

T-10384

PERMIT
AMENDMENT

T-10384

Name T&D Land LLC
 By Thomas Foster
 Address 14025 Dominic Road NE
Woodburn, OR 97071

Change in APDA

Date filed _____

Date of hearing _____

Place of hearing _____

Date of order 8-28-07 Vol. 73, page 171

Date for application of water _____

Proof mailed _____

Proof received COBU 12/24/2009

Certificate issued _____ Vol. _____, page _____

DESCRIPTION OF WATER RIGHT

Name of stream Wells

Trib. of Judding River County of Marion

Use Ir

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1997

In name of Trecu

_____ Adjudication, Vol. _____, page _____

App. No. G-14476 Per. No. 613307 Cert. No. _____

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5/10/07</u>	<u>350.00</u>	<u>87511</u>
<u>12-22-09</u>	<u>150.00</u>	<u>98845</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Agent: Don Krauer PO Box 5416 Salem OR 97304 503 508-7862

NOTE / COBE Don Krauer

Marion County Planning Dept 555 Court St NE Salem OR 97309



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

January 22, 2010

T & D Land, LLC
Thomas Fessler
14025 Dominic Rd NE
Mt. Angel, OR 97362

RE: Application G-14476, Permit G-13307 (as modified by T-10384)


Dear Mr. Fessler,

You were previously notified that the Department would be returning fees in the amount of \$300.00. The fees were for the submittal of Claims of Beneficial Use for the above files.

Please find enclosed a check for \$300.00.

If you have any questions, please feel free to contact me at 503-986-0811.

Sincerely,



Gerry Clark
Water Rights Specialist



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

December 29, 2009

T & D Land, LLC
Thomas Fessler
14025 Dominic Rd NE
Mt. Angel, OR 97362

RE: Application G-14476, Permit G-13307 (as modified by Permit Amendment T-10384)

Dear Mr. Fessler,

The Oregon Water Resources Department received Claims of Beneficial Use for the above referenced files, along with a check in the amount of \$300.00.

A review of the Claims indicates that they were not signed by all the permit holders of record. Our records indicate that in July 2009, the permit was assigned to both T & D Land and Northwest Farm Credit Services. The Claim of Beneficial Use was not signed by the Northwest Farm Credit Services. The Claim is being returned so that Northwest Farm Credit Services can sign the Claim.

In addition, only one Claim is required. The Permit Amendment acted only to change the original permit. The purpose of the Claim is to describe the extent of use developed under the modified permit.

Along with the Claims was a check for \$300.00. Since only one Claim is required, excess fees were submitted. When the Claim is re-submitted, with the proper signatures, please include a check for only \$150.00.

We did not retain copies of the Claims and map. When the Claim is re-submitted, be sure to include previously submitted map on polyester film. The fees submitted under the account for St. Christopher Nursery, LLC will be refunded under a separate letter.

If you have any questions, please feel free to contact me at 503-986-0811.

Sincerely,

Gerry Clark
Water Rights Specialist

CC: Don Knauer, CWRE



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

August 29, 2007

THOMAS FESSLER
T & D LAND LLC
14025 DOMINIC RD NE
WOODBURN OR 97362

Reference: Permit Amendment Transfer 10384

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

for

Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #16
Don Knauer, Agent

Enclosure

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

In the Matter of Permit Amendment)	FINAL ORDER
T-10384, Marion County)	APPROVING AN ADDITIONAL
)	POINT 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

T & D LAND, LLC
THOMAS FESSLER
14025 DOMINIC ROAD NE
MT. ANGEL, OR 97362

Agent

Don Knauer
PO Box 5416
Salem, OR 97304

Findings of Fact

1. On May 10, 2007, Thomas Fessler of T & D Land, LLC, filed an application to add a point of appropriation under Permit G-13307. The Department assigned the application number T-10384.
2. The permit to be amended is as follows:

Permit:	G-13307, in the name of T & D LAND, LLC; THOMAS FESSLER
Use:	IRRIGATION OF 165.0 ACRES
Priority Date:	MARCH 14, 1997
Quantity:	2.06 CUBIC FEET PER SECOND (CFS)
Rate/Duty:	The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 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.

Source: TWO WELLS (Wells #1 and #2) in the Pudding River Basin

Date of Complete Application of Water: October 1, 2007

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Location
5 S	2 W	W.M.	25	NW SW	Well 1 – 310 feet South and 700 feet East from the West ¼ corner of Section 25
5 S	2 W	W.M.	25	NE SW	Well 2 – 900 feet South and 2620 feet East from the West ¼ corner of Section 25

Authorized Place of Use:

Twp	Rng	Mer	Sec	¼ ¼	Acres
5 S	2 W	W.M.	25	SW NE	4.1
5 S	2 W	W.M.	25	SW NW	2.0
5 S	2 W	W.M.	25	SE NW	15.2
5 S	2 W	W.M.	25	NE SW	39.7
5 S	2 W	W.M.	25	NW SW	19.5
5 S	2 W	W.M.	25	SE SW	10.8
5 S	2 W	W.M.	25	NE SE	1.0
5 S	2 W	W.M.	25	NW SE	35.5
5 S	2 W	W.M.	25	SW SE	36.5
5 S	2 W	W.M.	36	NW NE	0.7
TOTAL:					165.0

3. Application T-10384 proposes to add a point of appropriation to the permit, located approximately 625 feet northeast from authorized Well 1 and 1700 feet northwest from authorized Well 2, as follows:

Twp	Rng	Mer	Sec	¼ ¼	DLC	Location
5 S	2 W	W.M.	25	SW NW	55	Well 3 – 150 feet North and 1180 feet East from the West ¼ corner of Section 25.

