

Klopfenstein

T-10426

T-10426

PERMIT
AMENDMENTName Wilbur KlopfensteinAddress 6041 75th St. NE
Salem OR 97305
503 362-8796 503 510-2396 WKChange in APOADate Filed 6-29-07Initial notice date 7-3-07

DPD issued date

PD issued date

PD notice date

Date of FO 8-18-08 Vol 75 Page 563

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream WellsTrib. of Little Pudding RiverUse IRCounty Marion

Quantity of water (CFS)

No. of Acres

Name of ditch

App # G 14795 Per # G 13696 Cert # PR Date 1998

App # Per # Cert # PR Date

App # Per # Cert # PR Date

App # Per # Cert # PR Date

App # Per # Cert # PR Date

FEES PAID

Date	Amount	Receipt #
<u>6/29/07</u>	<u>600.00</u>	<u>88467</u>

FEES REFUNDED

Date	Amount	Receipt #
<u>8/20/08</u>	<u>200.00</u>	<u>88467 JV</u>

Assignments:

Irrigation District N/AAgent N/ACWRE James Schuette #117CC's list Marion County Planning☐ - Oversized map - Location



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 28, 2008

WILBUR A KLOPFENSTEIN
6041 75TH AVE NE
SALEM OR 97305

Reference: Permit Amendment Transfer 10426

Enclosed is a copy of the order approving your Permit Amendment transfer application. Also enclosed is a refund check in the amount of \$200.00 for excess fees collected.

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

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

Sincerely,

Sarah Henderson
Executive Support

cc: Watermaster #16
James Schuette, CWRE
Fiscal

Enclosure

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-10426, 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

Wilbur A. Klopfenstein
6041 75th Street NE
Salem, Oregon 97305

Findings of Fact

1. On June 29, 2007, Wilbur A. Klopfenstein filed an application for an additional point of appropriation under Permit G-13696. The Department assigned the application number T-10426.
2. The permit to be amended is as follows:

Permit:	G-13696, in the name of Wilbur A. Klopfenstein
Use:	Irrigation of 45.9 acres
Priority Date:	June 30, 1998
Quantity:	0.574 cubic foot per second (cfs)
Rate/Duty:	The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
Source:	Two wells, in the Little Pudding River Basin.
Date of Complete Application of Water:	October 1, 2011

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Authorized Points of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
6	S	2	W	W.M.	34	SW	NE	Well 1 – 420 feet North and 1320 feet East from the C¼ Corner of Section 34.
6	S	2	W	W.M.	34	NW	SE	Well 2 – 1070 feet South and 200 feet East from the C¼ Corner of Section 34.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
6	S	2	W	W.M.	34	SW	NE	13.3
6	S	2	W	W.M.	34	NE	NW	3.5
6	S	2	W	W.M.	34	SE	NW	29.1

3. Application T-10426 proposes an additional point of appropriation located:

Township		Range		Meridian	Sec	¼ ¼		Location
6	S	2	W	W.M.	34	SE	NW	Well 3 – 250 feet North and 150 feet West from the C¼ Corner of Section 34.

4. Notice of the application for the permit amendment was published in the Department's weekly notice on July 3, 2007, and in the Silverton Appeal newspaper on July 16, 23, and 30, 2008, 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-10426 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

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

1. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

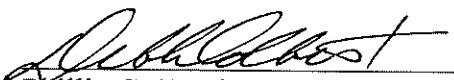
2. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

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.

The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. All other terms and conditions of Permit G-13696 remain the same.
5. Permit G-13696, in the name of Wilbur A. Klopfenstein, is amended as described herein.

Dated at Salem, Oregon this 18th day of August, 2008.


Phillip C. Ward,
Director

Mailing Date: AUG 28 2008

Permit Amendment Checklist

Permit Amendment T-10426

Transfer Specialist: pks

Applicant Name/Address: Wilbur A. Klopfenstein, 6041 75th Street NE, Salem, OR 97305

Agent Name/Address: None

CWRE Name/Number: James Schuette, CWRE #117

Rec Landowner Name/Address: None

Irr. District Name/Address: None

Affected Govt's Name/Address: Marion County Planning

Commentors Name/Address: None

Permits Affected

Records Marked	Records Copied	App File No.	Permit No.
☐	☐	G-14795	G-13696

Key Dates & Initial Actions

Rec'd: 6/29/2007	Proposed Action(s): APOA	
Fees Pd: \$600.00	WM District: 16	ODFW District: N/A
Initial Notice: 7/3/2007	WM Review sent: 7/3/2007	ODFW Review sent: N/A
Acknowledgement Letter Sent: X		GW Review sent: 7/3/2007

Processing Dates & Actions

Deficiency Contacts:	Newspaper Pub Affid. Due: 8/18/2008 ☐ not required
Affid of Pub Rec'd: 8/12/2008 Last Day Published: 7/30/2008	Affidavit Reminder Sent:
Reminder Deadline:	

Final Order

☒ Electronic Files uploaded

☐ File Assigned/ ModPod updated

☐ Newspaper Notice Cover letter

☒ Fee Refund Due

☐ Newspaper Notice

Draft Order Review (Optional) Reviewer: _____ Date: _____ Coordinator: _____ Date: _____	Final Order Review (Salem) Reviewer: _____ Date: <u>8/13/08</u> Coordinator: <u>ADP</u> Date: <u>8/13/08</u>
Comments/Special Issues:	

Special Order Volume: Vol: 75 Pages 563 Final Order Signature Date: 8-18-09

Notice of FO e-mailed to processors: Kelley

COPY



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: WILBUR A. KLOPFENSTEIN
First Last
Address: 6041 75TH ST. N.E.
SALEM. OREGON 97305
City State Zip
Phone: 503.362.5796 503.510.2396
Home Work Other
Fax: _____ E-Mail address: _____

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3. AGENT INFORMATION

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

Name: _____
First Last
Address: _____

City State Zip
Phone: _____
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.

