Regular



T-14189

Name_ Bruce Ernst							
Address PO Box 460	DESCRIPTION	OF WATER RIGHT(s)				FEES PAII	
Saint Paul, OR 97137	Λ.	1 1 2 1 1			Date	Amount	Receipt #
acceernstnursery.com	Name of Stream A	MEII			3/17/23	THE RESERVE TO SHARE THE PARTY OF THE PARTY	148324
The strain of th	Trib of Micsion	Oversk Prosin			3-17-2023	\$ 125.00	02 140594
Change in APOA	1110. 01 1911221041	Creek Basia			12-26-23		
Date Filed 3-17-2023	Use Nurseny U	2021	County Mario	0		\$410.00	
Initial notice date 3-21-2023	Quantity of water (CFS)		No. of Acres		12 20 23	B 7 10 . CC	1 10101
DPD issued date	Name of ditch	/	140. 01 716165				
PD issued date 1/31/2025		Per # G-18143	Cert # 910789	PR Date 5 12 200	04		
PD notice date 2/4/2025	App#		Cert #	PR Date		FEES REFU	JNDED
Date of FO 777203 Vol Page 447	App#		Cert #		Date	Amount	Receipt #
Withdraw 1	App#	Per #	Cert #	PR Date	12/6/2023	847257	VP057012
reconsideration: 7/1/2024 V.131 Pg.461	App#	Per #	Cert #	PR Date			
C-Date	PA. Flantage	1 701					
COBU due date COBU Received date	FO: 5/20/2025 V	V159 P689					
Certificate issued							
Certificate issued							
Assignments:							
				_			
			*				
Irrigation District							
Irrigation District				_			
Agent Doann Hamilton - chadmh equ	mail. com						
Might in Cy							
CWRE_							
CC's list Marion County							
- Oversized map - Location							



Water Resources Department

North Mall Office Building 725 Summer St NE, Suite A Salem, OR 97301 Phone 503 986-0900 Fax 503 986-0904

May 20, 2025

Bruce Ernst PO BOX 460 Saint Paul, OR 97137

REFERENCE: Transfer Application T-14189

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

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

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

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

If you have any questions related to the approval of this transfer, you may contact your caseworker, Kim French, by telephone at (503) 979-9607 or by e-mail at Kim.r.french@water.oregon.gov.

Sincerely,

David V. Jones Jr

Water Rights Services Support

Transfers and Conservation Section

cc:

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

Doann Hamilton, Agent

Marion County Planning Department, Local Government

Enclosure

OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER APPROVING ADDITIONAL
T-14189, Marion County)	POINTS OF APPROPRIATION

Authority

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

Applicant

BRUCE ERNST PO BOX 460 SAINT PAUL, OR 97137

Findings of Fact

- 1. On March 17, 2023, Bruce Ernst filed an application for additional points of appropriation under Certificate 96789. The Department assigned the application number T-14189.
- 2. Notice of the application for transfer was published on March 21, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On November 15, 2023, the Department received a withdrawal request from the applicant.
- 4. On November 27, 2023, the Department issued a Final Order withdrawing Transfer Application T-14189 and refunded all unearned fees.
- On December 26, 2023, the Department received a request to rescind the November 15, 2023 withdrawal request.
- 6. On January 9, 2024, the Applicant returned the fees that were refunded when the transfer was withdrawn.

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.

- 7. On July 1, 2024, the Department issued a Final Order on Reconsideration to reinstate Transfer Application T-14189.
- On September 12, 2024, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14189. The draft Preliminary Determination cover letter provided a deadline of October 11, 2024, for the applicant to respond and submit the required information. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 9. On January 31, 2025, the Department issued a Preliminary Determination proposing to approve Transfer Application T-14189 and sent a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department's weekly notice on February 4, 2025, and in the Woodburn Independent newspaper on February 12 and February 19, 2035, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.
- 10. The right to be transferred is as follows:

Certificate:

96789 in the name of BRUCE ERNST (perfected under Permit G-18143)

Use:

NURSERY USES ON 97.9 ACRES

Priority Date:

MAY 12, 2004

Rate:

1.78 CUBIC FEET PER SECOND (CFS), further limited to 0.31 CFS for nursery uses on 7.6 acres from Well 1 and 1.5 CFS on 90.3 acres from Well 2, not to

exceed cumulative total of 1.78 cfs at any time

Limit/Duty:

The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to ONE FORTIETH of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to ONE EIGHTIETH of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to ONE EIGHTIETH of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

Period of Use: YEAR ROUND

Source:

WELL 1 AND WELL 2 in MISSION CREEK BASIN

Authorized Points of Appropriation (POA):

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
45	2 W	WM	4	SW SE	70	WELL 1 - 720 FEET SOUTH AND 1000 FEET EAST FROM THE NW CORNER OF DLC 70
45	2 W	WM	4	SW SE	70	WELL 2 - 635 FEET SOUTH AND 1000 FEET EAST FROM THE NW CORNER OF DLC 70

Authorized Place of Use:

				NURSERY	USES			
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Authorized POA
45	2 W	WM	4	NE SW	4		1.5	Well 2
45	2 W	WM	4	NE SW		70	3.6	Well 2
4 S	2 W	WM	4	SE SW		70	10.9	Well 2
45	2 W	WM	4	SE SW		70	4.6	Well 1
45	2 W	WM	4	NE SE	6		5.0	Well 2
45	2 W	WM	4	NE SE		70	2.0	Well 2
45	2 W	WM	4	NW SE	5		18.7	Well 2
4 S	2 W	WM	4	NW SE		70	7.4	Well 2
45	2 W	WM	4	SW SE		70	28.8	Well 2
4 S	2 W	WM	4	SW SE		70	3.0	Well 1
4 S	2 W	WM	4	SE SE		70	6.1	Well 2
4 S	2 W	WM	9	NE NE		70	1.1	Well 2
4 S	2 W	WM	9	NW NE		70	4.0	Well 2
45	2 W	WM	9	NE NW		70	1.2	Well 2
						TOTAL	97.9	

11. Transfer Application T-14189 proposes two additional points of appropriation (POA). The locations and approximate distances from the existing POAs are as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Measured Distances Approximate D from Authorize		
							Well 1	Well 2	
45	2 W	WM	4	SW SE	70	WELL 3 - 1200 FEET SOUTH AND 1905 FEET EAST FROM THE NW CORNER OF GARINS DLC 70	1,060 FEET SW	1,103 FEET SW	
45	2 W	WM	9	NE NE	70	WELL 5 - 2330 FEET SOUTH AND 1140 FEET WEST FROM THE NE CORNER OF GARINS DLC 70	2,737 FEET SW	2,791 FEET SW	

- 12. The rate for the proposed and existing wells will be 1.78 CFS, further limited to 0.31 CFS for nursery uses on 7.6 acres from Well 1 and 1.5 CFS on 90.3 acres from Wells 2, 3 and 5, not to exceed a cumulative total of 1.78 cfs at any time.
- 13. The proposed points of diversion will be used on the place of use as follows:

NURSERY USES											
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Points of Appropriation			
4 S	2 W	WM	4	NE SW	4		1.5	Wells 2, 3 & 5			
45	2 W	WM	4	NE SW		70	3.6	Wells 2, 3 & 5			
45	2 W	WM	4	SE SW		70	10.9	Wells 2, 3 & 5			
45	2 W	WM	4	SE SW		70	4.6	Well 1			
45	2 W	WM	4	NE SE	6		5.0	Wells 2, 3 & 5			
45	2 W	WM	4	NE SE		70	2.0	Wells 2, 3 & 5			
45	2 W	WM	4	NW SE	5		18.7	Wells 2, 3 & 5			
45	2 W	WM	4	NW SE		70	7.4	Wells 2, 3 & 5			
45	2 W	WM	4	SW SE		70	28.8	Wells 2, 3 & 5			
45	2 W	WM	4	SW SE		70	3.0	Well 1			

NURSERY USES											
Twp Rng M			Twp	Mer Sec	Q-Q	GLot	DLC	Acres	Points of Appropriation		
45	2 W	WM	4	SE SE		70	6.1	Wells 2, 3 & 5			
45	2 W	WM	9	NE NE		70	1.1	Wells 2, 3 & 5			
45	2 W	WM	9	NW NE		70	4.0	Wells 2, 3 & 5			
45	2 W	WM	9	NE NW		70	1.2	Wells 2, 3 & 5			
						TOTAL	97.9				

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), OAR 690-380-2110(2) and OAR 690-380-0220]

- 14. Water has been used within the last five years prior to the submittal of Transfer Application T-14189 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 15. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14189.
- 16. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
- 17. The proposed points of appropriation develop groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).
- 18. The proposed change, as conditioned, would not result in enlargement of the right.
- 19. The proposed change, as conditioned, would not result in injury to other existing water rights.
- 20. All other application requirements are met.

Conclusions of Law

The additional points of appropriation proposed in Transfer Application T-14189 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

Now, therefore, it is ORDERED:

- The additional points of appropriation proposed in Transfer Application T-14189 are approved.
- The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 96789 and any related decree.

- Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation.
- 4. Water right Certificate 96789 is cancelled.
- The quantity of water diverted at the new additional points of appropriation (Well 3 and Well 5), together with that diverted at the original points of appropriation (Well 1 and Well 2), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1 and Well 2).
- 6. 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).
 - 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.
- 7. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before October 1, 2026. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
- After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on MAY 2 0 2025

Lisa J Jaramillo Transfer and Conservation Section Manager, for

IVAN GALL, DIRECTOR

Oregon Water Resources Department

Mailing Date: MAY 2 1 2025

Date Typ 12/27/2024 Bill

Type Reference Bill T-14189

Original Amt. 71.40

(503) 986-0900 / (503) 986-0904 (fax)	
RECEIVED FROM: Eggst Nyssy & Forms	APPLICATION
BY:	PERMIT
CASUL CUISOVA CATUER ADDITION	TRANSFER T-144/84
CASH: CHECK:# OTHER: (IDENTIFY)	TOTAL PEOUP & 71 1/0
	TOTAL REC'D \$ 71.40
1083 TREASURY 4170 WRD MISC CASH ACC	СТ
0407 COPIES 4 6 118	S
0287 OTHER: (IDENTIFY) Name	NOFICE \$71.40
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245	Cons. Water
4270 WRD OPERATING AC	
MISCELLANEOUS	
0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$
WATER RIGHTS: EXAM FEE	RECORD FEE
0201 SURFACE WATER \$	0202 \$
0203 GROUND WATER \$	0204 \$
0205 TRANSFER \$	
WELL CONSTRUCTION EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$	0219 \$
LANDOWNER'S PERMIT	0220 \$
OTHER (IDENTIFY)	-
THE ACURY OF THE LOCKET START	
0536 TREASURY 0437 WELL CONST. START	
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)	S
0231 HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION	\$
TREASURY OTHER / RDX	
FUND TITLE	
OBJ. CODE VENDOR #	\$
DESCRIPTION	
111503 / 102	
RECEIPT: 144523 DATED: 10 1015 BY:	MOD MILL
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Co	py - File, Buff Copy - Fiscal

STATE OF OREGON WATER RESOURCES DEPARTMENT 725 Summer St. N.E. Ste. A

INVOICE #

Key Bank Checking

T-14189 NOTICE

71.40

Attached is a check in the amount of \$71.40 (PCA #46118) for Newspaper Notice for Transfer T-14189 made out to Oregon Water Resources Department (or WRD)

"For T- 14189 NOTICE" written on front of check

Mail to: Oregon Water Resources Department 725 Summer St. NE, Suite A Salem, OR 97301-1266

Received
JAN 10 2025 Caseworker: Kim French

JAN 10 2025



P.O. Box 45 West Linn, OR 97068 Phone: 503-684-0360 Fax: 503-620-3433 E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Marion, ss I, Kristine Humphries, being first duly sworn, depose and say that I am the Principal Clerk of the Woodburn Independent, a newspaper of general circulation, published in Marion County, Oregon, as defined by ORS 193.010 and 193.020, that

Ad#: 347815

Owner: Oregon Water Resources Depart-

ment

Description: Notice of Preliminary Determi-

nation for

Water Right Transfer T-14189

A copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 week(s) in the following issue:

02/12/2025, 02/19/2025

Kristine Humphries (Principal Clerk)

Subscribed and sworn to before me this

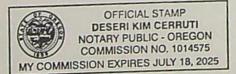
02/19/2025.

NOTARY PUBLIC FOR OREGON

Acct #: 149038

Attn:

OREGON WATER RESOURCES DEPARTMENT 725 SUMMER STREET SE, SUITE A SALEM, OR 97301



SEE EXHIBIT A

EXHIBIT A

Notice of Preliminary Determination for Water Right Transfer T-14189

Water RIght Transfer T-14189

T-14189 filed by Bruce Ernst, PO Box 460, Saint Paul, OR 97137, proposes additional points of appropriation under Certificate 96789. The right allows the use of 1.78 cubic feet per second from Well 1 and Well 2 in Sec. 4, T4S, R2W, WM for nursery uses in Secs. 4 and 9, T4S, R2W, WM. The applicant proposes additional points of appropriation in Secs. 4 and 9, T4S, R2W, WM. The Water Resources Department proposes to approve the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, a protest or standing statement within 30 days after the last date of newspaper publication of this notice, February 19, 2025. Call (503) 986-0935 to obtain additional information. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

termination.

Published Feb. 12 & 19, 2025.

WI347815

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer Application)	PRELIMINARY DETERMINATION
T-14189, Marion County)	PROPOSING APPROVAL OF ADDITIONAL
)	POINTS OF APPROPRIATION

Authority

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

Applicant

BRUCE ERNST PO BOX 460 SAINT PAUL, OR 97137

Findings of Fact

- On March 17, 2023, Bruce Ernst filed an application for additional points of appropriation under Certificate 96789. The Department assigned the application number T-14189.
- Notice of the application for transfer was published on March 21, 2023, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
- 3. On November 15, 2023, the Department received a withdrawal request from the applicant.
- On November 27, 2023, the Department issued a Final Order withdrawing Transfer Application T-14189 and refunded all unearned fees.
- On December 26, 2023, the Department received a request to rescind the November 15, 2023 withdrawal request.
- 6. On January 9, 2024, the Applicant returned the fees that were refunded when the transfer was withdrawn.
- 7. On July 1, 2024, the Department issued a Final Order on Reconsideration to reinstate Transfer Application T-14189.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

- 8. On September 12, 2024, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to approve Transfer Application T-14189. The draft Preliminary Determination cover letter provided a deadline of October 11, 2024, for the applicant to respond and submit the required information. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
- 9. The right to be transferred is as follows:

Certificate: 96789 in the name of BRUCE ERNST (perfected under Permit G-18143)

Use: NURSERY USES ON 97.9 ACRES

Priority Date: MAY 12, 2004

Rate: 1.78 CUBIC FEET PER SECOND (CFS), further limited to 0.31 CFS for nursery

uses on 7.6 acres from Well 1 and 1.5 CFS on 90.3 acres from Well 2, not to

exceed cumulative total of 1.78 cfs at any time

Limit/Duty: The amount of water used for nursery use is limited to a maximum of 5.0

acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to ONE FORTIETH of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to ONE EIGHTIETH of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to ONE EIGHTIETH of one cubic foot per second and 2.5

acre feet per acre during the irrigation season of each year.

