	WM	7	NW SE		66	0.5
4 S	2 W	WM	7	NW SE	2		0.1
4 S	2 W	WM	8	SW NW		66	6.2

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	7	SE NE	66	0.6
4 S	2 W	WM	8	SW NW	66	21.2
4 S	2 W	WM	8	SE NW	66	3.5
4 S	2 W	WM	8	NE SW	66	20.3
4 S	2 W	WM	8	NW SW	66	27.4

6. Transfer Application T-10923 proposes to replace the authorized well and add additional points of appropriation within approximately ¼ mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	8	NE SW	66	REPLACEMENT WELL 1: 800 FEET NORTH AND 1620 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 3: 1420 FEET NORTH AND 310 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	7	SE NE	66	WELL 4: 1420 FEET NORTH AND 260 FEET WEST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	SW NW	66	WELL 5: 1210 FEET NORTH AND 450 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66
4 S	2 W	WM	8	NE SW	66	WELL 6: 470 FEET NORTH AND 2440 FEET EAST FROM THE MOST SOUTHERLY SW CORNER OF DLC 66



7. Notice of the application for transfer was published on July 14, 2009, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

***Transfer Review Criteria (OAR 690-380-4010)***

8. Water has been used within the last five years prior to the submittal of Transfer Application T-10923] according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right(s) were present within the five-year period prior to submittal of Transfer Application T-10923.
10. The proposed change would not result in enlargement of the rights.
11. The proposed change would not result in injury to other water rights.

**Determination and Proposed Action**

The change points of appropriation and additional points of appropriation proposed in Transfer Application T-10923 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 application T-10923 is approved, the final order will include the following:*

1. *The change in points of appropriation and additional points of appropriation proposed in application T-10923 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 Certificates 27212 and 33762 any related decree.*
3. *Water right certificates 27212 and 33762 are cancelled. New certificates will be issued describing those portions of the rights not affected by this transfer.*
4. *The quantity of water diverted at the additional points of appropriation, together with that diverted at the replacement points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
5. *Water use measurement conditions:*
  - 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 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.*

6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *The former place of use of the transferred right shall no longer receive water under the right.*
8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2011**. 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 changes and full beneficial use of the water.*
9. *When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this \_\_\_\_ day of \_\_\_\_\_ 2010.

**D R A F T**

\_\_\_\_\_  
Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or [Dorothy.I.Pedersen@wrdd.state.or.us](mailto:Dorothy.I.Pedersen@wrdd.state.or.us).



## Dorothy Pedersen

---

**From:** Dorothy Pedersen

**Sent:** Wednesday, May 05, 2010 10:34 AM

**To:** Mike Mccord

**Cc:** Bill Ferber; Tom Paul

**Subject:** Proposed answer to T-10923 question about conditions requiring measuring devices

We sent out a DPD for T-10923 (proposing to change from 1 POA to 6 POAs). The DPD proposed to approve, and included the usual condition to require measuring devices on each well "prior to diversion of water...."

Steve Schneider responded to the DPD with the following question (among others):

The transfer application was to add/replace points of appropriation; it was not intended to change other conditions/limitations the original certificates. However, the draft transfer now includes a requirement that all wells have a meter. This was not required in the original certificates. By what authority is that requirement, which is an expansion of the conditions/limitations in the original certificates, proposed to be included? Please be specific by citing the specific applicable ORS and OAR.

Below is my first attempt at a reply. Please review and edit or offer comments.

Watermasters have the authority under ORS 540.045 to regulate distribution of water in accordance with the users' existing water rights and in order to accomplish that, ORS 540.310 and ORS 540.435 give watermasters the right to require measuring devices as necessary to assist in determining the amount of water that is diverted. All water rights, therefore, are potentially subject to the imposition of measuring devices. New water right certificates routinely include conditions regarding the need for measuring devices either prior to diversion of water or in the future if and when the Watermaster determines one is needed. Though all water rights are subject to this authority, many of the old water right certificates do not explicitly state it.

The Department can only approve transfers if we can make the finding that the proposed change can be made without enlargement of the right or injury to existing water rights (ORS 540.530(1)(a) and OAR 690-380 subsections 4010(2), 0100(2)(a) and 0100(3)). It is commonly understood that when a transfer proposes to change the point of appropriation or diversion from a single point to multiple points, enlargement could result unless there is a way to measure what is being drawn from the multiple points to see that it is not exceeding what could be drawn from the authorized single point. Part of our review procedure is to ask the watermaster whether measuring devices will be needed to ensure that enlargement of the right (and therefore potential injury to other rights) will not occur. If the Watermaster recommends that measuring devices will be needed, we put a condition into the transfer order to require measuring devices.

T-10923 proposes to change from 1 POA to 6 POAs. The Watermaster has indicated that it will be necessary to install measuring devices on the POAs to ensure that the right is kept within its allowed rate. Therefore, a condition requiring measurement devices is needed in order to support the finding that the proposed change will not result in enlargement of the rights or injury to other water rights. Approval of the transfer depends on it.

Thank you for your time and assistance,  
Dorothy

Dorothy Pedersen  
Transfer Program Advisor  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266  
(503) 986-0890

6/7/2010



## Dorothy Pedersen

---

**From:** Dorothy Pedersen  
**Sent:** Wednesday, May 05, 2010 10:34 AM  
**To:** 'Steve Schneider'  
**Subject:** RE: T-10923 FW: List Pack for 042w08 00600  
 Steve,

Here are answers to your questions, numbered as below:

1. Watermasters have the authority under ORS 540.045 to regulate distribution of water in accordance with the users' existing water rights and in order to accomplish that, ORS 540.310 and ORS 540.435 give watermasters the right to require measuring devices as necessary to assist in determining the amount of water that is diverted. All water rights, therefore, are potentially subject to the imposition of measuring devices. New water right certificates routinely include conditions regarding the need for measuring devices either prior to diversion of water or in the future if and when the Watermaster determines one is needed. Though all water rights are subject to this authority, many of the old water right certificates do not explicitly state it.

The Department can only approve transfers if we can make the finding that the proposed change can be made without enlargement of the right or injury to existing water rights (ORS 540.530(1) (a) and OAR 690-380 subsections 4010(2), 0100(2)(a) and 0100(3)). It is commonly understood that when a transfer proposes to change the point of appropriation or diversion for a right from a single point to multiple points, enlargement could result unless there is a way to measure what is being drawn from the multiple points to see that it is not exceeding what could be drawn from the authorized single point. Part of our review procedure is to ask the watermaster whether measuring devices will be needed to ensure that enlargement of the right (and therefore potential injury to other rights) will not occur. If the Watermaster recommends that measuring devices will be needed because of the nature of the proposed change, in order to ensure that the allowed diversion is not exceeded, we put a condition into the transfer order that requires measuring devices.

