

GR MOD

T-13754

T-13754

Name Stephen Heer & Patricia Ann Kirk

Address 12562 NE Carl road
Woodburn Oregon 97071

Change in PAW APPA
Date Filed 6/23/2021
Initial notice date 7/13/2021
DPD issued date
PD issued date 2/6/2025
PD notice date 2/11/2025
Date of FO 4/3/2025 Vol 134 Page 249-252

C-Date
COBU due date
COBU Received date
Certificate issued

DESCRIPTION OF WATER RIGHT(s)

Name of Stream well

Trib. of Unnamed Stream

Use Irrigation County marion

Quantity of water (CFS) No. of Acres

Name of ditch

App# GR-102 Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

App# Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
<u>6-23-2021</u>	<u>\$1250.00</u>	<u>135641</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Irrigation District

Agent Deann Hamilton ahgdmh@gmail

CWRE

CC's list

☐ - Oversized map - Location



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

April 3, 2025

Patricia Ann Kirk And Stephen Heer
12565 NE Carl Road
Woodburn, OR 97071

REFERENCE: Groundwater Registration Modification Application T-13754

Enclosed is a copy of the final order approving recognition of your Groundwater Registration Modification application.

If you have any questions related to the approval of this application, you may contact your caseworker, Arla Davis, by telephone at (503) 979-3129 or by e-mail at Arla.L.Davis@water.oregon.gov.

Sincerely,

David V. Jones Jr
Water Right Services Support
Transfers and Conservation Section

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

Enclosure

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

In the Matter of Groundwater)	FINAL ORDER
Registration Modification Application)	APPROVING RECOGNITION OF AN
T-13754, Marion County)	ADDITIONAL POINT OF APPROPRIATION
)	AND A MODIFICATION IN PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a groundwater certificate of registration.

Oregon Administrative Rules (OAR) Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating groundwater registration modification applications.

Applicant

STEPHEN HEER AND PATRICIA ANN KIRK
12565 NE CARL ROAD
WOODBURN, OR 97071

Findings of Fact

1. On June 23, 2021, STEPHEN HEER AND PATRICIA ANN KIRK filed a groundwater registration modification application for an additional point of appropriation and to modify the place of use under Registration Application GR-62 (Certificate of Registration GR-81). The Department assigned the application number T-13754.
2. On July 16, 2021, Registration Application GR-62 (Certificate of Registration GR-81) was assigned from AMBROSE J. HEER to STEPHEN HEER AND PATRICIA ANN KIRK.
3. Notice of the application for groundwater registration modification was published on July 13, 2021, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.

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

4. On December 10, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13754 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of January 10, 2025, for the applicants to respond. The applicants 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 Groundwater Registration Modification.
5. On February 6, 2025, the Department issued a Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13754 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the Groundwater Registration Modification application was published on the Department's weekly notice on February 11, 2025, pursuant to ORS 540.520 and OAR 690-382-0800. No protests were filed in response to the notice.

6. The groundwater registration to be modified is as follows:

Registration: Application GR-62 (Certificate of Registration GR-81), in the name of AMBROSE J. HEER (*assigned to STEPHEN HEER and PATRICIA ANN KIRK*)

Use: IRRIGATION of 32.0 ACRES

Tentative

Priority Date: JULY 15, 1953

Quantity: 200 GALLONS PER MINUTE (GPM)

Duty: 1 ACRE FOOT PER YEAR

Source: PUMP WELL

Original Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	1 W	WM	3	NW SW	60	400 FEET NORTH AND 58 CHAINS WEST FROM THE SE CORNER OF JOHN PURVINE DLC 60

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	1 W	WM	3	NE SW	2.0
5 S	1 W	WM	3	NW SW	30.0
Total					32.0

7. Groundwater Registration Modification Application T-13754 proposes an additional point of appropriation approximately 400.0 feet South from the original well to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	1 W	WM	3	SW SW	60	PROPOSED WELL 2 - 80 FEET NORTH AND 3660 FEET WEST FROM THE SE CORNER OF JOHN PURVINE DLC 60

8. Groundwater Registration Modification Application T-13754 proposes to modify the place of use under the groundwater registration to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 W	WM	3	NE SW	60	1.0
5 S	1 W	WM	3	NW SW	60	29.0
5 S	1 W	WM	3	SW SW	60	2.0
Total						32.0

Review Criteria for Groundwater Registration Modification Applications [OAR 690-382-0100(10), 690-382-0700(2), 690-382-1000(1), 690-380-2110(2), and 690-380-2200]

9. The proposed modification would not result in a state Scenic Waterway not receiving previously available water during periods in which stream flows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
10. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
11. The proposed modifications, as conditioned, would not result in enlargement of the registration
12. The proposed modifications, as conditioned, would not result in injury to other water rights.
13. All other application requirements are met.

Conclusions of Law

The additional point of appropriation and modification in place of use proposed in Groundwater Registration Modification T-13754 are consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is ORDERED:

1. The modifications to Registration Application GR-62 (Certificate of Registration GR-81) proposed in Groundwater Registration Modification Application T-13754 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate groundwater under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.
2. 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 Registration Application GR-62 (Certificate of Registration GR-81) and any related decree.
3. Approval of this groundwater registration modification application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation or the new place of use.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

5. The combined quantity of water diverted at the proposed additional point of appropriation (PROPOSED WELL 2), together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation (Pump Well).
6. The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.

Dated in Salem, Oregon on APR 03 2025



Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

Mailing Date: APR 04 2025



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

www.oregon.gov/owrd

February 6, 2025

VIA CERTIFIED MAIL AND E-MAIL

STEPHEN HEER AND PATRICIA ANN KIRK

12565 NE CARL ROAD

WOODBURN, OR 97071

SUBJECT: Groundwater Registration Modification T-13754

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-13754. This document is an intermediate step in the approval process; water may not be used legally as proposed in the groundwater registration modification application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please don't hesitate to contact me at 503-979-3129 or arla.l.davis@water.oregon.gov if I may be of assistance.