Period of Use: YEAR ROUND

Source: WELL 1 AND WELL 2 in MISSION CREEK BASIN

Authorized Points of Appropriation (POA):

Twp	Rng	Mer	Sec	Q-Q	Q-Q DLC Measured Distances				
45	2 W	WM	4	SW SE	70	WELL 1 - 720 FEET SOUTH AND 1000 FEET EAST FROM THE NW CORNER OF DLC 70			
45	2 W	WM	4	SW SE	70	WELL 2 - 635 FEET SOUTH AND 1000 FEET EAST FROM THE NW CORNER OF DLC 70			

Authorized Place of Use:

	NURSERY USES											
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Authorized POA				
45	2 W	WM	4	NE SW	4		1.5	Well 2				
45	2 W	WM	4	NE SW		70	3.6	Well 2				
45	2 W	WM	4	SE SW		70	10.9	Well 2				
45	2 W	WM	4	SE SW		70	4.6	Well 1				
45	2 W	WM	4	NE SE	6		5.0	Well 2				
45	2 W	WM	4	NE SE		70	2.0	Well 2				

	NURSERY USES											
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Authorized POA				
4 S	2 W	WM	4	NW SE	5		18.7	Well 2				
45	2 W	WM	4	NW SE		70	7.4	Well 2				
45	2 W	WM	4	SW SE		70	28.8	Well 2				
45	2 W	WM	4	SW SE		70	3.0	Well 1				
45	2 W	WM	4	SE SE		70	6.1	Well 2				
45	2 W	WM	9	NE NE		70	1.1	Well 2				
45	2 W	WM	9	NW NE		70	4.0	Well 2				
4 S	2 W	WM	9	NE NW		70	1.2	Well 2				
						TOTAL	97.9					

10. Transfer Application T-14189 proposes two additional points of appropriation (POA). The locations and approximate distances from the existing POAs are as follows:

Twp	Twp Rng Mer Sec Q-Q DLC Measured Distance		Measured Distances	Approximate Distance from Authorized POA				
							Well 1	Well 2
45	2 W	WM	4	SW SE	70	WELL 3 - 1200 FEET SOUTH AND 1905 FEET EAST FROM THE NW CORNER OF GARINS DLC 70	1,060 FEET SW	1,103 FEET SW
45	2 W	WM	9	NE NE	70	WELL 5 - 2330 FEET SOUTH AND 1140 FEET WEST FROM THE NE CORNER OF GARINS DLC 70	2,737 FEET SW	2,791 FEET SW

- 11. The rate for the proposed and existing wells will be 1.78 CFS, further limited to 0.31 CFS for nursery uses on 7.6 acres from Well 1 and 1.5 CFS on 90.3 acres from Wells 2, 3 and 5, not to exceed a cumulative total of 1.78 cfs at any time.
- 12. The proposed points of diversion will be used on the place of use as follows:

				NURS	ERY USES	S		
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Points of Appropriation
45	2 W	WM	4	NE SW	4		1.5	Wells 2, 3 & 5
45	2 W	WM	4	NE SW		70	3.6	Wells 2, 3 & 5
45	2 W	WM	4	SE SW		70	10.9	Wells 2, 3 & 5
45	2 W	WM	4	SE SW		70	4.6	Well 1
45	2 W	WM	4	NE SE	6		5.0	Wells 2, 3 & 5
45	2 W	WM	4	NE SE		70	2.0	Wells 2, 3 & 5
45	2 W	WM	4	NW SE	5		18.7	Wells 2, 3 & 5
45	2 W	WM	4	NW SE		70	7.4	Wells 2, 3 & 5
45	2 W	WM	4	SW SE		70	28.8	Wells 2, 3 & 5
45	2 W	WM	4	SW SE		70	3.0	Well 1
45	2 W	WM	4	SE SE		70	6.1	Wells 2, 3 & 5
45	2 W	WM	9	NE NE		70	1.1	Wells 2, 3 & 5
45	2 W	WM	9	NW NE		70	4.0	Wells 2, 3 & 5
45	2 W	WM	9	NE NW		70	1.2	Wells 2, 3 & 5
						TOTAL	97.9	

Transfer Review Criteria [OAR 690-380-0100(14), 690-380-4010(2), OAR 690-380-2110(2) and OAR 690-380-0220]

- 13. Water has been used within the last five years prior to the submittal of Transfer Application T-14189 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
- 14. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-14189.
- 15. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
- 16. The proposed points of appropriation develop groundwater from the same aquifer as the authorized points of appropriation, as required by OAR 690-380-2110(2).
- 17. The proposed change, as conditioned, would not result in enlargement of the right.
- 18. The proposed change, as conditioned, would not result in injury to other existing water rights.
- 19. All other application requirements are met.

Determination and Proposed Action

The additional points of appropriation proposed in Transfer Application T-14189 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

If Transfer Application T-14189 is approved, the final order will include the following:

- The additional points of appropriation proposed in Transfer Application T-14189 are approved.
- The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificate 96789 and any related decree.
- Approval of this transfer application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new points of appropriation.
- 4. Water right Certificate 96789 is cancelled.

- 5. The quantity of water diverted at the new additional points of appropriation (Well 3 and Well 5), together with that diverted at the original points of appropriation (Well 1 and Well 2), shall not exceed the quantity of water lawfully available at the original points of appropriation (Well 1 and Well 2).
- 6. 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.
- Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
- 8. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2026**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
- After satisfactory proof of beneficial use is received, a new certificate confirming the right transferred will be issued.

Dated in Salem, Oregon on

JAN 3 1 2025

Lisa . Jaramillo, Transfer and Conservation Section Manager, for

IVAM GALL, DIRECTOR

Oregon Water Resources Department

This Preliminary Determination was prepared by Kim French. If you have questions about the information in this document, you may reach me at 503-979-9607 or Kim.R.French@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting
 the person's position by the close of the protest period. Failure to raise a reasonably
 ascertainable issue in a protest or failure to provide sufficient specificity to afford the
 Department an opportunity to respond to the issue may preclude consideration of the
 issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

Requests for Standing

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and
- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance

of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.



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

January , 2025

VIA CERTIFIED MAIL AND E-MAIL

BRUCE ERNST PO BOX 460 SAINT PAUL, OR 97137

SUBJECT: Water Right Transfer Application T-14189

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-14189. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 503 979-9607 or Kim.R.French@water.oregon.gov, if I may be of assistance.

Sincerely,

Kim French

Transfer Specialist

Transfer and Conservation Section

cc: Transfer Application file T-14189

Gregory J. Wacker, District 16 Watermaster (via e-mail)

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

encs



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

December 27, 2024

SENT VIA EMAIL

BRUCE ERNST PO BOX 460 SAINT PAUL, OR 97137

SUBJECT: Water Right Transfer Application T-14189

Your water right transfer will be ready for issuance of the Preliminary Determination, once the Department receives payment for publication of the newspaper notice.

Items needed before the next phase of processing...

At this time you need to:

- submit a check in the amount of \$71.40 (to cover cost of publication of the notice), made out to the Oregon Water Resources Department.
- 2. write "for T-14189 NOTICE" on the front of your check, and
- 3. submit it with the tracking stub at the bottom of this letter.

Mail the check to 725 Summer St. NE, Suite A, Salem, OR 97301-1266, no later than January 27, 2025.

What happens next...

Shortly after receiving payment, the Department will issue the Preliminary Determination, initiate publication in the Woodburn Independent newspaper, and also publish the notice on the Department's weekly notice. Publication of the notice will initiate a protest period during which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

If we do not receive payment for newspaper notice by January 27, 2025, a Preliminary Determination may be issued denying the application as incomplete.

Please don't hesitate to contact me at 503 979-9607 or Kim.R.French@water.oregon.gov if I may be of assistance.

Sincerely.

Kim French

Transfer Specialist

Transfer and Conservation Section

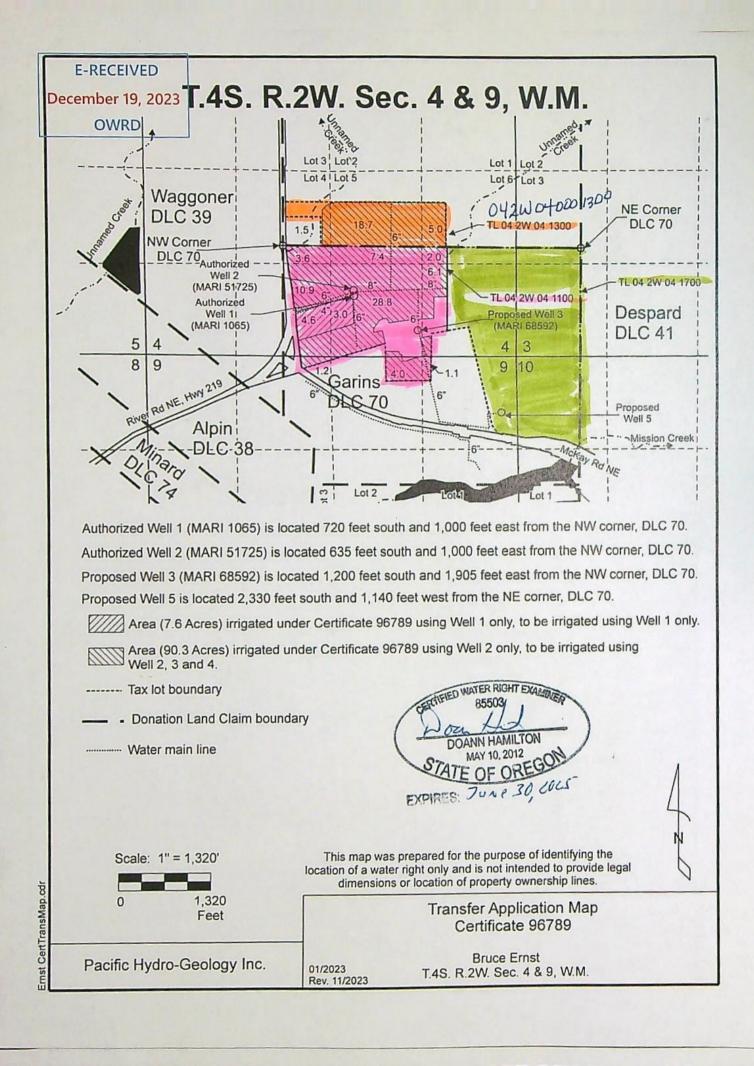
Attached is a check in the amount of \$71.40 (PCA #46118) for Newspaper Notice for Transfer T-14189 made out to Oregon Water Resources Department (or WRD)

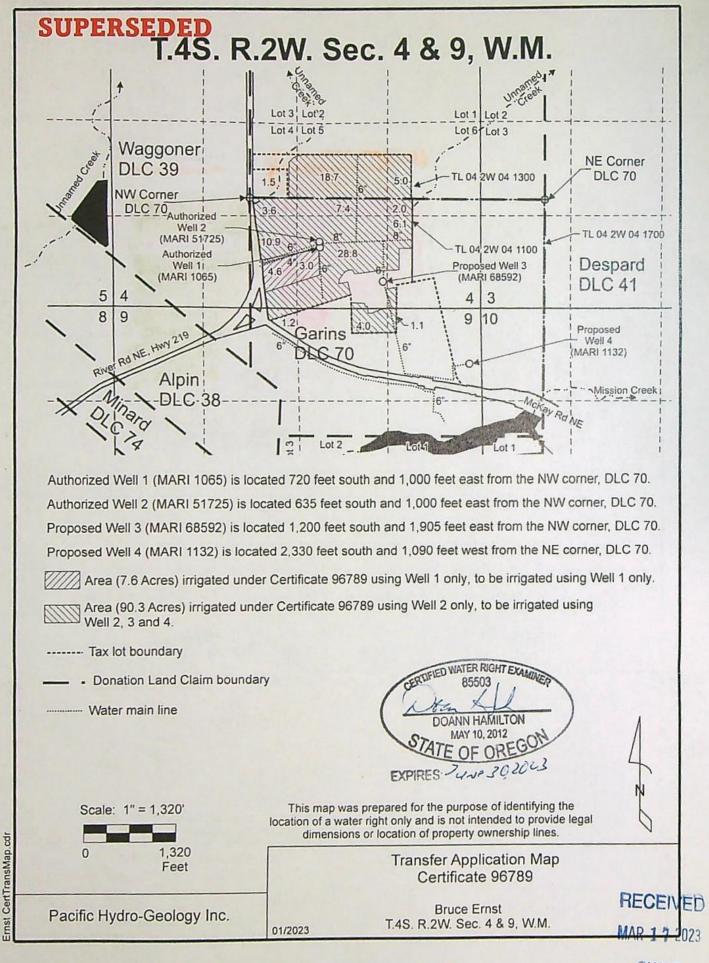
"For T- 14189 NOTICE" written on front of check

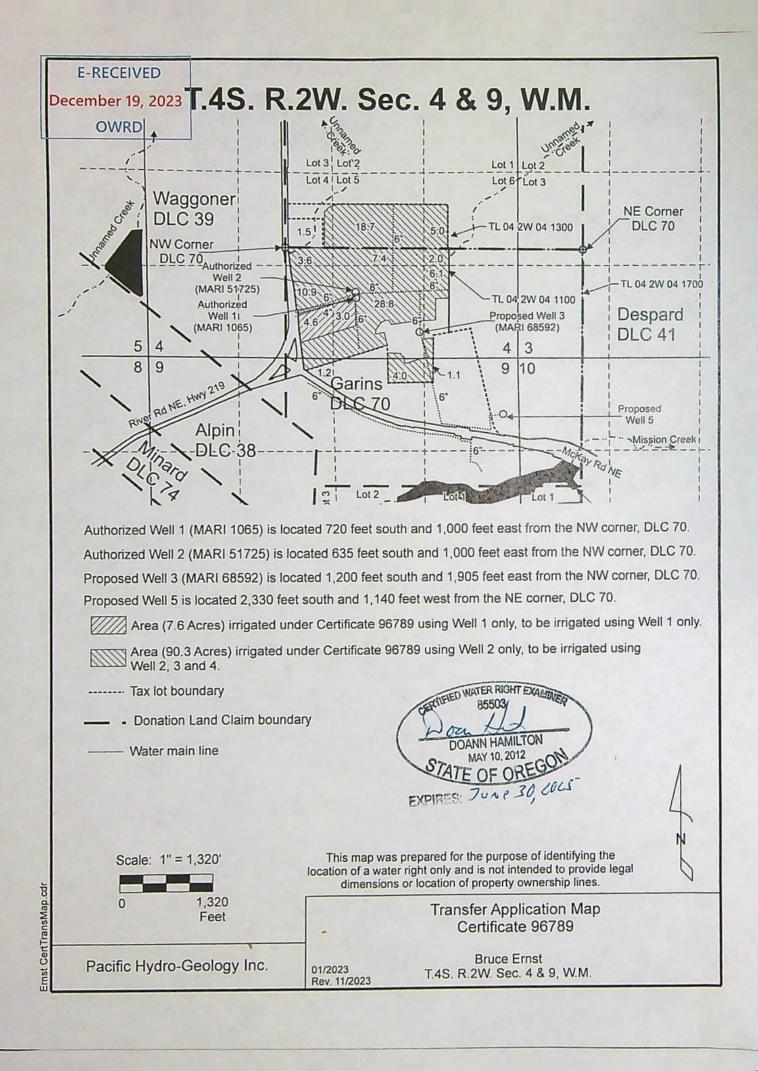
Mail to: Oregon Water Resources Department

725 Summer St. NE, Suite A Salem, OR 97301-1266

Caseworker: Kim French







18487 S. Valley Vista Rd. Mulino, Oregon 97042 (503) 632-5016 Phone (503) 632-5983 Fax

Pacific Hydro-Geology Inc.

E-RECEIVED

December 19, 2023

OWRD

Memo

To: Oregon Water Resources Department / Kim French

From: Doann Hamilton, CWRE

CC:

Date: November 6, 2023

Re: Certificate 96789 transfer T-14189 revisions

While our client Ernst Nursery was developing the water right under the newly issued final order for T-14049, they realized Well 4 (MARI 1132) was not going to produce the volume noted on the existing well log. They have decided not to use this existing well in this transfer but instead propose a new Well 5 to be drilled about 50 feet to the west of the existing well.

Our client understands the groundwater review has already been process, and an additional fee might be attached to make this change. Please let us know what this additional fee will be

Attached are the corrected map and pages to reflect this change.



Groundwater Transfer Review Summary Form

Transfer/PA # T- 14189 re-review (RA)
GW Reviewer <u>Travis Brown</u> Date Re-Review Completed: <u>6/25/2024</u>
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.



Other

OREGON WATER RESOURCES DEPARTMENT	Oregon Water Resou 725 Summer Street NE Salem, Oregon 97301- (503) 986-0900 www.wrd.state.or.us	, Suite A	Ground Water Review Form: ☐ Water Right Transfer ☐ Permit Amendment ☐ GR Modification ☐ Other				
Application: T-1	14189 re-review		Ap	plicant Name: Bruce Ernst			
Proposed Chang	ges: POA USE	⊠ APOA □ POU	□ SW→GW □ OTHER	⊠ RA			
Reviewer(s): 1	ravis Brown		Date of Re-Review: <u>6/25/2024</u>				
Supersedes Rev	iew Of: <u>10/13/2023</u>	3	Date Retu	rned to WRSD: 6/25/2024			
	provided in the ap approved because:		ufficient to evaluate	whether the proposed			
	well reports provide the transfer.	ed with the app	lication do not corre	espond to the water rights			
				ion of the well construction r proposed to be developed.			

1. Basic description of the changes proposed in this transfer: Applicant proposes to add 2 APOA (MARI 68592 / "Well 3" and a yet-to-be-constructed "Well 5") to Certificate 96789, which currently authorizes Nursery Use on 97.9 acres at a maximum combined rate of 1.78 cfs. Certificate 96789 further limits use of authorized "Well 1" (MARI 1065) to 0.31 cfs on 7.6 acres and use of authorized "Well 2" (MARI 51725) to 1.50 cfs on 90.3 acres. Applicant proposes to use the 2 proposed APOA to irrigate only the 90.3 acres currently authorized for irrigation by POA "Well 2" (MARI 51725); therefore, the applicable additional rate for the 2 proposed APOA should be the 1.50 cfs authorized for POA "Well 2" (MARI 51725). Some of the authorized POA and proposed APOA have overlapping water rights:

POA	Water Rights	Use	Rate
"Well 1" / MARI 1065	T-14049	Irrigation (68.3 ac)	0.42 cfs
"Well 2" / MARI 51725	T-14049	Irrigation (68.3 ac)	0.42 cfs
APOA	Water Rights	Use	Rate
"Well 3" / MARI 68592	T-14049	Irrigation (68.3 ac)	0.42 cfs

310	Transfer Application: 1-14189 re-review (RA
2.	Will the proposed POA develop the same aquifer (source) as the existing authorized POA? Yes No Comments: The authorized POA and proposed APOA all produce groundwater from the Willamette 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 Comments: The authorized POA both produce groundwater from 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: The proposed APOA are closer than the authorized POA to neighboring well MARI 1139, which is an authorized POA under Certificate 42424. The closer proximity of the proposed APOA to MARI 1139 will likely result in an increase in interference with MARI 1139.
	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 5" (yet-to-be-constructed) is ~2,160 ft northwest of MARI 1139 (see attached Well Location Map). The Theis (1935) solution for drawdown in a confined aquifer was used to assess the potential for injury to MARI 1139 from the proposed change (see attached Theis Interference Analysis). Results of the analysis indicate the proposed change is unlikely to injure MARI 1139.
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 APOA are significantly closer to Mission Creek than the authorized POA. Mission Creek is hydraulically connected to the alluvial aquifer system tapped by the authorized POA and proposed APOA. Therefore, the closer proximity of the proposed APOA will likely increase interference with Mission Creek.
	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: Mission Creek Provide context for minimal/significant impact: Mission Creek is underlain by a substantial thickness of fine-grained sediments, which will diffuse surface water impacts due to groundwater pumping over a broad area and long span of time. Additionally, the vast majority of stream depletion due to groundwater pumping in this area will accrue to the Willamette River to the north and west as a result of that river's highly efficient hydraulic connection with the Willamette Alluvial Aquifer system (Herrera et al., 2014).
5.	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

Page 2 of 5

7. What conditions or other changes in the application are necessary to address any potential issues identified above: <u>Certificate 96789</u> includes decline-limiting conditions based on reference levels established after permit issuance. The following reference levels should be set for the proposed APOA under Certificate 96789:

Proposed To-POA	Suggested Reference Level (ft bls)	Source
Well 3 / MARI 68592	12.00	Well 1 / MARI 1065
Well 5 (not built)	12.00	Well 1 / MARI 1065

Additionally, Certificate 96789 includes a condition stipulating that the Director may require the water user to make and report annual static water level measurements. Given the overlapping rights on the authorized POA and proposed APOA and the high combined rate of pumping, the water user should be required to make and report March water level measurements for the current authorized POA and proposed APOA annually to the Department as specified in Certificate 96789.

