

# Application for Permanent Water Right Transfer



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

**This application will be returned if Parts 1 through Part 4 and all required attachments are not completed and included upon submittal.**

## Part 1 of 4 – Permanent Water Right Transfer Application Minimum Requirements Checklist

**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 – Completed Applicant Information and Signature.  
**NOTE: If the applicant is a public agency, corporation or business, trust, or other organization, the title or authority of the person who signs the application on behalf of the entity and evidence of signatory authority or a signed statement that such authority exists must be included.**
- ☒ Part 4 – Information about Water Rights to be Transferred:  
**How many water rights are to be transferred?** 1 **List them here:** Certificate 65931  
Please include a separate Part 4 for each water right. **NOTE: A separate transfer application is required for each water right unless the criteria in OAR 690-380-3220 are met.**
- ☒ **Application Fee** - payable by check to the Oregon Water Resources Department (OWRD). The online fee calculator is located: [https://apps.wrd.state.or.us/apps/wr/wr\\_transfer\\_calculator/permanent\\_transfer.aspx](https://apps.wrd.state.or.us/apps/wr/wr_transfer_calculator/permanent_transfer.aspx)  
**NOTE: If claiming a fee waiver, you must provide documentation showing that the proposed transfer qualifies for the fee waiver pursuant to OAR 690-380-3400.**

### Required Attachments:

- ☒ Completed Transfer Application Map.
- ☒ Completed Evidence of Use Affidavit and supporting documentation.
- ☒ Yes ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used.  
**NOTE: This form is 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.**
- ☒ Yes ☐ N/A Affidavit(s) of Consent from Deeded Landowner(s) or Deeded Water Right Holder(s)  
**NOTE: only if the applicant does not own the land on which the water right is located or if the water right was severed from the land and conveyed separately to other individuals/entities.)**
- ☐ Yes ☒ N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district.  
**NOTE: Complete when the transfer applicant is not the irrigation district.)**
- ☐ Yes ☒ N/A Supplemental Form U - For water rights involving irrigation within portions of Morrow & Umatilla Counties only.
- ☐ Yes ☒ N/A Affidavit of Voluntary Cancellation or Diminution.  
**NOTE: only if application proposes to cancel or diminish a water right.**

### Required Groundwater Attachments:

- ☒ Yes ☐ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. Find well logs here: [http://apps.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)
- ☐ Yes ☒ 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 feet from the surface water source and more than 1000 feet upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.



## Part 2 of 4 – Permanent Water Right Transfer Application Map Requirements Checklist

**The transfer application map you submit must include all the required items and match the existing water right map.**

**Check all boxes that apply.**

|                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A | Certified Water Right Examiner (CWRE) stamp and original signature. A digital stamp or seal and signature are acceptable, provided they meet OAR 690-014-0050. <b>NOTE: CWRE stamp and signature are not required for substitutions.</b> For a list of CWRE's, see <a href="http://apps.wrd.state.or.us/apps/wr/cwre_license_view/">http://apps.wrd.state.or.us/apps/wr/cwre_license_view/</a> .                                                                                                                                                                                                                                                               |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A | If <b>more than three</b> water rights are involved, a separate map for each water right is required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <input checked="" type="checkbox"/>                                  | Permanent quality printed with dark ink on polyester film or good quality paper. Maps may also be submitted as a PDF (portable document format) if they meet all other requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <input checked="" type="checkbox"/>                                  | The preferred size is 8½ x 11 inches and should be no larger than 30 x 30 inches (one extra map copy is required for 30 x 30 inch maps). To request a waiver for a map larger than 30 x 30 inches, please send an email to <a href="mailto:mapwaiver@water.oregon.gov">mapwaiver@water.oregon.gov</a> .                                                                                                                                                                                                                                                                                                                                                        |
| <input checked="" type="checkbox"/>                                  | A north arrow and a legend.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <input checked="" type="checkbox"/>                                  | Include the scale, which must be even-numbered and not exceed 1 inch = 1,320 feet. To request a waiver for a map scale that exceeds 1 inch = 1,320 feet, please send an email to <a href="mailto:mapwaiver@water.oregon.gov">mapwaiver@water.oregon.gov</a> .                                                                                                                                                                                                                                                                                                                                                                                                  |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A | <b>For uses other than municipal use, quasi-municipal use, and similar uses,</b> include Township, Range, Section, ¼ ¼, tax lot boundaries (property lines) and tax lot numbers, DLC, Government Lot, and other recognized public land survey lines.                                                                                                                                                                                                                                                                                                                                                                                                           |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A | <b>If the use is municipal, quasi-municipal, or similar uses,</b> include Township, Range, Section, and service area boundaries. The map must also identify quarter-quarter (¼ ¼) sections but does not need to label the ¼ ¼.                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <input checked="" type="checkbox"/>                                  | Major physical features including rivers, creeks, streams, lakes, reservoirs, ponds, roads and railroads. For any surface water on the map, indicate the direction of flow.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <input checked="" type="checkbox"/>                                  | All point(s) of diversion (POD for surface water), point(s) of appropriation (POA for wells/groundwater), or dam location(s) (or center of reservoir(s) if no dam exists) authorized by the water right(s), clearly labeled, shown by distance and bearing, or by coordinates (distance north/south and distance east/west) from a recognized public land survey corner (this information can be found in the water right certificate or decree.) In addition, include latitude and longitude for each POD or POA in degrees-decimal with five or more digits after the decimal (example – 44.53764°) and the datum used (example – NAD 83, NAD 27 or WGS 84). |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A | If a change in POD or a change in POA is proposed, include the proposed location(s), clearly labeled, shown by distance and bearing, or by coordinates (distance north/south and distance east/west) from a recognized public land survey corner. In addition, include latitude and longitude for each POD or POA in degrees-decimal with five or more digits after the decimal (example – 44.53764°) and the datum used (example – NAD 83, NAD 27 or WGS 84).                                                                                                                                                                                                 |
| <input checked="" type="checkbox"/>                                  | General location of main canals, ditches, flumes, pipelines, pumps, or other water delivery features used to transport water from the point(s) of diversion, point(s) of appropriation, and/or reservoir/pond to the place of use, including delivery features at the place of use.                                                                                                                                                                                                                                                                                                                                                                            |
| <input checked="" type="checkbox"/>                                  | Place of use (POU) by Township, Range, Section, and ¼ ¼, that includes separate hachuring for lands affected by changes proposed in this transfer application, for lands left unchanged and not affected by this transfer application, for each water right, for each priority date, for each use, and served by each point of diversion (POD), point of appropriation (POA), and/or reservoir/pond (POD).                                                                                                                                                                                                                                                     |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A | For a POU limited to a point, like a stock watering tank, include latitude and longitude for the POU in degrees-decimal with five or more digits after the decimal (example – 44.53764°) and the datum used (example – NAD 83, NAD 27 or WGS 84).                                                                                                                                                                                                                                                                                                                                                                                                              |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A | If the USE is irrigation, nursery, cranberry, or other similar uses with acreage associated with it, the place of use must include the number of acres in each ¼ ¼ section, government lot, or in each ¼ ¼ section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.                                                                                                                                                                                                                                                                                                                             |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A | If the use is supplemental irrigation, include the location(s) and water right reference number of the underlying primary right, registration, or claim.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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**Part 3 of 4 –Permanent Water Right Transfer Application  
Applicant(s) Information and Signature(s)**

**Applicant Information**

|                                                                   |                              |                                            |              |
|-------------------------------------------------------------------|------------------------------|--------------------------------------------|--------------|
| APPLICANT/BUSINESS NAME<br>Fessler Nursery Co. c/o Marvin Fessler | PHONE NO(S).<br>503-984-1772 | EMAIL ADDRESS<br>Marvin@fesslernursery.com |              |
| ADDRESS<br>12666 Monitor McKee Rd                                 | CITY<br>Woodburn             | STATE<br>OR                                | ZIP<br>97071 |

**DOCUMENTS AND NOTIFICATIONS WILL BE SENT BY E-MAIL UNLESS REQUESTED OTHERWISE.**

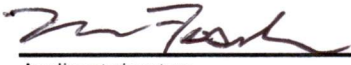
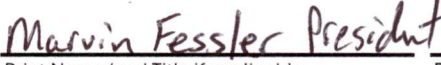
**ANY PROPOSED FINAL ORDER WILL BE SENT BY CERTIFIED MAIL AND ANY CERTIFICATE BY STANDARD MAIL.**

\* **IMPORTANT NOTE - Electronic forms of documents:** Beginning on April 1, 2026, and unless requested otherwise by the applicant, the Department will send documents and notifications associated with processing of applications in electronic form (i.e., by email). These emails may come from an automated system (wrdr\_automated\_email@water.oregon.gov). **Consider adding this email address to your safe sender list.**

**I/we affirm:**

- ☒ The applicant is the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located. **NOTE:** If the applicant is not the sole owner, include signatures of all deeded landowners (and mailing and e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities to which the water right(s) were conveyed.
- ☒ Amendments to the application may only be made in response to the Initial Review (IR). 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 IR, or to withdraw the application. **NOTE:** that amendments may be subject to additional fees, pursuant to ORS 536.050.
- ☒ Refunds may only be granted upon request and as set forth in ORS 536.050(4)(a), if the Director determines that a refund of all or part of a fee is appropriate in the interests of fairness to the public or necessary to correct an error of the Department.
- ☒ Approval of the change(s) proposed in this application does not constitute a right to trespass upon property or ditches not owned or controlled by the applicant.
- ☒ Prior to Department approval of the transfer application, if more than five (5) water rights would be injured as a result of my proposed transfer, then I will be required to submit payment to the Department pursuant to OAR 690-380-4020(3) 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: Woodburn Independent.
- ☒ 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).
- ☒ The person signing this application is doing so on behalf of a public agency, corporation or business, trust, or other organization and must provide evidence of signatory authority or a signed statement that such authority exists must be attached to this application.

