

T-10313

T-10313

PERMIT
AMENDMENTName Pohlschneider Farms, Inc

By _____

Address 17904 French Prairie Rd
Saint Paul, OR 97137
503 633-8341Change in POADate filed 2-8-07

Date of hearing _____

Place of hearing _____

Date of order 7-9-08 Vol. 75, page 353

Date for application of water _____

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Well 1+2Trib. of Champoeg CR County of MarionUse nu

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 2/6/2006In name of Same as Above

_____ Adjudication, Vol. _____, page _____

App. No. G16466 Per. No. G16132 Cert. No. _____

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-8-07</u>	<u>350.00</u>	<u>86146</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Agent: Pacific Hydro-Geobgy Inc 18487 S. Valley Vista Rd Mulino, OR 97042503 632-5016NOID/CWRE: Greg Kupillas #432



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

July 10, 2008

POHLSCHNEIDER FARMS INC.
17904 FRENCH PRAIRIE RD
SAINT PAUL OR 97137

Reference: Permit Amendment Transfer 10313

Enclosed is a copy of the order approving your Permit Amendment transfer application.

YOU SHOULD GIVE PARTICULAR ATTENTION TO THE CONDITIONS OUTLINED IN THE ORDER. All other terms and conditions of the permit remain the same.

If you have any questions, please call the Transfer Section, (503)986-0900.

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #16
Pacific Hydro-Geology, Agent

Enclosure

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-10313, Marion County	)	APPROVING A CHANGE IN POINTS
	)	OF APPROPRIATION

Authority

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

Applicant

Pohlschneider Farms, Inc.
17904 French Prairie Road
Saint Paul, Oregon 97137

Findings of Fact

1. On February 8, 2007, Pohlschneider Farms, Inc. filed an application to amend the points of appropriation under Permit G-16132. The Department assigned the application number T-10313.
2. On May 13, 2008, the applicant's agent submitted a revised permit amendment application map amending the location of the proposed points of appropriation.

3. The permit to be amended is as follows:

Permit:	G-16132, in the name of Pohlschneider Farms, Inc.
Use:	Nursery use on 490.0 acres
Priority Date:	February 6, 2006
Quantity:	5.0 cubic feet per second (cfs)
Rate/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 at any time, during the period of allowed use specified above, that the use is

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either 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.

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.

Source: Two wells, in the Champoeg Creek Basin

Date of Complete Application of Water: October 1, 2011

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	2 W	WM	32	NE SW	69	Well 1 - 1840 feet North and 2240 feet East from the SW Corner of Section 32
4 S	2 W	WM	32	SW NE	69	Well 2 - 3140 feet North and 2780 feet East from the SW Corner of Section 32

Authorized Place of Use:

NURSERY USES						
Twp	Rng	Mer	Sec	Q-Q	DLC	Aeres
4 S	2 W	WM	31	NE SE	69	4.7
4 S	2 W	WM	32	SW NE	69	27.0
4 S	2 W	WM	32	SE NE	69	26.3
4 S	2 W	WM	32	SW NW	69	22.5
4 S	2 W	WM	32	SE NW	69	26.7
4 S	2 W	WM	32	NE SW	69	40.0
4 S	2 W	WM	32	NW SW	69	38.0
4 S	2 W	WM	32	NE SE	69	40.0
4 S	2 W	WM	32	NW SE	69	40.0
4 S	2 W	WM	33	SW NE	69	24.6
4 S	2 W	WM	33	SE NE	69	14.2
4 S	2 W	WM	33	SW NW	69	26.1
4 S	2 W	WM	33	SE NW	69	25.1
4 S	2 W	WM	33	NE SW	69	36.3
4 S	2 W	WM	33	NW SW	69	39.4
4 S	2 W	WM	33	NE SE	69	28.9
4 S	2 W	WM	33	NW SE	69	30.2
Total						490.0

4. Application T-10313 proposes to change the points of appropriation of the permit to:

Township		Range		Meridian	Sec	¼ ¼	DLC	Location
4	S	2	W	W.M.	32	NE SW	69	Well 1 – 2430 feet North and 2460 feet East from the SW Corner of Section 32
4	S	2	W	W.M.	32	NE SW	69	Well 2 – 1350 feet North and 2140 feet East from the SW Corner of Section 32

5. The applicant submitted information that more correctly describes the allocation of acres of the authorized place of use within Deeded Land Claims as being:

NURSERY USES						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
4 S	2 W	WM	31	NE SE	55	2.2
4 S	2 W	WM	31	NE SE	69	2.5
4 S	2 W	WM	32	SW NE	69	27.0
4 S	2 W	WM	32	SE NE	69	26.3
4 S	2 W	WM	32	SW NW	69	22.5
4 S	2 W	WM	32	SE NW	69	26.7
4 S	2 W	WM	32	NE SW	55	12.3
4 S	2 W	WM	32	NE SW	69	27.7
4 S	2 W	WM	32	NW SW	55	11.9
4 S	2 W	WM	32	NW SW	69	26.1
4 S	2 W	WM	32	NE SE	55	12.8
4 S	2 W	WM	32	NE SE	69	27.2
4 S	2 W	WM	32	NW SE	55	12.6
4 S	2 W	WM	32	NW SE	69	27.4
4 S	2 W	WM	33	SW NE	69	24.6
4 S	2 W	WM	33	SE NE	69	14.2
4 S	2 W	WM	33	SW NW	69	26.1
4 S	2 W	WM	33	SE NW	69	25.1
4 S	2 W	WM	33	NE SW	55	13.2
4 S	2 W	WM	33	NE SW	69	23.1
4 S	2 W	WM	33	NW SW	55	12.4
4 S	2 W	WM	33	NW SW	69	27.0
4 S	2 W	WM	33	NE SE	55	8.6
4 S	2 W	WM	33	NE SE	69	20.3
4 S	2 W	WM	33	NW SE	55	10.9
4 S	2 W	WM	33	NW SE	69	19.3
Total						490.0

6. Notice of the application for the permit amendment was published in the Department's weekly notice on February 20, 2007 pursuant to ORS 540.520(5). No comments were filed in response to the notice.
7. The change would not result in injury to other water rights.
8. The change does not enlarge the permit.
9. The change does not alter any other terms of the permit.