Sincerely,

Arla L Davis

Arla L Davis

Groundwater Registration Modification Specialist

Transfers and Conservation Section

cc: Groundwater Registration Modification application file T-13754

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

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

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

In the Matter of Groundwater)	PRELIMINARY DETERMINATION
Registration Modification Application)	PROPOSING APPROVAL OF RECOGNITION
T-13754, Marion County)	FOR AN ADDITIONAL POINT OF
)	APPROPRIATION AND A MODIFICATION
)	IN PLACE OF USE

Authority

Oregon Revised Statutes (ORS) 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a groundwater certificate of registration.

Oregon Administrative Rules (OAR) Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating groundwater registration modification applications.

Applicant

STEPHEN HEER AND PATRICIA ANN KIRK
12565 NE CARL ROAD
WOODBURN, OR 97071

Findings of Fact

1. On June 23, 2021, STEPHEN HEER AND PATRICIA ANN KIRK filed a groundwater registration modification application for an additional point of appropriation and to modify the place of use under Registration Application GR-62 (Certificate of Registration GR-81). The Department assigned the application number T-13754.
2. On July 16, 2021, Registration Application GR-62 (Certificate of Registration GR-81) was assigned from AMBROSE J. HEER to STEPHEN HEER AND PATRICIA ANN KIRK.
3. Notice of the application for groundwater registration modification was published on July 13, 2021, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
4. On December 10, 2024, the Department sent a copy of the draft Preliminary Determination proposing to approve Groundwater Registration Modification Application T-13754 to the applicants. The draft Preliminary Determination cover letter set forth a deadline of January 10, 2025, for the applicants to respond. The applicants 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 Groundwater Registration Modification.

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.

5. The groundwater registration to be modified is as follows:

Registration: Application GR-62 (Certificate of Registration GR-81), in the name of AMBROSE J. HEER (*assigned to STEPHEN HEER and PATRICIA ANN KIRK*)

Use: IRRIGATION of 32.0 ACRES

Tentative

Priority Date: JULY 15, 1953

Quantity: 200 GALLONS PER MINUTE (GPM)

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IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
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5 S	1 W	WM	3	NW SW	30.0
Total					32.0

6. Groundwater Registration Modification Application T-13754 proposes an additional point of appropriation approximately 400.0 feet South from the original well to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
5 S	1 W	WM	3	SW SW	60	PROPOSED WELL 2 - 80 FEET NORTH AND 3660 FEET WEST FROM THE SE CORNER OF JOHN PURVINE DLC 60

7. Groundwater Registration Modification Application T-13754 proposes to modify the place of use under the groundwater registration to:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	1 W	WM	3	NE SW	60	1.0
5 S	1 W	WM	3	NW SW	60	29.0
5 S	1 W	WM	3	SW SW	60	2.0
Total						32.0

Review Criteria for Groundwater Registration Modification Applications [OAR 690-382-0100(10), 690-382-0700(2), 690-382-1000(1), 690-380-2110(2), and 690-380-2200]

8. The proposed modification would not result in a state Scenic Waterway not receiving previously available water during periods in which stream flows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
9. The proposed point of appropriation develops groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
10. The proposed modifications, as conditioned, would not result in enlargement of the registration

11. The proposed modifications, as conditioned, would not result in injury to other water rights.
12. All other application requirements are met.

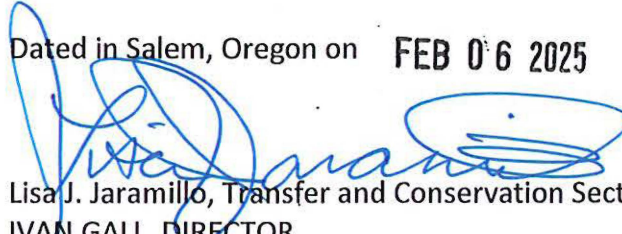
Determination and Proposed Action

The additional point of appropriation and modification in place of use proposed in Groundwater Registration Modification T-13754 appear to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000. If protests are not filed pursuant to OAR 690-382-0900, the modification will be approved.

If Groundwater Registration Modification T-13754 is approved, the final order will include the following:

1. *The modifications to Registration Application GR-62 (Certificate of Registration GR-81) proposed in Groundwater Registration Modification Application T-13754 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate groundwater under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*
2. *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 Registration Application GR-62 (Certificate of Registration GR-81) and any related decree.*
3. *Approval of this groundwater registration modification application does not constitute nor grant legal access onto or through another person's property for purposes of accessing the new point of appropriation or the new place of use.*
4. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
5. *The combined quantity of water diverted at the proposed additional point of appropriation (PROPOSED WELL 2), together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation (Pump Well).*
6. *The former place of use of the modified groundwater registration shall no longer receive water as part of the groundwater certificate of registration.*

Dated in Salem, Oregon on **FEB 06 2025**


Lisa J. Jaramillo, Transfer and Conservation Section Manager, for
IVAN GALL, DIRECTOR
Oregon Water Resources Department

This Preliminary Determination was prepared by Arla L Davis. If you have questions about the information in this document you may reach me at 503-979-3129 or arla.l.davis@water.oregon.gov.

Protests

Under the provisions of ORS 540.520(6) & (7) and OAR 690-382-0900, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-382-0800, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the groundwater registration application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. 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 690-382-0900, 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 690-382-0900]. and 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 690-382-0900(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-382-0100(8) 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 690-382-0900, 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 690-382-0900. In accordance with OAR 690-382-1100, 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 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. For more information contact the Oregon State Bar at 1-800-452-8260, the Oregon Military Department at 971-355-4420, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll-free number.

