

Temporary

Name Bruce ErnstAddress P.O. Box 460  
St. Paul, OR 97137  
acct@ernstnursery.comChange in POW, APOADate Filed 8-1-2022Initial notice date 8-9-2022

DPD issued date \_\_\_\_\_

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FO 12/4/2023 Vol 129 Page 465-468

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

## DESCRIPTION OF WATER RIGHT(s)

Name of Stream A WellTrib. of Misson Creek BasinUse Irrigation County Marion

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# G-3485 Per # G-3285 Cert # 38363 PR Date 5/9/1966

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

App# \_\_\_\_\_ Per # \_\_\_\_\_ Cert # \_\_\_\_\_ PR Date \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt #
<u>08/01/22</u>	<u>1,125.23</u>	<u>138811</u>

## FEES REFUNDED

Date	Amount	Receipt #
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Assignments: \_\_\_\_\_

Irrigation District \_\_\_\_\_

Agent Deann Hamilton - phgdmh@gmail.com

CWRE \_\_\_\_\_

CC's list Marion County☐ - Oversized map - Location \_\_\_\_\_





# Oregon

Tina Kotek, 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.oregon.gov/owrd](http://www.oregon.gov/owrd)

December 5, 2023

Bruce Ernst  
PO Box 460  
Saint Paul, OR 97137

REFERENCE: Temporary Transfer Application T-14061

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

The temporary change shall be effective at the **beginning of the 2024** irrigation season. The use shall revert to the original authorized place of use at the **end of the 2027** irrigation season.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Arla Davis, by telephone at (503) 979-3129 or by e-mail at [Arla.l.davis@water.oregon.gov](mailto:Arla.l.davis@water.oregon.gov).

Sincerely,

Elyse Richman  
Water Rights Services Support  
Transfers and Conservation Section

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

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application	)	FINAL ORDER APPROVING TEMPORARY
T-14061, Marion County	)	CHANGES IN PLACE OF USE AND
	)	ADDITIONAL POINTS OF APPROPRIATION

**Authority**

Oregon Revised Statute (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to temporarily transfer the place of use and, if necessary to convey the water to the temporary place of use, the point of appropriation authorized under an existing water right. Oregon Administrative Rule (OAR) Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**

BRUCE ERNST  
PO BOX 460  
SAINT PAUL, OR 97137

**Findings of Fact**

1. On August 1, 2022, BRUCE ERNST filed an application to temporarily change the place of use and additional points of appropriation to serve the proposed place of use under Certificate 38363 for a period of 5 years. The Department assigned the application number T-14061.
2. Notice of the application for transfer was published on August 9, 2022, pursuant to OAR 690-380-4000.

This is a final 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.



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

**Certificate:** 38363 in the name of AMIEL DESMET (perfected under Permit G-3285)

**Use:** IRRIGATION of 64.9 ACRES

**Priority Date:** MAY 9, 1966

**Rate:** 0.65 CUBIC FOOT PER SECOND

**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, 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 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL, a tributary of MISSON CREEK

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	2 W	WM	9	NE NE	2330 FEET SOUTH AND 1090 FEET WEST FROM THE NE CORNER OF GARINS DLC 70

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	3	NW SW	70	5.9
4 S	2 W	WM	3	SW SW	70	27.7
4 S	2 W	WM	4	NE SE	70	3.0
4 S	2 W	WM	4	SE SE	70	13.9
4 S	2 W	WM	9	NE NE	70	2.9
4 S	2 W	WM	10	NW NW	70	11.5
Total						64.9

4. Temporary Transfer Application T-14061 proposes to temporarily change the place of use of the right to:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	DLC	G Lot	Acres
4 S	2 W	WM	4	SE SE	70		4.4
4 S	2 W	WM	9	NE NE	70		24.1
4 S	2 W	WM	9	NW NE	70		19.6
4 S	2 W	WM	9	SW NE	70		8.2
4 S	2 W	WM	9	SW NE		2	0.1
4 S	2 W	WM	9	SE NE	70		5.7
4 S	2 W	WM	9	NE NW	70		1.1
4 S	2 W	WM	10	NW NW	70		0.2
4 S	2 W	WM	10	SW NW	70		1.5
Total							64.9



5. Additional points of appropriation are necessary to convey the water to the proposed temporary place of use. Temporary Transfer Application T-14061 proposes additional points of appropriation approximately 0.8 and 0.96 mile north from the authorized point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 S	2 W	WM	4	SW SE	WELL 2 - 635 FEET SOUTH AND 1000 FEET EAST FROM THE NW CORNER OF DLC 70
4 S	2 W	WM	4	SW SE	WELL 3 - 1200 FEET SOUTH AND 1905 FEET EAST FROM THE NW CORNER OF DLC 70

#### Temporary Transfer Review Criteria

6. Water has been used within the last five years according to the terms and conditions of the right. There is no evidence available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
8. The proposed changes would prevent the lands from which the water right is removed during the period of the temporary transfer from receiving water under the transferred right, as required by ORS 540.523(7).
9. The proposed changes would not result in injury to other water rights. This finding is made through an abbreviated review recognizing that the transfer may be revoked under ORS 540.523(5) if the Department later finds that the transfer is causing injury to any existing water right.

#### Conclusions of Law

The temporary changes in place of use and additional points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-14061 are consistent with the requirements of ORS 540.523 and OAR 690-380-8000.

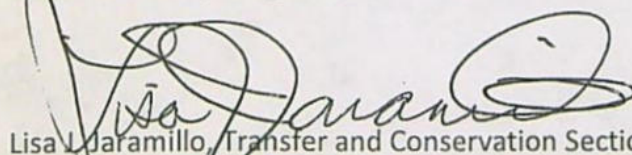
#### Now, therefore, it is ORDERED:

1. The temporary change in place of use and additional points of appropriation to serve the temporary place of use proposed in Temporary Transfer Application T-14061 are approved.
2. The former place of use **shall not** be irrigated as part of this water right during the 2023, 2024, 2025, 2026 and 2027 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2027 irrigation season. The authorization to use the temporary additional points of appropriation shall be terminated concurrently.



4. The approval of this temporary transfer may be revoked or modified if the Department finds the changes cause injury to any existing water right.
5. The quantity of water diverted at the proposed temporary additional points of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. A subsequent application for permanent transfer of Certificate 38363 shall be subject to a full and complete review to determine consistency with the requirements of OAR Chapter 690, Division 380. Approval of this temporary transfer does not establish a precedent for approval of a subsequent application filed for a permanent transfer.
7. The use of water at the temporary place of use authorized by this transfer shall be in accordance with the terms and conditions of Certificate 38363.
8. The time during which water is used under this approved temporary transfer does not apply toward a finding of forfeiture under ORS 540.610.
9. 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, new and existing.
  - 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.
10. The use of the remaining water right described by Certificate 38363 shall continue to be in accordance with the terms and conditions of Certificate 38363.

Dated in Salem, Oregon on



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for  
DOUGLAS E. WOODCOCK, ACTING DIRECTOR  
Oregon Water Resources Department

Mailing Date:

**DEC 5 - 2023**



## Oregon Water Resources Department

## Measurement Condition Information for the Applicant

(To be sent with the Draft Preliminary Determination or Final Order)

Transfer #: T- 14061



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



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



at each new point of diversion/appropriation.

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

Watermaster name: **Greg Wacker**

District: **16**

Address: **725 Summer St NE Ste A**

City/State/Zip: **Salem, OR 97301**

Phone: **971-719-6262**

Email: **gregory.j.wacker@water.oregon.gov**

**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



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14061

Transfer Specialist: ARLA

Transfer Type: Temporary Transfer

<b>Applicant:</b> BRUCE ERNST PO BOX 460 SAINT PAUL, OR 97137 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A DOANN HAMILTON 18487 S VALLEY VISTA RD MULINO, OR 97042-8741 Email: _____ Phone: _____	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____		<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Marion County Email: _____		<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____		<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email: _____	

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed		RR/CR Nos.
<input type="checkbox"/>	G-3485	G-3285	38363	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes	<input type="checkbox"/> No	

## Key Dates & Initial Actions:

Rec'd: August 1, 2022	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 1125.23	WM District: 16	ODFW District:
Initial Public Notice: August 9, 2022	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
FO	Date: <u>SEE NEXT PAGE</u> Initials: <u>SEE NEXT PAGE</u>	Date: <u>SEE NEXT PAGE</u> Initials: <u>SEE NEXT PAGE</u>	Date: <u>SEE NEXT PAGE</u> Initials: <u>SEE NEXT PAGE</u>	Date: <u>SEE NEXT PAGE</u> Initials: <u>SEE NEXT PAGE</u>	Date: <u>11/29/23</u> Initials: <u>AW</u>	Date: <u>11/29/23</u>	Date: _____

Special Issues: request 22-29 is 6 years

Special Order Volume: Vol. 29 Pages 465-468



# WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14061

Transfer Specialist: *Jean*

Transfer Type: Temporary Transfer

<b>Applicant:</b> BRUCE ERNST PO BOX 460 SAINT PAUL, OR 97137 Email: _____ Phone: _____		<b>Agent:</b> <input type="checkbox"/> N/A DOANN HAMILTON 18487 S VALLEY VISTA RD MULINO, OR 97042-8741 Email: _____ Phone: _____	
<b>Irrigation District:</b> <input type="checkbox"/> N/A Email: _____		<b>CWRE:</b> <input type="checkbox"/> N/A Email: _____	
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Marion County Email: _____		<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A Email: _____		<b>Receiving Landowner:</b> <input type="checkbox"/> N/A Email: _____	

## Water Rights Affected

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G-3485	G-3285	38363	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

## Key Dates & Initial Actions:

Rec'd: August 1, 2022	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 1125.23	WM District: 16	ODFW District:
Initial Public Notice: UNAVAILABLE	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input checked="" type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>/</i> Initials: <i>/</i>	Date: <i>/</i> Initials: <i>/</i>	Date: <i>/</i> Initials: <i>/</i>	Date: <i>/</i> Initials: <i>/</i>	Date: <i>/</i> Initials: <i>/</i>	CW Sent: <i>/</i>	N/A
PD	Date: <i>/</i> Initials: <i>/</i>	Date: <i>/</i> Initials: <i>/</i>	Date: <i>/</i> Initials: <i>/</i>	Date: <i>/</i> Initials: <i>/</i>	Date: <i>/</i> Initials: <i>/</i>	Date: <i>/</i>	Date: <i>/</i>
FO	Date: <i>9/12/22</i> Initials: <i>Jean</i>	Date: <i>7/26/22</i> Initials: <i>Scott</i>	Date: <i>/</i> Initials: <i>/</i>	Date: <i>10/11/22</i> Initials: <i>PKS</i>	Date: <i>/</i> Initials: <i>/</i>	Date: <i>10/13/22</i>	Date: <i>/</i>

Special Issues: 5 year Temp - no GW Review hold  
 Special Order Volume: Vol. 125 Pages until review



# COPY

## Groundwater Transfer Review Summary Form

Transfer/PA # T- 14061

GW Reviewer Stacey Garrison/Travis Brown Date Review Completed: 11/27/2023

### Summary of Same Source Review:

- ☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

### Summary of Injury Review:

- ☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

### Summary of GW-SW Transfer Similarity Review:

- ☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

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



# COPY



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: Temporary Transfer

Application: T-14061

Applicant Name: Bruce Ernst

Proposed Changes: ☐ POA ☒ APOA ☐ SW→GW ☐ RA  
☐ USE ☒ POU ☐ OTHER

Reviewer(s): Stacey Garrison/Travis Brown

Date of Review: 11/27/2023

Date Returned to WRSD: 11/27/2023

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: Applicant proposes to add two temporary APOAs, "Well 2" (MARI 51725) and "Well 3" (MARI 68592) in addition to the authorized POA "Well 1" (MARI 1132) to Certificate 38363, which currently authorizes irrigation on 67.2 acres at a maximum rate of 0.67 cfs (300 gpm). Applicant also proposes to change the location of 64.9 acres of POU but not increase or decrease the total POU acreage. POA 1 and the two APOAs all have overlapping water rights, see below for total combined rates used in this review. The APOAs would be used to irrigate the 64.9 acres of POU, and the authorized POA "Well 1" (MARI 1132) would continue to be used for the full 67.2 ac. The proposed rate given the proportionally lower POU for the APOAs would be 0.65 cfs (291 gpm).

