

G6

Name G-16846  
 By JIM CATE  
34750 SANTIAM HWY  
LEBANON OR 97355  
 Address \_\_\_\_\_

Application No. G16846  
 Permit No. G-16340  
 Certificate No. 92935

## FEES PAID

Date	Amount	Receipt No.
4/30/07	600.00	87336
5/3/07	100.00	87409
3/27/08	100.00	91920
6-30-11	150.00	103285
9/6/14	125.00 Cert. Fee	121203

Date

DENIED \_\_\_\_\_

MISFILED \_\_\_\_\_

Volume Page

WITHDRAWN \_\_\_\_\_

CANCELLED \_\_\_\_\_

## FEES REFUNDED

Date	Amount	Receipt No.
4/7/17	\$139.00	VP045112

Priority \_\_\_\_\_  
 County \_\_\_\_\_ WM# \_\_\_\_\_

## RELATED FILES

## ASSIGNMENTS

Date	To Whom	Address

## DEVELOPMENT

Date

Completion 10-1-2012

Extended to \_\_\_\_\_

Final Proof received COBL 6/30/2011~~Proposed~~ Cert. Mailed MAR 10 2017

REMARKS \_\_\_\_\_

MAP LOCATION \_\_\_\_\_



APP G-16846  
NEW APPLICATIONS (GROUND WATER, RESERVOIR, & SURFACE) ROUTE SLIP

RECEIPTING

☒

KD

POST CARD SENT

☒

KRK

DATA CENTER

☒

SP5-1107

GROUND WATER

YES

☒

NO

☐

ENFORCEMENT

YES

☐

NO

☐

WATER RIGHTS SUPPORT

☒ CNS

A "Standard Reservoir" storing 9.2 acre-feet or more of  
Water & has a dam height of 10.0 feet or greater needs to  
have a copy of the application & supplemental forms routed to "JOHN FALK"

Caseworker:

Alyssa Mucken

503-986-0853

☐

Anita Huffman

503-986-0815

☐

Brook Geffen

503-986-0808

☐

Jeana Eastman

503-986-0859

☐

Kerry Kavanagh

503-986-0816

☒

GW  
Files

ATTN: WATER RIGHTS  
SUPPORT....>>>>> Mark contents of file with  
application number;  
Update the WRIS Database with caseworkers name.  
Route file to Caseworker.

S & R  
Files

D.K.



**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 # **91920**

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

RECEIVED FROM: Robert E. Code Farms LLC

APPLICATION # 16846

BY: \_\_\_\_\_

PERMIT

TRANSFER

CASH: ☐ CHECK: # 6522 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 100.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES

\$

OTHER: (IDENTIFY) \_\_\_\_\_

\$

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_

\$

TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_

\$

0240 EXTENSION OF TIME

\$

**WATER RIGHTS:**

0201 SURFACE WATER

**EXAM FEE**

\$

0202

**RECORD FEE**

\$

0203 GROUND WATER

\$

0204

\$ 100.00

0205 TRANSFER

\$

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR

**EXAM FEE**

\$

0219

**LICENSE FEE**

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

\$

RECEIPT: **91920**

DATED: 3/27/08

BY: [Signature]



**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 # **87409**

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

RECEIVED FROM: Robert G Cate  
BY: FARNIS LLC

APPLICATION	<u>6116846</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 1430 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$

OTHER: (IDENTIFY) \$

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES \$

0410 RESEARCH FEES \$

0408 MISC REVENUE: (IDENTIFY) \$

TC162 DEPOSIT LIAB. (IDENTIFY) \$

0240 EXTENSION OF TIME \$

**WATER RIGHTS:**

0201 SURFACE WATER \$

0203 GROUND WATER \$ 100.00

0205 TRANSFER \$

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR \$

LANDOWNER'S PERMIT \$

OTHER (IDENTIFY) \_\_\_\_\_

**EXAM FEE**

\$

\$

\$

**EXAM FEE**

\$

**RECORD FEE**

\$

\$

**LICENSE FEE**

\$

\$

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$

0210 MONITORING WELLS \$

OTHER (IDENTIFY) \_\_\_\_\_

CARD #

CARD #

**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: **87409**

DATED: 5/3/07

BY: Ken DeBary



**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 # **87336**

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

RECEIVED FROM: Robert H Cate

BY: FARMS LLC

APPLICATION	416846
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 6310 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 600.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ <u>600.00</u>	0204	\$
0205 TRANSFER	\$		