8. Any additional comments: None

References

Application File: T-14189, T-14049 Certificates: 38363, 42424, 96789

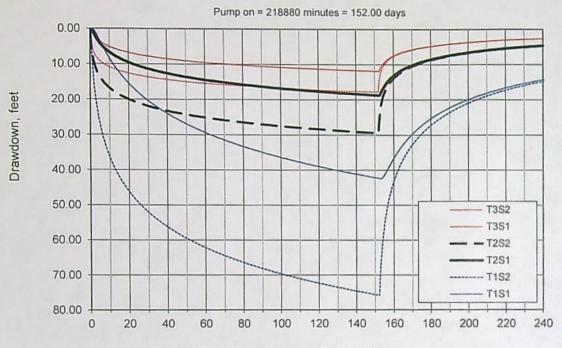
- Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-water hydrology of the Willamette Basin, Oregon, Scientific Investigations Report 2005-5168; U. S. Geological Survey, Reston, VA.
- Gannett, M.W. and Caldwell, R., 1998, Geologic 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.

Service Layer O'edits. Sources, Est, HERE, Gattin, USGS, Intermap, INCREMENT P, NRCan, Esti Japan, METI, Esti China (Hong Kong), Esti Korea, Est (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community.

Sources, Est, HERE, Garnin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esti Japan, METI, Esti China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community.

Theis (1935) Interference Analysis: Well 5 to MARI 1139

Theis Drawdown and Recovery at r = 2160 ft From Pumping Well



Elapsed Time Since Pumping Started, days

Radius, r = 2,160 ft [approximate distance from Well 5 to MARI 1139]

Pumping time, t = 152 days [approximate time to exhaust prorated duty at max combined rate]

Pumping rate, Q = 1.50 cfs [maximum proportional rate]

Transmissivity: T1=700 ft²/day | T2=2,200 ft²/day | T3=4,000 ft²/day [Pumping Test Reports]

Storativity: S1=0.003 | S2=0.0003 [Conlon et al., 2005]



Water Resources Department

North Mall Office Building 725 Summer St NE, Suite A Salem, OR 97301 Phone 503 986-0900 Fax 503 986-0904

July 1, 2024

Bruce Ernst PO Box 460 Saint Paul, OR 97137

FINAL ORDER ON RECONSIDERATION

Reference: T-14189

Enclosed is an Order on Reconsideration as recorded in Special Order Vol. 131, Page 461, issued to withdraw and supersede the final order recorded in Special Order Vol. 129 Page 442. The final order recorded in (OLD) Special Order Vol. 129 Page 129 is of no further force or effect.

If you have any questions please contact your caseworker, Kim French at (503) 979-9607 or at kim.r.french@water.oregon.gov.

Sincerely,

Elyse D. Richman

Water Right Support

Elype Richman

Transfers and Conservation Section

cc:

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

Agent: Doann Hamilton

Marion County Planning Department, Local Government

Enclosures

BEFORE THE WATER RESOURCES DEPARTMENT OF THE STATE OF OREGON

In the Matter of Transfer T-14189,)	ORDER ON RECONSIDERATION
Marion County, Oregon)	

Authority

Pursuant to Oregon Revised Statute (ORS) 137-003-0675(5), within 60 calendar days after the date of the order, the agency may, on its own initiative, reconsider the final order.

Findings of Fact

- 1. On November 27, 2023, the Department issued a final order withdrawing Transfer T-14189.
- 2. The Department has determined that the proper steps were not followed for processing this transfer application.
- 3. The Department, on its own motion, elects to withdraw the November 27, 2023, order withdrawing Transfer T-14189.

Now Therefore, it is Ordered:

The November 27, 2023, Final Order is withdrawn and is of no further force or effect. Transfer Application T-14189 is reinstated.

Dated at Salem, Oregon JUL 1 - 2024

Lisa J. Jaramiflo, Transfer and Conservation Manager, for

IVAN GALL, DIRECTOR

Oregon Water Resources Department

APPEAL RIGHTS

Appeal to a circuit court: This is a final order in other than a contested case. Any party affected by a final order in other than a contested case issued by the Water Resources Commission or Water Resources Department may appeal the order to the appropriate circuit court (ORS 536.075). A petition for judicial review must be filed within the 60-day time period specified by ORS 183.484 (2).

Petition to the Department for Reconsideration of the Final Order: A person entitled to judicial review of this order may also file a petition for the Department's reconsideration of the order. The petition for reconsideration must be filed with the Department within 60 calendar days after the date of the order. A copy of the petition must also be delivered or mailed to all other persons and agencies requiring notification under statute or rule (OAR 137-004-0080). The petition must set forth the specific grounds for reconsideration, and may be supported by a written argument. The petition may include a request for a stay of the order if the petition complies with the requirements of OAR 137-003-0090 (2). The Department may grant or deny the petition by summary order. If the Department takes no action, the petition is deemed denied as provided by ORS 183.484 (2). A final order remains in effect during reconsideration until stayed or changed. Following reconsideration, the agency must enter a new order, which may be an order affirming the existing order (OAR 137-004-0080). Reconsideration cannot be granted after the filing of a petition for judicial review, unless permitted by the court (OAR 137-004-0080 (6)).

18487 S. Valley Vista Rd. Mulino, Oregon 97042 (503) 632-5016 Phone (503) 632-5983 Fax

Pacific Hydro-Geology Inc.

Memo

To: Oregon Water Resources Department / Kim French

From: Doann Hamilton, CWRE

CC:

Date: November 6, 2023

Re: Certificate 96789 transfer T-14189 revisions

While our client Ernst Nursery was developing the water right under the newly issued final order for T-14049, they realized Well 4 (MARI 1132) was not going to produce the volume noted on the existing well log. They have decided not to use this existing well in this transfer but instead propose a new Well 5 to be drilled about 50 feet to the west of the existing well.

Our client understands the groundwater review has already been process, and an additional fee might be attached to make this change. Please let us know what this additional fee will be

Attached are the corrected map and pages to reflect this change.



RECEIVED

DEC 26 2023



REIMBURSEMENT AUTHORITY APPLICANT'S AGREEMENT

Contract Number: R11-428-23

JAN 0 8 2024

OWRD

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

OWRD Information		Applica	nt's Information	Applicant's Representative			
	Contact: Title:	Kelly Starnes Transfer Advisor	Name: Contact:	Bruce Ernst	Name: Contact:	Pacific Hydro-Geology, Inc.	
	Address:	725 Summer Street, NE, Suite A Salem, OR 97301-1266	Address:	PO Box 460 St. Paul, OR 97137	Address:	18487 S. Valley Vista Rd. Mulino, OR 97042	
	Phone: Fax:	503 979-3511 503 986-0901	Phone: Fax:	(503) 633-8366	Phone: Fax:	(503) 349-6946 (503) 632-5983	
1	Email:	patrick.k.starnes@water.oregon.gov	Email:	acc@ernstnursery.com	Email:	phgdmh@gmail.com	

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14189)

- Authority. The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any
 applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In
 making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions. Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration. Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.

4. Consideration.

- a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,696.02 \$2,120.29. Applicant agrees to pay the full amount of \$1,696.02 \$2,120.29 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
- b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality. Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 6. Indemnity. Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

- 7. Termination. Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
- 8. Funds Authorized and Available. By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
- 9. Duration of Estimate. The Estimate of Time to completion is approximately 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
- 10. Completion Date. OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
- 11. Captions. The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
- 12. Amendment and Merger. The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
- 13. Signatures. All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant

Name/Title

Date

For OWRD:

wight French - Administrator

JAN 9 - 2024

Date

Mail signed Agreement to:

Elyse Richman Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301-1266 December 19, 2023

DEC 2 6 2023 OWRD

Oregon Water Resources Department Attention: Kim French 725 Summer Street NE, Suite A Salem OR 97301

Regarding T-14189 Transfer

To the Water Rights Transfer Specialist French:

I am requesting to rescind the most recent transfer application for T-14189, Final Order issued on November 27, 2023, Withdrawing Transfer t-14189, recorded at Special Order Volume 129, Page 442.

Enclosed you will find two checks for the required fees. First check \$410 for the additional application fees. Second check \$651.85 for a ground water Re-review.

Sincerely,

Bruce W. Ernst

Bruke w Einst

WATER RESOURCES DEPARTMENT REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section	DATE: November 22, 2023
FROM: Kim French	
RE: Request for Refund	1
TRANSFER: T-140594	RECEIPT #: 140319
Please prepare a refund in the amount of \$472.87	, made payable to:
Name: ERNST NURSERY & FARMS	
Address: PO BOX 460	
City: SAINT PAUL OR 97137	11124
These funds are being paid or refunded as a result	of (check one):
Request for file to be withdrawn	
Other:	
I have reviewed this distribution request and have justified as to the purpose indicated above. Fiscal sprocess the requested distribution.	
Authorized Signature:	Date: 11-21-2023
Date refund was requested	3



Water Resources Department

North Mall Office Building 725 Summer St NE, Suite A Salem, OR 97301 Phone 503 986-0900 Fax 503 986-0904

November 27, 2023

BRUCE ERNST PO BOX 460 SAINT PAUL, OR 97137

ORDER ON WITHDRAWN APPLICATION

Reference: Transfer Application T-14189

The above referenced transfer application was withdrawn from the record of the Water Resources Department on November 27, 2023, by Special Order Volume 129, Page 442. Copy enclosed.

The transfer application is no further force or effect.

If you have any questions related to the approval of this temporary transfer, you may contact your caseworker, Kim French, by telephone at (503)979-9607 or by e-mail at Kim.R.French@water.oregon.gov.

Sincerely,

Julie C. Baustian

Water Right Services Support

Transfers and Conservation Section

cc: Gr

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

Marion County

Doann Hamilton, Agent

Enclosure

OF THE STATE OF OREGON

In the Matter of Transfer Application)	FINAL ORDER WITHDRAWING
T-14189, Marion County, Oregon)	AN APPLICATION FOR A WATER RIGHT
)	TRANSFER

Authority

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right.

Applicant

BRUCE ERNST PO BOX 460 S AINT PAUL, OR 97137

Findings of Fact

- 1. Transfer Application T-14189, in the name of BRUCE ERNST, was filed on March 17, 2023.
- On November 15, 2023, the applicant's agent, Doann Hamilton, submitted a written request on behalf of the applicant asking that Transfer Application T-14189 be withdrawn.

Now, therefore, it is ORDERED:

Transfer Application T-14189, in the name of Bruce Ernst, is withdrawn and of no further force or effect.

Dated in Salem, Oregon on NOV 2 7 2023

Lisa J. Jaramillo Transfer and Conservation Section Manager, for

DOUGLAS E. WOODCOCK, ACTING DIRECTOR

Oregon Water Resources Department

NOV 2 8 2023

Mailing date:

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.

FRENCH Kim R * WRE	
From: Sent: To: Cc: Subject:	Doann Hamilton <phgdmh@gmail.com> Wednesday, November 15, 2023 8:25 AM FRENCH Kim R * WRD bruce@ernstnursery.com; Kim Stone; Greg Kupillas Re: Ernst Nursery T-14189 revisions</phgdmh@gmail.com>
Hi Kim	
I have talked with our c And we have decided to and re-apply	
	nis email is sufficient to proceed ocuments to OWRD by the end of the year
Thank you Doann	
On Mon, Nov 13, 2023	at 9:10 AM FRENCH Kim R * WRD < Kim.R.FRENCH@water.oregon.gov > wrote:
Hi Doann,	
	would be to let this go to final order and then send in a reconsideration. However, was asked in the application, the final order would not likely be reconsidered.
reviews had not been of make some exception.	ning wrong, or if the application was still in the beginning stages (meaning the completed and the DPD had not been prepared and reviewed), we may be able to s on the amendment, but since the application fees and RA fees have mostly been is I have outlined are what will stand.
I know this is not what	you wanted to hear.
Thanks,	

Kim French | Water Rights Transfer Specialist

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Phone: 503 979-9607 Email: kim.r.french@water.oregon.gov

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

Life is too short to spend one minute unhappy! Be Happy!

The Salem office re-opened to the public on May 1, 2022. 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 a.m. - 5 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.

From: Doann Hamilton <phgdmh@gmail.com>
Sent: Friday, November 10, 2023 5:58 AM

To: FRENCH Kim R * WRD < Kim.R.FRENCH@water.oregon.gov>

Cc: bruce@ernstnursery.com; Kim Stone <acct@ernstnursery.com>; Greg Kupillas

<phggek@bctonline.com>

Subject: Re: Ernst Nursery T-14189 revisions

Hi Kim

Checking back in on how to proceed

I must say

- I think it odd if OWRD has calculated they are only out \$1,223.15
- that OWRD cannot think of a more reasonable solution to proceed that just withdrawing and reapplying

Thank you

Doann

On Tue, Nov 7, 2023 at 1:27 PM FRENCH Kim R * WRD < Kim.R.FRENCH@water.oregon.gov > wrote: Hi Doann,

I am waiting on some direction from management. I will get back to you as soon as I can.

Thanks,

Kim French | Water Rights Transfer Specialist

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Phone: 503 979-9607 Email: kim.r.french@water.oregon.gov

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From: Doann Hamilton <phgdmh@gmail.com>

Sent: Tuesday, November 7, 2023 1:09 PM

To: FRENCH Kim R * WRD < Kim.R. FRENCH@water.oregon.gov>

Cc: bruce@ernstnursery.com; Kim Stone <acct@ernstnursery.com>; Greg Kupillas

<phggek@bctonline.com>

Subject: Re: Ernst Nursery T-14189 revisions

Hi Kim

Can you tell me if I am understanding are our options on how to proceed

I need to know how to instruct our client on his options

Thank you

Doann

On Mon, Nov 6, 2023 at 3:50 PM Doann Hamilton <phgdmh@gmail.com> wrote:

Hi Kim

Let me try and understand

We have two options.

- 1. we can withdraw T-14189
- a. my client has paid \$1,696.02 to have this process
- and if he withdrew this application
- he would get back \$472.87 (= 1,696.02 1,223.15)
- b. then we re-apply for a new transfer without Well 4 and add Well 5
- With this new transfer OWRD fee would be \$2,250
- then pay the non-refundable \$125 fee to have a new expedited contract issued
- and then my client might owe again approximately \$1,700 to proceed

a cost to my client of around:

(2,250+1,700+125)-472.87=\$3,602.13

or second option

- 2. Proceed with T-14189 to final order
- a. then I will do the claim of beneficial use
- cost to my client for OWRD fee \$230
- b. then do expedited process to certificate T-14189
- my client would pay the non-refundable \$125 fee to have a new expedited contract issued
- and then my client might owe again approximately \$1,500 to proceed
- c. once certificated we would file for another transfer on the new certificate to remove Well 4 and add Well 5
- With this new transfer OWRD fee would be \$2,250
- then pay the non-refundable \$125 fee to have a new expedited contract issued
- and then my client might owe again approximately \$1,700 to proceed

cost to my client:

(230 + 125 + 1,500 + 2,250 + 1,700) = \$5,805

Is that about what you are suggesting?

Doann

On Mon, Nov 6, 2023 at 3:01 PM FRENCH Kim R * WRD < Kim.R.FRENCH@water.oregon.gov > wrote: Hi Doann,

Our policy is that if the reviews (GW and WM) have been completed, then we will not accept an application amendment.

The options would be:

To withdraw the application (we would refund the RA fees that have been paid except for \$1223.15) and resubmit with the new proposed well, or

Let the application process continue through the preliminary determination and protest (however this process would likely cost more than the RA fees).

Please let me know how you wish to proceed.