Well	Other Water Rights	Use and seasonality	Acres and Duty	Rate (cfs), (gpm)	Total combined rate (cfs), (gpm)
Authorized POA 1 (MARI 1132)	Certificate 34191/T-14049	Irrigation, 3/1-10/31	68.3 ac, 170.75 af	0.44 cfs, 198 gpm	2.61 cfs, 1171 gpm
	Certificate 96789/T-14189 (processing)	Nursery, year-round	90.3 ac, 450 af	1.5 cfs, 673 gpm	



	Certificate 38363 (this review)	Irrigation, 3/1-10/31	67.2 ac, 168 af	0.67 cfs, 300 gpm	
Proposed APOA, Well 2 (MARI 51725)	Certificate 96789	Nursery, year-round	90.3 ac, 450 af	1.5 cfs, 673 gpm	2.59 cfs, 1163 gpm
	Certificate 34191/T-14049	Irrigation, 3/1-10/31	68.3 ac, 170.75	0.44 cfs, 198 gpm	
	T-14061 (this review)	Irrigation, 3/1-10/31	64.9 ac, 162.25 af	0.65 cfs, 291 gpm	
Proposed APOA, Well 3 (MARI 68592)	Certificate 34191/T-14049	Irrigation, 3/1-10/31	68.3 ac, 170.75	0.44 cfs, 198 gpm	2.59 cfs, 1163 gpm
	Certificate 96789/T-14189 (processing)	Nursery, year-round	90.3 ac, 450 af	1.5 cfs, 673 gpm	
	T-14061 (this review)	Irrigation, 3/1-10/31	64.9 ac, 162.25 af	0.65 cfs, 291 gpm	

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
☒ Yes ☐ No Comments: The authorized POA "Well 1" (MARI 1132) and the proposed APOAs "Well 2" (MARI 51725) and "Well 3" (MARI 68592) all produce groundwater from sand and gravel layers within the Willamette Confining Unit of the alluvial aquifer system (Gannett and Caldwell 1998).
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
☐ Yes ☒ No The authorized well, POA 1 (MARI 1132) and the proposed APOAs (MARI 51725 and MARI 68592) all produce groundwater from only the Willamette alluvial aquifer system (Gannett and Caldwell 1998).  
 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.): N/A
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: Proposed APOA "Well 2" (MARI 51725) is closer than the authorized POA, "Well 1" (MARI 1132) to neighboring wells that are not on the same tax lot: authorized POA, "Well 1" (MARI 1132) is ~2,000 ft northwest of MARI 1139; APOA "Well 2" (MARI 51725) is 1,986 ft northwest of MARI 1061; APOA "Well 3" (MARI 68592) is 2,546 ft southwest of the domestic well serving tax lot 200 at 22422 River Rd NE.  
 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: Proposed APOA "Well 2" (MARI 57125) is 1,986 ft northwest of MARI 1061, the only POA on Permit G-11689 with priority date 7/17/1990. The Theis (1935) solution for drawdown in a confined aquifer was used to assess the potential for injury to MARI 1061 from the proposed change (see attached Theis Interference Analysis). The total combined pumping rate of 2.59 cfs (1,163 gpm) was used to assess the potential for injury to MARI 1061 from the proposed change (see attached Theis Interference Analysis). Results of the analysis indicate the proposed change is not likely to injure MARI 1061 (see attached Injury Analysis).
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: The proposed APOAs "Well 2" (MARI 57125) and "Well 3" (MARI 68592) are further from surface water than the authorized POA "Well 1" (MARI 1132). Interference with surface water is anticipated to decrease due to the proposed change.
- 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: N/A ☐ Minimal ☐ Significant
- Provide context for minimal/significant impact: N/A
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?  
☐ Yes ☐ No Comments: N/A
7. What conditions or other changes in the application are necessary to address any potential issues identified above: \_\_\_\_\_
8. Any additional comments: \_\_\_\_\_

**References:**

Application File: T-14061, T-14189, T-14049, G-18849

Water Rights: Certificates 38363, 42424, and 96789; Permit G-11689

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

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

Herrera, N. B., Burns, E. R., Conlon, T. D., 2014, Simulation of groundwater flow and the interaction of groundwater and surface water in the Willamette Basin and Central Willamette Subbasin, Oregon, Scientific Investigations Report 2014-5136: U. S. Geological Survey, Reston, VA.

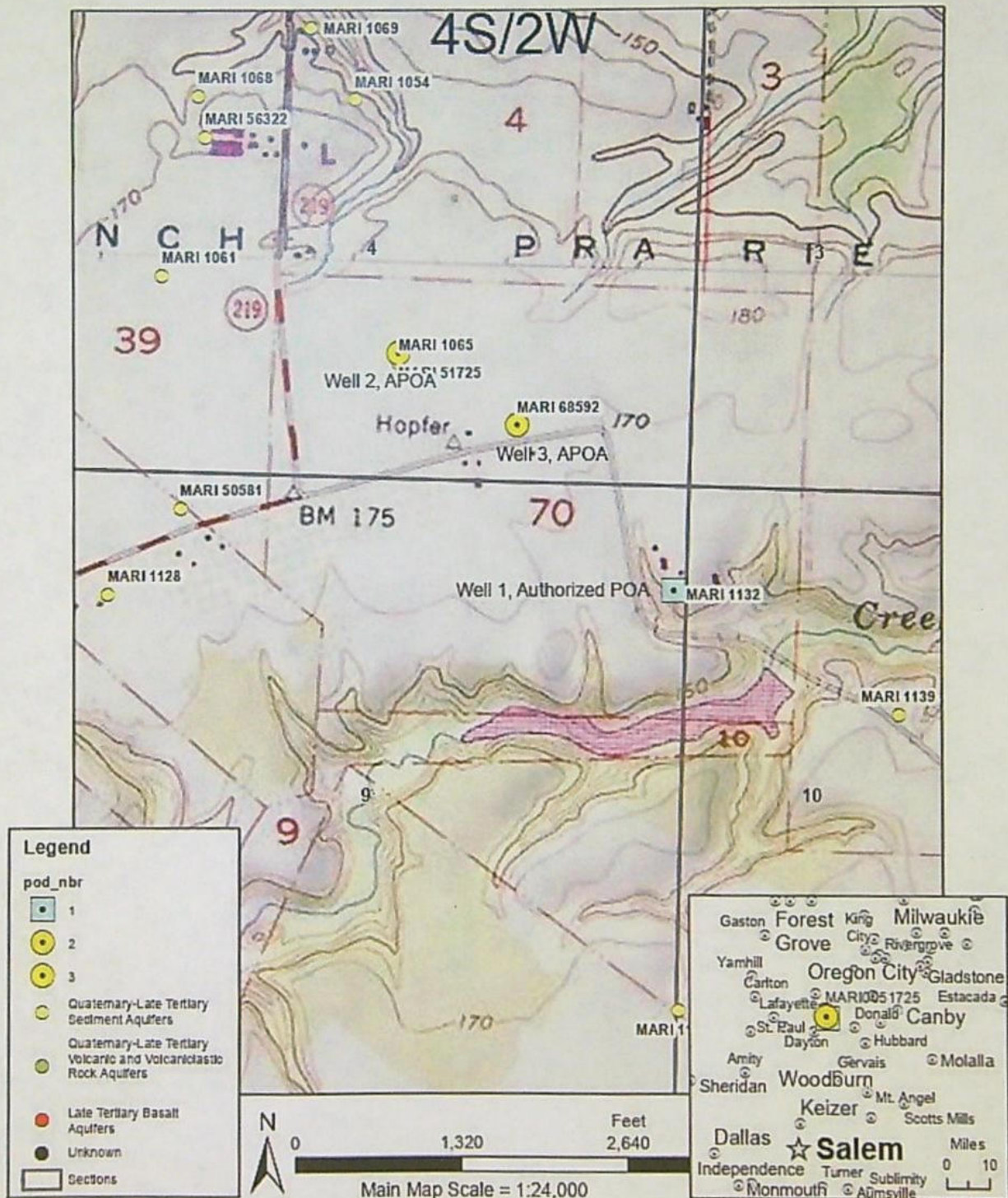


Theis, C.V., 1935, The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using groundwater storage, American Geophysical Union Transactions, vol. 16, p. 519-524.



## Map

## T-14061 Ernst



Service Layer Credits: Copyright © 2013 National Geographic Society, Inc.



## DAVIS Arla L \* WRD

---

**From:** DAVIS Arla L \* WRD  
**Sent:** Friday, June 9, 2023 2:39 PM  
**To:** Doann Hamilton; acct@ernstnursery.com  
**Cc:** JARAMILLO Lisa J \* WRD; STARNES Patrick K \* WRD; FRENCH Dwight W \* WRD  
**Subject:** T-14061 for Bruce Ernst

Good Afternoon,

This email is an update and follow up for Temporary Transfer Application T-14061. The groundwater review for this transfer is estimated to be completed sometime in September of 2023. This estimate is not meant to be a guarantee that the groundwater review will be completed and forwarded to the transfer section before the end of September of 2023, it is only the most updated information I have available to me from the groundwater section at this time. Keeping this in mind, would the applicant still like to move forward with an approval for the 2022 and 2023 season? The Department does not recognize the change proposed by the transfer until all of the reviews are completed and the final order is approved and finalized, meaning the applicant is not authorized to use the water as proposed under Temporary Transfer Application T-14061, until the final order is complete. The applicant can also choose to withdraw the application or amend the years(s) (max of 5 years) the transfer is being proposed for. Please let me know if you have any questions.

### Arla L. Davis

She/Her/Hers

Water Rights Transfer Specialist

Transfer and Conservation Section

725 Summer St. NE, Suite A | Salem, OR 97301 | Phone: 503-979-3129



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

Work Schedule (primarily teleworking remotely): Mon, Tues, & Thurs, Fri – 6:00 a.m. to 3:30 p.m. and Wed – 8:00 a.m. to Noon

**NOTE:** The Salem office is now open to the public. Given that many staff will continue teleworking remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8:00 a.m. – 5:00 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.



STATE OF OREGON  
COUNTY OF      MARION  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** AMIEL DESMET

of Route 1, Box 110, Aurora, 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 Mission Creek for the purpose of irrigation of 67.2 acres

under Permit No. G-3285 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 May 9, 1966

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 0.67 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 NE $\frac{1}{4}$  NE $\frac{1}{4}$  as projected within Garins DLC 70, Section 9, T. 4 S., R. 2 W., W. M. Well located: 2330 feet South and 1090 feet West from NE Corner, Garins DLC 70.

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:

5.9 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
27.7 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Both as projected within Garins DLC 70  
Section 3  
3.0 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
13.9 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Both as projected within Garins DLC 70  
Section 4  
3.7 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
As projected within Garins DLC 70  
Section 9  
13.0 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
As projected within Garins DLC 70  
Section 10  
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 date. June 26, 1972

CHRIS L. WHEELER

State Engineer



Application for Water Right  
Temporary or Drought Temporary Transfer  
Part 1 of 5 – Minimum Requirements Checklist



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

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

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

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Certificates 38363**  
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2022 End Year: 2027.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ Current recorded deed for the land from which the authorized place of use is temporarily being moved.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

☐ Application fee not enclosed/insufficient ☐ Map not included or incomplete

☐ Land Use Form not enclosed or incomplete

☐ Additional signature(s) required

☐ Part \_\_\_\_\_ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_

Phone: \_\_\_\_\_

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



Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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



[illegible]

FEE WORKSHEET for TEMPORARY DROUGHT TRANSFERS			
1	Base Fee (includes drought application and recording fee for up to 1 cfs)	1	\$200.00
	Enter the cfs for the portions of the rights to be transferred (see example below*): <div style="text-align: center;">_____ (2a)</div> Subtract 1.0 from the number in 2a above: _____ (2b) If 2b is 0, enter 0 on line 2 » » » » » » » » » » » » » » » » If 2b is greater than 0, round up to the nearest whole number: _____ (2c) and multiply 2c by \$50, then enter on line 2 » » » » » » » » »		
2		2	
3	Add entries on lines 1 through 2 above » » » » » » » » » <b>Transfer Fee:</b>	3	NA

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



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## Part 4 of 5 – Applicant Information and Signature

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## Applicant Information

APPLICANT/BUSINESS NAME Bruce Ernst			PHONE NO. (503) 633-8366	ADDITIONAL CONTACT NO.
ADDRESS PO Box 460			FAX NO.	
CITY Saint Paul	STATE OR	ZIP 97137	E-MAIL acct@ernstnursery.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

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

Explain in your own words what you propose to accomplish with this transfer application and why:

We had a previous temporary transfer T-12435 using Certificate 34191 which expired and we need to renew. However, we are also in the process of applying for a permanent transfer application for Certificate 34191, so we cannot re-apply using this water right. We recently purchased TL 1700 with water right Certificate 38363 and will use this water right for the transfer while we determine how we will utilize this water right in the future.

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

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

Bruce Ernst  
Applicant signature

Bruce Ernst owner  
Print Name (and Title if applicable)

6-16-22  
Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.



☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME <b>NA</b>	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME <b>NA</b>	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME <b>Marion County Planning Division</b>	ADDRESS <b>5155 Silverton Road NE</b>	
CITY <b>Salem</b>	STATE <b>Oregon</b>	ZIP <b>97305</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 5 of 5 – Water Right Information

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

Water Right Certificate # **38363**

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### Description of Water Delivery System

System capacity: 0.67 cubic feet per second (cfs) OR

       gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from the authorized Well (MARI 1132) using a submersible 30 Hp pump to convey water through portable mainlines that supply portable laterals with impact sprinklers.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or Is It Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag #)	Twp	Rng	Sec	1/4	4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well Cert 38363	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 1132	4	S	2	W	9	NE NE DLC 70	2,330 feet south and 1,090 feet west from the NE corner, DLC 70.
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MARI 51725	4	S	2	W	4	SW SE DLC 70	635 feet south and 1,000 feet east from the NW corner, DLC 70.
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MARI 68592	4	S	2	W	4	SW SE DLC 70	1,200 feet south and 1,905 feet east from the NW corner, DLC 70.

