

T-14126

Permit Amendment

T-14126

Name Fulton Family Enterprises Inc.Address 19370 Old River Drive
West Linn Oregon 97148
Fulton.Fulton@yahoo.comChange in APCD AREADate Filed 12/5/2022Initial notice date 12/13/2022

DPD issued date _____

PD issued date _____

PD notice date _____

Date of FO 4/9/2024 Vol 129 Page 1038

C-Date _____

COBU due date _____

COBU Received date _____

Certificate issued _____

DESCRIPTION OF WATER RIGHT(S)

Name of Stream WellTrib. of Muller Creek BasinUse Irrigation County Yamhill

Quantity of water (CFS) _____ No. of Acres _____

Name of ditch _____

App# G18600 Per # G-18221 Cert # _____ PR Date _____

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>12-5-2022</u>	<u>1360.00</u>	<u>139665</u>

FEES REFUNDED

Date	Amount	Receipt #
------	--------	-----------

Assignments: _____

Irrigation District _____

Agent ~~Shawn Appleton, Creating State Agency~~Bruce Withers Water Right Services, LLC

CWRE _____

CC's list Yamhill County☐ - Oversized map - Location _____

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: March 29, 2024

FROM: Stacy Phillips, Transfer Specialist
Arla Davis, Transfer Specialist
Phone: 503-979-9948 or 503-979-3129

SUBJECT: **TRANSFER FILE - Request for Payment or Refund**

TRANSFER FILE #: T-14126

RECEIPT #: 139665

Please prepare payment in the amount of \$225.00, made payable to:

Name: Fulton Family Enterprises, Inc.
Organization
Address: 19370 Old River Dr
City: West Linn, OR 97068

These funds are being paid or refunded as a result of (check one):

- ☒ Request for file to be Rejected/Withdrawn/Misfiled
- ☐ Excess fees were collected for application/PON
- ☐ Payment of PON
- ☐ Protest filing fee
- ☐ Other:

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____

Date: _____

46110
0205
V705 7699

4-9-2024



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

April 9, 2024

Fulton Family Enterprises, Inc.
19370 Old River Dr
West Linn, OR 97068

ORDER ON WITHDRAWN APPLICATION

Reference: Transfer Application T-14126

The above referenced transfer application was withdrawn from the record of the Water Resources Department on April 9, 2024, by Special Order Volume 129, Page 1038 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the withdrawal of this transfer, you may contact your caseworker, Stacy Phillips, by telephone at (503) 979-9948 or by e-mail at Stacy.h.phillips@water.oregon.gov.

Sincerely,

Elyse D. Richman
Water Right Services Support
Transfers and Conservation Section

cc: Joel M. Plahn, Watermaster Dist. # 22 (via email)
Bryce Withers, Agent
Yamhill County Planning Department, Local Government
Enclosure

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER WITHDRAWING
T-14126, Yamhill County, Oregon)	AN APPLICATION FOR A PERMIT
)	AMENDMENT

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

FULTON FAMILY ENTERPRISES INC.
19370 OLD RIVER DR
WEST LINN, OR 97068

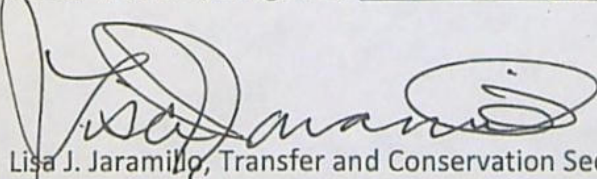
Findings of Fact

1. Permit Amendment Application T-14126, in the name of FULTON FAMILY ENTERPRISES INC., was filed on December 5, 2022.
2. On March 11, 2024, Bryce Withers, the agent for the applicant, submitted a written request on behalf of the applicant asking that Permit Amendment Application T-14126 be withdrawn.

Now, therefore, it is ORDERED:

Permit Amendment Application T-14126, in the name of Fulton Family Enterprises Inc., is withdrawn and of no further force or effect.

Dated in Salem, Oregon on APR 9 - 2024



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

Mailing date: APR 10 2024

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 14126

Transfer Specialist:

Transfer Type: Permit Amendment Transfer

Stacy

Applicant: FULTIN FAMILY ENTERPRISES INC. 19370 OLD RIVER DR WEST LINN, OR 97068 Email: _____ Phone: _____		Agent: <input type="checkbox"/> N/A STEVEN P. APPLGATE 3395 HUCKLEBERRY COURT S SALEM, OR 97302 Bryce Withers Email: _____ Phone: _____	
Irrigation District: <input type="checkbox"/> N/A Email: _____		CWRE: <input type="checkbox"/> N/A Email: _____	
Affected Local Gov'ts: <input type="checkbox"/> N/A Yamhill County Planning Department Email: _____		Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____	
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____		Receiving Landowner: <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"/>	G18600	G18221		<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: December 5, 2022	Proposed Action(s): ADDITIONAL POINT OF DIVERSION	
Fees Pd: 1360.00	WM District: 22	ODFW District:
Initial Public Notice: 12/13/2022	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 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: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: 4/9/24

Special Issues: Application file WITHDRAWN - 3/11/2024

Special Order Volume: Vol. 129 Pages 1038

PHILLIPS Stacy H * WRD

From: Bryce Withers <brycewrs@gmail.com>
Sent: Monday, March 11, 2024 11:40 AM
To: PHILLIPS Stacy H * WRD
Cc: Floyd Fulton
Subject: Re: T-14126 Permit Amendment

Hi Stacy,

Mr. Fulton would like to withdraw Permit Amendment T-14126, and request a refund of any portion of the permit amendment fee that remains unspent. Thank you and please let me know if you have any questions.