4. Notice of the application for the permit amendment was published in the Department's weekly notice on May 22, 2007, and in the *Woodburn Independent* newspaper on August 1, 8 and 15, 2007, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter any other terms of the permit.

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-10384 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:

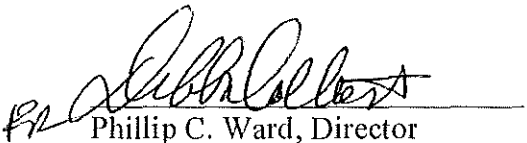
1. The additional point of appropriation proposed in Permit Amendment T-10384 is approved.
2. The combined quantity of water diverted at the new point of appropriation (well), together with that diverted at the old points of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13307.

3. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device 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 or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

4. Water shall be acquired from the same aquifer (water source) as the original points of appropriation.
5. All other terms and conditions of Permit G-13307 remain the same.
6. Permit G-13307, in the name of T & D Land, LLC; Thomas Fessler, is amended as described herein.

Dated at Salem, Oregon this 28th day of August, 2007.


Phillip C. Ward, Director

Mailing date: AUG 30 2007

Permit Amendment Checklist

Permit Amendment: T-10384

Transfer Specialist: Lisa Jaramillo

Permit Amendment Type: APOA

Applicant Name/Address: T & D Land, LLC, Attn: Thomas Fessler, 14025 Dominc Rd. NE, Woodburn, OR 97071

Agent Name/Address: Don Knauer, PO Box 5416, Salem, OR 97304

CWRE Name/Number: N/A

Rec Landowner Name/Address: N/A

Irr. District Name/Address:

Affected Govt's Name/Address:

Commentors Name/Address:

Permits Affected:

Records Marked	Records Copied	App File No. or Decree Name	Permit No.
<input type="checkbox"/>	<input type="checkbox"/>	G-14476	G-13307

"C" Date = 10-1-2007

Key Dates & Initial Actions

Rec'd: 5-10-07	Proposed Action(s): APOA	
Fees Pd: \$350	WM District: 16	ODFW District: NONE
Initial Notice: 5-22-07	WM Review sent: 5-22-07	ODFW Review sent: NONE
Acknowledgement Letter Sent: <input checked="" type="checkbox"/>		GW Review sent: 5-22-07

Processing Dates & Actions

Deficiency Contacts:	Newspaper Notice Required. Newspaper Pub Affid. Due: <input checked="" type="checkbox"/> OK - Received 8-17-07 <input type="checkbox"/> not required
Affid of Pub Rec'd: 8-17-07	Affidavit Reminder Sent: N/A
Last Day Published: 8-15-07	
Reminder Deadline:	

Final Order

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

Draft Order Review (Optional)	Final Order Review (Salem)
Reviewer: PKS	Reviewer: ALP
Date: 6/20/07	Date: 8/22/07
Coordinator: ALP	Coordinator: ALP
Date: 6/21/07	Date: 8/22/07
Comments/Special Issues:	

Special Order Volume: Vol: 73 Pages 171

Final Order Signature Date: 8-28-07

Notice of FO e-mailed to processors: Lisa

Affidavit of Publication

NOTICE OF PERMIT ADMENTMENT T-10384

T-10384 filed by T & D Land, LLC; Thomas Fessler, 14025 Dominic Rd. NE, Mt. Angel, OR 97362, proposes to add a point of appropriation under Permit G-13307. The permit allows the use of 2.06 cfs (priority date March 14, 1997) from two wells (Wells 1 and 2) in Sec. 25, T5S, R2W, W.M. (Pudding River Basin) for irrigation of 165.0 acres in Sec. 25 and 36. The applicant proposes to add a point of appropriation located approximately 625 feet north-east from Well 1 and 1700 feet northwest from Well 2 (Sec. 25, T5S, R2W, W.M.). The Water Resources Department has concluded that the proposed permit amendment appears to be consistent with the requirements of ORS 537.211. The last date of newspaper publication is August 15, 2007.

Published August 1, August 8, and August 15, 2007

STATE OF OREGON,

County of Marion

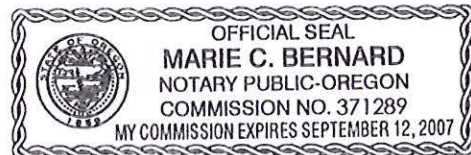


SS.

I, Les Reitan, being first duly sworn, depose and say I am Publisher Woodburn Independent, a newspaper of general circulation as defined by ORS 193.010, and 193.020 printed and published at Woodburn in the aforesaid county and state, that the Notice of Permit Admentment T-10384, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for the following issues: August 1, August 8, and August 15, 2007.

Subscribed and sworn to before me this 15th
day of August, 2007

Notary Public for Oregon
(My Commission Expires 9/12/07)



RECEIVED

AUG 17 2007

WATER RESOURCES DEPT
SALEM, OREGON



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 16, 2007

T & D Land, LLC
Attn: Thomas Fessler
14025 Dominic Road NE
Mt. Angel, OR 97362

REFERENCE: Permit Amendment Application T-10384

This letter supersedes an earlier letter from the Department dated June 22, 2007, because it was returned as undeliverable by the U.S. Post Office.

Please find the enclosed DRAFT Final Order regarding permit amendment application T-10384. The document reflects the Department's conclusion that, based on the information currently available, the permit amendment will be approved. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the permit amendment, and whether you agree with the proposed action.

Also enclosed is a permit amendment notice which must be published in a local newspaper in the general area of the permit (*NOTE: newspapers with statewide circulation such as the Capital Press, Journal of Commerce, etc. do not qualify*). **The notice must be published at least once a week for three consecutive weeks.** Please have the newspaper insert the appropriate final date of publication in the place indicated in the notice. **Payment of the cost of publication is your responsibility; please do not send any billing to the Water Resources Department.**

Please request an **affidavit of publication** from the newspaper following publication and send it to me, Lisa Jaramillo, at the address at the top of the page **by Monday, August 20, 2007.**

Upon receipt of the affidavit of publication, processing will continue on the permit amendment application. Issuance of the Final Order for permit amendment T-10384 will **not** occur until the Department receives the affidavit of publication.

Please feel free to contact me at (503)-986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us if you have any questions or concerns.

Sincerely,



Lisa Jaramillo
Permit Amendment Processor
Field Services Division

enc

cc: File T-10384
Mike McCord, Dist. 16 Watermaster
Don Knauer, PO Box 5416, Salem, OR 97304

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

In the Matter of Permit Amendment)	DRAFT FINAL ORDER
T-10384, Marion County)	APPROVING AN ADDITIONAL
)	POINT 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

T & D LAND, LLC
THOMAS FESSLER
14025 DOMINIC ROAD NE
MT. ANGEL, OR 97362

Findings of Fact

1. On May 10, 2007, Thomas Fessler of T & D Land, LLC, filed an application to add a point of appropriation under Permit G-13307. The Department assigned the application number T-10384.

2. The permit to be amended is as follows:

Permit: G-13307, in the name of T & D LAND, LLC; THOMAS FESSLER

Use: IRRIGATION OF 165.0 ACRES

Priority Date: MARCH 14, 1997

Quantity: 2.06 CUBIC FEET PER SECOND (CFS)

Rate/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Source: TWO WELLS (Wells #1 and #2) in the Pudding River Basin

Date of Complete Application of Water: October 1, 2007

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Location
5 S	2 W	W.M.	25	NW SW	Well 1 – 310 feet South and 700 feet East from the West ¼ corner of Section 25
5 S	2 W	W.M.	25	NE SW	Well 2 – 900 feet South and 2620 feet East from the West ¼ corner of Section 25

Authorized Place of Use:

Twp	Rng	Mer	Sec	¼ ¼	Acres
5 S	2 W	W.M.	25	SW NE	4.1
5 S	2 W	W.M.	25	SW NW	2.0
5 S	2 W	W.M.	25	SE NW	15.2
5 S	2 W	W.M.	25	NE SW	39.7
5 S	2 W	W.M.	25	NW SW	19.5
5 S	2 W	W.M.	25	SE SW	10.8
5 S	2 W	W.M.	25	NE SE	1.0
5 S	2 W	W.M.	25	NW SE	35.5
5 S	2 W	W.M.	25	SW SE	36.5
5 S	2 W	W.M.	36	NW NE	0.7
TOTAL:					165.0

3. Application T-10384 proposes to add a point of appropriation to the permit, located approximately 625 feet northeast from authorized Well 1 and 1700 feet northwest from authorized Well 2, as follows:

Twp	Rng	Mer	Sec	¼ ¼	DLC	Location
5 S	2 W	W.M.	25	SW NW	55	Well 3 – 150 feet North and 1180 feet East from the West ¼ corner of Section 25.

4. Notice of the application for the permit amendment was published in the Department's weekly notice on May 22, 2007, and in a local newspaper on _____, _____ and _____, 2007, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter any other terms of the permit.

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-10384 is consistent with the requirements of ORS 537.211.

If application T-10384 is approved, the final order will include the following:

1. *The combined quantity of water diverted at the new point of appropriation (well), together with that diverted at the old points of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13307.*

2. *Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device 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 or measuring device; provided however, where the meter or measuring device 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-13307 remain the same.*
5. *Permit G-13307, in the name of T & D Land, LLC; Thomas Fessler, is amended as described herein.*

Dated at Salem, Oregon this ____ day of _____, 2007.

DRAFT

Phillip C. Ward, Director

<p>This DRAFT Final Order was prepared by Lisa Jaramillo. If you have questions about the information in this document, you may reach me at 503-986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us.</p>

Notice of Permit Amendment T-10384

T-10384 filed by T & D Land, LLC; Thomas Fessler, 14025 Dominic Rd. NE, Mt. Angel, OR 97362, proposes to add a point of appropriation under Permit G-13307. The permit allows the use of 2.06 cfs (priority date March 14, 1997) from two wells (Wells 1 and 2) in Sec. 25, T5S, R2W, W.M. (Pudding River Basin) for irrigation of 165.0 acres in Sec. 25 and 36. The applicant proposes to add a point of appropriation located approximately 625 feet northeast from Well 1 and 1700 feet northwest from Well 2 (Sec. 25, T5S, R2W, W.M.). The Water Resources Department has concluded that the proposed permit amendment appears to be consistent with the requirements of ORS 537.211. The last date of newspaper publication is ***/DATE OF LAST PUBLICATION/***.



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

June 22, 2007

T & D Land, LLC
Attn: Thomas Fessler
14025 Dominic Road NE
~~Woodburn, OR 97071~~
mt. Angel 97362

*Resent to
mt. Angel Address
on 7-16-07.*

REFERENCE: Permit Amendment Application T-10384

Please find the enclosed DRAFT Final Order regarding permit amendment application T-10384. The document reflects the Department's conclusion that, based on the information currently available, the permit amendment will be approved. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the permit amendment, and whether you agree with the proposed action.

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Please request an **affidavit of publication** from the newspaper following publication and send it to me, Lisa Jaramillo, at the address at the top of the page **by Monday, July 23, 2007.**

Upon receipt of the affidavit of publication, processing will continue on the permit amendment application. Issuance of the Final Order for permit amendment T-10384 will **not** occur until the Department receives the affidavit of publication.

Please feel free to contact me at (503)-986-0880 or Lisa.J.Jaramillo@wrд.state.or.us if you have any questions or concerns.

Sincerely,

Lisa Jaramillo
Permit Amendment Processor
Field Services Division

enc

cc: File T-10384
Mike McCord, Dist. 16 Watermaster
Don Knauer, PO Box 5416, Salem, OR 97304



**BEFORE THE WATER RESOURCES DEPARTMENT
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14025 DOMINIC ROAD NE
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Findings of Fact

1. On May 10, 2007, Thomas Fessler of T & D Land, LLC, filed an application to add a point of appropriation under Permit G-13307. The Department assigned the application number T-10384.
2. The permit to be amended is as follows:
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Use: IRRIGATION OF 165.0 ACRES
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TOTAL:					165.0

3. Application T-10384 proposes to add a point of appropriation to the permit, located approximately 625 feet northeast from authorized Well 1 and 1700 feet northwest from authorized Well 2, as follows:

Twp	Rng	Mer	Sec	¼ ¼	DLC	Location
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4. Notice of the application for the permit amendment was published in the Department's weekly notice on May 22, 2007, and in a local newspaper on _____, _____ and _____, 2007, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. The change would not result in injury to other water rights.
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Conclusions of Law

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If application T-10384 is approved, the final order will include the following:

1. *The combined quantity of water diverted at the new point of appropriation (well), together with that diverted at the old points of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13307.*

2. *Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device 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 or measuring device; provided however, where the meter or measuring device 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-13307 remain the same.*
5. *Permit G-13307, in the name of T & D Land, LLC; Thomas Fessler, is amended as described herein.*

Dated at Salem, Oregon this ____ day of _____, 2007.

DRAFT

Phillip C. Ward, Director

<p>This DRAFT Final Order was prepared by Lisa Jaramillo. If you have questions about the information in this document, you may reach me at 503-986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us.</p>

Notice of Permit Amendment T-10384

T-10384 filed by T & D Land, LLC; Thomas Fessler, 14025 Dominic Rd. NE, Woodburn, OR 97071, proposes to add a point of appropriation under Permit G-13307. The permit allows the use of 2.06 cfs (priority date March 14, 1997) from two wells (Wells 1 and 2) in Sec. 25, T5S, R2W, W.M. (Pudding River Basin) for irrigation of 165.0 acres in Sec. 25 and 36. The applicant proposes to add a point of appropriation located approximately 625 feet northeast from Well 1 and 1700 feet northwest from Well 2 (Sec. 25, T5S, R2W, W.M.). The Water Resources Department has concluded that the proposed permit amendment appears to be consistent with the requirements of ORS 537.211. The last date of newspaper publication is ***/DATE OF LAST PUBLICATION/***.



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

June 22, 2007

T & D Land, LLC

Attn: Thomas Fessler

14025 Dominic Road NE

Woodburn, OR 97071

W. Angel 97362

REFERENCE: Permit Amendment Application T-10384

Please find the enclosed DRAFT Final Order regarding permit amendment application T-10384. The document reflects the Department's conclusion that, based on the information currently available, the permit amendment will be approved. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the permit amendment, and whether you agree with the proposed action.

Also enclosed is a permit amendment notice which must be published in a local newspaper in the general area of the permit (*NOTE: newspapers with statewide circulation such as the Capital Press, Journal of Commerce, etc. do not qualify*). **The notice must be published at least once a week for three consecutive weeks.** Please have the newspaper insert the appropriate final date of publication in the place indicated in the notice. **Payment of the cost of publication is your responsibility; please do not send any billing to the Water Resources Department.**

Please request an **affidavit of publication** from the newspaper following publication and send it to me, Lisa Jaramillo, at the address at the top of the page **by Monday, July 23, 2007.**

Upon receipt of the affidavit of publication, processing will continue on the permit amendment application. Issuance of the Final Order for permit amendment T-10384 will **not** occur until the Department receives the affidavit of publication.

Please feel free to contact me at (503)-986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us if you have any questions or concerns.

Sincerely,

Lisa Jaramillo
Permit Amendment Processor
Field Services Division

enc

cc: File T-10384
Mike McCord, Dist. 16 Watermaster
Don Knauer, PO Box 5416, Salem, OR 97304

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

In the Matter of Permit Amendment)	DRAFT FINAL ORDER
T-10384, Marion County)	APPROVING AN ADDITIONAL
)	POINT 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

T & D LAND, LLC
THOMAS FESSLER
14025 DOMINIC ROAD NE
WOODBURN, OR 97071

Findings of Fact

1. On May 10, 2007, Thomas Fessler of T & D Land, LLC, filed an application to add a point of appropriation under Permit G-13307. The Department assigned the application number T-10384.
2. The permit to be amended is as follows:
Permit: G-13307, in the name of T & D LAND, LLC; THOMAS FESSLER
Use: IRRIGATION OF 165.0 ACRES
Priority Date: MARCH 14, 1997
Quantity: 2.06 CUBIC FEET PER SECOND (CFS)
Rate/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Source: TWO WELLS (Wells #1 and #2) in the Pudding River Basin

Date of Complete Application of Water: October 1, 2007

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Location
5 S	2 W	W.M.	25	NW SW	Well 1 – 310 feet South and 700 feet East from the West ¼ corner of Section 25
5 S	2 W	W.M.	25	NE SW	Well 2 – 900 feet South and 2620 feet East from the West ¼ corner of Section 25

Authorized Place of Use:

Twp	Rng	Mer	Sec	¼ ¼	Acres
5 S	2 W	W.M.	25	SW NE	4.1
5 S	2 W	W.M.	25	SW NW	2.0
5 S	2 W	W.M.	25	SE NW	15.2
5 S	2 W	W.M.	25	NE SW	39.7
5 S	2 W	W.M.	25	NW SW	19.5
5 S	2 W	W.M.	25	SE SW	10.8
5 S	2 W	W.M.	25	NE SE	1.0
5 S	2 W	W.M.	25	NW SE	35.5
5 S	2 W	W.M.	25	SW SE	36.5
5 S	2 W	W.M.	36	NW NE	0.7
TOTAL:					165.0

3. Application T-10384 proposes to add a point of appropriation to the permit, located approximately 625 feet northeast from authorized Well 1 and 1700 feet northwest from authorized Well 2, as follows:

Twp	Rng	Mer	Sec	¼ ¼	DLC	Location
5 S	2 W	W.M.	25	SW NW	55	Well 3 – 150 feet North and 1180 feet East from the West ¼ corner of Section 25.

4. Notice of the application for the permit amendment was published in the Department's weekly notice on May 22, 2007, and in a local newspaper on _____, _____ and _____, 2007, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter any other terms of the permit.

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-10384 is consistent with the requirements of ORS 537.211.

If application T-10384 is approved, the final order will include the following:

1. *The combined quantity of water diverted at the new point of appropriation (well), together with that diverted at the old points of appropriation, shall not exceed the maximum rate and duty allowed under Permit G-13307.*

2. *Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device 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 or measuring device; provided however, where the meter or measuring device 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-13307 remain the same.*
5. *Permit G-13307, in the name of T & D Land, LLC; Thomas Fessler, is amended as described herein.*

Dated at Salem, Oregon this ____ day of _____, 2007.

DRAFT

Phillip C. Ward, Director

<p>This DRAFT Final Order was prepared by Lisa Jaramillo. If you have questions about the information in this document, you may reach me at 503-986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us.</p>

Notice of Permit Amendment T-10384

T-10384 filed by T & D Land, LLC; Thomas Fessler, 14025 Dominic Rd. NE, Woodburn, OR 97071, proposes to add a point of appropriation under Permit G-13307. The permit allows the use of 2.06 cfs (priority date March 14, 1997) from two wells (Wells 1 and 2) in Sec. 25, T5S, R2W, W.M. (Pudding River Basin) for irrigation of 165.0 acres in Sec. 25 and 36. The applicant proposes to add a point of appropriation located approximately 625 feet northeast from Well 1 and 1700 feet northwest from Well 2 (Sec. 25, T5S, R2W, W.M.). The Water Resources Department has concluded that the proposed permit amendment appears to be consistent with the requirements of ORS 537.211. The last date of newspaper publication is ***[DATE OF LAST PUBLICATION]***.



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: 5-22-07

FROM: X WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION

(SIGNATURE) Donna Miller date signed 6/8/07

SUBJECT: PERMIT AMENDMENT # 10384

A change in: POU POD APOA of water.

In the name(s) of T & D Land LLC / Thomas Fessler

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

Don
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.



STATE OF OREGON
Water Resources Department
725 Summer St. N.E., Ste. A
Salem, OR 97301

MEMORANDUM

DATE: 6/8/2007

TO: File T-10384, T&D Land LLC
FROM: Donn Miller, Hydrogeologist
SUBJECT: Permit Amendment Comments

I have reviewed the base file (G-14476) and the permit amendment materials.

The new well location will certainly produce water from the same source and without injury to existing users. The Willamette aquifer is currently developed over a wide area. The spacing between wells appears adequate to minimize interference between wells at the proposed well #3. The APOA does not raises any new Division 9 concerns.

The permit (G-13307) requires that the wells be cased and sealed to at least 100 feet. This feature would apply to the APOA that is requested.

The Ivan Gall file memo of 3/28/06 on the extension of time request notes that well #1 is not sealed to 100 feet. Further, there is no evidence that that has changed since then. Perhaps the recent ownership assignment means that the new owner is not aware of the sealing requirement. Without proper sealing, I think that use of well #1 is at risk.

I left a message with CWRE, Don Knauer, regarding the casing and sealing matter for the wells.

Permit Condition Water Level Input

OWRD Logid Main aq Max depth Corr by LSD Elev Userid_lu Township Range S QQ Q
Well Info: MARI 2654 Basin-Fill Sediments 167 KARL WOZNAK 28484 5.00 S/ 2.00 W- 25 NW SW
 Well Location 310 FEET SOUTH & 700 FEET EAST FROM W1/4 CORNER, SECTION 25

Owner:

Permits listing well:

Name
 Other Name IRECO
 Contact CONTACT: BRENT SMITH
 Address PO BOX 98
 City, St, Zip WOODBURN OR 97071
 Phone, FAX 503-634-2209-WORK#
 Email
 Comments

trigger
 pc permit cert_nbr pod pod_l_id activated ref level
 G 13307 1

Logid	Source Org	SourceOWRD	Date	Time	MP Hght	Reprtd Wtr Lvl	Verified WL BLS	Export WL BLS	Method	Status
MARI 2654	OWRD	WELL LOG	09/14/1982			39		39.00	REPORTED	UNKNOWN
MARI 2654	PUMP INSTALLER	PERMIT COND	03/17/2003		56	20.15		20.15	ETAPE	STATIC
MARI 2654	PUMP INSTALLER	PERMIT COND	03/24/2004		2	20.5		20.50	ETAPE	STATIC
MARI 2654	PUMP INSTALLER	PERMIT COND	03/23/2005		2	27.83		27.83	ETAPE	STATIC
MARI 2654	RG	PERMIT COND	03/23/2006		2.5	19.98		19.98	ETAPE	STATIC
MARI 2654	RG	PERMIT COND	03/08/2007	4:41PM	2.5	19.36		19.36	ETAPE	STATIC

3/28/06
 G...



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**

per nman drawer

Transfer Application: T-10384

Review Due Date: 6/20/07

Applicant Name: Tom Fessler

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

Reviewer(s): M Mccord

Date of Review: Jun. 5, 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: NOTE: Measuring devices are already required for this permit.
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	<input type="checkbox"/> Present and should be maintained.	<input checked="" type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.
Headgates	<input type="checkbox"/> Present and should be maintained.	<input type="checkbox"/> Should be required prior to diverting water.	<input type="checkbox"/> May be required in the future.



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 05/22/07

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. 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.

County: MARION
Transfer: 10384
Water Right: PERMIT G-13307
Priority Date: 1997
Name: T & D LAND LLC / THOMAS FESSLER
Address: 14025 DOMINIC RD NE; WOODBURN OR 97071
Change: APOA
Source: WELLS
Authorized APOA: T5S R2W 25
Proposed APOA: T5S R2W 25

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. Comments should be sent to the Transfers Section at the Department's Salem office.



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

May 21, 2007

T & D LAND LLC
THOMAS FESSLER
14025 DOMINIC RD NE
WOODBURN OR 97362

Reference: Permit Amendment Transfer 10384

On May 10, 2007 we received your request for permit amendment change in an additional point of appropriation for use of water from A WELL, tributary to PUDDING RIVER. The application was accompanied by \$350.00. Our receipt 87511 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
Don Knauer, Agent
Groundwater
Marion County Planning Department

enclosure

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **87511**

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

INVOICE # _____

RECEIVED FROM: T&D Land LLC
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-10384</u>

CASH: ☐ CHECK: # 1115 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

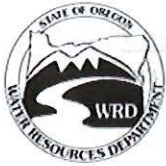
FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **87511**

DATED: 5/10/07 BY: [Signature]



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: T & D LAND LLC By THOMAS FESSLER
First Last
Address: 14025 DOMINIC ROAD NE
WOODBURN OREGON 97071
City State Zip
Phone: 503-634-2231
Home Work Other
Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

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

Name: DON KNAUER
First Last
Address: PO Box 5416
SALEM OREGON 97304
City State Zip
Phone: 503-508-7862
Home Work Other
Fax: _____ E-Mail address: _____

- 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
<input type="checkbox"/> 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.) <input checked="" type="checkbox"/> 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.) <p style="text-align: center;"><u>Not Available for Ground Water Registrations</u></p> <input type="checkbox"/> 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.)	<input type="checkbox"/> 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.) <input type="checkbox"/> Only a portion 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.)	<p style="text-align: center;"><u>Not Available for Permit Amendments</u></p> <p>Change existing authorized use to the following proposed <u>new</u> use:</p> <input type="checkbox"/> Irrigation <input type="checkbox"/> Municipal <input type="checkbox"/> Quasi-municipal <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Domestic (indicate number of households): _____ <input type="checkbox"/> Other _____

- Reason(s) for amendment/modification(s): A NEW WELL IS
NECESSARY TO BETTER MANAGER WATER
AND CROPS.

RECEIVED
MAY 10 2007
WATER RESOURCES DEPT
SALEM, OREGON

5. CURRENT PERMIT OR REGISTRATION INFORMATION

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

<input checked="" type="checkbox"/> Permit to be Amended:	<u>G - 13307</u> Permit Number	<u>10/1/2007</u> Current Completion Date of Permit
<input type="checkbox"/> Ground Water Registration to be Modified:	NOTE: Concurrent changes to a water right must be filed separately on a transfer application. Ground Water Registration Number	

- Name on Permit or Registration: TRELO (REQUEST FOR ASSIGNMENT FILED 3/20/07)
- County: MARION
- Authorized Use(s) to be affected by this Amendment/Modification: IRRIGATION

- Priority Date(s): MARCH 14, 1997

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: 2 WELLS

Tributary to: PUDDING RIVER

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: _____

- 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)
MARI 2654	WELL MAR 14, 1997	5 S	2 W	WM	25	NWSW	DLC 55	310' S & 700' E FROM W ¼ COR SEC 25
MARI 53043	WELL MAR 14, 1997	"	"	"	"	NE SW	DLC 55	900' S & 2620' E FROM W ¼ COR SEC 25

- 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:

- 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

- 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.

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

- 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.*

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

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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 3	5 S	2 W	WM	25	SW NW ¼		150' N & 1180' E from W ¼ cor sec 25

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- 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	Well #3	16"	Steel ¼"	100'		100'		120'	Pipe with cap	250'

- 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.)

[illegible]

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Remarks: NO CHANGE IN PLACE OF USE PROPOSED.

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:

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- 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 CO. PLANNING DEPT

555 COURT ST NE

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;
REQUEST FOR ASSIGNMENT FILED 3/20/07
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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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.

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:
- ① In EFU zone or irrigation district;
 - ② Change in place of use only;
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures; **and**
 - ④ 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: \$ 550-
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: Filed 3/20/07

- ☒ 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.

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11. SIGNATURES

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

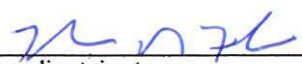
- ☐ In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership 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	Thomas R Fessler name (print)	5-2-07 date
 applicant signature	 name (print)	 date

MAY 10 2007

SP#12658-690

1 10384

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MAY 10 2007

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MAY 29 1998

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

WATER RESOURCES DEPT.
SALEM, OREGON

WELL ID # L 22662
START CARD # 104232

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

(1) OWNER: Well Number _____
Name TRECO INC.
Address 10906 MONITOR MCKEE RD. NE
City WOODBURN State OR Zip 97071

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

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 253 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
20	0	104	CEMENT	0	104	148 SACKS
16	104	254				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	16	+2	116	.375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	12	-0	102	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	12	107	117	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	12	134	166	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:	10	166	182	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	10	187	207	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 16" @ 116'

(7) PERFORATIONS/SCREENS:

		Method		Type		Material	
<input type="checkbox"/> Perforations		V-WIRE				S.S.	
<input checked="" type="checkbox"/> Screens							
From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
102	107	070		12"	P/S RELIEF	<input type="checkbox"/>	<input type="checkbox"/>
117	134	070		12"	P/S	<input type="checkbox"/>	<input type="checkbox"/>
182	187	070		10"	P/S	<input type="checkbox"/>	<input type="checkbox"/>
207	233	070		10"	P/S	<input type="checkbox"/>	<input type="checkbox"/>
233	253	10"	TAIL PIPE W/BOTTOM			<input type="checkbox"/>	<input type="checkbox"/>

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

<input checked="" type="checkbox"/> Pump	<input type="checkbox"/> Bailer	<input type="checkbox"/> Air	<input type="checkbox"/> Flowing Artesian
Yield gal/min	Drawdown	Drill stem at	Time
500	49		1 hr.
750	84		2
850	102		6
800	97		8
Temperature of water <u>56°</u>		Depth Artesian Flow Found _____	
Was a water analysis done? <input type="checkbox"/> Yes By whom <u>NO</u>			
Did any strata contain water not suitable for intended use? <input type="checkbox"/> Too little			
<input type="checkbox"/> Salty	<input type="checkbox"/> Muddy	<input type="checkbox"/> Odor	<input type="checkbox"/> Colored <input type="checkbox"/> Other _____
Depth of strata: _____			

(9) LOCATION OF WELL by legal description:
County MARION Latitude _____ Longitude _____
Township 5S N or S Range 2W E or W. WM.
Section 25 NE 1/4 SW 1/4
Tax Lot 1400 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address)
12938 PORTLAND RD. NE, GERVAIS, OR 97026

(10) STATIC WATER LEVEL:
22 ft. below land surface. Date 3-23-98
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 14

From	To	Estimated Flow Rate	SWL
ALL SAND & GRAVEL ZONES BELOW S.W.L.			

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
TOPSOIL BROWN	0	2	
CLAY BROWN	2	14	
SANDY BRN SILT	14	38	
SANDY GREY SILT	38	74	
CLAY GREY w/GREY SAND LNS	74	104	
SAND GREY SILTY	104	118	
SAND & GRAVEL GREY	118	134	
CLAY GREY	134	143	
SAND GREY	143	153	
CLAY GREY CRUMBLY & SANDY	153		
w/WOOD		157	
CLAY GREEN STICKY	157	168	
CLAY GREY	168	177	
CLAY BROWN	177	190	
CLAY GREY STICKY	190	199	
SAND GREY DIRTY FINE	199	202	
CLAY w/GRAVEL GREY	202	209	
GRAVEL LOOSE	209	212	
CLAY GREY	212	215	
CONT.			

Date started 12-8-97 Completed 3-23-98

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

WWC Number _____
Signed _____ Date _____

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

WWC Number 688
Signed Steven N. Stadel Date 4-20-98

52 WATER RESOURCES DEPT
SALEM, OREGON

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

MAC 1
53043

MAY 29 1998

WATER RESOURCES DEPT
SALEM, OREGON

WELL I.D. # L 22662
START CARD # 104232

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

(1) OWNER: Well Number _____
 Name TRECO INC.
 Address 10906 MONITOR MCKEE RD. NE
 City WOODBURN State OR Zip 97071

(2) TYPE OF WORK

☐ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:

☐ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☐ No Depth of Completed Well _____ ft.
Explosives used ☐ Yes ☐ No Type _____ Amount _____

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

From		To	Slot size	Number	Diameter	Telo/pipe size	Casing	Line
							<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>

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

<input type="checkbox"/> Pump Yield gal/min	<input type="checkbox"/> Bailor Drawdown	<input type="checkbox"/> Air Drill stem at	Flowing <input type="checkbox"/> Artesian Time 1 hr.

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

(9) LOCATION OF WELL by legal description:

County MARION Latitude _____ Longitude _____
Township 5S N or S Range 2W E or W. WM.
Section 25 NE 1/4 SW 1/4
Tax Lot 1400 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address)
12938 PORTLAND RD. NE. GERVAIS. OR 97026

(10) STATIC WATER LEVEL:

_____ ft. below land surface. Date _____

Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found

From	To	Estimated Flow Rate	SWL

(12) WELL LOG:

Ground Elevation _____

[illegible]

Date started 12-8-98 Completed 3-23-98

(unbonded) Water Well Constructor Certification:

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

Signed _____ WWC Number _____
Date _____

(bonded) Water Well Constructor Certification:

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

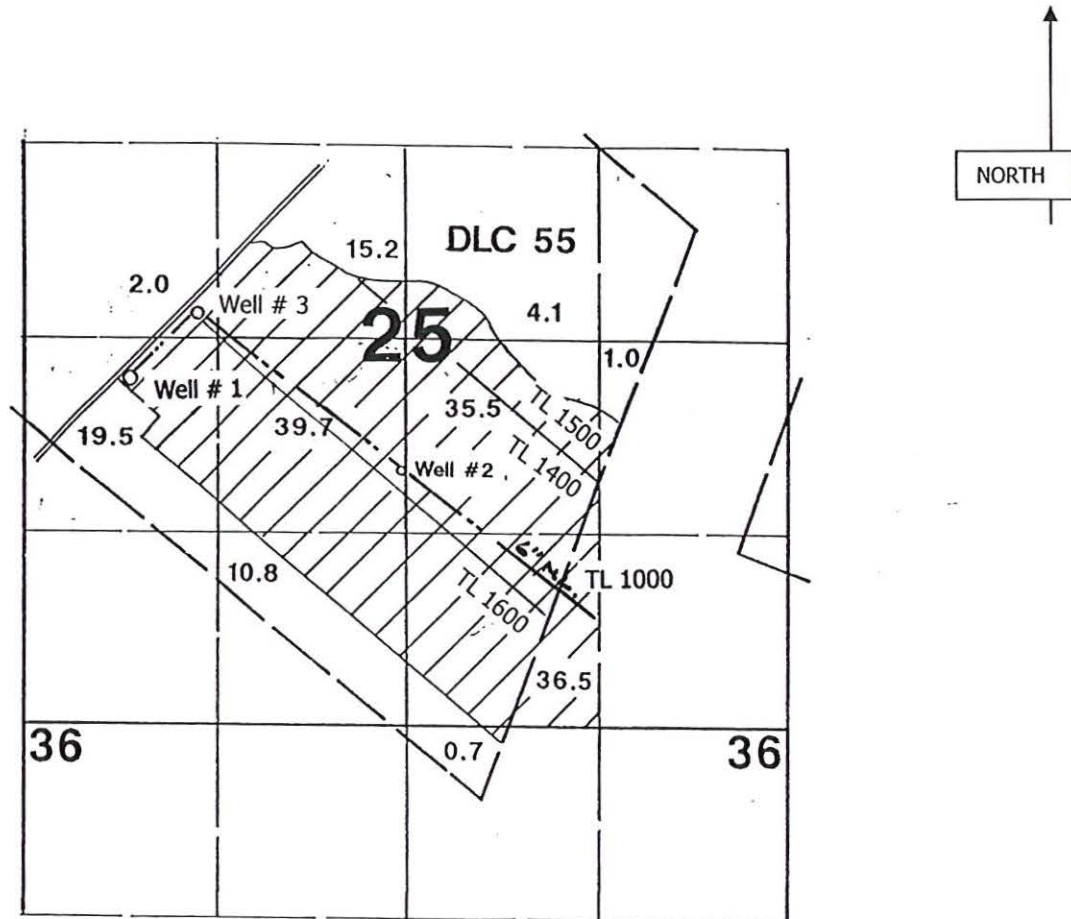
Signed Steven M. Stadel WWC Number 688
Date 4-20-98

PERMIT AMENDMENT MAP

IN THE NAME OF T&D LAND LLC

T 5 S, R 2 W, W.M. Section 25

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PROPOSED Well 3: 150' N & 1180' E of the W $\frac{1}{4}$ corner section 25
Well 2: 900' S and 2620' E of the W $\frac{1}{4}$ corner section 25
Well 1: 310' S and 700' E of the W $\frac{1}{4}$ corner section 25

Scale 1" = 1320'

This map is not intended to provide legal dimensions or locations of property ownership lines .

Don Knauer Consulting
P.O. Box 5416
Salem, OR 97304

T 10384



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: T & D LAND LLC by Thomas Fessler
Mailing Address: 14025 Dominic Road
City: Mt. Angel State: Oregon Zip: 97362 Day Phone: 503-634-2231

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	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
5S	2W	25	S 1/2	1400,1500,1600	EFD	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, 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: 3.99 cfs ☒ 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 Use

Briefly describe: Water will be pumped from two wells into a mainline and delivered to nursery plants through a sprinkler system.

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.

Receipt for Request for Land Use Information

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

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SALEM, OREGON

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): 136
Chapter MCR20

- ☐ 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

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

Name: LISA MILLIMAN Title: ASSOCIATE PLANNER
Signature: Lisa Milliman Phone: 503 588 5038 Date: 4-10-07
Government Entity: Marion County Planning Division

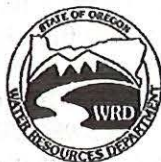
Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



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

Request for Assignment

By Proof of Ownership
(If Permit/Transfer Holder is Not Available)

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If for multiple rights, a separate form and fee for each right will be required.

I, T & D Land LLC by Thomas Fessler
(Name of Party Requesting Assignment)

14025 Dominic Road NE Mt. Angel OR 97362 503-634-2231
(Mailing address) (City) (State) (Zip) (Phone #)

- ☒ ...hereby request assignment in and to application/permit/transfer;
☐ ...hereby request assignment in and to a portion of application/permit/transfer;
(You must include a map showing the portion of the application/permit/transfer to be assigned.)
☒ ...I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly;
(Remember to include \$5 for each additional page.)

Application # G-14476, Permit # G-13307; Transfer # _____
-OR-
GR Statement # _____, GR Certificate of Registration # _____

TRECO
(Name of Permit/Transfer Holder of Record)

10906 Monitor-Mckee Road Woodburn OR 97071 503-634-2209
(Mailing address) (City) (State) (Zip) (Phone #)

NOTE: If there are other owners of the property described in this Application, Permit, Transfer or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 13th day of March, 2007.

Party Requesting Assignment Thomas D Fessler

Party Requesting Assignment _____

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form must be submitted to the Department along with the appropriate recording fees:

- \$25 for the first page, and
 - \$5 for each additional page.
- [as required by ORS 536.050(1)(d)]

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WATER RESOURCES DEPT
SALEM, OREGON



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

Certified Mail
Return Receipt Requested

March 22, 2007

TRECO
10906 Monitor-McKee Road
Woodburn OR 97071

Reference: Application G-14476 Permit G-13307

Dear TRECO:

The Water Resources Department has received a Request for Assignment by Proof of Ownership on the above referenced water right. As you are the named holder of record for this right, we are notifying you of this request.

Please respond in writing within 30 days, if you do not agree with this request. The assignment will be made if the Department does not hear from you within 30 days. If you no longer have interest in this right and have no objection to this assignment, you need do nothing.

Should you have any questions, please do not hesitate to contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Cc: Watermaster 16
T & D Land LLC, Thomas Fessler, 14025 Dominic Road NE, Mt Angel, OR 97362

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