COPY

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:

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

- Reason(s) for amendment/modification(s): THE PRODUCTION OF WELL #2 HAS DECREASED SIGNIFICANTLY DUE TO WELL CONSTRUCTION PROBLEMS. AN ADDITIONAL WELL #3 IS PLANNED TO REPLACE THE DIMINISHED CAPACITY.

5. CURRENT PERMIT OR REGISTRATION INFORMATION

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

☒ Permit to be Amended:

6-13696
Permit Number

10-1-2003

Current Completion Date of Permit

☐ Ground Water Registration to be Modified:

Ground Water Registration Number

NOTE: Concurrent changes to a water right must be filed separately on a transfer application.

▪ Name on Permit or Registration: WILBUR A. KLOPFENSTEIN

▪ County: MAZON

▪ Authorized Use(s) to be affected by this Amendment/Modification:

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▪ Priority Date(s): JUNE 30, 1998

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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: TWO WELLS
IN LITTLE PUDDING RIVER BASIN

Tributary to: _____

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: _____

NOTE: Permit
Ext. of Time
Appl. Submitted
on 6-29-07
[Signature]

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
WELL#1	WELL	6S	ZW	W	34	SW NE		420' N & 1320' E ✓
WELL#2	WELL	6S	ZW	W	34	NE SE		1070' S & 200' E ✓
								BOTH FROM CENTER OF SECTION 34

- Does the permit/registration being amended/modified involve a ground water source(s)?
☒ Yes ☐ No (Surface water source only.)

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

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

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

or

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

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. **SEE ATTACHED WELL LOGS**

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

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

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(START CARD) #

(1) OWNER: Name WILLIAM KLOPFENSTEIN
Address 6041 75TH AVE NE
City SALEM State OR Zip 97305

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LOCATION OF WELL by legal description:
County Marion Latitude _____ Longitude _____
Township 6S N or S. Range 2W E or W. WM.
Section 34 1/4 _____ 1/4 _____
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 5015 72ND AVE NE SALEM OR 97305

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 235 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
16"	0	24'	Cement	0	24'	86 Sacks
12"	24'	235'				

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: 12"	12	235	150	☒	☐	☒	☐
Liner:				☐	☐	☐	☐

Final location of shoe(s) 235

(7) PERFORATIONS/SCREENS:
☒ Perforations Method Mills Knife Restorator
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
100'	230'	3/8"	150			☐	☐

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

☐ Pump ☐ Bailer ☒ Lift Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
500	42'		1 hr.

Temperature of Water 53° 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: 235

(10) STATIC WATER LEVEL:
36 ft. below land surface. Date 3-20-93
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 101

From	To	Estimated Flow Rate	SWI
101	230	800 T	36

(12) WELL LOG:

Material	From	To	SWI
TOPSOIL	0	2	
Brown Clay	2	12	
Blue Clay	12	66	
Gray Clay + Sand	66	81	
Small gravel + Clay	81	86	
Brown Clay	86	94	
Gray Clay	94	101	
Sand + Med Gravel	101	144	36
Small + Med Gravel	144	209	11
Large Gravel - Silts	209	214	"
Med Gravel + Dark Sand	214	231	"
Green Clay	231	235	

Date started 1-22-93 Completed 3-20-93

(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 well construction standards. Material used and information reported above are true to my best 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 well construction standards. This is true to the best of my knowledge and belief.

WWC Number 5
Signed Paul Bello Date 3/25/92

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

WELL #2 65/2W/346
(START CARD) # 23945

(1) OWNER:

Name Fred D. Klopferstein
Address 13500 Finkay Rd. N.E.
City Silverton State Oregon Zip 97381

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Standby

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable
☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 225'
Explosives used Yes ☐ No ☒ Type _____ Amount _____

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
16"	0	55' Cement	0	55'	95 sacks
10"	55'	230'			

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

Backfill placed from 230' ft. to 225' ft. Material Cement
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing	10"	0	226'	226'	☒	☐	☒	☐
Liner					☐	☐	☐	☐

Final location of sheets 226'

(7) PERFORATIONS/SCREENS:

☒ Perforations Method Mills Knife Perforator
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
100'	212'	4/12"	1200			☒	☐

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

☐ Pump ☒ Bailor ☐ Air ☐ Flowing
☐ Artesian

Yield gal/min	Drawdown	Drill stem at	Time
50	—		1 hr.