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

- ☒ Place of Use (POU)
 ☐ Appropriation/Well (POA)
 ☐ Point of Diversion (POD)
 ☒ Additional Point of Appropriation (APOA)
 ☐ Additional Point of Diversion (APOD)

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

- ☐ Place of Use (POU)
 ☐ Point of Appropriation/Well (POA)
 ☐ Character of Use (USE)
 ☐ Additional Point of Appropriation (APOA)
 ☐ Point of Diversion (POD)
 ☐ Additional Point of Diversion (APOD)

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



☐ Yes

Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No

Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

**Table 2. Description of Temporary Changes to Water Right Certificate # 38363**

List only the part of the right that will be changed. For the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ , list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acre	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acre	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
4	S	2	W	3	NW	SW	1700	DLC 70	5.9	IR	Authorized Well	5-9-1966	POU, APOA	4	S	2	W	4	SE	SE	100	DLC 70	4.4	IR	Authorized Well, Wells 2 & 3	5-9- 1966
4	S	2	W	3	SW	SW	1700	DLC 70	27.7	IR	Authorized Well	5-9-1966	POU, APOA	4	S	2	W	9	NE	NE	100	DLC 70	24.1	IR	Authorized Well, Wells 2 & 3	5-9- 1966
4	S	2	W	4	NE	SE	1700	DLC 70	3.0	IR	Authorized Well	5-9-1966	POU, APOA	4	S	2	W	9	NW	NE	100	DLC 70	19.6	IR	Authorized Well, Wells 2 & 3	5-9- 1966
4	S	2	W	4	SE	SE	1700	DLC 70	13.9	IR	Authorized Well	5-9-1966	POU, APOA	4	S	2	W	9	SW	NE	100	DLC 70	8.2	IR	Authorized Well, Wells 2 & 3	5-9- 1966
4	S	2	W	9	NE	NE	1700	DLC 70	2.9	IR	Authorized Well	5-9-1966	POU, APOA	4	S	2	W	9	SW	NE	100	Lot 2	0.1	IR	Authorized Well, Wells 2 & 3	5-9- 1966
4	S	2	W	10	NW	NW	1700	DLC 70	11.5	IR	Authorized Well	5-9-1966	POU, APOA	4	S	2	W	9	SE	NE	100	DLC 70	5.7	IR	Authorized Well, Wells 2 & 3	5-9- 1966
														4	S	2	W	9	NE	NW	100	DLC 70	1.1	IR	Authorized Well, Wells 2 & 3	5-9- 1966
														4	S	2	W	10	NW	NW	100	DLC 70	0.2	IR	Authorized Well, Wells 2 & 3	5-9- 1966
														4	S	2	W	10	SW	NW	100	DLC 70	1.5	IR	Authorized Well, Wells 2 & 3	5-9- 1966
TOTAL ACRES									64.9														TOTAL ACRES	64.9		

Additional remarks: None

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**For Place of Use Changes**

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

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

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- ☒ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: [http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx))

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No.	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (Intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Authorized Well	Yes	MARI 1132	See Well Log MARI 1132							Not less than full rate of water right
Well 2	Yes	MARI 51725	See Well Log MARI 51725							
Well 3	Yes	MARI 68592	See Well Log MARI 68592							

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Application for Water Right  
Transfer  
Evidence of Use Affidavit

**COPY**



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

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

State of Oregon )

) ss

County of MARION

I, BRUCE ERNST, in my capacity as OWNER / OPERATOR,

mailing address PO Box 460, ST. PAUL, OR 97137

telephone number (503) 633-8366, being first duly sworn depose and say:

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

☒ Personal observation

☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the entire place of use for  
Certificate # \_\_\_\_; OR

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
38363	4	S	2	W	WM	3	NW	SW	DLC 70	5.9
38363	4	S	2	W	WM	3	SW	SW	DLC 70	27.7
38363	4	S	2	W	WM	4	NE	SE	DLC 70	3.0
38363	4	S	2	W	WM	4	SE	SE	DLC 70	13.9
38363	4	S	2	W	WM	9	NE	NE	DLC 70	2.9
38363	4	S	2	W	WM	10	NW	NW	DLC 70	11.5

OR

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

(continues on reverse side)



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

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

Brian W Ernst  
Signature of Affiant

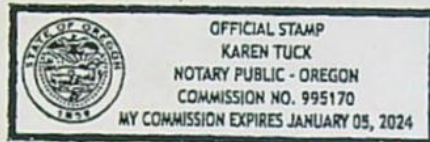
6-16-22  
Date

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Signed and sworn to (or affirmed) before me this 16 day of June, 2022.



Karen Tuck

Notary Public for Oregon

My Commission Expires: January 5, 2024

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



# COPY

**MAIL TAX STATEMENTS TO:**

Trustee of the Bruce W. Ernst Living Trust  
4406 NE Birdhaven Loop  
Newberg, OR 97128

REEL 3780 PAGE 379

MARION COUNTY

BILL BURGESS, COUNTY CLERK

02-04-2016 03:17 pm.

Control Number 402680 \$ 56.00

Instrument 2016 00004297

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OWRD

**AFTER RECORDING RETURN TO:**

Robert J. Saalfeld, Attorney  
Saalfeld Griggs PC  
PO Box 470  
Salem, OR 97308

## WARRANTY DEED

*Bruce W. Ernst, Grantor, conveys to Bruce W. Ernst, Trustee of the Bruce W. Ernst Living Trust dated February 2, 2016, and any amendments thereto, Grantee, the following described real property situated in the County of Marion, State of Oregon:*

See Attached Exhibit "A"

Grantor covenants that Grantor is seized of an indefeasible estate in the real property described above in fee simple, that Grantor has good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantor, provided that the foregoing covenants are limited to the extent of coverage available to Grantor under any applicable standard or extended policies of title insurance, it being the intention of the Grantor to preserve any existing title insurance coverage.

This deed is executed to partially fund a trust of Grantor's, and the true and actual consideration stated in terms of dollars is ZERO.

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

WARRANTY DEED (80.88 Acres 6177 Gearin Rd Ne Saint Paul, OR 97137)

PAGE 1 OF 3

(RJS:slc)

4848-7338-2189, v. 1

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2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

WITNESS Grantor's hand this 2nd day of February, 2016.

Bruce W. Ernst  
Bruce W. Ernst

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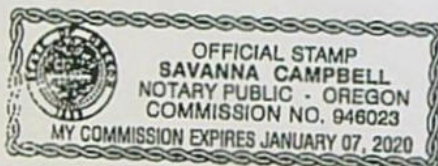
STATE OF OREGON                    )  
  ) ss.  
COUNTY OF MARION            )

OWRD

On this 2nd day of February, 2016, personally appeared the above named Bruce W. Ernst and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Savanna Campbell  
Notary Public for Oregon  
My Commission Expires: 1-7-2020





# COPY

EXHIBIT "A"

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OWRD

Beginning at the Northwest corner of the Donation Land Claim of John Gearing in Township 4 South, Range 2 West of the Willamette Meridian, Marion County, State of Oregon; thence North 0 degrees 41' East 1.17 chains along the East line of the Donation Land Claim of Peter Waggoner; thence West 29.872 chains to the West line of Section 4; thence South 0 degrees 28' West 13.634 chains along the West line of Section 4 to the North line of the Donation Land Claim of George Aplin; thence South 51 degrees 02' East 27.557 chains along the North line of the George Aplin Claim to the middle of the County Road leading from St. Paul to Champoeg; thence North 73 degrees 46' East 31.43 chains along the middle of the County Road; then South 8.05 chains; thence East 9.847 chains; thence North 1 degree 13' East 10.03 chains to the middle of the County Road; thence North 81 degrees 02' East 3.53 chains along the middle of the County Road; thence North 1 degree 13' East 17.872 chains to the North line of the Donation Land Claim of John Gearin; thence North 89 degrees West 35.547 chains along the North line of the John Gearin Claim to the place of beginning and being a part of the John Gearin Donation Land Claim No. 70 in Township 4 South, Range 2 West, and Peter Waggoner Donation Land Claim No. 66 in Township 3 South, Range 2 West of the Willamette Meridian in Marion County, Oregon.

Lots  
900  
+  
1100

EXCEPTING THEREFROM all that portion of the above described premises lying West of Highway 219, Film Records for Marion County, Oregon.

ALSO SAVED AND EXCEPT that portion conveyed to the State of Oregon, by and through its Department of Transportation by deed recorded December 16, 1994 in Reel 1211, Page 290 and Reel 1211, Page 291.



RECEIVED

AUG 01 2022

OWRD

Y900

REEL: 3780

PAGE: 379

February 04, 2016, 03:17 pm.

CONTROL #: 402680

State of Oregon  
County of Marion

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

FEE: \$ 56.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.



TL 1700

RECEIVED

AUG 01 2022

COPY

REEL 4332 PAGE 275  
 MARION COUNTY  
 BILL BURGESS, COUNTY CLERK  
 05-11-2020 12:18 pm.  
 Control Number 600087 S 101.00  
 Instrument 2020 00024157

OWRD

## MEMORANDUM OF LAND SALE CONTRACT

**Seller** DENNIS K. MELCHER and SYLVIA R. MELCHER, Trustee, of the Dennis and Sylvia Melcher Joint Revocable Living Trust, as to an undivided 38.456%; JEFF MELCHER as to an undivided 38.456%; and KAREN BALES as to an undivided 23.088%, and **Purchaser** BRUCE W. ERNST, Trustee, of the Bruce W. Ernst Living Trust dated February 2, 2016, and any amendments thereto, acknowledge execution of an installment payment contract dated June 1, 2020, for sale and purchase of Seller's interest in land in Marion County, Oregon hereinafter described.

**Consideration:** The true and actual consideration for this transfer is \$1,900,000.00.

**Tax Statements:** Until a change is requested, all tax statements shall be sent to the following address: Bruce W. Ernst, Trustee, P.O. Box 460, St. Paul, OR 97137.

**After recording, return to:** Saniam Escrow, PO Box 515 Stayton, Or. 97137

[LEGAL DESCRIPTION]

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

## SUBJECT TO:

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Mission Creek.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads, and highways.

[Situs: 6417 Gearin Rd NE, St. Paul, OR 97137.]

This Memorandum is executed for recording in the Marion County Records.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS

FIRST AMERICAN TITLE 3452820



COPY

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AUG 01 2022

OWRD

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 OF COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED effective this 8th day of May, 2020.

SELLER:

Dennis and Sylvia Melcher Jt. Revocable Living Trust

By: Dennis K. Melcher, Trustee  
Dennis K. Melcher, Trustee

Jeff Melcher  
Jeff Melcher

Karen Bales  
Karen Bales

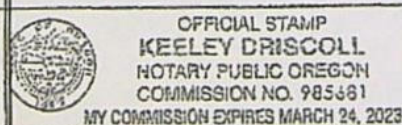
PURCHASER:

Bruce W. Ernst Living Trust

By: Bruce W. Ernst Trustee  
Bruce W. Ernst, Trustee

STATE OF OREGON }  
County of Yamhill } ss.

This instrument was acknowledged before me on this 8th day of May, 2020, by DENNIS K. MELCHER, as Trustee of the Dennis and Sylvia Melcher Joint Revocable Living Trust.



Keeley Driscoll  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3-24-23



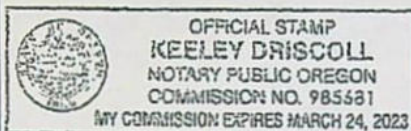
RECEIVED

AUG 01 2022

OWRD

STATE OF OREGON )  
County of Yamhill ) ss.

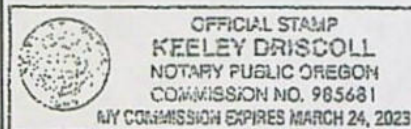
This instrument was acknowledged before me on this 8th day of May, 2020, by JEFF MELCHER.



  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3-24-23

STATE OF OREGON )  
County of Yamhill ) ss.

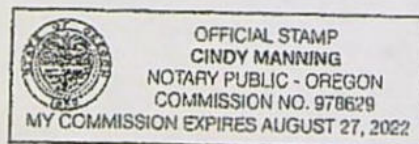
This instrument was acknowledged before me on this 8th day of May, 2020, by KAREN BALES.

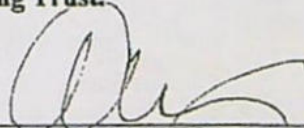


  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3-24-23

STATE OF OREGON )  
County of Yamhill ) ss.

This instrument was acknowledged before me on this 8th day of May, 2020, by BRUCE W. ERNST, as Trustee of the Bruce W. Ernst Living Trust.



  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 8.27.22



# COPY

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AUG 01 2022

Exhibit "A"

OWRD

Real property in the County of Marion, State of Oregon, described as follows:

BEGINNING AT THE NORTHEAST CORNER OF THE JOHN GEARIN D. L. C., NO. 70, TOWNSHIP 4 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON; THENCE NORTH 89°00' WEST ALONG THE NORTH LINE OF SAID D. L. C. 1890.40 FEET; THENCE SOUTH 1°13' WEST 1179.80 FEET TO A POINT IN THE CENTER OF THE COUNTY ROAD; THENCE NORTH 81°02' EAST ALONG THE CENTER OF SAID COUNTY ROAD 318.00 FEET TO THE POINT OF TERMINUS OF MARION COUNTY ROAD SURVEY NO. 496; THENCE ALONG THE CENTER LINE OF SAID COUNTY ROAD SOUTH 12°17' EAST 1432.30 FEET; THENCE SOUTH 35°17' EAST 140.47 FEET; THENCE SOUTH 52°12' EAST 150.32 FEET; THENCE NORTH 86°33' EAST 339.38 FEET; THENCE SOUTH 88°07' EAST 215.96 FEET; THENCE SOUTH 73°20' EAST 231.00 FEET; THENCE SOUTH 50°25' EAST 289.74 FEET; THENCE SOUTH 67°58' EAST 36.46 FEET TO AN IRON PIPE SET ON THE EAST LINE OF SAID GEARIN D. L. C.; THENCE NORTH 1°13' EAST 2955.00 FEET TO THE PLACE OF BEGINNING.

TL 1700

SAVE AND EXCEPT THAT PORTION CONVEYED TO MARION COUNTY BY DEED RECORDED FEBRUARY 25, 1987, IN REEL 527, PAGE 61.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.



COPY

REEL: 4332

PAGE: 275

May 11, 2020, 12:18 pm.

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AUG 01 2022

OWRD

CONTROL #: 600087

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: \$ 101.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.



# Land Use Information Form

# COPY



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

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AUG 01 2022

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Applicant(s): Bruce Ernst

Mailing Address: PO Box 460

City: St. Paul

State: OR

Zip Code: 97137

Daytime Phone: (503) 633-8366

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>4S</u>	<u>2W</u>	<u>4</u>	_____	<u>1100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>IR</u>
<u>4S</u>	<u>2W</u>	<u>4</u>	_____	<u>1700</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>IR</u>
<u>4S</u>	<u>2W</u>	<u>9</u>	_____	<u>100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Marion County

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.647    ☒ 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 Land Use Information Form is to accompany a water right temporary transfer application that proposes to temporarily change the place of use and add two additional points of appropriation for an existing water right (Certificate 38363).