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$	0220	\$

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **87336**

DATED: 4/30/07

BY: Kenneth DeBorja



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **103285**

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

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

RECEIVED FROM: Robert G Cate  
BY: Farms LLC

APPLICATION	<u>See Below</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 1518 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 450.00

<b>1083 TREASURY</b>	<b>4170 WRD MISC CASH ACCT</b>
0407 COPIES	\$
OTHER: (IDENTIFY)	\$
0243 I/S Lease	
0244 Muni Water Mgmt. Plan	
0245 Cons. Water	

<b>4270 WRD OPERATING ACCT</b>	
MISCELLANEOUS	<u>G-16167</u>
0407 COPY & TAPE FEES	<u>G-16168</u>
0410 RESEARCH FEES	<u>G-16846</u>
0408 MISC REVENUE: (IDENTIFY)	<u>\$150 each</u>
TC162 DEPOSIT LIAB. (IDENTIFY)	
0240 EXTENSION OF TIME	<u>4611</u>
<b>WATER RIGHTS:</b>	
0201 SURFACE WATER	EXAM FEE \$
0203 GROUND WATER	\$
0205 TRANSFER	\$
<b>WELL CONSTRUCTION</b>	
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$
LANDOWNER'S PERMIT	
0200 OTHER (IDENTIFY)	<u>(3) COBU'S</u>

\$
\$
\$
\$
\$
<b>RECORD FEE</b>
\$
\$
<b>LICENSE FEE</b>
\$
\$
<u>450.00</u>

<b>0536 TREASURY</b>	<b>0437 WELL CONST. START FEE</b>
0211 WELL CONST START FEE	\$
0210 MONITORING WELLS	\$
OTHER (IDENTIFY)	

<b>0607 TREASURY</b>	<b>0467 HYDRO ACTIVITY</b>	<b>LIC NUMBER</b>
0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

<b>TREASURY</b>	<b>OTHER / RDX</b>
FUND	TITLE
OBJ. CODE	VENDOR #
DESCRIPTION	\$

RECEIPT: **103285**

DATED: 6-30-11 BY: [Signature]

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



RECEIPT # 121392

INVOICE #

RECEIVED FROM: Cute Farms  
BY: LLC

APPLICATION

PERMIT

TRANSFER

CASH: ☐ CHECK: # 1137 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 2,900.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

OTHER:

(IDENTIFY)

\$

\$ 2,900.00

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAI

0410 RESEARCH

0408 MISC REVE

TC162 DEPOSIT LI

0240 EXTENSION

App. G-16168 0408 R-12414-17 \$1,200.00

FEE

WATER RIG

0201 SURFACE V

App. G-16846 0408 R12415-17 \$900.00

0203 GROUND W

0205 TRANSFER

App G-16168 0408 R12416-17 \$800.00

FEE

WELL CON

0218 WELL DRILL

PCA: 47126

LANDOWN

OTHER

(IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER

(IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION

\$

RECEIPT: 121392

DATED: 9-22-11

BY: Pelicia Brown

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



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **121203**  
725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

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

RECEIVED FROM: **Cate Farms LLC**

APPLICATION **\*See below**

BY: \_\_\_\_\_

PERMIT  
TRANSFER

CASH: ☐ CHECK: # **1136** OTHER: (IDENTIFY) ☐

TOTAL REC'D **\$375.00**

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES **47126** \$

**0408** OTHER: (IDENTIFY) **Reimbursement Authority** \$

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water **13 @ \$125.00**

**4270 WRD OPERATING ACCT**

MISCELLANEOUS

0407 COPY & TAPE FEE \$  
0410 RESEARCH FEES App. G-16167 R-12414-17 0408 \$125.00 PCA 47126 \$  
0408 MISC REVENUE: \$  
TC162 DEPOSIT LIAB. (IE App. G-16168 R-12416-17 0408 \$125.00 PCA 47126 \$  
0240 EXTENSION OF TI App. G-16846 R-12415-17 0408 \$125.00 PCA 47126 \$

WATER RIGHTS:

0201 SURFACE WATER \$ 0202 \$  
0203 GROUND WATER \$ 0204 \$  
0205 TRANSFER \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ 0219 \$  
LANDOWNER'S PERMIT 0220 \$

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ CARD #  
0210 MONITORING WELLS \$ CARD #

OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$

RECEIPT: **121203** DATED: **9-6-16** BY: **C. W. Wetherick**

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





# Oregon

Kate Brown, Governor

G-16846

## Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

March 28, 2019

JIM CATE  
34750 SANTIAM HWY  
LEBANON, OR 97355

Reference: Correcting Final Order

Enclosed is a correcting final order recorded in NEW, issued to correct a scrivener's error in the order recorded in OLD. The enclosed final order has been amended to reflect the scrivener's error. Please keep this document with the final order in OLD as additional information.