Temperature of water 53 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 6S Nor S. Range 2W E or W, WM.
Section 34 SW 1/4 SE 1/4
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:

40' ft. below land surface. Date 1-5-91
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

From	To	Estimated Flow Rate	SW
70'	82'	10.6 PM	4
100'	212'	1000	4

(12) WELL LOG:

Material	From	To	SW
Topsoil	0	3'	
Brown Clay	3	18'	
Blue-Green Clay	18	68'	
Silty Brown Sand	68	76'	
Medium gravel with sand	76	82'	40
Cemented gravel with sand	82	100'	40
Medium gravel + sand	100	128'	40
Cobbles with sand	128	134'	40
Small gravel + sand	134	165'	40
Cemented gravel + sand	165	204'	40
Medium gravel + sand	204	212'	40
Brown Clay	212	216'	
Gray Clay	216	228'	
Fine silty sand (Black)	228	235'	

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Date started 11-29-90 Completed 1-5-91

(unbonded) Water Well Constructor Certification:

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

Signed Thomas E. Dunn WWC Number 1548
Date 1-12-91

(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 work performed during this time is in compliance with Oregon construction standards. This report is true to the best of my knowledge belief.

Signed Paul Bello WWC Number 579
Date 1/13/91

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SALEM, OREGON**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	6S	ZW	W	34	SE NW		250' N & 150' W FROM CENTER OF SECTION 34

- 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. **FIGURES BELOW ARE ESTIMATED**

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		16"	12" 5/8" L	235	100-230	30'	35'	100'	PLUG IN VAL SEAL	235'

- 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.

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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]

Remarks: _____

Last Updated: 10/30/2006

Permit Amendment or GW Modification/7

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7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

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

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

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

MARION COUNTY PLANNING DEPT.

8. PERMIT HOLDER OF RECORD

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

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

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

If "No", the applicant must either:

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

or

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

9. LAND OWNERSHIP

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SALEM, OREGON

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

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

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

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

If for a Ground Water Registration Modification:

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

If "No", provide the following information:

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

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

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

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

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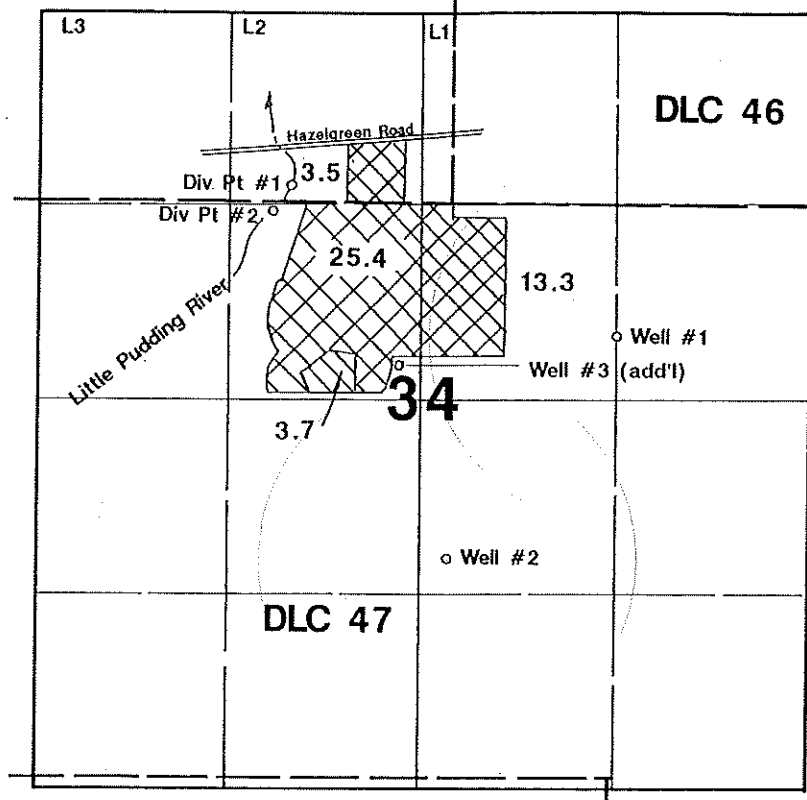
10. ATTACHMENTS

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

Map: ☐ A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner. Land Use Information Form: ☐ Enclosed; <u>or</u> ☐ 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; <u>and</u> 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: \$ _____ See the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml or call (503) 986-0900. <u>For Permit Amendments Only...</u> Request for Assignment: ☐ Enclosed. The applicant is NOT the permit holder of record and needs to be assigned to the permit; <u>OR</u> the landowner of the proposed place of use is NOT the permit holder of record and needs to be assigned to the permit. <i>The Request for Assignment form is available online at: www.wrd.state.or.us/OWRD/PUBS/forms.shtml ; <u>or</u></i> ☒ N/A. The applicant is the permit holder of record and owns or controls the proposed place of use; <u>OR</u> the applicant is <i>not</i> the permit holder of record but <u>is</u> 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; <u>or</u> ☒ N/A. Not required because the applicant is the permit holder of record.
--	---

T.6S., R.2W., W.M

Tax Lot 2200

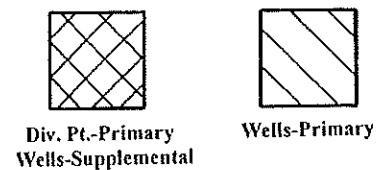


Div. Pt. #1: Permit #18593; Div. Pt. #2: Permits #24613 & #32544
Well #1 is located 420'N & 1320'E
Well #2 is located 1070'S & 200'E
Well #3 (add'l) is located 250'N & 150'W—all from the center of Section 34.

