

Kraxberger
T-10529

T-10529

PERMIT
AMENDMENT

Name Allen W. Kraxberger Jr.

Address Po Box 1048
Canby, OR 97013

Change in POU
Date Filed 2-5-08

Initial notice date 2-12-08

DPD issued date

PD issued date

PD notice date

Date of FO 3-19-08 Vol 74 Page 391

C-Date

COBU due date

COBU Received date

Certificate issued

DESCRIPTION OF WATER RIGHT(S)

Name of Stream Well

Trib. of Dove Creek

Use

Quantity of water (CFS)

County Clackamas

Name of ditch

No. of Acres

App # G-16119 Per # G-15700

App # Per #

App # Per #

App # Per #

App # Per #

Cert # PR Date

Cert # PR Date

Cert # PR Date

Cert # PR Date

Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
2-5-08	400.00	91379

FEES REFUNDED		
Date	Amount	Receipt#

Assignments:

Irrigation District N/A

Agent N/A

CWRE N/A

CC's list

☐ - Oversized map - Location



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

March 26, 2008

ALLEN W. KRAXBERGER JR.
PO BOX 1048
CANBY OR 97013

Reference: Permit Amendment Transfer 10529

Enclosed is a copy of the order approving your Permit Amendment transfer application.

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

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

Sincerely,

Sarah Henderson

for Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #20

Enclosure

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

In the Matter of Permit Amendment	)	FINAL ORDER
T-10529, Clackamas County	)	APPROVING A CHANGE IN PLACE
	)	OF USE

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

Allen W. Kraxberger, Jr.
P.O. Box 1048
Canby, Oregon 97013

Findings of Fact

1. On February 5, 2008, Allen W. Kraxberger, Jr., filed an application to amend the place of use under Permit G-15700. The Department assigned the application number T-10529.
2. The permit to be amended is as follows:

Permit:	G-15700, in the name of Allen William Kraxberger Jr.
Use:	Nursery use
Priority Date:	October 15, 2003
Quantity:	0.59 cubic foot per second (cfs)
Rate/Duty:	The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to one-fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For the irrigation of in-ground nursery plants the amount of water diverted is limited to one-eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at anytime during the year that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to one-eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.
Acres:	25.25
Source:	Well 1, in the Dove Creek Basin.

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

Date of Complete Application of Water: October 1, 2008

Authorized Point of Appropriation:

Township		Range		Meridian	Sec	¼ ¼		Location
4	S	1	E	W.M.	10	SE	SW	420 feet North and 1600 feet East from the SW Corner of Section 10.

Authorized Place of Use:

Township		Range		Meridian	Sec	¼ ¼		Acres
4	S	1	E	W.M.	10	NW	SW	25.25

3. The applicant has submitted information that more correctly describes the authorized point of appropriation as being:

Township		Range		Meridian	Sec	¼ ¼		Location
4	S	1	E	W.M.	10	SE	SW	454 feet North and 1591 feet East from the SW Corner of Section 10.

4. The applicant has submitted information that more correctly describes the authorized place of use of the permit as being:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
4	S	1	E	W.M.	10	NW	SW	2000	25.00
4	S	1	E	W.M.	10	SW	SW	2000	0.15
4	S	1	E	W.M.	9	SE	SE	2000	0.10

5. Application T-10529 proposes to change the place of use of the permit to:

Township		Range		Meridian	Sec	¼ ¼		Tax Lot	Acres
4	S	1	E	W.M.	10	NW	SW	1600	8.37
4	S	1	E	W.M.	10	NW	SW	2000	16.88

6. Notice of the application for the permit amendment was published in the Department's weekly notice on February 12, 2008, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
7. The change would not result in injury to other water rights.
8. The proposed place of use is owned and/or controlled by the permit holder.
9. The change does not enlarge the permit.
10. The change does not alter any other terms of the permit.
11. The proposed place of use is contiguous to the authorized place of use.

12. ORS 540.211(4)(e) states that "The holder of the permit provides written notice to the department at least 60 days before making any changes to the lands, point of diversion or point of appropriation described in the permit."

Conclusions of Law

The change in place of use proposed by Permit Amendment Application T-10529 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

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

1. The former places of use shall no longer be irrigated as part of this permit.
2. All other terms and conditions of Permit G-15700 remain the same.
3. Permit G-15700, in the name of Allen William Kraxberger Jr., is amended as described herein.
4. Under ORS 540.211(4)(e), the application of water under this permit on the proposed place of use (Tax Lot 1600) shall not occur until after April 6, 2008.

Dated at Salem, Oregon this 19th day of March, 2008.


Phillip C. Ward,
Director

Mailing Date: MAR 27 2008

Permit Amendment Checklist

Permit Amendment T-10529

Transfer Specialist: pks

Applicant Name/Address: Allen W. Kraxberger, Jr., PO Box 1048, Canby, OR 97013

Agent Name/Address: None

CWRE Name/Number: None

Rec Landowner Name/Address: None

Irr. District Name/Address: None

Affected Govt's Name/Address: Clackamas Co. Transportation and Development Dept., 9101 Sunnybrook Blvd., Clackamas, OR 97015

Commentors Name/Address: None

Permits Affected

Records Marked	Records Copied	App File No.	Permit No.
X	X	G-16119	G-15700

Key Dates & Initial Actions

Rec'd: 2/5/2008	Proposed Action(s): POU	
Fees Pd: \$400.00	WM District: 20	ODFW District: N/A
Initial Notice: 2/10/2008	WM Review sent: 2/13/2008	ODFW Review sent: N/A
Acknowledgement Letter Sent: X		GW Review sent: N/A

Processing Dates & Actions

Deficiency Contacts:	Newspaper Pub Affid. Due: X not required
Affid of Pub Rec'd: Last Day Published:	Affidavit Reminder Sent:
Reminder Deadline:	

Final Order

☒ Electronic Files uploaded

☐ File Assigned/ ModPod updated

☐ Newspaper Notice Cover letter

☐ Fee Refund Due

☐ Newspaper Notice

Draft Order Review (Optional) Reviewer: _____ Date: _____ Coordinator: _____ Date: _____	Final Order Review (Salem) Reviewer: _____ Date: _____ Coordinator: <u>ADP</u> Date: <u>3/18/08</u>
Comments/Special issues : Change in POU only.	