Conclusions of Law

The change in points of appropriation proposed by Permit Amendment Application T-10313 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new points of appropriation (wells), together with that diverted at the old points of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-16132.
2. Prior to water use from the proposed points of appropriation, the permittee shall install meter(s) or other suitable measuring device(s) as approved by the Director. The permittee shall maintain the meter(s) or measuring device(s) in good working order, and 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 permittee to report general water use information, including the place and nature of use of water under the permit.

The permittee shall allow the watermaster access to the meter(s) or measuring device(s); provided however, where the meter(s) or measuring device(s) is located within a private structure, the watermaster shall request access upon reasonable notice.

3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. All other terms and conditions of Permit G-16132 remain the same.
5. Permit G-16132, in the name of Pohlschneider Farms, Inc., is amended as described herein.

Dated at Salem, Oregon this 9th day of July, 2008.



Phillip C. Ward, *PCW*
Director

Mailing Date: JUL 11 2008

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

POHLSCHNEIDER FARMS INC
17904 FRENCH PRAIRIE RD
SAINT PAUL, OR 97137

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16466

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

PURPOSE OR USE: NURSERY USE ON 490.0 ACRES

MAXIMUM RATE: 5.0 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 6, 2006

WELL LOCATIONS:

WELL 1 - NE $\frac{1}{4}$ SW $\frac{1}{4}$; DLC: 69 SECTION 32, T4S, R2W, W.M.; 1840 FEET NORTH & 2240 FEET EAST FROM SW CORNER, SECTION 32

WELL 2 - SW $\frac{1}{4}$ NE $\frac{1}{4}$; DLC: 69 SECTION 32, T4S, R2W, W.M.; 3140 FEET NORTH & 2780 FEET EAST FROM SW CORNER, SECTION 32

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 at 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ DLC: 69, 4.7 ACRES
SECTION 31

SW $\frac{1}{4}$ NE $\frac{1}{4}$ DLC: 69, 27.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ DLC: 69, 26.3 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ DLC: 69, 22.5 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ DLC: 69, 26.7 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ DLC: 69, 40.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ DLC: 69, 38.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ DLC: 69, 40.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ DLC: 69, 40.0 ACRES
SECTION 32

SW $\frac{1}{4}$ NE $\frac{1}{4}$ DLC: 69, 24.6 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ DLC: 69, 14.2 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ DLC: 69, 26.1 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ DLC: 69, 25.1 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ DLC: 69, 36.3 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ DLC: 69, 39.4 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ DLC: 69, 28.9 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ DLC: 69, 30.2 ACRES

SECTION 33

TOWNSHIP 4 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter on each well. The totalizing flow meters must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). The permittee 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 permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meters; provided however, where the meters are located within a private structure, the watermaster shall request access upon reasonable notice.

The wells shall produce groundwater only from the alluvial groundwater reservoir.

- (1) Use of water from the well, as allowed herein, shall be regulated if the well displays:
 - (a) An average water level decline of three or more feet per year for five consecutive years; or
 - (b) A total water level decline of fifteen or more feet; or
 - (c) A hydraulic interference decline of fifteen or more feet in any neighboring well providing water for senior exempt uses or wells covered by prior rights.
- (2) The permittee/appropriator shall install a meter or other measuring device suitable to the Director, and shall keep a complete record of water uses.
- (3) The permittee/appropriator shall be responsible for complying with each of the following requirements for measuring water levels in the well.
 - (a) Use of water from a new well shall not begin until the initial water level in the well has been measured. A measurement of initial water level shall be made at the time a pump is installed, but before pumping begins.
 - (b) In addition to the measurement required in subsection (a) of this section, a water level measurement shall be made twice each year, one during the month of March and one during the month of September.
 - (c) All water level measurements shall be made by a qualified individual. Qualified individuals include certified water rights examiners, licensed water well drillers, registered geologists, registered professional engineers, registered land surveyors, licensed well constructor, pump installer licensed by the Construction Contractors Board, or the permittee/appropriator.
 - (d) Any qualified individual measuring a well shall use standard methods of procedure and equipment designed for the purpose of well measurement. The equipment used shall be well suited to the conditions of construction at the well. A list of standard methods of procedure and suitable equipment shall be available from the Department.
 - (e) The permittee/appropriator shall submit a record of the measurement to the Department on a form available from the Department. The record of measurement shall include both measurements and calculations, shall include a certification

as to their accuracy signed by the individual making the measurements, and shall be received not later than 30 days from the date of measurement. The Department shall determine when any of the declines cited in section (1) are evidenced by the well measurement required in section (3).

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, 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 constructed 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 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.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

This permit 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.