On Mon, Mar 11, 2024 at 9:06 AM PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov> wrote:

Good Morning Bryce and Floyd,

Thank you for the information below. Further, are you wanting to withdraw the permit amendment?

Thanks,

Stacy H. Phillips

Natural Resource Specialist 2, Permit Amendment Caseworker

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

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



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

From: Floyd Fulton <floydfulton@yahoo.com>
Sent: Friday, March 8, 2024 4:05 PM
To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Subject: Re: T-14126 Permit Amendment

You don't often get email from floydfulton@yahoo.com. [Learn why this is important](#)

Stacy,

Correction: Bryce Withers phone# 541-408-1400

Also we are have decided to request conversion of this permit to certificate and will refile for the additional well at a later date, Bryce has the details.

Apologies for any confusion and thanks again for your attention to this matter.

Floyd Fulton

503-342-6782

On Mar 8, 2024, at 1:27 PM, PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov> wrote:

Thank you Floyd,

I will get in contact with Bryce regarding the transfer. If anything is needed from you to move the application forward, I will be sure to reach out.

Thanks,

Stacy H. Phillips

Natural Resource Specialist 2, Permit Amendment Caseworker

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

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

<image001.jpg>

From: Floyd Fulton <floydfulton@yahoo.com>
Sent: Friday, March 8, 2024 1:13 PM
To: PHILLIPS Stacy H * WRD <Stacy.H.PHILLIPS@water.oregon.gov>
Subject: Re: T-14126 Permit Amendment

You don't often get email from floydfulton@yahoo.com. [Learn why this is important](#)

Hello Stacy,

Good to hear you will be processing our OWRD application.

You are correct, Steve Applegate was our OWRD Consultant and passed June of last year.

Since then I've started working with Bryce Withers, here is his contact info:

Water Right Services, LLC

PO Box 1830

Bend OR. 97709

info@wordpress-253005-3315797.cloudwaysapps.com

541-389-2837

Please advise if any additional info required to process our application.

Thank you,

Floyd Fulton

503-342-6782

On Mar 8, 2024, at 9:16 AM, PHILLIPS Stacy H * WRD
<Stacy.H.PHILLIPS@water.oregon.gov> wrote:

Good Morning,

I am the caseworker assigned to your Permit Amendment Transfer T-14126. I've been reviewing the file and noticed the agent listed Steve Applegate has passed away. I was wondering if you have another agent to help manage this file or if we are to be working directly with you now? I have some questions about the application I'd like to get figured out before finalizing everything but I wanted to know who I should be contacting and reaching out to about it.

Please let me know.

Thanks,

Stacy H. Phillips

Natural Resource Specialist 2, Permit Amendment Caseworker

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

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

<image001.jpg>

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--
Bryce Withers

Water Right Specialist
(541)408-1400 cell

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14126

GW Reviewer Stacey Garrison Date Review Completed: 1/3/2024

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

Application: T-14126

Applicant Name: Fulton Family Enterprises, Inc.

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

Reviewer(s): Stacey Garrison

Date of Review: 1/3/2024

Date Reviewed by GW Mgr. and Returned to WRSD: _____

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: The applicant propose to add an APOA (PROP 397). The existing POA (YAMH 50585) is authorized under Permit G-18221 to irrigate 35 acres at 0.31 cfs (139 gpm) and a maximum annual volume of 87.5 acre-feet. The APOA (PROP 397) will be assessed for the full rate of 0.31 cfs and duty of 35 acres and 87.5 AF.
 2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: The applicant states that the APOA (PROP 397), located 868 ft northeast of the existing POA, will be constructed similarly to the existing POA (YAMH 50585).
 3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No N/A
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: The authorized POA (YAMH 50585) is located 978 ft from the nearest groundwater user, the exempt domestic well serving tax lot 1500 at 17105 NE McDougall Rd. The proposed APOA (PROP 397) is located 924 ft from the nearest groundwater user, YAMH 59117 (an exempt domestic well). The reduced intervening distance is anticipated to result in increased interference with the nearest groundwater user.

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: The potential for injury of YAMH 59117 due to the proposed changes was assessed using the Theis (1935) solution for drawdown in a confined aquifer (see attached Theis Drawdown Analysis). Results indicate that injury of YAMH 59117 under the proposed change is not likely if the proposed APOA (PROP 397) were to pump up to the maximum duty of 87.5 ac-ft for 245 days* under the proposed change. *The full pumping rate could not be utilized continuously for the entire 245-day period of use without exceeding the 87.5 ac-ft maximum allowed duty. For the maximum allowed duty of 87.5 ac-ft, continuous pumping would occur for 245 days at a rate of 0.18 (~81 gpm).

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 authorized POA (YAMH 50585) is located 2,500 ft from the Yamhill River, which it is assumed to have hydraulic connection with. The proposed APOA (PROP 397) is located 2,336 ft from the Yamhill River; the applicant states the proposed APOA will have similar construction to the authorized POA (YAMH 50585), therefore hydraulic connection between the APOA and the Yamhill River is assumed. The reduced intervening distance is anticipated to result in increased interference with the Yamhill River.