Special Order Volume: Vol: 74, Pages 391

Final Order Signature Date: 3-19-08

Notice of FO e-mailed to processors: Kelly

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALLEN WILLIAM KRAXBERGER JR
PO BOX 1048
CANBY, OR 97013

(503) 263-6768

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

APPLICATION FILE NUMBER: G-16119

SOURCE OF WATER: WELL 1 IN DOVE CREEK BASIN

PURPOSE OR USE: NURSERY USES USE ON 25.25 ACRES

MAXIMUM RATE: 0.59 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: OCTOBER 15, 2003

WELL LOCATION: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 10, T4S, R1E, W.M.; 420 FEET NORTH & 1600 FEET EAST FROM SW CORNER, SECTION 10

The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 25.25 ACRES
SECTION 10
TOWNSHIP 4 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction

Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

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

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

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

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

STANDARD CONDITIONS

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Proposed Final Order and Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

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

the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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

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

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

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

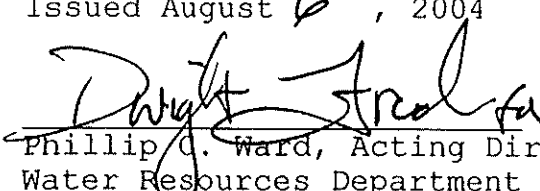
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued August 6, 2004


Phillip C. Ward, Acting Director
Water Resources Department

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

FOR INFORMATION PURPOSES ONLY.

CLACKAMAS COUNTY

1" = 400'

OCT 15 2003

25000

25500

25000

CANCELLED T.L.S.
2100
1400
1401
1402
1403
1404
1405
1406
1407
1500
1205
1391
1390
1391

Permit no. G-15700

F.H.D.
BOOK 35

4 IE 10

SEE MAP 4 IE 15

SEE MAP
4 IE 10CA

E.F.U.

SEE MAP
4 IE 10D

86-20

86-17

86-20

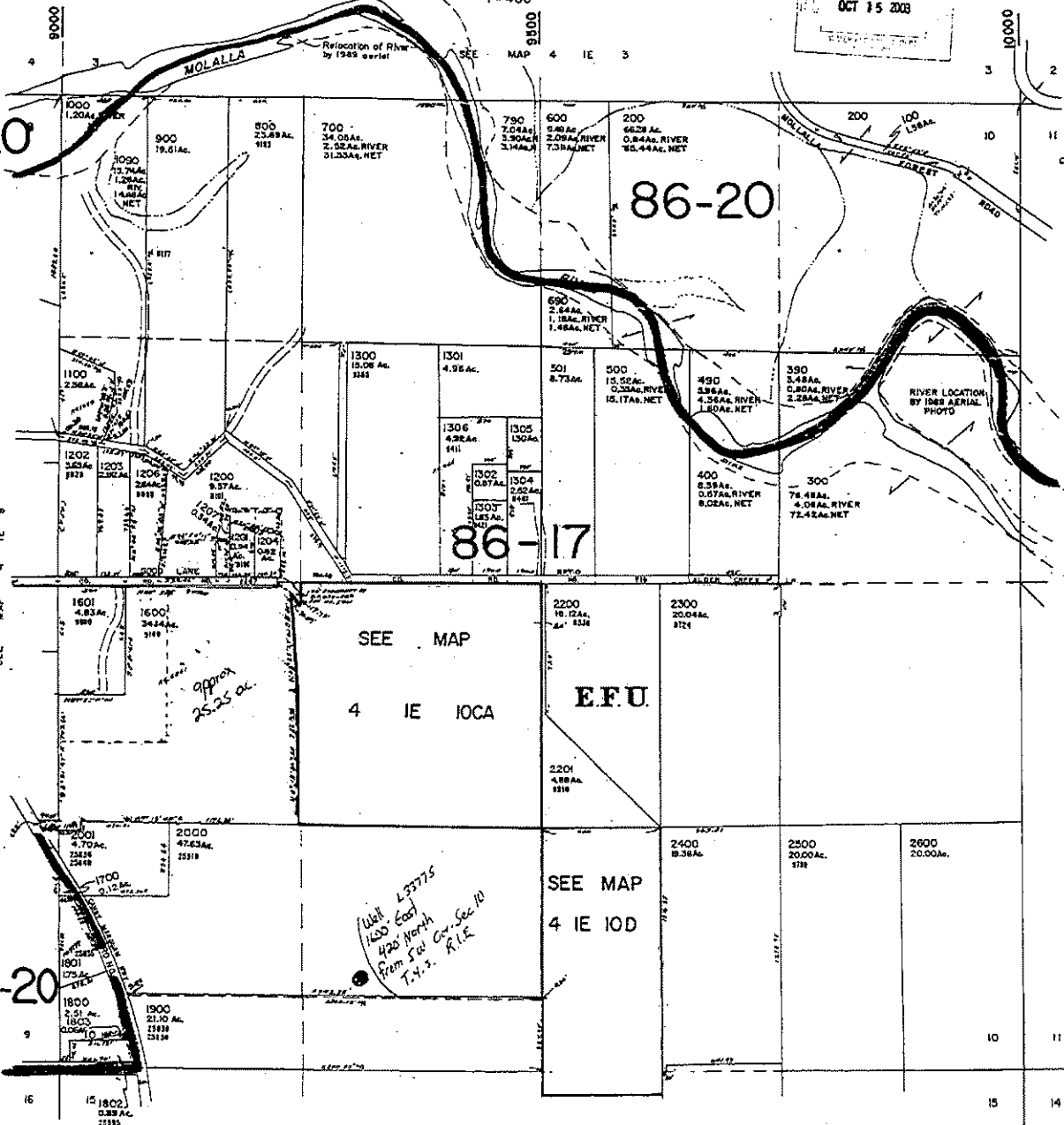
86-20

Well 13775
1400 East
420 North
From Col. Co. Sec. 10
T.4.S. R.1.E.

approx
25.25 ac.

