

Regular

Name Bryan Schurter

Address 2913 Hubbard Rd NE  
Silverton Oregon 97381

Change in APCA

Date Filed 8/30/2021

Initial notice date 9/17/2021

DPD issued date \_\_\_\_\_

PD issued date \_\_\_\_\_

PD notice date \_\_\_\_\_

Date of FOIA 9/26/2025 Denial Vol 135 Page 697-700

C-Date \_\_\_\_\_

COBU due date \_\_\_\_\_

COBU Received date \_\_\_\_\_

Certificate issued \_\_\_\_\_

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well

Trib. of drift creek Basin

Use irrigation, S.I County Marion

Quantity of water (CFS) \_\_\_\_\_ No. of Acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

App# G12288 Per # G11270 Cert # 95208 PR Date 11/7/1990

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 #
8-30-2021	\$ 785.00	1360259
8-30-2021	\$ 785.00	1360260
9-14-2021	\$ 680.00	1360409

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Applicant: Harry Klopfenstein 11733 Selah Springs rd NE Silverton Or

Irrigation District \_\_\_\_\_

Agent Orann Hamilton Pacific hydrogeology

CWRE \_\_\_\_\_

CC's list Marion County Planning

- Oversized map - Location

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

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

RECEIPT # **136409**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Bryan Schurter  
BY: Amy Schurter

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER 1-13805

CASH:  CHECK # 7050 OTHER: (IDENTIFY)

TOTAL REC'D \$ 680.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

MISCELLANEOUS 46110

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

WATER RIGHTS:

EXAM FEE	RECORD FEE
0201 SURFACE WATER \$ _____ 0202 \$ _____	
0203 GROUND WATER \$ _____ 0204 \$ _____	
0205 TRANSFER \$ <u>680.00</u>	

WELL CONSTRUCTION

EXAM FEE	LICENSE FEE
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: **136409**

DATED: 9-14-2021 BY: Mindy Carter

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

RECEIVED  
OVER THE COUNTER

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

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

RECEIPT # **136409**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Bryan Schurter  
BY: Amy Schurter

APPLICATION \_\_\_\_\_  
PERMIT \_\_\_\_\_  
TRANSFER 1-13805

CASH:  CHECK # 7050 OTHER: (IDENTIFY)

TOTAL REC'D \$ 680.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

MISCELLANEOUS 46110

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

WATER RIGHTS:

EXAM FEE	RECORD FEE
0201 SURFACE WATER \$ _____ 0202 \$ _____	
0203 GROUND WATER \$ _____ 0204 \$ _____	
0205 TRANSFER \$ <u>680.00</u>	

WELL CONSTRUCTION

EXAM FEE	LICENSE FEE
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: **136409**

DATED: 9-14-2021 BY: Mindy Carter

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

RECEIVED  
OVER THE COUNTER

STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **136259**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Bryon Schurter  
 BY: Amy Schurter

APPLICATION	
PERMIT	
TRANSFER	T-13805

CASH:  CHECK #  7009 OTHER: (IDENTIFY)

TOTAL REC'D \$ 785.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
 OTHER: (IDENTIFY) \$ \_\_\_\_\_  
 0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

MISCELLANEOUS 46110

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

**WATER RIGHTS:**

EXAM FEE	
\$ _____	0202
\$ _____	0204
\$ <u>785.00</u>	

RECORD FEE	
\$ _____	
\$ _____	

**WELL CONSTRUCTION**

EXAM FEE	
\$ _____	0219
\$ _____	0220

LICENSE FEE	
\$ _____	
\$ _____	

0201 SURFACE WATER  
 0203 GROUND WATER  
 0205 TRANSFER  
 0218 WELL DRILL CONSTRUCTOR  
 LANDOWNER'S PERMIT  
 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 \_\_\_\_\_

RECEIVED  
 OVER THE COUNTER

RECEIPT: **136259**

DATED: 8-30-2001 BY: Mindy Cadon

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **136260**

INVOICE # \_\_\_\_\_

RECEIVED FROM: KS Seeds  
BY: Harry and Deloris Klopfenstein

APPLICATION	
PERMIT	
TRANSFER	<u>T-13805</u>

CASH:  CHECK # 40290 OTHER: (IDENTIFY)

TOTAL REC'D \$ 785.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

MISCELLANEOUS 46110

0407 COPY & TAPE FEES	\$ _____		
0410 RESEARCH FEES	\$ _____		
0408 MISC REVENUE: (IDENTIFY)	_____		
TC162 DEPOSIT LIAB. (IDENTIFY)	_____		
0240 EXTENSION OF TIME	\$ _____		
<b>WATER RIGHTS:</b>			<b>RECORD FEE</b>
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ <u>785.00</u>		
<b>WELL CONSTRUCTION</b>			<b>LICENSE FEE</b>
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 (FWWRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FWWRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_

**RECEIVED  
OVER THE COUNTER**

RECEIPT: **136260**

DATED: 8-30-2001 BY: Mandy Carder



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

September 26, 2025

Bryan Schurter  
2913 Hibbard Rd NE  
Silverton, OR 97381

Harry Klopfenstein  
11733 Selah Springs Rd NE  
Silverton, OR 97381

Reference: Transfer Application T-13805

The above referenced transfer application was denied in the records of the Water Resources Department on September 26, 2025, by Special Order Volume 135, Page 697 (copy enclosed).

The transfer application is of no further force or effect.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Scott Grew, by telephone at (503) 986-0890 or by e-mail at [Scott.a.grew@water.oregon.gov](mailto:Scott.a.grew@water.oregon.gov).

Sincerely,

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

cc: Gregory J. Wacker, Watermaster Dist. # 16 (via email)  
Doann Hamilton, Agent  
Marion County Planning Department, Local Government

Enclosure

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

In the Matter of Transfer Application                    )     FINAL ORDER DENYING ADDITIONAL  
T-13805, Marion County                                    )     POINTS OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department’s procedures and criteria for evaluating transfer applications.

**Applicants**

BRYAN SCHURTER  
2913 HIBBARD RD NE  
SILVERTON, OR 97381

HARRY KLOPFENSTEIN  
11733 SELAH SPRINGS RD NE  
SILVERTON, OR 97381

**Findings of Fact**

1. On August 30, 2021, Bryan Schurter and Harry Klopfenstein filed an application for additional points of appropriation under Certificate 95208. The Department assigned the application number T-13805.
2. Notice of the application for transfer was published on August 30, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 8, 2025, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to deny Transfer Application T-13805. The draft Preliminary Determination cover letter provided a deadline of August 7, 2025, for the applicants to respond and submit the required information. The applicants did not respond by the deadline.
4. On August 8, 2025, the Department issued a Preliminary Determination proposing to deny Transfer Application T-13805 and sent a copy to the applicants. Additionally, notice of the Preliminary Determination for the transfer application was published in the Department’s weekly notice on August 12, 2025. No protests were filed in response to the notice.

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

5. The portion of the right to be transferred is as follows:

**Certificate:** 95208 in the name of BEN KAUFMAN (perfected under Permit G-11276)  
**Use:** IRRIGATION OF 41.0 ACRES  
**Priority Date:** NOVEMBER 7, 1990  
**Rate:** 0.52 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL in the DRIFT CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	1 W	WM	9	NE NW	1290 FEET SOUTH AND 1340 FEET EAST FROM THE NW CORNER OF SECTION 9

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	1 W	WM	4	SE SW	58	38.8
7 S	1 W	WM	4	SW SE	58	2.2
					Total	41.0

6. Transfer Application T-13805 proposes additional points of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from authorized Well in Miles (mi.)
7 S	1 W	WM	4	NE SW	58	WELL 2 - 700 FEET SOUTH AND 1000 FEET WEST FROM THE CENTER 1/ 4 CORNER OF SECTION 4	0.6 mi. N
7 S	1 W	WM	4	SW SW	58	WELL 3 - 135 FEET NORTH AND 400 FEET WEST FROM THE SOUTHERLY SW CORNER OF DLC 58	0.3 mi. NW

7. Certificate 95208 was approved with decline triggers as follows:

Use of water from the well(s) shall not be allowed if the well(s) displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years, or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet, or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

8. The Water Resources Department has determined that the level from which the cited declines in (A), (B) and (C) above will be referenced is 94.0 feet Below Land Surface (BLS).
9. The review of T-13805 indicates that groundwater level declines have occurred in the authorized Point of Appropriation (POA). As of March 2025, static water level in the authorized POA was 142.7 feet BLS, which is a decline of 48.7 feet below the reference level. The table below shows declines for the last 13 years:

Well	Date	Water Level (BLS)
MARI0006161	03/20/2025	142.7
MARI0006161	03/25/2024	139.4
MARI0006161	03/16/2023	135.5
MARI0006161	03/23/2022	145.4
MARI0006161	03/22/2021	138.7
MARI0006161	03/11/2020	146.2
MARI0006161	03/20/2019	145.6
MARI0006161	03/03/2010	129.0
MARI0006161	03/13/2017	126.0
MARJ0006161	03/15/2016	133.9
MARI0006161	03/16/2015	128.4
MARI0006161	03/13/2014	125.7
MARI00C6161	03/18/2013	121.3

10. For OWRD to approve a transfer, the applicant must (among other things) prove that the water use, as conditioned, would not result in enlargement. OAR 690-380-5000(1)(c). Water use at a new or additional point of appropriation, if water is not legally available at the original point of appropriation, constitutes enlargement. OAR 690-380-0100(2)(d). Because the static water level decline condition under certificate 95208 has been triggered the applicant cannot meet its burden of proof.
11. This represents a change in OWRD's policy. Previously, the Department would approve transfers and permit amendments with static water level decline conditions specific to the new or additional points of appropriation that were based on the static water level decline conditions in the underlying permits or certificates. For the reasons described above, the Department has determined that this policy is inconsistent with the requirement that the applicant demonstrate that the proposed transfer would not result in enlargement.

***Transfer Review Criteria [OAR 690-380-0100(14), OAR 690-380-4010(2), and OAR 690-380-2110(2)]***

12. Water has been used within the last five years prior to the submittal of Transfer Application T-13805 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
13. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13805.

14. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
15. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
16. As outlined in Findings of Facts #7 - #11, the proposed change will enlarge the water right.
17. The proposed change, as conditioned, would not result in injury to other existing water rights.
18. All other application requirements are met.

#### **Conclusion of Law**

The additional points of appropriation proposed in Transfer Application T-13805 are not consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000. The application is denied.

**Now, therefore, it is ORDERED:**

1. The additional points of appropriation proposed in Transfer Application T-13805 are denied.

Dated in Salem, Oregon on **SEP 26 2025**

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

Mailing date: SEP 29 2025

**WATER RIGHT TRANSFER COVER SHEET**

Transfer: T- 13805

Transfer Specialist: *Scott*

Transfer Type: Regular Transfer

<b>Applicant:</b> BRYAN SCHURTER 2913 HIBBARD RD NE SILVERTON, OR 97381  HARRY KLOPFENSTEIN 11733 SELAH SPRINGS RD NE SILVERTON, OR 97381 Email: _____ Phone: _____	<b>Agent:</b> <input type="checkbox"/> N/A DOANN HAMILTON 18487 S VALLEY VISTA RD MULINO, OR 97042-8741 Email: _____ Phone: _____
<b>Irrigation District:</b> <input type="checkbox"/> N/A  Email: _____	<b>CWRE:</b> <input type="checkbox"/> N/A  Email: _____
<b>Affected Local Gov'ts:</b> <input type="checkbox"/> N/A Marion County Planning Department Email: _____	<b>Affected Tribal Gov't:</b> <input type="checkbox"/> N/A UNAVAILABLE Email: _____
<b>Current Landowner if other than Applicant:</b> <input type="checkbox"/> N/A  Email: _____	<b>Receiving Landowner:</b> <input type="checkbox"/> N/A  Email: _____

**Water Rights Affected**

File Marked	App. File # or Decree Name	Permit	Certificate	RR/CR Needed	RR/CR Nos.
<input type="checkbox"/>	G-12288	G-11276	95208	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>				<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Key Dates & Initial Actions:**