**I/we affirm that the information contained in this application is true and accurate.**



7/31/26  
 Applicant signature                      Print Name (and Title if applicable)                      Date  
 \_\_\_\_\_  
 Applicant signature                      Print Name (and Title if applicable)                      Date

**Check One Box:**

- ☒ By signing this application, I/we understand that, upon receipt of the Initial Review (IR) 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 690-380-4000(5)(b)(B); **OR**
- ☐ I/we 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/we 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.

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

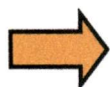
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                       |                                              |              |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|--------------|--|
| AGENT NAME/BUSINESS NAME<br>Doann Hamilton / Will McGill Surveying LLC                                                                                                                                                                                                                                                                                                                                                                                                                               | PHONE NO(S).<br>(503) 349-6946 (cell) | EMAIL ADDRESS<br>Doann@McGillWaterRights.com |              |  |
| ADDRESS<br>15333 Pletzer Rd. SE                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | CITY<br>Turner                        | STATE<br>OR                                  | ZIP<br>97392 |  |
| <b>DOCUMENTS AND NOTIFICATIONS WILL BE SENT BY E-MAIL UNLESS REQUESTED OTHERWISE.</b>                                                                                                                                                                                                                                                                                                                                                                                                                |                                       |                                              |              |  |
| <b>ANY PROPOSED FINAL ORDER WILL BE SENT BY CERTIFIED MAIL AND ANY CERTIFICATE BY STANDARD MAIL.</b>                                                                                                                                                                                                                                                                                                                                                                                                 |                                       |                                              |              |  |
| * <b>IMPORTANT NOTE - Electronic forms of documents:</b> Beginning on April 1, 2026, and unless requested otherwise by the applicant, the Department will send documents and notifications associated with processing of applications in electronic form (i.e., by email). These emails may come from an automated system ( <a href="mailto:wrd_automated_email@water.oregon.gov">wrd_automated_email@water.oregon.gov</a> ).<br><b>Consider adding this email address to your safe sender list.</b> |                                       |                                              |              |  |

- ☐ 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. **NOTE: Complete Supplemental Form D.**

|                                |                            |       |
|--------------------------------|----------------------------|-------|
| IRRIGATION DISTRICT NAME<br>NA | ADDRESS (CITY, STATE, ZIP) | EMAIL |
|--------------------------------|----------------------------|-------|

- ☐ 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<br>NA | ADDRESS (CITY, STATE, ZIP) | EMAIL |
|-------------------|----------------------------|-------|



To meet state land use compatibility requirements, you must list the names and mailing addresses of all affected local governments, including but not limited to county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed and/or used.

|                                                |                                                                      |       |
|------------------------------------------------|----------------------------------------------------------------------|-------|
| ENTITY NAME<br>Marion County Planning Division | ADDRESS (CITY, STATE, ZIP)<br>5155 Silverton Rd. NE, Salem, OR 97305 | EMAIL |
|------------------------------------------------|----------------------------------------------------------------------|-------|

|             |                            |       |
|-------------|----------------------------|-------|
| ENTITY NAME | ADDRESS (CITY, STATE, ZIP) | EMAIL |
|-------------|----------------------------|-------|

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## Responsibility for Completion of Changes and Receiving Landowner Information

Check the following box that applies:

- ☒ The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant. **OR**
- ☐ 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. NOTE: Complete the Receiving Landowner Information Table below. **OR**
- ☐ 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. NOTE: Complete the Receiving Landowner Information Table below.

☐ Yes ☒ No

At this time, are the lands in this transfer application in the process of being sold?

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, a Request for Assignment form is required to be submitted to the Department at a later date. If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a properly recorded sale agreement or other document states otherwise.

**NOTE:** For more information:

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

## Receiving Landowner Information

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |              |               |     |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------|-----|--|
| RECEIVING LANDOWNER NAME                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | PHONE NO.(S) | EMAIL ADDRESS |     |  |
| NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |              |               |     |  |
| ADDRESS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | CITY         | STATE         | ZIP |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |              |               |     |  |
| <b>DOCUMENTS AND NOTIFICATIONS WILL BE SENT BY E-MAIL UNLESS REQUESTED OTHERWISE.</b>                                                                                                                                                                                                                                                                                                                                                                                                             |              |               |     |  |
| <b>ANY PROPOSED FINAL ORDER WILL BE SENT BY CERTIFIED MAIL AND ANY CERTIFICATE BY STANDARD MAIL.</b>                                                                                                                                                                                                                                                                                                                                                                                              |              |               |     |  |
| <b>IMPORTANT NOTE - Electronic forms of documents:</b> Beginning on April 1, 2026, and unless requested otherwise by the applicant, the Department will send documents and notifications associated with processing of applications in electronic form (i.e., by email). These emails may come from an automated system ( <a href="mailto:wrld_automated_email@water.oregon.gov">wrld_automated_email@water.oregon.gov</a> ). <b>Consider adding this email address to your safe sender list.</b> |              |               |     |  |
| Describe any special ownership circumstances:<br>A lot line adjustment was just recently approve allowing us to understand the placement of the tax lot with our associated water rights                                                                                                                                                                                                                                                                                                          |              |               |     |  |
| The confirming Certificate shall be issued in the name of: <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Receiving Landowner                                                                                                                                                                                                                                                                                                                                             |              |               |     |  |

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### PROPOSED CHANGES

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

#### Change to Surface Water Point(s) of Diversion:

- ☐ Point(s) of Diversion (POD) – the proposed POD(s) will replace the existing authorized POD(s)
- ☐ Additional Point(s) of Diversion (APOD) – the proposed POD(s) will be in addition to the existing authorized POD(s)
- ☐ Surface Water POD to Groundwater POA (SW/GW) – proposed POA(s) will replace the existing authorized POD
- ☐ Government Action POD (GOV) – the proposed POD is due to a government action (ORS 540.510(6))

#### Change to Point(s) of Groundwater Appropriation:

- ☐ Point(s) of Appropriation (POA) – the proposed POA(s) will replace the authorized POA(s)
- ☒ Additional Point(s) of Appropriation (APOA) – the proposed POA(s) will be in addition to the authorized POA(s)

#### Changes in Place of Use and Character of Use:

- ☐ Place of Use (POU) - the proposed changes to the place of use will replace the authorized place of use
- ☐ Character of Use (USE) - the proposed changes to the character of use of the water right will modify the authorized character of use

#### Substitution:

- ☐ Substitution (SUB) – Substitution of Groundwater Supplemental Irrigation will be substituted for Surface Water Primary Irrigation:

| Certificate# | Groundwater supplemental irrigation | Certificate# | Surface water primary irrigation |
|--------------|-------------------------------------|--------------|----------------------------------|
|--------------|-------------------------------------|--------------|----------------------------------|

#### Supplemental to Primary Use

- ☐ Supplemental Use to Primary Use (S to P) – supplemental groundwater irrigation replaces primary surface water irrigation:

| Certificate #                                                                                                                                             |                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
|                                                                                                                                                           | Primary Surface water right to be cancelled |
| <b>NOTE: If water rights will be cancelled you must submit a signed and notarized voluntary cancellation/ diminution affidavit with your application.</b> |                                             |

#### Explain in your own words what you propose to accomplish with this transfer application, and why:

We are applying to add our existing Well 1 (MARI 2172, 65100) and Well 6 (MARI 58521) to assist our authorized Well 3 (MARI 2170) to irrigate the 21.8 acre of authorized place of use.

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



**Part 4 of 4 – Permanent Water Right Transfer Application****Authorized POD/POA****Provide a Separate Part 4 for each water right proposed for transfer.****WATER RIGHT CERTIFICATE #** 65931

Name(s) appearing on the certificate: \_\_\_\_\_

**Description of Water Delivery System**System capacity: 0.63 cfs ☒ Cubic Feet per Second (CFS) ☐ Gallons Per Minute (GPM) ☐ Acre-Feet (AF)**Source** (live flow, stored water, etc.): Well 3

Describe the current water delivery system. Include information on the capacity of pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. Please provide as much detail as possible:

Water is pumped from Well 3 using a 10 Hp submersible pump to convey water through 3 inch mainline into the storage pond as a bulge in the system. Water is then pumped from the storage pond to the place of use.