Relocation of River
by 1949 aerial

RIVER LOCATION
BY 1949 AERIAL
PHOTO



Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 4

South

Range: 1

East

Section: 10

Records per Page: 10

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Permit:G 12407 CN Additional Info: E MELVIN ROTH App: G13585 Permit: G12407		1/14/1992	AGRICULTURE USES	CN										*										
Select Cert:70085 OR * Additional Info: LLOYD CLARK App: R76098 Cert: 70085		1/1/1993	FIRE PROTECTION																		*			
Select Inchoate: T 6831 CF (REG) * Additional Info: PARKER NORTHWEST PAVING CO. App: S19871 Permit: S15447		3/25/1943	IRRIGATION					(26.8)	(0.2)		(10)													
Select Permit:G 11461 * Additional Info: KERMIT MILLER App: G12667 Permit: G11461		9/30/1991	IRRIGATION																			5		
Select Permit:G 11828 * Additional Info: BRIAN HEINTZ App: G12740 Permit: G11828		8/9/1993	IRRIGATION											8.5	1.4									
Select Permit:G 12407 CN Additional Info: E MELVIN ROTH App: G13585 Permit: G12407		1/14/1992	IRRIGATION	CN										3.3										

Select Permit: S 35988 CN	2/23/1971	IRRIGATION	CN
Additional Info: NORMAN MEYER App: S47977 Permit: S35988			
Select Permit: S 49975 CN	4/23/1987	IRRIGATION	CN
Additional Info: WEST COAST LANDSCAPE,INC. App: S69065 Permit: S49975			
Select Cert: 19451 OR *	8/20/1946	IRRIGATION	
Additional Info: EDWARD C DASSO App: S21894 Permit: S17240 Cert: 19451			
Select Cert: 20529 OR *	6/9/1950	IRRIGATION	
Additional Info: JOSEPH O DASSO App: S24853 Permit: S19560 Cert: 20529			

																		5	
		0.8	0.8																
		13.6																	
		9																	

1 2 3

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Meridian: WILLAMETTE Township: 4 South Range: 1 East Section: 10 Records per Page: 10

3/14/2008

<u>Additional Info:</u> ROY T SWEETEN App: S63380 Permit: S46447 Cert: 64300					0.1	4	6									
Select	Cert:70085 OR *	1/1/1993	LIVESTOCK											*		
<u>Additional Info:</u> LLOYD CLARK App: R76098 Cert: 70085																
Select	Permit:G 11828 *	12/27/1991	NURSERY USES			0.165										
<u>Additional Info:</u> BRIAN HEINTZ App: G12740 Permit: G11828																
Select	Permit:G 13814 *	10/28/1999	NURSERY USES							19.45 <i>ok</i>	28.18					
<u>Additional Info:</u> ALLEN WILLIAM KRAXBERGER JR App: G15057 Permit: G13814																
Select	Permit:G 15003 *	8/14/2001	NURSERY USES							8.02 <i>ok</i>	7.98					
<u>Additional Info:</u> ALLEN WILLIAM KRAXBERGER JR App: G15582 Permit: G15003																
1 2 3																

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Water Rights Platcard Report

Meridian: WILLAMETTE Township: 4 South Range: 1 East Section: 10 Records per Page: 10

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
							Q(160):	NE	NE	NE	NE	NW	NW	NW	NW	SW	SW	SW	SE	QQ
Select Permit:G 15700 *	T10529	10/15/2003	NURSERY USES													25.25				
<u>Additional Info:</u> ALLEN WILLIAM KRAXBERGER JR App: G16119 Permit: G15700																				
Select Cert:70085 OR *		1/1/1993	STORAGE																*	
<u>Additional Info:</u> LLOYD CLARK App: R76098 Cert: 70085																				
1 2 3																				

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 13, 2008

ALLEN W. KRAXBERGER JR.
PO BOX 1048
CANBY OR 97013

Reference: Permit Amendment T- 10529

On February 5, 2008 we received your request for permit amendment. The application was accompanied by \$400.00. Our receipt 91379 is enclosed.

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

Except as provided under ORS 540.510(3) for municipalities, you may not use water in the new place of use, or from the new point of appropriation, until we issue a final order approving the application.

We will notify you if additional information or corrections to the application or map are required.

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

cc: Watermaster #20

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 02/12/08

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: Clackamas
Transfer: T -10529
Water Right: Permit:G 15700 *
Priority Date: 2003
Name: ALLEN W KRAXBERGER JR.
Address: PO BOX 1048, CANBY OR 97013
Change: POU
Source: A WELL
Authorized POU: T4S R1E 9,10
Proposed POU: T4S R1E 10

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

RECEIPT # 91379

INVOICE # _____

RECEIVED FROM: Happy Hollow Nursery Inc.
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>7-10529</u>

CASH: ☐ CHECK:# 7572 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 400.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS <u>PCA-46111</u>		
0407	COPY & TAPE FEES	\$
0410	RESEARCH FEES	\$
0408	MISC REVENUE: (IDENTIFY)	\$
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$
WATER RIGHTS:		EXAM FEE
0201	SURFACE WATER	\$
0203	GROUND WATER	\$
0205	TRANSFER	\$ <u>400.00</u>
WELL CONSTRUCTION		EXAM FEE
0218	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	
	OTHER (IDENTIFY)	

RECEIVED OVER THE COUNTER

RECORD FEE

0202	\$
0204	\$

LICENSE FEE

0219	\$
0220	\$

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	
	OTHER (IDENTIFY)			

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND	TITLE
OBJ. CODE	VENDOR #
DESCRIPTION	\$

RECEIPT: 91379

DATED: 2-5-08

BY: SSM

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



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

Application for Permit Amendment or Ground Water Registration Modification

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate Not Applicable. As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF APPLICATION

Please check **one** of the following:

☒ Permit Amendment ☐ Ground Water Registration Modification

2. APPLICANT INFORMATION

Name: Allen W. Kraxberger Jr.
First Last
Address: PO Box 1048
Canby OR 97013
City State Zip
Phone: 503-263-6768 503-263-6768 503-708-5755
Home Work Other
Fax: 503-266-4465 E-Mail address: hnh@canby.com

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3. AGENT INFORMATION

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

Name: _____
First Last
Address: _____

City State Zip
Phone: _____
Home Work Other
Fax: _____ E-Mail address: _____

- If an agent is listed above, please check **one** of the following:
- ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

Permit Amendments

- If you propose to amend multiple permits under this application, a separate set of pages 3 through 7 must be provided for each permit. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

Ground Water Registration Modifications

- You may propose modification of only one ground water registration per application, unless in accordance with OAR 690-382-0300(2), the ground water registrations to be modified are layered. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

Please check **all** of the following that apply:

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

- Reason(s) for amendment/modification(s): A house and shop were built on a portion of the property. Additional land was purchased adjacent to the parcel in Application G-16119, Permit G-15700 and the permit holder is planning to expand the nursery operation to the new property.