Rec'd: August 30, 2021	Proposed Action(s): ADDITIONAL POINT OF APPROPRIATION	
Fees Pd: 1570.00	WM District: 16	ODFW District:
Initial Public Notice: September 7, 2021	WM Review sent:	ODFW Review sent:
Acknowledgement Letter Sent <input checked="" type="checkbox"/>		GW Review sent: <input type="checkbox"/> N/A
County sent cc: of Ack Letter <input type="checkbox"/>	BOR notified (date): <input type="checkbox"/> N/A	
Newspaper quote requested:	Request for news \$ sent:	News \$ received:
Request to publish sent:	Affidavit of publication received:	Last day of publication:

*no ROI - no response 8/6/25*

Document	Drafted	Peer Review	Changes Made	Coordinator	Changes Made	Signature Bin	Signature Date
DPD	Date: <i>6/25/25</i> Initials: <i>Scott</i>	Date: <i>6/26/25</i> Initials: <i>Joan</i>	Date: <i>6/27/25</i> Initials: <i>Scott</i>	Date: <i>7/2/25</i> Initials: <i>Scott</i>	Date: <i>7/8/25</i> Initials: <i>Scott</i>	CW Sent: <i>7/8/25</i>	N/A
PD	Date: <i>8/6/25</i> Initials: <i>Scott</i>	Date: <i>8-6-25</i> Initials: <i>Joan</i>	Date: _____ Initials: _____	Date: <i>8/7/25</i> Initials: <i>Scott</i>	Date: <i>8/7</i> Initials: <i>Scott</i>	Date: <i>8/7</i>	Date: <i>8/8/25</i>
FO	Date: <i>9/11/25</i> Initials: <i>Scott</i>	Date: <i>9/12/25</i> Initials: <i>Joan</i>	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____ Initials: _____	Date: _____	Date: _____

Special Issues: **DENY (TRIGGERED DECLINE CONDITION)** *in with POD*

Special Order Volume: Vol. \_\_\_\_\_ Pages \_\_\_\_\_



# Oregon

Tina Kotek, Governor

August 8, 2025

VIA CERTIFIED MAIL AND E-MAIL

BRYAN SCHURTER  
2913 HIBBARD RD NE  
SILVERTON, OR 97381

HARRY KLOPFENSTEIN  
11733 SELAH SPRINGS RD NE  
SILVERTON, OR 97381

Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone 503 986-0900  
Fax 503 986-0904  
[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

SUBJECT: Water Right Transfer Application T-13805

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to deny application T-13805. This document is an intermediate step in the denial process; water may not be used legally as proposed in the transfer application until a Final Order approving the transfer has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13805  
Gregory J. Wacker, District 16 Watermaster (*via e-mail*)  
Doann Hamilton, Pacific Hydro-Geology Inc, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-13805, Marion County	)	PROPOSING DENIAL OF ADDITIONAL
	)	POINTS OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicants**

BRYAN SCHURTER  
2913 HIBBARD RD NE  
SILVERTON, OR 97381

HARRY KLOPFENSTEIN  
11733 SELAH SPRINGS RD NE  
SILVERTON, OR 97381

**Findings of Fact**

1. On August 30, 2021, Bryan Schurter and Harry Klopfenstein filed an application for additional points of appropriation under Certificate 95208. The Department assigned the application number T-13805.
2. Notice of the application for transfer was published on August 30, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On July 8, 2025, the Department sent a copy of the draft Preliminary Determination to the applicant, proposing to deny Transfer Application T-13805. The draft Preliminary Determination cover letter provided a deadline of August 7, 2025, for the applicants to respond and submit the required information. The applicants did not respond by the deadline.

4. The portion of the right to be transferred is as follows:

<b>Certificate:</b>	95208 in the name of BEN KAUFMAN (perfected under Permit G-11276)
<b>Use:</b>	IRRIGATION OF 41.0 ACRES
<b>Priority Date:</b>	NOVEMBER 7, 1990
<b>Rate:</b>	0.52 CUBIC FOOT PER SECOND

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, of this preliminary determination.

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

**Source:** A WELL in the DRIFT CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	1 W	WM	9	NE NW	1290 FEET SOUTH AND 1340 FEET EAST FROM THE NW CORNER OF SECTION 9

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	1 W	WM	4	SE SW	58	38.8
7 S	1 W	WM	4	SW SE	58	2.2
					Total	41.0

5. Transfer Application T-13805 proposes additional points of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from authorized Well in Miles (mi.)
7 S	1 W	WM	4	NE SW	58	WELL 2 - 700 FEET SOUTH AND 1000 FEET WEST FROM THE CENTER 1/ 4 CORNER OF SECTION 4	0.6 mi. N
7 S	1 W	WM	4	SW SW	58	WELL 3 - 135 FEET NORTH AND 400 FEET WEST FROM THE SOUTHERLY SW CORNER OF DLC 58	0.3 mi. NW

6. Certificate 95208 was approved with decline triggers as follows:

Use of water from the well(s) shall not be allowed if the well(s) displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years, or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet, or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

7. The Water Resources Department has determined that the level from which the cited declines in (A), (B) and (C) above will be referenced is 94.0 feet Below Land Surface (BLS).
8. The review of T-13805 indicates that groundwater level declines have occurred in the authorized Point of Appropriation (POA). As of March 2025, static water level in the authorized POA was 142.7 feet BLS, which is a decline of 48.7 feet below the reference level. The table below shows declines for the last 13 years:

Well	Date	Water Level (BLS)
MARI0006161	03/20/2025	142.7
MARI0006161	03/25/2024	139.4
MARI0006161	03/16/2023	135.5
MARI0006161	03/23/2022	145.4
MARI0006161	03/22/2021	138.7
MARI0006161	03/11/2020	146.2
MARI0006161	03/20/2019	145.6
MARI0006161	03/03/2010	129.0
MARI0006161	03/13/2017	126.0
MARJ0006161	03/15/2016	133.9
MARI0006161	03/16/2015	128.4
MARI0006161	03/13/2014	125.7
MARI00C6161	03/18/2013	121.3

9. For OWRD to approve a transfer, the applicant must (among other things) prove that the water use, as conditioned, would not result in enlargement. OAR 690-380-5000(1)(c). Water use at a new or additional point of appropriation, if water is not legally available at the original point of appropriation, constitutes enlargement. OAR 690-380-0100(2)(d). Because the static water level decline condition under certificate 95208 has been triggered the applicant cannot meet its burden of proof.
10. This represents a change in OWRD's policy. Previously, the Department would approve transfers and permit amendments with static water level decline conditions specific to the new or additional points of appropriation that were based on the static water level decline conditions in the underlying permits or certificates. For the reasons described above, the Department has determined that this policy is inconsistent with the requirement that the applicant demonstrate that the proposed transfer would not result in enlargement.

***Transfer Review Criteria [OAR 690-380-0100(14), OAR 690-380-4010(2), and OAR 690-380-2110(2)]***

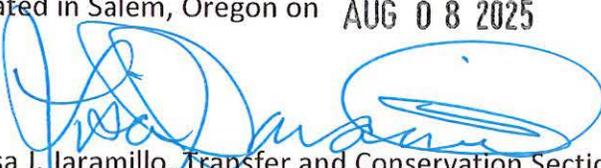
11. Water has been used within the last five years prior to the submittal of Transfer Application T-13805 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
12. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13805.
13. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
14. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).

15. As outlined in Findings of Fact No. 6, 7 and 8, the proposed change will enlarge the water right.
16. The proposed change, as conditioned, would not result in injury to other existing water rights.
17. All other application requirements are met.

### **Determination and Proposed Action**

The additional point of appropriation proposed in Transfer Application T-13805 appears to be not consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

Dated in Salem, Oregon on **AUG 08 2025**



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

This Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890.

### **Protests**

Under the provisions of ORS 540.520(6) & (7) and OAR 690-380-4030, within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later, any person may file, jointly or severally, a protest expressing opposition of approval of the transfer application and disagreement with this Preliminary Determination or a standing statement in support of this Preliminary Determination. If this Preliminary Determination determines that a change in point of diversion or appropriation would result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050. Protests and standing statements must be received by the Water Resources Department within 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later.

Protests must be in writing and received in hard copy form with the appropriate statutory protest filing fee; protests cannot be filed by electronic mail. [OAR 690-002-0025(3) and 690-380-0100(9)]. The protest must include the following:

- The person's name, address, and telephone number;
- All reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the protest period. Failure to raise a reasonably ascertainable issue in a protest or failure to provide sufficient specificity to afford the Department an opportunity to respond to the issue may preclude consideration of the issue during the hearing;
- If you are the applicant, a protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$950 required by ORS 536.050 and proof of service of the protest upon the applicant.

### **Requests for Standing**

Under the provisions of OAR 690-380-4030(5), the Department shall provide to persons who have filed standing statements as defined under OAR 690-380-0100(11) notice of any differences between the Department's Preliminary Determination and the Final Order, notice of a hearing on the application under OAR 137-003-0535, and an opportunity to request limited party status or party status in the hearing.

Requests for standing must be received in the Water Resources Department no later than 30 days after the last date of publication of the newspaper notice or the Department's weekly notice as prescribed by OAR 690-380-4020, whichever is later. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the preliminary determination as issued.

After the protest period has ended, the Director will either issue a Final Order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been filed under OAR 690-380-4030. In accordance with OAR 690-380-4200, notice and conduct of the hearing shall:

- Be under the applicable provisions of ORS 183.310 to 183.550, pertaining to contested cases, and the hearing shall be held in the area where the rights are located unless all parties stipulate otherwise; and

- If a protest has asserted that a water right to be transferred has been forfeited through non-use, include the notice and procedures described in OAR 690-017-0500 to 690-017-0900.

If after hearing the Department issues a proposed Final Order finding that a change in point of diversion or appropriation will result in injury, the applicant may file a notification of intent to pursue approval of the transfer under OAR 690-380-5030 to 690-380-5050 within 15 days of receipt of the proposed order. Notwithstanding 690-002-0175, if the applicant files a notification of intent to pursue approval of the transfer under 690-380-5030 to 690-380-5050, the deadline for filing exceptions to the proposed order shall be 30 days after the Department provides notice to the parties that the transfer does not meet the requirements of 690-380-5030 to 690-380-5050.

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the Director may issue a final order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions, or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 690-137-0555, an agency representative may represent partnerships, corporations, associations, governmental subdivisions or public, or private organizations if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

**Notice Regarding Servicemembers:** Active-duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. 50 U.S.C. App. §§501-597b. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 971-355-4127, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Will Davidson at 503-507-2749.

If you have questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.

Address any correspondence to: Oregon Water Resources Department, Transfer and Conservation Section, 725 Summer Street NE, Suite A, Salem OR 97301-1266.

**Notice of Preliminary Determination for  
Water Right Transfer T-13805**

T-13805 filed by Bryan Schurter, 2913 Hibbard Rd NE, Silverton, OR 97381 and Harry Klopfenstein, 11733 Selah Springs Rd NE, Silverton, OR 97381, propose additional points of appropriation under Certificate 95208. The right allows the use of 0.52 cubic foot per second from a well in Sec. 9, T7S, R1W, WM for irrigation in Sec. 4, T7S, R1W, WM. The applicant proposes additional points of appropriation Sec. 4, T7S, R1W, WM. The Water Resources Department proposes to deny the transfer, based on the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may protest the preliminary determination or may file a standing statement. Pursuant to OAR 690-380-4030(3) and OAR 690-382-9000, protests must raise all reasonably ascertainable issues and include all reasonably available arguments supporting the person's position. In addition, protests must be accompanied by an \$950 protest fee for non-applicant, or \$480 protest fee for applicant. Call (503) 986-0935 to obtain additional information. Protests must be received by the Department on or before [30 days after WRD notice], or within 30 days of the last date of publication in a newspaper, whichever is later. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

## GREW Scott A \* WRD

---

**From:** GREW Scott A \* WRD  
**Sent:** Wednesday, July 23, 2025 11:28 AM  
**To:** Doann Hamilton; Bryan S; Greg Kupillas  
**Cc:** GREW Scott A \* WRD; WACKER Gregory J \* WRD; JARAMILLO Lisa J \* WRD  
**Subject:** RE: T-13805 options

Doann,

Amending the application from APOA to POA will still result in Enlargement.

The definition of Enlargement: 690-380-0100 (2)(d) Diverting more water at the new point of diversion or appropriation than is legally available to that right at the original point of diversion or appropriation.

Previously, the Department would approve transfers with static water level decline conditions specific to the *new or additional points of appropriation* that were based on the static water level decline conditions in the underlying permits or certificates. The Department has determined that this policy is inconsistent with the requirement that the applicant demonstrate that the proposed transfer would not result in enlargement.