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JUN 29 2007

WATER RESOURCES DEPT
SALEM, OREGON



Application Map

Wilbur A. Klopfenstein

Application #: G-14795 Permit #: G-13696

Permit Amendment

This Map Was Prepared For The Purpose Of Identifying The Location Of A Water Right Only And Is Not Intended To Provide Legal Dimensions Or Location Of Property Ownership Lines.

T 10426



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.

RECEIVED

JUN 29 2007

WATER RESOURCES DEPT
SALEM, OREGON

11. SIGNATURES

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

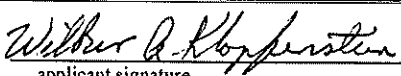
- ☒ In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership 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	Wilbur A. Klopsenstein name (print)	6-28-07 date
 applicant signature	 name (print)	 date

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

WILBUR A. KLOPFENSTEIN
6041 75TH STREET NE
SALEM, OREGON 97305

PHONE: (503) 362-5796

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

APPLICATION FILE NUMBER: G-14795

SOURCE OF WATER: TWO WELLS IN LITTLE PUDDING RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 45.9 ACRES

MAXIMUM RATE: 0.574 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JUNE 30, 1998

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, NW 1/4 SE 1/4, SECTION 34, T6S, R2W, W.M.; WELL 1 - 420 FEET NORTH & 1320 FEET EAST; WELL 2 - 1070 FEET SOUTH & 200 FEET EAST BOTH FROM C1/4 CORNER, SECTION 34

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4 13.3 ACRES

NE 1/4 NW 1/4 3.5 ACRES

SE 1/4 NW 1/4 29.1 ACRES

SECTION 34

TOWNSHIP 6 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as

Application G-14795 Water Resources Department

PERMIT G-13696

T-10426

approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

- B. 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based

on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

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

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

STANDARD CONDITIONS

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

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

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

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

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

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

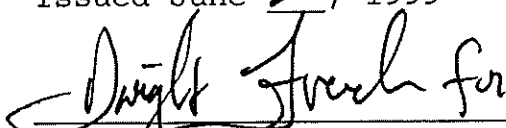
The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin by February 22, 2000. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

This permit supersedes permit G-13607. Permit G-13607 is of no further force or effect.

Issued June 25, 1999


Martha O. Pagel, Director
Water Resources Department

Application G-14795
Basin 2

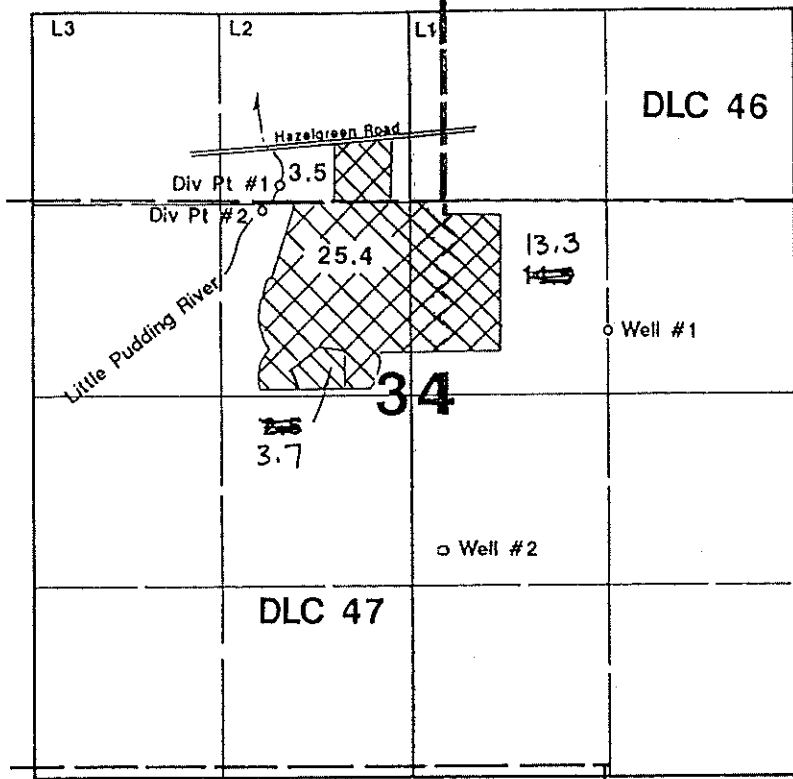
Water Resources Department
Volume 13A LT PUDDING R MISC
MGMT.CODES 7BG 7BR 7CG 7CR

PERMIT G-13696
District 16

Superseding

T.6S., R.2W., W.M

Tax Lot 2200



Div Pt. #1: Permit # 18593 ; Div Pt. #2: Permits # 24613 & # 32544
Well #1 located 420'N & 1320'E
Well #2 located 1070'S & 200'E both from center of Section 34.

1" = 1320'

Div. Pt.-Primary
Wells-Supplemental

Wells-Primary

Application Map

Wilbur A. Klopfenstein

Application #: G-14795 Permit #:

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WATER RESOURCES DEPT.
SALEM, OREGON

This Map Was Prepared For The Purpose Of Identifying The Location Of A Water Right Only And Is Not Intended To Provide Legal Dimensions Or Location Of Property Ownership Lines.