If you have any questions please contact your caseworker, Corey Courchane, by telephone at (503) 986-0825 or by e-mail at [Corey.A.Courchane@oregon.gov](mailto:Corey.A.Courchane@oregon.gov).

Sincerely,

Elsa M. Canuto  
Water Right Support  
Transfers and Conservation Section

cc: Watermaster Dist. #2 (via email)  
Linn County  
Scott Montgomery, Agent

Enclosures











# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

December 17, 2018

JIM CATE  
CATE FARMS  
34750 SANTIAM HWY  
LEBANON, OR 97355

SUBJECT: Water Right Transfer Application T-12756

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-12756. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

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

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

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

Please do not hesitate to contact me, at [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov) or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane  
Transfer Specialist  
Transfer and Conservation Section

cc: T-12756  
Lanaya F. Blakely, District 2 Watermaster (via e-mail)  
Scott D. Montgomery, Agent for the applicant (via e-mail)

encs

GT-116846



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

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-12756, Linn County	)	PROPOSING APPROVAL OF AN
	)	ADDITIONAL POINT OF
	)	APPROPRIATION

**Authority**

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

**Applicant**

JIM CATE  
CATE FARMS  
34750 SANTIAM HWY  
LEBANON, OR 97355

**Findings of Fact**

1. On October 2, 2017, JIM CATE of CATE FARMS filed an application for an additional point of appropriation under Certificates 92933 and 92935. The Department assigned the application number T-12756.
2. Notice of the application for transfer was published on October 10, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 2, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12756 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 3, 2018, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--



4. The first right to be transferred is as follows:

**Certificate:** 92933 in the name of JIM CATE (perfected under Permit G-16028)  
**Use:** IRRIGATION of 720.2 ACRES  
**Priority Date:** JANUARY 20, 2004  
**Rate:** 2.53 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** MARCH 1 THROUGH OCTOBER 31  
**Source:** A WELL (LINN 57038) in MILL CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	21	SE SW	55	1132.2 FEET NORTH AND 1651.4 FEET EAST FROM THE SW CORNER OF SECTION 22

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
11 S	2 W	WM	20	NE SE		55	1.2
11 S	2 W	WM	20	SE SE		55	5.2
11 S	2 W	WM	21	SW NE		50	2.5
11 S	2 W	WM	21	SW NW		50	19.0
11 S	2 W	WM	21	SE NW		50	23.2
11 S	2 W	WM	21	NE SW		50	29.0
11 S	2 W	WM	21	NE SW		55	11.0
11 S	2 W	WM	21	NW SW		55	10.5
11 S	2 W	WM	21	NW SW		50	22.8
11 S	2 W	WM	21	SW SW		55	39.0
11 S	2 W	WM	21	SE SW		55	37.0
11 S	2 W	WM	21	NW SE		50	14.0
11 S	2 W	WM	21	NW SE		55	10.0
11 S	2 W	WM	21	SW SE		55	36.4
11 S	2 W	WM	21	SE SE		55	4.2
11 S	2 W	WM	22	NE SW	3		1.9
11 S	2 W	WM	22	SE SW		56	4.7
11 S	2 W	WM	22	NE SE		49	6.5
11 S	2 W	WM	22	NE SE	1		12.3
11 S	2 W	WM	22	NW SE	2		14.2
11 S	2 W	WM	22	SW SE		56	39.8
11 S	2 W	WM	22	SE SE		56	7.3
11 S	2 W	WM	27	NE NE		56	6.0
11 S	2 W	WM	27	NW NE		56	37.6
11 S	2 W	WM	27	SW NE		58	20.7
11 S	2 W	WM	27	SW NE		56	4.4
11 S	2 W	WM	27	SE NE		58	12.9
11 S	2 W	WM	27	SE NE		56	0.8
11 S	2 W	WM	27	NE NW		56	4.5
11 S	2 W	WM	27	NE NW		55	22.5



IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
11 S	2 W	WM	27	NW NW		55	17.0
11 S	2 W	WM	27	SW NW		55	9.7
11 S	2 W	WM	27	SE NW		55	8.2
11 S	2 W	WM	27	SE NW		56	0.7
11 S	2 W	WM	27	NE SE		58	5.3
11 S	2 W	WM	27	NW SE		58	10.7
11 S	2 W	WM	28	NE NE		55	31.0
11 S	2 W	WM	28	NW NE		55	36.7
11 S	2 W	WM	28	SW NE		55	13.7
11 S	2 W	WM	28	SE NE		55	12.8
11 S	2 W	WM	28	NE NW		55	38.1
11 S	2 W	WM	28	NW NW		55	39.9
11 S	2 W	WM	28	SW NW		55	14.0
11 S	2 W	WM	28	SE NW		55	14.4
11 S	2 W	WM	29	NE NE		55	5.2
11 S	2 W	WM	29	SE NE		55	1.7
						Total	720.2

5. Transfer Application T-12756 proposes an additional point of appropriation approximately 0.8 mile SW from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	21	SW SE	55	0 FEET NORTH AND 2500 FEET WEST FROM THE SE CORNER OF SECTION 21

6. The second right to be transferred is as follows:

**Certificate:** 92935 in the name of JIM CATE (perfected under Permit G-16340)  
**Use:** IRRIGATION of 64.3 ACRES  
**Priority Date:** APRIL 30, 2007  
**Rate:** 0.8 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

**Period of Use:** MARCH 1 THROUGH OCTOBER 31

**Source:** A WELL (LINN 57038) in OAK CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	22	SE SW	55	WELL 1 - 1132.2 FEET NORTH AND 1651.4 FEET EAST FROM THE SW CORNER OF SECTION 22



**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	2 W	WM	21	NW NE	50	3.8
11 S	2 W	WM	21	SW NE	50	9.7
11 S	2 W	WM	21	NE NW	50	11.3
11 S	2 W	WM	21	NW NW	50	9.3
11 S	2 W	WM	21	SW NW	50	13.9
11 S	2 W	WM	21	SE NW	50	16.3
Total						64.3

7. Transfer Application T-12756 proposes an additional point of appropriation approximately 0.8 mile SW from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	21	SW SE	55	0 FEET NORTH AND 2500 FEET WEST FROM THE SE CORNER OF SECTION 21

***Transfer Review Criteria (OAR 690-380-4010)***

8. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
9. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12756.
10. The proposed change would not result in enlargement of the rights.
11. The proposed change would not result in injury to other water rights.
12. All other application requirements are met.

**Determination and Proposed Action**

The additional point of appropriation proposed in Transfer Application T-12756 appears to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved.

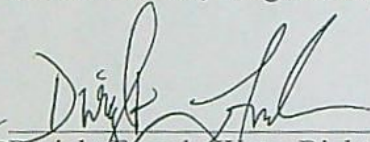
*If Transfer Application T-12756 is approved, the final order will include the following:*

1. *The additional point of appropriation proposed in Transfer Application T-12756 is approved.*
2. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 92933 and 92935, and any related decree.*
3. *Water right Certificates 92933 and 92935 are cancelled.*



4. *The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.*
5. *Water use measurement conditions:*
  - a. *Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).*
  - b. *The water user shall maintain the meters or measuring devices in good working order.*
  - c. *The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.*
6. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
7. *Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.*
8. *After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.*

Dated at Salem, Oregon this DEC 17 2018,



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

This Preliminary Determination was prepared by Corey Courchane. If you have questions about the information in this document, you may reach me at 503-986-0825 or [corey.a.courchane@oregon.gov](mailto:corey.a.courchane@oregon.gov)

*Protests should be addressed to the attention of Water Rights Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266*

**Notice Regarding Service Members:** Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act, 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>





# Oregon

Kate Brown, Governor

February 19, 2019

## Water Resources Department

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

JIM R. CATE  
34750 SANTIAM HWY  
LEBANON, OR 97355

REFERENCE: Transfer Application T-12756

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Corey Courchane, by telephone at (503) 986-0825 or by e-mail at [Corey.A.Courchane@oregon.gov](mailto:Corey.A.Courchane@oregon.gov).