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5. CURRENT PERMIT OR REGISTRATION INFORMATION

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

☒	Permit to be Amended:	<u>G-15700</u> Permit Number	<u>10-01-2008</u> Current Completion Date of Permit
☐	Ground Water Registration to be Modified:	 Ground Water Registration Number	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>

- Name on Permit or Registration: Allen William Kraxberger Jr.
- County: Clackamas
- Authorized Use(s) to be affected by this Amendment/Modification: Nursery Uses

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- Priority Date(s): October 15, 2003

*If there are **multiple Priority Dates** identified on the Permit or Registration, any information provided on **pages 4 through 7** must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- All Source(s) of Water to be affected by this Amendment/Modification: _____
Well in Dove Creek Basin

Tributary to: _____

*If there are **multiple Sources** listed on the Permit or Registration, any information provided on **pages 4 through 7** must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For an application proposing a Change in Place of Use or Character of Use:

- Are there any other “Layered” Water Rights, Permits, or Ground Water Registrations issued for **Irrigation** purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified? ☐ Yes ☒ No ☐ N/A -No Change in Use or Place of Use

If “Yes”, pursuant to ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200, the other “layered” water uses subject to transfer **must either change concurrently or be cancelled**, except as provided in OAR 690-380-2240(5).

- Remarks: _____

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

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

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

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

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
L-33775	Dove Creek Basin	4 South	1 East	WM	10	SE, SW	TL 2000	454 ft North & 1591 ft East from SW corner, Section 10

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

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

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

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

or

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

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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

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

if the

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[illegible] FS

6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

- Describe proposed changes to the permit or registration involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation: (i.e., the "TO" point(s) of diversion/appropriation)
(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
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- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☐ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

If "Yes", attach and **clearly label** the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below.

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

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s):

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

northern portion of Tax Lot 2000 (total 8.37 acres) to Tax Lot 1600 where the water will be beneficially used for Nursery Uses.

The landowner has built a house and shop on the northern portion of Tax Lot 2000. This amendment will allow the full use of Permit G-15700.

Consolidation of Tax Lots. The landowner purchased property that was in various Tax Lots, but joined his other parcels. When the landowner built his house and shop, Clackamas County consolidated the parcels that listed the "same ownership" into Tax Lot 2000, as a condition of issuing building permits. Tax Lot 1600 was purchased after the consolidation.

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7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

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

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

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

Clackamas County – Transportation & Development Department – 9101 SE Sunnybrook Blvd –
Clackamas, Oregon 97015

Clackamas County – Board of Commissioners – 2051 Kaen Road, Oregon City, Oregon 97045

8. PERMIT HOLDER OF RECORD

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

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

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

If "No", the applicant must either:

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

or

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

9. LAND OWNERSHIP

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

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

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

- Check one of the following:

☒ The permit holder of record will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to the permit holder of record.

☐ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

If for a Ground Water Registration Modification:

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

If "No", provide the following information:

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

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

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City

State

Zip

▪ Check one of the following:

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

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10. ATTACHMENTS

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

Map:

- ☒ A map meeting the requirements of OAR 690-380-3100 must be included but need **not** be prepared by a Certified Water Right Examiner.

Land Use Information Form:

- ☐ Enclosed; or
- ☒ Not required if **all** of the following are met:
- ① In EFU zone or irrigation district;
 - ② Change in place of use only;
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures; **and**
 - ④ Irrigation only.

Water Well Reports/Well Logs:

- ☐ The application involves a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☒ N/A. The application does **not** involve a change in point of appropriation or a change from surface water to ground water, so water well reports are **not** required.

Fees:

- ☒ Amount enclosed: \$ 400.00
See the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml or call (503) 986-0900.

For Permit Amendments Only...

Request for Assignment:

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

Affidavit of Consent:

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

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for **all** named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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11. SIGNATURES

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

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

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed modification provided by the applicant to **all** lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the recorded agreement and a listing of the owner(s) of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the applicant is **not both** the person named on the ground water registration or the assignee **and** the owner of the lands to which the registration is appurtenant, as identified in the report of ownership and lien information, then **either** of the following must be provided:
- A) Notarized statements consenting to the modification by all persons, other than the applicant, who are named on the ground water registration or identified as landowners in the report of ownership and lien information or who are authorized representatives of an entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement; or
- B) Documentation demonstrating that the applicant is authorized to pursue the modification in the absence of consent of the persons named on the ground water registration or the assignee **and** the owner of the lands to which the registration is appurtenant.

☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-382-0400(16)(b), the applicant is **NOT** required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the ground water registration proposed for modification is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-382-0400(16)(c), the applicant is **NOT** required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for recognition of a modification under this subsection if it has filed a condemnation action to acquire the property and deposited the funds with the court as required by ORS 35.265.)

- ***For both Permit Amendment and Ground Water Registration Modification Applications, I (we) affirm that the information contained in this application is true and accurate.***