PARTIAL DIMINUTION
OF WATER
RIGHT CERT.'S

PUBLIC NOTICE
Notice of Permit Amendment T-10426

172000

filed by Wilbur A. Klopfenstein, 6041 75th Street NE,
Oregon 97305, proposes an additional point, of approx-
under Permit G-13696. The permit allows the use of
fs (priority date June 30, 1998) from two wells in Sec,
S, R 2 W, W.M. (Little Pudding River Basin) for irriga-
Sec. 34. The applicant proposes an additional, point, of
riation at a well approximately 1500 feet west-northwest
34, T 6 S; R 2 W, W.M.). The Water Resources
ment has concluded that the proposed permit amendment
to be consistent with the requirements of ORS 537.211.

date of newspaper publication is July 30, 2008.
Silverton Appeal July 16, 23, and 30, 2008

Affidavit of Publication

STATE OF OREGON,
County of Marion, } ss.

I ...**Brandi Morrigan**.....being First duly
sworn, dispose and say that I am the principal clerk of The Silverton
Appeal, a newspaper of general circulation as defined by ORS192.010
and 193.0210; printed and Published at Silverton in the aforesaid
county and state; that the

**RE: PUBLIC NOTICE – KLOPFENSTEIN FARMS – Permit
Amendment T-10426**

Wilbur Klopfenstein

Ad # 172000

a printed copy of which is hereby annexed, was published in the entire
issue of said newspaper for.....**THREE**.....Successive and
consecutive times in the following issues – **July 16, 23, and 30, 2008**

Subscribed and sworn to me this 8th

Day of August, 2008

Patricia Ann Garrett
Notary Public for Oregon

My Commission Expires August 2, 2010



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AUG 12 2008

**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 2, 2008

Wilbur A. Klopfenstein
6041 75th Street NE
Salem, Oregon 97305

Reference: Permit Amendment Application T-10426

Please find enclosed a permit amendment notice which must be published in a local newspaper in the general area of the permit (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 date of last publication in the proper place.

After publication, the Department needs to receive an **affidavit of publication** specifying the dates the notice was published. Please have the newspaper prepare and mail an original affidavit of publication to me, at the address above, by **August 18, 2008**.

Upon receipt of the affidavit, processing will continue on the permit amendment application.

Please do not hesitate to contact me at 503-986-0886 or Patrick.K.Starnes@wrд.state.or.us, if you have questions.

Sincerely,

Kelly Starnes
Permit amendment specialist

enc

cc: Jim Schuette, CWRE #117

Notice of Permit Amendment T-10426

T-10426 filed by Wilbur A. Klopfenstein, 6041 75th Street NE, Salem, Oregon 97305, proposes an additional point of appropriation under Permit G-13696. The permit allows the use of 0.574 cfs (priority date June 30, 1998) from two wells in Sec. 34, T 6 S, R 2 W, W.M. (Little Pudding River Basin) for irrigation in Sec. 34. The applicant proposes an additional point of appropriation at a well approximately 1500 feet west-northwest (Sec. 34, T 6 S, R 2 W, 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 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

(Kim French per Amen)

Transfer Application: T-10426

Review Due Date: 8/1/07

Applicant Name: Wilbur Klopfenstein

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

Reviewer(s): Mlm

Date of Review: Jul. 17, 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: NA
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☐ No ☒ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No

12. What water control and measurement conditions should be included in the transfer:

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

Interoffice Memorandum

July 1, 2008

To: Water Rights
From: Josh Hackett
Subject: Ground Water Review of Permit Amendment T-10426

Findings

The additional POA (proposed well) will produce from the same aquifer as the authorized points of appropriation.

The transfer is unlikely to result in injury to existing rights.