Thank you for your question.

Scott Grew  
Transfer Specialist  
Oregon Water Resources Department  
503-986-0890

**From:** Doann Hamilton <phgdmh@gmail.com>  
**Sent:** Wednesday, July 23, 2025 6:06 AM  
**To:** GREW Scott A \* WRD <Scott.A.GREW@water.oregon.gov>; Bryan S <bryanschurter@gmail.com>; Greg Kupillas <phggek@bctonline.com>  
**Subject:** T-13805 options

Hi Scott

Our client  
Bryan Schurter transfer T-13805  
Draft Preliminary Determination (DPD) came out July 8, 2025 to deny

Please confirm the wording of this denial

The application was for an additional POA (APOA)  
The original well is Well 1 MARI 6161  
the two proposed wells are:  
Well 2 MARI 6076  
Well 3 MARI 32, 61526

If I read the DPD correctly  
The two proposed wells were not approved  
citing enlargement due to water decline

So please confirm he still has the right to the authorized Well 1  
but not proposed Well 2 and 3

If this is correct  
our client now has no access to the original Well 1  
So losing this transfer leaves our client with no well to use

I am wondering if we can change the application to just a POA  
and remove the original Well 1  
and replace it with ONE of either of the proposed Wells?

If I understand this will leave him with just one authorized well  
and should not be enlarging the water right

Please let us know if we can proceed to change the application  
from APOA to POA  
removing Well 1 and replacing with either Well 2 or Well 3

This would give our client a well he can use and keep this water right?

Thank you  
Doann

--  
Pacific Hydro-Geology, Inc.  
18487 S. Valley Vista Rd.  
Mulino, OR 97042  
(503) 349-6946  
Fax: (503) 632-5983  
email: [phgdmh@gmail.com](mailto:phgdmh@gmail.com)

## GREW Scott A \* WRD

---

**From:** Doann Hamilton <phgdmh@gmail.com>  
**Sent:** Wednesday, July 23, 2025 6:06 AM  
**To:** GREW Scott A \* WRD; Bryan S; Greg Kupillas  
**Subject:** T-13805 options  
**Attachments:** T-13805 DPD - Deny.pdf; T\_13805 map.pdf

Hi Scott

Our client  
Bryan Schurter transfer T-13805  
Draft Preliminary Determination (DPD) came out July 8, 2025 to deny

Please confirm the wording of this denial

The application was for an additional POA (APOA)  
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removing Well 1 and replacing with either Well 2 or Well 3

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Thank you

**GREW Scott A \* WRD**

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**From:** GREW Scott A \* WRD  
**Sent:** Tuesday, July 8, 2025 8:36 AM  
**To:** bryanschurter@gmail.com; ksseeds@gmail.com; Doann Hamilton  
**Cc:** GREW Scott A \* WRD; WACKER Gregory J \* WRD  
**Subject:** T-13805 - Issuance of Draft Preliminary Determination - Action Required!  
**Attachments:** T-13805-dpd.pdf

July 8, 2025

VIA E-MAIL

**Applicants**

BRYAN SCHURTER  
2913 HIBBARD RD NE  
SILVERTON, OR 97381

HARRY KLOPFENSTEIN  
11733 SELAH SPRINGS RD NE  
SILVERTON, OR 97381

SUBJECT: Water Right Transfer Application T-13805

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-13805. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be **DENIED**. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the authorized well has met the decline trigger and cannot be used at this time.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

**If you wish to proceed with your application, you must submit the following:**

1. **Provide a written response** by August 7, 2025, that describes how you will overcome the issues identified above and submit modifications or additional information as needed, or that indicates you wish to protest a Preliminary Determination to deny the transfer.
2. **REQUIRED:** You must submit a **Report of Ownership** for the lands where the water right(s) is/are currently located (i.e., the FROM lands). This report:
  - a) Must be prepared by a title company;
  - b) Shall include a "prepared by" statement and the date the title company prepared the report printed on the cover sheet;
  - c) Must:
    - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**
    - iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.  
*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*
  - d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at:  
[https://www.oregon.gov/OWRD/WRDFormsPDF/consent\\_to\\_transfer\\_form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent_to_transfer_form.pdf)



# Oregon

Tina Kotek, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone 503 986-0900

Fax 503 986-0904

[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

July 8, 2025

VIA E-MAIL

### Applicants

BRYAN SCHURTER  
2913 HIBBARD RD NE  
SILVERTON, OR 97381

HARRY KLOPFENSTEIN  
11733 SELAH SPRINGS RD NE  
SILVERTON, OR 97381

SUBJECT: Water Right Transfer Application T-13805

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  - c) Must:
    - i. Be prepared no earlier than 3 months prior to the date of issuance of the Draft Preliminary Determination showing current ownership; **OR**
    - ii. Be prepared within 3 months of the date the water right conveyance agreement was recorded; **OR**

- iii. Show ownership for the FROM land at the time a water right conveyance agreement was recorded.

*If water right conveyance agreements are involved, it is helpful to provide copies of those agreements along with the Report of Ownership.*

**IMPORTANT:** In order for the Department to clearly understand the date that the title company prepared the Report of Ownership, the title company must indicate/state the date that they prepared the report on the coversheet and/or first page of the report.

- d) Must include a list of owners at the time the report was generated; **AND**
  - e) Must include a legal description of the property where the water right to be transferred is currently located (i.e., the FROM lands).
5. You must provide a notarized statement of consent signed by any landowner listed in the Report of Ownership who is not already included in the transfer application. The Department's statement of consent form (**Consent By Deeded Landowner**) is available at: [https://www.oregon.gov/OWRD/WRDFormsPDF/consent to transfer form.pdf](https://www.oregon.gov/OWRD/WRDFormsPDF/consent%20to%20transfer%20form.pdf)
  6. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges.

#### **What happens next...**

Once the Preliminary Determination is issued a publication period is required. Because there is more than ¼ mile between the new and the authorized points of appropriation the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below). As outlined in OAR 690-380-4020(3), publication costs include both the direct cost of the notice and indirect processing costs (not to exceed 20% of the direct costs).

#### **Conditions of your water right...**

If you modify the application to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive:

1. Your written response modifying the application to resolve the issues that we have identified or requesting that we proceed with processing of the application; and
2. The Report of Ownership, including affidavits of consent from any landowners shown in the ownership report who have not signed the transfer application. The title company must indicate/state the date that they prepared the ownership report on the coversheet and/or first page of the report.

If we do not receive your response to withdraw the application or the items listed above by August 7, 2025, a Preliminary Determination may be issued denying the application as incomplete.

Please contact me at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890 if I may be of assistance.

Sincerely,

*Scott Grew*

Transfer Specialist  
Transfer and Conservation Section

cc: Transfer Application file T-13805  
Gregory J. Wacker, District 16 Watermaster (*via e-mail,*)  
Doann Hamilton, Agent for the applicant (*via e-mail*)

encs

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

In the Matter of Transfer Application  
T-13805, Marion County

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)

**D R A F T**

PRELIMINARY DETERMINATION  
PROPOSING DENIAL OF ADDITIONAL  
POINTS OF APPROPRIATION

**Authority**

Oregon Revised Statutes (ORS) 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. Oregon Administrative Rules (OAR) Chapter 690, Division 380 implement the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicants**

BRYAN SCHURTER  
2913 HIBBARD RD NE  
SILVERTON, OR 97381

HARRY KLOPFENSTEIN  
11733 SELAH SPRINGS RD NE  
SILVERTON, OR 97381

**Findings of Fact**

1. On August 30, 2021, Bryan Schurter and Harry Klopfenstein filed an application for additional points of appropriation under Certificate 95208. The Department assigned the application number T-13805.
2. Notice of the application for transfer was published on August 30, 2021, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. The portion of the right to be transferred is as follows:

**Certificate:** 95208 in the name of BEN KAUFMAN (perfected under Permit G-11276)  
**Use:** IRRIGATION OF 41.0 ACRES  
**Priority Date:** NOVEMBER 7, 1990  
**Rate:** 0.52 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL in the DRIFT CREEK BASIN

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**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
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7 S	1 W	WM	4	SW SE	58	2.2
					Total	41.0

4. Transfer Application T-13805 proposes additional points of appropriation with approximate distances as described below:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances	Distance from authorized Well in Miles (mi.)
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7 S	1 W	WM	4	SW SW	58	WELL 3 – 135 FEET NORTH AND 400 FEET WEST FROM THE SOUTHERLY SW CORNER OF DLC 58	0.3 mi. NW

5. Certificate 95208 was approved with decline triggers as follows:

Use of water from the well(s) shall not be allowed if the well(s) displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years, or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet, or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

6. The Water Resources Department has determined that the level from which the cited declines in (A), (B) and (C) above will be referenced is 94.0 feet Below Land Surface (BLS).
7. The review of T-13805 indicates that groundwater level declines have occurred in the authorized Point of Appropriation (POA). As of March 2025, static water level in the authorized POA was 142.7 feet BLS, which is a decline of 48.7 feet below the reference level. The table below shows declines for the last 13 years:

Well	Date	Water Level (BLS)
MARI0006161	03/20/2025	142.7
MARI0006161	03/25/2024	139.4
MARI0006161	03/16/2023	135.5
MARI0006161	03/23/2022	145.4
MARI0006161	03/22/2021	138.7
MARI0006161	03/11/2020	146.2
MARI0006161	03/20/2019	145.6

Well	Date	Water Level (BLS)
MARIO006161	03/03/2010	129.0
MARIO006161	03/13/2017	126.0
MARJ0006161	03/15/2016	133.9
MARIO006161	03/16/2015	128.4
MARIO006161	03/13/2014	125.7
MARIO0C6161	03/18/2013	121.3

8. Water use at a new or additional point of appropriation, if water is not legally available at the original point of appropriation, constitutes enlargement. Because the static water level decline condition under certificate 95208 has been triggered the applicant cannot meet its burden of proof.
9. Previously, the Department would approve transfers and permit amendments with static water level decline conditions specific to the new or additional points of appropriation that were based on the static water level decline conditions in the underlying permits or certificates. For the reasons described above, the Department has determined that this policy is inconsistent with the requirement that the applicant demonstrate that the proposed transfer would not result in enlargement.

***Transfer Review Criteria [OAR 690-380-0100(14), OAR 690-380-4010(2), and OAR 690-380-2110(2)]***

10. Water has been used within the last five years prior to the submittal of Transfer Application T-13805 according to the terms and conditions of the right. There is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A water delivery system sufficient to use the full amount of water allowed under the existing right was present within the five-year period prior to submittal of Transfer Application T-13805.
12. The water right is subject to transfer as defined in ORS 540.505(4) and OAR 690-380-0100(14).
13. The proposed points of appropriation develop groundwater from the same aquifer as the authorized point of appropriation, as required by OAR 690-380-2110(2).
14. As outlined in Findings of Fact No. 5, 6 and 7, the proposed change will enlarge the water right.
15. The proposed change, as conditioned, would not result in injury to other existing water rights.
16. All other application requirements are met.

### **Determination and Proposed Action**

The additional point of appropriation proposed in Transfer Application T-13805 appears to be not consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be denied.

Dated in Salem, Oregon on

**D R A F T**

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

This draft Preliminary Determination was prepared by Scott Grew. If you have questions about the information in this document, you may reach him at [scott.a.grew@water.oregon.gov](mailto:scott.a.grew@water.oregon.gov) or 503-986-0890.

# Watermaster Review Form: Water Right Transfer



Oregon Water Resources Department  
725 Summer St NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.oregon.gov/OWRD

Transfer Application: T-13805

Review Due Date: 10/07/2021

Applicant Name: Bryan Schurter

Proposed Changes:  POU  POD  POA  USE  OTHER

Reviewer(s): G. Wacker

Date of Review: 09/27/2021

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

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

N/A

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

N/A

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

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

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

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

Yes  No If "Yes", explain:

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

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

Yes  No If "Yes", explain:

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

Yes  No If "Yes", answer the following:

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

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

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

iv. Do you have any other observations regarding the temporary transfer?  Yes  No If "Yes", describe:

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

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

i. "Injury" will occur to other water rights that share the same source?  Yes  No If "Yes", explain:

ii. "Enlargement" of the water right being transferred will occur?  Yes  No If "Yes", explain:

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

Yes  No If "Yes", explain:

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

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

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

A Headgate should be required prior to diverting water.