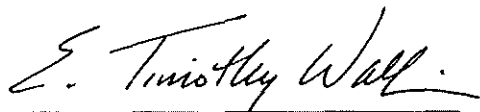
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

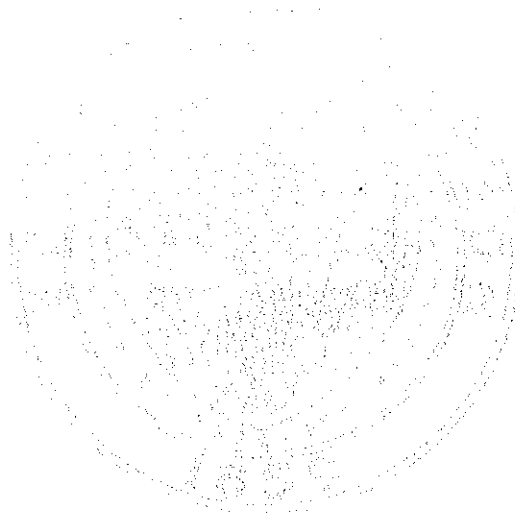
Completion of construction and complete application of the water to the use shall be made on or before October 1, 2011. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued November 30, 2006



Phillip C. Ward, Director *for*
Water Resources Department



Permit Amendment Checklist

Permit Amendment T-10313

Transfer Specialist: pks

Applicant Name/Address: Pohlschneider Farms, Inc., 17904 French Prairie Road, Saint Paul, Oregon 97137

Agent Name/Address: Pacific Hydro-Geology Inc., 18487 South Valley Vista Road, Mulino, Oregon 97042

CWRE Name/Number: See Agent

Rec Landowner Name/Address: None

Irr. District Name/Address: None

Affected Govt's Name/Address: Marion County Planning Division, P.O. Box 14500, Salem, Oregon 97309

Commentors Name/Address: None

Permits Affected

Records Marked	Records Copied	App File No.	Permit No.
☐	☐	G-16466	G-16132

Key Dates & Initial Actions

Rec'd: 2/8/2007	Proposed Action(s): POA	
Fees Pd: \$350.00	WM District: 16	ODFW District: N/A
Initial Notice: 2/20/2007	WM Review sent: 2/15/2007	ODFW Review sent: N/A
Acknowledgement Letter Sent: X		GW Review sent: 2/15/2007

Processing Dates & Actions

Deficiency Contacts:	Newspaper Pub Affid. Due: X not required
Affid of Pub Rec'd: Last Day Published:	Affidavit Reminder Sent:
Reminder Deadline:	

Final Order

- | | |
|--|--|
| ☐ Electronic Files uploaded | ☐ File Assigned/ ModPod updated |
| ☐ Newspaper Notice Cover letter | ☐ Fee Refund Due |
| ☐ Newspaper Notice | |

Draft Order Review (Optional) Reviewer: _____ Date: _____ Coordinator: _____ Date: _____	Final Order Review (Salem) Reviewer: _____ Date: <u>ADP</u> Coordinator: <u>7/7/08</u> Date: _____
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Comments/Special Issues: Change in POA for both authorized wells.

Special Order Volume: Vol: 75, Pages 353

Final Order Signature Date: 7-9-08

Notice of FO e-mailed to processors: Kelly

Oregon Water Resources Department

Memo

Date: June 27, 2008
To: File T-10313
From: Doug Woodcock 
Subject: Change in point of appropriation review

T-10313 is a proposed change in point of appropriation (POA) of file G-16466. An amended map (attached) submitted May 9, 2008 shows the new POAs (two wells) develop the same aquifer as reviewed under the existing permit. The new locations are still beyond one mile of Champoeg Creek. Interference with existing ground water users is not anticipated to be substantial; therefore, the use may be made without injury.

Doug Woodcock

From: Greg Kupillas [phggek@bctonline.com]
Sent: Friday, May 09, 2008 5:15 PM
To: Doug Woodcock
Cc: Dorothy Pedersen; Kelly Starnes; 'The Pohlschneiders'
Subject: Permit Amendment T-10313, Pohlschneider Farms
Attachments: PohlschneiderPerAmend2.pdf

Doug:

I've attached a revised map for Permit Amendment T-10313. The locations of the wells have been changed so that they are both more than 1 mile from Champoeg Creek. Hopefully, these changes will be sufficient to allow approval of the permit amendment. Please contact me if you have any questions or need additional information.

Regards,

Greg Kupillas, R.G., C.W.R.E.

Pacific Hydro-Geology Inc.
18477 S. Valley Vista Rd.
Mulino, OR 97042
503.632.5016

5/13/2008



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

INTEROFFICE MEMO

TO: TRANSFER SECTION DATE: 2-16-07

FROM: [Signature] WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION

(SIGNATURE) _____ *date signed*

SUBJECT: PERMIT AMENDMENT # 10313

A change in: POU POD POA of water.

In the name(s) of Pohlschneider Farms Inc

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) _____

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

_____ (1) PRIOR to the diverting of water at the new point of diversion . . .

_____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.





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

**Watermaster Review Form:
Water Right Transfer**

Transfer Application: T-10313

Review Due Date: 3/17/07

Applicant Name: Pohlshneider Farms

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

Reviewer(s): M. McCord

Date of Review: Mar. 19, 2007

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☐ No ☒ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☐ No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Pohlschneider Farms, Inc.
Mailing Address: 17904 French Prairie Road
City: Saint Paul State: OR Zip: 97137 Day Phone: (503) 633-8341

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

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

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
4S	2W	33		4 2W 33 0500		☒ Diverted ☒ Conveyed ☒ Used	Nursery Operations
4S	2W	33		4 2W 33 0600		☐ Diverted ☒ Conveyed ☒ Used	Nursery Operations
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Marion County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 5.0 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☒ Other Nursery Operations

Briefly describe: Water will be withdrawn from one or two ground water wells and conveyed through a series of buried and above-ground lines to the places of use for irrigation and other uses associated with nursery operations.

1 10313

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

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCRZO Chap 136

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ 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
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

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

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Name: LISA MILLIMAN Title: ASSOCIATE PLANNER
Signature: Lisa Milliman Phone: 503 588 5038 Date: 2-8-07
Government Entity: MARION COUNTY PLANNING

T 10313

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



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

February 15, 2007

POHLSCHNEIDER FARMS INC.
17904 FRENCH PRAIRIE RD
SAINT PAUL OR 97137

Reference: Permit Amendment Transfer 10313

On February 8, 2007 we received your request for permit amendment change in point of appropriation for use of water from Wells, tributary to Champoege Creek. The application was accompanied by \$350. Our receipt 86146 is enclosed.