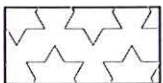
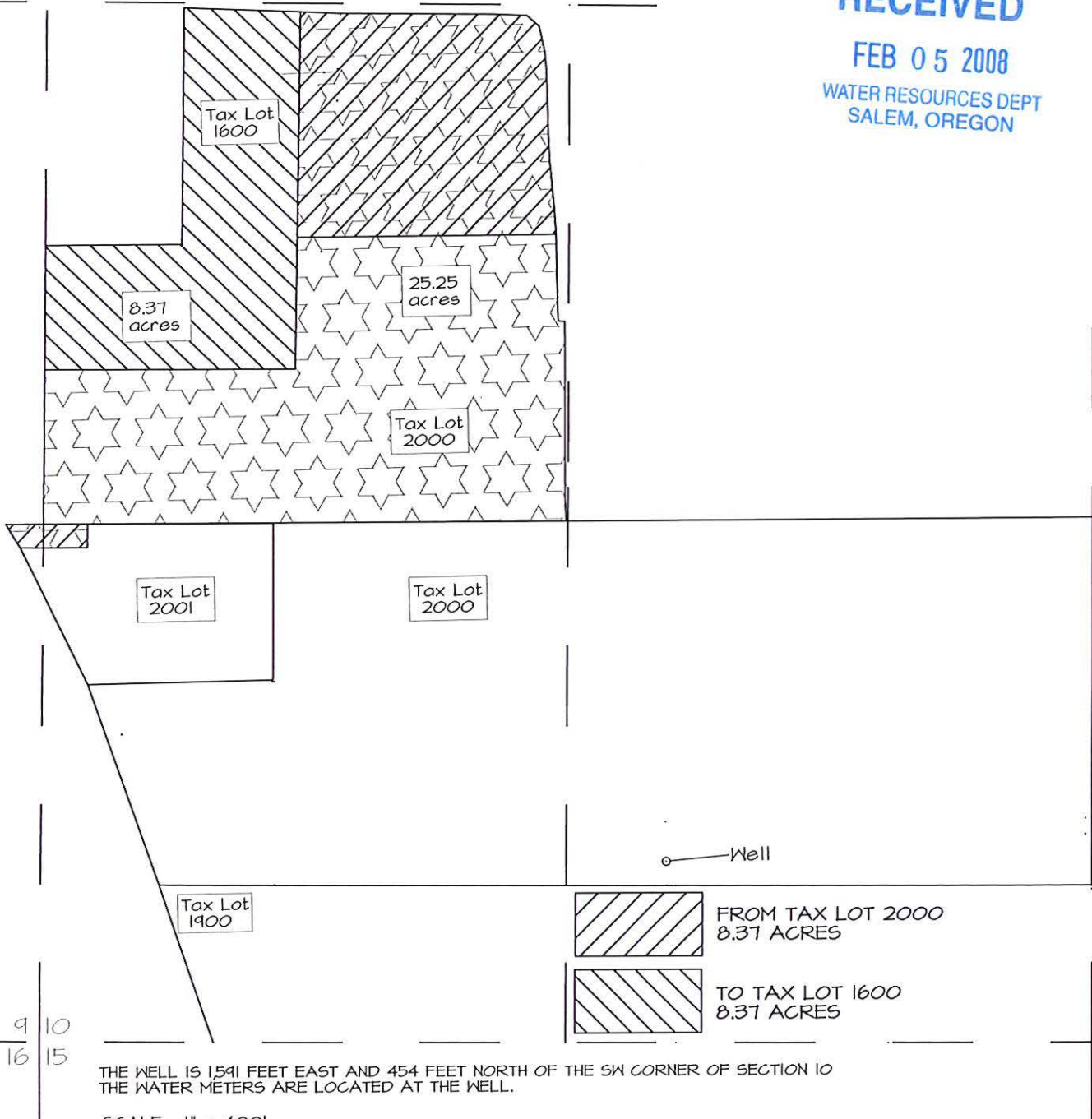
 applicant signature	<u>Allen W. Krasberger Jr.</u> name (print)	<u>2/5/08</u> date
 applicant signature	 name (print)	 date

SECTION 10, T.4S, R.1E, W.M.
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APPLICATION G-16119
AREA (25.25 ACRES)
PART OF TL 2000

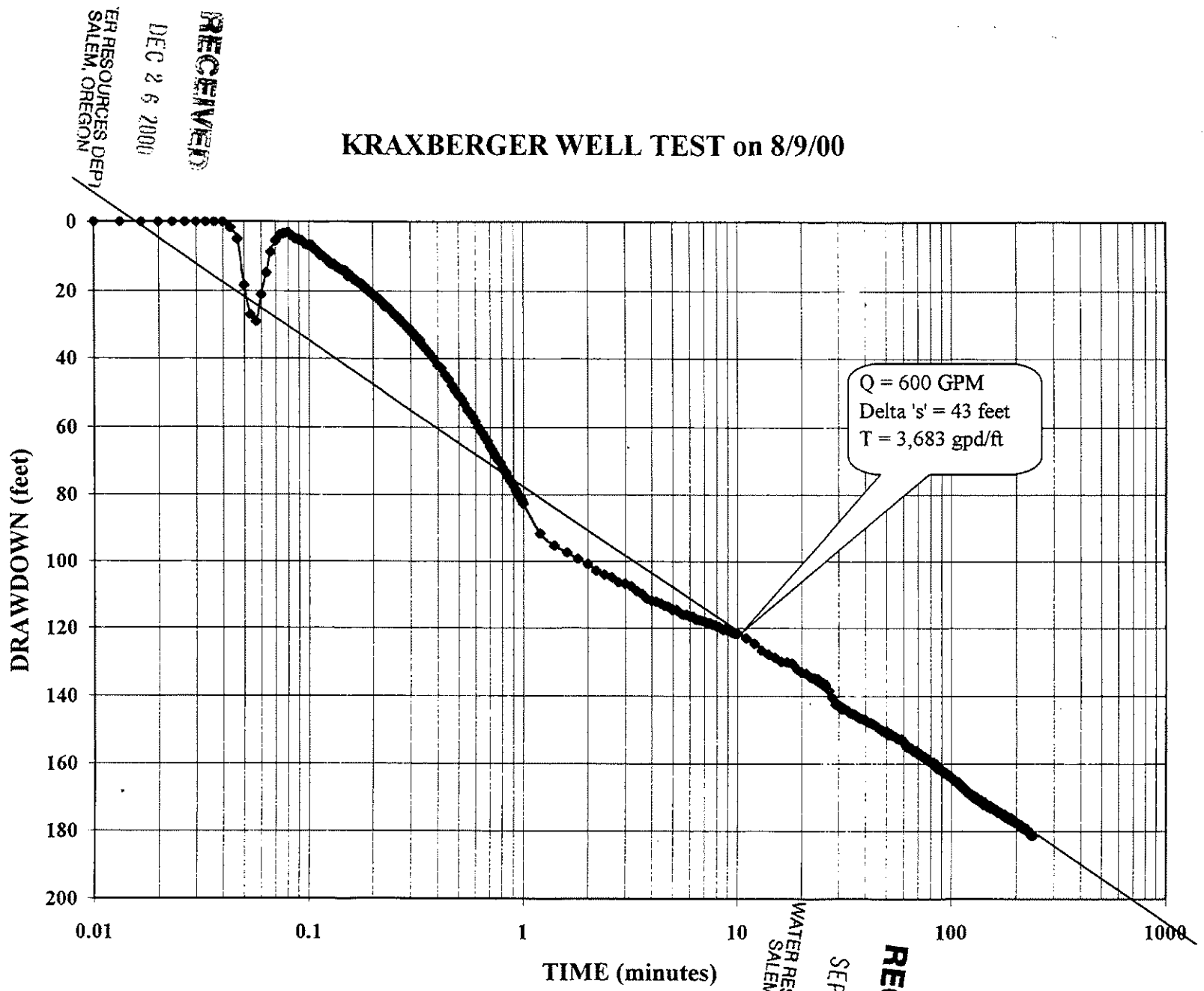
PERMIT AMENDMENT MAP
ALLEN KRAXBERGER, JR.