Thanks,

Kim French | Water Rights Transfer Specialist

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Phone: 503 979-9607 Email: kim.r.french@water.oregon.gov

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

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From: Doann Hamilton <phgdmh@gmail.com> Sent: Monday, November 6, 2023 8:31 AM

To: FRENCH Kim R * WRD < Kim.R.FRENCH@water.oregon.gov>; bruce@ernstnursery.com; Kim Stone < acct@ernstnursery.com>; Greg Kupillas < phggek@bctonline.com> Subject: Ernst Nursery T-14189 revisions
Hi Kim
While our client Ernst Nurser was developing the water right under the newly issued final order for T-14049
- they realized Well 4 (MARI 1132) was not going to produce the volume noted on the existing well log
They have decided not to use this existing well for this transfer but instead propose a new Well 5 to be drilled
- this well will be about 50 feet west of the existing well
Our client understands the groundwater review has already been processed
- and an addition fee might be attached to this change
Please let us know what the additional fee will be
I have attached the corrected map and pages to reflect his change
The originals will be in the mail to OWRD
Thank you
Doann

k

Groundwater Transfer Review Summary Form

Transfer/PA # T- 14189 (RA)
GW Reviewer Travis Brown Date Review Completed: 10/13/2023
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 pe 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.



Application: T-14189

Proposed Changes:

Reviewer(s): Travis Brown

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

☐ POA

USE

Ground Wa	ter Review Form:
⊠ Water Ri	ght Transfer
☐ Permit A	mendment
☐ GR Modi	fication
☐ Other	
A	pplicant Name: Bruce Ernst
□ SW→GW	⊠ RA
☐ OTHER	
I	Date of Review: 10/13/2023

Date Returned to WRSD: <u>10/13/2023</u>
The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

☐ POU

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 2
APOA (MARI 68592 / "Well 3" and MARI 1132 / "Well 4") to Certificate 96789, which
currently authorizes Nursery Use on 97.9 acres at a maximum combined rate of 1.78 cfs.
Certificate 96789 further limits use of authorized "Well 1" (MARI 1065) to 0.31 cfs on 7.6
acres and use of authorized "Well 2" (MARI 51725) to 1.50 cfs on 90.3 acres. Applicant
proposes to use the 2 proposed APOA to irrigate only the 90.3 acres currently authorized for
irrigation by POA "Well 2" (MARI 51725); therefore, the applicable additional rate for the 2
proposed APOA should be the 1.50 cfs authorized for POA "Well 2" (MARI 51725). All of
the authorized POA and proposed APOA have overlapping water rights:

POA	Water Rights	Use	Rate		
"Well 1" / MARI 1065	T-14049	Irrigation (68.3 ac)	0.42 cfs		
"Well 2" / MARI 51725	T-14049	Irrigation (68.3 ac)	0.42 cfs		
APOA	Water Rights	Use			
"Well 3" / MARI 68592	T-14049	Irrigation (68.3 ac)	0.42 cfs		
	Certificate 38363	Irrigation (67.2 ac)	0.67 cfs		
"Well 4" / MARI 1132	T-14049	Irrigation (68.3 ac)	0.42 cfs		

Page 2 of 5 - Version: 20210204

Ground Water Review Form

Transfer Application: T-14189 (RA)

7. What conditions or other changes in the application are necessary to address any potential issues identified above: Certificate 96789 includes decline-limiting conditions based on reference levels established after permit issuance. The following reference levels should be set for the proposed APOA under Certificate 96789:

Proposed To-POA	Suggested Reference Level (ft bls)	Source
Well 3 / MARI 68592	12.00	Well 1 / MARI 1065
Well 4 / MARI 1132	12.00	Well 1 / MARI 1065

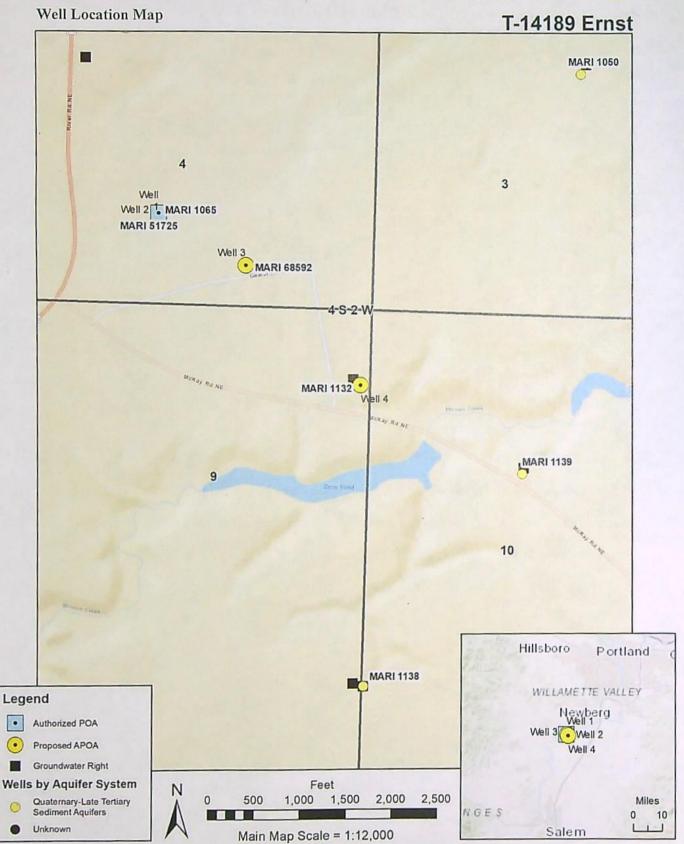
Additionally, Certificate 96789 includes a condition stipulating that the Director may require the water user to make and report annual static water level measurements. Given the overlapping rights on the authorized POA and proposed APOA and the high combined rate of pumping, the water user should be required to make and report March water level measurements for the current authorized POA and proposed APOA annually to the Department as specified in Certificate 96789.

8. Any additional comments: None

References

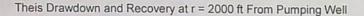
<u>Application File: T-14189, T-14049</u> <u>Certificates: 38363, 42424, 96789</u>

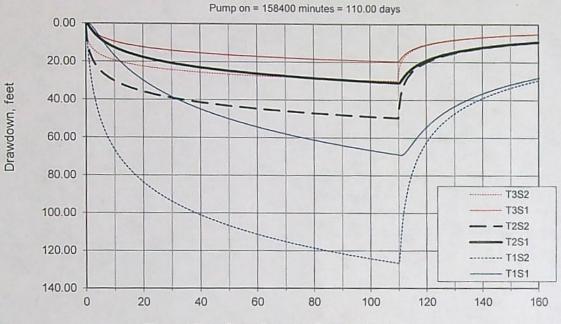
- Conlon, T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-water hydrology of the Willamette Basin, Oregon, Scientific Investigations Report 2005-5168: U. S. Geological Survey, Reston, VA.
- Gannett, M.W. and Caldwell, R., 1998, Geologic 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.



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Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors: and the GIS User Community

Theis (1935) Interference Analysis: MARI 1132 to MARI 1139





Elapsed Time Since Pumping Started, days

Radius, r = 2,000 ft [approximate distance from Well 4 / MARI 1132 to MARI 1139]

Pumping time, t = 110 days [approximate time to exhaust combined duty at max combined rate]

Pumping rate, Q = 2.59 cfs [maximum combined rate under all applicable water rights]

Transmissivity: T1=700 ft²/day; T2=2,200 ft²/day; T3=4,000 ft²/day [Pumping Test Reports]

Storativity: S1=0.003; S2=0.0003 [Conlon et al., 2005]

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-14189

Review Due Date: 04/19/2023

Applica	ant Name: Bruce Ernst	
Propos	sed Changes: POU POD POA	USE OTHER
Review	ver(s): G. Wacker	Date of Review: 03/21/2023
1.	Do you have <u>evidence</u> that the right has not been used for feiture would not likely be rebuttable? Yes aerial photo showing pavement or building on the likely be rebuttable?	No If "Yes", attach evidence (e.g. dated
2.	Is there a history of regulation on the source that so transferred right(s) and downstream water rights? frequency of any regulation or explain why regulati	Yes No Generally characterize the
3.	Have headgate notices been issued for the source to Yes No Records not available	
4.	In your estimation, after the proposed change, would regulation of other water rights that would not have was/were maximized? Yes No If "	
5.	In your estimation, if the proposed change is appro- be affected? Yes No If "Yes", describe h most affected:	ved, are there upstream water rights that would low the rights would be affected and list the rights

Vat	termaster Review Form Transfer Application
5.	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:
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:
8.	N/A 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 N/A Is it likely the original place of use would continue to receive water
10	from the same source? Yes No If "Yes", explain: No If "Yes", explain: No If "Yes", explain: No If "Yes", explain:
11	 For POU changes that involve micro-irrigation:
	Yes No If "Yes", explain:

Watermaster Review Form

Watermaster Review Form Transfer Application

b.								been polyed in	. THE PARTY OF THE PARTY OF	AND DESCRIPTION OF THE PARTY OF		appr	oved	on the	e sa	me lar	nds	
		Yes		No	If "Y	es", an	swer t	the foll	owing	:								
								ns with the tem					ed (o es	r wette			, explair	1:
			ii.					s that v ally rer		_	in dry Yes	(or no	ot we			er the , expla	ain:	
			iii.		he app		compl /es	ly with		ieet all No", ex		e conc	dition	s of the	e te	mpora	ary	
			iv.		ou hav Yes	e any o		observa Yes", d			ing the	e tem	porar	y trans	sfer	?		
			v.	inspe	ctions	by the	Wate	nstrate ermaste transfe	er that		er injur	y nor	enla		nt o			
	c. T	o the						his tran										
			ii.		rgeme		he wa	"Yes", o	ht beir	ng tran	sferre	d will	occu	r?				
					Yes		No If	f "Yes",	, expla	in:								

Watermaster Review Form		Transfer Application
12. Are there other issues not identified the determining whether the change "can		
Yes No If "Yes", explain:		
13. What alternatives may be available for	r addressing any issues identif	ied above:
14. Do conditions need to be included in the other rights? No Ves, as che		argement of the right or injury to
For POU changes that involve mi necessary to prevent injury/enla		nitoring and reporting conditions
A Headgate should be required	prior to diverting water.	
Measurement Devices for POD of sections of Page 4)	or POA: (if this condition is sele	ected, also fill in the top
or, with prior approval of the diversion/appropriation (new	Director, another suitable measu and existing) OR at each new p water rights issued to the Burea	
b. The water user shall main	tain the meters or measuring de	evices in good working order.
	r measuring devices are located v	meters or measuring devices; provided within a private structure, the
Reservoir water use measureme of Page 4)	nt: (if this condition is selected	d, also fill in the top sections
or, with prior approval of the	in under this order, the water us Director, other suitable measurir pty and full in each reservoir. Sta	ng devices, that measure the entire
suitable measuring devices me adjustable outlet valve must b order. A written waiver may b	ust be installed upstream and do be installed. The water user shall	oir is located in channel, weirs or other wnstream of the reservoir, and, an I maintain such devices in good working f the Director, the installation of weirs or we, will provide no public benefit.
* The following alternative device(s) sh selected condition:	hould be substituted for the b	oold, underlined device in the above
Weir	Submerged Orifice	
Parshall Flume	Flow Restrictor	
Other:		
TACS	Page 4 of 5	Last revised May 2019

Oregon Water Resources Department

Measurement Condition Information for the Applicant

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

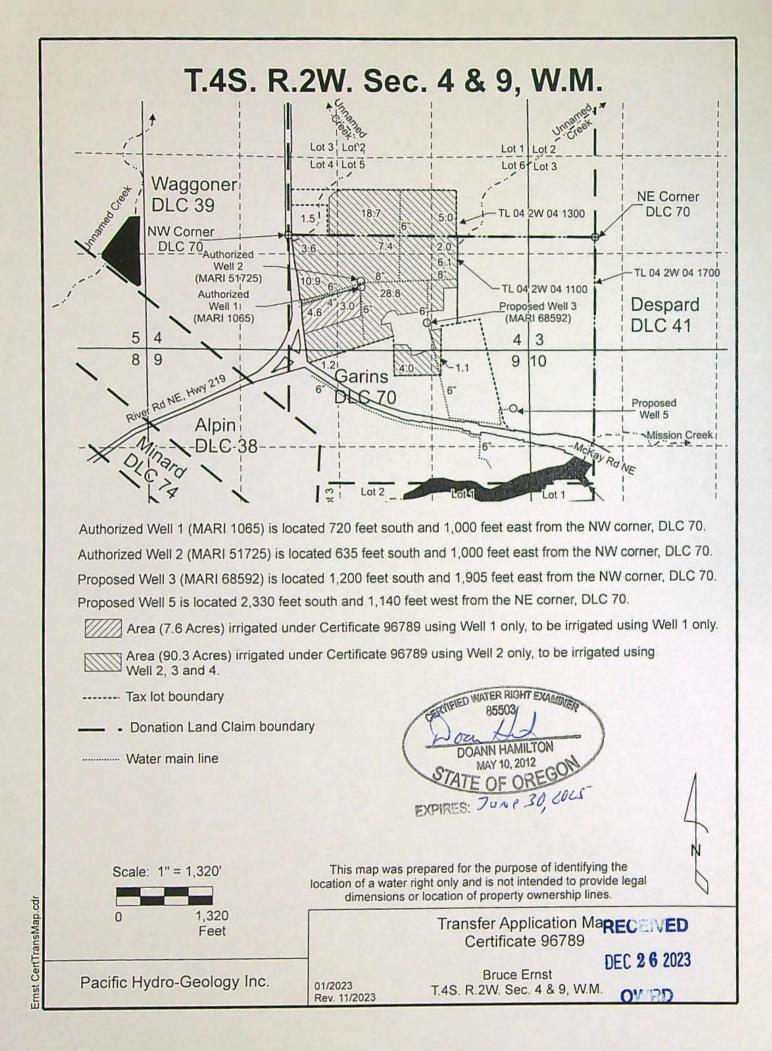
Transfer #: T- 14189

Salem, OR 97301-1266

In order to avoid enlargement of the right or injury to other rights, a totalizing flow meter will
be required to be installed <u>prior to diversion of water</u> , 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 97301-1266
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

Page 5 of 5 Last revised May 2019 TACS



Date 12/19/2023

Original Amt. 410.00

410.00

RECEIPT:

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

DATED 12-26-2023 MM9

FUND___

OBJ. CODE ______ VENDOR # ___

FUND TITLE OBJ. CODE ___ VENDOR # DESCRIPTION

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

0

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1189

Additional

App

Fees

and

New

RA

Contr

410.00

RECORD FEE

LICENSE FEE

DEC 2 6 2023 OWRD

RECEIVED

Check Amount

12/20/2023 Discount

29552

Date

Date Type 12/19/2023 Bill

STATE OF OREGON WATER RESOURCES DEPARTMENT

RECEIPT#	1	12	1	6	3	
	and the	1	-44	U	J	

RECEIPT:

725 Summer St. N.E. Ste. A SALEM, OR 97301-4172

INVOICE #

			(503) 98	6-0900 / (50	3) 986-0904 (fa	ax)		
RECEIVE	D FROM:	Ernst Nu	irsei	rut Fr	cms 11	C AP	PLICATION	
BY:				0 1	7113,	and the second	PERMIT	
						Т	RANSFER	T-14189
CASH:	1000		THER: (ID	ENTIFY)				1-11/87
	X	29553				TOT	AL REC'D	\$651.85
110	083 TR	EASURY	4170	MPDM	ICC CACH	ACCT		
			4170	WIND IN	ISC CASH /	ACCI		
040		OPIES						S
-			ENTIFY)					\$
024	3 I/S Lease	0244 1	Muni Wate	er Mgmt. Pla	n 0	245 Cons	s. Water	
			4270	WRD O	PERATING	ACCT		
	MI	ISCELLANEOUS		46110)			
040	7 CC	OPY & TAPE FEE	S	46110				\$
041	O RE	ESEARCH FEES						\$
040	8 MI	ISC REVENUE: (IDENTIFY	r)				\$
TC1	62 DE	EPOSIT LIAB. (ID	ENTIFY)					\$
024	0 E>	KTENSION OF TIM	ΛE					\$
	W	ATER RIGHTS:			EXAM FEE			RECORD FEE
020	1 St	JRFACE WATER			\$		0202	\$
020	3 GF	ROUND WATER			\$651.8	5	0204	\$
020	5 TF	RANSFER			\$			
	W	ELL CONSTRUCT	TION		EXAM FEE	The second second		LICENSE FEE
021	B W	ELL DRILL CONS	TRUCTO	R	\$		0219	\$
	LA	NDOWNER'S PE	RMIT				0220	\$
-	01	THER	(IDENTIF	FY)				
01	536 TR	EASURY	0427	WELLO	ONCT CTA	DTCC	-	
				WELLC		HIFE		
0211		ELL CONST STAP			\$		CARD#	
0210) MC	ONITORING WELL	.5		\$		CARD#	
_	ОТ	THER	(IDENTIF	Y)				
06	507 TR	EASURY	0467	HYDRO	ACTIVITY	LICI	NUMBER	
0233	B PC	WER LICENSE F	EE (FW/V	VRD)				\$
0231	HY	DRO LICENSE FI	EE (FW/W	/RD)				\$
	НҮ	DRO APPLICATIO	ON					\$
	TRI	EASURY		OTHER	RDX			
							FFE	
	D							
			VENDOF	3 #			1	c
DES	CRIPTION		-		-		1	\$