By copy of this letter, we are asking the Watermaster for his report regarding the potential for injury to existing water rights which may be caused by the change.

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use, or from the new point of appropriation, until 60 days after we received your notice (application) and the permit amendment has been approved.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster #16
Greg Kupillas, Agent
Groundwater

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 02/20/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice.

County: MARION
Transfer: 10313
Water Right: G 16132
Priority Date: 02/06/2006
Name: POHLSCHNEIDER FARMS INC
Address: 17904 FRENCH PRAIRIE RD; ST PAUL OR 97137
Change: POA
Source: WELLS
Authorized POA: T4S R2W 32
Proposed POA: T4S R2W 32

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice. Comments should be sent to the Transfers Section at the Department's Salem office.

TRANSFER CHECK OFF LIST

TRANSFER FILE # 10313
 DATE RECEIVED 2-8-07
 DATE MONEY SLIPPED 2-8-07
 DATE RECEIPTED 2-8-07
 VALID WATER RIGHT? X Yes No
 TEMP ALT AC IRR DIST PERM AMEND X DIV 15
 TEMP Div 15 ISWR
 LETTER FROM ATTORNEY YES (PUT INFO ON FRONT COVER) X NO
 FOLDER FILLED OUT* YES
 ENTERED IN DB YES
 CONTENTS MARKED YES
 COLOR CODED X Yes
 4 COPIES MADE & STAMPED YES
 CERTIFICATE MARKED ~~YES~~ NO
 CERTIFICATE COPIED ~~YES~~ NO
 PULL APPLICATIONS YES
 APP FOLDER MARKED YES
 FINAL PROOF MAP COPIED NO
 PERMIT MARKED YES
 PERMIT COPIED YES
 PERMIT MAP COPIED YES
 DECREE MARKED NO
 DECREE COPIED NO
 ADJUDICATION MAP COPIED NO
 ENTRIES CHECKED 2-20-07 CHECKED BY INIT FOLDER
 PUBLIC NOTICE DATE 2-20-07 (PREPARED & COPIED) YES
 LETTER SENT YES Irrigation District NO (copy of app & map)
 COPY TO WM YES
 BLUE FORM TO WM YES Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his
 COPY TO GW YES POA, APOA, or [SW TO GW ONLY(as POD)]
 BLUE FORM TO GW YES Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr/pink his
 COPY TO CWRE YES
 LETTER TO ODFW NO ALL Surface water POU/USE (POD and APOD FISH SCREENS)
 TRANSFER SENT TO: Kelly SW --- NCR --- SCR --- ER

SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND GLUE TO FOLDER

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **86146**

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

INVOICE # _____

RECEIVED FROM: Pohlschneider Farms
BY: Inc.

APPLICATION	
PERMIT	
TRANSFER	<u>T-10313</u>

CASH: ☐ CHECK: # 7458 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 350.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

**RECEIVED
OVER THE COUNTER**

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$ <u>350.00</u>		

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **86146**

DATED: 2-8-07 BY: L. Pritchard



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

Application for Permit Amendment or Ground Water Registration Modification

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate Not Applicable. As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF APPLICATION

Please check **one** of the following:

☒ Permit Amendment ☐ Ground Water Registration Modification

2. APPLICANT INFORMATION

Name: Pohlschneider Farms, Inc.
First Last

Address: 17904 French Prairie Road
Saint Paul Oregon 97137
City State Zip

Phone: (503) 633-8341
Home Work Other

Fax: _____ E-Mail address: alfredp@stpaultel.com

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this application.)

Name: Pacific Hydro-Geology Inc., Greg or Malia Kupillas
First Last

Address: 18487 S. Valley Vista Road
Mulino Oregon 97042
City State Zip

Phone: (503) 632-5016 (503) 632-5016
Home Work Other

Fax: (503) 632-5983 E-Mail address: phggek@bctonline.com

- If an agent is listed above, please check **one** of the following:
- ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; **or**
- ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.



Permit Amendments

- If you propose to amend multiple permits under this application, a separate set of pages 3 through 7 must be provided for each permit. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

Ground Water Registration Modifications

- You may propose modification of only one ground water registration per application, unless in accordance with OAR 690-382-0300(2), the ground water registrations to be modified are layered. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

Please check **all** of the following that apply:

Point of Diversion or Appropriation	Place of Use	Character of Use
☒ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the amendment or modification.) ☐ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the amendment or modification.) <i>Not Available for <u>Ground Water Registrations</u></i> ☐ Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.)	☐ All of the Permit or Registration will be exercised at a different location than currently authorized (Use of water at the current authorized location will be discontinued.) ☐ Only a <u>portion</u> of the Permit or Registration will be exercised at a different location than currently authorized (Use of water at a <u>portion</u> of the current authorized location will be discontinued.)	<i>Not Available for <u>Permit Amendments</u></i> Change existing authorized use to the following proposed <u>new</u> use: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Domestic (indicate number of households): _____ ☐ Other _____

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- Reason(s) for amendment/modification(s): After further consideration following issuance of the final order, the applicant has decided to move the proposed wells to more desirable locations.

5. CURRENT PERMIT OR REGISTRATION INFORMATION

Permit or Registration to be Amended/Modified (*check and complete one of the following*):

☒	Permit to be Amended:	<u>G-16132</u> Permit Number	<u>October 1, 2011</u> Current Completion Date of Permit
☐	Ground Water Registration to be Modified:	 Ground Water Registration Number	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>

- Name on Permit or Registration: Pohlschneider Farms, Inc.
- County: Marion
- Authorized Use(s) to be affected by this Amendment/Modification: Nursery use on 490.0
acres.