Amount proposed for transfer: 0.27 ☒ CFS ☐ GPM ☐ AF**Please check the appropriate box below and provide the requested information:**☐ If the water right was certificated under a decree, please indicate:

- Name of Decree: \_\_\_\_\_

☒ If the water right was certificated through the permit process, please indicate:

- Permit # G-7950 and the name(s) appearing on the permit: R T Fessler

☐ If Proof of Appropriation under the water right has been determined by the Department, please indicate:

Special Order Volume # \_\_\_\_\_, Page # \_\_\_\_\_

and the name(s) appearing on the Proof of Appropriation Special Order: \_\_\_\_\_

**Table 1A – For Both SW and GW Rights - Location of Existing SW POD(s) or GW POA(s)****NOTE: If the POD/POA name is not specified on the Certificate, assign it a name or number below**

| Authorized POA/POD<br>Name or Number | Twp |   | Rng |   | Sec | ¼  | ¼  | Tax Lot, DLC, or<br>Gov-Lot |
|--------------------------------------|-----|---|-----|---|-----|----|----|-----------------------------|
| Well 3                               | 5   | S | 1   | W | 34  | NW | NW | TL 700                      |

Measured Distances (from a recognized survey corner)

Located 800 feet south and 1,040 feet east from the NW corner, Section 34.

If authorized point is groundwater:

☒ Well log attached and associated with the well described above **and** on the accompanying application map.**AND/OR**☐ No well log is available - construction of the authorized well is provided in table below.

| OWRD Well<br>ID Tag No. | Total well<br>depth | Casing<br>Diameter | Casing<br>Intervals<br>(in feet) | Seal<br>depth(s)<br>(intervals) | Perforated or<br>screened<br>intervals<br>(in feet) | Static water<br>level of<br>completed<br>well (in feet) | Source aquifer<br>(sand, gravel,<br>basalt, etc.) | Well -specific rate if<br>less than full rate of<br>water right |
|-------------------------|---------------------|--------------------|----------------------------------|---------------------------------|-----------------------------------------------------|---------------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------------|
| L-                      |                     |                    |                                  |                                 |                                                     |                                                         |                                                   | <input type="checkbox"/> CFS<br><input type="checkbox"/> GPM    |

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**Part 4 of 4 continued – Permanent Water Right Transfer Application**  
**Authorized POD/POA**

**WATER RIGHT CERTIFICATE #** 65931

| Authorized POA/POD<br>Name or Number | Twp | Rng | Sec | ¼ | ¼ | Tax Lot, DLC, or<br>Gov-Lot |
|--------------------------------------|-----|-----|-----|---|---|-----------------------------|
|                                      |     |     |     |   |   |                             |

Measured Distances (from a recognized survey corner)

If authorized point is groundwater:

☐ Well log attached and associated with the well described above **and** on the accompanying application map.

**AND/OR**

☐ No well log is available - construction of the authorized well is provided in table below.

| OWRD Well<br>ID Tag No. | Total well<br>depth | Casing<br>Diameter | Casing<br>Intervals<br>(in feet) | Seal<br>depth(s)<br>(intervals) | Perforated or<br>screened<br>intervals<br>(in feet) | Static water<br>level of<br>completed<br>well (in feet) | Source aquifer<br>(sand, gravel,<br>basalt, etc.) | Well -specific rate if<br>less than full rate of<br>water right |
|-------------------------|---------------------|--------------------|----------------------------------|---------------------------------|-----------------------------------------------------|---------------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------------|
| L-                      |                     |                    |                                  |                                 |                                                     |                                                         |                                                   | <input type="checkbox"/> CFS<br><input type="checkbox"/> GPM    |

| Authorized POA/POD<br>Name or Number | Twp | Rng | Sec | ¼ | ¼ | Tax Lot, DLC, or<br>Gov-Lot |
|--------------------------------------|-----|-----|-----|---|---|-----------------------------|
|                                      |     |     | 34  |   |   |                             |

Measured Distances (from a recognized survey corner)

If authorized point is groundwater:

☐ Well log attached and associated with the well described above **and** on the accompanying application map.

**AND/OR**

☐ No well log is available - construction of the authorized well is provided in table below.

| OWRD Well<br>ID Tag No. | Total well<br>depth | Casing<br>Diameter | Casing<br>Intervals<br>(in feet) | Seal<br>depth(s)<br>(intervals) | Perforated or<br>screened<br>intervals<br>(in feet) | Static water<br>level of<br>completed<br>well (in feet) | Source aquifer<br>(sand, gravel,<br>basalt, etc.) | Well -specific rate if<br>less than full rate of<br>water right |
|-------------------------|---------------------|--------------------|----------------------------------|---------------------------------|-----------------------------------------------------|---------------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------------|
| L-                      |                     |                    |                                  |                                 |                                                     |                                                         |                                                   | <input type="checkbox"/> CFS<br><input type="checkbox"/> GPM    |

| Authorized POA/POD<br>Name or Number | Twp | Rng | Sec | ¼ | ¼ | Tax Lot, DLC, or<br>Gov-Lot |
|--------------------------------------|-----|-----|-----|---|---|-----------------------------|
|                                      |     |     |     |   |   |                             |

Measured Distances (from a recognized survey corner)

If authorized point is groundwater:

☐ Well log attached and associated with the well described above **and** on the accompanying application map.

**AND/OR**

☐ No well log is available - construction of the authorized well is provided in table below.

| OWRD Well<br>ID Tag No. | Total well<br>depth | Casing<br>Diameter | Casing<br>Intervals<br>(in feet) | Seal<br>depth(s)<br>(intervals) | Perforated or<br>screened<br>intervals<br>(in feet) | Static water<br>level of<br>completed<br>well (in feet) | Source aquifer<br>(sand, gravel,<br>basalt, etc.) | Well -specific rate if<br>less than full rate of<br>water right |
|-------------------------|---------------------|--------------------|----------------------------------|---------------------------------|-----------------------------------------------------|---------------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------------|
| L-                      |                     |                    |                                  |                                 |                                                     |                                                         | Received by OWRD                                  | <input type="checkbox"/> CFS<br><input type="checkbox"/> GPM    |



**Part 4 of 4 continued – Permanent Water Right Transfer Application  
Proposed POD/APOD Information – Surface Water Right(s) ONLY**

**WATER RIGHT CERTIFICATE #** \_\_\_\_\_

**Table 1B-SW - Location of Proposed Surface Water POD/APOD(s)**

| Proposed POD/APOD<br>Name or Number | Twp | Rng | Sec | ¼ | ¼ | Tax Lot, DLC, or<br>Gov-Lot |
|-------------------------------------|-----|-----|-----|---|---|-----------------------------|
|                                     |     |     |     |   |   |                             |

Type of Change (from Page 6): ☐ POD or ☐ APOD From Authorized POD: ☐ UPSTREAM or ☐ DOWNSTREAM

Measured Distances (from a recognized survey corner)

**Fish Screen Information:**

☐ Yes ☐ No The proposed POD/APOD has an existing approved fish screen pursuant to ORS 540.525 or 540.532

**If Yes**, please submit documentation of the approved fish screen with your application, such as any Oregon Department of Fish and Wildlife (ODFW) fish screening certification letter and/or passage approval letter.

Additional Information/Remarks:

| Proposed POD/APOD<br>Name or Number | Twp | Rng | Sec | ¼ | ¼ | Tax Lot, DLC, or<br>Gov-Lot |
|-------------------------------------|-----|-----|-----|---|---|-----------------------------|
|                                     |     |     |     |   |   |                             |

Type of Change (from Page 6): ☐ POD or ☐ APOD From Authorized POD: ☐ UPSTREAM or ☐ DOWNSTREAM

Measured Distances (from a recognized survey corner)

**Fish Screen Information:**

☐ Yes ☐ No The proposed POD/APOD has an existing approved fish screen pursuant to ORS 540.525 or 540.532

**If Yes**, please submit documentation of the approved fish screen with your application, such as any Oregon Department of Fish and Wildlife (ODFW) fish screening certification letter and/or passage approval letter.

Additional Information/Remarks:

| Proposed POD/APOD<br>Name or Number | Twp | Rng | Sec | ¼ | ¼ | Tax Lot, DLC, or<br>Gov-Lot |
|-------------------------------------|-----|-----|-----|---|---|-----------------------------|
|                                     |     |     |     |   |   |                             |

Type of Change (from Page 6): ☐ POD or ☐ APOD From Authorized POD: ☐ UPSTREAM or ☐ DOWNSTREAM

Measured Distances (from a recognized survey corner)

**Fish Screen Information:**

☐ Yes ☐ No The proposed POD/APOD has an existing approved fish screen pursuant to ORS 540.525 or 540.532

**If Yes**, please submit documentation of the approved fish screen with your application, such as any Oregon Department of Fish and Wildlife (ODFW) fish screening certification letter and/or passage approval letter.