THE PREPARATION OF THIS MAP IS FOR THE
PURPOSE OF IDENTIFYING THE LOCATION
OF THE WATER RIGHT ONLY AND HAS NO
INTENT TO PROVIDE DIMENSIONS OR LOCATION
OF PROPERTY OWNERSHIP LINES

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APPLICATION NO. G-16119
PERMIT NO. G-15700

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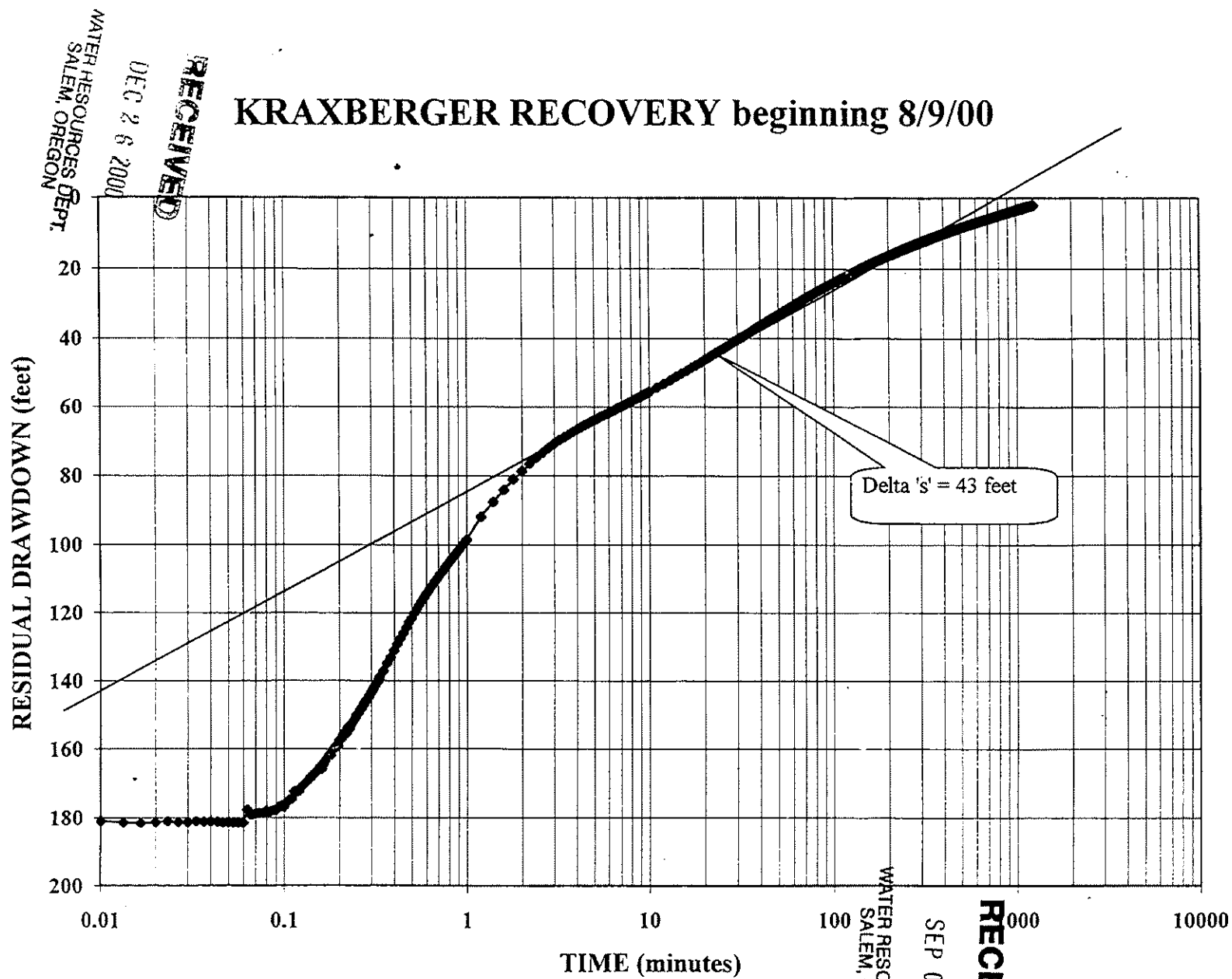


Kraxberger test data & graphs 8-9-00 CR test graph

Schneider Drilling Co.

CLAC 56080

T 10529



Kraxberger test data & graphs CR rec graph

Schneider Drilling Co.

CLAC 56080

Kraxberger, Alan
by Schneider Drilling Co.

Start Card # 127598

Label #33775

<u>FM</u>	<u>TO</u>	<u>DESCRIPTION</u>
0	2	Topsoil
2	21	Clay, brown, medium
21	41	Sand, brown, medium course
41	46	Gravel, pea, Sand, brown, Clay, brown
46	51	Clay, brown w/ some gravel
51	56	Clay, brown
56	61	Clay, grey
61	76	Sand, brown, medium & gravel, small
76	91	Gravel, 1/2"- & sand, brown, medium-coarse
91	101	Clay, green-grey & gravel, 1/2"-
101	106	Sand, grey, coarse & gravel, pea
106	111	Clay, grey, medium w/some hard
111	116	Clay, blue, sandy, medium w/some hard
116	121	Sand, blue-grey w/clay, tan, medium
121	126	Gravel, pea w/ sand, coarse, some cementation
126	131	Sand, blue-grey, coarse, w/cementation
131	141	Clay, tan, medium w/hard
141	191	Clay, grey w/ some brown, medium w/some hard
191	201	Clay, blue-grey, silty-sandy, medium w/hard
201	211	Clay, grey w/gravel, pea & sand, coarse
211	226	Clay, grey, medium w/some hard
226	231	Clay, grey w/gravel, pea & sand, coarse
231	281	Clay, grey, medium w/some hard
281	286	Gravel, pea & sand, coarse w/ some clay
286	296	Gravel, pea & sand, coarse
296	301	Gravel, pea & sand, coarse w/some clay
301	306	Clay, grey-brown, sandy, medium w/ some hard
306	316	Clay, grey, medium w/hard
316	326	Clay, grey, hard
326	401	Clay, grey, medium w/ occasional hard