- Priority Date(s): February 6, 2006

*If there are **multiple Priority Dates** identified on the Permit or Registration, any information provided on pages 4 through 7 must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- All Source(s) of Water to be affected by this Amendment/Modification: Well 1 and Well 2

Tributary to: Champoeg Creek

*If there are **multiple Sources** listed on the Permit or Registration, any information provided on pages 4 through 7 must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For an application proposing a Change in Place of Use or Character of Use:

- Are there any other “Layered” Water Rights, Permits, or Ground Water Registrations issued for **Irrigation** purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified? ☐ Yes ☐ No ☒ N/A -No Change in Use or Place of Use

If “Yes”, pursuant to ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200, **the other “layered” water uses subject to transfer must either change concurrently or be cancelled**, except as provided in OAR 690-380-2240(5).

- Remarks: None

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- The following information **must be provided only** for those points of diversion or appropriation that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion/appropriation that will be affected by the proposed amendment/modification, the "FROM" point(s) of diversion/appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
	Well 1 (2/6/06)	4S	2W	WM	32	NW SW	DLC 69	1840 feet north and 2240 feet east from SW corner, Section 32
	Well 2 (2/6/06)	4S	2W	WM	32	SW NE	DLC 69	3140 feet north and 2780 feet east from SW corner, Section 32

- Does the permit/registration being amended/modified involve a ground water source(s)?

☒ Yes ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

- A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map.

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

or

- B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

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Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
Wells 1 and 2	8"-20"	8"-20" Steel	~300*	150-300*	~150'*	10'-15'	~150'*	Per OARs	~300'*
*See Remarks									

- *The following information must be provided only for those places of use that are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.) Attach additional pages as necessary.*

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing permit or ground water registration.

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Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands that will be affected by the proposed amendment/modification, the "FROM" lands)

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	31	NE SE	DLC 69	2.2
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	31	NE SE	DLC 55	2.5
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	32	SW NE	DLC 69	27.0
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	32	SE NE	DLC 69	26.3
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	32	SW NW	DLC 69	22.5
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	32	SE NW	DLC 69	26.7
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	32	NE SW	DLC 69	27.7
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	32	NE SW	DLC 55	12.3
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	32	NW SW	DLC 69	26.1
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	32	NW SW	DLC 55	11.9
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	32	NE SE	DLC 69	27.2
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	32	NE SE	DLC 55	12.8
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	32	NW SE	DLC 69	27.4
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	32	NW SE	DLC 55	12.6
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	33	SW NE	DLC 69	24.6
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	33	SE NE	DLC 69	14.2
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	33	SW NW	DLC 69	26.1

Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	33	SE NW	DLC 69	25.1
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	33	NE SW	DLC 69	23.1
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	33	NE SW	DLC 55	13.2
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	33	NW SW	DLC 69	27.0
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	33	NW SW	DLC 55	12.4
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	33	NE SE	DLC 69	20.3
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	33	NE SE	DLC 55	8.6
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	33	NW SE	DLC 69	19.3
Wells 1 and 2 (February 6, 2006)	4S	2W	WM	33	NW SE	DLC 55	10.9

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6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

- Describe proposed changes to the permit or registration involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation: (i.e., the "TO" point(s) of diversion/appropriation)

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Well 1	4S	2W	WM	32	NE SW	DLC 69	2430 feet north and 2,290 feet west from the SE corner, Section 32
Well 2	4S	2W	WM	32	NE SW	DLC 69	2430 feet north and 1560 feet east from the SW corner, Section 32

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☒ No ☐ N/A - No proposed well(s) listed above.

If "Yes", attach and **clearly label** the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below.

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s):

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
No	Wells 1 and 2	8"-20"	8"-20" Steel	~300*	150-300*	~150'*	10'-15'	~150'*	Per OARs	~300'*
	*See Remarks									

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- Describe proposed changes to the permit or registration involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands)

(NOTE: Complete this table *only* if a Change in Place of Use is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)

Remarks: The diameters and lengths of well casing, perforated interval(s), seal depths, and total well depths will vary depending on actual depths where water-bearing sands and gravel are encountered. Also, the place of use needs to be re-described to correctly show the allocation of acres within donation land claims, as more completely described above in Section 5 and as shown on the accompanying Permit Amendment Application Map.

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7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the Permit(s) or Registration(s) proposed for amendment/modification located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the Permit(s) or Registration(s) be located within or served by an irrigation or other water district after the proposed amendment/modification? ☐ Yes ☒ No
- Is water for any of the Permit(s) or Registration(s) supplied under a water service agreement or other contract for stored water with a federal agency? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district and/or agency:

Not Applicable

- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the right(s) are located).

Marion County Planning Division, P.O. Box 14500, Salem, Oregon 97309

8. PERMIT HOLDER OF RECORD

This section is to be completed only for Permit Amendment applications.

☐ *N/A – This is a Ground Water Registration Modification application.*

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

If "No", the applicant must either:

A. *Be assigned as a permit holder of record by submitting a completed **Request for Assignment** form and the required statutory fee for an assignment;*

or

B. *Submit an **Affidavit of Consent** from the permit holder of record that gives permission for the applicant to amend the permit.*

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SALEM, OREGON

9. LAND OWNERSHIP

If for a Permit Amendment proposing a Change in Place of Use:

- Does the permit holder of record own or control the land **TO** which the place of use is being moved? ☐ Yes ☐ No

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

- Check one of the following:
 - ☐ The permit holder of record will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to the permit holder of record.
 - ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

If for a Ground Water Registration Modification:

- Does the applicant own the lands **FROM** which the registration is being moved? ☐ Yes ☐ No

If "No", provide the following information:

Names of Current Landowner(s): _____

First

Last

Address: _____

City

State

Zip

- Does the applicant own the lands **TO** which the registration is being moved? ☐ Yes ☐ No

If "No", provide the following information:

Names of Receiving Landowner(s): _____

First

Last

Address: _____

City

State

Zip

- Check one of the following:
 - ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
 - ☐ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

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10. ATTACHMENTS

*Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.*

Map:

- ☒ A map meeting the requirements of OAR 690-380-3100 must be included but need **not** be prepared by a Certified Water Right Examiner.