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 the Protest Program Coordinator at 503-979-9160.

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

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13754

GW Reviewer Mitra Khadka Date Review Completed: 11/15/2023

Summary of Same Source Review:

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

Summary of Injury Review:

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

Summary of GW-SW Transfer Similarity Review:

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

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



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

Ground Water Review Form:

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

Application: T-13754

Applicant Name: Stephen Heer and Patricia Ann Kirk

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

Reviewer(s): Mitra Khadka

Date of Review: 11/15/2023

Date Returned to WRSD: 11/15/2023

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

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

-
1. Basic description of the changes proposed in this transfer: Applicants request a modification to an existing groundwater registration GR-62 (Certificate GR-81, Priority Date: 7/15/1953). The registration GR-62 currently authorizes to irrigate 32.0 acres at a maximum rate of 0.4456 cfs (~ 200 gpm) from an authorized POA, MARI 1478. Applicants request to change the authorized From-POA, MARI 1478 to the proposed To-POA, MARI 1471 and propose to use the authorized From-POA for domestic use and as a back up to the proposed To-POA.
 2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: Both the authorized From-POA (MARI 1478) and the proposed To-POA (MARI 1471) produce groundwater from sand and gravel deposits of the Willamette Aquifer. In this area, the aquifer is approximately 60 ft thick and is overlain by approximately 100 ft thick low-permeability silt and clay layers of the Willamette Silt Unit (Conlon et al., 2005; Gannett and Caldwell, 1998).
 3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____
b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): _____

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

☐ Yes ☒ No Comments: The nearest groundwater right to the authorized From-POA (MARI 1478) and the proposed To-POA (MARI 1471) appears to be Permit G-16051 (Priority Date 3/10/2005). The right is associated with well MARI 1488. MARI 1488 is located ~1020 ft southwest of the authorized From-POA (MARI 1478) and ~1060 ft west of the proposed To-POA (MARI 1471). The increased intervening distance will diminish interference with MARI 1488.

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

☐ Yes ☐ No If yes, explain: _____

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

☒ Yes ☐ No Comments: The authorized From-POA (MARI 1478) is ~3570 ft from the nearest surface water source, the Pudding River, whereas the proposed To-POA (MARI 1471) is ~3250 ft from the river. The reduced intervening distance will likely increase interference with the surface water source.

- 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: Pudding River

☒ Minimal ☐ Significant

Provide context for minimal/significant impact: The Willamette Aquifer in this area is overlain by about 100 ft of the Willamette Silt Unit (WSU). The Pudding River is partially incised into the WSU and appear to be underlain by more than 50-60 ft of low permeability sediments from the WSU. Given the confined nature of the aquifer and presence of a thick sequence of low permeability sediments, increased interference with surface water source is assumed to be minimal.

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

☐ Yes ☐ No Comments: _____

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

8. Any additional comments: Well seal information for the authorized POA (MARI 1478) is not available. Absence of seal or an inadequate seal could result in groundwater contamination from surface contaminants. In addition, given the age of the well and use of turbine pump (assuming the well still use it), groundwater is at high risk of oil contamination. Well inspection and water quality test are recommended before using the well for domestic purposes.

References:

Application File: T-13754

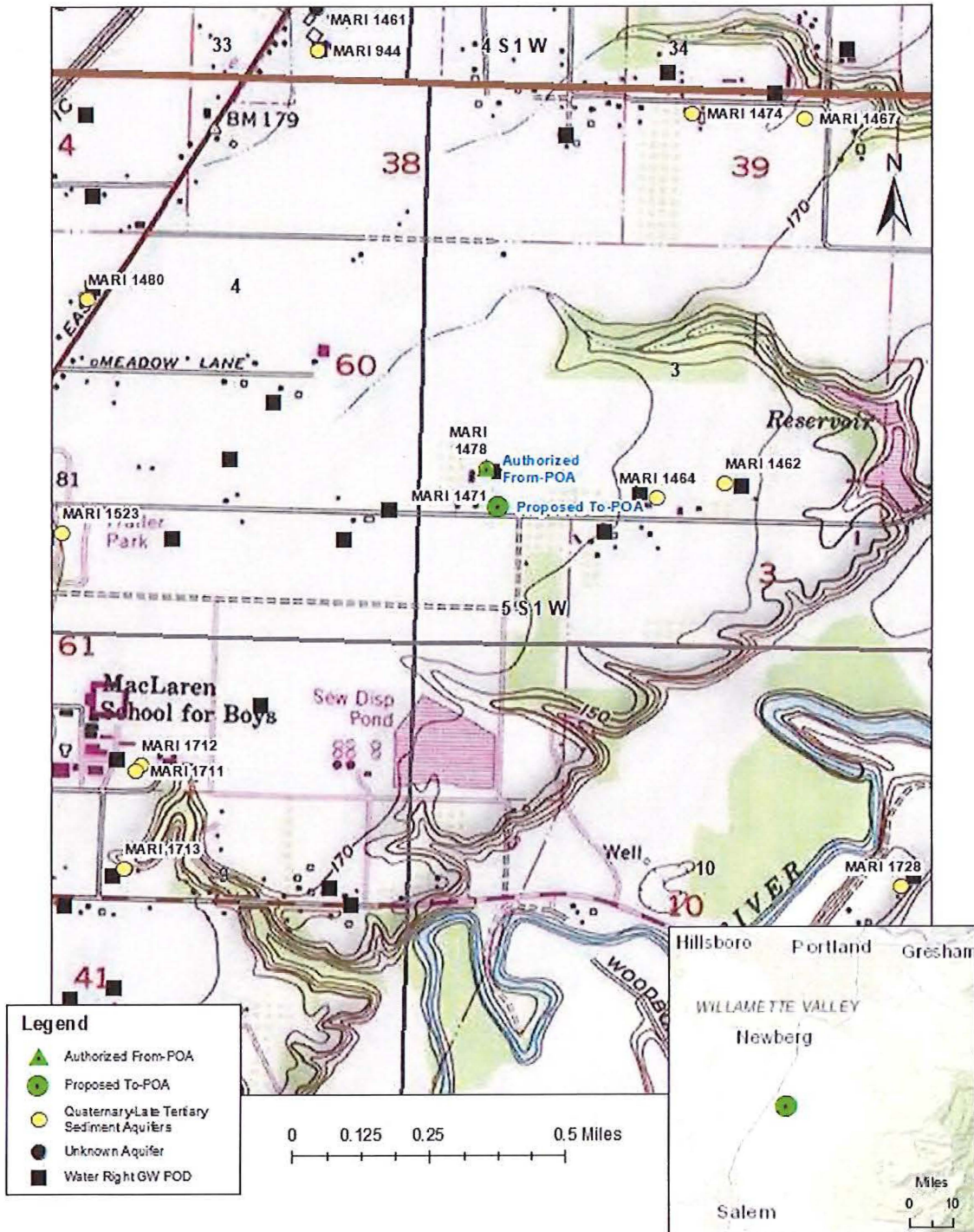
Conlon T.D., Wozniak, K.C., Woodcock, D., Herrera, N.B., Fisher, B.J., Morgan, D.S., Lee, K.K., and Hinkle, S.R., 2005, Ground-Water Hydrology of the Willamette Basin, Oregon: U.S. Geological Survey Scientific Investigations Report 2005-5168, 83 p.

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.

Well-log: MARI 1478, MARI 1471

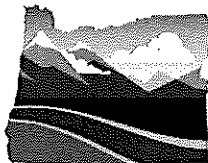
Location Map

T-13754



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp.,

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-13754

Review Due Date: 08/07/2021

Applicant Name: Patricia Ann Kirk

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

Reviewer(s): G. Wacker

Date of Review: 08/30/2021

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

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

☒ N/A

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

☒ N/A

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

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

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

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

☐ Yes ☒ No If "Yes", explain:

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

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

☐ Yes ☐ No If "Yes", explain:

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

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

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

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

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

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

☐ Yes ☐ No If "Yes", describe:

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

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

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☐ No If "Yes", explain:

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

☐ Yes ☒ No If "Yes", explain:

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

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

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

☐ A Headgate should be required prior to diverting water.

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

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

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

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

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

*a. Before water use may begin under this order, the water user shall install **staff gages***, or, with prior approval of the Director, other suitable measuring devices, that measure the entire range and stage between empty and full in each reservoir. Staff gages shall be United States Geological Survey style.*

b. Before water use may begin under this order, if the reservoir is located in channel, weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, an adjustable outlet valve must be installed. The water user shall maintain such devices in good working order. A written waiver may be obtained, if in the judgment of the Director, the installation of weirs or other suitable measuring devices, or the adjustable outlet valve, will provide no public benefit.

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

☐

Weir

☐

Submerged Orifice

☐

Parshall Flume

☐

Flow Restrictor

☐

Other: ____

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

Transfer #: T-

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

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

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

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

 Watermaster signature

 District

 Date

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

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

WATER RIGHT TRANSFER COVER SHEET

Transfer: T- 13754

Transfer Specialist:

Transfer Type: GR Modification Transfer

Applicant: STEPHEN HEER PATRICIA ANN KIRK 12562 NE CARL ROAD WOODBURN, OR 97071 Email: _____ Phone: _____	Agent: <input type="checkbox"/> N/A DOANN HAMILTON 18487 S VALLEY VISTA RD MULINO, OR 97042-8741 Email: _____ Phone: _____
Irrigation District: <input type="checkbox"/> N/A Email: _____	CWRE: <input type="checkbox"/> N/A Email: _____
Affected Local Gov'ts: <input type="checkbox"/> N/A Email: _____	Affected Tribal Gov't: <input type="checkbox"/> N/A UNAVAILABLE Email: _____
Current Landowner if other than Applicant: <input type="checkbox"/> N/A Email: _____	Receiving Landowner: <input type="checkbox"/> N/A Email: _____

Water Rights Affected

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

Key Dates & Initial Actions:

Rec'd: June 23, 2021	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION; PLACE OF USE	
Fees Pd: 1250.00	WM District: 16	ODFW District:
Initial Public Notice: July 13, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	CW Sent: _____	N/A
PD	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____
FO	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: _____

Special Order Volume: Vol. _____ Pages _____



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 8, 2021

STEPHEN HEER
PATRICIA ANN KIRK
12562 NE CARL ROAD
WOODBURN, OR 97071

Reference: Application T- 13754

On June 23, 2021, we received your water right Transfer application. The application was accompanied by \$1250.00. Our receipt number 135641 is enclosed.

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

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

You may not use water for the new use, in the new place of use or from the new point of appropriation until a final order approving recognition of the groundwater registration modification application has been issued by the Department. If the land is sold before the modification is approved, the buyer's consent to the modification will be required unless a recorded deed or other legal document clearly established that the groundwater registration was not conveyed in the sale.

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

If you have any questions, please contact the Transfer Section at (503) 986-0815.

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

Enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **135641**

INVOICE # _____

RECEIVED FROM:

Stephen P. Heer

BY:

Patricia A. Kirk; DBA Amabel Heer Farms

APPLICATION

PERMIT

TRANSFER

1-13754

CASH:

☐

CHECK: #

☒ 1134

OTHER: (IDENTIFY)

☐

TOTAL REC'D

\$ 1250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER:

(IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

46110

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$ 1250.00

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

RECORD FEE

\$

\$

LICENSE FEE

\$

\$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD#

0210 MONITORING WELLS

\$

CARD#

OTHER

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT:

135641

DATED:

6-23-2001

BY:

Mindy Carden



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

Application for Groundwater Registration Modification

Part 1 of 5 – Minimum Requirements Checklist

This Groundwater Registration Modification application will be returned if Parts 1 through 4 and all required attachments are not completed and included.

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

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

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Completed Applicant Information and Signature.
- ☒ Part 4 – Completed Groundwater Registration Modification Application – Groundwater Registration Information. (Only one Groundwater registration per application, unless the Groundwater registrations to be modified are layered).
- ☒ Completed Groundwater Registration Modification Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- ☒ Groundwater registration modification fees – Amount enclosed: \$ 1,250.00.
(\$875.00 for a place of use change only; \$1,250.00 for any other change or combination).

Attachments:

- ☒ ☐ N/A Request for Assignment Form and statutory fee. This form needs to be completed if the applicant owns the land to which the registration is appurtenant and is **not** the registration certificate holder of record. The Request for Assignment Form is available at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>.
Assignment is not needed for any person or entity who can demonstrate authorization to request recognition of a modification (e.g. legal representative, power of attorney, agent, etc.) or the applicant is named on the certificate of registration, or has been assigned to the certificate of registration.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- ☒ ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

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

- | | |
|--|--|
| <input type="checkbox"/> Application fee not enclosed/insufficient | <input type="checkbox"/> Map not included or incomplete |
| <input type="checkbox"/> Land Use Form not enclosed or incomplete | <input type="checkbox"/> Assignment Form and fee not enclosed/insufficient |
| <input type="checkbox"/> Additional signature(s) required | <input type="checkbox"/> Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503-986-0 _____

Date: ____ / ____ / ____

13754

Part 2 of 4 – Groundwater Registration Modification Map Checklist

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

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

- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads and railroads.
- ☒ Major water delivery system features from the point(s) of appropriation such as main pipelines, canals, and ditches.
- ☒ Existing place of use that includes hachuring, 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 registration is being changed, a separate hachuring is needed for the portion of the registration left unchanged.
- ☒ ☐ N/A If you are proposing a modification in place of use, show the proposed place of use with hachuring including 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 appropriation with distance and bearing or coordinates from a recognized survey corner.
- ☒ ☐ N/A If you are proposing a modification in point(s) of appropriation, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Stephen Heer and Patricia Ann Kirk			PHONE NO. 503-522-8587	ADDITIONAL CONTACT NO.
ADDRESS 12562 NE Carl Rd			FAX NO.	
CITY Woodburn	STATE OR	ZIP 97071	E-MAIL HeersFarm@gmail.com	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

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

Explain in your own words what you propose to accomplish with this modification; and why:
We wish to use the authorized well for domestic use and as a backup to the proposed well that will supply most of the allowed rate for this water right.

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

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

(Check one box)

- ☒ By signing this application, I (we) understand that, upon receipt of the draft preliminary determination and prior to Department approval of the Groundwater modification, I (we) will be required to provide landownership information and evidence that I am authorized to pursue the modification as identified in OAR 690-382-0400(16)(a); **OR**
- ☐ I (we) 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 (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the Groundwater registration proposed for modification is appurtenant by condemnation and have attached supporting documentation.

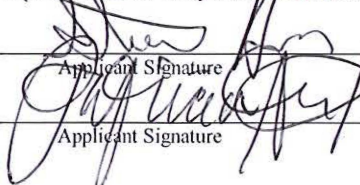
RECEIVED

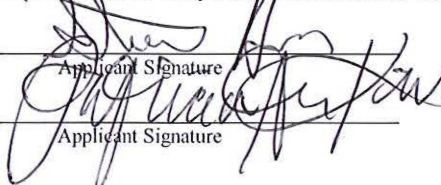
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I understand that prior to Department approval of the groundwater registration modification, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the groundwater registration 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 paper: Woodburn Independent.

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


Applicant Signature


Applicant Signature

Stephen Heer
Print Name and title if applicable

PATRICIA A. KIRK
Print Name and title if applicable

3/14/21
Date

3/14/21
Date

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

13754

Check the appropriate box, if applicable:

- ☐ Check here if the Groundwater registration proposed for modification is or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME NA	ADDRESS	
CITY	STATE	ZIP

- ☐ Check here if water for the Groundwater registration is supplied under a water service agreement or other contract with a federal agency or other entity.

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME NA	ADDRESS	
CITY	STATE	ZIP

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Part 4 of 4 – Groundwater Registration Information

Please use a separate Part 4 for each registration being modified. See instructions on page 5, to copy and paste additional Part 4s, or to add additional rows to tables within the form.

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

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

POA Name or Number	Is this POA Authorized by the registration or is it Proposed?	OWRD Well Log ID# (or Well ID Tag # L- ____)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Authorized Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 1478	5	S	1	W	3	NW	SW	DLC 60	400 feet north and 58 chains west from the SE corner, DLC 60
Proposed Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MARI 1471	5	S	1	W	3	SW	SW	DLC 60	80 feet north and 3,660 feet west from the SE corner, DLC 60
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

Check all type(s) of modifications(s) proposed below (modification “CODES” are provided in parentheses):

- ☒ Place of Use (POU)
☐ Character of Use (USE)

☐ Point of Appropriation (well) (POA)
☒ Additional Point of Appropriation (APOA)

Will all of the proposed changes affect the entire Groundwater registration?

- ☒ Yes Complete only the proposed (“to” lands) section of Table 2 on the next page. Use the “CODES” listed above to describe the proposed changes.
- ☐ No Complete all of Table 2 to describe the portion of the registration to be changed.

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Please use and attach additional pages of Table 2 as needed.
See page 5 for instructions.

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

Table 2. Description of Modifications to Registration GR-62 (Certificate # GR-81)

List only the part of the registration that will be modified. For the acreage in each ¼ ¼, list the modification proposed. If more than one modification, specify the acreage associated with each modification. If more than one POA, specify the acreage associated with each POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears in the registration BEFORE PROPOSED CHANGES List only that part or portion of the groundwater registration that will be changed.										Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POA(s) to be used (from Table 1)	Priority Date			
										POU, APOA	5	S	1	W	3	NE	SW	1000	DLC 60	1.0	IR	Wells 1 & 2	7-15- 1953
										POU, APOA	5	S	1	W	3	NW	SW	1000	DLC 60	29.0	IR	Wells 1 & 2	7-15- 1953
										POU, APOA	5	S	1	W	3	SW	SW	1000	DLC 60	2.0	IR	Wells 1 & 2	7-15- 1953
TOTAL ACRES											TOTAL ACRES						32.0						

Additional remarks: The change in POU is needed to be consistent with updated mapping layout of township and range.

13754

Groundwater Registration # GR-62 (Certificate # GR-81)

For a modification in place of use or character of use:

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

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

Pursuant to OAR 690-382-0200, any "layered" water use, such as an irrigation right that is supplemental to a primary irrigation right proposed for transfer, must be concurrently transferred with the registration or be cancelled. Any change to a water right must be filed separately in a transfer application. Any change to a water use permit must be filed separately with a permit amendment. Any modification to a Groundwater registration on the "to" lands must be filed separately with a Groundwater registration modification.

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

- ☒ Well log(s) are attached for each well 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/)

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 adequate information is likely to delay the processing of your modification application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
Authorized Well 1	Yes	MARI 1478	See Well Log MARI 1478							Not less than the allowed rate
Proposed Well 2	Yes	MARI 1471	See Well Log MARI 1471							
									13754	

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STATE ENGINEER
Salem, Oregon

1478 Well Record

STATE WELL NO. 5/1W-3M(1)
COUNTY Marion
APPLICATION NO. GR-62

OWNER: Ambrose J. Heer

MAILING

ADDRESS:

Route 1, Box 74

LOCATION OF WELL: Owner's No. 1

CITY AND

STATE:

Woodburn, Oregon

N. E.
NW 1/4 SW 1/4 Sec. 3 T. 5 S. R. 1 W., W.M.

Bearing and distance from section or subdivision

corner 58 chains W. of SE cor. of J. Purvine

DIC 60 in Sec. 3, T. 5 S., R. 1 W., 400'

N. of road, or 600' E. & 1600' N. from

SW cor. Sec. 3

Altitude at well Interpolated

TYPE OF WELL: Drilled Date Constructed 7/15/53

Depth drilled 140' Depth cased 140'

Section 3

CASING RECORD:

8 inch steel casing set from 0 to 140 feet

FINISH:

Perforations set from 120 to 138 feet

AQUIFERS:

Gravel from 95 to 140 feet

WATER LEVEL:

20 feet below land surface August 6, 1953

PUMPING EQUIPMENT: Type Turbine Jacuzzi H.P. 15
Capacity 200 G.P.M.

WELL TESTS:

Drawdown 100 ft. after 260 hours G.P.M.

Drawdown 90 ft. after 200 hours G.P.M.

USE OF WATER Irrigation Temp. °F. 19

SOURCE OF INFORMATION GR-62

DRILLER or DIGGER

ADDITIONAL DATA:

Log X Water Level Measurements Chemical Analysis Aquifer Test

REMARKS:

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STATE ENGINEER.
Salem, Oregon

State Well No. 5/1W-3M(1)
County Marion
Application No. GR-62

Well Log

Owner: Ambrose J. Heer Owner's No. 1

Driller: _____ Date Drilled 7/15/53[illegible]

NOTICE TO WATER WELL CONTRACTOR
The original and first copy
of this report are to be
filed with the

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

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

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State Well No.

State Permit No.

JAN 24 1977

(1) OWNER:

Name Knolview Nursery & Farms Inc.
Address Rt 2 Box 291 Woodburn, Oreg

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

12" Diam. from +1 ft. to 240 ft. Gage 250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Factory Preperforated

Size of perforations 5/16 in. by 2 1/2 in.
10240 perforations from 80 ft. to 240 ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom? Driller
1250 gal./min. with 44 ft. drawdown after 8 hrs.

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

Artesian flow _____ g.p.m.

Temperature of water _____ Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement Box 60
Well sealed from land surface to _____ ft.
Diameter of well bore to bottom of seal 24 in.
Diameter of well bore below seal 4 1/2 yds.
Number of sacks of cement used in well seal _____ sacks
Number of sacks of bentonite used in well seal _____ sacks
Brand name of bentonite _____
Number of pounds of bentonite per 100 gallons
of water _____ lbs./100 gals.
Was a drive shoe used? ☐ Yes ☒ No Plug _____ Size: location _____ ft.
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/8-4
Gravel placed from 60 ft. to 240 ft.

(10) LOCATION OF WELL:

County Marion Driller's well number _____
S.W. 1/4 S.W. 1/4 Section 3 T. 5.S. R. 1.W. W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 44 ft.
Static level 30 ft. below land surface. Date 11/16/76
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing none

Depth drilled 240 ft. Depth of completed well 240 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top soil brn.	0	2	
Clay brn.	2	23	
Sand fine brn.	23	38	
Clay brn soft	38	44	
Gravel course brn.	44	46	
Clay blue sticky	46	88	
Course sand & small gravel blk	88	112	W.B.
Course Conglomerate gray	112	132	W.B.
Clay grey sticky	132	157	
Course Conglom. gray	157	178	W.B.
Clay blue	178	187	
Med Conglom. gray	187	205	W.B.
Clay grey	205	240	

Work started 10/16 1976 Completed 11/16 1976
Date well drilling machine moved off of well 11/26 1976

Drilling Machine Operator's Certification:

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

[Signed] Chuck Stahl Date 11/16, 1976
(Drilling Machine Operator)

Drilling Machine Operator's License No. 720

Water Well Contractor's Certification:

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

Name Stadeli Drilling Co.
(Person, firm or corporation) (Type or print)

Address Box 193, Mt Angel, Oregon.

[Signed] Charles B. Stadeli
(Water Well Contractor)

Contractor's License No. 519 Date 11/16/76, 19____

(USE ADDITIONAL SHEETS IF NECESSARY)

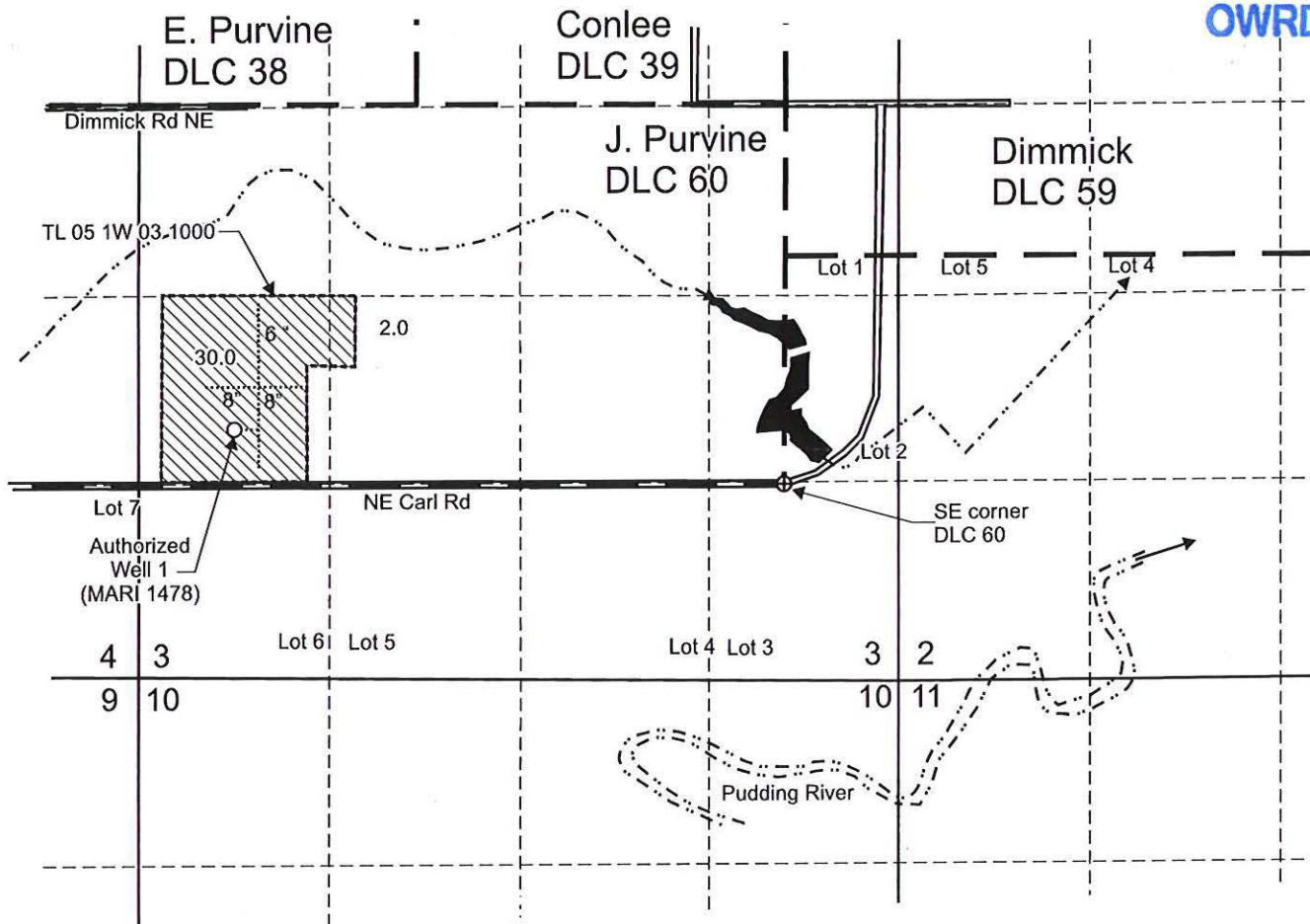
SP-45656-119

T.5S. R.1W. Section 3, W.M.

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Authorized Well 1 (MARI 1478) is located 400 feet north and 58 chains west from the SE corner, DLC 60.

 "From" Area (32.0 Acres) irrigated under GR-62 priority date: 7-15-1953.

----- Tax lot boundary

— . — Donation Land Claim boundary

..... Water main line



Scale: 1" = 1,320'



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

Groundwater Registration Modification "From" Map
GR-62

Stephen Heer and Patricia Ann Kirk
T.5S. R.1W. Section 3, W.M.

05/2021

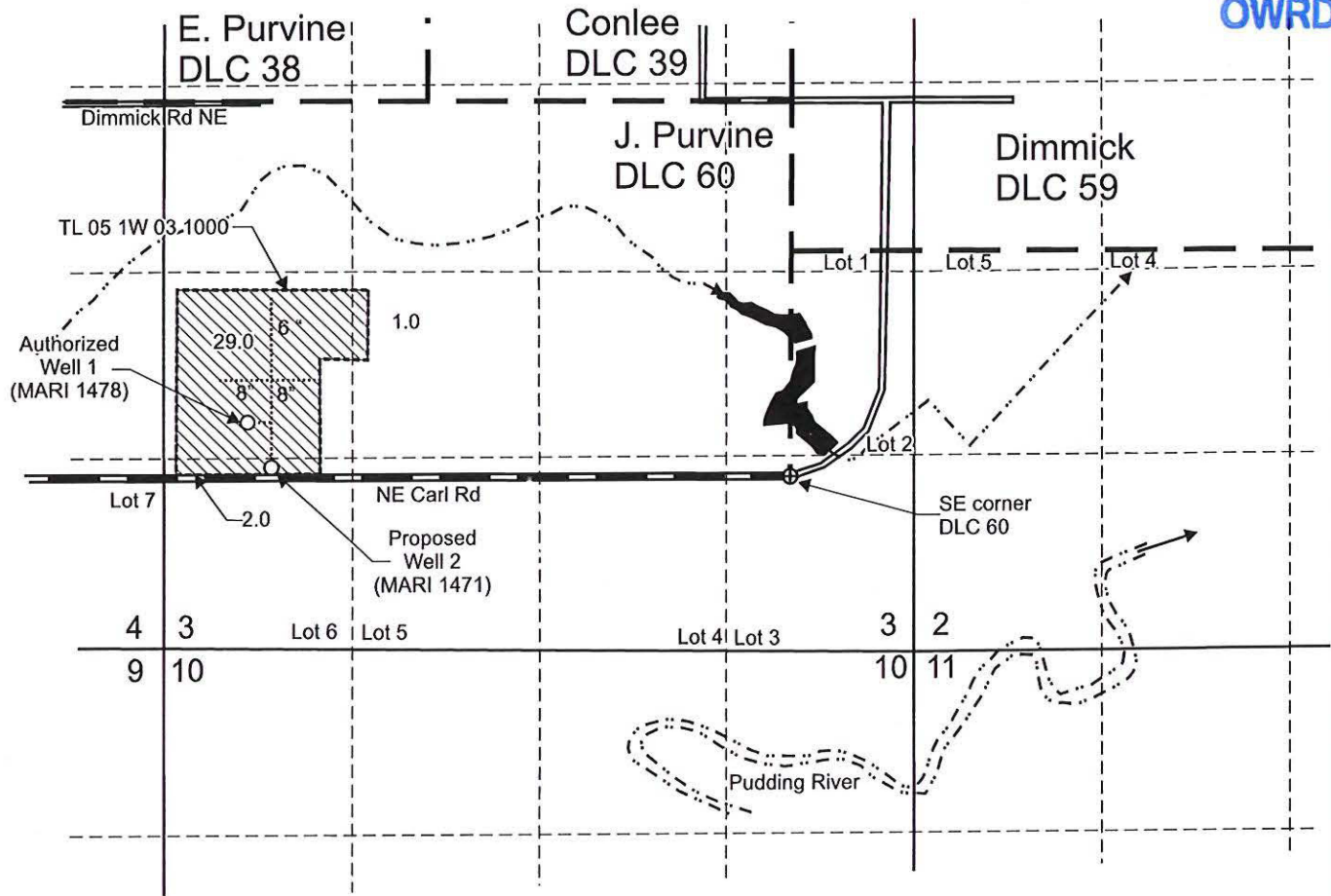
Pacific Hydro-Geology Inc.

T.5S. R.1W. Section 3, W.M.

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OWRD



Authorized Well 1 (MARI 1478) is located 400 feet north and 58 chains west from the SE corner, DLC 60.

Proposed Well 2 (MARI 1471) is located 80 feet north and 3,660 feet west from the SE corner, DLC 60.

 "To" Area (32.0 Acres) irrigated under GR-62 priority date: 7-15-1953.

 Tax lot boundary

 Donation Land Claim boundary

 Water main line

Scale: 1" = 1,320'



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

Groundwater Registration Modification "To" Map
GR-62

Stephen Heer and Patricia Ann Kirk
T.5S. R.1W. Section 3, W.M.

Pacific Hydro-Geology Inc.

05/2021

Groundwater Registration Modification (GR Mod) Application Checklist

Checked by Swift Date 6/30/21

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

- ☒ 1. Is the name of the GR Mod applicant(s) the same as the GR claim holder(s) of record?

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

- ☐ a) A written statement from the GR claim holder, consenting to the proposed GR Mod Application (if the GR claim holder(s) of record is the current property owner), **OR**.
- ☒ b) A concurrent "Request for Assignment" to move the GR claim into the GR Mod applicant's name must be submitted (if the GR Mod applicant(s) is the current property owner), **OR**
- ☐ c) A concurrent "Request for Assignment" to move the GR claim into the name of a third party (who now owns the property) must be submitted, and the third party will need to provide a written statement consenting to the proposed GR Mod Application.

If not, what is missing? _____

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

If not, what is missing? _____

- ☒ 3. Are fees included and correct? 1250

If not, the correct fee would be: _____, so the amount missing is: _____

- If application proposes ONLY a change in place of use = \$875.00
- If application proposes any other change or combination of changes = \$1,250.00

- ☒ 4. Page 3 of application: Have all the applicants listed at the top of the page signed at the bottom?

If not, whose signature is missing? _____

- ☒ 5. If all #1-#4 boxes on this checklist are checked (with no remaining deficiencies identified), accept the application. Put this check sheet in the transfer folder.

If #1, #2, #3, or #4 on this checklist is deficient, the application CANNOT be accepted.

It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.