T-10923 proposes to change from 1 POA to 6 POAs. The Watermaster has indicated that it will be necessary to install measuring devices on the POAs to ensure that the right is kept within its allowed rate. Therefore, this condition is needed in order to support the finding that the proposed change will not result in enlargement of the rights or injury to other water rights, and approval of the transfer depends on it.

---

**From:** Steve Schneider [mailto:SteveS@seidc.com]  
**Sent:** Friday, April 30, 2010 3:06 PM  
**To:** Ruth Schellbach  
**Cc:** Dorothy Pedersen; phggek@bctonline.com; Stan Schneider; Tom Schneider - hm; Salem Opeifa  
**Subject:** RE: T-10923 FW: List Pack for 042w08 00600

Ruth,

Before we finalize our comments on the draft, we have a couple of concerns that I hope you can address:

1. The transfer application was to add/replace points of appropriation; it was not intended to change other conditions/limitations the original certificates. However, the draft transfer now includes a requirement that all wells have a meter. This was not required in the original certificates. By what authority is that requirement, which is an expansion of the conditions/limitations in the original certificates, proposed to be included? Please be specific by citing the specific applicable ORS and OAR.
2. Is the time for completion negotiable? Not all the wells have been constructed yet and until we add well(s) and use them throughout the summer irrigation season we not be certain how many



## Dorothy Pedersen

---

**From:** Dorothy Pedersen  
**Sent:** Wednesday, May 05, 2010 4:05 PM  
**To:** Bill Ferber  
**Subject:** RE: Proposed answer to T-10923 question about conditions requiring measuring devices  
Thanks, Bill.  
Dorothy

---

**From:** Bill Ferber  
**Sent:** Wednesday, May 05, 2010 3:58 PM  
**To:** Dorothy Pedersen  
**Cc:** Mike Mccord  
**Subject:** RE: Proposed answer to T-10923 question about conditions requiring measuring devices

Dorothy,

My 2 cents worth – I think our strongest points are 540.045, ORS.540.530(1)(a) and OAR 690-380-4010 (2), 0100(2)(a) and 0100(3). The next strongest is 540.310. I liked you summation regarding all water rights are potentially subject to needing measurement devices. We'll see how this goes.

Bill

William (Bill) Ferber P.E., W.R.E.  
West Region Manager  
PHONE 503.986.0893 FAX 503.986.0903

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

e-mail [William.E.FERBER@wrdd.state.or.us](mailto:William.E.FERBER@wrdd.state.or.us)  
website <http://www.wrdd.state.or.us>

*Messages to and from this email address may be available to the public under Oregon law.*

---

**From:** Dorothy Pedersen  
**Sent:** Wednesday, May 05, 2010 10:34 AM  
**To:** Mike Mccord  
**Cc:** Bill Ferber; Tom Paul  
**Subject:** Proposed answer to T-10923 question about conditions requiring measuring devices

We sent out a DPD for T-10923 (proposing to change from 1 POA to 6 POAs). The DPD proposed to approve, and included the usual condition to require measuring devices on each well "prior to diversion of water...."

Steve Schneider responded to the DPD with the following question (among others):

The transfer application was to add/replace points of appropriation; it was not intended to change other conditions/limitations the original certificates. However, the draft transfer now includes a requirement that all wells have a meter. This was not required in the original certificates. By what authority is that requirement, which is an expansion of the conditions/limitations in the original



## Dorothy Pedersen

---

**From:** Mike Mccord  
**Sent:** Thursday, May 20, 2010 4:09 PM  
**To:** Dorothy Pedersen  
**Subject:** FW: T-10923 FW: List Pack for 042w08 00600

Dorothy, here is my email in case you do not have it still.

---

**From:** Mike Mccord  
**Sent:** Tuesday, May 04, 2010 3:33 PM  
**To:** Dorothy Pedersen  
**Cc:** Bill Ferber  
**Subject:** RE: T-10923 FW: List Pack for 042w08 00600

Dorothy, I think we are relying on 540.045. Pick which part you want as I see several choices. I think 1 (a) is the best in that it is very broad. It does not say measuring device specifically but it does say we can regulate and distribute water among various users in accordance with existing rights of record. I would argue that requiring measuring devices is part of us doing that. It is also the statute we rely upon for issuing headgate notices in addition to 540.310 for SW and 537.777 for GW. There are rules too but I like the statutes better.

---

**From:** Dorothy Pedersen  
**Sent:** Monday, May 03, 2010 11:27 AM  
**To:** Mike Mccord  
**Subject:** FW: T-10923 FW: List Pack for 042w08 00600

Mike,

Any help you can give me in crafting the answer to question #1 below will be appreciated. Reading the question again, it seems that Steve's issue is not so much that of requiring meters on the ORIGINAL WELLS so much as more generally the authority to add measurement conditions to the WATER RIGHTS.

T-10923 proposes to change Certificate 27212 from 1 authorized well to 6 wells, and to change Certificate 33762 from 1 authorized well to 6 wells.

Here are some references that may apply:

ORS.540.530(1)(a)—can approve transfer if WRD finds the change can be made without injury to existing water rights

OAR 690-380-4010(2)—criteria for review (whether would result in injury or enlargement)

OAR 690-380-0100(2)(a)—definition of enlargement (using greater rate or duty than currently allowed)

OAR 690-380-0100(3)—definition of injury (other right not receive previously available water it's entitled to)

ORS 540.310—headgate and measuring devices authority as may be necessary to assist in determining the amount of water that is to be diverted

ORS 540.435—measuring device necessary because of water management problems created by ground water decline, user disputes or shortage

OAR 690-380-4010(3)—if proposed denial due to enlargement or injury, what conditions would allow approval

ORS 540.530(2)(a)—cancel the existing certificate and require proof before new certificate issued

OAR 690-250-0050—taking control of diversion to control waste

OAR 690-250-0060—measuring devices required when necessary; notice form and procedure when requiring installation

It seems common sense that in going from 1 well to 6 wells there would be the potential for enlargement (possibly resulting in injury to other rights). Therefore, it seems reasonable to require measuring devices

6/7/2010



6-715

April 7, 2010

SBE, Inc 994.180

75 hp pump 6 in mainline  
marion county

SBE, Inc → Steve Scheider → secretary/treasurer

primary

C 27212 - Milo Schneider

73.0 ac (application)

77.1 ac certificate

? 4.1 ac - ~~canceling~~ (remaining)?

C 33762 - Milo Schneider

65.6 ac (application) 73.0 ac suppl.? 138.6 total

66.2 + 73.0 = 138.6

★ Map error - Sec 8 SW NW 6.8 → 6.2

★ affidavit not include 4.1 ac "remaining" <sup>will actually be remaining</sup>  
application indicates wanting to be able to use all wells under certificate

a. ck capacity/delivery system

✓ b. plat card rpt T 10618? not sure if overlaps

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South

Range: 2

West

Section: 8

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:40586 OR *		4/30/1968	FISH CULTURE				74							*									
Additional Info: HOWARD TRIBBETT App: R44845 Permit: R5102 Cert: 40586																							
Select Permit:G 13343 *		1/13/1997	IRRIGATION					16															
Additional Info: HAZENBURG DAIRY App: G14437 Permit: G13343																							
Select Claim:GR 1841 *		7/31/1954	IRRIGATION														3.7	35.8					
Additional Info: JOHN MCCARTHY Claim: GR1841																							
Select Cert:27212 OR *		T10923 7/10/1956	IRRIGATION				66							21.2	3.5	24.3	27.4			0.1			
Additional Info: MILO SCHNEIDER App: G414 Permit: G288 Cert: 27212																							
Select Cert:30620 OR CN		7/22/1960	IRRIGATION				66			23		0-4	1-4	12	32-2	3				2			
Additional Info: NELSON/HOWARD TRIBBETT App: G1806 Permit: G1651 Cert: 30620																							
Select Cert:30620 OR CN		7/22/1960	IRRIGATION				74		1-2			24-2	33-6										
Additional Info: NELSON/HOWARD TRIBBETT App: G1806 Permit: G1651 Cert: 30620																							
Select Cert:33762 OR *		T10923 10/28/1963	IRRIGATION				66							6.2									
Additional Info: MILO SCHNEIDER App: G2725 Permit: G2524 Cert: 33762																							
Select Cert:36298 OR CN		6/28/1963	IRRIGATION				6												1-2				
Additional Info: NELSON TRIBBETT App: G2648 Permit: G2448 Cert: 36298																							
Select Cert:36298 OR CN		6/28/1963	IRRIGATION				66			5-4	4-1		0-1		0-4	2			11-4	29-4			
Additional Info:																							



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<b>Additional Info:</b> KELLY FARMS INC. App: G3427 Permit: G3213																			
<b>Select</b>	<b>Inchoate: T 10618 CF (REG) *</b>	7/22/1960	IRRIGATION	66		(23)		(0.4)	(1.4)	(12)	(32.2)	(3)						(2)	
<b>Additional Info:</b> KELLY FARMS INC. App: G1806 Permit: G1651 <i>borders NE site boundary</i>																			
<b>Select</b>	<b>Inchoate: T 10618 CF (REG) *</b>	7/22/1960	IRRIGATION	74		(1.2)		(24.2)	(33.6)										
<b>Additional Info:</b> KELLY FARMS INC. App: G1806 Permit: G1651																			
<b>Select</b>	<b>Inchoate: T 10618 CF (REG) *</b>	6/28/1963	IRRIGATION	66				(0.1)	(0.1)	(4.1)									
<b>Additional Info:</b> KELLY FARMS INC. App: G2648 Permit: G2448 <i>borders NE site boundary</i>																			
<b>Select</b>	<b>Inchoate: T 10618 CF (REG) *</b>	6/28/1963	IRRIGATION	74				(0.2)	(2.6)										
<b>Additional Info:</b> KELLY FARMS INC. App: G2648 Permit: G2448																			
<b>Select</b>	<b>Cert:40587 OR *</b>	4/30/1968	POND MAINTENANCE	74					*										
<b>Additional Info:</b> HOWARD TRIBBETT App: S44846 Permit: S32999 Cert: 40587																			
<b>Select</b>	<b>Cert:40584 OR *</b>	5/15/1967	STORAGE	74					*										
<b>Additional Info:</b> HOWARD TRIBBETT App: R43600 Permit: R4928 Cert: 40584																			
<b>Select</b>	<b>Cert:40691 OR *</b>		STORAGE														*	*	
<b>Additional Info:</b> MISSION CREEK DAM AND RESERVOIR CO. App: R44515 Permit: R5248 Cert: 40691																			
<b>Select</b>	<b>Cert:50722 OR *</b>	1/15/1971	STORAGE														*	*	
<b>Additional Info:</b> DONALD BUYSERIE App: R47860 Permit: R5667 Cert: 50722																			
<b>Select</b>	<b>Cert:33762 OR *</b>	T10923 10/28/1963	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	66						21.2	3.5	24.3	27.4				0.1		
<b>Additional Info:</b> MILO SCHNEIDER App: G2725 Permit: G2524 Cert: 33762 <i>subject file</i>																			
<b>Select</b>	<b>Cert:36298 OR CN</b>	6/28/1963	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	66		21.8		0.4	1.4	12	32.2	3					2		
<b>Additional Info:</b> NELSON TRIBBETT App: G2648 <i>cancelled</i>																			

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4/8/2010



Select	Cert:84852 RR *	5/15/1967	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	74	3	30.4			38.7	36.2										
<div>Additional Info:</div> <div>KELLY FARMS INC.</div> <div>App: S43601</div> <div>Permit: S32251</div> <div>Cert: 84852</div>																				

Acreage Legend: 12.25 Regular  
acres

~~12.25~~ Acreage is on a  
canceled right

(12.25) Acreage is part of a transfer and  
has not been proven up on yet  
(Inchoate)

[12.25] Acreage has been  
suspended

\* Acreage is not  
specified

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Township: 4

South

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West

Section: 7

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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QQ
Select Cert:40586 OR *		4/30/1968	FISH CULTURE				74	*																
Additional Info: HOWARD TRIBBETT App: R44845 Permit: R5102 Cert: 40586																								
Select Claim:GR 1841 *		7/31/1954	IRRIGATION																4	8	6.5	39	40	
Additional Info: JOHN MCCARTHY Claim: GR1841																								
Select Permit:S 51958 *		12/2/1994	IRRIGATION													22.7			15.9	6	1			
Additional Info: MISSION LANE FARMS App: S75206 Permit: S51958																								
Select Cert:48396 OR CN		12/28/1950	IRRIGATION	CN			37					30	43-6	37	18	0-1	3-3							
Additional Info: JOHN L MARXER App: S25536 Permit: S20223 Cert: 48396																								
Select Cert:22474 OR CN			IRRIGATION	CN			74		30-5															
Additional Info: JOHN L MARXER App: S22014 Permit: S19070 Cert: 22474																								
Select Cert:27212 OR *		T10923 7/10/1956	IRRIGATION				66				0.6													
Additional Info: MILO SCHNEIDER App: G414 Permit: G288 Cert: 27212																								
Select Cert:30620 OR CN		7/22/1960	IRRIGATION	CN			74	0-3																
Additional Info: NELSON/HOWARD TRIBBETT App: G1806 Permit: G1651 Cert: 30620																								
Select Cert:33762 OR *		T10923 10/28/1963	IRRIGATION				2				0.2											0.1		
Additional Info: subject file																								







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Permit: S33310 Cert: 51477																			
Select	Cert:51477 CF *		2/26/1968	IRRIGATION	66	0.4	1.4												
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Select	Inchoate: T 10618 CF (REG) *		7/22/1960	IRRIGATION	74	0.3													
	Additional Info: KELLY FARMS INC. App: G1806 Permit: G1651																		
Select	Inchoate: T 10618 CF (REG) *		6/28/1963	IRRIGATION	74	12.6													
	Additional Info: KELLY FARMS INC. App: G2648 Permit: G2448																		
Select	Cert:40587 OR *		4/30/1968	POND MAINTENANCE	74	*													
	Additional Info: HOWARD TRIBBETT App: S44846 Permit: S32999 Cert: 40587																		
Select	Cert:40584 OR *		5/15/1967	STORAGE	74	*													
	Additional Info: HOWARD TRIBBETT App: R43600 Permit: R4928 Cert: 40584																		
Select	Permit:S 51958 *		12/2/1994	SUPPLEMENTAL IRRIGATION (Suppl'mtl)								7.7	27.2	9.6	6.9				
	Additional Info: MISSION LANE FARMS App: S75206 Permit: S51958																		
Select	Cert:33762 OR *		T10923 10/28/1963	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	66		0.6												
	Additional Info: MILO SCHNEIDER App: G2725 Permit: G2524 Cert: 33762		subject file																
Select	Cert:36298 OR CN		6/28/1963	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	74	0.3													
	Additional Info: NELSON TRIBBETT App: G2648		cancelled																

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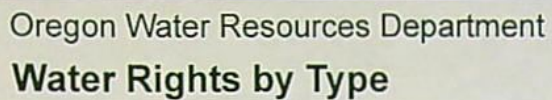
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Additional Info: KELLY FARMS INC. App: G2648 Permit: G2448											
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Additional Info: KELLY FARMS INC. App: S43601 Permit: S32251 Cert: 84852											

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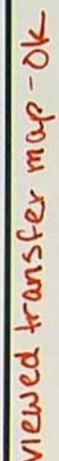
APR 19 2010

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SALEM, OREGONAcreage Legend: 12.25 Regular  
acreage12.25 Acreage is on a  
canceled right(12.25) Acreage is part of a transfer and  
has not been proven up on yet  
(inchoate)[12.25] Acreage has been  
suspended\* Acreage is not  
specified





Map Date: September 28, 2009



WATER RESOURCES DEPT  
SALEM, OREGON

This map is for informal purposes only.  
It is not intended for legal, engineering or  
surveying purposes.

## Points of Diversion    Places of Use

- 24883 Ground water

Water right labels indicate certificate number or permit letter(s) and number. Municipals excluded.





0 1,000 Feet

For more information:  
<http://www.wrd.state.or.us>  
and  
<http://apps2.wrd.state.or.us/apps/wr/wrinfo/>

This map is for informal purposes only.  
It is not intended for legal, engineering or  
surveying purposes.

### Legend

#### Points of Diversion

● 75030

● 24883

● 24883

#### Places of Use

75030

Storage water

24883

Surface water

24883

Ground water

◆ Water Rights - Outline to be  
determined. (Applies to all colors)

Water right labels indicate certificate  
number or permit letter(s) and number.  
Municipal uses excluded.

### Index Map





999.101

SBE, Inc. T-10923

transfer - APOA 2 existing wells

certificates 27212

33762

1.89 cfs capacity

abandoned

← not documented

27212

Well 1 (1125)

→ Replacement Well 1 (1112) 30 hp pump

33762

Well 2 (1103)

→ Proposed well 3 (1109) 75 hp pump

add wells 4, 5, 6

← close enough, not need docum.

2.12 cfs  
for both

C- 27212 .916 cfs

C 33762 1.16 cfs

73 ac

65.6 ac

73 sup' irr

✓ July 10 1956

✓ Oct 28, 1963

Well 1 (1125)

Well 2 (1103)

✗ not sure the aerial w/ affidavit shows irr of all land  
ok according to call w/ Dorothy Pedersen

Land use 1.73

C 27212

C 33762

77.1 ac

65.6 ac

77.1 supp. irr

.916 cfs

1.16 cfs

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WATER RESOURCES DEPT  
SALEM, OREGON



4-9-10

SBE T-10923

994,180

9-9<sup>30</sup> am

Questions for Dorothy

503-986-0890

NO Do you need me to fill out the Contact List? These were older templates.

Steve Schneider, Secretary/Treasurer of SBE, is the person that signed application but Certificates have Milo Schneider. Is this okay? Yes

RR unless ownership shows otherwise

The application states that the applicant wants to use all proposed wells under both certificates, but leaves out 4.1 acres. They should include all acres or specify otherwise. (see map deficiencies below, number 4 and 5)

4.1 remaining  
right certificates

1. Suppl. Form A - 33762 indicates a total of 142.7 acres (primary and supplemental) but application indicates 138.6 acres. The difference is 4.1 acres.
2. Suppl. Form A - 27212 indicates a total of 77.1 acres (primary) but application indicates 73 acres. The difference is 4.1 acres.

#### Map Deficiencies

- ① Primary acreage in SW NW, Section 8, certificate 33762 should indicate 6.2 acres not 6.8.

NO ② Verify mapped location of proposed well 6, may be slightly off. Dorothy checked - OK

2 remaining  
right certificates

- ③ Bottom area description has a typo indicating an extra 2 (27212 not 272212)
4. Information on the map indicates 4.1 acres under certificates 27212 and 33762 as remaining. This would be inconsistent with application requesting to use all wells under both certificates (no remaining right certificate with original well only is requested).
5. With above information, the 4.0 ac in NE SW and 0.1 ac in NW SE, Section 8 would not need to be indicated as remaining. Yes

OK  
actually farmed

Aerial photo does not indicate all areas green and there is no additional information proving up on water use.

Dorothy doesn't have a problem

\* cover ltr - mention map typos  
1+3

\* 2 RR certificates - say in DPD

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SALEM, OREGON



STATE OF OREGON  
COUNTY OF            MARION  
**CERTIFICATE OF WATER RIGHT**

**This Is To Certify, That**    **MIL0 SCHNEIDER**

of Star Route Box 97, St. Paul, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well a tributary of Willamette River for the purpose of  
142.7 irrigation of 65.6 acres and supplemental irrigation of 77.1 acres under Permit No. G-2524 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 28, 1963

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.16 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  as projected within Plant DIC 66, Section 7, T. 4 S., R. 2 W., W. M. Well located 1420 feet North and 280 feet West from the most Southerly SW Corner of Plant DIC 66.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2  $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year;

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

Primary	Supplemental	
✓ 8.0 acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Minard DIC 74
✓ 2.1 acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Plant DIC 66
✓ 1.3 acres		NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Minard DIC 74
✓ 0.4 acre		NW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Plant DIC 66
✓ 0.2 acre		Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ )
✓ 10.2 acres		SW $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Plant DIC 66
✓ 35.6 acres	0.6 acre	SE $\frac{1}{4}$ NE $\frac{1}{4}$ as projected within Plant DIC 66
✓ 1.0 acre		NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Plant DIC 66
✓ 0.5 acre		NW $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Plant DIC 66
✓ 0.1 acre		Lot 2 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ )

Section 7

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WATER RESOURCES DEPT  
SALEM, OREGON



map has  
6.8

Primary

(6.2) acres

Supplemental

✓ 21.2 acres

3.5 acres

24.3 acres

27.4 acres

0.1 acre

app and map  
has 20.3

(4.0 ac) remaining

SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  as projected within Plant DLC 66

SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  as projected within Plant DLC 66

NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  as projected within Plant DLC 66

NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  as projected within Plant DLC 66

NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  as projected within Plant DLC 66

Section 8

T. 4 S., R. 2 W., W. M.

Total Primary

65.6

Total Suppl

77.1

- 4.1 remaining

73

138.6

1.16 CFS - .051 = 1.109

4.1 x 1 = .051  
80<sup>th</sup>

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WATER RESOURCES DEPT  
SALEM, OREGON

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 13 day of March, 1967.

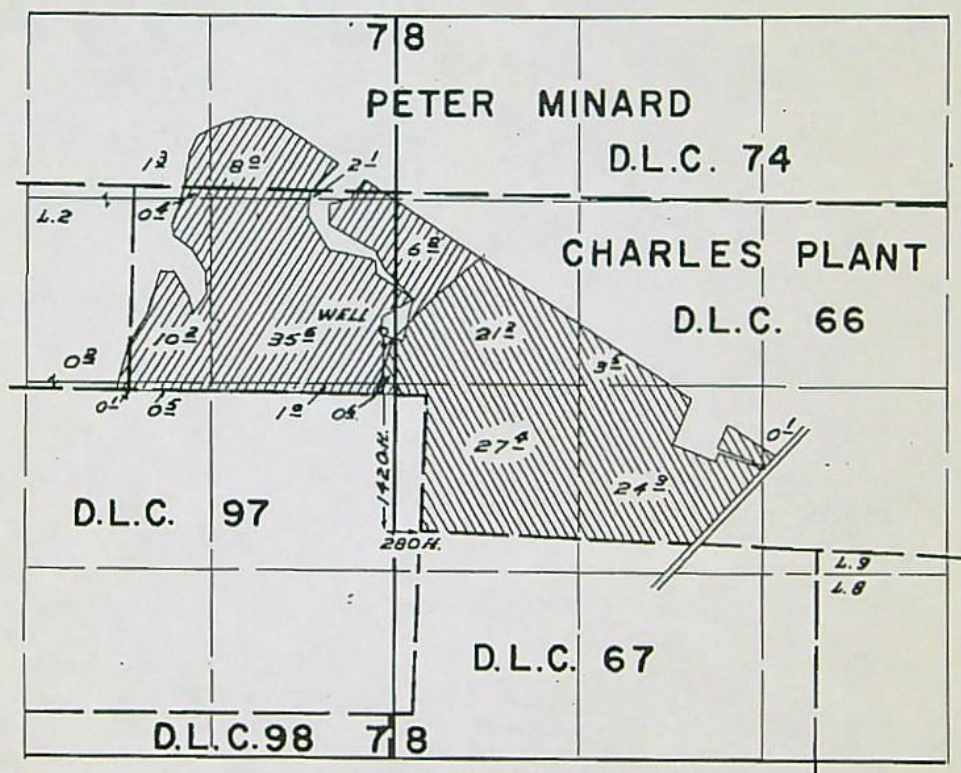
CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33762



T.4S. R.2W. W.M.



PRIMARY



SUPPLEMENTAL

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WATER RESOURCES DEPT  
SALEM, OREGON

FINAL PROOF SURVEY  
UNDER

Application No. G-2725 Permit No. G-2524  
IN NAME OF

MILO SCHNEIDER

Surveyed AUG. 19 1965, by C. GARDNER.



STATE OF OREGON  
COUNTY OF MARION  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** MILO SCHNEIDER

of Star Route, Box 55, Newberg, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of Willamette River for the purpose of irrigation of 77.1 acres,

under Permit No. G-288 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 10, 1956

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.96 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  as projected within Charles Plant DLC #66. Section 8, Township 4 South, Range 2 West, W.M.; 15.0 chs. E. and 11.8 chs. N. of Ext. L cor. on S. line, Plant DLC #66. 990 ft 778.8 ft

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

$$\frac{0.96 \text{ cfs}}{77.1 \text{ ac}} = 0.01245 \text{ cfs/ac}$$

0.6 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.6
Section 7	
21.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$	21.2
3.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.5
24.3 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.3 = 4.0
27.4 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$	27.4
0.1 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$	0 = 0.1
Section 8	

All as projected within Charles Plant DLC #66  
Township 4 South, Range 2 West, W.M.

73 ac  
909 cfs

4.1 remaining  
0.051 cfs

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WATER RESOURCES DEPT  
SALEM, OREGON

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

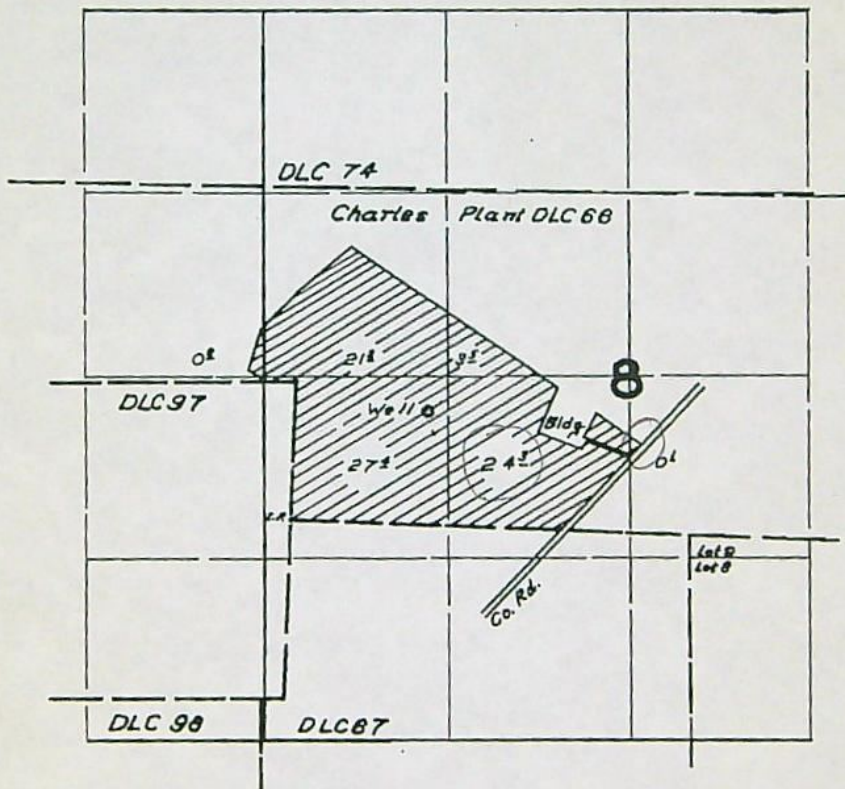
this date. July 11, 1960

LEWIS A. STANLEY

State Engineer



T. 4S. R. 2W.W.M.



# FINAL PROOF SURVEY

## UNDER

Application No. G-414..... Permit No. G-288.....  
IN NAME OF

Milo Schneider

Surveyed April 20 1959, by R.H. Jackson....

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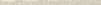
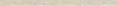


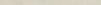






WATER RESOURCES DEPT  
SALEM, OREGON









## LINE TYPES

TAX LOT BOUNDARY	OLD PROPERTY LINE
	
ROAD RIGHT-OF-WAY	VACATED RIGHT-OF-WAY
	
RAILROAD	RAILROAD RIGHT-OF-WAY
	
STREAM, LAKE, ETC.	STREAM, LAKE, ETC.
TAX LOT BOUNDARY	NON-BOUNDARY
	
SUBDIVISION BOUNDARY	PARTITION PLAT BDY.
	
TAX CODE BOUNDARY	EASEMENT
	

## SYMBOL TYPES


D.L.C. 

CONTROL POINTS 

SURVEY MONUMENTS •

G.L.O. CORNERS

SECTION 1/4 SEC 1/16 SEC

 1/4 COR + 1/16 COR

## NUMBERS

TAX CODE NO.  
000 00 00 0

ACREAGE - ALL ACREAGES EXCLUDE  
ANY PORTION THAT MAY LIE  
WITHIN THE INDICATED PUBLIC  
RIGHT OF WAYS.

TICK MARKS - WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAYS.

225.00
162.00

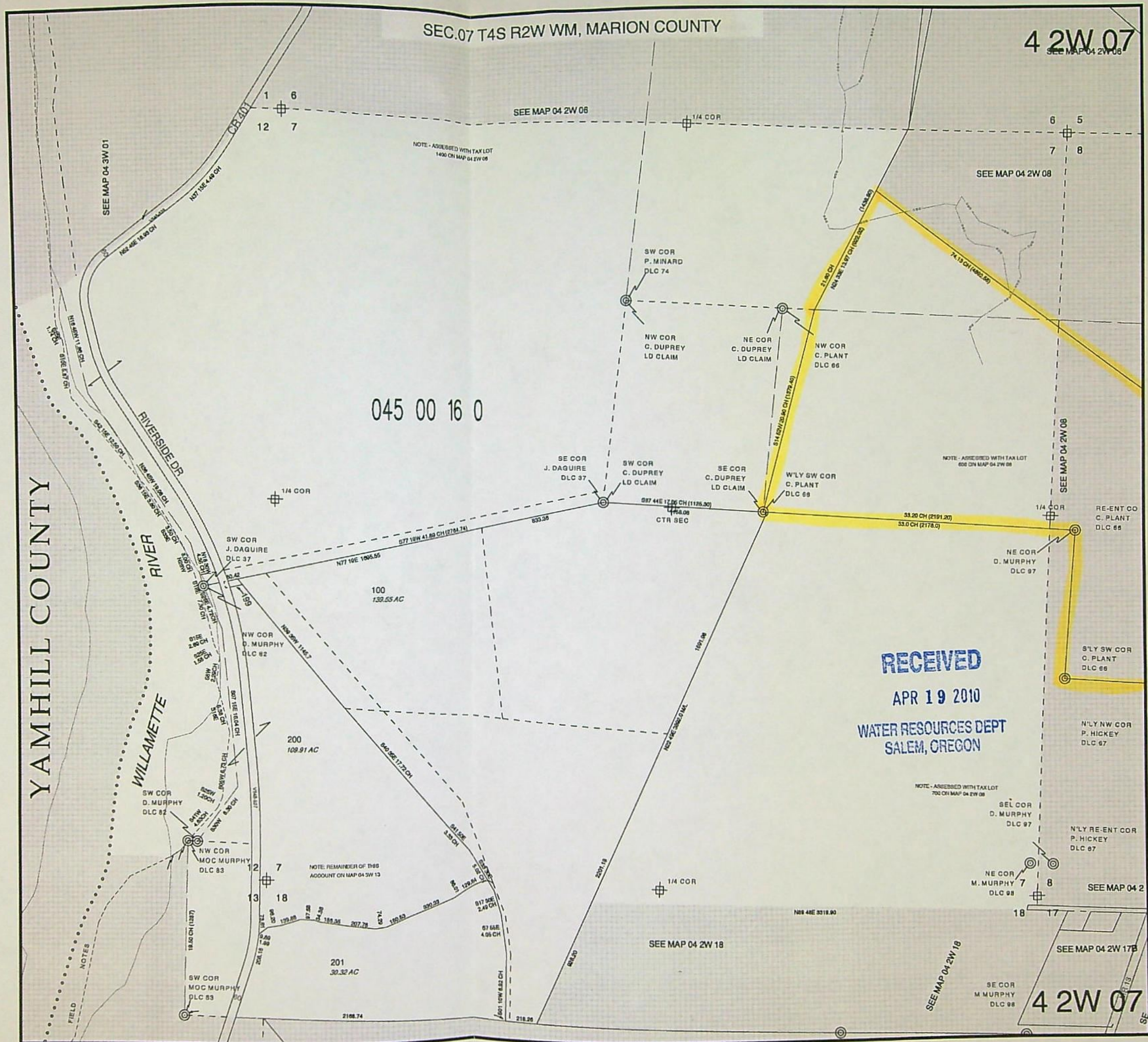
ARROWS ARE USED WITH DIMENSIONS  
IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was created for Assessor's Office use ONLY.



SCALE 1" = 400'  
or 1:4800

Plot file created: August 20, 2009  
/aerimage/042w07.tif kliehto





# LEGEND

## LINE TYPES

TAX LOT BOUNDARY	OLD PROPERTY LINE
ROAD RIGHT-OF-WAY	VACATED RIGHT-OF-WAY
RAILROAD	RAILROAD RIGHT-OF-WAY
STREAM, LAKE, ETC. TAX LOT BOUNDARY	STREAM, LAKE, ETC. NON-BOUNDARY
SUBDIVISION BOUNDARY	PARTITION PLAT BDY.
TAX CODE BOUNDARY	EASEMENT

## SYMBOL TYPES

DLC	
CONTROL POINTS	
SURVEY MONUMENTS	
G.L.O. CORNERS	
SECTION	1/4 SEC
1/4 SEC	1/16 SEC
1/16 SEC	1/32 SEC

## NUMBERS

TAX CODE NO.  
000 00 00 0

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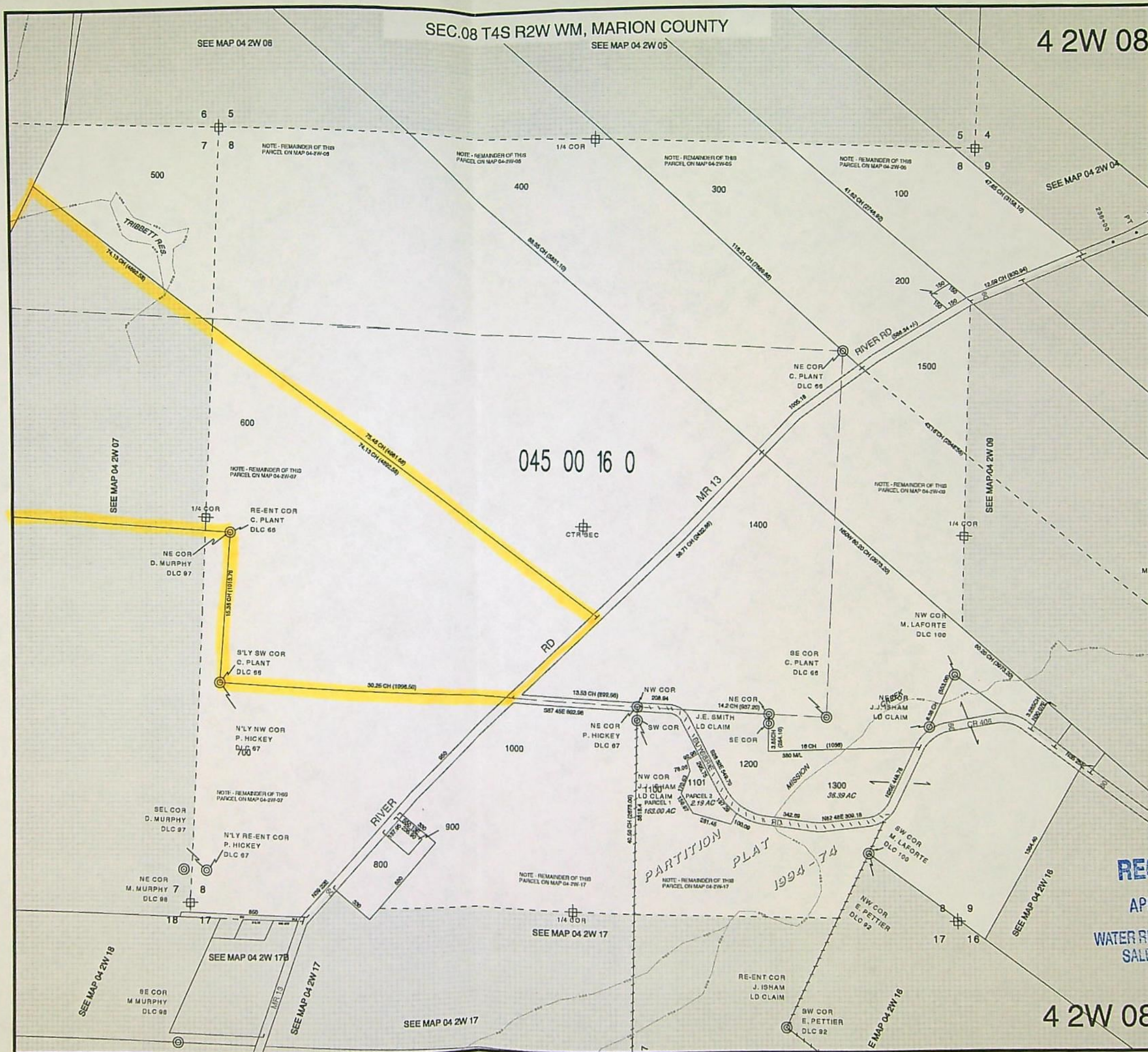
ARROWS ARE USED WITH DIMENSIONS  
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Plot file created: February 22, 2007  
taximage042w08.tif wloster



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SALEM, OREGON

4 2W 08

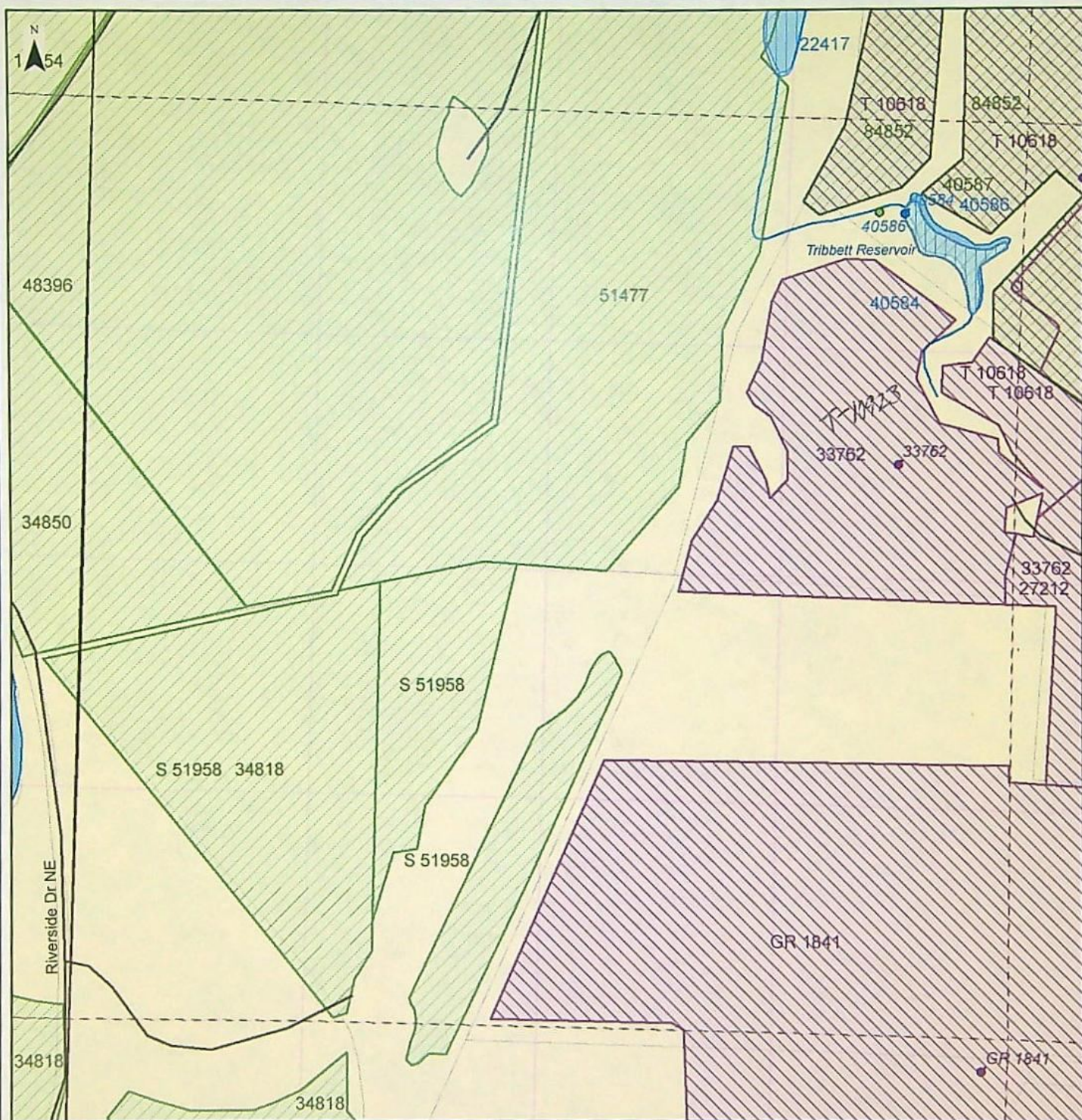




Oregon Water Resources Department  
**Water Rights by Type**

**4 S 2 W 7**

Map Date: September 28, 2009



0 1,000 Feet

For more information:  
<http://www.wrd.state.or.us>  
and  
<http://apps2.wrd.state.or.us/apps/wr/wrinfo/>

This map is for informal purposes only.  
It is not intended for legal, engineering or  
surveying purposes.

**Points of Diversion Places of Use**

● 75030

● 24883

● 24883

75030 Storage water

24883 Surface water

24883 Ground water

**Legend**

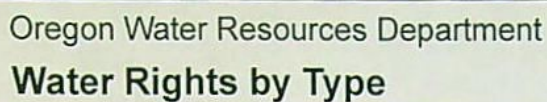
◇ Water Rights - Outline to be  
determined. (Applies to all colors)

Water right labels indicate certificate  
number or permit letter(s) and number.  
Municipal uses excluded.

**Index Map**







Map Date: September 28, 2009



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It is not intended for legal, engineering or  
surveying purposes.

### Legend

Points of Diversion    Places of Use

- 75030
- 24883
- 24883

75030	Storage water
24883	Surface water
24883	Ground water

◆ Water Rights - Outline to be determined. (Applies to all colors)

Water right labels indicate certificate number or permit letter(s) and number. Municipal uses excluded.

## Index Map





## Well Log Query Results

Township: 4 S, Range: 2 W, Sections: 7,8

Well Log	T-R-S/ QQ-Q	Taxlot	Street of Well	Owner	Company	Special Standards	Well Type	First Water	Completed Depth	Static Water Level	Yield	Completed Date	Received Date	Bonded Constructor	Startcard	Well Id #	New	Abandon	Deepen	Alteration	Conversion	Domestic	Irrigation	Community	Livestock	Industrial	Injection	Thermal	Dewatering	Piezometer
MARI_1103	4.00S-2.00W-7 SE-NE			SCHNEIDER, MILO STAR RT BOX 97 ST PAUL OR 97137			W		153.00	14.0	800.0	04/15/1962	01/28/1963	SCHNEIDER, MILO			✓					✓								
MARI_1104	4.00S-2.00W-7 NE-SE			MCCARTHY, JOHN STAR RT BOX 103 ST PAUL OR 97137			W		200.00			11/11/1963	10/05/1964	SCHNEIDER, MILO MILO SCHNEIDER EQUIPMENT CO.			✓					✓								
MARI_1106	4.00S-2.00W-8 SW-NE				KELLY FARMS 21981 RIVER RD NE ST PAUL OR 97137		W	20.00	161.00	20.0	37.0	11/08/1984	11/13/1984	SCHNEIDER, STEPHEN J SCHNEIDER EQUIPMENT INC.				✓			✓									
MARI_1107	4.00S-2.00W-8			MCKAY, JOHN STAR RT BOX 94 ST PAUL OR 97137			W	28.00	310.00	25.0	750.0	10/11/1973	06/14/1974	SCHNEIDER, MILO MILO SCHNEIDER EQUIPMENT CO.			✓					✓	✓							
MARI_1108	4.00S-2.00W-8			MCCARTHY, JOHN STAR RT BOX 103 ST PAUL OR 97137			W	20.00	207.00	38.0	375.0	09/11/1973	11/15/1973	SCHNEIDER, MILO MILO SCHNEIDER EQUIPMENT CO.			✓					✓								
MARI_1109	4.00S-2.00W-8			SCHNEIDER, MILO STAR RT BOX 97 ST PAUL OR 97137			W	35.00	229.00	53.0	450.0	07/24/1972	11/06/1972	SCHNEIDER, MILO MILO SCHNEIDER EQUIPMENT CO.			✓					✓								
MARI_1110	4.00S-2.00W-8			MCCARTHY, JOHN STAR RT BOX 103 ST PAUL OR 97137			W	38.00	246.00	22.0	318.0	04/20/1972	07/06/1972	SCHNEIDER, MILO MILO SCHNEIDER EQUIPMENT CO.			✓					✓								
MARI_1111	4.00S-2.00W-8			MCCARTHY, JOHN STAR RT BOX 103 ST PAUL OR 97137			W	61.00	202.00	13.0	370.0	12/01/1971	07/06/1972	SCHNEIDER, MILO MILO SCHNEIDER EQUIPMENT CO.			✓					✓								
MARI_1112	4.00S-2.00W-8			SCHNEIDER, MILO STAR RT BOX 97 ST PAUL OR 97137			W		220.00		525.0	04/04/1968	04/22/1968	SCHNEIDER, MILO MILO SCHNEIDER EQUIPMENT CO.			✓													
MARI_1113	4.00S-2.00W-8			MURPHY, PETER STAR RT BOX 57 NEWBERG OR 97132			W		133.00	21.0	110.0	07/16/1959	08/10/1959	HUFFMAN, HARLIN M ARROW DRILLING & SUPPLIES			✓					✓								
MARI_1114	4.00S-2.00W-8 SE-NW			TRIBBETT, NELSON 416 WYNOSKI ST NEWBERG OR 97132			W		420.00	65.0		12/30/1959	01/08/1960	MILLER, JOHN TRUMAN			✓					✓								
MARI_1115	4.00S-2.00W-8			OTT, CASPER STAR RT BOX 48 ST PAUL OR 97137			W	16.00	298.00	62.0	710.0	03/27/1971	04/13/1971	SCHNEIDER, MILO MILO SCHNEIDER EQUIPMENT CO.			✓					✓	✓							



[illegible]



[illegible][Download Data](#)[Return to Well Log Query](#)