Land Use Information Form:

- ☒ Enclosed; *or*
- ☐ Not required if **all** of the following are met:
- ❶ In EFU zone or irrigation district;
 - ❷ Change in place of use only;
 - ❸ No structural changes needed, including diversion works, delivery facilities, other structures; *and*
 - ❹ Irrigation only.

Water Well Reports/Well Logs:

- ☐ The application involves a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☒ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does **not** involve a change in point of appropriation or a change from surface water to ground water, so water well reports are **not** required.

Fees:

- ☒ Amount enclosed: \$350.00
See the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml or call (503) 986-0900.

For Permit Amendments Only...

Request for Assignment:

- ☐ Enclosed. The applicant is **NOT** the permit holder of record and needs to be assigned to the permit; **OR** the landowner of the proposed place of use is **NOT** the permit holder of record and needs to be assigned to the permit.
*The Request for Assignment form is available online at: www.wrd.state.or.us/OWRD/PUBS/forms.shtml ; *or**
- ☒ N/A. The applicant is the permit holder of record and owns or controls the proposed place of use; **OR** the applicant is *not* the permit holder of record but *is* supplying an Affidavit of Consent from the permit holder.

Affidavit of Consent:

- ☐ Enclosed. Because the applicant is **NOT** the permit holder of record, an Affidavit of Consent is being supplied that gives permission for the applicant to amend the permit; *or*
- ☒ N/A. Not required because the applicant is the permit holder of record.

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

11. SIGNATURES

- **For Ground Water Registration Modification Applications only, check the appropriate one and sign the application in the signature box below:**

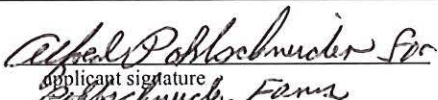
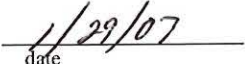
☐ In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the modification:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed modification provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the recorded agreement and a listing of the owner(s) of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the applicant is not both the person named on the ground water registration or the assignee *and* the owner of the lands to which the registration is appurtenant, as identified in the report of ownership and lien information, then either of the following must be provided:
- A) Notarized statements consenting to the modification by all persons, other than the applicant, who are named on the ground water registration or identified as landowners in the report of ownership and lien information or who are authorized representatives of an entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement; or
- B) Documentation demonstrating that the applicant is authorized to pursue the modification in the absence of consent of the persons named on the ground water registration or the assignee and the owner of the lands to which the registration is appurtenant.

☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-382-0400(16)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the ground water registration proposed for modification is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-382-0400(16)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for recognition of a modification under this subsection if it has filed a condemnation action to acquire the property and deposited the funds with the court as required by ORS 35.265.)

- **For both Permit Amendment and Ground Water Registration Modification Applications, I (we) affirm that the information contained in this application is true and accurate.**

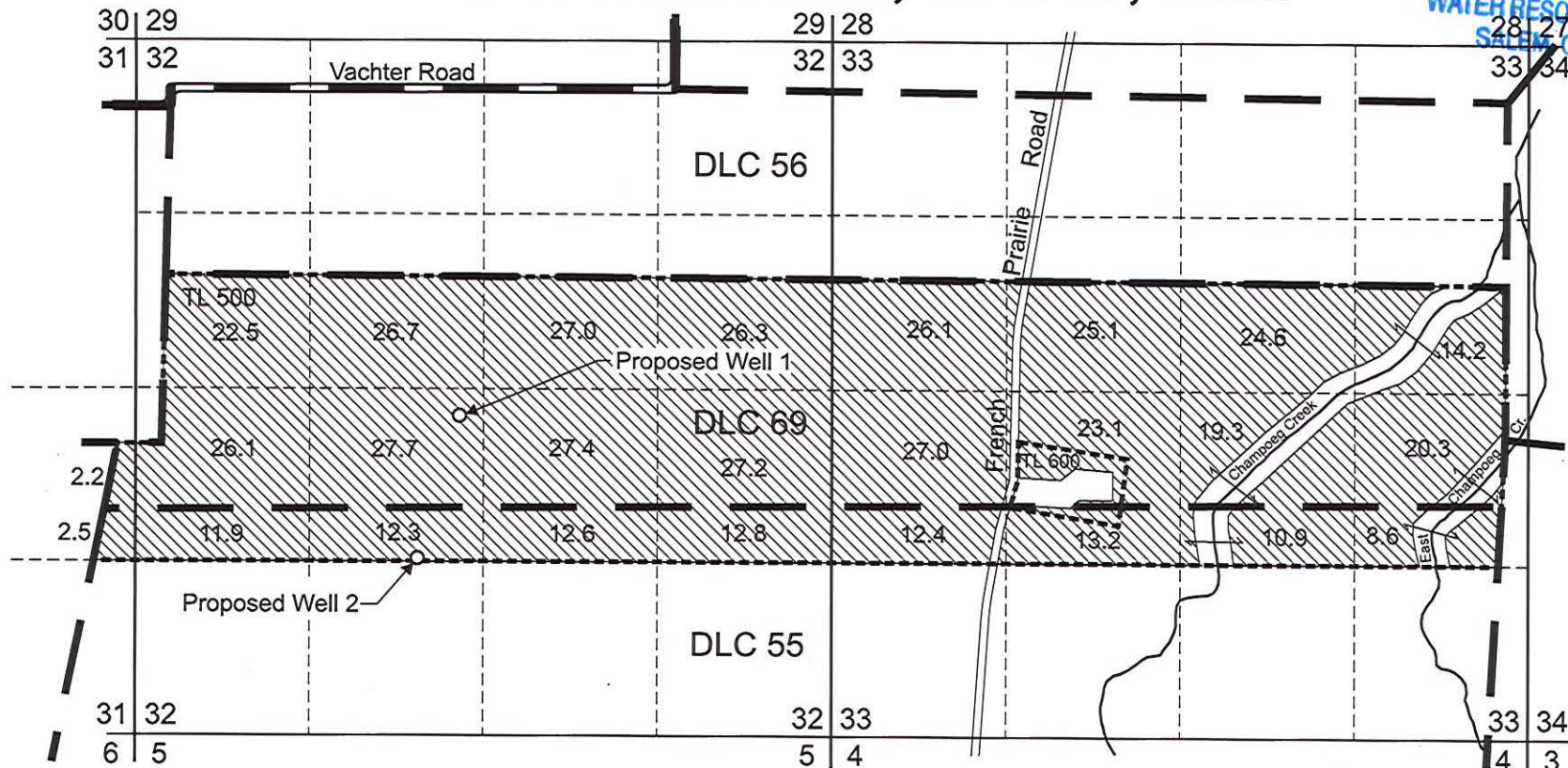
 applicant signature	 name (print)	 date
 applicant signature	 name (print)	 date