The authorized POA (YAMH 50585) is located 160 ft from the unnamed tributary to the Yamhill River, and the proposed APOA (PROP 397) is located 295 ft from the unnamed tributary to the Yamhill River. The increased intervening distance is anticipated to result in a decreased interference with the unnamed tributary to the Yamhill River. Neither the authorized POA (YAMH 50585) or the proposed APOA (PROP 397) are assumed to have hydraulic connection with the unnamed tributary to the Yamhill River as it does not appear that the streambed has incised into the CRBG WBZs.

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: Yamhill River

☒ Minimal ☐ Significant

Provide context for minimal/significant impact: The reduced intervening distance between the proposed APOA (PROP 397) and the Yamhill River will likely cause an overall increase in interference with the Yamhill River. This increase is anticipated to be minimal due to the relatively small difference of distances, the buffering effect of clay layers, and restricted fault-plane flow that is the basis for hydraulic connection.

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

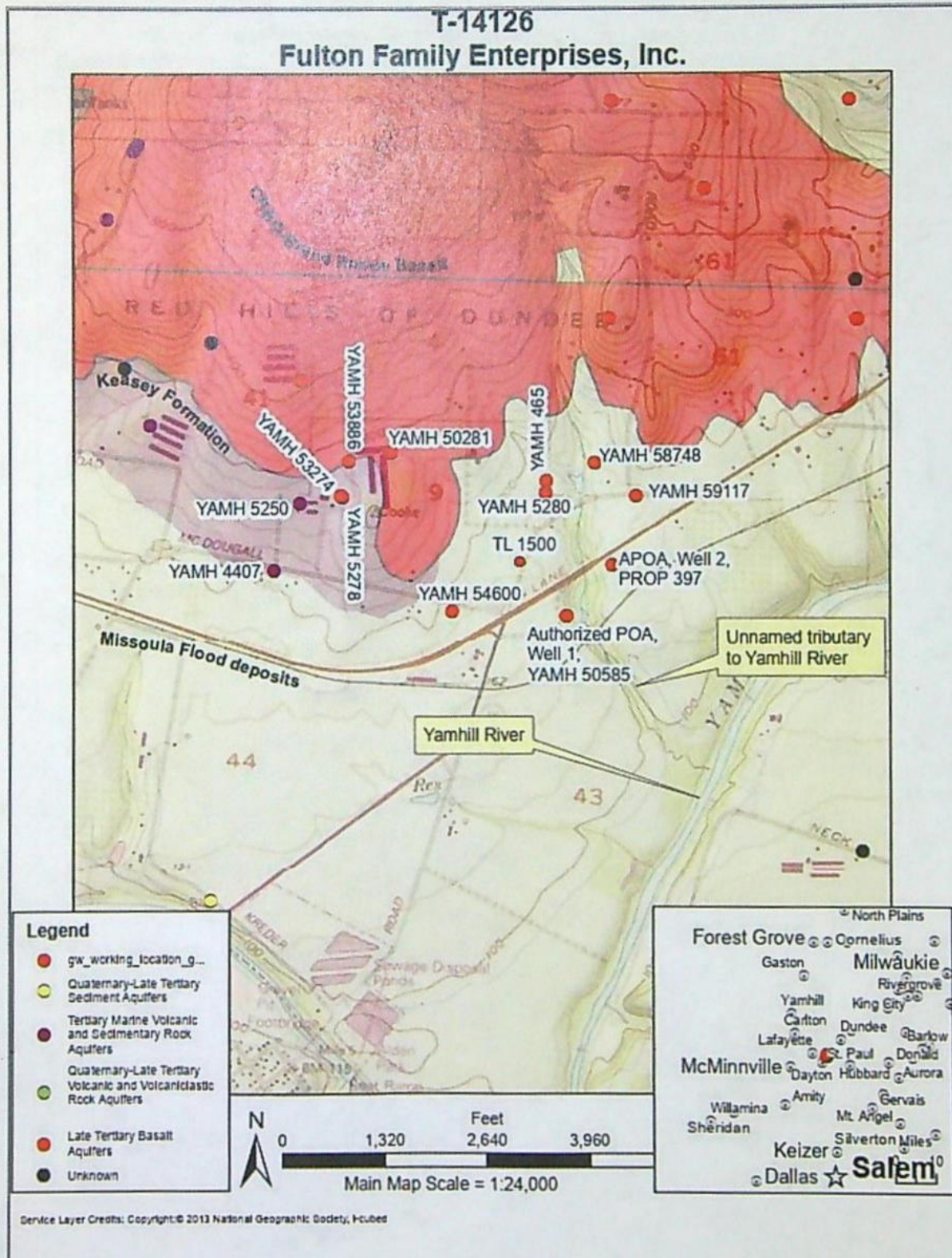
Application file: T-14126, G-18600; Permit G-18221

Pumping Test Files: YAMH 1820, YAMH 2802, YAMH 4640, YAMH 50117, YAMH 50763, YAMH 51799.