Additional Information/Remarks:

Received by OWRD

AUG 04 2026



**Part 4 of 4 continued – Permanent Water Right Transfer Application**  
**Proposed POA/APOA Information – Groundwater Right(s) ONLY**

**WATER RIGHT CERTIFICATE #** 65931

**Table 1B-GW - Location of Proposed Groundwater POA/APOA(s)**

| Proposed POA/APOA Name or Number                                                                                                                                                                                                                                                           |                  | Twp             |                            | Rng                       |                                            | Sec                                            | ¼                                           | ¼                                                            | Tax Lot, DLC, or Gov-Lot                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------|----------------------------|---------------------------|--------------------------------------------|------------------------------------------------|---------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------|
| Well 1                                                                                                                                                                                                                                                                                     |                  | 5               | S                          | 1                         | W                                          | 34                                             | NW                                          | NW                                                           | TL 600                                                                |
| Measured Distances (from a recognized survey corner)                                                                                                                                                                                                                                       |                  |                 |                            |                           |                                            |                                                |                                             |                                                              | <input type="checkbox"/> POA <input checked="" type="checkbox"/> APOA |
| Located 340 feet south and 610 feet east from the NW corner, Section 34                                                                                                                                                                                                                    |                  |                 |                            |                           |                                            |                                                |                                             |                                                              |                                                                       |
| <input checked="" type="checkbox"/> Well log attached and associated with the well described above <b>and</b> on the accompanying application map.<br><b>AND/OR</b><br><input type="checkbox"/> No well log is available - construction of the authorized well is provided in table below. |                  |                 |                            |                           |                                            |                                                |                                             |                                                              |                                                                       |
| OWRD Well ID Tag No.                                                                                                                                                                                                                                                                       | Total well depth | Casing Diameter | Casing Intervals (in 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 if less than full rate of water right    |                                                                       |
| L-                                                                                                                                                                                                                                                                                         |                  |                 |                            |                           |                                            |                                                |                                             | <input type="checkbox"/> CFS<br><input type="checkbox"/> GPM |                                                                       |
| Proposed POA/APOA Name or Number                                                                                                                                                                                                                                                           |                  | Twp             |                            | Rng                       |                                            | Sec                                            | ¼                                           | ¼                                                            | Tax Lot, DLC, or Gov-Lot                                              |
| Well 6                                                                                                                                                                                                                                                                                     |                  | 5               | S                          | 1                         | W                                          | 34                                             | NW                                          | NW                                                           | TL 500                                                                |
| Measured Distances (from a recognized survey corner)                                                                                                                                                                                                                                       |                  |                 |                            |                           |                                            |                                                |                                             |                                                              | <input type="checkbox"/> POA <input checked="" type="checkbox"/> APOA |
| Located 120 feet south and 1,300 feet east from the NW corner, Section 34                                                                                                                                                                                                                  |                  |                 |                            |                           |                                            |                                                |                                             |                                                              |                                                                       |
| <input checked="" type="checkbox"/> Well log attached and associated with the well described above <b>and</b> on the accompanying application map.<br><b>AND/OR</b><br><input type="checkbox"/> No well log is available - construction of the authorized well is provided in table below. |                  |                 |                            |                           |                                            |                                                |                                             |                                                              |                                                                       |
| OWRD Well ID Tag No.                                                                                                                                                                                                                                                                       | Total well depth | Casing Diameter | Casing Intervals (in 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 if less than full rate of water right    |                                                                       |
| L-                                                                                                                                                                                                                                                                                         |                  |                 |                            |                           |                                            |                                                |                                             | <input type="checkbox"/> CFS<br><input type="checkbox"/> GPM |                                                                       |
| Proposed POA/APOA Name or Number                                                                                                                                                                                                                                                           |                  | Twp             |                            | Rng                       |                                            | Sec                                            | ¼                                           | ¼                                                            | Tax Lot, DLC, or Gov-Lot                                              |
|                                                                                                                                                                                                                                                                                            |                  |                 |                            |                           |                                            |                                                |                                             |                                                              |                                                                       |
| Measured Distances (from a recognized survey corner)                                                                                                                                                                                                                                       |                  |                 |                            |                           |                                            |                                                |                                             |                                                              | <input type="checkbox"/> POA <input type="checkbox"/> APOA            |
| <input type="checkbox"/> Well log attached and associated with the well described above <b>and</b> on the accompanying application map.<br><b>AND/OR</b><br><input type="checkbox"/> No well log is available - construction of the authorized well is provided in table below.            |                  |                 |                            |                           |                                            |                                                |                                             |                                                              |                                                                       |
| OWRD Well ID Tag No.                                                                                                                                                                                                                                                                       | Total well depth | Casing Diameter | Casing Intervals (in 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 if less than full rate of water right    |                                                                       |
| L-                                                                                                                                                                                                                                                                                         |                  |                 |                            |                           |                                            |                                                |                                             | <input type="checkbox"/> CFS<br><input type="checkbox"/> GPM |                                                                       |

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## WATER RIGHT CERTIFICATE# 65931

☐ Yes - Complete **only** Table 2B on page 12. ☒ No - Complete **both** Table 2A below **and** Table 2B on page 12.

**NOTE: List only that part or portion of the Water Right Certificate that will be changed.**

TL are 500, 600, & 700

## Permit G-15676 a Nursery water right

Pursuant to ORS 540.510, any "layered" water use such as an irrigation water right that is supplemental to a primary water right proposed for permit amendment, must be included in the permit amendment or cancelled. Change(s) to a water right certificate must be filed separately in a Permanent Transfer Application. Change(s) to a groundwater registration must be filed separately in a Groundwater Registration Modification Application.



**WATER RIGHT CERTIFICATE# 65931**

**NOTE: If more than one change is proposed, specify the acreage associated with each change. If there is more than one POD/APOD or POA/APOA involved in the proposed changes, specify the acreage associated with each POD/APOD or POA/APOA**

## TACS



## Business Name Search

[New Search](#)

[Printer Friendly](#)

## Business Entity Data

07-20-2026

08:01

| Registry Nbr | Entity Type             | Entity Status | Jurisdiction | Registry Date | Next Renewal Date | Renewal Due? |
|--------------|-------------------------|---------------|--------------|---------------|-------------------|--------------|
| 149660-14    | DBC                     | ACT           | OREGON       | 12-31-1980    | 12-31-2026        |              |
| Entity Name  | FESSLER NURSERY COMPANY |               |              |               |                   |              |
| Foreign Name |                         |               |              |               |                   |              |

[New Search](#)

[Printer Friendly](#)

## Associated Names

|        |                           |                             |       |  |         |                          |
|--------|---------------------------|-----------------------------|-------|--|---------|--------------------------|
| Type   | PPB                       | PRINCIPAL PLACE OF BUSINESS |       |  |         |                          |
| Addr 1 | 12666 MONITOR MCKEE RD NE |                             |       |  |         |                          |
| Addr 2 |                           |                             |       |  |         |                          |
| CSZ    | WOODBURN                  | OR                          | 97071 |  | Country | UNITED STATES OF AMERICA |

Please click [here](#) for general information about registered agents and service of process.

|        |                           |                  |         |            |                          |             |  |
|--------|---------------------------|------------------|---------|------------|--------------------------|-------------|--|
| Type   | AGT                       | REGISTERED AGENT |         | Start Date | 02-12-2025               | Resign Date |  |
| Name   | MARVIN                    | J                | FESSLER |            |                          |             |  |
| Addr 1 | 12668 MONITOR MCKEE RD NE |                  |         |            |                          |             |  |
| Addr 2 |                           |                  |         |            |                          |             |  |
| CSZ    | WOODBURN                  | OR               | 97071   | Country    | UNITED STATES OF AMERICA |             |  |

|        |                           |    |       |  |         |                          |
|--------|---------------------------|----|-------|--|---------|--------------------------|
| Type   | MAL MAILING ADDRESS       |    |       |  |         |                          |
| Addr 1 | 12666 MONITOR-MCKEE RD NE |    |       |  |         |                          |
| Addr 2 |                           |    |       |  |         |                          |
| CSZ    | WOODBURN                  | OR | 97071 |  | Country | UNITED STATES OF AMERICA |

|        |                           |           |         |         |                          |  |
|--------|---------------------------|-----------|---------|---------|--------------------------|--|
| Type   | PRE                       | PRESIDENT |         |         | Resign Date              |  |
| Name   | MARVIN                    |           | FESSLER |         |                          |  |
| Addr 1 | 12668 MONITOR MCKEE RD NE |           |         |         |                          |  |
| Addr 2 |                           |           |         |         |                          |  |
| CSZ    | WOODBURN                  | OR        | 97071   | Country | UNITED STATES OF AMERICA |  |

Received by OWRD

AUG 04 2026

Salem, OR

14913 -







WELL TEST Pumped After drilling to 250 ft.  
Producing 110 gal/min.

Drill Rig moved back on well 2/12/77 and  
deepened to 320 ft.

MARI 2170

Received by OWRD

AUG 04 2026

Salem, OR

14913 -

22/M-34 PP



## NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

**RECEIVED**  
JUL 1 1971

## WATER WELL REPORT

STATE OF OREGON

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date of well completion.

**STATE ENGINEER**  
**SALEM, OREGON**

(Type or print)

Do not write above this line

State Well No.

5/W-34b

State Permit No.

6-5587

## (1) OWNER:

Name Kenneth Fessler  
Address Rte. 2, Box , Woodburn, Oregon

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

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

## (3) TYPE OF WELL:

Rotary ☐ Driven ☐  
Cable ☒ Jetted ☐  
Dug ☐ Bored ☐

## (4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐  
Irrigation ☒ Test Well ☐ Other ☐

## CASING INSTALLED:

Threaded ☐ Welded ☒

58" Diam. from 1' above surface ft. Gage  
" Diam. from 103 ft. to 103 ft. Gage .250  
" Diam. from 103 ft. to 103 ft. Gage

## PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Mills Knife Perforator

Size of perforations 1/2 in. by 3 in.  
288 perforations from 70 ft. to 94 ft.  
perforations from 70 ft. to 94 ft.  
perforations from 70 ft. to 94 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?

Yield: 85 gal./min. with 2 1/2 ft. drawdown after 5 1/2 hrs.

Bailer test gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.

Artesian flow g.p.m. \_\_\_\_\_

perature of water XX Depth artesian flow encountered \_\_\_\_\_ ft.