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T.4S. R.2W. Sec. 31, 32 & 33, W.M.



Proposed Well 1 is located 2,430 feet north and 2,460 feet east from the SW corner, Section 32.
Proposed Well 2 is located 1,350 feet north and 2,140 feet east from the SW corner, Section 32.

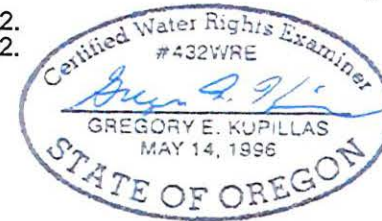
 Area (490.0 Acres) to be covered for nursery operations.

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.

Pacific Hydro-Geology Inc.



EXPIRATION DATE: 6/30/09

Permit Amendment Application Map
Application G-16466, Permit G-16132

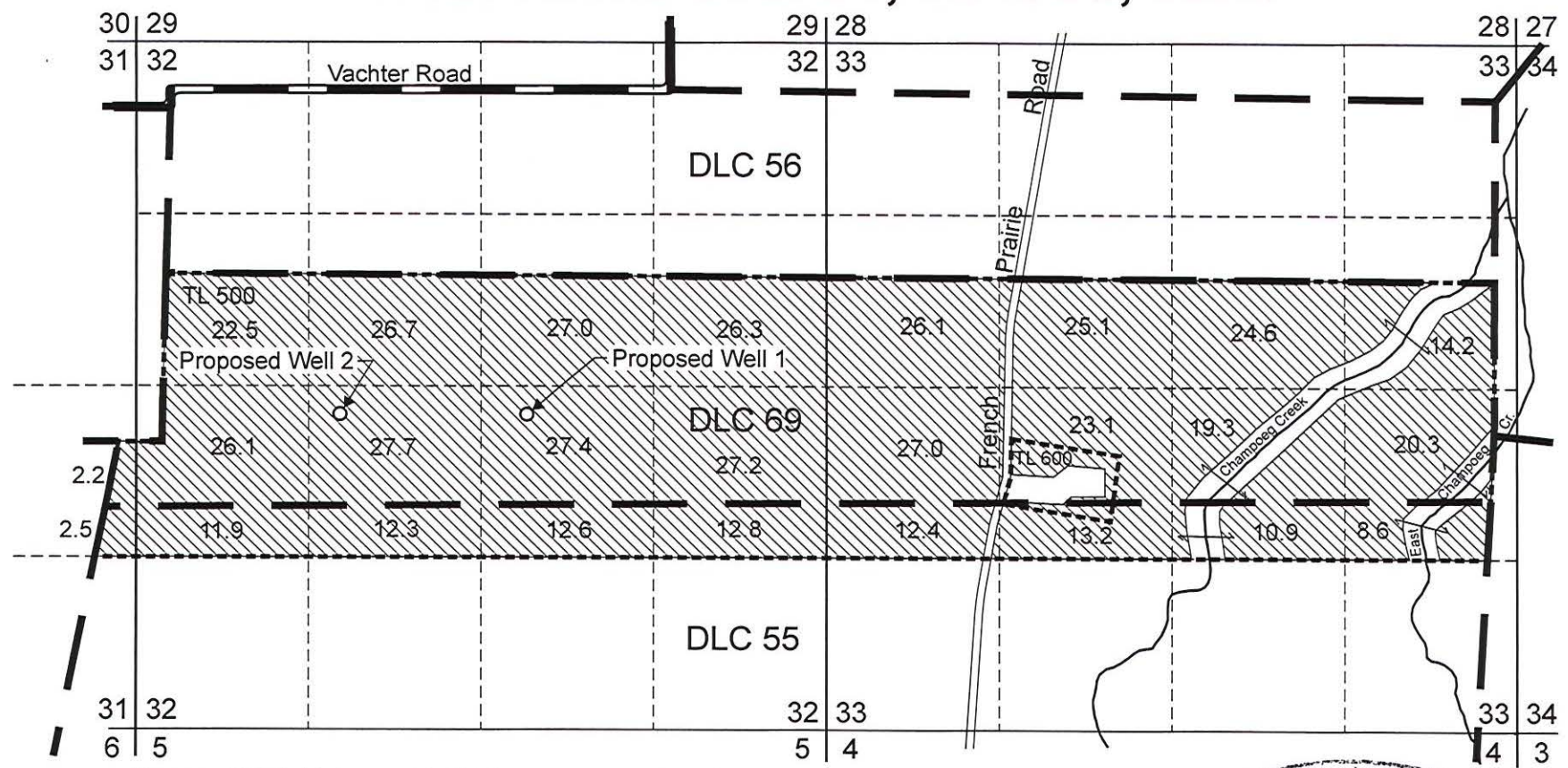
Pohlschneider Farms
T.4S. R.2W. Sec. 31, 32, and 33, W.M.
Tax Lots 4 2W 33 500 and 4 2W 33 600

Rvsd. 3/2008

Amended

Superseded

T.4S. R.2W. Sec. 31, 32 & 33, W.M.