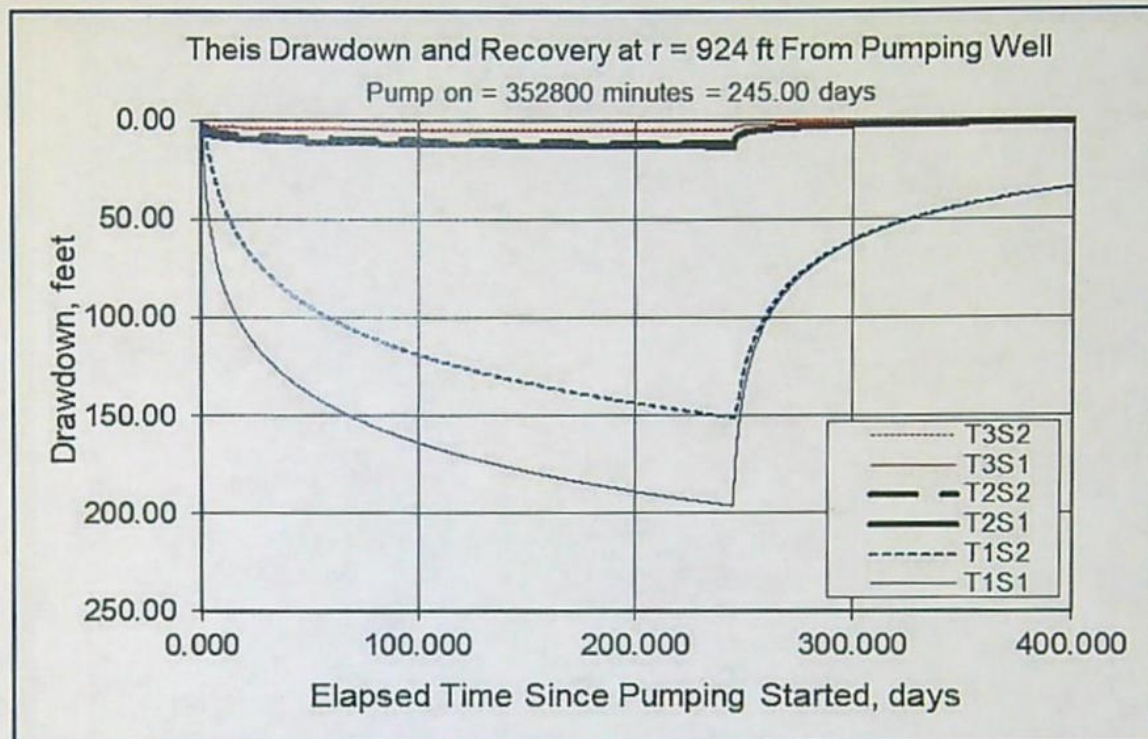
Conlon, Terrence D., Wozniak, Karl C., Woodcock, Douglas, Herrera, Nora B., Fisher, Bruce J., Morgan, David S., Lee, Karl K., and Hinkle, Stephen R., 2005, Ground-Water Hydrology of the Willamette Basin, Oregon: U.S. Geological Survey Scientific Investigations Report 2005-5168.

Driscoll, F.G., 1986, Groundwater and Wells, Second Edition: Johnson Filtration Systems Inc.

Map



Theis Drawdown Analysis



Radial distance from pumping well (r)=924 ft [estimated radial distance to YAMH 59117]

Pumping Rate (Q)= 0.18 cfs (81 gpm)*

Aquifer Transmissivity (T_1)= 254 gpd/ft (34 ft²/day), (T_2)= 6,000 gpd/ft (802 ft²/day), (T_3)= 16,860 gpd/ft (2,254 ft²/day)

Storativity (s_1) = 0.0001, (s_2) = 0.00035 [Conlon et al 2005, Table 1 values for CRB]

Total pumping time = 245 days

*The full pumping rate could not be utilized continuously for the entire 245-day period of use without exceeding the 87.5 ac-ft maximum allowed duty. For the maximum allowed duty of 87.5 ac-ft, continuous pumping would occur for 245 days at a rate of 0.18 (~81 gpm).

YAMH 59117

(Exempt well)

SWL	69.5 ft bls	Driller measurement (9/15/2022)
Aquifer Bottom	194 ft bls	YAMH 59117
Available Water Column	124.5 ft	Aquifer Bottom - SWL
Pump Height Above Bottom	5 ft	Estimate
NPSHa	5 ft	Estimate
Drawdown	10 ft	Estimate @ 30 gpm using Spec Cap (3 gpm/ft) from transmissivity per Driscoll (1989) w/70% efficiency
Minimum Water Column	20 ft	Estimated Drawdown + NPSHa + Pump Height
Injury	105 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

Transfer Application: T-14126

Review Due Date:

Applicant Name: Fultin Family Enterprises

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

Reviewer(s): Joel Plahn

Date of Review: 12/15/2022

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 Water Resources Department

Measurement Condition Information for the Applicant

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

Transfer #: T-

- ☐ In order to avoid enlargement of the right or injury to other rights, a _____ will
be required to be installed prior to diversion of water, as a condition of this transfer:
- ☐ at each point of diversion/appropriation (new and existing) **OR**
☐ at each new point of diversion/appropriation.

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

Approval of an Alternate Measurement Device

T-

(to be filled out after consultation with the applicant, or after a site visit)

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

 Watermaster signature

 District

 Date

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

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



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

December 12, 2022

FULTIN FAMILY ENTERPRISES INC.
19370 OLD RIVER DR
WEST LINN, OR 97068

Reference: Application T-14126

On December 5, 2022, OWRD received your water right Permit Amendment Application. The application was accompanied by \$1360.00. Our receipt number 139665 is enclosed.

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

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

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

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

If you have any questions, please contact the Transfer Section at (503) 979-9931.

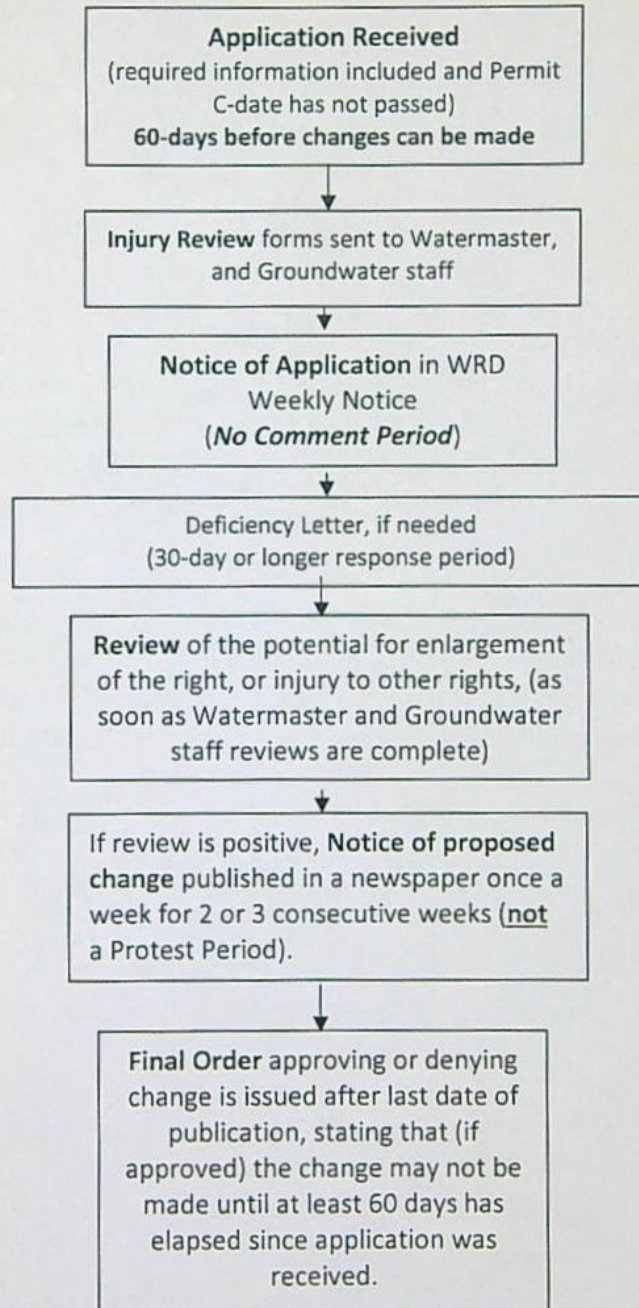
Cc: Watermaster Dist. #22, Joel M. Plahn (via email)
Yamhill county Planning
Steven P. Applegate, Agent

Enclosure

Permit Amendment Process

ORS 537.211

Changes: POD/POA, Place of Use



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **139665**

INVOICE # _____

RECEIVED FROM: Fulton Family Enterprises Inc APPLICATION _____

BY: _____ PERMIT _____

CASH: ☐ CHECK: # 64 OTHER: (IDENTIFY) ☐ TRANSFER T-14126

TOTAL REC'D \$ 1360.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110

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

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>1360.00</u>		
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

**RECEIVED
OVER THE COUNTER**

RECEIPT: **139665** DATED: 12/5/2022 BY: Nancy Carlson

Application for Permit Amendment

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

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: \$1,360.00
http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
- ☒ Part 4 – Completed Applicant Information and Signature.
- ☒ Part 5 – Information about Permits to be Amended: **Number of permits to be amended:** 1
List the Permits here: G-18221
Please include a separate Part 5 for each permit. (See instructions on page 6)
- ☒ Completed Permit Amendment Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- ☐ ☒ N/A Request for Assignment Form and statutory fee. The request for assignment form has to be completed if the applicant is **not** the permit holder of record and needs to be assigned to the permit; **or** the landowner of the proposed place of use is **not** the permit holder of record and needs to be assigned to the permit (the Request for Assignment Form is available online at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>). Assignment is not needed if the applicant is the permit holder of record.
- ☐ ☒ N/A Affidavit(s) of Consent are required from all permit holder(s) of record if the permit is not assigned to the applicant **or** other permit holders of record that are not listed as applicants.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) 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.
- ☐ ☒ N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500 feet from the surface water source and more than 1000 feet upstream or downstream from the point of diversion. (ORS 540.531(2) or (3)).

(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 ☐ Part ☐ Is incomplete
☐ Additional signature(s) required

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 5 – Permit Amendment Map Checklist

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

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

- ☐ ☒ N/A If more than three permits are involved, separate maps for each permit.
- ☒ 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 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 use permit, 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 permit is being changed, a separate hachuring is needed for the portion of the permit left unchanged.
- ☐ ☒ N/A If you are proposing a change in place of use, show the proposed place of use with hachuring that includes separate hachuring for each permit, 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 use permit.
- ☒ ☐ N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

14126

Part 3 of 5 – Fee Worksheet

FEE WORKSHEET for PERMIT AMENDMENT			
1	Base Fee (includes one type of change to one permit for up to 1 cfs)	1	\$1,360
	Types of change proposed: <input type="checkbox"/> Place of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1</u> (2a) Subtract 1 from the number in line 2a = <u>0</u> (2b) <i>If only one change, this will be 0</i>		
2	Multiply line 2b by \$1090 and enter »	2	0
	Number of permits included in Permit Amendment <u>1</u> (3a) Subtract 1 from the number in 3a: <u>0</u> (3b) <i>If only one permit this will be 0</i>		
3	Multiply line 3b by \$610 and enter »	3	0
	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 <input checked="" type="checkbox"/> Yes: enter \$480 for the 1 st well to be added or changed <u>480</u> (4a) Do you propose to add or change additional wells? <input checked="" type="checkbox"/> No: enter 0 <input type="checkbox"/> Yes: multiply the number of additional wells by \$410 _____ (4b)		
4	Add line 4a to line 4b and enter »	4	
	Do you propose to change the place of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 <input type="checkbox"/> Yes: enter the cfs for the portions of the permits to be amended (see below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »		
5		5	0
6	Add entries on lines 1 through 5 above » » » » » » » » » » Subtotal:	6	1,360 ⁰⁰
	Is this permit amendment: <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 6 by 0.5 and enter on line 7 If no box is applicable, enter 0 on line 7 »		
7		7	0
8	Subtract line 7 from line 6 » Permit Amendment Fee:	8	1,360 ⁰⁰

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

1. For irrigation calculate cfs for each permit involved as follows:
 - a. Divide total authorized cfs by total acres in the permit (*for S-12345, 1.25 cfs ÷ 100 ac*); then multiply by the number of acres to be changed to get the application cfs (*x 45 ac = 0.56 cfs*).
 - b. If the water right permit 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 S-87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs*)
2. Add cfs for the portions of permits on all the land included in the application; however **do not count cfs for supplemental permits on acreage for which you have already calculated the cfs fee for the primary permit on the same land**. The fee should be assessed only once for each "on the ground" acre included in the application. (*In this example, blank 5a would be only 0.56 cfs, since both permits serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0*).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME <i>FULTON FAMILY ENTERPRISES, INC</i>		PHONE NO. <i>(805) 624-9921</i>	ADDITIONAL CONTACT NO. <i>(509) 540-2372</i>
ADDRESS <i>19370 OLD RIVER DRIVE</i>		FAX NO.	
CITY <i>WEST LINN</i>	STATE <i>OR</i>	ZIP <i>97068</i>	E-MAIL <i>floyd.fulton@yahoo.com</i>
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 <i>STEVEN P. APPLE GATE CONSULTING</i>		PHONE NO. <i>(503) 362-4040</i>	ADDITIONAL CONTACT NO.
ADDRESS <i>3395 HUCKLEBERRY CT S.</i>		FAX NO.	
CITY <i>SALEM</i>	STATE <i>OR</i>	ZIP <i>97302</i>	E-MAIL <i>steve.applegate@gmail.com</i>
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 permit amendment; and why:

The original well does not produce enough water plus access to well on west side of creek is difficult.
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

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

Is the applicant the permit holder of record? ☒ Yes ☐ No

If NO, include either:

- ☐ A completed assignment form (with required statutory assignment fee), assigning all or a portion of the permit to the applicant(s), OR
- ☐ An affidavit of consent from the permit holder(s) of record that gives permission for the applicant to amend the permit.

Has the Completion ("C") Date of the permit(s) in this application expired? ☐ Yes ☒ No

If YES, this application will not be accepted by the Department.

If NO, what are the completion dates of the permit(s)? *"WITHIN FIVE TWENTY YEARS" FROM PERMIT DATE.*

- If the permit completion date expires while the Permit Amendment Application is pending, the Department will not approve the Permit Amendment Application until an Extension of Time Application is approved for the permit.
- You may consider using the Reimbursement Authority process to expedite the processing of this Permit Amendment Application if the completion date of the permit expires within 6 months of the date of filing this application.

By my signature below, I confirm that I understand:

- Prior to Department approval of the permit amendment, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the permit is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: *OREGONIAN*

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

X Floyd Fulton
Applicant Signature

FLOYD FULTON
Print Name (and Title if applicable)

X Nov 30, 2022
Date

Applicant Signature

Print Name (and Title if applicable)

Date

Check one of the following:

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

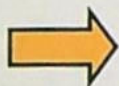
Check the appropriate box, if applicable:

- ☐ Check here if any of the permits proposed for amendment are or will be located within or served by an irrigation or other water district. *N/A*

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME	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 or used.

ENTITY NAME <i>YAMHILL COUNTY</i>	ADDRESS	
CITY <i>McMINNVILLE</i>	STATE <i>OR</i>	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

14126

Part 5 of 5 – Water Use Permit Information

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

PERMIT # G-18221

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)

(Note: If the POD/POA name is not specified in the permit, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized by the permit 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)
1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed		45	3W	9	SWNE	600	1360'S. & 460'E. from NW Cor. DLC 43
2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	—	"	"	"	SENE	600	920'S. & 840'E. from NW Cor. DLC 43
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

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

- | | |
|--|--|
| <input type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input checked="" type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Surface water POD to Ground Water POA (SW/GW) |

Will all of the proposed changes affect the entire water use permit?

- ☒ 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 permit to be changed.

For a change in place of use: N/A

Does the permit holder of record own or control the land TO which the place of use is being moved?

☐ Yes ☐ No

If NO, the landowner of the land TO which the place of use is being moved must be assigned to the permit as a permit holder of record by submitting a completed Request for Assignment form and the required statutory fee for an assignment.

Is the proposed place of use contiguous to the authorized place of use? ☐ Yes ☐ No

The permitted place of use can be moved only to lands that are contiguous to the authorized place of use unless the change to non-contiguous lands is in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency. Contiguous land being either adjacent land or land separated from the land to which a permit is authorized by roads, utility corridors, irrigation ditches or publicly owned rights of way.