## (9) CONSTRUCTION:

Well seal—Material used Bentonite & puddled clay

Well sealed from land surface to 29 ft.

Diameter of well bore to bottom of seal 11 in.

Diameter of well bore below seal 9 1/2 in.

Number of sacks of cement used in well seal \_\_\_\_\_ sacks

Number of sacks of bentonite used in well seal 2 sacks

Brand name of bentonite National

Number of pounds of bentonite per 100 gallons

of water 100 lbs./100 gals.

Was a drive shoe used? ☒ Yes ☐ No Plug \_\_\_\_\_ Size: location \_\_\_\_\_ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? \_\_\_\_\_ depth/strata

Method of sealing strata off

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 3/4" rd.

Gravel placed from 135 103 inside

## (10) LOCATION OF WELL:

County Marion Driller's well number \_\_\_\_\_  
1/4 1/4 Section T. R. W.M.

Bearing and distance from section or subdivision corner

approx 700' E + 350' S. of N.W. cor. of Sec. 34,  
T. 5 S., R. 1 W.

## (11) WATER LEVEL: Completed well.

Depth at which water was first found approx. 40 ft.

Static level 32 ft. below land surface. Date

Artesian pressure \_\_\_\_\_ lbs. per square inch. Date

## (12) WELL LOG:

Diameter of well below casing none

Depth drilled 142 ft. Depth of completed well 103 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 |
|----------------------------|--------|-----------|-----|
| Top soil-brn.              | 0      | 2         |     |
| Sandy loam-brn.-           | 2      | 8         |     |
| Clay sandy-brn.-           | 8      | 30        |     |
| Clay greyish brn., gritty- | 30     | 40        |     |
| Med. conglom., brn., hard- | 40     | 67 (W.B.) |     |
| Sandy clay-brn., soft-     | 67     | 68 1/2    |     |
| Med. conglom.-grey-hard-   | 68 1/2 | 94 (W.B.) |     |
| Sandy clay-dark grey-soft- | 94     | 105       |     |
| Packed sand & wood-grey    | 105    | 106       |     |
| Sandy clay-dark grey-soft  | 106    | 135       |     |
| Clay-grey, sticky, & firm- | 135    | 142       |     |

Received by DWRD

AUG 04 2026

Salem, OR

Work started April 3, 19 Completed May 1, 1971

Date well drilling machine moved off of well May 1, 1971

## Drilling Machine Operator's Certification:

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

[Signed] Paul R. Stadel Date 5-28, 1971

(Drilling Machine Operator)

Drilling Machine Operator's License No. 16

## Water Well Contractor's Certification:

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

Name R. Stadel & Sons, Inc.

(Person, firm or corporation)

(Type or print)

Address Rte. 3, Box 169, Silverton, Oregon

[Signed] Paul R. Stadel

(Water Well Contractor)

Contractor's License No. 296 Date 5/28/71, 19

(USE ADDITIONAL SHEETS IF NECESSARY)

SP\*45556-119

14913 -



well 1  
MARI 65100

**MARI 65100**  
**Westerberg Drilling, Inc.**  
**36728 S. Kropf Rd.**  
**Molalla, OR 97038**

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

WELL I.D. # L 110559

START CARD # 210263

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

(1) LAND OWNER Well Number \_\_\_\_\_  
Name Fessler Nursery/Dale Fessler  
Address 12666 Monitor McKee Rd.  
City Woodburn State OR Zip 97071

(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 103' ft. - Original  
Explosives used: ☐ Yes ☒ No Type \_\_\_\_\_ Amount \_\_\_\_\_

| BORE HOLE                           |      |     |           | SEAL |     |                 |  |
|-------------------------------------|------|-----|-----------|------|-----|-----------------|--|
| Diameter                            | From | To  | Material  | From | To  | Sacks or Pounds |  |
| 12 3/4"                             | 0    | 35' | Bentonite | 0    | 2'  | 2 Sacks         |  |
|                                     |      |     | Cement    | 2'   | 35' | 21 Sacks        |  |
| Reseal Only                         |      |     |           |      |     |                 |  |
| See MARI 2172 for Original Well Log |      |     |           |      |     |                 |  |

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E  
☒ Other Bentonite Poured & Probed

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

(6) CASING/LINER

| Diameter             | From | To  | Gauge | Steel                               | Plastic                  | Welded                              | Threaded                 |
|----------------------|------|-----|-------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Casing: 8"           | +6"  | +1' | .250  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| New Casing Extension |      |     |       |                                     |                          |                                     |                          |
| See MARI 2172        |      |     |       |                                     |                          |                                     |                          |
| Liner:               |      |     |       |                                     |                          |                                     |                          |

Drive Shoe used ☐ Inside ☐ Outside ☐ None

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

(7) PERFORATIONS/SCREENS  
☐ Perforations Method \_\_\_\_\_  
☐ Screens Type \_\_\_\_\_ Material \_\_\_\_\_

| From          | To | Slot Size | Number | Diameter | Tele/pipe size | Casing                   | Liner                    |
|---------------|----|-----------|--------|----------|----------------|--------------------------|--------------------------|
| See MARI 2172 |    |           |        |          |                | <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 | Drawdown | Drill stem at | Time |
|---------------|----------|---------------|------|
| 50+           | N/A      | 103'          | 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 600 Lot \_\_\_\_\_  
Township 5 S Range 1 W WM  
Section 34 NW 1/4 NW 1/4  
Lat \_\_\_\_\_° \_\_\_\_\_' \_\_\_\_\_" or \_\_\_\_\_ (degrees or decimal)  
Long \_\_\_\_\_° \_\_\_\_\_' \_\_\_\_\_" or \_\_\_\_\_ (degrees or decimal)

Street Address of Well (or nearest address) 12506 Monitor McKee Rd.  
Woodburn, OR 97071

(10) STATIC WATER LEVEL

45' 5" ft. below land surface. Date 02/14/2014  
\_\_\_\_\_ ft. below land surface. Date \_\_\_\_\_  
Artesian pressure \_\_\_\_\_ lb. per square inch Date \_\_\_\_\_

(11) WATER BEARING ZONES

Depth at which water was first found Original

| From          | To | Estimated Flow Rate | SWL |
|---------------|----|---------------------|-----|
| See MARI 2172 |    |                     |     |
|               |    |                     |     |
|               |    |                     |     |
|               |    |                     |     |

(12) WELL LOG

Ground Elevation \_\_\_\_\_

| Material                                                                                                                                      | From | To | SWL |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------|----|-----|
| Overdrilled with fluid to 35'. 12 3/4" diameter. Pumped 21 bags of cement from 35' to ground surface. Topped off with bentonite the next day. |      |    |     |

Redeveloped well by jetting perforations with high pressure air.

RECEIVED BY OWRD  
AUG 04 2026  
Salem, OR

Date Started 02/12/2014 1 P.M. Completed 02/14/2014

(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 1359

Date 02/14/2014

Signed Bryn B. [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 688

Date 02/19/2014

Signed Steven N. Stachle



well 6  
MARI 58521STATE OF OREGON  
WATER SUPPLY WELL REPORT  
(as required by ORS 537.765)Westerberg Drilling, Inc.  
36728 S. Kropf Rd.  
Medalla, OR 97038

AMENDED

WELL I.D. # L 67465

START CARD # 166710

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

(1) LAND OWNER Well Number \_\_\_\_\_  
Name Dale Fessler  
Address 12666 Monitor-McKee Rd.  
City Woodburn State OR Zip 97071(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 255.5 ft.  
Explosives used: ☐ Yes ☒ No Type \_\_\_\_\_ Amount \_\_\_\_\_

| BORE HOLE |      |     | SEAL      |      |    |                 |
|-----------|------|-----|-----------|------|----|-----------------|
| Diameter  | From | To  | Material  | From | To | Sacks or Pounds |
| 12"       | 0    | 75  | Cement    | 7    | 75 | 71 sacks        |
|           |      |     | Bentonite | 0    | 7  | 7 sacks         |
| 8"        | 75   | 338 |           |      |    |                 |

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E  
☒ Other Bentonite placed dryBackfill placed from 274 ft. to 338 ft. Material Cement  
Gravel placed from 209 ft. to 261 ft. Size of gravel 8/12 & 6/9(6) CASING/LINER Pea gravel from 261' to 274'  

| Diameter        | From   | To     | Gauge | Steel                               | Plastic                  | Welded                              | Threaded                 |
|-----------------|--------|--------|-------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Casing: 8"      | +1     | 228    | .250  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|                 |        |        |       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
|                 |        |        |       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Liner: Riser 6" | 209'2" | 228'7" | .250  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Tail 5"         | 245'4" | 255'6" | .258  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Drive Shoe used ☐ Inside ☒ Outside ☐ None

Final location of shoe(s) 318.5' cut-off

(7) PERFORATIONS/SCREENS  
☐ Perforations Method Continuous wrap  
☒ Screens Type V-wire Material Stainless

| From    | To      | Slot Size | Number | Diameter | Tele/pipe size | Casing                   | Liner                    |
|---------|---------|-----------|--------|----------|----------------|--------------------------|--------------------------|
| 228'7"  | 233'10" | .050      |        | 5"       | PS             | <input type="checkbox"/> | <input type="checkbox"/> |
| 233'10" | 239'1"  | .070      |        | 5"       | PS             | <input type="checkbox"/> | <input type="checkbox"/> |
| 239'1"  | 245'4"  | .050      |        | 5"       | PS             | <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 ☐ Bailor ☐ Air ☐ Flowing Artesian

| Yield gal/min | Drawdown | Drill stem at | Time  |
|---------------|----------|---------------|-------|
| 18            | 158'     |               | 2 hr. |

Temperature of water 56 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 500 Lot \_\_\_\_\_  
Township 5 S Range 1 W WM  
Section 34 NW 1/4 NW 1/4Lat \_\_\_\_\_ " or \_\_\_\_\_ (degrees or decimal)  
Long \_\_\_\_\_ " or \_\_\_\_\_ (degrees or decimal)

Street Address of Well (or nearest address) E. of 12706 Monitor-McKee Rd.

(10) STATIC WATER LEVEL

70 ft. below land surface. Date 7-30-04

\_\_\_\_\_ ft. below land surface. Date \_\_\_\_\_

Artesian pressure \_\_\_\_\_ lb. per square inch Date \_\_\_\_\_

(11) WATER BEARING ZONES

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

| From | To  | Estimated Flow Rate | SWL |
|------|-----|---------------------|-----|
| 80   | 109 | N/A                 | N/A |
| 153  | 159 | 7 gpm               | 70' |
| 232  | 238 | 18 gpm              | 70' |

(12) WELL LOG

Ground Elevation \_\_\_\_\_

| Material                    | From | To  | SWL |
|-----------------------------|------|-----|-----|
| Soil                        | 0    | 1   |     |
| Clay brown                  | 1    | 22  |     |
| Clay blue                   | 22   | 31  |     |
| Clay brown w/ gravel        | 31   | 65  |     |
| Gravel slightly cemented    | 65   |     |     |
| med to large                |      | 109 |     |
| Clay grey                   | 109  | 122 |     |
| Siltstone soft grey & green | 122  | 140 |     |
| Silt brown                  | 140  | 145 |     |
| Clay grey sticky            | 145  | 153 |     |
| Packed silt grey            | 153  | 159 |     |
| Clay blue sticky            | 159  | 167 |     |
| Claystone blue & brown      | 167  | 177 |     |
| Clay blue & brown sticky    | 177  | 232 |     |

continued on page 2

Date Started 5-24-04 Completed 7-30-04

(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 \_\_\_\_\_ Date \_\_\_\_\_

Signed \_\_\_\_\_

(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 688 Date 11-22-04

Signed Steve N. Stadel

ORIGINAL - WATER RESOURCES DEPARTMENT

FIRST COPY - CONSTRUCTOR

SECOND COPY - CUSTOMER

06/16/2004

WATER RESOURCES DEPT  
SALEM, OREGON

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14913 - Salem, OR



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

MARI 58521  
MARI 58521  
Westerberg Drilling, Inc.  
36728 S. Kropf Rd.  
Molalla, OR 97038

WELL I.D. #

START CARD # 166710

RECEIVED

NOV 26 2004

WATER RESOURCES DEPT  
SALEM, OREGON

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

(1) LAND OWNER Well Number \_\_\_\_\_  
Name Dale Fessler

Address 12666 Monitor-McKee Rd.

City Woodburn State OR Zip 97071

(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 255.5 ft.  
Explosives used: ☐ Yes ☒ No Type \_\_\_\_\_ Amount \_\_\_\_\_

| BORE HOLE |      |     | SEAL      |      |    | Sacks or Pounds |
|-----------|------|-----|-----------|------|----|-----------------|
| Diameter  | From | To  | Material  | From | To |                 |
| 12"       | 0    | 75  | Cement    | 7    | 75 | 71 sacks        |
|           |      |     | Bentonite | 0    | 7  | 7 sacks         |
| 8"        | 75   | 338 |           |      |    |                 |

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

☒ Other Bentonite placed dry  
Backfill placed from 274 ft. to 338 ft. Material Cement  
Gravel placed from 209 ft. to 261 ft. Size of gravel 8/12 & 6/9

| (6) CASING/LINER |        |        |       | Pea gravel from 261' to 274'        |                          |                                     |                          |
|------------------|--------|--------|-------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Diameter         | From   | To     | Gauge | Steel                               | Plastic                  | Welded                              | Threaded                 |
| Casing: 8"       | +1     | 228    | .250  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|                  |        |        |       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
|                  |        |        |       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Liner: Riser 6"  | 209'2" | 228'7" | .250  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Tail 5"          | 245'4" | 255'6" | .258  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Drive Shoe used ☐ Inside ☒ Outside ☐ None

Final location of shoe(s) 318.5' cut-off

(7) PERFORATIONS/SCREENS  
☐ Perforations Method Continuous wrap  
☒ Screens Type V-wire Material Stainless

| From    | To      | Slot Size | Number | Diameter | Tele/pipe size | Casing                   | Liner                    |
|---------|---------|-----------|--------|----------|----------------|--------------------------|--------------------------|
| 228'7"  | 233'10" | .050      |        | 5"       | PS             | <input type="checkbox"/> | <input type="checkbox"/> |
| 233'10" | 239'1"  | .070      |        | 5"       | PS             | <input type="checkbox"/> | <input type="checkbox"/> |
| 239'1"  | 245'4"  | .050      |        | 5"       | PS             | <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 | Drawdown | Drill stem at | Time  |
|---------------|----------|---------------|-------|
| 18            | 158'     |               | 2 hr. |
|               |          |               |       |
|               |          |               |       |

Temperature of water 56 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 500

Lot

Township 5

S

Range 1

W

WM

Section 34

NW

1/4

NW

1/4

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

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

Street Address of Well (or nearest address) E. of 12706 Monitor-McKee Rd.

(10) STATIC WATER LEVEL

70 ft. below land surface. Date 7-30-04

\_\_\_\_\_ ft. below land surface. Date \_\_\_\_\_

Artesian pressure \_\_\_\_\_ lb. per square inch Date \_\_\_\_\_

(11) WATER BEARING ZONES

| From |  | To  | Estimated Flow Rate | SWL |
|------|--|-----|---------------------|-----|
| 80   |  | 109 | N/A                 | N/A |
| 153  |  | 159 | 7 gpm               | 70' |
| 232  |  | 238 | 18 gpm              | 70' |
|      |  |     |                     |     |
|      |  |     |                     |     |

(12) WELL LOG

Ground Elevation \_\_\_\_\_

| Material                    | From | To  | SWL |
|-----------------------------|------|-----|-----|
| Soil                        | 0    | 1   |     |
| Clay brown                  | 1    | 22  |     |
| Clay blue                   | 22   | 31  |     |
| Clay brown w/ gravel        | 31   | 65  |     |
| Gravel slightly cemented    | 65   |     |     |
| med to large                |      | 109 |     |
| Clay grey                   | 109  | 122 |     |
| Siltstone soft grey & green | 122  | 140 |     |
| Silt brown                  | 140  | 145 |     |
| Clay grey sticky            | 145  | 153 |     |
| Packed silt grey            | 153  | 159 |     |
| Clay blue sticky            | 159  | 167 |     |
| Claystone blue & brown      | 167  | 177 |     |
| Clay blue & brown sticky    | 177  | 232 |     |
| continued on page 2         |      |     |     |

Date Started 5-24-04 Completed 7-30-04

(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 \_\_\_\_\_ Date \_\_\_\_\_

Signed \_\_\_\_\_

(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 688 Date 11-22-04

Signed *Steven N. Stadel*







# 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.oregon.gov/OWRD

**Use a separate affidavit for each water right included in the transfer application.**

**NOTE: Supporting documentation must be attached.**

State of Oregon )  
County of Marion ) ss  
 )

I, Marvin Fessler, in my capacity as Owner / Operator,  
mailing address 12666 Monitor McKee Rd, Woodburn, OR 97071,  
telephone no.(s) 503-984-1772, e-mail address Marvin@fesslernursery.com,  
being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on:

Check only the box that applies:

☒ Personal observation. Explain the specific grounds for your knowledge:

Owner / Operator

☐ Professional expertise. Explain the specific grounds for your knowledge:

2. I attest that I have read and understand the terms and conditions of water use under Certificate # 65931, and that I have attached copies of documents demonstrating beneficial water use consistent with those terms and conditions (i.e., documentation showing compliance with the terms and conditions of the right).

Examples of documentation demonstrating compliance with the terms and conditions include, but are not limited to:

- Information showing that a required water meter was installed
- Copies of submitted static water level measurement reports (for groundwater sources)
- Copies of submitted annual water use reports
- Written confirmation from Oregon Department of Fish & Wildlife (ODFW) documenting installation of required fish screen(s)

3. I attest that water was beneficially used under Certificate # 65931 for the following purpose (e.g., crops, pasture, commercial, industrial, etc.): Nursery operation and wheat

4. I attest that water from the authorized source was diverted/appropriated, conveyed, and applied to the authorized place of use under Certificate # 65931 through the current water delivery system used to apply water or the system that was in place at some point within the five years prior to submittal of this Transfer Application.

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5. I attest that the following is a description of the water delivery system attested to in Item #4 above. Please check all applicable boxes below and include information that describes the type, model, dimensions (size/diameter, length, etc.) and delivery capacity, in cubic feet per second (cfs) or gallons per minute (gpm):

- ☐ Pump(s) in stream:
- ☒ Pump(s) in reservoir/pond: Pond is a bulge in the system
- ☒ Pump(s) in well(s): 10 Hp submersible pump
- ☐ Headgate in stream/canal:
- ☐ Headgate in reservoir pond:
- ☐ Other (describe also include its general location in the description):
- ☐ Gravity Ditch:
- ☒ Pipeline: 3 inch PVC to pond then 4 and 2 inch buried PVC mainlines to the place of use
- ☒ Sprinklers: Drip irrigation in green houses and impact sprinklers for the field
- ☐ Other (also include its general location in the description):

6. Can you attest to beneficial water use under Certificate # 65931 consistent with the terms and conditions of the water right, during the past five years on the **entire** place of use or a **portion** of the place of use?

- ☐ No [skip to Question 7]
- ☒ Yes, my knowledge is specific to only the **portion** of the place use described below: [complete **Table 1** below, then go to Question 8]
- ☐ Yes, water was used on the **entire** place of use [skip to Question 8]

**Table 1. Description of Water Use**

| Certificate # | Township |   | Range |   | Mer | Sec | ¼  | ¼  | Gov't Lot or DLC | Acres (if applicable) |
|---------------|----------|---|-------|---|-----|-----|----|----|------------------|-----------------------|
| 65931         | 5        | S | 1     | W | WM  | 34  | NW | NW | NA               | 21.8                  |
|               |          |   |       |   | WM  |     |    |    |                  |                       |
|               |          |   |       |   | WM  |     |    |    |                  |                       |
|               |          |   |       |   | WM  |     |    |    |                  |                       |
|               |          |   |       |   | WM  |     |    |    |                  |                       |
|               |          |   |       |   | WM  |     |    |    |                  |                       |

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7. I attest, as indicated under either **Item a.** or **Item b.** below, that:

a. Beneficial water use is evidenced by one of the following:

- ☐ Certificate # \_\_\_\_\_ confirming beneficial water use to perfect Permit # \_\_\_\_\_ was issued within the past five years.

**NOTE:** This cannot be a remaining right certificate.

- ☐ Certificate # \_\_\_\_\_ confirming completion of a change in place of use, point(s) of diversion/ appropriation, or character of use authorized under Transfer Application #T- \_\_\_\_\_ was issued within the past five years.

- ☐ Part or all of the water right was leased instream at some point within the last five years. The instream lease number is: \_\_\_\_\_

**NOTE:** If the entire right proposed for transfer was not leased, then additional evidence of use is needed for the portion not leased instream.

- ☐ Water has been diverted at the actual current point of diversion for more than 10 years for beneficial use under Certificate # \_\_\_\_\_ (For Historic POD Transfers).

**-OR-**

b. Water was not used in the past 5 years, but the water right is not subject to forfeiture and documentation is attached to support the assertion that the presumption of forfeiture for nonuse would be rebutted under ORS 540.610(2) due to the following:

- ☐ Consistent with ORS 540.610(2)(e), the period of nonuse occurred during a period of time within which land was withdrawn from use in accordance with the Federal Conservation Reserve Program.
- ☐ Consistent with ORS 540.610(2)(h), the nonuse occurred during a period of time when I/we was/were using reclaimed water in lieu of using water under the water right.
- ☐ Consistent with ORS 540.610(2)(j), I/we was/were unable to make full beneficial use of the water because water was not available. During this time I/we had a facility capable of handling the full allowed rate and duty, and I/we was/were otherwise ready, willing and able to beneficially use the entire amount of water allowed under the water right.
- ☐ Consistent with ORS 540.610(2)(L), the nonuse occurred during a period of time within which the exercise of the water right was not necessary due to climatic conditions. During this time I/we had a facility capable of handling the full allowed rate and duty, and I/we was/were otherwise ready, willing and able to beneficially use the entire amount of water allowed under the water right.
- ☐ Consistent with ORS 540.610(2)(n), the nonuse of the supplemental water right occurred during a period of time when the primary water right used in conjunction with the supplemental water right was leased as an in-stream water right pursuant to ORS 537.348.
- ☐ Other (please explain and cite the statutory reference under ORS 540.610(2) that applies):

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8. I understand that if I do not attach one or more of the documents shown in **Table 2** to support the above statements, my application will be considered incomplete.

NOTE: Table 2 is located on Page 5

[Signature]

Affiant Signature

Marvin Fessler

Printed Name

7/31/26

Date

Signed and sworn to (or affirmed) before me this 31 day of July, 2026.



Meryll DeMott  
Notary Public for Oregon

My Commission Expires: April 21, 2029

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Salem, OR



**Table 2. Supporting Documentation**

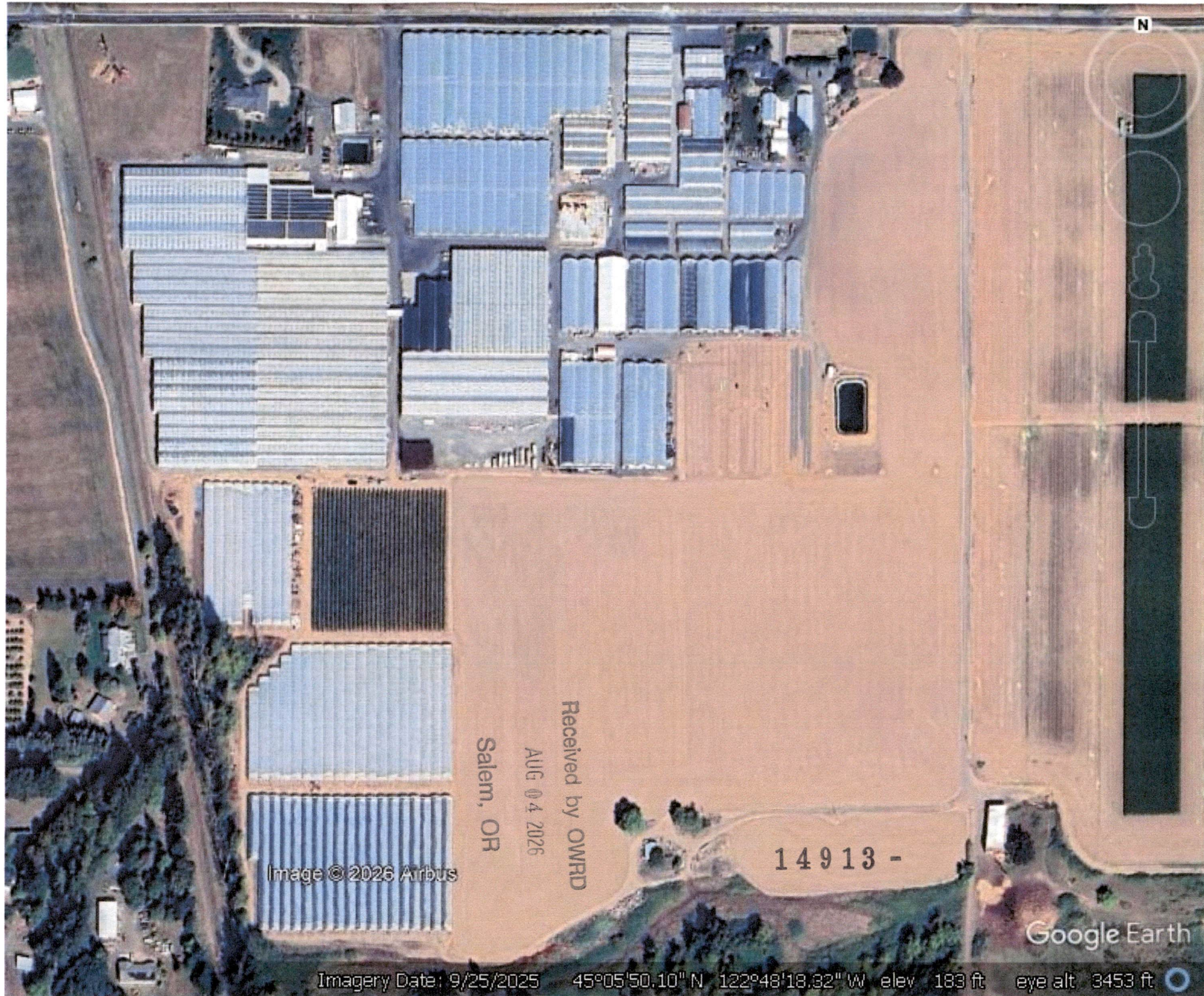
| Supporting Documents                                                                                                                                                                                                                                         | Examples                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> A <b>confirming</b> water right certificate that was issued within the last five years. ( <b>NOT</b> a remaining right certificate.)                                                                                                | <ul style="list-style-type: none"> <li>• Copy of a water right certificate <b>confirming</b> the beneficial use of water under a Water Use Permit that shows date of issuance</li> <li>• Copy of a water right certificate <b>confirming</b> completion of a change in place of use, point of diversion/appropriation, or character of use authorized by an approved Water Right Transfer showing issuance date</li> </ul>                                                                                                                                                                                               |
| <input type="checkbox"/> Records such as Farm Service Agency (FSA) crop reports, irrigation district records, Natural Resources Conservation Service (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>• Conservation Reserve Enhancement Program (CREP) Report</li> </ul>                                                                                                                                                                                                                                             |
| <input checked="" type="checkbox"/> Dated satellite imagery, aerial photos or other photographs containing sufficient detail to establish location and date of photograph (i.e., dated aerial photographs)                                                   | <ul style="list-style-type: none"> <li>• Multiple photos can be submitted to show different areas of a water right</li> <li>• If photograph does not print with a "date stamp" or without the source identified, the date of the photograph and source should be added</li> </ul> <p>Sources for dated aerial photos:<br/>           OSU – <a href="https://www.oregonexplorer.info">https://www.oregonexplorer.info</a><br/>           OWRD – <a href="https://www.oregon.gov/owrd">https://www.oregon.gov/owrd</a><br/>           Google Earth – <a href="https://earth.google.com/">https://earth.google.com/</a></p> |
| <input type="checkbox"/> Approved instream lease establishing beneficial use for instream purposes within the last 5 years                                                                                                                                   | <p>Copy of final order approving an instream lease that shows instream lease number and date of issuance</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <input type="checkbox"/> If water has not been beneficially used in the past 5 years, documentation showing the right is not subject to forfeiture under ORS 540.610.<br><br>(NOTE: Refer to ORS 540.610(2) for rebuttals to the presumption of forfeiture.) | <ul style="list-style-type: none"> <li>• Copy of an agreement or contract for the use of reclaimed municipal water</li> <li>• Contract showing the authorized place of use enrolled in the Conservation Reserve Enhancement Program (CREP).</li> <li>• Copy of the Governor's executive order declaring a drought in the county within which the water right is located</li> </ul>                                                                                                                                                                                                                                       |
| <input type="checkbox"/> Any other documentation with sufficient detail to support the affidavit attesting to beneficial use during the past 5 years                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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N

100

200

300

400

500

600

700

800

900

1000

1100

1200

1300

1400

1500

1600

1700

1800

1900

2000

2100

2200

2300

2400

2500

2600

2700

2800

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3000

3100

3200

3300

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16200

16300

16400

16500

16600

16700

16800

16900

17000

17100

17200

17300

17400

17500

17600

17700

17800

17900

18000

18100

18200

18300

18400

18500

18600

18700

18800

18900

19000

19100

19200

19300

19400

19500

19600

19700

19800

19900

20000

20100

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30800



## Consent by Deeded Landowner or Deeded Water Right Holder

(If the applicant is not the owner of the lands on which the water right is located or if the water right was severed from the lands and conveyed separately to other individuals or entities)



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

## Consent by Deeded Landowner or Deeded Water Right Holder

State of Oregon )  
 )ss  
County of Marion )

I Marvin and Mary Fessler in my/our capacity as Owners,

mailing address (city, state, zip)

12668 Monitor-McKee Rd NE, Woodburn, OR 97071

e-mail

Marvin@fesslernursery.c

phone number

503-984-1772

duly sworn depose and say that I/We consent to the proposed change(s) to Water Right Certificate Number 65931

described in a Water Right Transfer Application (T- NA ), submitted by: Fessler Nursery  
(transfer number, if known)

Table 1. Description of Water Use

| Certificate # | Township |   | Range |   | Mer | Sec | ¼  | ¼  | Tax Lot | Location<br>(site address) |
|---------------|----------|---|-------|---|-----|-----|----|----|---------|----------------------------|
| 65931         | 5        | S | 1     | W | WM  | 34  | NW | NW | 600     | 12666 Monitor-McKee Rd NE  |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |

[Signature]

Affiant Signature

Marvin Fessler

Printed Name

7/31/26

Date

[Signature]

Affiant Signature

(Katy) Mary Kathryn Fessler

Printed Name

7/31/26

Date

Subscribed and Sworn to before me this 31 day of July, 2026.

[Signature]

Notary Public for Oregon

My commission expires April 21, 2029



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TACS  
Salem, OR



## Consent by Deeded Landowner or Deeded Water Right Holder

(If the applicant is not the owner of the lands on which the water right is located or if the water right was severed from the lands and conveyed separately to other individuals or entities)



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

## Consent by Deeded Landowner or Deeded Water Right Holder

State of Oregon )  
 )ss  
County of Marion )

I Kenneth Fessler Et Al in my/our capacity as Owner,  
mailing address (city, state, zip) 12706 Monitor-McKee Rd NE, Woodburn, OR 97071 e-mail \_\_\_\_\_ phone number 503-984-1773

duly sworn depose and say that I/We consent to the proposed change(s) to Water Right Certificate Number 65931

described in a Water Right Transfer Application (T-NA), submitted by: Fessler Nursery  
(transfer number, if known)

Table 1. Description of Water Use

| Certificate # | Township |   | Range |   | Mer | Sec | ¼  | ¼  | Tax Lot | Location<br>(site address) |
|---------------|----------|---|-------|---|-----|-----|----|----|---------|----------------------------|
| 65931         | 5        | S | 1     | W | WM  | 34  | NW | NW | 700     | None given                 |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |

Kenneth Fessler  
Affiant Signature

Kenneth Fessler  
Printed Name

7/24/2026  
Date

N/A  
Affiant Signature

N/A  
Printed Name

N/A  
Date

Subscribed and Sworn to before me this 24 day of July, 2026.



Kattie L. Ackley  
Notary Public for Oregon

My commission expires March 08, 2030

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## Consent by Deeded Landowner or Deeded Water Right Holder

(If the applicant is not the owner of the lands on which the water right is located or if the water right was severed from the lands and conveyed separately to other individuals or entities)



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

## Consent by Deeded Landowner or Deeded Water Right Holder

State of Oregon )  
 )ss  
County of Marion )

I Kenneth and Marie Fessler Family Trust in my/our capacity as Trustee of Fessler Family Trust,  
mailing address (city, state, zip) 12706 Monitor-McKee Rd NE, Woodburn, OR 97071, e-mail \_\_\_\_\_, phone number 503-984-1773

duly sworn depose and say that I/We consent to the proposed change(s) to Water Right Certificate Number 65931

described in a Water Right Transfer Application (T- NA), submitted by: Fessler Nursery  
(transfer number, if known)

Table 1. Description of Water Use

| Certificate # | Township |   | Range |   | Mer | Sec | ¼  | ¼  | Tax Lot | Location<br>(site address) |
|---------------|----------|---|-------|---|-----|-----|----|----|---------|----------------------------|
| 65931         | 5        | S | 1     | W | WM  | 34  | NW | NW | 500     | 12706 Monitor-McKee Rd NE  |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |
|               |          |   |       |   | WM  |     |    |    |         |                            |

Marie Fessler  
Affiant Signature

Marie Fessler  
Printed Name

7/24/2026  
Date

Kenneth Fessler  
Affiant Signature

Kenneth Fessler  
Printed Name

7/24/2026  
Date

Subscribed and Sworn to before me this 24 day of July, 2026.



Kattie Leigh Ackley  
Notary Public for Oregon

My commission expires March 08, 2030

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# Land Use Information Form



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

## NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. Applications received by OWRD without the Land Use Information Form will be returned to you. Please be aware that your application cannot be approved without land use approval.

### This form is NOT required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b. The application involves a change in place of use only;
  - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d. The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or [WRD\\_DL\\_customerservice@water.oregon.gov](mailto:WRD_DL_customerservice@water.oregon.gov).

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# Land Use Information Form



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

|                                                |  |                       |                                    |              |
|------------------------------------------------|--|-----------------------|------------------------------------|--------------|
| NAME<br>Fessler Nursery Co. c/o Marvin Fessler |  | PHONE<br>503-984-1772 | EMAIL<br>Marvin@fesslernursery.com |              |
| MAILING ADDRESS<br>12666 Monitor McKee Rd      |  | CITY<br>Woodburn      | STATE<br>OR                        | ZIP<br>97071 |

## 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<br>(e.g., Rural<br>Residential/RR-5) | Water to be:                                 |                                              |                                          | Proposed<br>Land Use: |
|----------|-------|---------|-----|-----------|-------------------------------------------------------|----------------------------------------------|----------------------------------------------|------------------------------------------|-----------------------|
| 5S       | 1W    | 34      |     | 500       |                                                       | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | IR                    |
| 5S       | 1W    | 34      |     | 600       |                                                       | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | IR                    |
| 5S       | 1W    | 34      |     | 700       |                                                       | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | IR                    |
|          |       |         |     |           |                                                       | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                       |
|          |       |         |     |           |                                                       | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                       |
|          |       |         |     |           |                                                       | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                       |
|          |       |         |     |           |                                                       | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                       |
|          |       |         |     |           |                                                       | <input type="checkbox"/> Diverted            | <input type="checkbox"/> Conveyed            | <input type="checkbox"/> Used            |                       |

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

Marion County

**NOTE:** A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.27    ☒ 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 two additional point of appropriations (well)s to an existing water right (Certificate 65931.

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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.

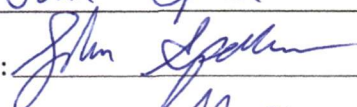
**Please check the appropriate box below and provide the requested information**

- ☒ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 17.136.020 (A) Farm Use
- ☐ Land uses to be served by the proposed water use(s), 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<br>(e.g., plan amendments, rezones,<br>conditional-use permits, etc.) | Cite Most Significant, Applicable Plan<br>Policies & Ordinance Section References | Land-Use Approval:                                                   |                                                                                      |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|                                                                                                        |                                                                                   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

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

Name: John Speckman Title: Associate Planner

Signature:  Date: 7-24-2026

Government Entity: Marion County Phone: \_\_\_\_\_

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