Proposed Well 1 is located 2,430 feet north and 2,290 feet west from the SE corner, Section 32.
Proposed Well 2 is located 2,430 feet north and 1,560 feet east from the SW corner, Section 32.

 Area (490.0 Acres) to be covered for nursery operations.

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.

Pacific Hydro-Geology Inc.



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EXPIRATION DATE: 6/30/07

Permit Amendment Application Map
Application G-16466, Permit G-16132

Pohlschneider Farms
T.4S. R.2W. Sec. 31, 32, and 33, W.M.
Tax Lots 4 2W 33 500 and 4 2W 33 600

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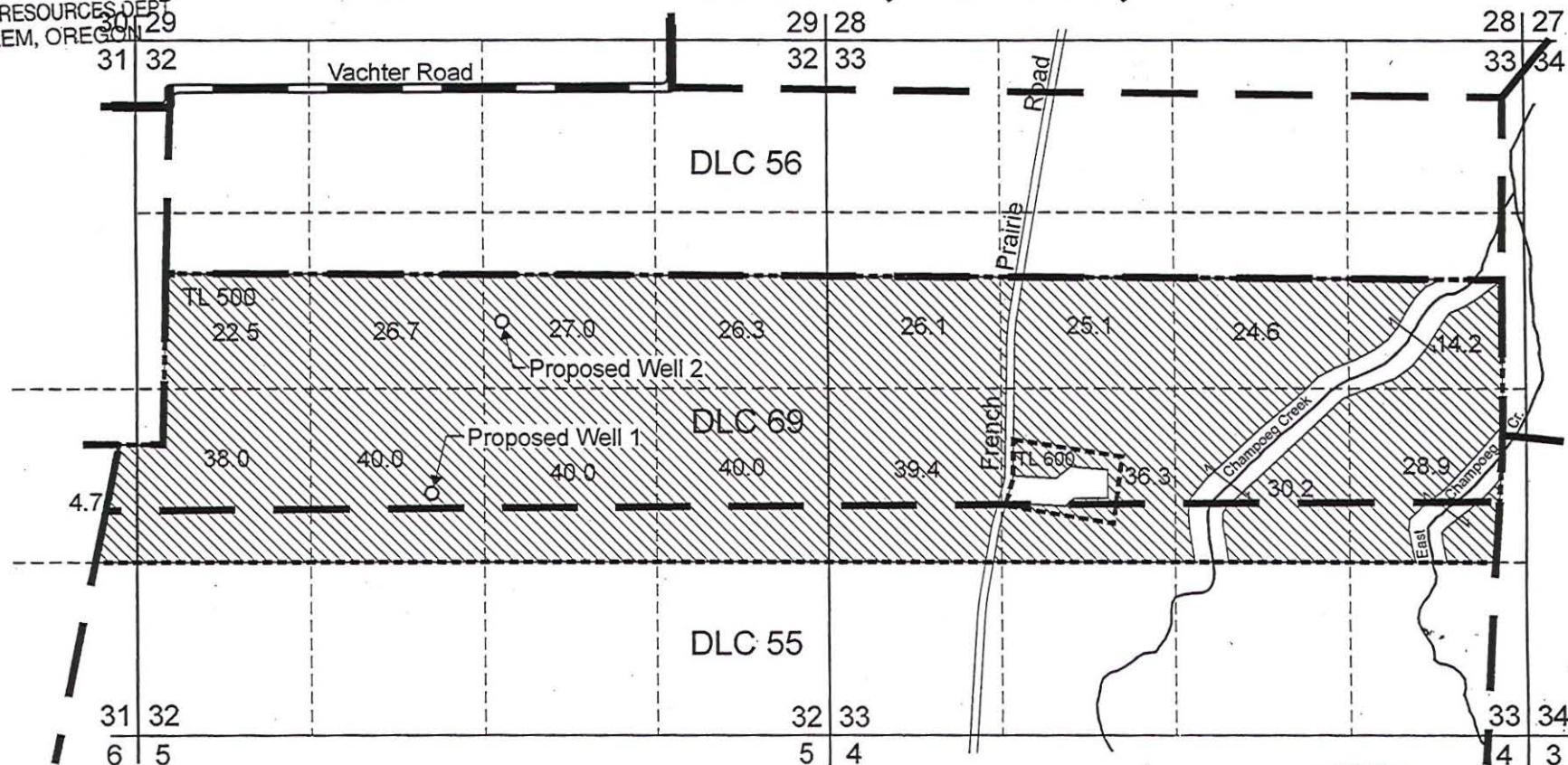
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T.4S. R.2W. Sec. 31, 32 & 33, W.M.

Superseded



Proposed Well 1 is located 1,840 feet north and 2,240 feet east from the SW corner, Section 32.
Proposed Well 2 is located 3,140 feet north and 2,780 feet east from the SW corner, Section 32.

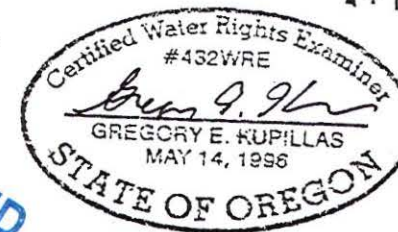
Area (490.0 Acres) to be covered for nursery operations.

Scale: 1" = 1,320'



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Pacific Hydro-Geology Inc.



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EXPIRATION DATE: 6/30/07

Water Right Application Map

Pohlschneider Farms
T.4S. R.2W. Sec. 31, 32, and 33, W.M.

Revised 2/2006

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PohlschneiderAppRvysd.cdr