

MILTON

Name Milton Nursery Co
By J. Frank Schmidt, Jr.
Address Rt 1, Box 177B
Milton-Freewater, OR 97862

Change in POA
Date filed March 3, 1980
Date of hearing _____
Place of hearing _____
Date of order 4-29-80 Vol. 33, page 161
Date for application of water 10-1-81
Proof mailed 9-19-85
Proof received 11-27-85
Certificate issued APR 4 1986 Vol. 49, page 54116

DESCRIPTION OF WATER RIGHT

Name of stream Wall
Trib. of _____ County of Umatilla
Use irrigation
Quantity of water 1.75 cfs No. of acres 140
Name of ditch _____
Date of priority Dec. 3, 1927
In name of Milton Nursery Company
_____ Adjudication, Vol. _____, page _____
App. No. V-2⁵⁸⁶ Per. No. V-2 Cert. No. 9102
Certificate cancelled _____
Notation made on record by IndB

4412

part C Cancelled - sp. or Rec. Vol. 39 P. 461

FEES PAID

Date	Amount	Receipt No.
<u>3-3-80</u>	<u>\$ 35.00</u>	<u>16330</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

NO R.R.

W.R.I.S.	
Assembled <u>2-9-85</u> by <u>SP</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
☒ Name	<u>SP</u>	<u>Qij</u>
☒ Stream	<u>SP</u>	
☒ Pt. of Div.		
☒ Calendar	<u>Qij</u>	
☒ CHECKED TO RECORD	<u>SP</u>	
☒ Twp. & Rge.		
☒ Decree-vault		
☒ Decree-safe		
☒ Cert. of W/R	<u>SP</u>	
☒ Per. Folder	<u>SP</u>	
☒ Chainindex		
☒ Cross Ref.		
☒ Power Claim		
☒ Abstracts	<u>Qij</u>	

See 69580 for FP Map & report

RECEIVED

NOV 27 1985

WATER RESOURCES DEPT
SALEM, OREGON

A F F I D A V I T

We, Milton Nursery Co., Inc., c/o J. Frank Schmidt and Son of P.O. Box 189, Boring, Oregon 97009, being first duly sworn, depose and say that we are the owners of a water right and the land shown in yellow on the attached map, to which it is appurtenant, which includes the use of not to exceed 0.07 cubic foot per second of water from a well for irrigation of:

4.3 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

1.5 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 31

Township 6 North, Range 36 East, WM

under a priority date of December 3, 1927, being a portion of the right described by the certificate recorded at page 9102, Volume 8, State Record of Water Right Certificates in the name of Milton Nursery Company, that we have abandoned any and all interest in and to said water right and request the same be cancelled.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of November, 1985

J. Frank Schmidt Jr.
Signature

V.P.
Title

Subscribed and sworn to before me this 20 day of November, 1985.

Jan E. Barclay
Notary Public for Oregon

10/17/88
My Commission Expires

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF CANCELLATION
OF A PORTION OF A WATER RIGHT
IN THE NAME OF MILTON NURSERY
CO., INC.

)
)
)
)

O R D E R

On November 27, 1985, J. Frank Smith, Jr., Vice President of Milton Nursery Co., Inc., submitted an affidavit that Milton Nursery Co., Inc. is the owner of a certain water right and the lands to which the water right is appurtenant; that Milton Nursery Co., Inc., has abandoned any and all interest in and to the said water right and requests the same be canceled.

The water right in question is a portion of the right described by the certificate recorded at page 9102, Volume 8, State Record of Water Right Certificates, in the name of Milton Nursery Company, as modified by water right Transfer 4412, and is for the use of not to exceed 0.07 cubic foot per second of water from a well, with a date of priority of December 3, 1927, for irrigation of 4.3 acres in NE 1/4 SW 1/4 and 1.5 acres in SW 1/4 SW 1/4, Section 31, Township 6 North, Range 36 East, WM.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 9102, Volume 8, State Record of Water Right Certificates, as modified by Transfer 4412, is canceled.

It is FURTHER ORDERED that a new certificate be issued to confirm the balance of water right NOT involved in this proceeding, as described by the Proof of Appropriation of Water for Transfer 4412.

Dated at Salem, Oregon, this 13th day of December, 1985.

William H. Young
WILLIAM H. YOUNG
Director

0337/c
1649D

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF MILTON NURSERY COMPANY, INC.,)
FOR APPROVAL OF A CHANGE IN POINT)
OF APPROPRIATION OF WATER)

ORDER APPROVING
TRANSFER NO. 4412

On March 3, 1980, an application was filed in the office of the Water Resources Director by Milton Nursery Company, Inc., for approval of a change in point of appropriation from a well, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 9102, Volume 8, State Record of Water Right Certificates, in the name of Milton Nursery Company, describes a right for the use of not to exceed 1.75 cubic feet per second from a well for irrigation of a certain 30 acres in the SW 1/4 NE 1/4, 10 acres in the SE 1/4 NE 1/4, 40 acres in the SE 1/4 NW 1/4, 20 acres in the NE 1/4 SW 1/4, 35 acres in the NW 1/4 SW 1/4, 4 acres in the SW 1/4 SW 1/4 and 1 acre in the NW 1/4 SE 1/4, Section 31, Township 6 North, Range 36 East, W.M., with a date of priority of December 3, 1927.

The point of appropriation for said right is located 2540 feet North and 2690 feet East from the Southwest Corner of Section 31, being within the NW 1/4 SE 1/4 of Section 31, Township 6 North, Range 36 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation, without loss of priority, to a point located 2563 feet North and 2709 feet East from the Southwest Corner of Section 31, being within the NW 1/4 SE 1/4 of Section 31, Township 6 North, Range 36 East, W.M.

Mr. Steven P. Applegate, Watermaster, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

Mr. William S. Bartholomew, Hydrogeologist, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of appropriation may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of appropriation, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of appropriation shall not exceed the quantity of water available at the old point of appropriation under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices:

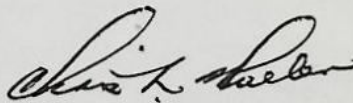
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of appropriation of water made on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 9102, Volume 8, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 29th day of April, 1980.



JAMES E. SEXSON

Director

by CHRIS L. WHEELER

Deputy Director

STATE OF OREGON

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, ThatMILTON NURSERY COMPANY
c/o J. Frank Schmidt & Son

of PO Box 189, Boring, , State of OR 97009 , has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
well #2

a tributary of Walla Walla River (Columbia River) for the purpose of
irrigation of 134.2 acres

under Permit No. U-2 and that said right to the use of said waters has been perfected in
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from
December 3, 1927

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
1.68 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NE 1/4 SW 1/4, Section 31, T6N. R36E, WM;
1420 feet South and 30 feet West from NE corner SE 1/4 NW 1/4, Section 31.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to ----- of one cubic foot per second
per acre,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right
is appurtenant, is as follows:

SEE NEXT PAGE

31.5 acres SW 1/4 NE 1/4
9.3 acres SE 1/4 NE 1/4
40.0 acres SE 1/4 NW 1/4
15.2 acres NE 1/4 SW 1/4
36.6 acres NW 1/4 SW 1/4
1.4 acres SW 1/4 SW 1/4
0.2 acre NW 1/4 SE 1/4

Section 31
Township 6 North, Range 36 East, MW

This certificate is issued to confirm a change in point of appropriation approved by an order of the Water Resources Director entered April 29, 1980, and to correctly describe the place of use and also describes that portion of the prior certificate recorded at page 9102, Volume 8, NOT canceled by provisions of an order of the Water Resources Director entered December 13, 1985, and supersedes Certificate 9102.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed
this date. April 4, 1986

...../s/ William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 49 , page 54116

NOV 27 1985

STATE OF OREGON

WATER RESOURCES DEPT
SALEM, OREGON

COUNTY OF UMATILLA

Proof of Appropriation of Water

Name: Milton Nursery Co., c/o J. Frank Schmidt and SonAddress: PO Box 189, Boring, Oregon 97009Source of Supply: Well No. 2Permit: U-2 Transfer: 4412Tributary of: Walla Walla River (Columbia River)Amount of Water: 1.68 cfsPriority Date: December 3, 1927Use: irrigation of 134.2 acresLocation and Point of Diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, T6N, R36E, WM; 1420 feetSouth and 30 feet West from the NE Corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31

The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

31.5 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$
9.3 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$
15.2 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
36.6 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$
1.4 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$
0.2 acre	NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 31

Township 6 North, Range 36 East, WM

This certificate will be issued to confirm a change in point of appropriation approved by an order of the Water Resources Director entered April 29, 1980, and to more correctly describe the place of use and will describe that portion of the prior certificate recorded at page 9102, Volume 8, NOT cancelled by provisions of the Water Resources Director to be entered at a later date, and will supersede Certificate 9102.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

I have read the above and foregoing proof of appropriation of water defining the extent of use of water under the change of in point of appropriation approved by the order of the Water Resources Director entered April 29, 1980; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 26 day of November 1985.

J. Frank Schmidt Inc
Legal owner of the above described lands

V.P.

Title

FER POA
POD
POU
USE
Add'l POD

County Umatilla

Address c/o J. Frank Schmidt, Jr.,
Rt 1, Box 177B
Milton-Freewater, OR 97862

6. Proposed Point of Diversion 2563 ft. N and 2709 ft. E from the S.W. corner of
Sec. 31 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31 Tp. 6N R. 36 E. W.M.

8. Place of Use: Transfer Order: Vol 33, pg. 161

[illegible]

Town 6 N Section 31 Range 36 E

25 30

36 31

30 29

31 32

NEW WELL

OLD WELL

36 31

16

31 32

6 5

RECEIVED

MAR 3 1980

WATER RESOURCES DEPT.
SALEM, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Victor M. McInd

OREGON
JULY 17, 1970
VICTOR M. MCLIND
934

FEB 27 1980

RECEIVED

WATER RESOURCES DEPT.
SALEM, OREGON

OREGON
JULY 17, 1970
VICTOR M. McLIN
934

FEB 27, 1980

NOTE, OLD WELL IS 2690 FT. EAST AND 2540 FT. NORTH OF S.W. COR. SEC. 3/

FROM OLD WELL, THE NEW WELL BEARS $N 38^{\circ} 22' E$ 30.0 FT



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

September 19, 1985

Milton Nursery Co, Inc.
c/o J. Frank Schmidt and Son
PO Box 189
Boring, OR 97009

Gentlemen:

REFERENCE: Files T-4412, G-9580 and G-9581

In April, 1982, we completed our usual field inspection and survey of your use of water under the terms of Transfer 4412, Permit G-9209, and Permit G-9210. We are now ready to send you the results of this survey for your consideration. There is first, however, a discrepancy which needs to be cleared up. The water right under Permit U-2, as confirmed by Certificate 9102, allowed for the use of 1.75 cubic feet per second from the original well for the irrigation of 140.0 acres. Our survey for Permit G-9209 found a total of 134.2 acres being irrigated from well #2 (new well) and supplemented by well #1. The difference of 5.8 acres appears to have been abandoned and the balance of the acres are in slightly different configurations within the various quarter-quarter sections.

I have prepared the enclosed "Proof of Appropriation of Water" form for Transfer 4412, which describes the 134.2 acres irrigated as found in our 1982 survey. If you agree with our findings, the form should be signed by an authorized representative of Milton Nursery, and returned to this office. We can issue a confirming certificate describing the new well location and the place of use in its proper locations. I have also prepared the enclosed affidavit for your use in authorizing the cancellation of the 5.8 acres which apparently is no longer irrigated under the 1927 permit. This form must be signed in the presence of a notary public and returned.

Following receipt of these items, we will be able to send you the results of our inspections under Permits G-9209 and G-9210.

If you have any questions on this matter, please contact me.

Sincerely,

Steven P. Applegate
Senior Water Rights Examiner

SPA:jvm
Enclosures

T-4412

RECEIVED

MAR 8 1980

Application for Transfer of Water Right

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Milton Nursery Company, Inc.

(Name of applicant)

of Route 1, Box 177B, Milton-Freewater

(Mailing address)

(503)

(City)

State of Oregon, 97862, 938-3374, do hereby make application for change

(Zip Code)

(Phone number)

in the point of appropriation

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? Yes

(If not, give name)

2. Was your water right determined by Decree of Court? No If so, give title of proceedings

(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? Yes If so, give number

(Yes or No)

of permit U 2 Number of certificate No 9102

A U 2

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is a well 6N 36E Sec. 31.5. What is the date of priority of your water right? December 3, 1927.6. The authorized point of diversion is located 2540 ft. N and 2690 ft. E from the S.W.

(N. or S.)

(E. or W.)

corner of Sec. 31 being within the NW 1/4 SE 1/4 of Section 31 Tp. 6N R. 36 E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Umatilla The name of the ditch used is

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 2563 ft. N and 2709 ft. E from the S.W.

(N. or S.)

(E. or W.)

corner of Sec. 31 being within the NW 1/4 SE 1/4 of Section 31 Tp. 6 N R. 36 E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Umatilla The name of the ditch to be used is
which is 30 feet from the Old Well - see surveyors map attached.

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
6 N	36 E	31	SW $\frac{1}{4}$ NE $\frac{1}{4}$	30.0
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	10.0
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.0
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.0
				140.0

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Principal owner & President
(If not owner, explain your interest)
of Corporation.

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? Yes
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are See letter of Jan 22 1980 from J. Frank Schmidt, Jr.
to Department of Water Resources, Water Rights Division, (copy attached)

15. Construction work will be completed on or before October 1, 1980

16. The water will be completely applied to the proposed use on or before October 1, 1981

Remarks A very substantial expenditure was made in an effort to enlarge the
original well to allow the pump to be lowered. This proved to be almost impossible
so a new well is being drilled 30 feet away.

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE
BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF
USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

J. Frank Schmidt Jr., President and Principal owner of
I, Milton Nursery Company, Inc., the applicant herein, being
first duly sworn, depose and say that I have read the above and foregoing application for transfer of water
right; that I know the contents thereof and that the statements therein made are true and correct to the best
of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 1 day of March, 1980.

J. Frank Schmidt Jr.
(Name of applicant)

Subscribed and sworn to before me this 1 day of March, 1980.

[Notarial Seal]

Kyle A. Johnson
NOTARY PUBLIC FOR OREGON

My commission expires 12-28-90

RECEIVED
APR 27 1981
WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

point of appropriation from ground water

PURSUANT TO TRANSFER APPLICATION NO. 4412

J. Frank Schmidt Jr., President

I, Milton Nursery Company, Inc., hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by April 24th, 1981.

April 24th, 1981

Date

J. Frank Schmidt Jr.
Signature

J. Frank Schmidt Jr., President
Milton Nursery Company, Inc.

(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK
Lij

WELL DRILLING
IRRIGATION
CONTROL SYSTEMS

**SCHNEIDER
EQUIPMENT, INC.**

PUMPS
ENGINEERED WATER SYSTEMS
SALES AND SERVICE

21881 River Road N.E. St. Paul, Oregon 97137 (503) 633-2666

10/21/80

Department of Water Resources
555 13th St. NE
Salem, OR 97302

RECEIVED

OCT 22 1980 .

WATER RESOURCES DEPT
SALEM, OREGON

Attn: Mr. Al Petska

Re. Approval of well abandonment to attain transfer of
Permit No. U2, Certificate No. 9102

Dear Sir:

As discussed with you on the phone yesterday, drilling of the new well to replace the caved in well (referenced permit) at the Milton Nursery (currently owned by J. Frank Schmidt & Son Co) is nearly complete. Previous correspondence between the Water Resources Department and J. Frank Schmidt & Son Co. required the abandonment of the old well in order to transfer the water right to the replacement well.

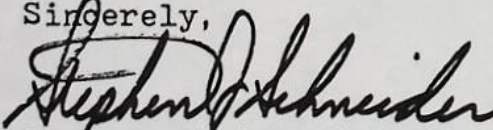
Enclosed is a copy of the only known available log of the old well completed in 1930. Also enclosed is a sketch of information obtained in December 1979 from a TV inspection of the well following removal of the pump.

We propose to abandon the old well in the following manner:

1. Perforate with a millsknife the 10" casing from 128' (top of existing perforations) to the surface with at least 4 holes every 5 feet.
2. Pressure grout inside the well from the total existing depth (333') to within 5 or 6 feet of the surface.
3. Cut off the 12 and 10 inch casings 5 to 6 feet below the surface and backfill the top 5 to 6 feet with native soil.

We request authorization to proceed with the abandonment as described above.

Sincerely,



Stephen J. Schneider
General Manager

cc: James Carver, Dept. of Water Resources
Wm. Bartholomew, Dept. of Water Resources
Frank Mackaness, J. Frank Schmidt & Son Co.
Steve Stash, Milton Nursery

TO: Stephen J. Schneider
Schneider Equipment, Inc]

555 13th Street N. E.
SALEM, OREGON 97310
PHONE (503) 378-8455

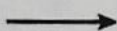
SUBJECT: Special Standards for Well Abandonment
FOLD

DATE: 10-22-80

The ab andonment of the Milton Nursery well, owned by J. Frank Schmidt & Son Co., As
proposed in your letter of 10/21/80 is approveddprovided:

1. There are adequate perforations in the 10" casing to completely
seal this interval.
2. The annulus between the 10" casing and the 12" casing is sealed with
cement grout.
3. The 12" pipe is sealed into the country rock adequately to seal out
surface or near surface waters.

PLEASE REPLY TO



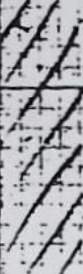
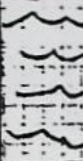
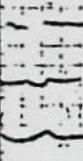
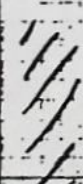
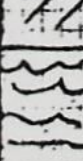
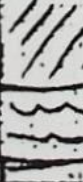
SIGNED

A.M. Petzka - arn D. Seethells Rie

DATE

SIGNED

SEND WHITE AND PINK COPIES WITH CARBON INTACT. PINK COPY IS RETURNED WITH REPLY.
DETACH THIS COPY - RETAIN FOR ANSWER.

Black Basalt →		Water bearing rock 712 ft to 715 ft
Grey basalt →		
Black basalt rock with streaks of red. →		Water bearing rock. 900 ft to 914 ft
Grey basalt →		
Black basalt →		Water bearing rock 1120 ft to 1122 ft
Grey basalt →		
Black Basalt with very fine white water washing gravel →		Water bearing bearing 1390 to 1393 ft
Grey basalt →		
Black basalt →		Water bearing rock. 1850 ft to 1856
Grey basalt →		
Black basalt →		Water bearing rock 1940 to 1944 ft
Stopped drilling at 2000 ft Basalt		

RECEIVED

OCT 22 1980

WATER RESOURCES DEPT
SALEM OREGON

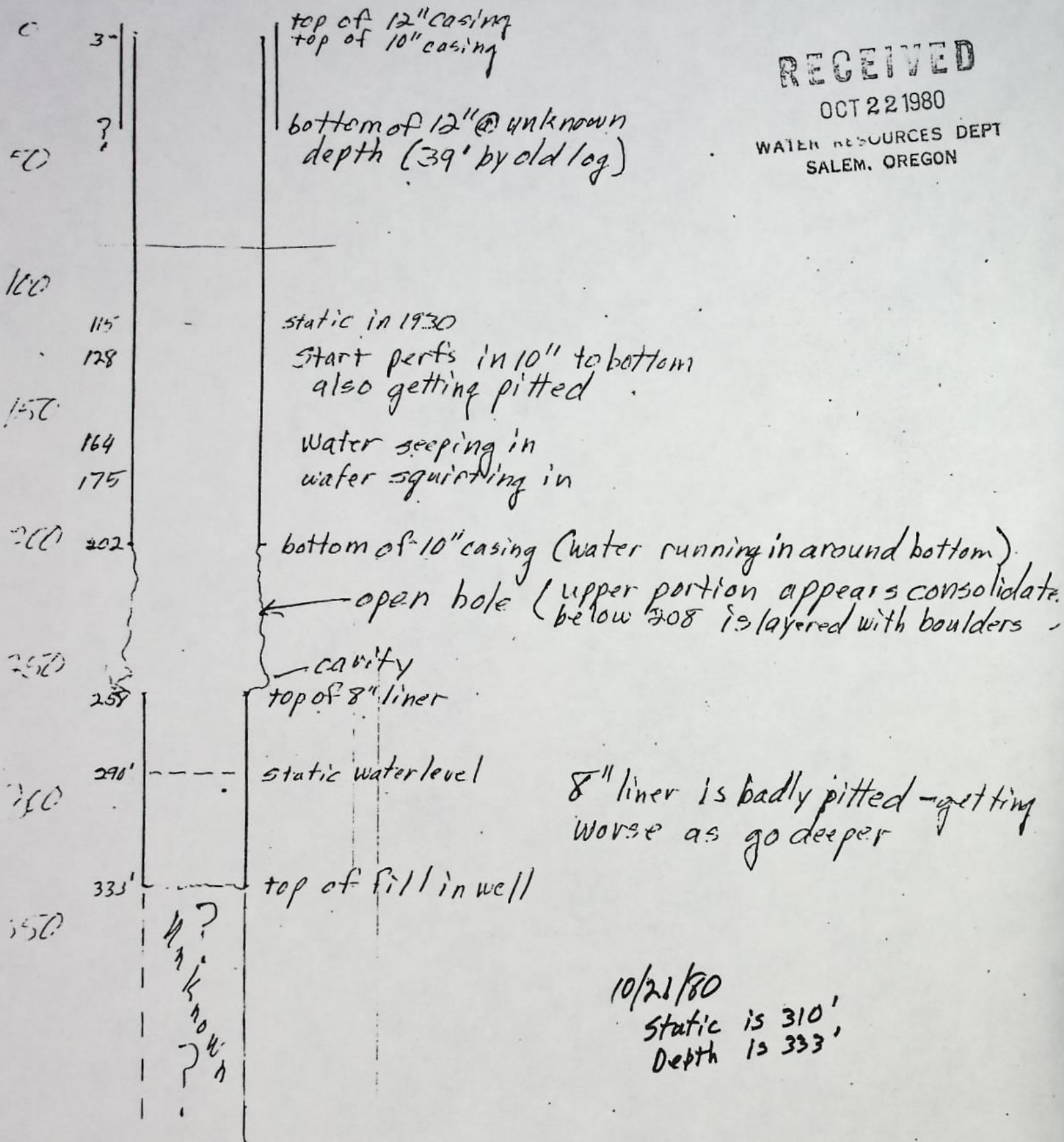
Milton Nursery Well #1

12-17-79 TV analysis

RECEIVED

OCT 22 1980

WATER RESOURCES DEPT
SALEM, OREGON



T-4412

Town 6 N Section 31 Range 36 E

[illegible]

NOTE: OLD WELL IS 2690 FT. EAST AND 2540 FT. NORTH OF S.W. COR. SEC. 31
NEW WELL IS 2709 FT. EAST AND 2563 FT. NORTH OF S.W. COR. SEC. 31
FROM OLD WELL, THE NEW WELL BEARS $N 38^{\circ} 22' E$, 30.0 FT.

WELL
WF T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***
*** WATER RIGHT DATA INPUT FORM ***

PAGE 1
RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. T000044121 PERMIT NO. 000002 CERTIF. NO. 0
ORIG. NO. U000000021 PREV. NO. U000000021 SUPER. NO.

NAME: MILTON NUSERY CO

ADDRESS: RT1, Box 177B

CITY/STATE/ZIP/COUNTY: MILTON-FREEWATER, OR 97862

STREAM-ID	RIV.MI.	WM.DIST.	W.R.TYPE	STATUS	
CANCEL YEAR--->	CONSTR.COMPLT--> <u>04271981</u>	YR.LAST USED----->	---	NEXT ACTION DUE-->	---
PRIORITY-----> <u>1203 1927</u>	PUT TO USE-----> <u>04271981</u>	LAST TRANS.DATE-->	---	LAST TRANS.TYPE-->	---
APPLICATION---> <u>0303 1980</u>	SURVEYED----->	EXAM.FEE----->	<u>20.00</u>	RECORDING FEE---->	<u>15.00</u>
PERMIT ISSUE--> <u>0429 1980</u>	CONCURRENCE----->	CYCLE STATUS----->	---	REPORTED FLAG---->	---
CONSTR.STRT.--> <u>0429 1980</u>	CERTIFIED----->	CORRES.INIT.----->	---	CORRES.DATE----->	---

POINT-OF-DIVERSION DATA:
TWNSP RNGE SECT QTR/QTR STREAM-ID
060N 360E 31 D B

RIV.MI. RATE
1.750

STATUS S OR P
V P

** REMARKS; - - - - ->
** DATED-->
** POA: 2563'N & 2709'E PM SW
** COR S 31. CHANGES POA ALL OF
** C-9102.

PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

SEE ATTACHED

W.D.S.

APPROVED 2-8-85 MSA

DATE 2/8/85

VERIFIED 2/8/85

PLACE - OF - USE, DATA:

[illegible]



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: April 7, 1980.FROM: ** Wm. Bartholomew, HydrogeologistSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4412IN THE NAME OF Milton Nursery Co.

In my opinion the proposed change in point of appropriation from ground water
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY*~~ to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? NO
(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 judgment of the watermaster it becomes necessary . . .

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

** - Recommend transfer be approved - no change in ground water body is anticipated in this
replacement well project.*

**

Wm. S. Bartholomew
Watermaster's signature or initials



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: MARCH 28, 1980.FROM: ** Steven P. Applegate, Watermaster

RECEIVED

MAR 31 1980

WATER RESOURCES DEPT
SALEM, OREGONSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. T-4412IN THE NAME OF Milton Nursery Co. Inc.

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

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- ____ (1) PRIOR to the diverting of water at the new point of diversion . . .
✓ (2) When in the judgment of the watermaster it becomes necessary . . .

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

**

Steven P. Applegate
Watermaster's signature or initials

J. FRANK **SCHMIDT & SON CO.**
WHOLESALE NURSERY

T-4412



Growers of Top Quality
TREES

9500 S. E. 327th Avenue ★ Boring, Oregon 97009 ★ Area Code 503 663-4128

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MAR 3 1980
WATER RESOURCES DEPT.
SALEM, OREGON

January 22, 1980

Department of Water Resources
Water Rights Division
555 13th St. N. E.
Salem, Oregon 97302

ATTENTION: James Carver

RE: Permit No. U2, Certificate No. 9102
Priority dated December 3, 1927
Milton Nursery Company

Dear Sir:

On August 17, 1979, the water level in the well listed as the source of water under the above referenced permit dropped below the pump bowls. Since this had happened on at least two prior occasions (1949 static was 143 ft., 1966 static was 223 ft., original static in 1930 was 115 ft.), we reviewed our records to find difficulty was encountered in lowering the pump in 1966 because of the size and straightness of the hole. We thereupon had the pump removed from the well, and investigations, including TV inspection, performed. The investigations revealed that the casing/liners are extremely corroded and pitted making removal next to impossible and the well is sloughing off as evidenced by a cavity at approximately 250 feet and the well depth being only 333 feet (original depth was supposed to be 2000 feet). The static on December 17, 1979 was 290 feet.

Considering the present condition of the well, it is considered prohibitive to attempt to salvage the existing well for the amount of water authorized to use. Until August 1979, we were continuing to use the well thereby keeping our water right active.



Department of Water Resources

Page 2

January 22, 1980

We are therefore requesting that the referenced permit be transferred to a new replacement well to be drilled within 30 feet of the existing well and still maintain the same priority. Upon transfer of the right, the old well would be abandoned. The new well would be drilled into the same water body as the old well to an estimated depth of 700 to 1200 feet.

Considering our requirement for irrigation water, and the on-coming season, we will be starting construction of the new well immediately. If you can foresee any complications in the requested transfer, please let us know as soon as possible.

Please forward any forms needed to effect the transfer and contact us if there are any questions.

Sincerely,

J. FRANK SCHMIDT AND SON CO.

J. Frank Schmidt, Jr.

J. Frank Schmidt, Jr.,
President

JFS:kj

cc: Wm. Bartholomew, Dept. of Water Resources
Schneider Equipment, Inc.
Brad Brown
Frank Mackaness

RECEIVED

MAR 8 1980

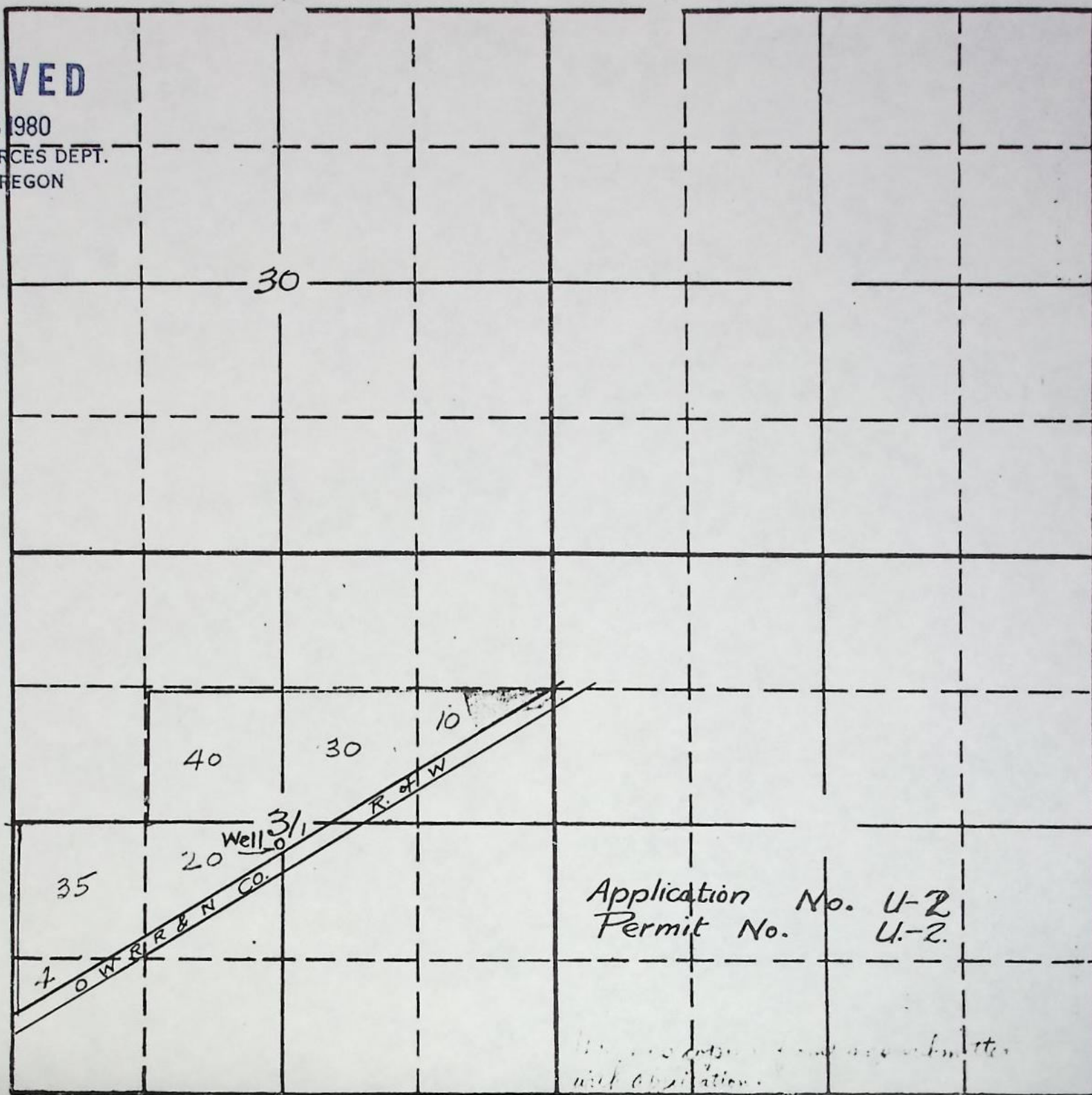
WATER RESOURCES DEPT.
SALEM, OREGON

Sec. 30

31

Tp. 6 N

R. 36 E



Application No. U-2
Permit No. U-2

Handwritten note: This is a copy of a map submitted with application.

T-4412