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

See bottom of Page 3. →



AUG 01 2022

## For Local Government Use Only

OWRD

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

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC Ch. 17.136.020(A)

☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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

Name: Sarah Bradford Title: Associate Planner

Signature: [Signature] Phone: 503-566-4173 Date: 7-12-2022

Government Entity: Marion County Planning Division

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: \_\_\_\_\_



# COPY

## NOTICE TO WATER WELL CONTRACTOR

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

STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

**STATE ENGINEER**

STATE OF OREGON JAN 3 1966

(Please type or print)

State Permit No.

G 3485

RECEIVED  
MAR 11 1966

4/2w-9A

### (1) OWNER:

SALEM, OREGON

Name Amiel Desmet  
Address Rt. 1, Box 110  
Aurora, Oregon

### (2) LOCATION OF WELL:

County Marion Driller's well number \_\_\_\_\_  
1/4 Section 9 T. 4S R. 2W W.M.  
Bearing and distance from section or subdivision corner \_\_\_\_\_

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

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐  
Indonment, 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 ☒

18" Diam. from 0 ft. to 39 ft. Gage 250  
12" Diam. from 0 ft. to 113 ft. Gage \_\_\_\_\_  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage \_\_\_\_\_

### (7) PERFORATIONS:

Perforated? ☒ Yes ☐ No

Type of perforator used torch

Size of perforations 3/8 in. by 8 in.  
360 perforations from 82 ft. to 112 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 Bentonite  
Depth of seal 39 ft. Was s packer used? yes  
Diameter of well bore to bottom of seal 24 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: 3/8 - 3/4  
Gravel placed from 0 ft. to 112 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 9 ft. below land surface Date \_\_\_\_\_  
Artesian pressure \_\_\_\_\_ lbs. per square inch Date \_\_\_\_\_

(USE ADDITIONAL SHEETS IF NECESSARY)

### (11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☒ No If yes, by whom? \_\_\_\_\_  
Yield: 500 gal./min. with 38 ft. drawdown after 6 hrs.  
" with air lift " "  
" " " "  
Bailer test gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.

Artesian flow g.p.m. Date \_\_\_\_\_  
Temperature of water 54 Was a chemical analysis made? ☐ Yes ☒ No

### (12) WELL LOG:

Diameter of well below casing 0

Depth drilled 113 ft. Depth of completed well 113 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
Blue clay	5	39
Blue sand	39	65
Blue clay	65	74
Blue sand small layer clay	74	112
Clay	112	113

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Work started 5-17-65 19 \_\_\_\_\_ Completed 6-25 1965  
Date well drilling machine moved off of well \_\_\_\_\_ 19 \_\_\_\_\_

### (13) PUMP:

Manufacturer's Name none  
Type: \_\_\_\_\_ H.P. \_\_\_\_\_

### 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, Oregon

Drilling Machine Operator's License No. 212

[Signed] Milo Schneider  
(Water Well Contractor)  
Contractor's License No. 387 Date 12-15-65, 19 \_\_\_\_\_



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

WATER RESOURCES DEPT.

(START CARD) # 78623

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AUG 01 2022

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

(1) OWNER: Well Number \_\_\_\_\_  
Name Ernst Nursery & Farms  
Address 20863 Riverside Dr. NE  
City St. Paul State OR Zip 97137

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

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

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

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 347 ft.  
Explosives used ☐ Yes ☒ No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE SEAL  
Diameter From To Material From To Sacks or pounds  
20" 0 40' holeplug 0 40 40 sacks  
16" 40 347 bentonite \_\_\_\_\_  
How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E  
☒ Other OAR 690-210-340

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

(6) CASING/LINER:  
Diameter From To Gauge Steel Plastic Welded Threaded  
Casing: 16" +2' 298 .375 ☒ ☐ ☒ ☐  
Liner: \_\_\_\_\_  
Final location of shoe(s) 298'

(7) PERFORATIONS/SCREENS:  
☐ Perforations Method \_\_\_\_\_  
☒ Screens Type \_\_\_\_\_ Material stainless  
From To Slot size Number Diameter Tele/pipe size Casing Liner  
+3 299' \_\_\_\_\_ 12" pipe ☒ ☐  
299 319 .070 \_\_\_\_\_ 12" screen ☐ ☐  
319 339 .080 \_\_\_\_\_ 12" screen ☐ ☐  
339 347' \_\_\_\_\_ 12" pipe ☒ ☐  
347 Bottom plate & lift bail ☐ ☐

(8) WELL TESTS: Minimum testing time is 1 hour  
☒ Pump ☐ Bailer ☐ Air ☐ Flowing  
Yield gal/min Drawdown Drill stem at Time  
800 138 \_\_\_\_\_ 6x hr. S

Temperature of water 54 Depth Artesian Flow Found \_\_\_\_\_  
Was a water analysis done? ☐ Yes By whom \_\_\_\_\_  
Did any strata contain water not suitable for intended use? ☐ Two little  
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other \_\_\_\_\_  
Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description: OWRD  
County Marion Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 4 S N or S Range 2W E or W. WM.  
Section 4 SW 1/4 NE 1/4  
Tax Lot 0110 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) 6177 Gearin Rd.  
St. Paul, OR 97137

(10) STATIC WATER LEVEL:  
62' ft. below land surface. Date 4/17/97  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
Depth at which water was first found 20'

From	To	Estimated Flow Rate	SWL
20	32	20 gpm	8'
297'	341'	800 gpm	62'

(12) WELL LOG:  
Ground Elevation \_\_\_\_\_

Material	From	To	SWL
Topsoil	0	1	
Clay brown	1	36	
Clay gray brown	36	46	
Clay silty gray	46	75	
Sand-silt	75	87	
Clay gray	87	115	
Sand & clay gray	115	126	
Clay gray	126	144	
Clay with sand & gravel	144	175	
Clay gray	175	212	
Clay w/sand	212	224	
Clay gray, part sticky	224	276	
Clay w/sand, gravel gray	276	281	
Clay sandy, brown-gray	281	292	
Clay silty brown	292	297	
Sand brown	297	304	62'
Sand black	304	315	62'
Gravel & sand, black	315	341	62'
Clay gray	341	347	

Date started 12/24/96 Completed 4/17/97

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

Signed Kermit Martin WWC Number 1391 Date 4/23/97

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

Signed Ivan Hansen WWC Number 783 Date 4/21/97

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER



# COPY

**MARI 68592****STATE OF OREGON****WATER SUPPLY WELL REPORT**

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

WELL I.D. LABEL# **L132853**START CARD # **215109**

ORIGINAL LOG #

**(1) LAND OWNER**

Owner Well I.D. \_\_\_\_\_  
First Name Bruce Last Name Ernst  
Company Ernst Nursery & Farms  
Address PO Box 460  
City St Paul State OR Zip 97137

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

Dia + From To Gauge Std Plstc Wld Thrd  
Casing: 12 0 34 0 0 0 0  
Material From To Amt sacks/lbs  
Seal: 12 0 34 0 0 0 0

**(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 95 ft.**BORE HOLE**

Dia	From	To	Material	From	To	Amt	sacks/lbs
16	0	34	Bentonite Chips	0	34	34	S
12	34	95				Calculated	26
						Calculated	

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E  
☒ Other 690-210-0340

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_

Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_

Explosives used: ☐ Yes Type \_\_\_\_\_ Amount \_\_\_\_\_**(5a) ABANDONMENT USING UNHYDRATED BENTONITE**

Proposed Amount Pounds Actual Amount Pounds

**(6) CASING/LINER**

Casing Liner	Dia	From	To	Gauge	Std	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	12	<input checked="" type="checkbox"/> 1.5	58.14	.25	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	10	<input checked="" type="checkbox"/> 2.96	95	.25	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe ☐ Inside ☒ Outside ☐ Other Location of shoe(s) 58.14Temp casing ☐ Yes Dia \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_**(7) PERFORATIONS/SCREENS**

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

Screens Type V-wire Material stainless steel

Perf/S	Casing/Screen	green Liner	Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/ pipe size
Screen			10	69.75	90	.08			10

**(8) WELL TESTS: Minimum testing time is 1 hour**☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
200	48.5		4

Temperature 53 °F Lab analysis ☐ Yes By \_\_\_\_\_Water quality concerns? ☐ Yes (describe below) TDS amount 87

From	To	Description	Amount	Units

**(9) LOCATION OF WELL (legal description)**County MARION Twp 4 S N/S Range 2 W E/W WMSec 4 SW 1/4 of the SE 1/4 Tax Lot 1100

Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_

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

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

☒ Street address of well ☐ Nearest address6180 Gearin Road NE, St. Paul, OR 97137**(10) STATIC WATER LEVEL**

Date SWL(psi) + SWL(ft)

Existing Well / Pre-Alteration \_\_\_\_\_

Completed Well 03-21-2019 \_\_\_\_\_Flowing Artesian? ☐ Dry Hole? ☐**WATER BEARING ZONES**Depth water was first found 76

SWL Date From To Est Flow SWL(psi) + SWL(ft)

09-28-2018	76	90			21

**(11) WELL LOG**

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

Material	From	To
Clay, brown	0	5
Silt, brown	5	19
Silt, greenish gray	19	32
Clay, greenish gray, sand	32	38
Clay, greenish gray	38	42
Clay, gray	42	52
Sand, black, silt, dark gray	52	76
Sand, black, silt, layers, dark gray	76	90
Clay, dark greenish gray	90	93
Clay, blueish gray.	93	95

**RECEIVED****JUN 26 2019****OWRD****RECEIVED****AUG 01 2022****OWRD**Date Started 09-28-2018 Completed 03-19-2019**(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 1704Date 04-12-2019

Signed \_\_\_\_\_

**(bonded) Water Well Constructor Certification**

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

License Number 783Date 04-12-2019Signed Chris J. Truett

Contact Info (optional) \_\_\_\_\_

ORIGINAL - WATER RESOURCES DEPARTMENT

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



## 132853

215109

ORIGINAL LOG #

### Water Quality Concerns

[illegible]

Material	From	To	Amt	sacks/lbs
----------	------	----	-----	-----------


### (10) STATIC WATER LEVEL

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

[illegible]

## (11) WELL LOG

From	To	Material	Size

Material	From	To
<b>RECEIVED</b>		
<b>AUG 01 2022</b>		
<b>OWRD</b>		
<b>RECEIVED</b>		
<b>JUN 26 2019</b>		
<b>OWRD</b>		

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
--------------	-----	---	------	----	-------	-----	-------	-----	------

[illegible]

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

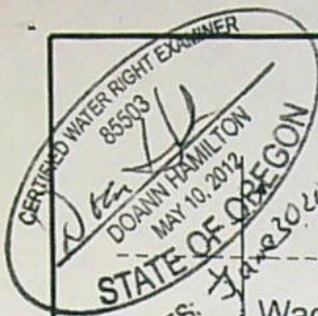
[illegible]

## Comments/Remarks

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


Bottom plate at 95 feet  
Lifting bale 93.5 feet





RECEIVED

T.4S. R.2W. Sec. 4 & 9, W.M.

AUG 01 2022

OWRD

EXPIRES: Unnamed Creek

Waggoner  
DLC 39

NW Corner  
DLC 70

Proposed Well 2  
(MARI 51725)

TL 04 2W 04 1100

Proposed Well 3  
(MARI 68592)

NE Corner  
DLC 70

Despard  
DLC 41

Authorized  
Well  
(MARI 1132)

Alpin  
DLC 38

Minard  
DLC 74

Garins  
DLC 70

Papin  
DLC 85

Chamberlain  
DLC 84


Mission Creek


McKay Rd NE


TL 04 2W 09 100

Zorn Farms  
Reservoir

Authorized Well (MARI 1132) is located 2,330 feet south and 1,090 feet west from the NE corner, DLC 70.  
Proposed Well 2 (MARI 51725) is located 635 feet south and 1,000 feet east from the NW corner, DLC 70.  
Proposed Well 3 (MARI 68592) is located 1,200 feet south and 1,905 feet east from the NW corner, DLC 70.

 "From" Area (64.9 Acres) irrigated under Certificate 38363, priority date: 5-9-1966, to be temporarily transferred.

 Area (2.3 Acres) irrigated under Certificate 38363, priority date: 5-9-1966, not affected by this transfer.

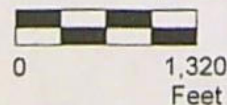
 "To" Area (64.9 Acres) to be temporarily irrigated under this transfer.

----- Tax lot boundary

----- Donation Land Claim boundary

----- Water main line

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.

Temporary Transfer Map  
Certificate 38363

Pacific Hydro-Geology Inc.

03/2022

Bruce Ernst  
T.4S. R.2W. Sec. 4 & 9, W.M.

COPY





RECEIVED  
AUG 01 2022

AWD

COPY



# Groundwater Transfer Review Summary Form

Transfer/PA # T- 14061

GW Reviewer Stacey Garrison/Travis Brown Date Review Completed: 11/27/2023

## Summary of Same Source Review:

- ☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

## Summary of Injury Review:

- ☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

## Summary of GW-SW Transfer Similarity Review:

- ☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

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





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

## Ground Water Review Form:

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

Application: T-14061

Applicant Name: Bruce Ernst

Proposed Changes: ☐ POA ☒ APOA ☐ SW→GW ☐ RA  
☐ USE ☒ POU ☐ OTHER

Reviewer(s): Stacey Garrison/Travis Brown

Date of Review: 11/27/2023

Date Returned to WRSD: 11/27/2023

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: Applicant proposes to add two temporary APOAs, "Well 2" (MARI 51725) and "Well 3" (MARI 68592) in addition to the authorized POA "Well 1" (MARI 1132) to Certificate 38363, which currently authorizes irrigation on 67.2 acres at a maximum rate of 0.67 cfs (300 gpm). Applicant also proposes to change the location of 64.9 acres of POU but not increase or decrease the total POU acreage. POA 1 and the two APOAs all have overlapping water rights, see below for total combined rates used in this review. The APOAs would be used to irrigate the 64.9 acres of POU, and the authorized POA "Well 1" (MARI 1132) would continue to be used for the full 67.2 ac. The proposed rate given the proportionally lower POU for the APOAs would be 0.65 cfs (291 gpm).

Well	Other Water Rights	Use and seasonality	Acres and Duty	Rate (cfs), (gpm)	Total combined rate (cfs), (gpm)
Authorized POA 1 (MARI 1132)	Certificate 34191/T-14049	Irrigation, 3/1-10/31	68.3 ac, 170.75 af	0.44 cfs, 198 gpm	2.61 cfs, 1171 gpm
	Certificate 96789/T-14189 (processing)	Nursery, year-round	90.3 ac, 450 af	1.5 cfs, 673 gpm	



	Certificate 38363 (this review)	Irrigation, 3/1-10/31	67.2 ac, 168 af	0.67 cfs, 300 gpm	
Proposed APOA, Well 2 (MARI 51725)	Certificate 96789	Nursery, year-round	90.3 ac, 450 af	1.5 cfs, 673 gpm	2.59 cfs, 1163 gpm
	Certificate 34191/T-14049	Irrigation, 3/1-10/31	68.3 ac, 170.75	0.44 cfs, 198 gpm	
	T-14061 (this review)	Irrigation, 3/1-10/31	64.9 ac, 162.25 af	0.65 cfs, 291 gpm	
Proposed APOA, Well 3 (MARI 68592)	Certificate 34191/T-14049	Irrigation, 3/1-10/31	68.3 ac, 170.75	0.44 cfs, 198 gpm	2.59 cfs, 1163 gpm
	Certificate 96789/T-14189 (processing)	Nursery, year-round	90.3 ac, 450 af	1.5 cfs, 673 gpm	
	T-14061 (this review)	Irrigation, 3/1-10/31	64.9 ac, 162.25 af	0.65 cfs, 291 gpm	

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
☒ Yes ☐ No Comments: The authorized POA "Well 1" (MARI 1132) and the proposed APOAs "Well 2" (MARI 51725) and "Well 3" (MARI 68592) all produce groundwater from sand and gravel layers within the Willamette Confining Unit of the alluvial aquifer system (Gannett and Caldwell 1998).
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
☐ Yes ☒ No The authorized well, POA 1 (MARI 1132) and the proposed APOAs (MARI 51725 and MARI 68592) all produce groundwater from only the Willamette alluvial aquifer system (Gannett and Caldwell 1998).  
 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.): N/A
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: Proposed APOA "Well 2" (MARI 51725) is closer than the authorized POA, "Well 1" (MARI 1132) to neighboring wells that are not on the same tax lot: authorized POA, "Well 1" (MARI 1132) is ~2,000 ft northwest of MARI 1139; APOA "Well 2" (MARI 51725) is 1,986 ft northwest of MARI 1061; APOA "Well 3" (MARI 68592) is 2,546 ft southwest of the domestic well serving tax lot 200 at 22422 River Rd NE.  
 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: Proposed APOA "Well 2" (MARI 57125) is 1.986 ft northwest of MARI 1061, the only POA on Permit G-11689 with priority date 7/17/1990. The Theis (1935) solution for drawdown in a confined aquifer was used to assess the potential for injury to MARI 1061 from the proposed change (see attached Theis Interference Analysis). The total combined pumping rate of 2.59 cfs (1.163 gpm) was used to assess the potential for injury to MARI 1061 from the proposed change (see attached Theis Interference Analysis). Results of the analysis indicate the proposed change is not likely to injure MARI 1061 (see attached Injury Analysis).

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: The proposed APOAs "Well 2" (MARI 57125) and "Well 3" (MARI 68592) are further from surface water than the authorized POA "Well 1" (MARI 1132). Interference with surface water is anticipated to decrease due to the proposed change.

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: N/A

☐ Minimal ☐ Significant

Provide context for minimal/significant impact: N/A

6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?

☐ Yes ☐ No Comments: N/A

7. What conditions or other changes in the application are necessary to address any potential issues identified above: \_\_\_\_\_

8. Any additional comments: \_\_\_\_\_

#### References:

Application File: T-14061, T-14189, T-14049, G-18849

Water Rights: Certificates 38363, 42424, and 96789; Permit G-11689

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

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

Herrera, N. B., Burns, E. R., Conlon, T. D., 2014, Simulation of groundwater flow and the interaction of groundwater and surface water in the Willamette Basin and Central Willamette Subbasin, Oregon, Scientific Investigations Report 2014-5136: U. S. Geological Survey, Reston, VA.

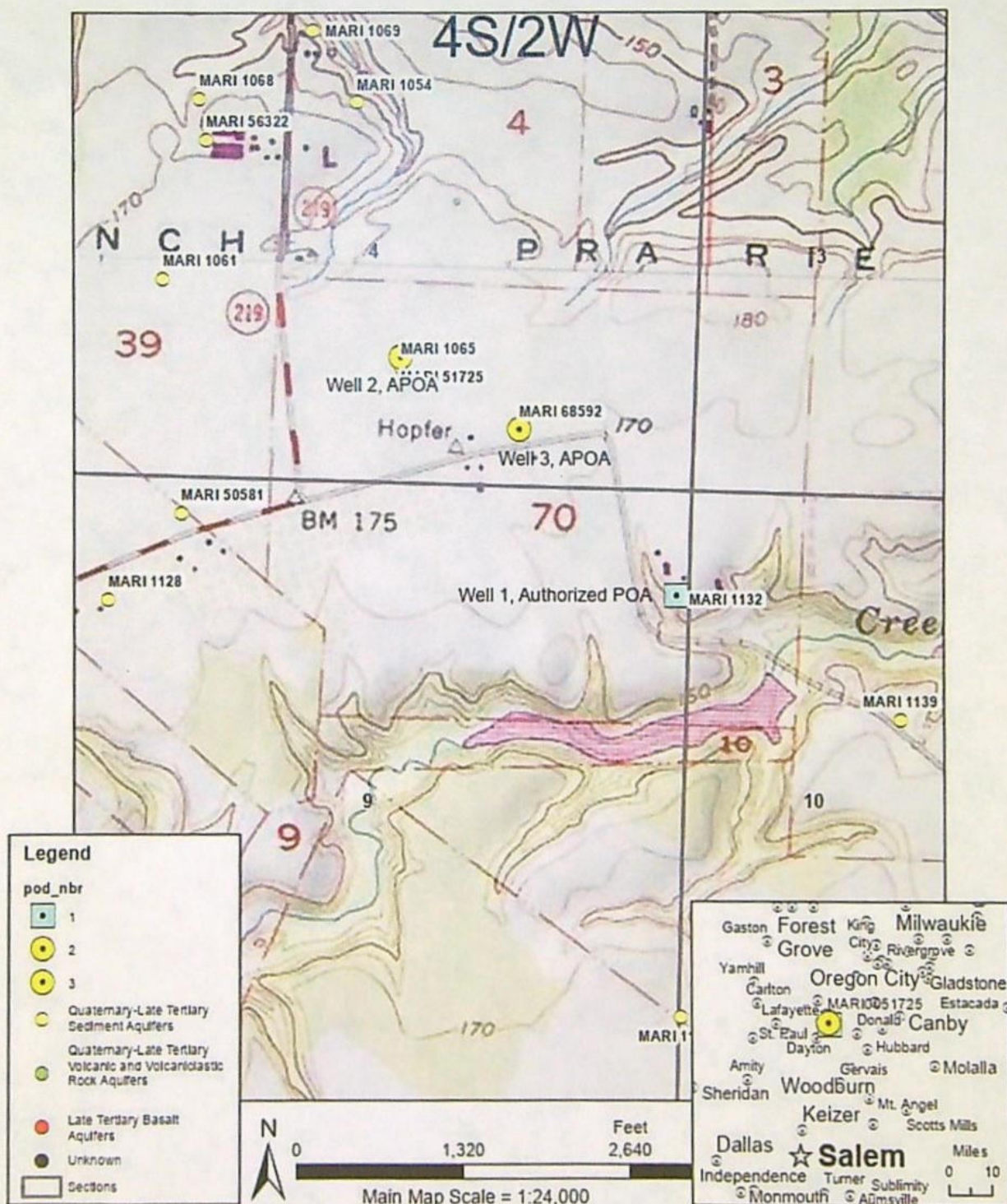


Theis, C.V., 1935, The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using groundwater storage, American Geophysical Union Transactions, vol. 16, p. 519-524.



## Map

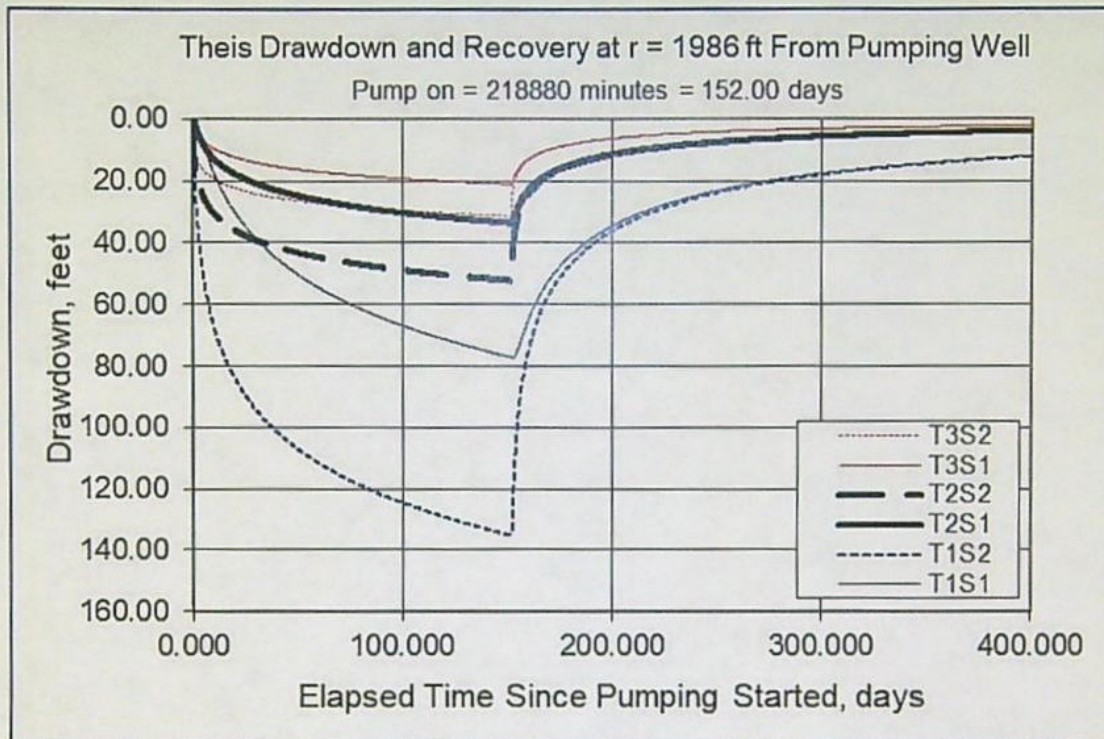
## T-14061 Ernst



Service Layer Credits: Copyright: © 2013 National Geographic Society, Inc.



## Theis Interference Analysis



Radius,  $r=1,986$  ft [approximate distance from "Well 2" (MARI 51725) to MARI 1061]  
Pumping time,  $t=152$  days [approximate time to exhaust combined duty at max combined rate]  
Pumping rate,  $Q=2.59$  cfs [total combined rate under all applicable rights]  
Transmissivity:  $T1=700$  ft<sup>2</sup>/day;  $T2=2,200$  ft<sup>2</sup>/day;  $T3=4,000$  ft<sup>2</sup>/day [Pumping Test Reports]  
Storativity:  $S1=0.003$ ;  $S2=0.0003$  [Conlon et al 2005]

## Injury Analysis

MARI 1061 (POA for G-11689)

SWL	35 ft bls	Driller measurement (3/16/1971)
Aquifer Bottom	317 ft bls	MARI 1054 and Gannett & Caldwell 1998
Available Water Column	282 ft	Aquifer Bottom - SWL
Pump Height Above Bottom	5 ft	Estimate
NPSHa	5 ft	Estimate
Drawdown	100 ft	MARI 1061
Minimum Water Column	110 ft	Estimated Drawdown + NPSHa + Pump Height
Injury	172 ft	Available Water Column-Minimum Water Column



## Watermaster Review Form: Water Right Transfer



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

Transfer Application: T-14061

Review Due Date: 09/07/2022

Applicant Name: Bruce Ernst

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

Reviewer(s): G. Wacker

Date of Review: 09/07/2022

1. Do you have evidence that the right has not been used in the last 5 years and that the presumption of forfeiture would not likely be rebuttable? ☐ Yes ☒ No If "Yes", attach evidence (e.g. dated aerial photo showing pavement or building on the land for >5 yrs.)
2. Is there a history of regulation on the source that serves this (or these) right(s) that has involved the transferred right(s) and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred:
3. Have headgate notices been issued for the source that serves the transferred right(s)?  
☐ Yes ☒ No ☐ Records not available.
4. In your estimation, after the proposed change, would distribution of water for the right(s) result in regulation of other water rights that would not have occurred if use under the original right(s) was/were maximized? ☐ Yes ☒ No If "Yes", explain:
5. In your estimation, if the proposed change is approved, are there upstream water rights that would be affected? ☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected:



6. Check here ☐ if it appears that downstream water rights benefit from return flows resulting from the current use of the transferred right(s)? If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most:

☒ N/A

7. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? If you check the box, describe and, if possible, estimate the losses:

☒ N/A

8. For instream transfers that propose protection of a reach beyond the mouth of the source stream:

☒ N/A Would the quantity be measureable into the receiving stream consistent with OAR 690-077-0015(8)? ☐ Yes ☐ No

9. For POU changes: ☐ N/A Is it likely the original place of use would continue to receive water from the same source? ☐ Yes ☒ No If "Yes", explain:

10. For POU or USE changes: ☐ N/A In your best judgment, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste?

☐ Yes ☒ No If "Yes", explain:

11. For POU changes that involve micro-irrigation: ☒ N/A

- a. Has the applicant made changes (absent a transfer) to convert to micro-irrigation within the current place of use boundary of the water right proposed for transfer, and previously demonstrated to the Department through monitoring and site inspections by the Watermaster that the proposed transfer will not result in injury or enlargement?

☐ Yes ☐ No If "Yes", explain:



- b. Has a temporary transfer of this nature been previously filed and approved on the same lands (or portions thereof) as those lands involved in this transfer?

☐ Yes ☐ No If "Yes", answer the following:

- i. Were there any problems with more acres being irrigated (or wetted) than were authorized under the temporary transfer? ☐ Yes ☐ No If "Yes", explain:

- ii. Did the designated areas that were to remain dry (or not wetted) under the temporary transfer actually remain dry? ☐ Yes ☐ No If "No", explain:

- iii. Did the applicant comply with and meet all of the conditions of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- iv. Do you have any other observations regarding the temporary transfer?

☐ Yes ☐ No If "Yes", describe:

- v. Did the applicant demonstrate to the Department through monitoring and site inspections by the Watermaster that neither injury nor enlargement occurred as a result of the temporary transfer? ☐ Yes ☐ No If "No", explain:

- c. To the best of your knowledge, if this transfer is approved, does it appear that:

- i. "Injury" will occur to other water rights that share the same source?

☐ Yes ☐ No If "Yes", explain:

- ii. "Enlargement" of the water right being transferred will occur?

☐ Yes ☐ No If "Yes", explain:



12. Are there other issues not identified through the above questions that should be considered in determining whether the change "can be effected without injury to other rights"?

☐ Yes ☒ No If "Yes", explain:

13. What alternatives may be available for addressing any issues identified above:

14. Do conditions need to be included in the transfer order to avoid enlargement of the right or injury to other rights? ☐ No ☒ Yes, as checked and provided below:

☐ For POU changes that involve micro-irrigation, provide the monitoring and reporting conditions necessary to prevent injury/enlargement:

☐ A Headgate should be required prior to diverting water.

☒ Measurement Devices for POD or POA: (if this condition is selected, also fill in the top sections of Page 4)

*a. Before water use may begin under this order, the water user shall install a totalizing flow meter\*, or, with prior approval of the Director, another suitable measuring device, ☒ at each point of diversion/appropriation (new and existing) OR at each new point of diversion/appropriation ☐ with the exception that water rights issued to the Bureau of Reclamation or an irrigation district (or similar entity) are not subject to this condition.*

*b. The water user shall maintain the meters or measuring devices in good working order.*

*c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*

☐ Reservoir water use measurement: (if this condition is selected, also fill in the top sections of Page 4)

*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  
☐ Parshall Flume  
☐ Other: \_\_\_\_\_

☐ Submerged Orifice  
☐ Flow Restrictor





Oregon  
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 8, 2022

BRUCE ERNST  
PO BOX 460  
SAINT PAUL, OR 97137

Reference: Application T-14061

On August 1, 2022, OWRD received your water right Temporary Transfer Application. The application was accompanied by \$1125.23. Our receipt number 138811 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.

Except as provided under ORS 540.510(3) for municipalities, you may not **temporarily** use water at the new place of use or from the new point of appropriation until a final order approving the temporary transfer application has been issued by the Department. Additionally, pursuant to OAR 690-380-8010, the lands from which an irrigation water right is to be temporarily transferred and the land to which the right is to be temporarily transferred may not both receive water during the same season. If the temporary transfer is approved during an irrigation season and water has already been used at the currently authorized location during that season, then the temporary transfer will not take effect until the following season.

If the land is sold before the temporary transfer is approved, the buyer's consent to the temporary 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) 979-9931.

Cc: Watermaster Dist. #16, Gregory J. Wacker (via email)  
Doann Hamilton, Agent  
Marion County

Enclosure



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **138811** 725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

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

RECEIVED FROM: Ernst Nursery & Farms,  
BY: LLC

APPLICATION	
PERMIT	
TRANSFER	<u>1-14061</u>

CASH: ☐ CHECK: # 26091 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1,125.23

**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**

<b>MISCELLANEOUS</b>		
0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$
<b>WATER RIGHTS:</b>		
0201	SURFACE WATER	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$ <u>1,125.23</u>
<b>WELL CONSTRUCTION</b>		
0218	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
	OTHER (IDENTIFY)	

46110

<b>EXAM FEE</b>
\$
\$
\$ <u>1,125.23</u>
<b>EXAM FEE</b>
\$

<b>RECORD FEE</b>
\$
\$
<b>LICENSE FEE</b>
\$
\$

**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	\$

**TREASURY OTHER / RDX**

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: **138811**

DATED: 08/01/22 BY: [Signature]



Application for Water Right  
Temporary or Drought Temporary Transfer  
Part 1 of 5 – Minimum Requirements Checklist



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

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

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

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

AUG 01 2022

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

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- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Temporary Transfer Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at:  
[http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator).
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Transferred Water Rights: **How many water rights are to be transferred? 1 List them here: Certificates 38363**  
Please include a separate Part 5 for each water right. (See instructions on page 6)
- ☒ ☐ N/A For standard Temporary Transfer (one to five years) **Begin Year: 2022 End Year: 2027.**
- ☐ ☒ N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- ☒ Completed Temporary Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ Current recorded deed for the land **from** which the authorized place of use is temporarily being moved.
- ☐ ☒ N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
- ☐ ☒ N/A Supplemental Form D – For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

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

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

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Part 2 of 5 – Temporary Transfer Application Map Checklist

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

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

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



FEE WORKSHEET for TEMPORARY (not drought) TRANSFERS			
1	Base Fee (includes temporary change to one water right for up to 1 cfs)	1	\$950.00
2	Number of water rights included in transfer: <u>1 (2a)</u> Subtract 1 from the number in 3a above: <u>0 (2b)</u> <i>If only one water right this will be 0</i> Multiply line 2b by \$310.00 and enter » » » » » » » » » » » » »	2	\$0
3	Do you propose to change the place of use for a non-irrigation use? <input checked="" type="checkbox"/> No: enter 0 on line 3 » » » » » » » » » » » » » » » » » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred: _____ (3a) Subtract 1.0 from the number in 3a above: _____ (3b) If 3b is 0, enter 0 on line 3 » » » » » » » » » » » » » » » » » If 3b is greater than 0, round up to the nearest whole number: _____ (3c) and multiply 4c by \$210.00, then enter on line 3	3	<div>RECEIVED</div> <div>AUG 01 2022</div> <div>OWRD</div>
4	Do you propose to change the place of use for an irrigation use? <input type="checkbox"/> No: enter 0 on line 4 » » » » » » » » » » » » » » » » » <input checked="" type="checkbox"/> Yes: enter the number of acres in the footprint of the place of use for the portions of the rights to be transferred: <u>64.9 (4a)</u> Multiply the number of acres in 4a above by \$2.70 and enter on line 4 » »	4	\$175.23
5	Add entries on lines 1 through 4 above » » » » » » » » » » » » Subtotal:	5	\$1,125.23
6	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 5 by 0.5 and enter on line 6 »	6	\$0
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » Subtract line 6 from line 5 » » » » » » » » » » » » » » » » » Transfer Fee:	7	\$1,125.23

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## Part 4 of 5 – Applicant Information and Signature

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## Applicant Information

APPLICANT/BUSINESS NAME <b>Bruce Ernst</b>			PHONE NO. <b>(503) 633-8366</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>PO Box 460</b>			FAX NO.	
CITY <b>Saint Paul</b>	STATE <b>OR</b>	ZIP <b>97137</b>	E-MAIL <b>acct@ernstnursery.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

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

Explain in your own words what you propose to accomplish with this transfer application and why:

We had a previous temporary transfer T-12435 using Certificate 34191 which expired and we need to renew. However, we are also in the process of applying for a permanent transfer application for Certificate 34191, so we cannot re-apply using this water right. We recently purchased TL 1700 with water right Certificate 38363 and will use this water right for the transfer while we determine how we will utilize this water right in the future.

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

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

Bruce Ernst  
Applicant signature

Bruce Ernst owner  
Print Name (and Title if applicable)

6-16-22  
Date

Applicant signature

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? ☒ Yes ☐ No

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.



☐ Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME <b>NA</b>	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME <b>NA</b>	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME <b>Marion County Planning Division</b>	ADDRESS <b>5155 Silverton Road NE</b>	
CITY <b>Salem</b>	STATE <b>Oregon</b>	ZIP <b>97305</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 5 of 5 – Water Right Information

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

Water Right Certificate # 38363

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### Description of Water Delivery System

System capacity: 0.67 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from the authorized Well (MARI 1132) using a submersible 30 Hp pump to convey water through portable mainlines that supply portable laterals with impact sprinklers.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well Cert 38363	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 1132	4 S	2 W	9	NE NE	DLC 70	2,330 feet south and 1,090 feet west from the NE corner, DLC 70.
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MARI 51725	4 S	2 W	4	SW SE	DLC 70	635 feet south and 1,000 feet east from the NW corner, DLC 70.
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MARI 68592	4 S	2 W	4	SW SE	DLC 70	1,200 feet south and 1,905 feet east from the NW corner, DLC 70.

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

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Place of Use (POU)        | <input type="checkbox"/> Appropriation/Well (POA)                            |
| <input type="checkbox"/> Point of Diversion (POD)             | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) |  |

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

- |   |   |
|---|---|
| <input type="checkbox"/> Place of Use (POU)       | <input type="checkbox"/> Point of Appropriation/Well (POA)        |
| <input type="checkbox"/> Character of Use (USE)   | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Diversion (APOD)     |

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



☐ Yes

Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

☒ No

Complete all of Table 2 to describe the portion of the water right to be changed.

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

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

**Table 2. Description of Temporary Changes to Water Right Certificate # 38363**

List only the part of the right that will be changed. For the acreage in each  $\frac{1}{4}$   $\frac{1}{4}$ , list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.																	
Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)		Priority Date	Twp	Rng		Sec	¼ ¼		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date					
4	S	2	W	3	NW	SW	1700	DLC 70	5.9	IR	Authorized Well	5-9-1966	POU, APOA	4	S	2	W	4	SE	SE	100	DLC 70	4.4	IR	Authorized Well, Wells 2 & 3	5-9- 1966			
4	S	2	W	3	SW	SW	1700	DLC 70	27.7	IR	Authorized Well	5-9-1966	POU, APOA	4	S	2	W	9	NE	NE	100	DLC 70	24.1	IR	Authorized Well, Wells 2 & 3	5-9- 1966			
4	S	2	W	4	NE	SE	1700	DLC 70	3.0	IR	Authorized Well	5-9-1966	POU, APOA	4	S	2	W	9	NW	NE	100	DLC 70	19.6	IR	Authorized Well, Wells 2 & 3	5-9- 1966			
4	S	2	W	4	SE	SE	1700	DLC 70	13.9	IR	Authorized Well	5-9-1966	POU, APOA	4	S	2	W	9	SW	NE	100	DLC 70	8.2	IR	Authorized Well, Wells 2 & 3	5-9- 1966			
4	S	2	W	9	NE	NE	1700	DLC 70	2.9	IR	Authorized Well	5-9-1966	POU, APOA	4	S	2	W	9	SW	NE	100	Lot 2	0.1	IR	Authorized Well, Wells 2 & 3	5-9- 1966			
4	S	2	W	10	NW	NW	1700	DLC 70	11.5	IR	Authorized Well	5-9-1966	POU, APOA	4	S	2	W	9	SE	NE	100	DLC 70	5.7	IR	Authorized Well, Wells 2 & 3	5-9- 1966			
														4	S	2	W	9	NE	NW	100	DLC 70	1.1	IR	Authorized Well, Wells 2 & 3	5-9- 1966			
														4	S	2	W	10	NW	NW	100	DLC 70	0.2	IR	Authorized Well, Wells 2 & 3	5-9- 1966			
														4	S	2	W	10	SW	NW	100	DLC 70	1.5	IR	Authorized Well, Wells 2 & 3	5-9- 1966			
TOTAL ACRES									64.9						TOTAL ACRES									64.9					

Additional remarks: None

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**For Place of Use Changes**

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

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

Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

**If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:**

- ☒ Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: [http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx))

**AND/OR**

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

**Table 3. Construction of Point(s) of Appropriation**

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). <u>If</u> less than full rate of water right
Authorized Well	Yes	MARI 1132	See Well Log MARI 1132							Not less than full rate of water right
Well 2	Yes	MARI 51725	See Well Log MARI 51725							
Well 3	Yes	MARI 68592	See Well Log MARI 68592							

**RECEIVED**

**AUG 01 2022**

**OWRD**



# Application for Water Right Transfer Evidence of Use Affidavit



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

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

State of Oregon )  
 ) ss

County of MARION

I, BRUCE ERNST, in my capacity as OWNER / OPERATOR,

mailing address PO BOX 460, ST. PAUL, OR 97137

telephone number (503) 633-8366, being first duly sworn depose and say:

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

☒ Personal observation ☐ Professional expertise

2. I attest that:

☐ Water was used during the previous five years on the entire place of use for  
Certificate # \_\_\_\_\_; OR

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

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
38363	4	S	2	W	WM	3	NW	SW	DLC 70	5.9
38363	4	S	2	W	WM	3	SW	SW	DLC 70	27.7
38363	4	S	2	W	WM	4	NE	SE	DLC 70	3.0
38363	4	S	2	W	WM	4	SE	SE	DLC 70	13.9
38363	4	S	2	W	WM	9	NE	NE	DLC 70	2.9
38363	4	S	2	W	WM	10	NW	NW	DLC 70	11.5

OR

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

(continues on reverse side)



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

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

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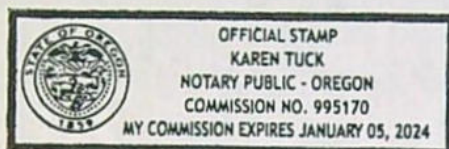
Bruce W Ernst

Signature of Affiant

6-16-22

Date

Signed and sworn to (or affirmed) before me this 16 day of June, 2022.



Karen Tuck

Notary Public for Oregon

My Commission Expires: January 5, 2024

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



**MAIL TAX STATEMENTS TO:**

Trustee of the Bruce W. Ernst Living Trust  
4406 NE Birdhaven Loop  
Newberg, OR 97128

REEL 3780 PAGE 379  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
02-04-2016 03:17 pm.  
Control Number 402680 \$ 56.00  
Instrument 2016 00004297

**AFTER RECORDING RETURN TO:**

Robert J. Saalfeld, Attorney  
Saalfeld Griggs PC  
PO Box 470  
Salem, OR 97308

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**AUG 01 2022**

**OWRD**

**WARRANTY DEED**

*Bruce W. Ernst*, Grantor, conveys to *Bruce W. Ernst, Trustee of the Bruce W. Ernst Living Trust* dated February 2, 2016, and any amendments thereto, Grantee, the following described real property situated in the County of Marion, State of Oregon:

See Attached Exhibit "A"

Grantor covenants that Grantor is seized of an indefeasible estate in the real property described above in fee simple, that Grantor has good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantor, provided that the foregoing covenants are limited to the extent of coverage available to Grantor under any applicable standard or extended policies of title insurance, it being the intention of the Grantor to preserve any existing title insurance coverage.

This deed is executed to partially fund a trust of Grantor's, and the true and actual consideration stated in terms of dollars is ZERO.

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

WARRANTY DEED (80.88 ACRES 6177 Gearin Rd Ne Saint Paul, OR 97137)

PAGE 1 OF 3

(RJS-slc)

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4848-7338-2189, v. 1



2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

WITNESS Grantor's hand this 2nd day of February, 2016.

Bruce W. Ernst

Bruce W. Ernst

RECEIVED

STATE OF OREGON

)

AUG 01 2022

) ss.

COUNTY OF MARION

)

OWRD

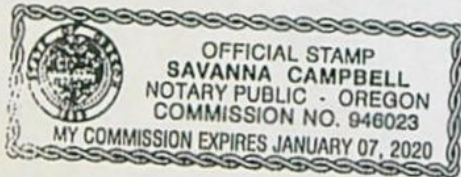
On this 2nd day of February, 2016, personally appeared the above named **Bruce W. Ernst** and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Savanna Campbell

Notary Public for Oregon

My Commission Expires: 1-7-2020





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## EXHIBIT "A"

OWRD

Beginning at the Northwest corner of the Donation Land Claim of John Gearing in Township 4 South, Range 2 West of the Willamette Meridian, Marion County, State of Oregon; thence North 0 degrees 41' East 1.17 chains along the East line of the Donation Land Claim of Peter Waggoner; thence West 29.872 chains to the West line of Section 4; thence South 0 degrees 28' West 13.634 chains along the West line of Section 4 to the North line of the Donation Land Claim of George Aplin; thence South 51 degrees 02' East 27.557 chains along the North line of the George Aplin Claim to the middle of the County Road leading from St. Paul to Champoeg; thence North 73 degrees 46' East 31.43 chains along the middle of the County Road; then South 8.05 chains; thence East 9.847 chains; thence North 1 degree 13' East 10.03 chains to the middle of the County Road; thence North 81 degrees 02' East 3.53 chains along the middle of the County Road; thence North 1 degree 13' East 17.872 chains to the North line of the Donation Land Claim of John Gearin; thence North 89 degrees West 35.547 chains along the North line of the John Gearin Claim to the place of beginning and being a part of the John Gearin Donation Land Claim No. 70 in Township 4 South, Range 2 West, and Peter Waggoner Donation Land Claim No. 66 in Township 3 South, Range 2 West of the Willamette Meridian in Marion County, Oregon.

Lots  
900  
+  
1100

EXCEPTING THEREFROM all that portion of the above described premises lying West of Highway 219, Film Records for Marion County, Oregon.

ALSO SAVED AND EXCEPT that portion conveyed to the State of Oregon, by and through its Department of Transportation by deed recorded December 16, 1994 in Reel 1211, Page 290 and Reel 1211, Page 291.



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AUG 01 2022

OWRD

REEL: 3780

PAGE: 379

February 04, 2016, 03:17 pm.

CONTROL #: 402680

State of Oregon  
County of Marion

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

FEE: \$ 56.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.



TL 1700

RECEIVED

AUG 01 2022

REEL 4332 PAGE 275  
 MARION COUNTY  
 BILL BURGESS, COUNTY CLERK  
 05-11-2020 12:18 pm.  
 Control Number 600087 \$ 101.00  
 Instrument 2020 00024157

OWRD

## MEMORANDUM OF LAND SALE CONTRACT

**Seller** DENNIS K. MELCHER and SYLVIA R. MELCHER, Trustee, of the Dennis and Sylvia Melcher Joint Revocable Living Trust, as to an undivided 38.456%; JEFF MELCHER as to an undivided 38.456%; and KAREN BALES as to an undivided 23.088%, and **Purchaser** BRUCE W. ERNST, Trustee, of the Bruce W. Ernst Living Trust dated February 2, 2016, and any amendments thereto, acknowledge execution of an installment payment contract dated June 1, 2020, for sale and purchase of Seller's interest in land in Marion County, Oregon hereinafter described.

**Consideration:** The true and actual consideration for this transfer is \$1,900,000.00.

**Tax Statements:** Until a change is requested, all tax statements shall be sent to the following address: Bruce W. Ernst, Trustee, P.O. Box 460, St. Paul, OR 97137.

**After recording, return to:** Saniam Escrow, PO Box 515 Stayton, Or. 97137

[LEGAL DESCRIPTION]

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

## SUBJECT TO:

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Mission Creek.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads, and highways.

[Situs: 6417 Gearin Rd NE, St. Paul, OR 97137.]

This Memorandum is executed for recording in the Marion County Records.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS**

FIRST AMERICAN TITLE 3452828



RECEIVED

AUG 01 2022

OWRD

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 OF COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED effective this 8th day of May, 2020.

SELLER:

Dennis and Sylvia Melcher Jt. Revocable Living Trust

By: Dennis K. Melcher, Trustee  
Dennis K. Melcher, Trustee

Jeff Melcher  
Jeff Melcher

Karen Bales  
Karen Bales

PURCHASER:

Bruce W. Ernst Living Trust

By: Bruce W. Ernst Trustee  
Bruce W. Ernst, Trustee

STATE OF OREGON )  
County of Yamhill ) ss.

This instrument was acknowledged before me on this 8th day of May, 2020, by DENNIS K. MELCHER, as Trustee of the Dennis and Sylvia Melcher Joint Revocable Living Trust.



Keeley Driscoll  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3-24-23



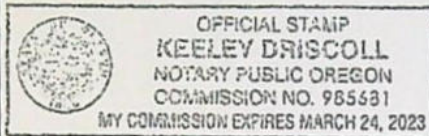
RECEIVED

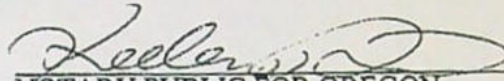
AUG 01 2022

OWRD

STATE OF OREGON )  
County of Yamhill ) ss.

This instrument was acknowledged before me on this 8th day of May, 2020, by JEFF MELCHER.

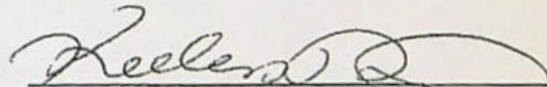


  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3-24-23

STATE OF OREGON )  
County of Yamhill ) ss.

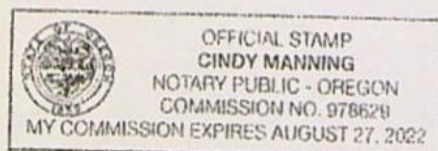
This instrument was acknowledged before me on this 8th day of May, 2020, by KAREN BALES.

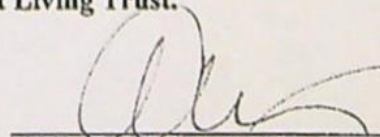


  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3-24-23

STATE OF OREGON )  
County of Yamhill ) ss.

This instrument was acknowledged before me on this 8th day of May, 2020, by BRUCE W. ERNST, as Trustee of the Bruce W. Ernst Living Trust.



  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 8.27.22



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AUG 01 2022

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Exhibit "A"

Real property in the County of Marion, State of Oregon, described as follows:

BEGINNING AT THE NORTHEAST CORNER OF THE JOHN GEARIN D. L. C., NO. 70, TOWNSHIP 4 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON; THENCE NORTH 89°00' WEST ALONG THE NORTH LINE OF SAID D. L. C. 1890.40 FEET; THENCE SOUTH 1°13' WEST 1179.80 FEET TO A POINT IN THE CENTER OF THE COUNTY ROAD; THENCE NORTH 81°02' EAST ALONG THE CENTER OF SAID COUNTY ROAD 318.00 FEET TO THE POINT OF TERMINUS OF MARION COUNTY ROAD SURVEY NO. 496; THENCE ALONG THE CENTER LINE OF SAID COUNTY ROAD SOUTH 12°17' EAST 1432.30 FEET; THENCE SOUTH 35°17' EAST 140.47 FEET; THENCE SOUTH 52°12' EAST 150.32 FEET; THENCE NORTH 86°33' EAST 339.38 FEET; THENCE SOUTH 88°07' EAST 215.96 FEET; THENCE SOUTH 73°20' EAST 231.00 FEET; THENCE SOUTH 50°25' EAST 289.74 FEET; THENCE SOUTH 67°58' EAST 36.46 FEET TO AN IRON PIPE SET ON THE EAST LINE OF SAID GEARIN D. L. C.; THENCE NORTH 1°13' EAST 2955.00 FEET TO THE PLACE OF BEGINNING.

TL 1700

SAVE AND EXCEPT THAT PORTION CONVEYED TO MARION COUNTY BY DEED RECORDED FEBRUARY 25, 1987, IN REEL 527, PAGE 61.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.



REEL: 4332

PAGE: 275

May 11, 2020, 12:18 pm.

RECEIVED

AUG 01 2022

OWRD

CONTROL #: 600087

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: \$ 101.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.



# Land Use Information Form



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

RECEIVED

AUG 01 2022

OWRD

Applicant(s): Bruce Ernst

Mailing Address: PO Box 460

City: St. Paul

State: OR

Zip Code: 97137

Daytime Phone: (503) 633-8366

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>4S</u>	<u>2W</u>	<u>4</u>	_____	<u>1100</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>IR</u>
<u>4S</u>	<u>2W</u>	<u>4</u>	_____	<u>1700</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>IR</u>
<u>4S</u>	<u>2W</u>	<u>9</u>	_____	<u>100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IR</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Marion County

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.647    ☒ 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 Land Use Information Form is to accompany a water right temporary transfer application that proposes to temporarily change the place of use and add two additional points of appropriation for an existing water right (Certificate 38363).

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

See bottom of Page 3. →



## For Local Government Use Only

OWRD

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

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC Ch. 17.136.020(A)

☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

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

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

Name: Sarah Bradford Title: Associate Planner

Signature: [Signature] Phone: 503-566-4173 Date: 7-12-2022

Government Entity: Marion County Planning Division

**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: \_\_\_\_\_



## NOTICE TO WATER WELL CONTRACTOR

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

STATE ENGINEER, SALEM, OREGON 97310  
within 30 days from the date  
of well completion.

RECEIVED  
DEC 24 1965

WATER WELL REPORT

STATE OF OREGON  
(Please type or print)

G 3485

RECEIVED  
JAN 3 1966

State Well No.

State Permit No.

4/2w-9A

## (1) OWNER:

SALEM, OREGON

Name Amiel Desmet  
Address Rt. 1, Box 110  
Aurora, Oregon

## (2) LOCATION OF WELL:

County Marion Driller's well number  
1/4 1/4 Section 9 T. 4S R. 2W W.M.  
Bearing and distance from section or subdivision corner

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

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐  
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 ☒

18 " Diam. from 0 ft. to 39 ft. Gage 250  
12 " Diam. from 0 ft. to 113 ft. Gage  
" Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gage

## (7) PERFORATIONS:

Perforated? ☒ Yes ☐ NoType of perforator used torch

Size of perforations 3/8 in. by 8 in.  
360 perforations from 82 ft. to 112 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 Bentonite  
Depth of seal 39' ft. Was packer used? yes  
Diameter of well bore to bottom of seal 24 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: 3/8 - 3/4  
Gravel placed from 0 ft. to 112 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 9 ft. below land surface Date \_\_\_\_\_  
Artesian pressure \_\_\_\_\_ lbs. per square inch Date \_\_\_\_\_

(USE ADDITIONAL SHEETS IF NECESSARY)

## (11) WELL TESTS:

Drawdown is amount water level is lowered below static level

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

Yield: 500 gal./min. with 38 ft. drawdown after 6 hrs.  
" with air lift " "

Ballor test gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.

Artesian flow g.p.m. Date

Temperature of water 54 Was a chemical analysis made? ☐ Yes ☒ No

## (12) WELL LOG:

Diameter of well below casing 0

Depth drilled 113 ft. Depth of completed well 113 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
Blue clay	5	39
Blue sand	39	65
Blue clay	65	74
Blue sand small layer clay	74	112
Clay	112	113

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Work started 5-17-65 19 \_\_\_\_\_ Completed 6-25 1965  
Date well drilling machine moved off of well \_\_\_\_\_ 19 \_\_\_\_\_

## (13) PUMP:

Manufacturer's Name none  
Type: \_\_\_\_\_ H.P. \_\_\_\_\_

## 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, Oregon

Drilling Machine Operator's License No. 212

[Signed] Milo Schneider  
(Water Well Contractor)

Contractor's License No. 387 Date 12-15-65, 19 \_\_\_\_\_



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

APR 25 1997

WELL: D.#

LO2416

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WATER RESOURCES DEPT.

(START CARD) # 78623

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

(1) OWNER: Well Number \_\_\_\_\_  
Name Ernst Nursery & Farms  
Address 20863 Riverside Dr. NE  
City St. Paul State OR Zip 97137

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

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

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

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 347 ft.  
Explosives used ☐ Yes ☒ No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE SEAL  
Diameter From To Material From To Sacks or pounds  
20" 0 40' holeplug 0 40 40 sacks  
16" 40 347 bentonite

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E  
☒ Other OAR 690-210-340  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:  
Diameter From To Gauge Steel Plastic Welded Threaded  
Casing: 16" +2' 298 .375 ☒ ☐ ☒ ☐  
Liner: \_\_\_\_\_

Final location of shoe(s) 298'

(7) PERFORATIONS/SCREENS:  
☐ Perforations Method \_\_\_\_\_  
☒ Screens Type \_\_\_\_\_ Material stainless  
From To Slot size Number Diameter Tele/pipe size Casing Liner  
+3 299' \_\_\_\_\_ 12" pipe ☒ ☐  
299 319 .070 \_\_\_\_\_ 12" screen ☐ ☐  
319 339 .080 \_\_\_\_\_ 12" screen ☐ ☐  
339 347 \_\_\_\_\_ 12" pipe ☒ ☐  
347 Bottom plate & lift bail ☐ ☐

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing  
Yield gal/min Drawdown Drill stem at Time  
800 138 \_\_\_\_\_ 6 hr. S

Temperature of water 54 Depth Artesian Flow Found \_\_\_\_\_

Was a water analysis done? ☐ Yes By whom \_\_\_\_\_

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

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other \_\_\_\_\_

Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
County Marion Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 4 S N or S Range 2W E or W. WM.  
Section 4 SW 1/4 NE 1/4  
Tax Lot 0110 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) 6177 Gearin Rd.  
St. Paul, OR 97137

(10) STATIC WATER LEVEL:  
62' ft. below land surface. Date 4/17/97  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
Depth at which water was first found 20'

From	To	Estimated Flow Rate	SWL
20	32	20 gpm	8'
297'	341'	800 gpm	62'

(12) WELL LOG:  
Ground Elevation \_\_\_\_\_

Material	From	To	SWL
Topsoil	0	1	
Clay brown	1	36	
Clay gray brown	36	46	
Clay silty gray	46	75	
Sand-silt	75	87	
Clay gray	87	115	
Sand & clay gray	115	126	
Clay gray	126	144	
Clay with sand & gravel	144	175	
Clay gray	175	212	
Clay w/sand	212	224	
Clay gray, part sticky	224	276	
Clay w/sand, gravel gray	276	281	
Clay sandy, brown-gray	281	292	
Clay silty brown	292	297	
Sand brown	297	304	62'
Sand black	304	315	62'
Gravel & sand, black	315	341	62'
Clay gray	341	347	

Date started 12/24/96 Completed 4/17/97

(unbonded) Water Well Constructor Certification:

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

Signed Kermit Martin WWC Number 1391 Date 4/23/97

(bonded) Water Well Constructor Certification:

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

Signed David G. Rosen WWC Number 783 Date 4/21/97

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER



**MARI 68592**

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

**WELL I.D. LABEL#** 132853  
**START CARD #** 215109  
**ORIGINAL LOG #**

**(1) LAND OWNER** Owner Well I.D. \_\_\_\_\_  
 First Name Bruce Last Name Ernst  
 Company Ernst Nursery & Farms  
 Address PO Box 460  
 City St. Paul State OR Zip 97137

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

**(2a) PRE-ALTERATION**  
 Dia + From To Gauge Stl Plstc Wld Thrd  
 Casing: \_\_\_\_\_  
 Material From To Amt sacks/lbs  
 Seal: \_\_\_\_\_

**(3) DRILL METHOD**  
☐ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Auger ☐ Cable Mud  
☐ Reverse Rotary ☐ Other \_\_\_\_\_

**(4) PROPOSED USE** ☐ Domestic ☒ Irrigation ☐ Community  
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering  
☐ Thermal ☐ Injection ☐ Other \_\_\_\_\_

**(5) BORE HOLE CONSTRUCTION** Special Standard ☐ (Attach copy)  
 Depth of Completed Well 95 ft.  
**BORE HOLE**  

Dia	From	To	Material	From	To	Amt	sacks/ lbs
16	0	34	Bentonite Chips	0	34	34	S
12	34	95				Calculated	26
						Calculated	

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E  
☒ Other 690-210-0340  
 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_  
 Explosives used: ☐ Yes Type \_\_\_\_\_ Amount \_\_\_\_\_

**(5a) ABANDONMENT USING UNHYDRATED BENTONITE**  
 Proposed Amount \_\_\_\_\_ Pounds Actual Amount \_\_\_\_\_ Pounds

**(6) CASING/LINER**  

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12	<input checked="" type="checkbox"/>	1.5	58.14	.25	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	10	<input checked="" type="checkbox"/>	2.96	95	.25	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

  
 Shoe ☐ Inside ☒ Outside ☐ Other Location of shoe(s) 58.14  
 Temp casing ☐ Yes Dia \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

**(7) PERFORATIONS/SCREENS**  
 Perforations Method \_\_\_\_\_  
 Screens Type V-wire Material stainless steel  

Perf/S	Casing/Screen	Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/ pipe size
Screen	Liner	10	69.75	90	.08			10

**(8) WELL TESTS: Minimum testing time is 1 hour**  
☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian  

Yield gal/min	Drawdown	Drill stem/pump depth	Duration (hr)
200	48.5		4

  
 Temperature 53 °F Lab analysis ☐ Yes By \_\_\_\_\_  
 Water quality concerns? ☐ Yes (describe below) TDS amount 87  

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 4 SW 1/4 of the SE 1/4 Tax Lot 1100  
 Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_  
 Lat \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
 Long \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
☒ Street address of well ☐ Nearest address  
6180 Gearin Road NE, St. Paul, OR 97137

**(10) STATIC WATER LEVEL**  

Existing Well / Pre-Alteration	Date	SWL (psi)	+ SWL (ft)
Completed Well	03-21-2019		

  
 Flowing Artesian? ☐ Dry Hole? ☐  
 WATER BEARING ZONES Depth water was first found 76  

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
09-28-2018	76	90			21

**(11) WELL LOG** Ground Elevation \_\_\_\_\_  

Material	From	To
Clay, brown	0	5
Silt, brown	5	19
Silt, greenish gray	19	32
Clay, greenish gray, sand	32	38
Clay, greenish gray	38	42
Clay, gray	42	52
Sand, black, silt, dark gray	52	76
Sand, black, silt, layers, dark gray	76	90
Clay, dark greenish gray	90	93
Clay, blueish gray	93	95

  
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 OWRD  
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 AUG 01 2022  
 OWRD  
 Date Started 09-28-2018 Completed 03-19-2019

**(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 1704 Date 04-12-2019  
 Signed \_\_\_\_\_  
**(bonded) Water Well Constructor Certification**  
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
 License Number 783 Date 04-12-2019  
 Signed Chris J. Brown  
 Contact Info (optional) \_\_\_\_\_



WATER SUPPLY WELL REPORT -  
continuation page

ORIGINAL LOG #


## sacks/

--	--

					Calculated	
					Calculated	
					Calculated	
					Calculated	


[illegible]



[illegible][illegible]

Bottom plate at 95 feet  
Lifting bale 93.5 feet



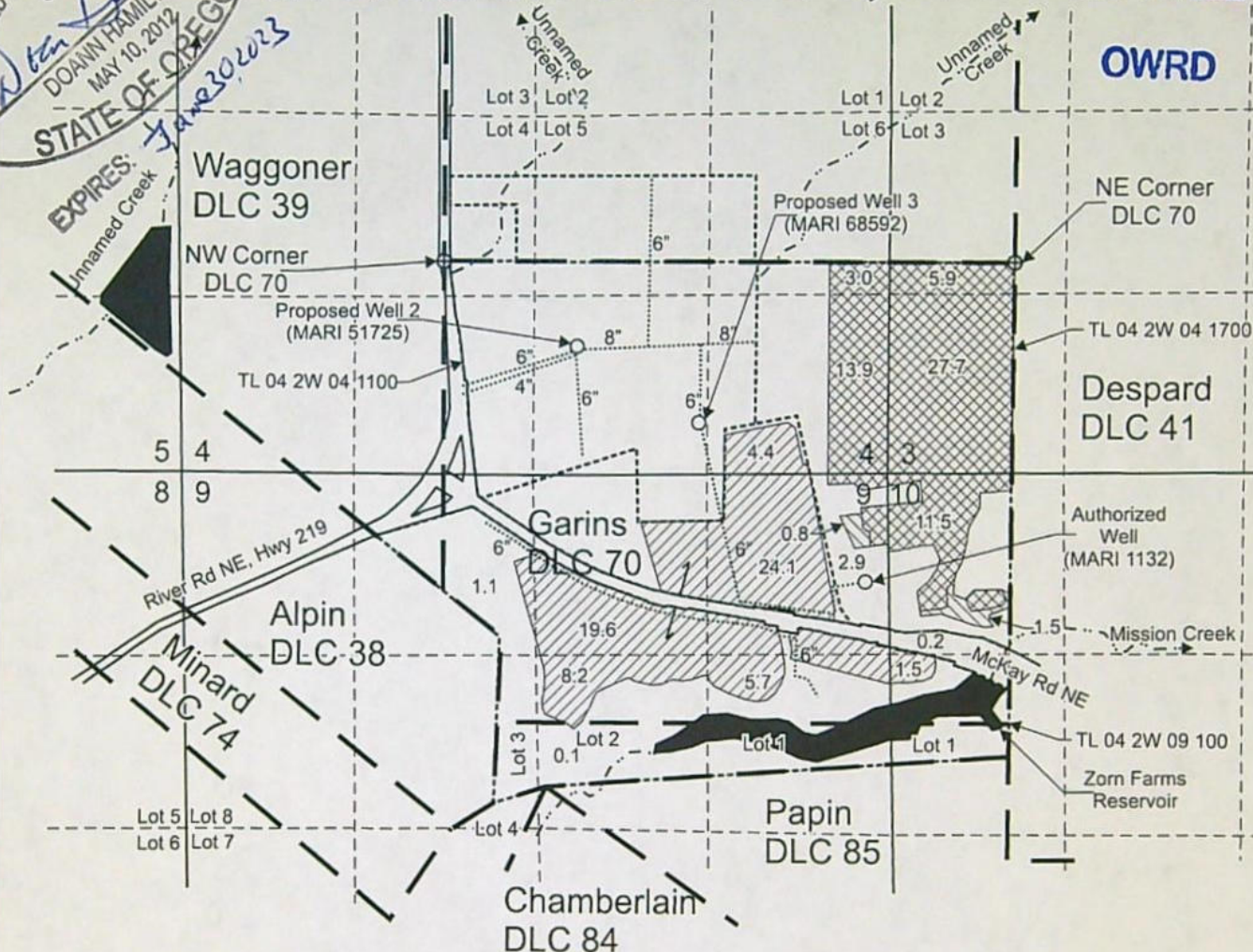
CERTIFIED WATER RIGHT EXAMINER  
85503  
DOANN HAMILTON  
MAY 10, 2012  
STATE OF OREGON  
EXPIRES: Jan 30, 2023

T.4S. R.2W. Sec. 4 & 9, W.M.

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Authorized Well (MARI 1132) is located 2,330 feet south and 1,090 feet west from the NE corner, DLC 70.

Proposed Well 2 (MARI 51725) is located 335 feet south and 1,000 feet east from the NW corner, DLC 70.

Proposed Well 3 (MARI 68592) is located 1,200 feet south and 1,905 feet east from the NW corner, DLC 70.

From Area (64.9 Acres) irrigated under Certificate 38363, priority date: 5-9-1966, to be temporarily transferred.

Area (2.3 Acres) irrigated under Certificate 38363, priority date: 5-9-1966, not affected by this transfer.

To Area (64.9 Acres) to be temporarily irrigated under this transfer.

----- Tax lot boundary      ——— Donation Land Claim boundary      ..... Water main line

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.

Temporary Transfer Map  
Certificate 38363

Bruce Ernst  
T.4S. R.2W. Sec. 4 & 9, W.M.

03/2022

Pacific Hydro-Geology Inc.

ErnstCert38363TempTransMap.cdr





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# Regular Temporary Water Right Transfer Application Checklist

Checked by Scott

Date 8/2/22

**A temporary transfer must be for a change in place of use. A temporary change in POD/POA or APOD/APOA cannot be accepted as a stand-alone change.**

A change in POD/POA can accompany the temporary change in place of use, only if the proposed temporary POD/POA is supplying water to the proposed temporary place of use.

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

- ☒ 1. Page 1 of application: Are all attachments that have been checked actually included?  
If not, what is missing? \_\_\_\_\_
- ☒ 2. Are fees included and correct? 1, 125.23  
If not, the correct fee would be: \_\_\_\_\_, so the amount missing is: \_\_\_\_\_
- ☒ 3. Part 4 of application: Have all the applicants listed at the top of the page signed at the bottom?  
If not, whose signature is missing? \_\_\_\_\_
- ☒ 4. Are all listed certificates shown by WRIS as non-cancelled? yes N/c  
If not, which are cancelled? \_\_\_\_\_  
For each cancelled certificate, if there has been a remaining right certificate issued that covers the lands in the left side of Table 2, list its number \_\_\_\_\_ and check the #4 box at left on this checklist.
- ☒ 5. If any certificate is in the name of a "district", is a Supplemental Form D from that district enclosed?  
☒ N/A ☐ Form D needed from \_\_\_\_\_ (district)
6. If all #1-#5 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, #4 or #5 on this checklist is deficient, the application cannot be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.