OWRD

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Key Bank Checking

T-14189 Ground Water Re-Review

651.85

29553

142163 Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

STATE OF OREGON WATER RESOURCES DEPARTMENT

RECEIPT # 140324

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

INVOICE #

RECEIVED FROM: EYAST NUTSUS &	APPLICATION	7-1
BY: From SILLE	PERMIT	
	TRANSFER	T-141-89
CASH: CHECK:# OTHER: (IDENTIFY)		
27558	TOTAL REC'D	\$2,250.0
1083 TREASURY 4170 WRD MISC CASH AC	СТ	
0407 COPIES		\$
OTHER: (IDENTIFY)		\$
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245	Cons. Water	
4270 WRD OPERATING AC		
MISCELLANEOUS 46110		
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC162 DEPOSIT LIAB. (IDENTIFY)		S
0240 EXTENSION OF TIME		\$
WATER RIGHTS: EXAM FEE		RECORD FEE
0201 SURFACE WATER S	0202	\$
0203 GROUND WATER S	0204	S
0205 TRANSFER \$ 2,250.00		
WELL CONSTRUCTION EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR \$	0219	S
LANDOWNER'S PERMIT	0220	\$
OTHER (IDENTIFY)		
0536 TREASURY 0437 WELL CONST. START	FFF	
	7	
	CARD#	
	CARD#	
OTHER (IDENTIFY)		
0607 TREASURY 0467 HYDRO ACTIVITY	LIC NUMBER	
0233 POWER LICENSE FEE (FW/WRD)		S
0231 HYDRO LICENSE FEE (FW/WRD)		S
HYDRO APPLICATION		\$
TREASURY OTHER / RDX		
FUND TITLE		
OBJ. CODE VENDOR #		
DESCRIPTION		\$
DEGGIII 11011		

RECEIPT: 140324 DATED: 3/17/23 BY: CG - 1

Application for Permanent Water Right Transfer



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

Part 1 of 5 - Minimum Requirements Checklist

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included. RECEIVED For questions, please call (503) 986-0900, and ask for Transfer Section.

heck al	litem	s included with this application. (N/A = Not Applicable)	MAR 1 7 2023
		Part 1 – Completed Minimum Requirements Checklist.	OWRD
		Part 2 – Completed Transfer Application Map Checklist.	OWND
		Part 3 – Application Fee, payable by check to the Oregon Water Resource completed Fee Worksheet, page 3. Try the new online fee calculator a http://apps.wrd.state.or.us/apps/misc/wrd fee calculator.	
\boxtimes		Part 4 – Completed Applicant Information and Signature.	
		Part 5 – Information about Water Rights to be Transferred: How many be transferred? 1 List them here: Certificate: 96789 Please include a separate Part 5 for each water right. (See instruct NOTE: A separate transfer application is required for each water criteria in OAR 690-380-3220 are met.	tions on page 6)
		Attachments:	
		Completed Transfer Application Map.	
		Completed Evidence of Use Affidavit and supporting documentation.	
	N/A	Affidavit(s) of Consent from Landowner(s) (if the applicant does not o right is on.)	wn the land the water
	N/A	Supplemental Form D – For water rights served by or issued in the nadistrict. Complete when the transfer applicant is not the irrigation dis	
	N/A	Oregon Water Resources Department's Land Use Information Form was signature (or signed land use form receipt stub) from each local land water is to be diverted, conveyed, and/or used. Not required if water conveyed, and/or used only on federal lands or if all of the following a place of use only, b) no structural changes, c) the use of water is for in the use is located within an irrigation district or an exclusive farm use	use authority in which is to be diverted, apply: a) a change in rigation only, and d)
	N/A	Water Well Report/Well Log for changes in point(s) of appropriation (point(s) of appropriation.	well(s)) or additional
	N/A	Geologist Report for a change from a surface water point of diversion point of appropriation (well), if the proposed well is more than 500' for source and more than 1000' upstream or downstream from the point 690-380-2130 for requirements and applicability.	rom the surface water
		(For Staff Use Only)	
	V -	VE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S): Application fee not enclosed/insufficient Land Use Form not enclosed or incomplete Additional signature(s) required Map not included or incomplete Evidence of Use Form not enclosed. Part is incomplete	
	C	Other/Explanation	
	S	taff: Date:	

Part 2 of 5 - Transfer Application Map

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

		sure that the transfer application map you submit includes all the required items and ne existing water right map. Check all boxes that apply.
	N/A	Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre-license-view/ . CWRE stamp and signature are not required for substitutions.
	N/A	If more than three water rights are involved, separate maps are needed for each water right.
		Permanent quality printed with dark ink on good quality paper.
		The size of the map can be $8\% \times 11$ inches, $8\% \times 14$ inches, 11×17 inches, or up to 30×30 inches. For 30×30 inch maps, one extra copy is required.
\boxtimes		A north arrow, a legend, and scale.
		The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
		Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
		Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
		Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
		Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
		Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
	⊠ N/A	Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
		Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
\boxtimes	□ 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 $-42^{\circ}32'15.5''$) or degrees-decimal with five or more digits after the decimal (example -42.53764°).

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Part 3 of 5 - Fee Worksheet

	FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)	V	IKSIICCU
1	Base Fee (includes one type of change to one waterwight for up to 1 cfs)	1	\$1,360
	Types of change proposed:		71,300
	☐ Place of Use ☐ Character of Use ☐ Point of Diversion/Appropriation		
	Number of above boxes checked = 1 (2a)		
	Subtract 1 from the number in line $2a = 0$ (2b) If only one change, this will be 0		
2	Multiply line 2b by \$1090 and enter » » » » » » » » » » » » » » » » » » »	2	\$0
	Number of water rights included in transfer <u>1 (3a)</u>		
	Subtract 1 from the number in 3a above: <u>0 (3b)</u> If only one water right this will be 0		
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?		
	No: enter 0 Yes: enter \$480 for the 1 st well to be added or changed \$480 (4a)		
	Do you propose to add or change additional wells?		
	No: enter 0 Yes: multiply the number of additional wells by \$410 \$410 (4b)		
4	Add line 4a to line 4b and enter » » » » » » » » » » » » » » »	4	\$890
	Do you propose to change the place of use or character of use? No: enter 0 on line 5		
	Yes: enter the cfs for the portions of the rights to be transferred (see below*): (5a) Subtract 1.0 from the number in 5a above: (5b)		
	If 5b is 0 or less, enter 0 on line 5 » » » » » » » » » » » » » » »		
	If 5b is greater than 0, round up to the nearest whole number:(5c) and multiply		
5	5c by \$410, then enter on line 5 » » » » » » » » » » » » » » » » » »	5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » Subtotal:	6	\$2,250
	Is this transfer:		
	necessary to complete a project funded by the Oregon Watershed Enhancement Board		
	(OWEB) under ORS 541.932? 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 »		
7	If no box is applicable, enter 0 on line 7 » » » » » » » » » » » » » » » » » »	7	\$0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » Transfer Fee:	8	\$2,250

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

1. For irrigation calculate cfs for each water right involved as follows:

a. Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac= 0.56 cfs).

b. If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)

2. Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

	FEE WORKSHEET for SUBSTITUTION		
1	Base Fee (includes change to one well)	1	\$990.00
	Number of wells included in substitution(2a) Subtract 1 from the number in 2a above:(2b) If only one well this will be 0		
2	Multiply line 2b by \$480 and enter » » » » » » » » » » » » » »	2	NA
3	Add entries on lines 1 through 2 above » » » » Fee for Substitution:	3	NA

Part 4 of 5 - Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Bruce Ernst			PHONE NO. (503) 633-8366	ADDITIONAL CONTACT NO.
ADDRESS PO Box 460			1 (333) 333 3300	FAX NO.
CITY Saint Paul	STATE OR	ZIP 97137	E-MAIL acc@ernstnursery.	com

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	(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-M		NT IS GIVEN TO RE	CEIVE ALL CORRESPONDENCE			

Explain in your own words what you propose to accomplish with this transfer application, and why: We need the additional wells to assist Well 2 (MARI 51725) to supply water to the full rate and cover the full place of us by tying in these additional wells to our existing mainline system.

Well 4 (MARI 1132) has been determine to not produce the volume stated in the well log and will not be used. We propose a replacement Well 5 to be drilled 50 feet west of the original Well 4 (MARI 1132)

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

Check One Box

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

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Woodburn Independent.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department. RECEIVED

DEC **26** 2023

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Is the applicant the sole owner of located? ✓ Yes No*	of the land	on which t	he wate	r right, or portion there	of, proposed for transf	er is
*If NO, include signatures of all de attach affidavits of consent (and i water right(s) were conveyed.	eded lande mailing and	owners (and I/or e-mail a	l mailing addresses	and/or e-mail addresses s) from all landowners or	if different than the app rindividuals/entities to w	olicant's) or which the
Check the following boxes that o	apply:					
The applicant is response sent to the applicant.	sible for co	mpletion o	f change	e(s). Notices and corres	pondence should contin	nue to be
The receiving landowne issued. Copies of notice						rder is
Both the receiving land and correspondence sh					on of change(s). Copies	of notices
At this time, are the lands in thi	s transfer a	application	in the pr	rocess of being sold?	Yes No	
If YES, and you know who to below. If you do not know was a later date.						
If a property sells, the certif	ficated wat	ter right(s) I	ocated o	on the land belong to th	ne new owner.	RECEIVED
unless a sale agreement or https://www.oregon.gov/o	other docu	ument state	s otherv	vise. For more informat	tion see:	MAR 1 7 2023
	WIG/WID	OTTISF DE/	italister			OWRD
RECEIVING LANDOWNER NAME NA				PHONE NO.	ADDITIONAL CONTACT NO.	ONNO
ADDRESS					FAX NO.	
CITY	STATE	ZIP		E-MAIL		
Describe any special ownership	circumsta	nces:				
The confirming Certificate shall	be issued	in the name	e of:	Applicant Receiving	ng Landowner	
Check here if any of the an irrigation or other water						served by
IRRIGATION DISTRICT NAME	district.	Tip. Comp	ADDRESS		ital Form D.)	
NA					17:0	
CITY			STATE		ZIP	
Check here if water for a for stored water with a					e agreement or othe	r contract
ENTITY NAME NA			ADDRESS			
СПУ			STATE		ZIP	
To meet State Land Use Cor or tribal governments within						poration,
ENTITY NAME			ADDRESS			
Marion County Planning Division			STATE	ilverton Road NE	ENTITY NAME	
Salem			Oregon	i	Marion County Plans	ning

Part 5 of 5 - Water Right Information

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

	CERTIFICATE # 96789	RECEIVE
Description of Wa	ater Delivery System	MAR 17 202
System capacity:	1.78 cubic feet per second (cfs) OR	WAR 1 8 202
	gallons per minute (gpm)	OWRD

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 Well 1 using a 10 Hp submersible pump to convey water through a 4-inch buried PVC pipe to the west to irrigate a 7.6-acre section with impact sprinklers. Water is pumped from Well 2 using a 75 Hp submersible pump to convey water through an 8-inch buried PVC pipe heading east and west to connect to additional 6-inch buried PVC mainline with hydrants where 3-inch portable handlines with impact sprinklers can be attached.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L)	Twp		R	ng	Sec	74	Х	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1		MARI 1065	065 4 S 2 W 4 SW SE		SE	DLC 70	720 feet south and 1,000 feet east from the NW corner, DLC 70				
Well 2		MARI 51725	4 S		2 W		4	sw	SW SE		635 feet south and 1,000 feet east from the NW corner, DLC 70.
Well 3	☐ Authorized ☑ 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.
Well 4	☐ Authorized ☑ Proposed	MARI 1132	4	S	2	w	9	NE	NE	DLC 70	2,330 feet south and 1,090 feet east from the NE corner, DLC 70.

eck al	I type(s) of change(s) proposed below (ch	ange	"CODES" are provided in parentheses):
	Place of Use (POU)		Supplemental Use to Primary Use (S to P)
	Character of Use (USE)		Point of Appropriation/Well (POA)
	Point of Diversion (POD)		Additional Point of Appropriation (APOA)
	Additional Point of Diversion (APOD)		Substitution (SUB)
	Surface Water POD to Ground Water POA (SW/GW)		Government Action POD (GOV)

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

Ch

Part 5 of 5 - Water Right Information

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

CERTIFICATE # 96789

Description of W	ater Delivery System
System capacity:	1.78 cubic feet per second (cfs) OR
	gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from Well 1 using a 10 Hp submersible pump to convey water through a 4-inch buried PVC pipe to the west to irrigate a 7.6-acre section with impact sprinklers. Water is pumped from Well 2 using a 75 Hp submersible pump to convey water through an 8-inch buried PVC pipe heading east and west to connect to additional 6-inch buried PVC mainline with hydrants where 3-inch portable handlines with impact sprinklers can be attached.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L)	T	wp	F	Rng	Sec	Х	*	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1		MARI 1065	4	s	2	w	4	sw	SE	DLC 70	720 feet south and 1,000 feet east from the NW corner, DLC 70
Well 2		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	☐ Authorized ☑ 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.
Well 5	☐ Authorized ☑ Proposed	NA	4	s	2	w	9	NE	NE	DLC 70	2,330 feet south and 1,140 feet east from the NE corner, DLC 70.

4				
المسلما	Check a	all type(s) of change(s) proposed below	(change	"CODES" are provided in parentheses):
1023		Place of Use (POU)		Supplemental Use to Primary Use (S to P)
", 6/2		Character of Use (USE)		Point of Appropriation/Well (POA)
		Point of Diversion (POD)		Additional Point of Appropriation (APOA)
		Additional Point of Diversion (APOD)		Substitution (SUB)
		Surface Water POD to Ground Water		Government Action POD (GOV)
		POA (SW/GW)		RECEIVED
	-			wight?

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

DEC 26 2023

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

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MAR 17 2023
OWRD

Table 2. Description of Changes to Water Right Certificate # 967989

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.

Т	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	The listing as it would appear AFTER PROPOSED CHANGES																
Twp	Rng	Sec	1/4	½	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	"CODES" from previous page)	Twp F		Rng		Sec	2 % %		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
											АРОА	4	s	2	w	4	NE	sw	1300	Lot 4	1.5	Nursery	Wells 2, 3,4	5-4-2004
											АРОА	4	S	2	w	4	NE	sw	1100	DLC 70	3.6	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	s	2	w	4	SE	sw	1100	DLC 70	10.9	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	s	2	w	4	SE	sw	1100	DLC 70	4.6	Nursery	Well 1	5-4-2004
											APOA	4	S	2	w	4	NE	SE	1300	Lot 6	5.0	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	s	2	w	4	NE	SE	1100	DLC 70	2.0	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	S	2	w	4	NW	SE	1300	Lot 5	18.7	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	S	2	w	4	NW	SE	1100	DLC 70	7.4	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	S	2	w	4	sw	SE	1100	DLC 70	28.8	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	s	2	w	4	sw	SE	1100	DLC 70	3.0	Nursery	Well 1	5-4-2004
											APOA	4	s	2	w	4	SE	SE	1100	DLC 70	6.1	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	S	2	w	9	NE	NE	1100	DLC 70	1.1	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	s	2	w	9	NW	NE	1100	DLC 70	4.0	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	s	2	w	9	NE	NW	1100	DLC 70	1.2	Nursery	Wells 2, 3,4	5-4-2004
				TO	TAL AC	RES:													TOTAL A	CRES:	97.9			

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

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

Table 2. Description of Changes to Water Right Certificate # 967989

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	The listing as it would appear AFTER PROPOSED CHANGES																
Twp	Rng	Sec		xx	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Date	"CODES" from previous page)	from revious Twp		Rng		Sec	2 % %		Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
											APOA	4	s	2	w	4	NE	sw	1300	Lot 4	1.5	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	4	NE	sw	1100	DLC 70	3.6	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	4	SE	sw	1100	DLC 70	10.9	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	4	SE	sw	1100	DLC 70	4.6	Nursery	Well 1	5-4-2004
											APOA	4	s	2	w	4	NE	SE	1300	Lot 6	5.0	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	4	NE	SE	1100	DLC 70	2.0	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	4	NW	SE	1300	Lot 5	18.7	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	4	NW	SE	1100	DLC 70	7.4	Nursery	Wells 2, 3,5	5-4-2004
								RECEIVI	-D		APOA	4	s	2	w	4	sw	SE	1100	DLC 70	28.8	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	4	sw	SE	1100	DLC 70	3.0	Nursery	Well 1	5-4-2004
								DEC 262			APOA	4	s	2	w	4	SE	SE	1100	DLC 70	6.1	Nursery	Wells 2, 3,5	5-4-2004
								OVE			APOA	4	s	2	w	9	NE	NE	1100	DLC 70	1.1	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	9	NW	NE	1100	DLC 70	4.0	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	9	NE	NW	1100	DLC 70	1.2	Nursery	Wells 2, 3,5	5-4-2004
				TO	OTAL AC	CRES:													TOTAL A	CRES:	97.9		111	1201000

Perul 1-6-23

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

DEC 2 6 2023

Revied 11-6-23

For Place of Use or Character of Use Changes - NA

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? \(\subseteq \text{Yes} \subseteq \text{No} \)

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

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

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

Ground water supplemental Permit or Certificate # NA; Surface water primary Certificate # NA.

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For a change from Supplemental Irrigation Use to Primary Irrigation Use

DEC 2 6 2023

Identify the primary certificate to be cancelled. Certificate # NA

OVIRD

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

\boxtimes	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.
complete rable 5.

Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Well 1	Yes	MARI 1065			See V	Well Log MA	RI 1065			Not less
Well 2	Yes	MARI 51725			See W	ell Log MAI	RI 51725			than full rate of
Well 3	Yes	MARI 68592		See Well Log MARI 68592						
Well 5	No	NA	125 feet	10 inch	0 to 125	0 to 35	TBD	NA	Alluvial	water right

Roviel 23

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 o	f Oregon)							
County	of MARION))	SS					RECEIVE	ED
, BRUCI	ERNST, in my o	apacit	y as <u>ow</u>	NER/O	PERATO	R,				MAR 17 20	123
mailing	address PO Bo	ox 460	, SAINT P	AUL, O	R, 971	37				OWRD	
telepho	one number (<u>5</u>	03) 63	3-1366,	being	first d	uly swoi	rn depos	e and say:			
1.	My knowledg				status	of the w					
2.	l attest that: Wate Certif	r was ficate #	used du #	ring th			e years o		place of use f	or hin the last five year	rs:
	Certificate #		nship		nge	Mer	Sec	Y ₄ Y ₄	Gov't Lot or DLC	Acres (if applicable)	
OR								. "			
	Confirming Co									ware The	
	Part or all of t instream leas transfer was r	e num	ber is: _		(Note:	If the er	ntire righ	t proposed fo	or	eased instream.); OR	
	The water rigi							tation that a	presumption	of forfeiture for nor	1-use
	Water has been 10 years for C								priation for n	nore than	

(continues on reverse side)

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

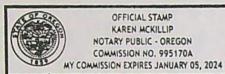
 I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Brud W Einst

Signature of Affiant

2-10-23
Date

Signed and sworn to (or affirmed) before me this 10 day of February, 2023.



Raren Mefellig

Notary Public for Oregon

My Commission Expires: January 5, 2024

Supporting Documents	Examples
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
Copies of receipts from sales of irrigated crops or for expenditures related to use of water	Power usage records for pumps associated with irrigation use Fertilizer or seed bills related to irrigated crops Farmers Co-op sales receipt
Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	 District assessment records for water delivered Crop reports submitted under a federal loan agreement Beneficial use reports from district IRS Farm Usage Deduction Report Agricultural Stabilization Plan CREP Report
Aerial photos containing sufficient detail to establish location and date of photograph	Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added. Sources for aerial photos: OSU –www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com
Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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MAR 1 7 2023

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

RECEIVED MAR 17 2023

OWRD

THIS CERTIFICATE ISSUED TO

BRUCE ERNST PO BOX 460 SAINT PAUL OR 97137

confirms the right to the use of water perfected under the terms of Permit G-18143. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16246

SOURCE OF WATER: WELL 1 AND WELL 2 IN MISSION CREEK BASIN

PURPOSE OR USE: NURSERY USES ON 97.9 ACRES

MAXIMUM RATE: 1.78 CUBIC FEET PER SECOND (CFS), FURTHER LIMITED OF 0.31 CFS FOR NURSERY USES ON 7.6 ACRES FROM WELL 1 AND 1.50 CFS FOR NURSERY USES ON 90.3 ACRES FROM WELL 2, NOT TO EXCEED CUMULATIVE TOTAL OF 1.78 CFS AT ANY TIME

PERIOD OF USE: YEAR ROUND DATE OF PRIORITY: MAY 12, 2004

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	2 W	WM	4	SW SE	70	WELL 1 (NEW) - 720 FEET SOUTH AND 1000 FEET EAST FROM NW CORNER, DLC 70
4 S	2 W	WM	4	SW SE	70	WELL 2 (NEW) - 635 FEET SOUTH AND 1000 FEET EAST FROM NW CORNER, DLC 70

The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Application G-16246.ra.klk

Page 1 of 3

Certificate 96789

THE PLACE OF USE IS LOCATED AS FOLLOWS:

				NURSER	Y			
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Well
4 S	2 W	WM	4	NE SW	4		1.5	Well 2
4 S	2 W	WM	4	NE SW		70	3.6	Well 2
4 S	2 W	WM	4	SE SW		70	10.9	Well 2
4 S	2 W	WM	4	SE SW		70	4.6	Well 1
4 S	2 W	WM	4	NE SE	6		5.0	Well 2
4 S	2 W	WM	4 .	NE SE		70	2.0	Well 2
4 S	2 W	WM	4	NW SE	5		18.7	Well 2
4 S	2 W	WM	4	NW SE		70	7.4	Well 2
4 S	2 W	WM	4	SW SE		70	28.8	Well 2
4 S	2 W	WM	4	SW SE		70	3.0	Well 1
4 S	2 W	WM	4	SE SE		70	6.1	Well 2
4 S	2 W	WM	9	NE NE		70	1.1	Well 2
4 S	2 W	WM	9	NW NE		70	4.0	Well 2
48	2 W	WM	9	NENW		70	1.2	Well 2

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Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order consistent with those standards identified in OAR 690-507-645 (1) through (30) at each point of appropriation (new and existing). The water user shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- B. 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.

The combined quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully

available at the original points of appropriation described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
48	2 W	WM	4	SW SE	70	ORIGINAL WELL 1 - 610 FEET SOUTH AND 960 FEET EAST FROM NW CORNER, DLC 70
4 S	2 W	WM	4	SW SE	70	ORIGINAL WELL 2 - 660 FEET SOUTH AND 995 FEET EAST FROM NW CORNER, DLC 70

Water shall be acquired from the same aquifer as the original points of appropriation.

To monitor the effect of water use from the well(s) authorized under this right, the Director may require the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement. The measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

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

The reference levels against which any future measurements will be compared is 12.00 feet below land surface for Well 1 and 87.83 feet below land surface for Well 2.

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

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

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

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

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

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

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

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

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

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

DEC 2 3 2022

Issued

Dwight Frinch

Water Right Services Division Administrator, for

Douglas E. Woodcock, Acting Director

Oregon Water Resources Department

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Application G-16246.ra.klk

Page 3 of 3

Certificate 96789

Land Use Information Form



OREGON Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, Oregon 97301-1266 (503) 986-0900 www.oregon.gov/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	X X	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)		Water to be:		Proposed Land Use:
<u>45</u>	<u>2W</u>	4		1100	EFU	□ Diverted	○ Conveyed	⊠ Used	<u>IR</u>
<u>4S</u>	<u>2W</u>	4		1300	<u>EFU</u>	☑ Diverted	□ Conveyed	☑ Used	<u>IR</u>
<u>4S</u>	<u>2W</u>	4		1700	<u>EFU</u>	□ Diverted	□ Conveyed	Used	<u>IR</u>
						Diverted	☐ Conveyed	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 Exchange of Water Limited Water Use License Allocation of Conserved Water Source of water: Reservoir/Pond Ground Water Surface Water (name) Estimated quantity of water needed: 1.78 Cubic feet per second gallons per minute acre-feet Domestic for household(s) Intended use of water: Irrigation Commercial Industrial Municipal Quasi-Municipal Instream Other Briefly describe: This Land Use Information Form is to accompany a water right transfer application that proposes to add two wells to existing water right Certificate 96789.

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below an	nd provide the requested information		
X Land uses to be served by the proposed water by your comprehensive plan. Cite applicable			
Land uses to be served by the proposed water as listed in the table below. (Please attach do Record of Action/land-use decision and according periods have not ended, check "Being pursu	ocumentation of applicable land-use approve mpanying findings are sufficient.) If approva	als which have a	already been obtained.
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	d-Use Approval:
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
		Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
Name: Nicole Inman	Title:	Associate Plar	nner
Signature: Nicole Anman	Phone: 503-588-503	B Date: _	3/13/2023
Government Entity: Marion County Planning			
Note to local government representative: Plea sign the receipt, you will have 30 days from the Information Form or WRD may presume the lan comprehensive plans.	Water Resources Department's notice date t	to return the co rater is compati	Impleted Land Use ble with local
	for Request for Land Use Information		
Applicant name:			
City or County:	Staff contact:		

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Phone:

Date:

Signature: _

EE TO WATER WELL CONTRAC WATER WELL REPORT The original and first copy of this report are to be filed with the TATE ENGINEER, SALEM 10, OREGON TATE ENGINEER WELL REPORT OF OREGON Within 30 days from the date of well completion. (1) OWNER: Michael Hopfer Name Was a pump t Yield: 600 Address (2) LOCATION OF WELL: Bailer test Driller's well number 34 Section T. 4S W.M. Temperature Bearing and distance from section or subdivision corner 937' N and 265' E of the SW Corner of S.E. corner of section 4 Depth drilled Formation: De show thicknes stratum penet (3) TYPE OF WORK (check): New Well T Deepening | Reconditioning | Abandon [idonment, describe material and procedure in Item 12. (4) PROPOSED USE (check): (5) TYPE OF WELL: Domestic | Industrial | Municipal | Cable Jetted Irrigation M Test Well | Other Dug ☐ Bored (6) CASING INSTALLED: Threaded | Welded | 19 ft Gage __ . 250 0_ ft to _ __ " Diam. from ____ 0 ft. to 182 ft. Gage ... 250 " Diam, from _ ft .tq ___ _ft_Gage _ (7) PERFORATIONS: Perforated? TYes | No torch Type of perforator used 5/16 Size of perforations 65 ft. to 1041-911 perforations from ... 85-3" 190 perforations from .. ft. to 143'-9" 123'-8" 180 perforations from .. perforations from 16313" ft to 177' (8) SCREENS: Well screen installed Yes No Manufacturer's Name . _ ft_ to ... Set from Slot size ... Work started Date well dri (9) CONSTRUCTION: Manufacturer Depth of seal 19 ft. Was a packer used? Diameter of well bore to bottom of seal ___2h ____ in. Water Well Were any loose strata comented off? Tee I No Depth Was a drive shoe used? [] Yes 📆 No

19 11, to 182

Depth of strata

Gravel placed from

Method of sealing strata off

(10) WATER LEVELS:

Type of water?

Static level

Artesian pressure

	1	
REPORT MARILIOS	1	
1000		
REPORT AN ACTION	1-	W
EGON State Well No.	1/2	W St
orint)	7	
G B42 State Permit No		
1) WELL TESTS: Drawdown is amount w		l is
a pump test made? Yes No If yes, by whom		
d: 600 gal./min. with 30 ft. drawdown	- /	hrs.
600 " 51 "	1	+ "
600 " 51 "	6	"
er test gal./min. with ft. drawdow	n after	hrs.
esian flow g.p.m. Date		
perature of water Was a chemical analysis n	nade?	Yes No
	,	2011
2) WELL LOG: Diameter of well below or	nging	78
th drilled 205 ft. Depth of completed we	GII	II.
mation: Describe by color, character, size of materia w thickness of aquifers and the kind and nature of t tum penetrated, with at least one entry for each c	l and stru	icture, and
tum penetrated, with at least one entry for each c	hange of	formation.
MATERIAL	FRÓM	TO
Top Soil	0	3
Light Brown Clay	3	26
Brown Clay Hard	26	39
Dark Brown Clay	39	54
Fine Black Sand	54	61
	61	83
THE SALES THE SALES	83	89
Hard Brown Clay	89	101
Blue Clay	101	112
Brown Clay	112	103
Blue Clay	123	132
Black Sand	132	133
Wood Brown Clay	133	136
Hard Brown Clay turning to	136	-
The state of the s	100	143
Blue at		150
To Green at	165	166
Black Sand	166	174
Chalk White Clay	174	180
	180	205
Light Brown Clay	100	207
We installed a concrete plug at	1781	
no moderna a series prop		
Oct 2 1 - 61		-
rk started 12-14 19 63 Completed 1-6		19 64
e well drilling machine moved off of well 1-6		19 64
e wen drining machine moved on or wen		19 04
(3) PUMP:		
nufacturer's Name		
e: F	LP.	ECELY
ter Well Contractor's Certification:	-	AR 17
This well was drilled under my jurisdiction	and this	report is
e to the best of my knowledge and belief.		OWR
ME Milo Schneider Equipment Co.		
(Person, firm or corporation) (T	'ype or pri	
iress Star Rt., Box 97, St. Paul,	Orego	n
	-	
lling Machine Operator's License No. 212	-1	
med Milo Schnee	le	

(11) WEI

(12) WEI

(13) PUN

This wel

WELL D.# .

(as required by ORS 537.765) WATER RESOURCES DEPT.

Instructions for completing this report are on the last page of this formed N

(START CARD) # 78623

(1) OWNER: Well Number	(9) LOCATION OF	THE RESERVE OF THE PARTY OF THE			
Name Ernst Nursery & Farms	County MALTON	Latitude	2W Los	ngitude	
Address 20863 Riverside Dr. NE	Township 4 S	N or S Range SW 1/4	ZW ZW		w. wm.
City St. Paul State OR Zip 97137	Section 4	SW1/4	NE	1/4	
(2) TYPE OF WORK		otBlock		ubdivision_	
New Well Deepening Alteration (repair/recondition) Abandonment	(2) 日本のは、日本のは、日本のは、日本のは、日本のは、日本のは、日本のは、日本のは、	(or nearest address)	6177 Gea	arın Ro	1
(3) DRILL METHOD:	St.Paul,				
Rotary Air Rotary Mud Cable Auger	(10) STATIC WATE			11	7 /07
Other		ow land surface.			17/97
(4) PROPOSED USE:		lb. per squa	re inch.	Date	
Domestic Community Industrial Alrrigation	(11) WATER BEAR	ING ZONES:			
Thermal Injection Livestock Other					
(5) BORE HOLE CONSTRUCTION:	Depth at which water wa	s first found 20'			
Explosives used Yes X No Type Amount	From	То		d Flow Rate	
HOLE SEAL	20	32	20gpm		8'
Diameter From To Material From To Sacks or pounds	297'	341'	800 g	pm	621
20" 0 40' holeplug 0 40 40 sacks					
bentonite					
16" 40 347					
	(12) WELL LOG:				
How was seal placed: Method A B C D E	Groun	d Elevation			
& Other OAR 690-210-340				,	
Backfill placed fromft. toft. Material	Mater	al	From	To	SWL
Gravel placed from ft. to ft. Size of gravel	Topsoil		0	1	
(6) CASING/LINER:	. Clay brown		1	36	
Diameter From To Gauge Steel Plastic Welded Threaded	Clay gray br	OWN	36	46	
Casing: 16" +2: 298 .375 K	Clay silty o	ray	46	75	
	Sand-silt		75	87	
	Clay gray		87	115	
	Sand & clay	gray	115	126	
Liner:	Clay gray		126	144	The same of
	Clay with sa	and & gravel	144	175	
Final location of shoc(s) 298 :	Clay gray		175	212	
(7) PERFORATIONS/SCREENS:	Clay w/sand		212	224	
Perforations Method	Clay gray, pa	rt sticky	224	276	
			276	281	
Tele/nine	Clay sandy t		281	292	
From To size Number Diameter size Casing Liner 12" pipe XX	Clay silty h		292	297	
299 319 .070 12" screen	Sand brown		297	304	621
	Sand black		304	315	62'
	Gravel & sar	nd,black	315	341	62:
	Clay gray		341	347	
347 Bottom plate & lift bail	Carry Jacob				
con sure a green. Minimum testing time is 1 hour	Date started 12/24/	/96 Com	pleted 4/1	7/97	
(8) WELLTESTS: Minimum testing time is 1 hour	(unbonded) Water Well		tion:		
Flowing Railer Air Artesian	Leggify that the work	I performed on the con	struction, alte	ration, or al	andonment
Mrump Daniel Time	of this well is in complia	nce with Oregon water:	supply well co	instruction	standards.
Yield gavmin Drawdown Drawdown Cort. C	Materials used and informand belief.	mation reported above a	re true to the	best of my	cnowleage
800 138 6Xhr. S	1/ 3	الله مو ١	WWC Nu	mber 13	91
	Simula Anni	TYMATIN	1	Date 4/	
- 51	(bonded) Water Well C	onstructor Cartification	in:		
Temperature of water 54 Depth Artesian Flow Found				andonment	work
Was a water analysis done? Yes By whom	performed on this well d	for the construction, al uring the construction d	ates reported :	above. All	work
Did any strata contain water not suitable for intended use?	performed during this tir	ne is in compliance with	Oregon water	r supply we	:II
Salty Muddy Odor Colored Other	construction standards.	I has report as true to the			
Depth of strata:		7		mber _ 78	
	Signed Wan	of ross		Date 4/	21/91
ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SE	ECOND COPY-CONSTI	RUCTOR THIRD	COPY-CUS	TOMER	

RECEIVED MAR 17 2023

MARI 68592

WELL I.D. LABEL# L 132853 STATE OF OREGON WATER SUPPLY WELL REPORT START CARD# 215109 (as required by ORS 537.765 & OAR 690-205-0210) ORIGINAL LOG# (1) LAND OWNER Owner Well I.D. First Name Bruce Last Name Ernst (9) LOCATION OF WELL (legal description) Company Ernst Nursery & Farms County MARION Twp 4 S N/S Range 2 Address PO Box 460 Sec 4 SW 1/4 of the SE 1/4 Tax Lot 1100 City St. Paul Zip 97137 State OR Tax Map Number X New Well Deepening Conversion (2) TYPE OF WORK DMS or DD Lat Alteration (complete 2a & 10) | Abandonment(complete 5a) " or DMS or DD (2a) PRE-ALTERATION Dia + From Street address of well 6180 Gearin Road NE, St. Paul, OR 97137 Material Scal: (3) DRILL METHOD (10) STATIC WATER LEVEL Date Rotary Air Rotary Mud X Cable Auger Cable Mud SWL(psi) SWL(ft) Existing Well / Pre-Alteration Reverse Rotary Other Completed Well 03-21-2019 (4) PROPOSED USE Domestic X Irrigation Community Flowing Artesian? Dry Hole? Industrial/ Commericial Livestock Dewatering Depth water was first found 76 WATER BEARING ZONES Thermal Injection Other _ SWL Date To Est Flow SWL(psi) + SWL(ft) (5) BORE HOLE CONSTRUCTION Special Standard (Attach copy) 09-28-2018 76 90 Depth of Completed Well 95 BORE HOLE SEAL. sacks Dia From Material To From Amt lbs Bentonite Chips 34 16 0 34 34 12 34 95 Calculated 26 (11) WELL LOG Calculated Ground Elevation Method A B LC D How was seal placed: From To Material X Other 690-210-0340 Clay, brown 5 19 Silt, brown 5 Backfill placed from _ ft. to ___ ft. Material_ Silt, greenish gray 19 32 Filter pack from _ ft. Material ft. to 32 38 Clay, greenish gray, sand Explosives used: Yes Type___ Amount Clay, greenish gray 38 42 42 52 (5a) ABANDONMENT USING UNHYDRATED BENTONITE Clay, gray Sand, black, silt, dark gray 52 76 Pounds Actual Amount Proposed Amount Sand, black, silt, layers, dark gray 76 90 (6) CASING/LINER Casing Liner 90 93 Clay, dark greenish gray Dia Pisto From To Gauge 95 Clay, blueish gray. X 0 (0) 12 1.5 58.14 .25 0 95 .25 10 2.96 Inside X Outside Other Location of shoe(s) 58.14 Temp casing Yes Dia_ From_ (7) PERFORATIONS/SCREENS Perforations Method _Completed 03-19-2019 Screens Type V-wire Material stainless steel Date Started09-28-2018 # of Tele/ Scrn/slot Slot Perf/S Casing/ Screen (unbonded) Water Well Constructor Certification slots pipe size creen Liner From To width I certify that the work I performed on the construction, deepening, alteration, or 10 Screen 69.75 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 (8) WELL TESTS: Minimum testing time is 1 hour Pump O Bailer O Flowing Artesian O Air (bonded) Water Well Constructor Certification Drill stem/Pump depth Duration (hr) Yield gal/min Drawdown 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. °F Lab analysis Yes By_ Temperature 53 License Number Date 04-12-2019 Water quality concerns? Yes (describe below) TDS amount 87 Cortact Info (optional) MAR 17 2023 ORIGINAL - WATER RESOURCES DEPARTMENT THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

MARI 68592

WATER SUPPLY WELL REPORT -

WELL I.D. LABEL# L 132853

START CARD # 215109 continuation page ORIGINAL LOG# (2a) PRE-ALTERATION Water Quality Concerns Dia Gauge Stl Plstc Wld Thrd From To Amount Units Description Material To Amt sacks/lbs From (10) STATIC WATER LEVEL (5) BORE HOLE CONSTRUCTION SWL Date From To Est Flow SWL(psi) + SWL(ft) BORE HOLE SEAL sacks/ From Material From To Amt Ibs Calculated Calculated Calculated Calculated FILTER PACK (11) WELL LOG Material Size From From To Material (6) CASING/LINER Gauge Stl Pistc Wld Thrd Casing Liner Dia From To RECEIVED (7) PERFORATIONS/SCREENS ILIN 2 6 2019 Scrn/slot # of Tele/ Perf/S Casing/ Screen Slot creen Liner To width length slots pipe size From OWRD Comments/Remarks Bottom plate at 95 feet (8) WELL TESTS: Minimum testing time is 1 hour Lifting bale 93.5 feet Drill stem/Pump depth Duration (hr) Yield gal/min Drawdown RECEIVED

G 3485 X ARI The original and first copy of this report are to be filed with the WATER WELL REPORTS E state engineer, salem, oregon 97316 EC 24 1965 State within 30 days from the date of well completion. STATE ENGINEER STATE OF OREGON JAN 3 STATE ENGINEER SALEM OREGON (11) WELL TESTS: _ Chawdown is amount water level is (1) OWNER: Amiel Desmet Name Was a pump test made? [] Yes X No If yes, by whom? Rt. 1, Box 110 gal./min. with 38 ft. drawdown after 6 Address Aurora, Oregon with air lift ** ** " (2) LOCATION OF WELL: Bailer test gal./min. with ft. drawdown after hrs. Marion Driller's well number g.p.m. Date Artesian flow 14 Section 9 T. 4S W.M. Temperature of water 54 Was a chemical analysis made? ☐ Yes ※ No Bearing and distance from section or subdivision corner (12) WELL LOG: Diameter of well below casing ft. Depth of completed well Depth drilled 113 Formation: Describe by color, character, size of material and structure, and show thickness of aquifiers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation. MATERIAL FROM (3) TYPE OF WORK (check): 39 Blue clay 5 New Well Deepening [Reconditioning | Abandon [7] 65 Blue sand 393 andonment, describe material and procedure in Item 12. 65 Blue clay 74 Plue sand small layer clay 74 (4) PROPOSED USE (check): (5) TYPE OF WELL: 772 Rotary [Driven [Domestic | Industrial | Municipal | Cable Jetted [] Irrigation Test Well | Other Dug Bored [(6) CASING INSTALLED: Threaded | Welded | ft. to 39 18 " Diam. from . 12 " Diam. from . ft. to ft. Gage . (7) PERFORATIONS: Perforated? Yes | No torch Type of perforator used Size of perforations 3/8 ... perforations from perforations from _ perforations from .. perforations from . perforations from . OWRD (8) SCREENS: Well screen installed? Yes No Manufacturer's Name .. Set from .. Slot size Work started 5-17-65 1965 19 _ Set from Slot size ... Date well drilling machine moved off of well (9) CONSTRUCTION: (13) PUMP: Bentonite Manufacturer's Name ft. Was packer used? ... yes Diameter of well bore to bottom of seal _______in. Water Well Contractor's Certification: Were any loose strata cemented off? Tes No Depth Was a drive shoe used? ☐ Yes ¾ No This well was drilled under my jurisdiction and this report is Size of gravel: 3/8 - 3/ true to the best of my knowledge and belief. Was well gravel packed? Yes No ft. to __112 Milo Schneider Did any strata contain unusuable water?

Yes A No (Person, firm or corporation) Star Rt., Box 97, St. Paul, Oregon depth of strata Type of water? Method of sealing strata off Drilling Machine Operator's License No. (10) WATER LEVELS: ft. below land surface Date (Water Well Contractor) Static level Contractor's License No. 387 Date 12-15-65 lbs. per square inch Date Artesian pressure

(USE ADDITIONAL SHEETS IF NECESSARY)

Permanent Transfer Application Intake Checklist Check the Certificates in WRIS

Check the Certificates in	WRIS	Transfer # T-
Checked by	Type of Change(s) Proposed:	
Date 3 20 23	NO other changes allowed other than those I	isted
Calculated Fee	POU POD APOD POA	POA USE
\$ 2350		
Fee Received		# of rights to be Transferred?
Deficiencies and Observations:		Continue Mal
Deficiencies and Observations:		Certificate #(s)
		a 4789
If OK, check box; if not, fill in.		
1. Has applicant fille	d out the Minimum Requirements Checklist (Pa	rt 1 of 5)? Is the application
complete? If not, wh	at is missing (check Evidence of Use and Land U	sel?
2 Have all the appli	cants listed at the top of the page signed at the	hattam?
If not, whose signatu	ure is missing?	bottom?
	indicated that the place of use is in or near an ir	rigation district? Have they
	N/A. Name of the District	
4. Part 5 of applicati	on, has the applicant completed the entire page	and does the information match
	e explanation of the reasons on Part 4 of the ap	plication?
If not, you may need	to contact the applicant or agent?	
5. For multiple certi	ficates, do each of the certificates listed on Appl	ication Page 1 have their own
separate completed	Part 5 tables 1 & 2?	
If no, which certifica	tes are missing a separate Part 5, tables 1 & 2? _	
6. Is there more tha	n one landowner or more than one water use? (OAR 690-380-3220).
	lication for each water use from each landowner	
a. There is a ch	nange in POD/POA to a new common POD/POA	or a delivery system serving
	ts and multiple ownerships; or	
	USE or POU of all rights are on a single parcel fr	
/	etween two parcels using water are from the sar	
7. Has the map beer	completed and signed by a CWRE? Does the ma	ap meet the requirements?
If not, what is missin	g? Map v	vaiver included?
8. If a change in poir	nt of appropriation, have the well logs been inclu	uded? N/A.
	e of use is within Umatilla County, is there a Sup	
N/A.	e of use is within offiathia County, is there a sup	plemental Form o included:
	cked (with no remaining deficiencies identified),	
	folder. If any boxes are not checked, this applica	
	plicant or agent can resolve the deficiencies with ies listed in the "staff" section at the bottom of	
	ies iisted iii tile stall section at tile bottom of	Application rage 1.
Actions taken:		Data
		Date

Date

RECEIVED

SALEM OREGON

APR 28 2023

Check Amount

28070

T-14189 Reimbursement Authority Applicant's A 1,696.02

Key Bank Checking

		(503) 986-090	0 / (503) 986-0904 (fa)	(;)	
RECEIVED FRO	M: Ernst	Nursan	1 & Froms	APPLICATION	
BY:			1	PERMIT	
				TRANSFER	T-14189
CASH: CI		OTHER: (IDENTI	FY)		01/0/07
	X 28070			TOTAL REC'D	151,696.02
1083	TREASURY	4170 WF	RD MISC CASH A	CCT	
	COPIES 471				s
					\$1,696,32
The second second			ons for framp	enth or by	1,610.
0243 I/S L	ease 0244		mt. Plan 02		
		4270 WF	RD OPERATING	ACCT	
	MISCELLANEOUS	5			
0407	COPY & TAPE FE	ES			S
0410	RESEARCH FEES				S
0408	MISC REVENUE:	(IDENTIFY)	1		S
TC162	DEPOSIT LIAB. (IDENTIFY)	-		S
0240	EXTENSION OF T	IME			
	WATER RIGHTS:		EXAM FEE		RECORD FEE
0201	SURFACE WATER	3	S	0202	S
0203	GROUND WATER		S	0204	\$
0205	TRANSFER		S		
	WELL CONSTRU	CTION	EXAM FEE	The second second	LICENSE FEE
0218	WELL DRILL CON	STRUCTOR	S	0219	\$
	LANDOWNER'S P	ERMIT		0220	\$
	OTHER	(IDENTIFY)			
1 0000		0.407 1445	TIL CONOT OTA	DTEEE	
0536	THEASURY	0437 WE	ELL CONST. STA		
0211	WELL CONST STA	ART FEE	\$	CARD	
0210	MONITORING WE	LLS	S	CARD	
	OTHER	(IDENTIFY) _			к о 2 по на Себе и по 11 г. г. г. г. г.
0607	TREASURY	0467 HY	DRO ACTIVITY	LIC NUMBER	
0233	POWER LICENSE				S
	HYDRO LICENSE				S
	HYDRO APPLICA				S
			HED (DDV		
-	TREASURY	ОТ	HER / RDX		
FUND	Lane Constitution	_ TITLE			
OBJ. COD	DE	_ VENDOR # _			
					The state of the s

DATED:4

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

STATE OF OREGON WATER RESOURCES DEPARTMENT 725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

INVOICE #

RECEIPT #

DESCRIPTION

RECEIPT:





REIMBURSEMENT AUTHORITY APPLICANT'S AGREEMENT Contract Number: R11-428-23

OWRD

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

OWRD Information Applicant's Information Applicant's Representative Contact: Kelly Starnes Bruce Ernst Name: Pacific Hydro-Geology, Inc. Name: Transfer Advisor Title: Contact: Contact: Doann Hamilton Address: 725 Summer Street, NE, Suite A PO Box 460 Address: 18487 S. Valley Vista Rd. Address: Salem, OR 97301-1266 St. Paul, OR 97137 Mulino, OR 97042 Phone: 503 979-3511 Phone: Phone: (503) 633-8366 (503) 349-6946 Fax: 503 986-0901 Fax: (503) 632-5983 Fax: Email: patrick.k.starnes@water.oregon.gov Email: Fmail: phgdmh@gmail.com acc@ernstnursery.com

Purpose The purpose of this Agreement is to expedite the processing of the Transfer Application. (Application Number: T-14189)

- Authority. The OWRD has been authorized pursuant to ORS 536.055 to enter into a voluntary agreement with any
 applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In
 making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions. Applicant and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration. Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service.

4. Consideration.

- a. Applicant shall pay OWRD in advance for actual costs incurred by OWRD. The estimated maximum reimbursement payable to OWRD under this Agreement is \$1,696.02. Applicant agrees to pay the full amount of \$1,696.02 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost.
- b. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality. Applicant agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 6. Indemnity. Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs, and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

- 7. Termination. Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by OWRD up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance.
- 8. Funds Authorized and Available. By its execution of this Agreement, Applicants certify that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
- 9. Duration of Estimate. The Estimate of Time to completion is approximately 120 days once this Agreement has been fully executed and payment of the estimated cost deposited. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate. NOTE: Any time estimate is approximate; No guarantee of Final Order issuance of a date is certain. Duration estimates do not include any statutory waiting periods.
- 10. Completion Date. OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
- 11. Captions. The captions or headings in this Agreement are for the convenience only and in no way define, limit, or describe the scope, or intent, of any provision of this Agreement.
- 12. Amendment and Merger. The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
- 13. Signatures. All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

For Applicant

Ame/Title

Date

For OWRD:

width Frank - Administrator

2-2023

Date

Mail signed Agreement to:

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

SUPERSEDED

Bruce Ernst RA F	11-428-23 T	-14189				
Review Step	Est. Time	Hourly Multiplier	Total Est. Hours	Individual	Hourly Rate	Est. Cost
Front Desk Staff receipts received AA funds						1
Transfer Support process Application						
Administrator signs AA						
NRS 1 Support enters workflow record in WRIS and updates RA spreadsheet						
NRS 2 completes initial review of file for deficiencies		ALIEN THE PROPERTY.		-		
NRS 2 consults with Kelly and/or Lisa						
Watermaster completes review						
Groundwater completes review						
NRS 2 completes DPD, PN, and RR						
Transfer staff peer reviews DPD, PN, RR						
Transfer Analyst completes policy check at DPD stage						
NRS 2 sends DPD to app/agent by email and/or mail						
NRS 2 reviews report of ownership						
NRS 2 completes PD						
Transfer Staff peer reviews PD						
Transfer Analyst peer reviews PD						
Data Center reviews PD AND RR: (RR where applicable)						
Transfer Analyst completes peer review of PN review for newspaper noticing						
Transfer Support requests newspaper quote for PN publishing						
NRS 2 sends publishing fee request to applicant						
Transfer Support processes fee and newspaper publishing						
Transfer Support processes public notice (dept notice)						
Administrator signs PD						
NRS 2 completes FO						
Transfer Staff peer reviews FO						
Transfer Analyst peer reviews FO				-11-		
Administrator signs FO						
Transfer Support Issues FO, updates WRIS, copy to file, record markings, and sends hard copy						
NRS 1 closes out RA Contract				RELL DO		
	TOTALE	STIMATED HOURS	26.31		LESTIMATE COST	-
					10% OVERHEAD	i
					TOTAL	\$1,696.03

APR 2 8 2023 OWRD

SUPERSEDED RECEIVED

Part 4 of 5 - Applicant Information and Signature

MAR 1 7 2023

APPLICANT/BUSINESS NAME Bruce Ernst			PHONE NO. (503) 633-8366	ADDITIONAL CONTACT NO.
ADDRESS			(303) 033-8300	FAX NO.
PO Box 460				
CITY Saint Paul	STATE OR	ZIP 97137	E-MAIL	
			acc@ernstnursery. CEIVE ALL CORRESPONDENC	
ELECTRONICALLY. COPIES				E PROM THE DEPARTMENT
gent Information – 1	he agent is auth	orized to repres	ent the applicant in all m	natters relating to this application.
AGENT/BUSINESS NAME			PHONE NO.	ADDITIONAL CONTACT NO.
Doann Hamilton / Pacific	Hydro-Geology,	Inc.	(503) 632-5016	(503) 349-6946 (cell)
ADDRESS				FAX NO.
18487 S. Valley Vista Roa		710	F 1010	(503) 632-5983
Mulino	OR	97042	E-MAIL phgdmh@gmail.co	um.
			CEIVE ALL CORRESPONDENC	
ELECTRONICALLY. COPIES				
explain in your own wo	ords what you n	ronose to accor	nplish with this transfer	application, and why:
			Commence of the commence of th	to the full rate and cover the fu
			xisting mainline system	
				application as "Attachment 1".
i you need additional spi	ace, continue on			application as Attachment 1.
Ry signing this applie	ation Lundorsta		ck One Box	ry determination and prior to
				information and evidence that I an
			690-380-4010(5); OR	, morniación ana evidence macram
				ne right is in the name of the munici
or a predecessor; OF				
				acquiring by condemnation the prop
to which the water r	ight proposed for	transfer is appu	rtenant and have supporting	ng documentation.
By my signature below,	I confirm that I	understand:		
				submit payment to the Departmen
				where the water right is located, o
				available, I suggest publishing the
notice in the following				4 2 6 2 11
Amendments to the a	pplication may	only be made in	response to the Departm	ent's Draft Preliminary Determina
(DPD). The applicant v	will have a perior	of at least 30 c	lays to amend the applica	ation to address any issues identifi dments may be subject to additio
		vitridraw trie app	olication. Note that amen	differes may be subject to addition
fees, pursuant to ORS		as in class of	and/or change in chara	eter of use will result in less of th
Failure to complete as water right (OAR 690-		ge in place of us	e and/or change in chara	ecter of use, will result in loss of th
		quest and as so	t forth in ORS 536 050(4)	(a), if the Director determines tha
refunds may only be	granted upon re	quest and, as se	ests of fairness to the nul	blic or necessary to correct an erro
the Department.	a lee is approp	iate in the inter	ests of fairfiess to the pu	
	formation contr	ined in this ann	lication is true and accur	rate.
(we) affirm that the in	Tormation conta			2/10/2022
Bulder	MNN.		WErnst	410/1015
Applicant Signature		Print Name a	nd title if applicable	Date
			1.01.00	-
Applicant Signature		Drint Mana	nd title if applicable	Date

SUPERSEDED

Part 5 of 5 - Water Right Information

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

B	CERTIFICATE # 96789	RECEIVED
Description of W	ater Delivery System	MAR 1 7 2023
System capacity:	1.78 cubic feet per second (cfs) OR	WAN I & COCO
	gallons per minute (gpm)	OWRD

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 Well 1 using a 10 Hp submersible pump to convey water through a 4-inch buried PVC pipe to the west to irrigate a 7.6-acre section with impact sprinklers. Water is pumped from Well 2 using a 75 Hp submersible pump to convey water through an 8-inch buried PVC pipe heading east and west to connect to additional 6-inch buried PVC mainline with hydrants where 3-inch portable handlines with impact sprinklers can be attached.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L)	Т	wp	F	ing	Sec	1/4	1/4	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)	
Well 1		MARI 1065	4	s	2	w	4	sw	SE	DLC 70	720 feet south and 1,000 feet east from the NW corner, DLC 70	
Well 2		MARI 51725	4	s				sw	SE	DLC 70	635 feet south and 1,000 feet east from the NW corner, DLC 70.	
Well 3 ☐ Authorized ☐ 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.	
Well 4	☐ Authorized ☑ Proposed	MARI 1132	4	S	2	w	9	NE	NE	DLC 70	2,330 feet south and 1,090 feet east from the NE corner, DLC 70.	

Check al	Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):										
	Place of Use (POU)		Supplemental Use to Primary Use (S to P)								
	Character of Use (USE)		Point of Appropriation/Well (POA)								
	Point of Diversion (POD)		Additional Point of Appropriation (APOA)								
	Additional Point of Diversion (APOD)		Substitution (SUB)								
	Surface Water POD to Ground Water POA (SW/GW)		Government Action POD (GOV)								

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

Please use and attach additional pages of Table 2 as needed.

Do you have questions about how to fill-out the tables?

SUPERSEDE Ontact the Department at 503-986-0900 and ask for Transfer Staff. See page 6 for instructions.

Table 2. Description of Changes to Water Right Certificate # 967989

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	thanges The listing as it would appear AFTER PROPOSED CHANG						O CHANGES									
Twp	Rng	3	Sec	<i>y</i> ₄ <i>y</i> ₄	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	"CODES" from previous page)	T	wp	R	ng	Sec	1/4	1/4	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
											APOA	4	S	2	w	4	NE	sw	1300	Lot 4	1.5	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	s	2	w	4	NE	sw	1100	DLC 70	3.6	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	s	2	w	4	SE	sw	1100	DLC 70	10.9	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	S	2	w	4	SE	sw	1100	DLC 70	4.6	Nursery	Well 1	5-4-2004
											APOA	4	S	2	w	4	NE	SE	1300	Lot 6	5.0	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	s	2	w	4	NE	SE	1100	DLC 70	2.0	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	5	2	w	4	NW	SE	1300	Lot 5	18.7	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	5	2	w	4	NW	SE	1100	DLC 70	7.4	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	s	2	w	4	sw	SE	1100	DLC 70	28.8	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	s	2	w	4	sw	SE	1100	DLC 70	3.0	Nursery	Well 1	5-4-2004
											APOA	4	s	2	w	4	SE	SE	1100	DLC 70	6.1	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	s	2	w	9	NE	NE	1100	DLC 70	1.1	Nursery	Wells 2, 3,4	5-4-2004
											APOA	4	s	2	w	9	NW	NE	1100	DLC 70	4.0	Nursery	Wells 2, 3,4	5-4-2004
						H:					APOA	4	s	2	w	9	NE	NW	1100	DLC 70	1.2	Nursery	Wells 2, 3,4	5-4-2004
				TC	TAL AC	RES:													TOTAL A	CRES:	97.9			

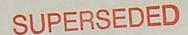
Revised 7/7/2022

Permanent Transfer Application Form - Page 8 of 10

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For Place of Use or Character of Use Changes - NA

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? \(\subseteq \text{Yes} \subseteq \text{No} \)
If YES, list the certificate, water use permit, or ground water registration numbers: NA.

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

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

Ground water supplemental Permit or Certificate # NA; Surface water primary Certificate # NA.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # NA

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

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

AND/OR

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

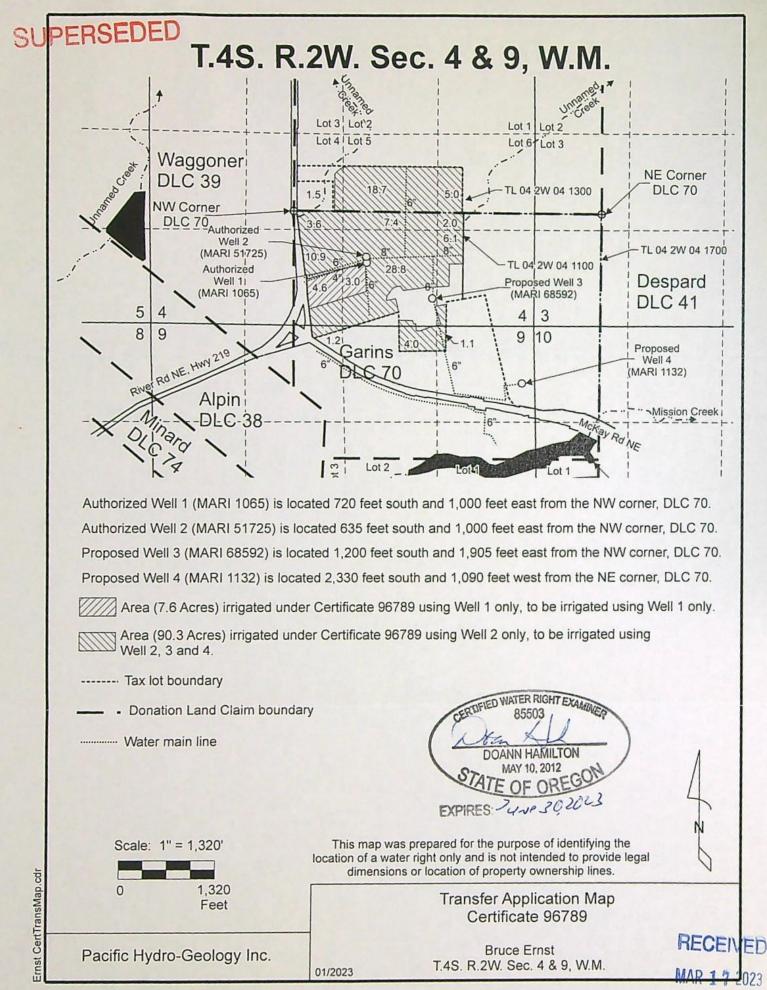
Table 3. Construction of Point(s) of Appropriation

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

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right			
Well 1	Yes	MARI 1065			See	Well Log MA	RI 1065			Not less			
Well 2	Yes	MARI 51725		See Well Log MARI 51725 See Well Log MARI 68592									
Well 3	Yes	MARI 68592											
Well 4	Yes	MARI 1132		See Well Log MARI 1132									

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STATE OF OREGON WATER RESOURCES DEPARTMENT

RECEIPT # 140319

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

INVOICE # _

=		Frast			a) 900-0904 (ia:		
	IVED FRO	M: Ernst		1110	14-	APPLICATION	
3Y:			VM3	1		PERMIT	- 1.1184
CASH	l: C	HECK:# O	THER: (IC	DENTIFY)	1	TRANSFER	1-14/01
		27554				TOTAL REC'D	\$ 125.00
	1083	TREASURY	4170	WRD MI	SC CASH A	CCT	
	0407	COPIES 471	24	R114	18-13		S
100	0412	OTHER: (II	DENTIFY)	Rent	urseme	- Authorn	\$ 125.00
	0243 I/S L	ease 0244	Muni Wate	er Mgmt. Pla	nons for	45 Cons. Water	
			4270	WRD OI	PERATING A	ACCT	
	-	MISCELLANEOUS					
	0407	COPY & TAPE FEE	S				S
	0410	RESEARCH FEES					\$
	0408	MISC REVENUE:	(IDENTIF	Y)			\$
	TC162	DEPOSIT LIAB. (II	DENTIFY)				\$
	0240	EXTENSION OF TH	ME				\$
		WATER RIGHTS:			EXAM FEE		RECORD FEE
	0201	SURFACE WATER			\$	0202	S
	0203	GROUND WATER			\$	0204	S
	0205	TRANSFER			S		
		WELL CONSTRUC	TION		EXAM FEE		LICENSE FEE
	0218	WELL DRILL CONS	TRUCTO	R	\$	0219	\$
		LANDOWNER'S PE	RMIT			0220	S
		OTHER	(IDENTI	FY)			
	0536	TREASURY	0437	WELL C	ONST. STA	RT FEE	
	0211	WELL CONST STAF	RT FEE		S	CARD#	
	0210	MONITORING WEL	LS		S	CARD#	
	(898)	OTHER	(IDENTI	FY)			
	0607	TREASURY	0467	HYDRO	ACTIVITY	LIC NUMBER	
	0233	POWER LICENSE I		STATE OF THE STATE			\$
	0231	HYDRO LICENSE F	EE (FW/V	VRD)			\$
		HYDRO APPLICATI					\$
			011	071150	/ DDV		
I		TREASURY		OTHER	HDX		
	FUND		TITLE .				
-	OBJ. COD	E	VENDO	R#		1	
-/1	DESCRIPT	TION					\$
RECE	IPT:	140319	DAT	ED:3/17	1/23 BY	Lise D	Mine

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OREGON WATER RESOURCES DEPARTMENT

TRANSFER REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION



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

Please contact Transfer Personnel before submitting this request; as the application fee is a non-refundable \$125.00 fee per request. Checks submitted for this application should be separate From Transfer fees.

The purpose of this application is to obtain estimates of the cost and time required to process a Transfer Application Request. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
	Transfer	
×	Application	Transfer Number T-14189 NA

	Applicant Information	Applicant's Representative/Contact							
Name:	Bruce Ernst	Pacific Hydro-Geology, Inc. c/o Doann Hamilton							
Address:	PO Box 460	18487 S. Valley Vista Road							
	St. Paul, OR 97137	Mulino, OR 97042							
Phone:	(503) 633-8366	(503) 349-6946 cell							
Fax:		(503) 632-5983							
E-Mail Address:	acc@ernstnursery.com	phgdmh@gmail.com							

I understand the following:

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

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

Name: Check one): Cortify that I am the (check one): Applicant Applicant's Representative Other (Please specify)	RECEIVED MAR 1 7 2023
Signature: Brice W Ernst	OWRD
OWED USE ONLY, Beimbursement Authority Number: R11-428 -23	

Memo

To: Oregon Water Resources Department / Kim French

From: Doann Hamilton, CWRE

CC:

Date: November 6, 2023

Re: Certificate 96789 transfer T-14189 revisions

While our client Ernst Nursery was developing the water right under the newly issued final order for T-14049, they realized Well 4 (MARI 1132) was not going to produce the volume noted on the existing well log. They have decided not to use this existing well in this transfer but instead propose a new Well 5 to be drilled about 50 feet to the west of the existing well.

Our client understands the groundwater review has already been process, and an additional fee might be attached to make this change. Please let us know what this additional fee will be

Attached are the corrected map and pages to reflect this change.

STATE OF OREGON

EXPIRES TAN 1 30, 202

Part 4 of 5 - Applicant Information and Signature

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	E-MAIL acc@ernstnursery.	com			

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

AGENT/BUSINESS NAME Doann Hamilton / Pag	cific 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					
	IAIL ADDRESS, CONSE	NT IS GIVEN TO RE	CEIVE ALL CORRESPONDENCE					

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

We need the additional wells to assist Well 2 (MARI 51725) to supply water to the full rate and cover the full place of us by tying in these additional wells to our existing mainline system.

Well 4 (MARI 1132) has been determine to not produce the volume stated in the well log and will not be used. We propose a replacement Well 5 to be drilled 50 feet west of the original Well 4 (MARI 1132)

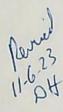
If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

Check One Box

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

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department
 for publication of a notice in a newspaper with general circulation in the area where the water right is located, once
 per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the
 notice in the following newspaper: Woodburn Independent.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).
- Refunds may only be granted upon request and, as set forth in ORS 536.050(4)(a), if the Director determines that a
 refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of
 the Department.



Part 5 of 5 - Water Right Information

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

CERTIFICATE # 96789

Description of W	ater Delivery System
System capacity:	1.78 cubic feet per second (cfs) OR
	gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from Well 1 using a 10 Hg submersible pump to convey water through a 4-inch buried PVC pipe to the west to irrigate a 7.6-acre section with impact sprinklers. Water is pumped from Well 2 using a 75 Hp submersible pump to convey water through an 8-inch buried PVC pipe heading east and west to connect to additional 6-inch buried PVC mainline with hydrants where 3-inch portable handlines with impact sprinklers can be attached.

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

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L)	Twp		Rng		Sec	Ж	ж	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1		MARI 1065	4	s	2	w	4	sw	SE	DLC 70	720 feet south and 1,000 feet east from the NW corner, DLC 70
Well 2		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	☐ Authorized ☐ 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.
Well 5	☐ Authorized ☑ Proposed	NA	4	S	2	w	9	NE	NE	DLC 70	2,330 feet south and 1,140 feet east from the NE corner, DLC 70.

Journel .	Check a	Il type(s) of change(s) proposed below (change	"CODES" are provided in parentheses):
11/6/1		Place of Use (POU)		Supplemental Use to Primary Use (S to P)
1,0/8		Character of Use (USE)		Point of Appropriation/Well (POA)
		Point of Diversion (POD)	\boxtimes	Additional Point of Appropriation (APOA)
		Additional Point of Diversion (APOD)		Substitution (SUB)
		Surface Water POD to Ground Water POA (SW/GW)		Government Action POD (GOV)

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

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

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

Table 2. Description of Changes to Water Right Certificate # 967989

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				TI	ne li	sting		vould ap		FTER P	n" lands) PROPOSEI	D CHANGES				
Twp	Rng	Sec		××	Tax Lot	Gvt		Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	"CODES" from previous page)	T	wp	Ri	ng	Sec	1/4	14	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date
											APOA	4	s	2	w	4	NE	sw	1300	Lot 4	1.5	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	5	2	w	4	NE	sw	1100	DLC 70	3.6	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	4	SE	sw	1100	DLC 70	10.9	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	4	SE	sw	1100	DLC 70	4.6	Nursery	Well 1	5-4-2004
											APOA	4	s	2	w	4	NE	SE	1300	Lot 6	5.0	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	4	NE	SE	1100	DLC 70	2.0	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	4	NW	SE	1300	Lot 5	18.7	Nursery	Wells 2, 3,5	5-4-2004
						1					APOA	4	s	2	w	4	NW	SE	1100	DLC 70	7.4	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	S	2	w	4	sw	SE	1100	DLC 70	28.8	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	4	sw	SE	1100	DLC 70	3.0	Nursery	Well 1	5-4-2004
											APOA	4	S	2	W	4	SE	SE	1100	DLC 70	6.1	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	9	NE	NE	1100	DLC 70	1.1	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	9	NW	NE	1100	DLC 70	4.0	Nursery	Wells 2, 3,5	5-4-2004
											APOA	4	s	2	w	9	NE	NW	1100	DLC 70	1.2	Nursery	Wells 2, 3,5	5-4-2004
				TC	TAL AC	RES:													TOTALA	CRES:	97.9		. 1 //	

nerid /-6-23

Revised 7/7/2022

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

Bried 11-6-23

Certificate # 96789

For Place of Use or Character of Use Changes - NA

Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands?

Yes

No

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

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

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

Ground water supplemental Permit or Certificate # NA; Surface water primary Certificate # NA.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # NA

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

\boxtimes	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 PCIA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L	Total well depth	Casing Diarneter	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
Well 1	Yes	MARI 1065	See Well Log MARI 1065							Not less
Well 2	Yes	MARI 51725	See Well Log MARI 51725 See Well Log MARI 68592						than full	
Well 3	Yes	MARI 68592							rate of water	
Well 5	No	NA	125 feet	10 inch	0 to 125	0 to 35	TBD	NA	Alluvial	right

Roviel 23