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

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

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

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

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

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

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

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

- Weir
- Parshall Flume
- Other: \_\_\_\_\_
- Submerged Orifice
- Flow Restrictor

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

Transfer #: T-

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

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

Watermaster name:

District:

Address:

City/State/Zip:

Phone:

Email:

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

\*\*\*\*\*

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

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

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Watermaster signature

\_\_\_\_\_  
District

\_\_\_\_\_  
Date

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

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

# Groundwater Transfer Review Summary Form

Transfer/PA # T- 13805

GW Reviewer Phillip I. Marcy Date Review Completed: 10/31/2023

## Summary of Same Source Review:

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

## Summary of Water Level Decline Condition Review:

Water levels at the original point(s) of appropriation have exceeded the allowed decline threshold defined by conditions in the originating water right.

## Summary of Injury Review:

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

## Summary of GW-SW Transfer Similarity Review:

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

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



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

## Ground Water Review Form:

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

Application: T-13805

Applicant Name: Bryan Schurter/Harry Klopfenstein

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

Reviewer(s): Phillip I. Marcy, Justin Iverson

Date of Review: 10/31/2023

Date Reviewed by GW Mgr. and Returned to WRSD: JI 6/3/25

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

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

1. Basic description of the changes proposed in this transfer: The applicant proposes to add two additional points of appropriation (APOAs) to the existing authorized use under Certificate 95208, which authorizes one well (MARI 6161) for Primary Irrigation of 43.8 acres and Supplemental Irrigation of 10.2 acres. The proposed APOA wells are already constructed, listed as MARI 6076 and MARI 32, 61526.

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?  
 Yes     No    Comments: The authorized well and the two proposed APOA wells produce from CRBG. In addition, water level trends in the three wells are very similar, displaying roughly 50 feet of decline over a period of 30 years.

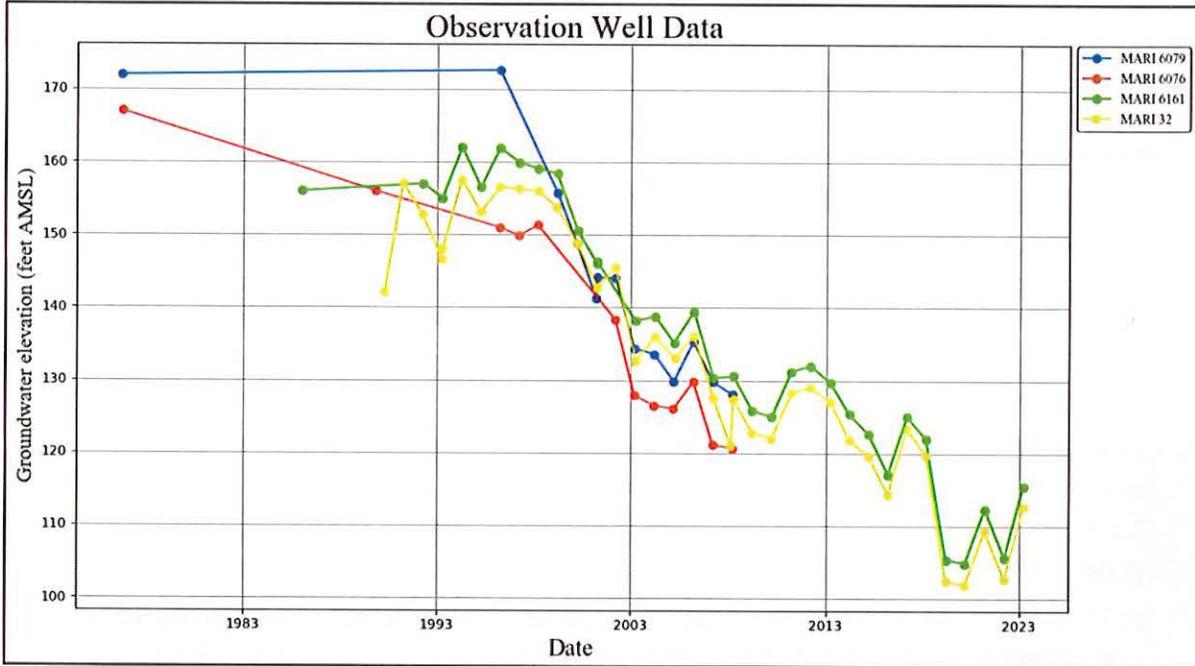
3. a) Is the existing authorized POA subject to a water level decline condition?  
 Yes     No    Comments:

b) If yes, for each POA identify the reference level, most recent spring-high water level, and whether an applicable permit decline condition has been exceeded: \_\_\_\_\_

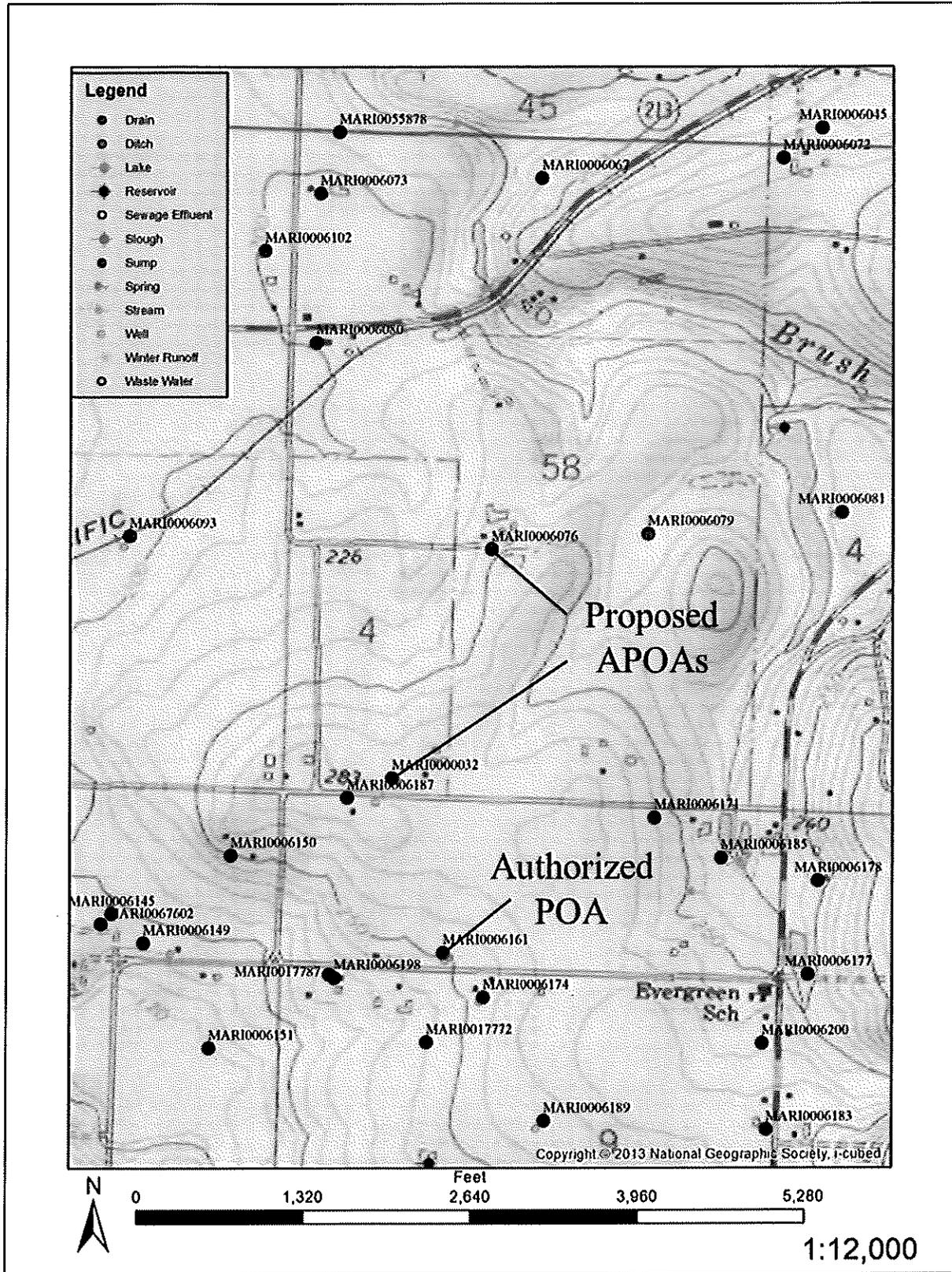
Existing Authorized POA for <u>Cert 95208</u>	Reference Level Depth Below Land Surface (feet)	Max Decline Below Reference Level (feet)	March 2025 water level at MARI 6161 ( <u>hydrograph</u> )	Permit decline condition exceeded?
MARI 6161	94.0	25	142.72	Yes

4. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?  
 Yes  No All wells produce from basalt of the Columbia River Basalt Group.
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): NA
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?  
 Yes  No Comments: Proposed APOA MARI 6076 is significantly closer to well MARI 6079, which is authorized under Certificates 95067 and 95486 and lies at a distance of 1,250'. The currently authorized POA is 3,675 feet from MARI 6079.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?  
 Yes  No If yes, explain: MARI 6079 and MARI 6076 are authorized under Certificate 95486 under the same ownership and therefore any injury caused by additional pumping at MARI 6076 would result in self-injury.
6. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?  
 Yes  No Comments: As determined by the original water right application reviews, the pertinent wells are not hydraulically connected to surface water.
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?  
 Stream: NA  Minimal  Significant  
 Stream: NA  Minimal  Significant  
 Provide context for minimal/significant impact: NA
7. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?  
 Yes  No Comments: NA
8. What conditions or other changes in the application are necessary to address any potential issues identified above: \_\_\_\_\_
9. Any additional comments: The high diffusivity of the CRBG aquifer shared by these wells is anticipated to result in similar year-upon-year declines exhibited throughout the previous 30 years of water level records if this transfer is approved.

Auth/Well	61117	65140	95208	95486	88654	G-11132	95067
MARI 6161	X	X	X				
MARI 32						X	X
MARI 6076				X			
MARI 6079				X			X



Hydrograph showing available water level data for the three wells involved in the proposed changes, in addition to nearby MARI 6079. All wells target the CRBG aquifer, display similar water level trends and elevations, and have tripped decline triggers on their respective rights.



September 14, 2021

Bryan Schurter  
2913 Hibbard Rd NE  
Silverton OR 97381

Water Resources Department  
725 Summer St NE, Suite A  
Salem OR 97301

Reference: Application T-13805

On August 30, 2021 OWRD received our Permanent Transfer Application. The application was accompanied by \$1570 in two checks, one from Bryan Schurter and the second from Harry Klopfenstein. It is my understanding that there has been a fee increase since we started this process, although at the time the application was submitted we did not know what the fee increase was going to be. I have included a check for \$680, which will bring the total submitted funds up to \$2250. This should cover the increase in fees.

Thank you,  
Bryan Schurter  
503-932-1793

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# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 7, 2021

BRYAN SCHURTER  
2913 HIBBARD RD NE  
SILVERTON, OR 97381

HARRY KLOPFENSTEIN  
11733 SELAH SPRINGS RD NE  
SILVERTON, OR 97381

Reference: Application T-13805

On August 30, 2021, OWRD received your water right Permanent Transfer Application. The application was accompanied by \$1570.00. Our receipt number 136259; 136260 is enclosed.

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

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water for the new use, in the new place of use or from the new point of diversion/appropriation until a final order approving the transfer application has been issued by the Department. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right.

If the land is sold before the application is approved, the buyer's consent to the application will be required unless a recorded deed or other legal document clearly established that the water right was not conveyed in the sale.