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

Table 2. Description of Changes to Water Use Permit # G-18221

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

AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	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 (if applicable)	POD(s) or POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																								
2	S	9	E	15	NE	NW	100		15.0	POD #1		POU/POD	2	S	9	E	15	NW	NW	100	1	10.0	POD #5	
"	"	"	"	"	"	"	"	"	EXAMPLE	"		"	2	S	9	E	15	SW	NW	200		5.0	POD #6	
4	S	3	W	9	SE	NE	600		—	2		POA												
TOTAL ACRES										—	TOTAL ACRES										—			


Additional remarks: THIS APPLICATION IS FOR ONE ADDITIONAL POA ONLY.

14126

Permit # G-18221

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

If YES, list the other certificate, permit, or ground water registration numbers: _____

 If the permit(s) are for irrigation or supplemental irrigation use, other water rights existing on the same land for irrigation that are subject to transfer must either change concurrently or be cancelled. Any change to a water right certificate or ground water registration must be filed separately in a water right transfer application or ground water registration modification application, respectively.

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

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

AND/OR

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

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L- _____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or <u>gpm</u>) If less than full rate of water right
<u>WELL 2</u>	<u>No</u>	<u>—</u>	<u>300</u>		<u>(SEE NOTE BELOW)</u>			<u>100'</u>	<u>BASALT</u>	<u>150</u>

NOTE: WELL 2 IS TO BE CONSTRUCTED IN A SIMILAR MANNER TO THE AUTHORIZED WELL 1.

yamb
50585

Well 1

(1) OWNER: Well No. 1654
Name JACK PARSONS
Address 25460 SW BAKER RD
City SHERWOOD St OR Zip 97140

(9) LOCATION OF WELL by legal description:
County YAMHILL Lat. ' ' ' Long. ' ' '
Township 4 S Range 3 W NW.
Section 9 NW 1/4 SW 1/4
Tax Lot 4309 Lot 0600 Block Subdivision
Street Address of Well (or nearest Address)
3005 DAYTON BYPASS DAYTON, OR

(2) TYPE OF WORK: NEW WELL

(3) DRILL METHOD: ROTARY AIR

(4) PROPOSED USE: DOMESTIC

(10) STATIC WATER LEVEL:
91 ft. below land surface. Date 03/25/97
Artesian pressure _____ lb per square in. Date _____

(5) BORE HOLE CONSTRUCTION:
Special Construction Approval NO Depth of Compl. Well 292 ft
Explosives used NO Type Amount
HOLE SEAL
Diam. From To Material From To Amount
10 0 138 BENTONITE 0 25 9 SAX
6 138 300 CEMENT W/GEL 25 138 36 SAX

(11) WATER BEARING ZONES:
Depth at which water was first found 209
From To Est Flow Rate SWL
209 217 25 NA
265 285 50 91

Seal placement method C
Backfill: from _____ ft to _____ ft Material
Gravel: from _____ ft to _____ ft Size _____

(12) WELL LOG:
Ground elevation
Material From To SWL
TOP SOIL 0 4
BROWN CLAY 4 30
BLUE CLAY 30 85
GRAY CLAY 85 109
DECAYED BASALT 109 123
HARD GRAY BASALT 123 175
LIGHT DECAY, MEDIUM GRAY BASALT 175 181
MEDIUM GRAY BASALT 181 209
DECAYED BASALT 209 217 WB
HARD GRAY BASALT 217 265
DECAYED BASALT, VESICULAR 265 285 91
DECAYED BASALT, SOME CLAY, UNSTABLE 285 300

(6) CASING/LINER:
Diam. From To Gauge Material Connection
Casing 6 +2 138 .25 STEEL WELDED

Liner 4 0 292 SDR26 PLASTIC WELDED

Final Location of shoe(s) 138

(7) PERFORATIONS/SCREENS:
[X] Perf. Method ELECTRIC SAW
[] Screens Type Material
Slot Tele/pipe
From To Size Number Diam. Size Casing/liner
252 292 6" 72 _____ LINER

DAVE PAYSINGER, BLUE WATER DRILLING CO.
DAYTON, OR.

Date started 03/24/97 Completed 03/25/97

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

(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 my best knowledge and belief.

Signed _____ WWC Number _____
Date _____

(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 L. Paysinger* WWC Number 1438
Date 03/25/97

Yield GPM	Draw-down	Drill stem at	Time
75	_____	292	1 hr.
75	_____	280	1

Temperature of water 52 Depth Artesian Flow Found _____
Was water analysis done? NO By whom _____
Reason for water not suitable for use _____
Depth of strata _____

RECEIVED
MAR 28 1997
WATER RESOURCES DEPT.
SALEM, OREGON

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

Applicant(s): Fulton Family Enterprises, Inc.

Mailing Address: 19370 Old River Drive

City: West Linn State: OR Zip Code: 97068 Daytime Phone: (503) 624-9921

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>3W</u>	<u>9</u>	<u>SE NE</u>	<u>600</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>IRRIGATION</u>
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<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:

YAMHILL

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: 150 ☐ 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:

APPLICATION IS TO ADD AN ADDITIONAL WELL (#2) TO EXISTING PERMIT G-18221. THE 35.0 ACRES WILL BE IRRIGATED FROM SOME COMBINATION OF BOTH WELLS 1 & 2.

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

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): 402.02(A) of the YCZO
- ☐ 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: Stephanie Armstrong Title: Senior Planner
 Signature: [Signature] Phone: 503.434.7516 Date: 11/30/22
 Government Entity: Yamhill County

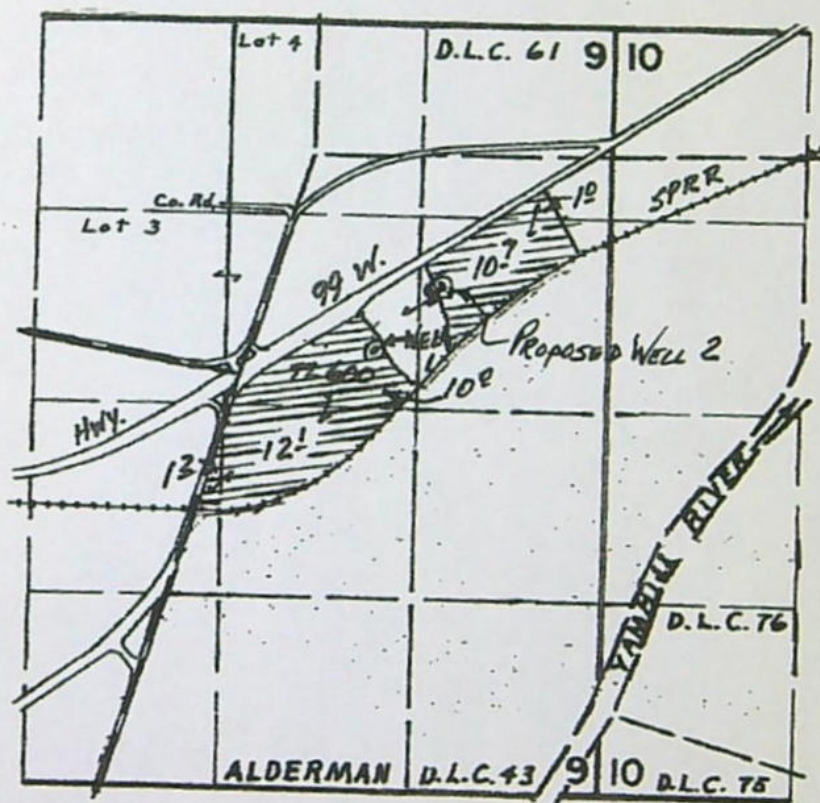
Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use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

Receipt for Request for Land Use Information

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

Map to Accompany Application for
Amendment of Permit G-18221 ,
In the Name of
Floyd Fulton Farms, LLC

T. 4S., R. 3W., WM



Scale ; 1" = 4320'

POA's Located:

Existing POA- 1360' S. & 460' E.:

Proposed Well 2- 920' S, & 840' E.; both from the NW Corner Alderman DLC
43, Section 9,

This map is for the purpose of identifying the location of water rights only, and is not
Intended to provide legal dimensions or locations of property lines.

14126

11/08/22 *[Signature]*

Business Registry Business Name Search

[New Search](#)

Business Entity Data

12-07-2022

10:07

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1508401-98	DBC	ACT	OREGON	12-28-2018	12-28-2022	YES
Entity Name	FULTON FAMILY ENTERPRISES, INC.					
Foreign Name						

Online Renewal:

[Renew Online](#)[Click here to generate and print an annual report.](#)[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	19370 OLD RIVER DR			
Addr 2				
CSZ	WEST LINN	OR	97068	Country UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	12-28-2018	Resign Date	
Name	FLOYD	FULTON				
Addr 1	19370 OLD RIVER DR					
Addr 2						
CSZ	WEST LINN	OR	97068	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS		
Addr 1	19370 OLD RIVER DR			
Addr 2				
CSZ	WEST LINN	OR	97068	Country UNITED STATES OF AMERICA

Type	PRE	PRESIDENT		Resign Date	
Name	FLOYD	FULTON			
Addr 1	19370 OLD RIVER DR				
Addr 2					
CSZ	WEST LINN	OR	97068	Country	UNITED STATES OF AMERICA

Type	SEC	SECRETARY		Resign Date	
Name	PATRICIA	FULTON			
Addr 1	19370 OLD RIVER DR				



RECEIVED

DEC 05 2022

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Fulton Family Enterprises Inc.
19370 Old River Dr. West Linn, OR 97068

Transaction Type: Permit Amendment

Fees Received: \$ 1350

☐ Cash

☒ Check:

Check No. 64

Name(s) on Check: Fulton Family Enterprises

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

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

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

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

Sincerely,
OWRD Customer Service Staff

Submission received by: Dante Luongo
(Name of OWRD staff)

Instructions for OWRD staff:

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

14126

Permit Amendment Application Checklist

Checked by Aula

Date 12/7/22

App # _____

Permit # G-18221

Permit Amendments are authorized for changes in POD/POA, APOD/APOA, or POU.

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

- ☒ 1. Is the name of the Permit Amendment applicant the same as the Water Right Permit holder(s) of record?

If not, one of the following must be included with the application:

- ___ a) An affidavit of consent from all Permit holder(s) or the other Permit holders that have not signed the Permit Amendment application form, consenting to the proposed Permit Amendment application; **OR**,
___ b) A completed Request for Assignment form (and statutory fee) to move all (or portion) of the permit into the Permit Amendment applicant's name.

If not, what is missing? _____

- ☒ 2. Page 1 of application: Are all attachments that have been checked actually included?

If not, what is missing? _____

- ☒ 3. Are fees included and correct? Fee Paid: \$1360

If not, the correct fee would be \$1840, so the amount missing is: \$480 *Missing APOA Fee*

- ☒ 4. 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? _____

- ☒ 5. Are the Permit completion date(s) current? 6/10/2024

If the Permit completion date has expired, we **CANNOT** accept the application.

- ☒ 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.

14126