Sincerely,

Stacy H. Phillips  
Water Right Services Support  
Transfers and Conservation Section

cc: Lanaya F. Blakely, Watermaster Dist. #2 (via email)  
Scott D. Montgomery, Agent  
Linn County

Enclosure





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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING AN
T-12756, Linn County	)	ADDITIONAL POINT OF
	)	APPROPRIATION

**Authority**

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

**Applicant**

JIM CATE  
CATE FARMS  
34750 SANTIAM HWY  
LEBANON, OR 97355

**Findings of Fact**

1. On October 2, 2017, JIM CATE of CATE FARMS filed an application for an additional point of appropriation under Certificates 92933 and 92935. The Department assigned the application number T-12756.
2. Notice of the application for transfer was published on October 10, 2017, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
3. On November 2, 2018, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-12756 to the applicant. The draft Preliminary Determination cover letter set forth a deadline of December 3, 2018, for the applicant to respond. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.

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



4. On December 17, 2018, the Department issued a Preliminary Determination proposing to approve Transfer T-12756 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on December 18, 2018, and in the Albany Democrat Herald newspaper on December 20, and 27, 2018, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice. ✓

5. The first right to be transferred is as follows:

**Certificate:** 92933 in the name of JIM CATE (perfected under Permit G-16028)  
**Use:** IRRIGATION of 720.2 ACRES  
**Priority Date:** JANUARY 20, 2004  
**Rate:** 2.53 CUBIC FEET PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** MARCH 1 THROUGH OCTOBER 31  
**Source:** A WELL (LINN 57038) in MILL CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	21	SE SW	55	1132.2 FEET NORTH AND 1651.4 FEET EAST FROM THE SW CORNER OF SECTION 22

**Authorized Place of Use:**

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
11 S	2 W	WM	20	NE SE		55	1.2
11 S	2 W	WM	20	SE SE		55	5.2
11 S	2 W	WM	21	SW NE		50	2.5
11 S	2 W	WM	21	SW NW		50	19.0
11 S	2 W	WM	21	SE NW		50	23.2
11 S	2 W	WM	21	NE SW		50	29.0
11 S	2 W	WM	21	NE SW		55	11.0
11 S	2 W	WM	21	NW SW		55	10.5
11 S	2 W	WM	21	NW SW		50	22.8
11 S	2 W	WM	21	SW SW		55	39.0
11 S	2 W	WM	21	SE SW		55	37.0
11 S	2 W	WM	21	NW SE		50	14.0
11 S	2 W	WM	21	NW SE		55	10.0
11 S	2 W	WM	21	SW SE		55	36.4
11 S	2 W	WM	21	SE SE		55	4.2
11 S	2 W	WM	22	NE SW	3		1.9
11 S	2 W	WM	22	SE SW		56	4.7
11 S	2 W	WM	22	NE SE		49	6.5
11 S	2 W	WM	22	NE SE	1		12.3
11 S	2 W	WM	22	NW SE	2		14.2
11 S	2 W	WM	22	SW SE		56	39.8
11 S	2 W	WM	22	SE SE		56	7.3



IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
11 S	2 W	WM	27	NE NE		56	6.0
11 S	2 W	WM	27	NW NE		56	37.6
11 S	2 W	WM	27	SW NE		58	20.7
11 S	2 W	WM	27	SW NE		56	4.4
11 S	2 W	WM	27	SE NE		58	12.9
11 S	2 W	WM	27	SE NE		56	0.8
11 S	2 W	WM	27	NE NW		56	4.5
11 S	2 W	WM	27	NE NW		55	22.5
11 S	2 W	WM	27	NW NW		55	17.0
11 S	2 W	WM	27	SW NW		55	9.7
11 S	2 W	WM	27	SE NW		55	8.2
11 S	2 W	WM	27	SE NW		56	0.7
11 S	2 W	WM	27	NE SE		58	5.3
11 S	2 W	WM	27	NW SE		58	10.7
11 S	2 W	WM	28	NE NE		55	31.0
11 S	2 W	WM	28	NW NE		55	36.7
11 S	2 W	WM	28	SW NE		55	13.7
11 S	2 W	WM	28	SE NE		55	12.8
11 S	2 W	WM	28	NE NW		55	38.1
11 S	2 W	WM	28	NW NW		55	39.9
11 S	2 W	WM	28	SW NW		55	14.0
11 S	2 W	WM	28	SE NW		55	14.4
11 S	2 W	WM	29	NE NE		55	5.2
11 S	2 W	WM	29	SE NE		55	1.7
						Total	720.2