Discussion

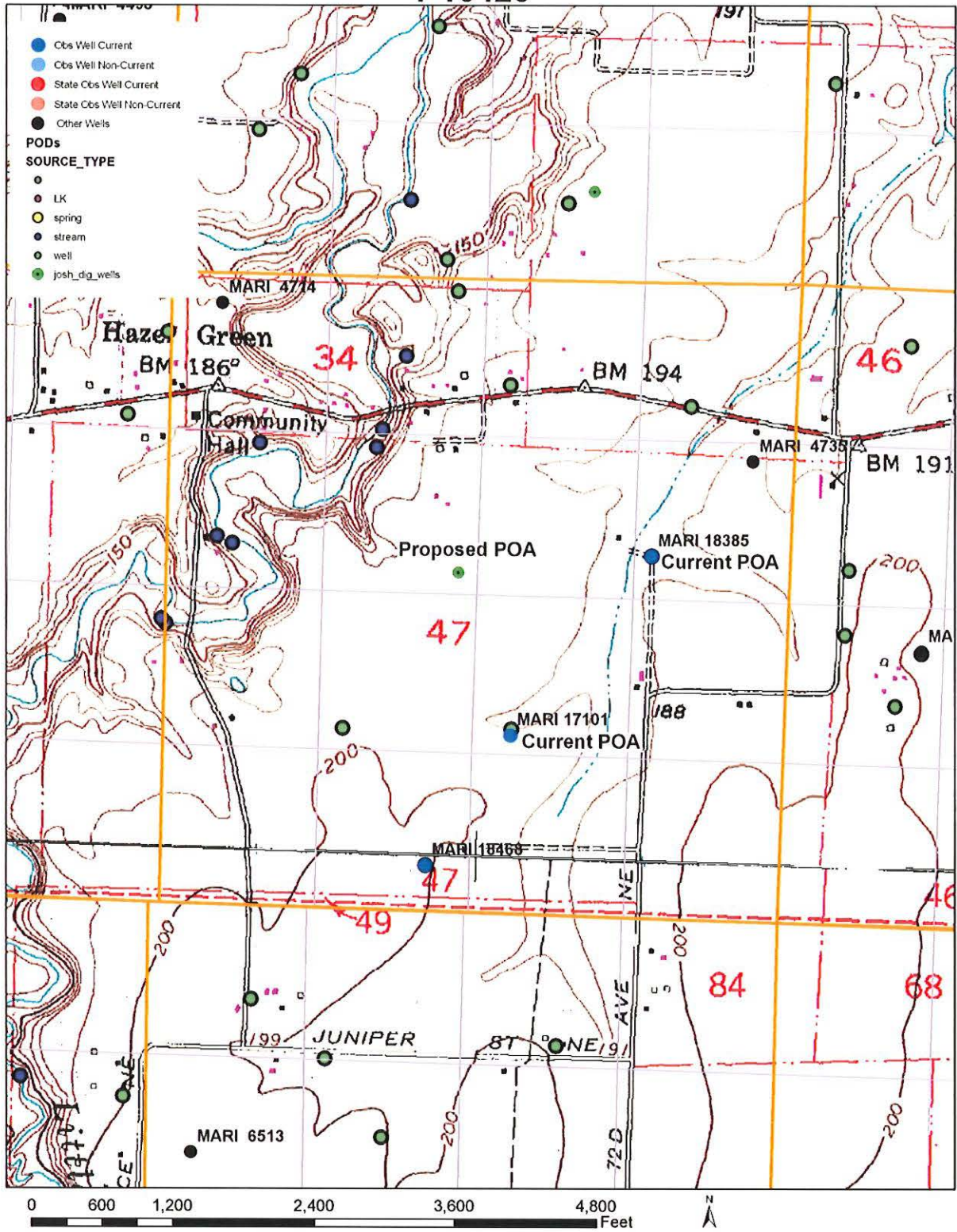
This application proposes an addition of a point of appropriation (POA) on permit G-13696. Wells MARI 18385 and MARI 17101 are the authorized points of appropriation on permit G-13696. The applicant is requesting an amendment to add a third POA (proposed well) to the permit. The current POAs (MARI 18385 and MARI 17101) are 235 and 230 feet deep and produce from alluvial sands and gravels.

The proposed POA (proposed well) will be about 235 feet deep and will also produce from alluvial sands and gravels. The proposed well is located about 1/4 mile from the current POAs. The proposed well is closer to the Little Pudding River, but the impacts from pumping should be small due to fine grained sediments that occur between the stream channel and water producing zones in the aquifer.

Because the proposed well will be in close proximity to, and will produce from the same aquifer as, the current POAs, this permit amendment is not likely to result in injury to existing water rights.

Well Location Map

T-10426





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: 7-3-07

FROM: X WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION

(SIGNATURE) [Signature] date signed 7/1/08

SUBJECT: PERMIT AMENDMENT # 10426

A change in: POU POD APOA of water.

In the name(s) of Wilbur A Klapfenstein

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

MAY BE MADE WITHOUT INJURY
right.

WOULD RESULT IN INJURY* to an existing water

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

The existing right may not be valid because _____

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

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

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

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

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

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





Oregon

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 2, 2007

WILBUR A KLOPFENSTEIN
6041 75TH AVE NE
SALEM OR 97305

Reference: Permit Amendment T- 10426

On June 29, 2007 we received your request for permit amendment. The application was accompanied by \$350.00. Our receipt 88467 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the 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 we issue a final order approving the application.

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
James Schuette, CWRE
Groundwater

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 07/03/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. 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: T -10426
Water Right: Permit:G 13696 *
Priority Date: 1998
Name: WILBUR A KLOPFENSTEIN
Address: 6041 75TH AVE NE; SALEM OR 97305
Change: APOA
Source: WELL > LITTLE PUDDING RIVER
Authorized APOA: T6S R2W 34
Proposed APOA: T6S R2W 34

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 Water Resources Department
Water Rights Division

Water Rights Application
Number G-14795

Final Order
Extension of Time for Permit Number G-13696

Appeal Rights

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 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.

Application History

The Department issued Permit G-13696 on June 25, 1999. The permit called for complete application of water to beneficial use by October 1, 2003. On June 29, 2007, Wilbur A. Klopfenstein submitted to the Department an Application for Extension of Time for Permit G-13696. In accordance with OAR 690-315-0050(2), on August 7, 2007, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2011. The protest period closed September 21, 2007, in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2008**. *A form is enclosed for your use.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If,

after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

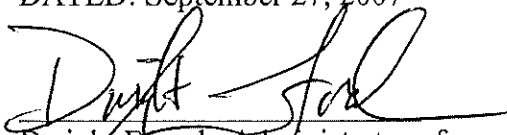
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application G-14795, Permit G-13696, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2011.

DATED: September 27, 2007


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

-
- If you have any questions about statements contained in this document, please contact Kim French at (503) 986-0813.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-



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 2, 2007

WILBUR A KLOPFENSTEIN
6041 75TH AVE NE
SALEM OR 97305

Reference: Permit Amendment T- 10426

On June 29, 2007 we received your request for permit amendment. The application was accompanied by \$350.00. Our receipt 88467 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the 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 we issue a final order approving the application.