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

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

Cc: Watermaster Dist. #16, Gregory J. Wacker (*via email*)  
Doann Hamilton, Agent  
Marion County Planning

Enclosure

# Application for Permanent Water Right Transfer

## Part 1 of 5 – Minimum Requirements Checklist

OREGON Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
 www.oregon.gov/OWRD



**This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.**  
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: [http://apps.wrd.state.or.us/apps/misc/wrd\\_fee\\_calculator](http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator). If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: Certificate 95208**  
 Please include a separate Part 5 for each water right. (See instructions on page 6)

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**Attachments:**

- Completed Transfer Application Map.
- Completed Evidence of Use Affidavit and supporting documentation.
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

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

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

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503-986-0 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

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Part 2 of 5 – Transfer Application Map

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

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see [http://apps.wrd.state.or.us/apps/wr/cwre\\_license\\_view/](http://apps.wrd.state.or.us/apps/wr/cwre_license_view/). CWRE stamp and signature are not required for substitutions.
- N/A If more than three water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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**Part 3 of 5 – Fee Worksheet**

FEE WORKSHEET for PERMANENT TRANSFER (except Substitution)			
1	Base Fee (includes one type of change to one water right for up to 1 cfs)	1	\$1,160
2	Types of change proposed: <input type="checkbox"/> Place of Use <input type="checkbox"/> Character of Use <input checked="" type="checkbox"/> Point of Diversion/Appropriation Number of above boxes checked = <u>1 (2a)</u> Subtract 1 from the number in line 2a = <u>0 (2b)</u> <i>If only one change, this will be 0</i> Multiply line 2b by \$930 and enter » » » » » » » » » » » » » » » »	2	\$0
3	Number of water rights included in transfer <u>1 (3a)</u> Subtract 1 from the number in 3a above: <u>0 (3b)</u> <i>If only one water right this will be 0</i> Multiply line 3b by \$520 and enter » » » » » » » » » » » » » » » »	3	\$0
4	Do you propose to add or change a well, or change from a surface water POD to a well? <input type="checkbox"/> No: enter 0 » <input checked="" type="checkbox"/> Yes: enter \$410 »	4	\$410
5	Do you propose to change the place of use or character of use? <input checked="" type="checkbox"/> No: enter 0 on line 5 » <input type="checkbox"/> Yes: enter the cfs for the portions of the rights to be transferred (see example below*): _____ (5a) Subtract 1.0 from the number in 5a above: _____ (5b) If 5b is 0 or less, enter 0 on line 5 » If 5b is greater than 0, round up to the nearest whole number: _____ (5c) and multiply 5c by \$350, then enter on line 5 »	5	\$0
6	Add entries on lines 1 through 5 above » » » » » » » » » » » » Subtotal:	6	\$1,570
7	Is this transfer: <input type="checkbox"/> necessary to complete a project funded by the Oregon Watershed Enhancement Board (OWEB) under ORS 541.932? <input type="checkbox"/> endorsed in writing by ODFW as a change that will result in a net benefit to fish and wildlife habitat? If one or more boxes is checked, multiply line 6 by 0.5 and enter on line 7 » If no box is applicable, enter 0 on line 7 »	7	\$0
8	Subtract line 7 from line 6 » » » » » » » » » » » » » » » » <b>Transfer Fee:</b>	8	\$1,570

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\*Example for Line 5a calculation to transfer 45.0 acres of Primary Certificate 12345 (total 1.25 cfs for 100 acres) and 45.0 acres of Supplemental Certificate 87654 (1/80 cfs per acre) on the same land:

- For irrigation calculate cfs for each water right involved as follows:
  - Divide total authorized cfs by total acres in the water right (for C12345, 1.25 cfs ÷ 100 ac); then multiply by the number of acres to be transferred to get the transfer cfs (x 45 ac = 0.56 cfs).
  - If the water right certificate does not list total cfs, but identifies the allowable use as 1/40 or 1/80 of a cfs per acre; multiply number of acres proposed for change by either 0.025 (1/40) or 0.0125 (1/80). (For C87654, 45.0 ac x 0.0125 cfs/ac = 0.56 cfs)
- Add cfs for the portions of water rights on all the land included in the transfer; however do not count cfs for supplemental rights on acreage for which you have already calculated the cfs fee for the primary right on the same land. The fee should be assessed only once for each "on the ground" acre included in the transfer. (In this example, blank 5a would be only 0.56 cfs, since both rights serve the same 45.0 acres. Blank 5b would be 0 and Line 5 would then also become 0).

FEE WORKSHEET for SUBSTITUTION			
1	Base Fee (includes change to one well)	1	\$840.00
2	Number of wells included in substitution _____ (2a) Subtract 1 from the number in 2a above: _____ (2b) <i>If only one well this will be 0</i> Multiply line 2b by \$410 and enter »	2	NA
3	Add entries on lines 1 through 2 above » » » » » » <b>Fee for Substitution</b>	3	\$0

# Part 4 of 5 – Applicant Information and Signature

## Applicant Information

APPLICANT/BUSINESS NAME <b>Bryan Schurter</b>			PHONE NO. <b>503-932-1793</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>2913 Hibbard Rd NE</b>				FAX NO.
CITY <b>Silverton</b>	STATE <b>OR</b>	ZIP <b>97381</b>	E-MAIL <b>bryanschurter@gmail.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

## Applicant Information

APPLICANT/BUSINESS NAME <b>Harry Klopfenstein</b>			PHONE NO. <b>503-932-2639</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>11733 Selah Springs Rd NE</b>				FAX NO.
CITY <b>Silverton</b>	STATE <b>OR</b>	ZIP <b>97381</b>	E-MAIL <b>ksseeds@gmail.com</b>	
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.				

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

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

Explain in your own words what you propose to accomplish with this transfer application, and why:  
We, the applicants, are leasing the subject property and we wish to use our own wells from our respective properties to irrigate the subject property with permission of the land owner.

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

### Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

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**By my signature below, I confirm that I understand:**

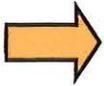
- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Silverton Appeal Tribune.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

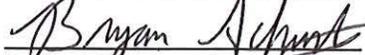
I (we) affirm that the information contained in this application is true and accurate.

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	Bryan Schurter	6-11-2021
Applicant Signature	Print Name and title if applicable	Date
	Harry Klopferstein	6-11-2021
Applicant Signature	Print Name and title if applicable	Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located?  Yes  No If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold?  Yes  No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

[https://www.oregon.gov/owrd/WRDFormsPDF/Transfer\\_Property\\_Transactions.pdf](https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf)

RECEIVING LANDOWNER NAME			PHONE NO.	ADDITIONAL CONTACT NO.
NA				
ADDRESS				FAX NO.
CITY	STATE	ZIP	E-MAIL	

Describe any special ownership circumstances here: NA

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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.)

IRRIGATION DISTRICT NAME <b>NA</b>	ADDRESS	
CITY	STATE	ZIP

Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME <b>NA</b>	ADDRESS	
CITY	STATE	ZIP

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

ENTITY NAME <b>Marion County Planning Division</b>	ADDRESS <b>5155 Silverton Road NE</b>	
CITY <b>Salem</b>	STATE <b>Oregon</b>	ZIP <b>97305</b>

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### Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 95208

#### Description of Water Delivery System

System capacity: 0.68 cubic feet per second (cfs) OR  
\_\_\_\_\_ gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Water is pumped from the well using a 50 Hp, 500 gpm, submersible pump to convey water through 5-inch PVC buried mainline to the north under Selah Springs Rd. On the north side of the road, the mainline comes up to the surface with a PVC hydrant where a portable aluminum 5-inch mainline connects and extends north along the western edge of the property. Portable aluminum hand lines with 3/16 inch impact sprinklers are attached to the hydrants on this portable mainline running east-west.

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

(Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-___)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	MARI 6161	7 S	1 W	9	NE NW	TL 100	1,290 feet south and 1,340 feet east from the NW corner, Section 9.
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MARI 6076	7 S	1 W	4	NE SW	DLC 58	700 feet south and 1,000 feet west from the center 1/4 corner, Section 4.
Well 3	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	MARI 32, 61526	7 S	1 W	4	SW SW	DLC 58	135 feet north and 400 feet west from the southerly SW corner, DLC 58.

Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):

- |  |  |
|--|--|
| <input type="checkbox"/> Place of Use (POU)                            | <input type="checkbox"/> Supplemental Use to Primary Use (S to P)            |
| <input type="checkbox"/> Character of Use (USE)                        | <input type="checkbox"/> Point of Appropriation/Well (POA)                   |
| <input type="checkbox"/> Point of Diversion (POD)                      | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD)          | <input type="checkbox"/> Substitution (SUB)                                  |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV)                         |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" or "on" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

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**For Place of Use or Character of Use Changes - NA**

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

If YES, list the certificate, water use permit, or ground water registration numbers: NA.

Pursuant to ORS 540.510, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

**For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)**

Ground water supplemental Permit or Certificate # NA;

Surface water primary Certificate # NA.

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**For a change from Supplemental Irrigation Use to Primary Irrigation Use**

Identify the primary certificate to be cancelled. Certificate # NA

**For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:**

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department's web page at:

[http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

**AND/OR**

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Well 1	Yes	MARI 6161	See Well Log MARI 6161							Not less than full rate of water right
Well 2	Yes	MARI 6076	See Well Log MARI 6076							
Well 3	Yes	MARI 32, 61526	See Well Log MARI 32, 61526							

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# Application for Water Right Transfer

## Evidence of Use Affidavit



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

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon )  
 ) ss  
 County of MARION)

I, HARRY KLOPFENSTEIN, in my capacity as LESSEE/OPERATOR,  
 mailing address 11733 SELAH SPRINGS RD NE  
 telephone number (503)932-2639, being first duly <sup>affirm</sup> sworn depose and say:

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1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation                       Professional expertise

2. I attest that:

Water was used during the previous five years on the **entire** place of use for Certificate # \_\_\_\_; **OR**

My knowledge is specific to the use of water at the following locations within the last five years:

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Certificate #	Township		Range		Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)

**OR**

- Confirming Certificate # 95208 has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: \_\_\_\_ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # \_\_\_\_ (For Historic POD/POA Transfers)

(continues on reverse side)

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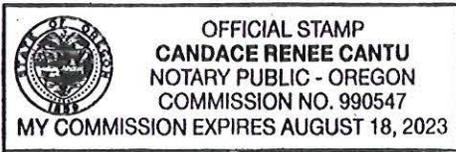
3. The water right was used for: (e.g., crops, pasture, etc.): GRASS SEED
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Harry Klopfenstein  
Signature of Affiant

6-11-2021  
Date

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Signed and sworn to (or affirmed) before me this 11 day of JUNE, 2021 **DWRD**



Candace Renee Cantu  
Notary Public for Oregon

My Commission Expires: August 18, 2023

Supporting Documents	Examples
<input checked="" type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of <b>confirming</b> water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> <li>• Power usage records for pumps associated with irrigation use</li> <li>• Fertilizer or seed bills related to irrigated crops</li> <li>• Farmers Co-op sales receipt</li> </ul>
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> <li>• District assessment records for water delivered</li> <li>• Crop reports submitted under a federal loan agreement</li> <li>• Beneficial use reports from district</li> <li>• IRS Farm Usage Deduction Report</li> <li>• Agricultural Stabilization Plan</li> <li>• CREP Report</li> </ul>
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – <a href="http://www.oregonexplorer.info/imagery">www.oregonexplorer.info/imagery</a> OWRD – <a href="http://www.wrd.state.or.us">www.wrd.state.or.us</a> Google Earth – <a href="http://earth.google.com">earth.google.com</a> TerraServer – <a href="http://www.terraserver.com">www.terraserver.com</a></p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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STATE OF OREGON  
COUNTY OF MARION  
CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

BEN KAUFMAN  
10675 KAUFMAN RD NE  
SILVERTON OR 97381

confirms the right to the use of water perfected under the terms of Permit G-11276. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

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APPLICATION FILE NUMBER: G-12288

SOURCE OF WATER: A WELL IN THE DRIFT CREEK BASIN

PURPOSE or USE: IRRIGATION of 43.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 10.2 ACRES

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MAXIMUM RATE: 0.68 CUBIC FOOT PER SECOND

DATE OF PRIORITY: NOVEMBER 7, 1990

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	1 W	WM	9	NE NW	1290 FEET SOUTH & 1340 FEET EAST FROM NW CORNER, SECTION 9

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land. The use of water allowed under this right along with the amount secured under any other right shall not exceed the capacity of the well at the time of perfection of this right. Although declared for supplemental irrigation, the right allowed may be exercised at times when water is available from the primary source, provided that the total quantity diverted from all sources of supply does not exceed the limitation allowed herein.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

A description of the place of use is as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	1 W	WM	4	SE SW	58	38.8
7 S	1 W	WM	4	SW SE	58	2.2
7 S	1 W	WM	9	SW NE		2.8

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
7 S	1 W	WM	9	SW NE	10.2

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The well shall be maintained 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. When required by the Department, the water user shall install and maintain a weir, meter, or other suitable measuring device and keep a complete record of the amount of ground water withdrawn.

The water user shall report a March static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water right examiner, registered professional geologist, certified engineering geologist, or professional engineer.

Use of water from the well(s) shall not be allowed if the well(s) displays an (A) average water level decline of 3 or more feet per year for 5 consecutive years, or (B) a water level decline of 15 or more feet in fewer than 5 consecutive years, or (C) a water level decline of 25 or more feet, or (D) a hydraulic interference decline of 25 or more feet in any neighboring well with senior priority which provides water for an authorized use.

The Water Resources Department has determined that the level from which the cited declines in (A), (B) and (C) above will be referenced is 94.0 feet below land surface.

The Director may require water level or pump test results every ten years.

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

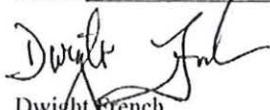
This right is for beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

Issued AUG 28, 2020



Dwight French  
 Water Right Services Division Administrator, for  
 Thomas M. Byler, Director  
 Oregon Water Resources Department

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**Application for Water Right  
Transfer  
Consent by Deeded Landowner**



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

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State of Oregon )  
 )ss  
County of Marion )

I Tom Kuenzi in my/our capacity as Church Elder of German Apostolic Christian Church,

mailing address 10575 Kaufman Rd NE, Silverton, OR 97381,

telephone number (503) 480-5827, duly <sup>affirm</sup>~~sworn~~ depose and say that I

consent to the proposed change(s) to Water Right Certificate Number 95208

described in a Transfer Application (T-NA) submitted by Bryan Schurter and Harry Klopfenstein,

*(transfer number, if known)*

on the property in tax lot number(s) 2100, Section 04, Township 7S, Range 1W, W.M., located at 11993 Selah Springs Rd NE, Silverton, OR 97381.

And

on the property in tax lot number(s) 500, Section 04D, Township 7S, Range 1W, W.M., located at no site address but tax lot adjacent due east.

*(site address)*

Thomas Kuenzi  
Signature of Affiant

04/19/2021  
Date

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

Subscribed and <sup>affirm</sup>~~sworn~~ to before me this 19<sup>th</sup> day of April, 2021.



Sasha Roebuck  
Notary Public for Oregon

My commission expires Oct. 28<sup>th</sup> 2023  
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**Application for Water Right  
Transfer  
Consent by Deeded Landowner**



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

State of Oregon )  
 )ss  
County of Marion )

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We Andrew and Margaret Schurter in my/our capacity as owners,

mailing address 4368 Brush Creek Rd NE, Silverton, OR 97381,

telephone number 503-873-0181, duly sworn depose and say that we

consent to the proposed change(s) to Water Right Certificate Number 95208

described in a Transfer Application (T-NA) submitted by Bryan Schurter and Harry Klopfenstein,

*(transfer number, if known)*

on the property in tax lot number(s) 2000, Section 04, Township 7S, Range 1W, W.M., located at 4368 Brush Creek Rd NE, Silverton, OR 97381.

*(site address)*

Andrew M. Schurter  
Signature of Affiant

7/9/21  
Date

Margaret P. Schurter  
Signature of Affiant

7/9/21  
Date

Subscribed and Sworn to before me this 9th day of July, 2021.



Lori Jean Sherwood  
Notary Public for Oregon

My commission expires April 10, 2023



Doann Hamilton <phgdmh@gmail.com>

**NWFCS interest in 4368 Brush Creek Dr, Silverton**

3 messages

Doann Hamilton <phgdmh@gmail.com>

Wed, Mar 24, 2021 at 2:03 PM

To: mickey.hatley@northwestfcs.com, Bryan S <bryanschurter@gmail.com>, Greg Kupillas <phggek@bctonline.com>

Hi Mickey

Thank you for talking to me this afternoon

Again my name is Doann Hamilton I am a Certified Water Right Examiner (CWRE)  
For Pacific Hydro-Geology, Inc.

I am doing work for Bryan Schurter to do a transfer on a water right pertaining to the property:

4368 Brush Creek Dr, Silverton, Silverton, OR 97305  
TL 07 1W 04 2000  
Account No: 521079

According to Marion county tax assessor site  
the owners are Andrew and Margaret Schurter Trustees and  
Farm Credit Services is listed as part interest in this property  
meaning they must have a loan out on the property

If this is true I would need a consent form signed by someone at NWFCS to  
approve the transfer (I can send the forms)

If this is not true I need some documentation that NWFCS no longer has an interest in this property.

If there is anything else you need please let me know

Doann Hamilton

--  
Pacific Hydro-Geology, Inc.  
18487 S. Valley Vista Rd.  
Mulino, OR 97042  
(503) 349-6946  
Fax: (503) 632-5983  
email: phgdmh@gmail.com

Mickey Hatley <Mickey.Hatley@northwestfcs.com>

Wed, Mar 24, 2021 at 4:31 PM

To: Doann Hamilton <phgdmh@gmail.com>, Bryan S <bryanschurter@gmail.com>, Greg Kupillas <phggek@bctonline.com>

Hi Doann,

Thank you for the information. I have reviewed our records and confirmed that Northwest FCS had a lien (loan) on the  
property until it was paid off on 10/5/2011 when the property was sold to the Schurters. We released our lien and satisfied  
debt at that time.

13805

I do not know why the Marion County Assessor records list Farm Credit Services as an owner but that is an error.

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OWRD

Northwest FCS has no interest in the property at this time.



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AUG 02 2021

OWRD

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AUG 30 2021

OWRD

**Mickey F. Hatley**  
Branch Manager / Relationship Manager / VP

650 Hawthorne Ave. SE, Salem, OR 97301

o 503.373.3014 | m 503.931.5469 | f 503.373.3005

northwestfcs.com

[Quoted text hidden]

CONFIDENTIALITY NOTICE: Unless specifically stated: (i) this email does not create a legal relationship between Northwest FCS, including its subsidiaries and affiliates (collectively "Northwest") and the recipient; (ii) Northwest disclaims any liability for the content of this email or for the consequences of any actions taken on the basis of the information provided in this email or its attachments; and (iii) Northwest reserves the right to monitor and retain email messages to and from its systems as permitted by law. Email messages may contain defects, may not be accurately replicated for viewing on other systems and may be intercepted, modified, deleted or otherwise interfered with without the knowledge of the sender or the intended recipient. Northwest makes no warranties related to these matters. This email and any attachments are intended solely for the use of the intended recipient(s) and may contain information that is confidential, privileged, proprietary, private or otherwise protected from disclosure. If you are not the intended recipient of this email, please notify the sender and delete it from your system. In communicating via email with Northwest, you consent to the foregoing. This institution is an equal opportunity provider and employer.



**Doann Hamilton** <phgdmh@gmail.com>  
To: Mickey Hatley <Mickey.Hatley@northwestfcs.com>  
Cc: Bryan S <bryanschurter@gmail.com>, Greg Kupillas <phggeek@bctonline.com>

Wed, Mar 24, 2021 at 4:44 PM

Hi Mickey

Thank you  
We will present your email to OWRD  
If they need more information I will let you know

Thank you again for your time  
Doann Hamilton  
[Quoted text hidden]

13805

STATE OF OREGON  
**WATER WELL REPORT**  
 (as required by ORS 537.705)

**RECEIVED**

FEB 12 1986 PLEASE TYPE or PRINT IN INK

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AUG 02 2021

73/11W-96A

MARI... (6/6)

(for official use only)

**(1) OWNER:**

Name Norma VonFlue **SALEM, OREGON**  
 Address 10575 Kaufman Rd NE  
 City Silverton State OR

**(10) LOCATION OF WELL by legal description:**

County Marion NE 1/4 NW 1/4 of Section 9 of  
 Township 7 S Range 1W WM.  
 (Township is North or South) (Range is East or West)  
 Tax Lot \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 MAILING ADDRESS OF WELL (or nearest address) Evergreen Rd.

**(2) TYPE OF WORK (check):**

New Well  Deepening  Reconditioning  Abandon   
 If abandonment, describe material and procedure in Item 12.

**(3) TYPE OF WELL:**

Rotary Air  Driven   
 Rotary Mud  Dug   
 Cased  Bored

**(4) PROPOSED USE (check):**

Domestic  Industrial  Municipal   
 Thermal:  Withdrawal  ReInjection   
 Other: Piezometric  Grounding  Test

**(5) CASING INSTALLED:**

Steel  Plastic   
 Threaded  Welded   
 Gauge 2.50  
 Diam. from +2 ft. to 24.5 ft.  
 Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gauge \_\_\_\_\_

**LINER INSTALLED:**

Steel  Plastic   
 Threaded  Welded   
 Gauge \_\_\_\_\_  
 Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Gauge \_\_\_\_\_

**(11) WATER LEVEL of COMPLETED WELL:**

Depth at which water was first found 141 (see page @ 89' ft.)  
 Static level 95 ft. below land surface. Date 1-10-86  
 Artesian pressure \_\_\_\_\_ lbs. per square inch. Date \_\_\_\_\_

**(12) WELL LOG:**

Diameter of well below casing 10"-335  
 Depth drilled 350 ft. Depth of completed well 350 ft.  
 Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Soil med brn.	0	2	
Clay brn. med	2	5	
Decomposed Basaltic Rub- ble cap rock	5	18	
Basalt gray hard-med hard	18	57	
Basalt gray hard	57	72	
Claystone med dark gray	72	104	H2O
Basalt med-hard blk	104	137	
Basalt course grain gry	137	141	
Basalt course grain. brn			
inseams med-hard	141	160	H2O
Basalt hard gray	160	229	
Basalt fract gray	229	234	
Basalt hard gray	234	251	
Basalt hard black	251	260	
Basalt med-hard blk	260	285	H2O
Basalt hard gray	285	310	
Basalt semi fract gray	310	325	H2O
Basalt porous, fract.	325	348	H2O
Basalt hard gray	348	350	

Date work started 1-2-86 /completed 1-10-86  
 Date well drilling machine moved off of well 1-16-86 19

**(unbonded) Water Well Constructor Certification (if applicable):**

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

[Signed] \_\_\_\_\_ Date \_\_\_\_\_, 19 \_\_\_\_\_

**(bonded) Water Well Constructor Certification:**

Bond \_\_\_\_\_ Issued by: \_\_\_\_\_ (Surety Company Name)  
 On behalf of Staco Well Services, Inc.  
 (type or print name of Water Well Constructor)

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

(Signed) Chuck Stadel  
 (Water-Well Constructor)

(Dated) 1-27-86

**(6) PERFORATIONS:** Perforated?  Yes  No  
 Size of perforations in. by \_\_\_\_\_ in.  
 \_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 \_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 \_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**(7) SCREENS:** Well screen installed?  Yes  No  
 Manufacturer's Name \_\_\_\_\_  
 Type \_\_\_\_\_ Model No. \_\_\_\_\_  
 Diam. \_\_\_\_\_ Slot Size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 Diam. \_\_\_\_\_ Slot Size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**(8) WELL TESTS:** Drawdown is amount water level is lowered below static level  
 Was a pump test made?  Yes  No If yes, by whom?  
 \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
 Air test 1800 gal./min. with drill stem at 350 ft. 3 hrs.  
 Bailer test \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
 Artesian flow \_\_\_\_\_ g.p.m.  
 \_\_\_\_\_ temperature of water \_\_\_\_\_ Depth artesian flow encountered \_\_\_\_\_ ft.

**(9) CONSTRUCTION:** Special standards: Yes  No   
 Well seal—Material used Cement  
 Well sealed from land surface to 24.5 ft.  
 Diameter of well bore to bottom of seal 15 1/2 in.  
 Diameter of well bore below seal 10 in.  
 Amount of sealing material 21 sacks  pounds   
 How was cement grout placed? Pressure Grouted with Wilden Grout pump & 2" Grout Pipe  
 Was pump installed? No Type \_\_\_\_\_ HP \_\_\_\_\_ Depth \_\_\_\_\_ ft.  
 Was a drive shoe used?  Yes  No Plugs \_\_\_\_\_ Size: location \_\_\_\_\_ ft.  
 Did any strata contain unusable water?  Yes  No  
 Type of Water? \_\_\_\_\_ depth of strata \_\_\_\_\_  
 Method of sealing strata off \_\_\_\_\_  
 Was well gravel packed?  Yes  No Size of gravel: \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

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

WATER RESOURCES DEPARTMENT,  
 SALEM, OREGON 97301  
 within 30 days from the date of well completion.

SP\*46866-690

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

**RECEIVED**

FEB 12 1986

PLEASE TYPE or PRINT IN INK

REC  
 MAR 10 2021  
 OWRD

75/1W-9ba

WATER RESOURCES DEPT  
 SALEM, OREGON

(for official use only)

**(1) OWNER:**

Name Norma VonFlue  
 Address 10575 Kaufman Rd NE  
 City Silverton State OR.

**(2) TYPE OF WORK (check):**

New Well  Deepening  Reconditioning  Abandon   
 If abandonment, describe material and procedure in Item 12.

**(3) TYPE OF WELL:**

Rotary Air  Driven  Domestic  Industrial  Municipal   
 Rotary Mud  Dug  Irrigation  Thermal:  Withdrawal  ReInjection   
 Bored  Other:  Piezometric  Grounding  Test

**(4) PROPOSED USE (check):**

**(5) CASING INSTALLED:** Steel  Plastic   
 Threaded  Welded   
 10" Diam. from 12" ft. to 24.5" ft. Gauge 350

**LINER INSTALLED:** Steel  Plastic   
 Threaded  Welded   
 " Diam. from " ft. to " ft. Gauge "

**(6) PERFORATIONS:** Perforated?  Yes  No  
 Size of perforations in. by in.  
 perforations from " ft. to " ft.  
 perforations from " ft. to " ft.  
 perforations from " ft. to " ft.

**(7) SCREENS:** Well screen installed?  Yes  No  
 Manufacturer's Name \_\_\_\_\_ Model No. \_\_\_\_\_  
 Type \_\_\_\_\_  
 Diam. \_\_\_\_\_ Slot Size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 Diam. \_\_\_\_\_ Slot Size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**(8) WELL TESTS:** Drawdown is amount water level is lowered below static level  
 Was a pump test made?  Yes  No If yes, by whom? **OWRD**  
 gal./min. with ft. drawdown after hrs.  
 Air test 1800 gal./min. with drill stem at 350 ft. 3 hrs.  
 Bailer test gal./min. with ft. drawdown after hrs.  
 Artesian flow g.p.m.

**(9) CONSTRUCTION:** Special standards: Yes  No   
 Well seal—Material used Cement  
 Well sealed from land surface to 24.5 ft.  
 Diameter of well bore to bottom of seal 15.5 in.  
 Diameter of well bore below seal 10 in.  
 Amount of sealing material 21 sacks  pounds   
 How was cement grout placed? Pressure Grouted with Wilden Grout pump & 2" Grout Pipe  
 Was pump installed? No Type \_\_\_\_\_ HP \_\_\_\_\_ Depth \_\_\_\_\_ ft.  
 Was a drive shoe used?  Yes  No Plugs \_\_\_\_\_ Size: location \_\_\_\_\_ ft.  
 Did any strata contain unusable water?  Yes  No  
 Type of Water? \_\_\_\_\_ depth of strata \_\_\_\_\_  
 Method of sealing strata off \_\_\_\_\_  
 Was well gravel packed?  Yes  No Size of gravel: \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

**(10) LOCATION OF WELL by legal description:**  
 County Marion NE 1/4 NW 1/4 of Section 9 of  
 Township 7 N Range 1W WM.  
 (Township is North or South) (Range is East or West)  
 Tax Lot \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 MAILING ADDRESS OF WELL (or nearest address) Evergreen Rd.

**(11) WATER LEVEL of COMPLETED WELL:**  
 Depth at which water was first found 141 (see page # 89) ft.  
 Static level 95 ft. below land surface. Date 1-10-86  
 Artesian pressure \_\_\_\_\_ lbs. per square inch. Date \_\_\_\_\_

**(12) WELL LOG:** Diameter of well below casing 10" - 335 ft.  
 Depth drilled 350 ft. Depth of completed well 350 ft.  
 Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Soil med brn.	0	2	
Clay brn, med	2	5	
Decomposed Basaltic Rub-ble cap rock	5	18	
Basalt gray hard-med hard	18	57	
Basalt gray hard	57	72	
Claystone med dark gray	72	104	H2O
Basalt med-hard blk	104	137	
Basalt coarse grain gry	137	141	
Basalt coarse grain, brn			
inseams med-hard	141	160	H2O
Basalt hard gray	160	229	
Basalt fract gray	229	234	
Basalt hard gray	234	251	
Basalt hard black	251	260	
Basalt med-hard blk	260	285	H2O
Basalt hard gray	285	310	
Basalt semi fract gray	310	325	H2O
Basalt porous, fract.	325	348	H2O
Basalt hard gray	348	350	

Date work started 1-2-86 /completed 1-10-86  
 Date well drilling machine moved off of well 1-16-86 19

**(unbonded) Water Well Constructor Certification (if applicable):**  
 This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.  
 [Signed] \_\_\_\_\_ Date \_\_\_\_\_ 19

**(bonded) Water Well Constructor Certification:**  
 Bond \_\_\_\_\_ Issued by: \_\_\_\_\_ (Surety Company Name) \_\_\_\_\_  
 On behalf of Stace Well Services, Inc.  
 (Type or print name of Water Well Constructor)  
 This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.  
 (Signed) Chuck Stadell  
 (Water Well Constructor)  
 (Dated) 1-27-86

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

WATER RESOURCES DEPARTMENT  
 SALEM, OREGON 97310  
 within 30 days from the date of well completion

Staco Well Services, Inc.

75/1W-9ba  
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FEB 12 1986

**WATER RESOURCES DEPT**

**SALEM, OREGON**

P.O. Box 697

Mt. Angel, OR 97362

Telephone (503) 845-6825

Well log amendment:

**RECEIVED**

Repair of cascading water in well after construction was completed as listed below;

**AUG 02 2021**

Bore hole was backfilled with pea rock from 350' up to 120'.  
30 bags of cement grout was pumped thru 2" pipes up to 50'.  
Cement was allowed to cure, drilled out with 97/8" bit, well bore cleaned out to 350', air tested at original flow, cascading water was eliminated.

**OWRD**

Land owner: Norma VonFlue,  
Location: Marion county, NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sect. 9 T7S R1W

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**AUG 30 2021**

**OWRD**

13805



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AUG 20 2021

AUG 02 2021

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OWRD

STATE OF OREGON

WATER WELL REPORT

(as required by ORS 537.765)

MAR 032

OWRD

APR 25 1990

(START CARD) # 17180

(1) OWNER: Well Number: \_\_\_\_\_  
 Name Harry Klopfenstein  
 Address 11733 Selah Springs Rd.  
 City Silverton State OR Zip 97381

(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 420 ft.  
 Explosives used Yes  No  Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Material	Amount	
Diameter	From To	From To	sacks or pounds			
14"	0 70	neat cement	0 70	40 sacks		
8"	70 420					

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:

Casing/Liner	Diameter	From	To	Gauge	Material			
					Steel	Plastic	Welded	Threaded
Casing	10"	18	70	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

Perforations Method \_\_\_\_\_  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

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

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
 Yield gal/min 400 Drawdown \_\_\_\_\_ Drill stem at 4:0 Time 1 hr.

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

(9) LOCATION OF WELL by legal description:  
 County Marion Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 7S Nor S, Range 1W E or W, WM.  
 Section 4 SE 1/4 SW 1/4  
 Tax Lot 49675-000 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) Same as mailing

(10) STATIC WATER LEVEL:  
134 ft. below land surface. Date 4-21-90  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found \_\_\_\_\_

From	To	Estimated Flow Rate	SWL
51	54	2 gpm	38
202	209	50	134
274	322	300	134
354	394	50	134

(12) WELL LOG: Ground elevation 700' approx.

Material	From	To	SWL
Top soil	0	2	
Clay soft brown	2	12	
Clay soft yellow	12	27	
Clay soft grey	23	44	
Caprock soft highly wthrd	44	51	
Broken rock brown	51	54	38
Basalt med. grey	54	94	
Frac. basalt grey w/ green sediments	94	96	
Basalt grey med.	96	112	
Claystone green	112	113	
Basalt med. grey	113	145	
Basalt frac. grey & black	145	148	
Basalt med. hard grey	148	202	
Basalt visic. grey	202	209	134
Basalt hard grey	209	228	
Basalt wthred grey	228	240	
Basalt hard grey	240	251	
Basalt slightly wthred grey	251	274	
Basalt highly frac. highly wthrd diced & broken	274	322	134
Basalt wthrd. grey hard	322	354	

CONTINUED

Date started \_\_\_\_\_ Completed \_\_\_\_\_

(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. Materials used and information reported above are true to my best knowledge and belief.  
 Signed Daniel A. [Signature] WWC Number 1487  
 Date 4-24-90

(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 report is true to the best of my knowledge and belief.  
 Signed [Signature] WWC Number 123  
 Date 4-24-90

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MARI 61526

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

MARI  
61526

WELL I.D. # L 91962

AUG 02 2021

START CARD # 196284

OWRD

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

(1) LAND OWNER Well Number \_\_\_\_\_  
Name Harry Klopfenstein  
Address 11733 Selah Springs Rd. NE  
City Silverton State OR Zip 97381

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

(3) DRILL METHOD  
 Rotary Air  Rotary Mud  Cable  Auger  Cable Mud  
 Other \_\_\_\_\_

(4) PROPOSED USE  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Livestock  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION Special Construction:  Yes  No  
Depth of Completed Well 615 ft.  
Explosives used:  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

Diameter	BORE HOLE		Material	SEAL		Sacks or Pounds
	From	To		From	To	
10"	70	422				
8"	422	615				

How was seal placed: Method  A  B  C  D  E  
 Other Original not changed

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

Casing: Diameter	From	To	Gauge	Steel				Welded		Threaded
				Plastic	Welded	Threaded	Other	Other	Other	
10"	+18	70	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(this is orig. & not changed)										
Liner: 8"	-5	422	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(liner is new)										

Drive Shoe used  Inside  Outside  None  
Final location of shoe(s) 422' (on liner)

(7) PERFORATIONS/SCREENS  
 Perforations Method Holte air perforator  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot Size	Number	Diameter	Tele/pipe size	Casing	Liner
380	420	1/8 x 1.5	912			<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian  
Yield gal/min 300 Drawdown N/A Drill stem at 380' Time 1 hr.

Temperature of water 55 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 (legal description)  
County Marion  
Tax Lot 1801 Lot \_\_\_\_\_  
Township 7 S Range 1 W WM  
Section 4 SW 1/4 SW 1/4

Lat \_\_\_\_\_ " or \_\_\_\_\_ (degrees or decimal)  
Long \_\_\_\_\_ " or \_\_\_\_\_ (degrees or decimal)

Street Address of Well (or nearest address) 11733 Selah Springs Rd. NE  
Silverton, OR 97381

(10) STATIC WATER LEVEL  
155 ft. below land surface. Date 2-13-08  
\_\_\_\_\_ ft. below land surface. Date \_\_\_\_\_  
Artesian pressure \_\_\_\_\_ lb. per square inch Date \_\_\_\_\_

From	To	Estimated Flow Rate	SWL
Original		200 gpm	155'
420	615	100 gpm	155'
		swl prior to deepening	155'
		swl after deepening	155'

(12) WELL LOG Ground Elevation \_\_\_\_\_

Material	From	To	SWL
Ream 10"	70	420	
Basalt grey hard	420	432	
Basalt grey w/ green	432	440	
Basalt grey & brown porous	440	460	
Basalt grey hard	460	480	
Basalt black semi-fractured	480	520	
Basalt grey w/ fractures	520	615	

See Mari 032 for original well log.

**R. Stadell & Sons**  
**Well & Pump Inc.**  
4385 Stadell Lane NE  
Silverton, OR 97381

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AUG 30 2021

OWRD

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APR 30 2008

WATER RESOURCES DEPT  
SALEM, OREGON

Date Started 2-4-08 Completed 2-13-08

(unbonded) Water Well Constructor Certification

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

WWC Number 1358 Date 3-19-08

Signed [Signature]

(bonded) Water Well Constructor Certification

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

WWC Number 589 Date 3-19-08

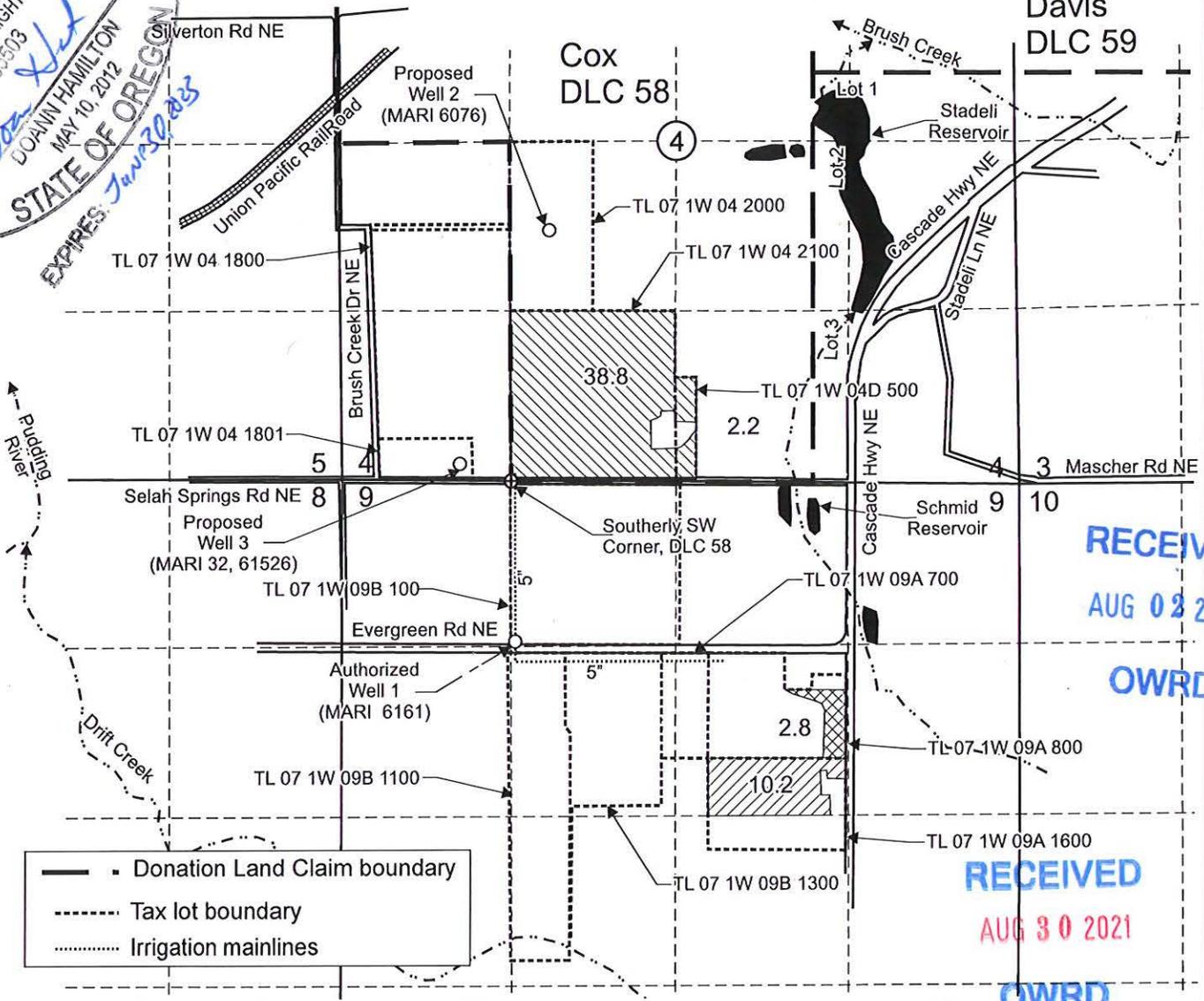
Signed [Signature]

# T.7S. R.1W. Sec. 4 & 9, W.M.

CERTIFIED WATER RIGHT EXAMINER  
 85503  
*Joan Hill*  
 JOANN HAMILTON  
 MAY 10, 2012  
 STATE OF OREGON  
 EXPIRES: *June 30, 2023*

Davis  
 DLC 59

Cox  
 DLC 58



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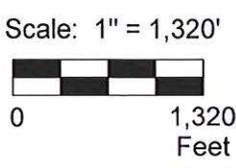
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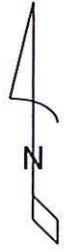
— Donation Land Claim boundary  
 - - - Tax lot boundary  
 ..... Irrigation mainlines

Authorized Well 1 (MARI 6161) is located 1,290 feet south and 1,340 feet east from the NW corner, Section 9.  
 Proposed Well 2 (MARI 6076) is located 700 feet south and 1,000 feet west from the center 1/4 corner, Section 4.  
 Proposed Well 3 (MARI 32, 61526) is located 135 feet north and 400 feet west from the southerly SW Corner, DLC 58.

- Area (41.0 Acres) of primary irrigation under Certificate 95208, priority date: 11-7-1990, affected by this transfer.
- Area (2.8 Acres) of primary irrigation under Certificate 95208, priority date: 11-7-1990, not affected by this transfer.
- Area (10.2 Acres) of supplemental irrigation under Certificate 95208, priority date: 11-7-1990, not affected by this transfer.



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.



Transfer Application Map  
 Certificate 95208

Bryan Schurter  
 T.7S. R.1W. Sec. 4 & 9, W.M.

Pacific Hydro-Geology Inc.

06/2021

18805

Schurter.BryanCert 95208Map.cdr

# Land Use Information Form

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

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Applicant(s): Bryan Schurter

Mailing Address: 2913 Hibbard Rd NE

City: Silverton

State: OR

Zip Code: 97381

Daytime Phone: 503-932-1793

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>7S</u>	<u>1W</u>	<u>4</u>	_____	<u>1800</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>IR</u>
<u>7S</u>	<u>1W</u>	<u>4</u>	_____	<u>1801</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>IR</u>
<u>7S</u>	<u>1W</u>	<u>4</u>	_____	<u>2000</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>IR</u>
<u>7S</u>	<u>1W</u>	<u>4</u>	_____	<u>2100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IR</u>
<u>7S</u>	<u>1W</u>	<u>4D</u>	_____	<u>500</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>IR</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Marion County

## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond     Ground Water     Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 0.51     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:

This Land Use Information Form is to accompany a water right transfer application that proposes to add additional points of appropriation (wells) to a portion of an existing water right (Certificate 95208).

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

See bottom of Page 3. →

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### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC 17.136.020(A)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) If approvals have been obtained but all appeal periods have not ended, check "Being pursued."

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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.

Farm use is allowed outright in the EFU zone pursuant to MCC 17.136.020(A).

Name: Alyssa Schrems Title: Associate Planner  
 Signature: Alyssa Schrems Phone: 503-566-4165 Date: 7/27/21  
 Government Entity: Marion County

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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

13805



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

August 19, 2021

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**AUG 30 2021**

**OWRD**

Harry Klopfenstein

11733 Selah Springs Rd. NE

Silverton, OR. 97381

Bryan Schurter  
2913 Hibberd Rd. NE  
Silverton, OR. 97381

**SUBJECT: Water Right Transfer Application**

On July 19, 2021, the Governor signed House Bill 2142 to increase water right fees for the Oregon Water Resources Department. The effective date of the fee increase is retroactive to July 1, 2021. Since your application was received by the Department on August 2, 2021, application fees in the amount of \$1570.00 are required in order to complete your application submittal, we are returning your check in the amount of \$785.00.

**Items needed before the next phase of processing...**

At this time you need to:

1. Submit a check for \$ 1570.00, made out to the "Oregon Water Resources Department;"
2. Resubmit the application with the proper fees.

**What happens next...**

After the fees are received, processing of your application will occur generally in the order of when the application was received and as caseworker workloads allow.

Please do not hesitate to contact me at 503-986-0892 if I may be of assistance.

Sincerely,

Joan Smith  
Transfer Specialist  
Oregon Department of Water Resources

cc: Doann Hamilton, Pacific Hydro-Geology, Inc.

# Permanent Transfer Application Intake Completion Checklist

Check the Certificate(s) in WRIS

Transfer # T- 13805

Checked by- <u>John</u> Date- <u>8/31/21</u>	<b>Type of Change(s) Proposed:</b> Mark the Proposed Changes	Substitution	Supplemental to Primary	POU	POD	APOD
Fee Received:		Gov Action	Surface to Ground	USE	POA	<u>APOA</u>
Calculated Fee:		How many rights to be Transferred? Certificate # <u>95208</u>				
Additional Observations: _____						

If OK and complete, check box to the left; if NOT, fill in.

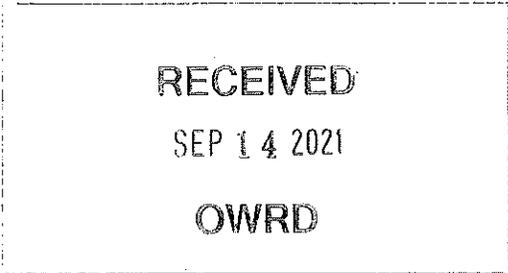
1. Is applicant information complete? Have all applicants listed at the top of the page signed at the bottom? If no, what is missing? Whose signature is missing? \_\_\_\_\_
2. Does applicant indicate the place of use is in or near an irrigation district? Is a Form D included?  N/A. Name of the district: \_\_\_\_\_
3. Part 5 of application, has the applicant(s) completed the entire page and does the information match the description of the explanation of the reasons for transfer on Part 4 of the application? If no, you may need to contact the applicant or agent? \_\_\_\_\_
4. Is there only one (1) water right included in this transfer application? If no, are the criteria of OAR 690-380-3220 for more than one WR met? Yes or No \_\_\_\_\_ If no, then the transfer application **CANNOT** be accepted. See attached "3220" Decision Tree Flowchart.
5. For multiple certificates do each of the certificates listed on Application Page 1 have their own separate completed Part 5 tables 1 & 2? If no, which certificate(s) are missing a separate Part 5 tables 1 & 2? \_\_\_\_\_
6. Is the map prepared and signed by a CWRE? Does the map meet requirements? If no, what is missing? \_\_\_\_\_. Map waiver included?  Yes  No
7. If a change in point of appropriation (POA), have the well logs been included?  N/A.
8. If a change in place of use (POU) within Umatilla County, have the applicant(s) provided a Supplemental Form U?  N/A.
9. If all boxes on this checklist are checked (with no remaining deficiencies identified), **ACCEPT** the application. Put this application intake completeness check sheet in the transfer folder.

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OR:  If all boxes to the left are NOT checked, then this application is deficient and **CANNOT** be accepted. It should be returned and the deficiencies listed in the "staff" section at the bottom of Application Page 1, unless the applicant or agent can resolve the deficiencies within 2-3 days.

Actions taken: \_\_\_\_\_ Date: 8/31/21





Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Bryan + Amy Schurter  
2913 Hibbard Rd. NE

Transaction Type: transfer T-13805

Fees Received: \$ 680<sup>00</sup>

Cash  Check: Check No. 7050

Name(s) on Check: Bryan Schurter + Amy Schurter

Address on Check: 2913 Hibbard Rd NE  
Silverton OR 97381

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

Submission received by: Lisa Graham  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Place the Submission Receipt with check/cash in the small top drawer (i.e., "Fiscal Pick Up Drawer"). Place the Submission Receipt with submission (application/other document) in the large bottom drawer.



1/2



Date Received (Date Stamp Here)

# OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Bryan Schurter  
2913 Hubbard Rd. NE, Silverton, OR 97381

Transaction Type: Transfer

Fees Received: \$ 785.00

Cash  Check: Check No. 7009

Name(s) on Check: Bryan Schurter & Amy Schurter

Address on Check: 2913 Hubbard Rd. NE  
Silverton, OR 97381

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

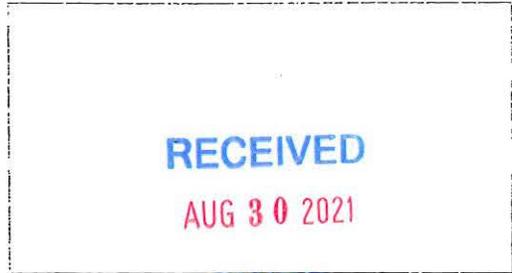
Submission received by: C. Middleton  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
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2/2



Date Received (Date Stamp Here)

# OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Bryan Schurter  
2913 Hibbard Rd. NE, Silverton OK 97381

Transaction Type: Transfer

Fees Received: \$ 785.00

Cash  Check: Check No. 40290

Name(s) on Check: KS SEEDS

Address on Check: 11733 Selah Springs N.E.  
Silverton, OR 97381

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

Submission received by: C. Middleton  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt, and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
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