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DEC 26 2000

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STATE OF OREGON
COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

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THIS PERMIT IS HEREBY ISSUED TO

ALLEN WILLIAM KRAXBERGER JR
PO BOX 1048
CANBY, OR 97013

(503)263-6768

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

APPLICATION FILE NUMBER: G-16119

SOURCE OF WATER: WELL 1 IN DOVE CREEK BASIN

PURPOSE OR USE: NURSERY USES USE ON 25.25 ACRES

MAXIMUM RATE: 0.59 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: OCTOBER 15, 2003

WELL LOCATION: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 10, T4S, R1E, W.M.; 420 FEET NORTH & 1600 FEET EAST FROM SW CORNER, SECTION 10

The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 25.25 ACRES
SECTION 10
TOWNSHIP 4 SOUTH, RANGE 1 EAST, W.M.

Application G-16119 Water Resources Department

PERMIT G-15700

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Measurement, recording and reporting conditions WATER RESOURCES DEPT
SALEM, OREGON

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction

Application G-16119 Water Resources Department

PERMIT G-15700

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STATE OF OREGON

Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

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

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

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

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

STANDARD CONDITIONS

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Proposed Final Order and Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

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

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PAGE 4

WATER RESOURCES DEPT

the interference. The Department encourages ~~junior~~ and senior appropriators to jointly develop plans to mitigate interferences.

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

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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

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

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

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

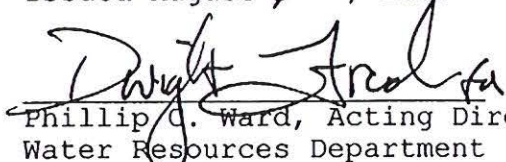
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued August 6, 2004


Phillip D. Ward, Acting Director
Water Resources Department

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WATER RESOURCES DEPT
SALEM, OREGON

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

Application G-16119
Basin 2
AMH

Water Resources Department
Volume 16A DOVE CR

PERMIT G-15700
16



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

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10529

Review Due Date: March 12, 2008

Applicant Name: Allen Kraxberger Jr.

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

Reviewer(s): Sabrina White-Scarver

Date of Review: Mar. 13, 2008

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☒ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: N/A

Watermaster Review Form

Transfer Application: T-10529

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

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

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

Water Right Transfer Checklist

Transfer T-10529

Transfer Specialist: Permit Amendment Drawer

Transfer Type: Permit Amendment

Applicant Name/Address: Allen W. Kraxberger Jr., PO Box 1048, Canby, OR 97013

Agent Name/Address: none

CWRE Name/Number: none

Rec Landowner Name/Address: none

Irr. District Name/Address: none

Affected Gov'ts Name/Address: none

Commentors: Name/Address: none

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☒	☒	G 16119	G 15700		☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	

Key Dates & Initial Actions

Rec'd: <u>02/05/08</u>	Proposed Action(s): POU POD HST APOD USE OTHER: POU	
Fees Pd: <u>400.00</u>	WM District: <u>20</u>	ODFW District: <u>none</u>
Initial Notice: <u>02/12/08</u>	WM Review sent: <u>02/13/08</u>	ODFW Review sent: <u>none</u>
Acknowledgement Letter Sent ☒		GW Review sent: <u>none</u>

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: _____

☐ not required

DPD Mailed: _____

Affid of Pub Rec'd: _____

☐ ODFW contact sheet sent with DPD, or ☐ N/A

Last Day Published: _____

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: _____

Reminder Deadline: _____

Preliminary Determination

☐ Electronic Files uploaded

☐ Preliminary Determination

☐ PD Cover letter

☐ Fee Refund Due

☐ PD Notice

☐ Remaining Rights

☐ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: _____	Reviewer: _____
Date: _____	Date: _____	Date: _____
Coordinator: _____	Coordinator: _____	Coordinator: _____
Date: _____	Date: _____	Date: _____
Comments/Special Issues:		

Special Order Volume: Vol _____ Pages _____ Final Order Signature Date: _____

Notice of FO email'd to processors _____

Application

- ☐ The type of change is clearly indicated.
- ☐ The application is appropriately signed.
- ☐ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
- ☐ Land use form matches affected tax lots and is signed by proper official. (*from ALL affected Govt's*)
- ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
- ☐ All required attachments received.

Water right subject to transfer

- ☐ Certificated right or Proof accepted "to the satisfaction...."
- ☐ The right been exercised according to terms & conditions of certificate.
- ☐ Delivery system has the capacity to fully divert the rate/duty of the right.
- ☐ No information in record that suggests forfeiture.
- ☐ No conflicts identified on the plat cards and plat card reports printed.
- ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☐ The map has an original CWRE signature.
- ☐ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
- ☐ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
- ☐ Metes and bounds for the POD's/POA's are properly described on the map.
- ☐ The POD/POA dimensions & ¼ ¼ on map match the transfer application and certificate descriptions.
- ☐ Map acres match the tabulation on the certificate.
- ☐ Have final proof maps/deed maps for the rights. ☐ Application map matches certificate FPS.
- ☐ Have necessary aerial photos.

Determining the "From" and "To" Lands (*make working copy of application and certificates to mark on*)

- ☐ Only the authorized POD's/POA's and POUs to be transferred are listed.
- ☐ Application & certificate tabulations match. (*Mark on appl. and cert. copies and note corrections needed*)
- ☐ Marked on certificate the acreage being transferred, cancelled and remaining by ¼ ¼.

Ownership

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
- ☐ Have current tax lot map. (*If transfer application is several years old, contact assessor's office*)
- ☐ The applicant is the owner of the "from" lands.
- ☐ All owners on the deed/ROLI have signed the application.
- ☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
- ☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
- ☐ Agent has authorization to make decisions.

Evaluation (materials needed for peer reviewer in bold)

- | | | | | |
|---|--------------------------------------|------------------------------------|--|--|
| ☐ application complete | ☐ map | ☐ FPS | ☐ evidence of use | ☐ land-use form |
| ☐ deed/ROLI | ☐ certificate | ☐ fees paid | ☐ well logs | ☐ plat card |
| ☐ audit | ☐ dpd | | | |

Reviews/comments/conditions received? ☐ Watermaster ☐ ODFW ☐ GW

Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain

Measuring Devices ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain

Fish Screen Devices ☐

Injury: Y N Enlargement: Y N

Conditions to avoid enlargement/injury –

Indicate in this column whether or not the item is satisfied.

Permit Amendment Application – ORS 537.211

Completeness Checklist

Applicant's Name: Allen W. Kraxberger Jr. (Form last revised: October 30, 2006)

Section A – Status of Permit

Is this a permit that can be amended?

C = 10-1-2008

NOTE: The Department CANNOT accept a Permit Amendment application for any permit that has:

- ___ 1) a permit completion date that has expired; *or*
- ___ 2) a pending permit extension of time application on file with the Department; *or*
- ___ 3) a pending claim of beneficial use report on file with the Department.

If the subject permit falls into any of the above categories, **RETURN** the application & fee to the applicant.

Section B – Type of Change

Is the proposed change(s) allowed under the Permit Amendment process?

[ORS 537.211(4)]

NOTE: Only POD, POA or POU changes are allowed on Permit Amendments.

If the application proposes a change other than those listed above, **RETURN** the application & fee to the applicant.

Section C – Fees

Have the appropriate fees been paid?

Total Required Fees:

400.00

Total Fees Paid:

400.00

~~400~~ Fee Schedule – ORS 536.050(1)(h)

- ~~\$350~~ - Base fee (1st change and 1st CFS of water)
- + ~~\$350~~ - Each additional type of change requested
- + ~~\$175~~ - For each CFS, or fraction thereof, requested beyond 1st CFS (for POU, Type of Use, or Exchange)

Fees Due (if any):

Refund Due (if any):

If the applicant has **NOT** submitted the total fees required, **RETURN** the application & deficient fee to the applicant.

Section D – Completeness

Indicate in this column whether an item is incomplete, and if so, identify the deficiency

Is the Permit Amendment application complete?

All required elements necessary for a complete permit amendment application are listed below.

Indicate whether or not the applicant has answered and/or supplied attachments to adequately address each of the following items. If any one of the items is deficient, then the application is incomplete.

NOTE: For reference, the application page number upon which each item is requested is identified.

If the application is **NOT** complete, **RETURN** the application & fee to the applicant.

- Applicant's name, mailing address and contact information.

(Page 1)

- Agent's name, mailing address and contact information, if applicable.

(Page 1)

- Are multiple permits being amended? YES NO
If YES..... the applicant must supply a separate "set" of pages 3 through 7 of the application form for each permit to be amended.

(Page 2)

- The type of amendment being proposed.

(Page 2)

- Reason for the permit amendment.

(Page 2)

- Current permit information – permit number, use, priority date, source(s), etc.

(Page 3)

	• If for a change in POU.....Are there any "layered" irrigation rights, permits, or GR registrations appurtenant to the same place of use as the permit proposed to be amended? YES NO If YES..... the other "layered" water uses subject to transfer must either change concurrently or be cancelled, except as provided in OAR 690-380-2240(5). (Page 3)
* - Auth. POD coord. on map are slightly different than permit	• Location description of the authorized POA/POD to be amended. (Page 4) NOTE: Ensure that the location coordinates listed in the application match the point and location coordinates illustrated on the application map. Additionally, if the existing authorized source is ground water (POA), the applicant must either: 1) supply a copy of the well log(s), <u>or</u> Well id # provided 2) if well logs are not available, describe the construction of the well(s) in the table provided on page 4 of the application.
✓ - See Pg. 7 of Appl	• Location description of the existing authorized POU and associated acres (if applicable). (Page 5) NOTE: Ensure that the location and number of acres listed per 1/4 1/4 in the application match those illustrated on the application map. for explanation that orig permit POU not accurate.
N/A	• Location description of the proposed POA/POD. (Page 6) NOTE: Ensure that the proposed location coordinates listed in the application match the proposed point and location coordinates illustrated on the application map. Additionally, if the proposed source is ground water (POA), the applicant must either: 1) supply a copy of the well log(s), <u>or</u> 2) if well logs are not available <u>or</u> the well is not yet constructed, describe the construction of the well(s) in the table provided on page 6 of the application.
✓	• Location description of the proposed POU and associated acres (if applicable). (Page 7) NOTE: Ensure that the location and number of acres listed per 1/4 1/4 in the application match those illustrated on the application map.
✓	• Affected districts and local governments. (Page 8) If within a district/local government jurisdiction, ensure that name & mailing address is provided.
✓	• Is the applicant the permit holder of record? YES NO (Page 8) If NO..... the applicant must either submit: 1) a Request for Assignment form & fee in order to be assigned to the permit, <u>or</u> 2) an Affidavit of Consent from the permit holder giving permission for the amendment.
N/A	• If the permit holder of record does <u>not</u> own or control the land TO which the place of use is being moved, has a Request for Assignment form been submitted to assign the owner of the TO land to the permit? YES NO (Page 9)
* See Pg. 7 of Appl for explanation of authorized Acres.	Map..... (NOT required to be prepared by a CWRE). (Page 10) ✓ north arrow ✓ size & scale other: _____ • authorized acreage per 1/4 1/4 matches the permit • authorized POD/POA and POU (clearly shown, labeled & matches application listing) • point plotted for the authorized POD/POA agrees with location coordinates • proposed POD/POA and/or POU (clearly shown, labeled & matches application "proposed" listing) • location coordinates accurately describe the point identified as the proposed POD/POA
N/A - POU only & no structural change	• Land Use form, if applicable. (Page 10) May be needed if the POD/POA or POU is moving a great distance <u>and</u> off of land originally involved in permit.
✓	• Signature(s) of applicant(s): (Page 11) All applicants listed on page _____ of the application <u>must</u> sign the application.
WRD Completeness Reviewer's Name: <u>[Signature]</u> Date: <u>2-5-08</u>	