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
James Schuette, CWRE
Groundwater

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 07/03/2007

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. 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: T -10426
Water Right: Permit:G 13696 *
Priority Date: 1998
Name: WILBUR A KLOPFENSTEIN
Address: 6041 75TH AVE NE; SALEM OR 97305
Change: APOA
Source: WELL > LITTLE PUDDING RIVER
Authorized APOA: T6S R2W 34
Proposed APOA: T6S R2W 34

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.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **88467**

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

INVOICE # _____

RECEIVED FROM: Wilbur KlopFenstein

BY: _____

APPLICATION	<u>E-14715</u>
PERMIT	
TRANSFER	<u>T-10426</u>

CASH: ☐ CHECK: # 9782 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 600.00

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 \$ 250.00

WATER RIGHTS:

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

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
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: **88467**

DATED: 4/29/07 BY: L. P. [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: WILBUR A. KLOPFENSTEIN
First Last
Address: 6041 75TH ST. N.E.
SALEM. OREGON 97305
City State Zip
Phone: 503.362.5796 503.510.2396
Home Work Other
Fax: _____ E-Mail address: _____

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WATER RESOURCES DEPT
SALEM, OREGON

3. AGENT INFORMATION

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

Name: _____
First Last
Address: _____

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

- Reason(s) for amendment/modification(s): THE PRODUCTION OF WELL #2 HAS DECREASED SIGNIFICANTLY DUE TO WELL CONSTRUCTION PROBLEMS. AN ADDITIONAL WELL #3 IS PLANNED TO REPLACE THE DIMINISHED CAPACITY.

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5. CURRENT PERMIT OR REGISTRATION INFORMATION

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

☒ Permit to be Amended:	<u>6-13696</u> Permit Number	<u>10-1-2003</u> Current Completion Date of Permit
☐ Ground Water Registration to be Modified:	_____ Ground Water Registration Number	NOTE: Concurrent changes to a water right must be filed separately on a transfer application.

- Name on Permit or Registration: WILBUR A. KLOPFENSTEIN
- County: MAZON
- Authorized Use(s) to be affected by this Amendment/Modification: IRRIGATION
- Priority Date(s): JUNE 30, 1998
 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: TWO WELLS
IN LITTLE PUDDING RIVER BASIN

Tributary to: _____

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: _____

NOTE: Permit Ext. of Time Appl. Submitted on 6-29-07.

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
WELL #1	WELL	6S	ZW	W	34	SW NE		420' N & 1320' E
WELL #2	WELL	6S	ZW	W	34	NE SE		1070' S & 200' E
								BOTH FROM CENTER OF SECTION 34

- 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. **SEE ATTACHED WELL LOGS**

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

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT ··· SECOND COPY - CONSTRUCTOR ··· THIRD COPY - CUSTOMER ··· 9809X

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

WELL #2 65/2W/346
(START CARD) # 23945

(1) OWNER: Name Fred D. Khoffenstein Well Number: _____
Address 13500 Finlay Rd. N.E.
City Silverton State Oregon Zip 97381

(2) TYPE OF WORK: ☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD ☐ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Other
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(4) PROPOSED USE: ☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other
WATCH RESOURCES DEPT SALEM, OREGON

(5) BORE HOLE CONSTRUCTION: Special Construction approval Yes ☐ No ☒ Depth of Completed Well 225' ft.
Explosives used Yes ☐ No ☒ Type _____ Amount _____

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
16"	0 55'	Cement	0 55'	95 sacks	
10"	55' 230'				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other _____
Backfill placed from 230' ft. to 225' ft. Material Cement
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER: Diameter From To Gauge Steel Plastic Welded Threaded
Casing: 10" 22' 226' 280' ☒ ☐ ☒ ☐
Liner: ☐ ☐ ☐ ☐

Final location of sheets: 226'

(7) PERFORATIONS/SCREENS: ☒ Perforations Method Mills Knife Perforator
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
100'	212'	1/4" x 2"	1200			☒	☐

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☒ Bailor ☐ Air ☐ Flowing ☐ Artesian
Yield gal/min _____ Drawdown _____ Drill stem at _____ Time _____
50' 1 hr.

Temperature of water 53 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 6S N or S, Range 2W E or W, WM.
Section 34 SW 1/4 SE 1/4
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL: 40' ft. below land surface. Date 1-5-91
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES: 76

Depth at which water was first found _____

From	To	Estimated Flow Rate	SW
76'	82'	10 GPM	4'
100'	212'	1000	4'

(12) WELL LOG: Ground elevation _____

Material	From	To	SW
Topsoil	0	3'	
Brown Clay	3	18'	
Blue-Green Clay	18	68'	
Silty Brown Sand	68	76'	
Medium gravel with sand	76	82'	40
Cemented gravel with sand	82	100'	40
Medium gravel + sand	100	128'	40
Cobbles with sand	128	134'	40
Small gravel + sand	134	165'	40
Cemented gravel + sand	165	204'	40
Medium gravel + sand	204	212'	40
Brown Clay	212	216'	
Gray Clay	216	228'	
Fine silty sand (Black)	228	235'	

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JAN 25
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SALEM, OREGON
Date started 11-29-90 Completed 1-5-91

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

Signed Thomas E. Sum WWC Number 1541 Date 1-12-91

(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 work performed during this time is in compliance with Oregon construction standards. This report is true to the best of my knowledge and belief.

Signed Paul Belbo WWC Number 579 Date 1-13-91

- 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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[illegible]

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WATER RESOURCES DEPT
SALEM, OREGON**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	6S	ZW	W	34	SE NW		250' N & 150' W FROM CENTER OF SECTION 34

- 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. **FIGURES BELOW ARE ESTIMATED**

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		16"	12" STL	235'	100- 230	30'	35'	100'	PLUG IN WELL SEAL	235'

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SALEM, OREGON

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:

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

MARION COUNTY PLANNING DEPT.

8. PERMIT HOLDER OF RECORD

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

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

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

If "No", the applicant must either:

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

or

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

9. LAND OWNERSHIP

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SALEM, OREGON

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

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

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

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

If for a Ground Water Registration Modification:

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

If "No", provide the following information:

Names of Current Landowner(s): _____

First

Last

Address: _____

City

State

Zip

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

If "No", provide the following information:

Names of Receiving Landowner(s): _____

First

Last

Address: _____

City

State

Zip

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

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SALEM, OREGON

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

For Permit Amendments Only...

Request for Assignment:

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

Affidavit of Consent:

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

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:***

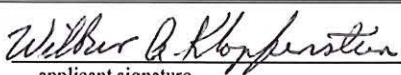
- ☒ In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership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

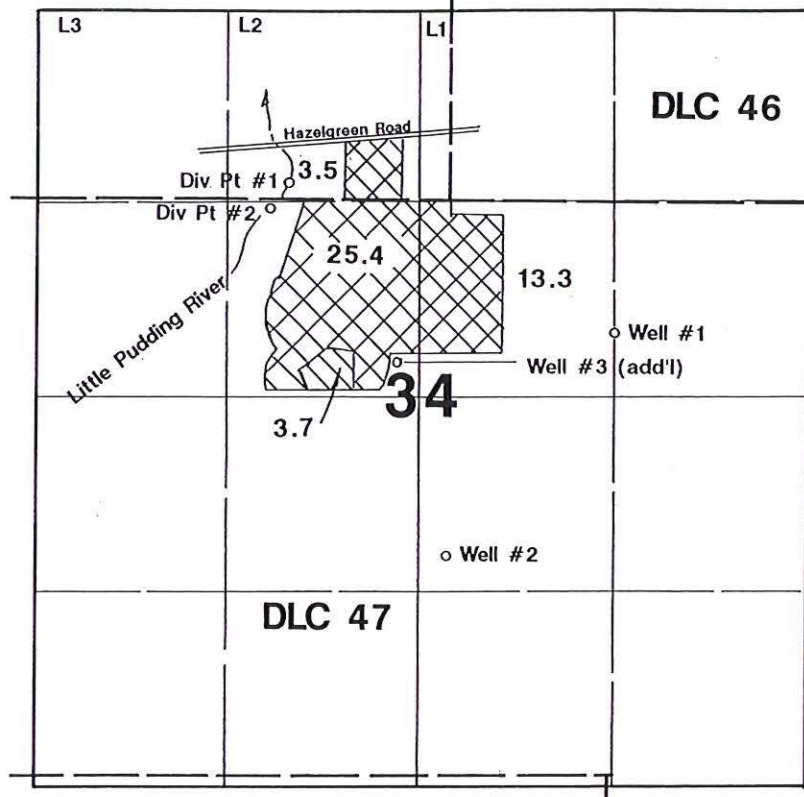
- ☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the ground water registration proposed for modification is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, 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	<u>Wilbur A. Klopsenstein</u> name (print)	<u>6-28-07</u> date
_____ applicant signature	_____ name (print)	_____ date

T.6S., R.2W., W.M

Tax Lot 2200



Div. Pt. #1: Permit #18593; Div. Pt. #2: Permits #24613 & #32544
Well #1 is located 420'N & 1320'E
Well #2 is located 1070'S & 200'E
Well #3 (add'l) is located 250'N & 150'W—all from the center of Section 34.

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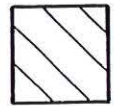
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1" = 1320'



Div. Pt.-Primary
Wells-Supplemental



Wells-Primary

Application Map

Wilbur A. Klopfenstein

Application #: G-14795 Permit #: G-13696

Permit Amendment

This Map Was Prepared For The Purpose Of Identifying The Location Of A Water Right Only And Is Not Intended To Provide Legal Dimensions Or Location Of Property Ownership Lines.

T 10426





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.

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Applicant Name: WILBUR KLOPFENSTEIN
Mailing Address: 6041 75th ST NE
City: SALEM State: OR Zip: 97305 Day Phone: 503-510-7396

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

A. Land and Location

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

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>6S</u>	<u>2W</u>	<u>34</u>	<u>B</u>	<u>2200</u>	<u>136-020</u>	☒ Diverted ☒ Conveyed ☒ Used	<u>EFU</u>
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

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
☐ Permit Amendment or Ground Water Registration Modification

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

Estimated quantity of water needed: 300 ☐ 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 _____

Briefly describe: WATER TO BE USED FOR IRRIGATION

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

10426

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.

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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): MC20 136.020
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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: Diane Rolph Title: Associate Planner
Signature: Diane Rolph Phone: (503) 588-5038 Date: 6-29-07
Government Entity: _____

Marion County Planning Division
555 Court St. NE, Room 2130
PO Box 14500
Salem, OR 97309

Note to local government representatives: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 10 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: _____