6. Transfer Application T-12756 proposes an additional point of appropriation approximately 0.8 mile SW from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	21	SW SE	55	0 FEET NORTH AND 2500 FEET WEST FROM THE SE CORNER OF SECTION 21

7. The second right to be transferred is as follows:

**Certificate:** 92935 in the name of JIM CATE (perfected under Permit G-16340)  
**Use:** IRRIGATION of 64.3 ACRES  
**Priority Date:** APRIL 30, 2007  
**Rate:** 0.8 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** MARCH 1 THROUGH OCTOBER 31  
**Source:** A WELL (LINN 57038) in OAK CREEK BASIN



**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	22	SE SW	55	WELL 1 - 1132.2 FEET NORTH AND 1651.4 FEET EAST FROM THE SW CORNER OF SECTION 22

**Authorized Place of Use:**

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	2 W	WM	21	NW NE	50	3.8
11 S	2 W	WM	21	SW NE	50	9.7
11 S	2 W	WM	21	NE NW	50	11.3
11 S	2 W	WM	21	NW NW	50	9.3
11 S	2 W	WM	21	SW NW	50	13.9
11 S	2 W	WM	21	SE NW	50	16.3
Total						64.3

8. Transfer Application T-12756 proposes an additional point of appropriation approximately 0.8 mile SW from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	21	SW SE	55	0 FEET NORTH AND 2500 FEET WEST FROM THE SE CORNER OF SECTION 21

**Transfer Review Criteria (OAR 690-380-4010)**

9. Water has been used within the last five years according to the terms and conditions of the rights. There is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights were present within the five-year period prior to submittal of Transfer Application T-12756.
11. The proposed change would not result in enlargement of the rights.
12. The proposed change would not result in injury to other water rights.
13. All other application requirements are met.

**Conclusions of Law**

The additional point of appropriation proposed in Transfer Application T-12756 is consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000.

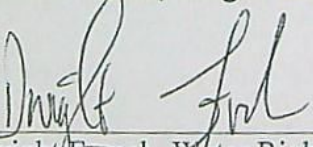
**Now, therefore, it is ORDERED:**

1. The additional point of appropriation proposed in Transfer Application T-12756 is approved.



2. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 92933 and 92935, and any related decree.
3. Water right Certificates 92933 and 92935 are cancelled.
4. The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
5. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
6. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
7. Full beneficial use of the water shall be made, consistent with the terms of this order, on or before **October 1, 2020**. A Claim of Beneficial Use prepared by a Certified Water Right Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the change and full beneficial use of the water.
8. After satisfactory proof of beneficial use is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this FEB 19 2019,

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

Mailing date: FEB 20 2019





**Oregon**  
Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

June 7, 2017

JIM CATE  
34750 SANTIAM HWY  
LEBANON OR 97355

RE: Refund for Reimbursement Authority Contract R12415-17; Application G-16846

Dear Applicant,

Thank you for using the Certificate Reimbursement Authority Program to expedite the processing of your Claim of Beneficial Use. The Department completed its processing of your claim for less than the estimated amount. Consequently, we are refunding the difference to you.

I hope you were pleased with the Certificate Reimbursement Authority Program and would consider using it again if the need arises. Please call me at (503) 986-0927 if you have any questions about this refund.

Sincerely,

Kerry Kavanagh  
Water Rights Specialist  
Certificates Section



**WATER RESOURCES DEPARTMENT**  
**REQUEST FOR DISTRIBUTION OF FUNDS**

TO: Fiscal Services Section

DATE: June 2, 2017

FROM: Kerry Kavanagh  
Phone: (503) 986-0927

SUBJECT: **REIMBURSEMENT AUTHORITY - Request for Payment or Refund**

FILE #: G-16846

RA #: R12415-17

RECEIPT #: 121392

47124 0408 RRA 121392 G-16846 R1241517

Please prepare payment in the amount of \$139.00, made payable to:

Name: Jim Cate

Address: 34750 Santiam Hwy  
Lebanon, OR 97355

These funds are being paid or refunded as a result of (check one):

- ☐ Excess fees were collected for Claim of Beneficial Use  
☒ Excess fees were collected for Reimbursement Authority  
☐ Other:

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

6-5-17



TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT, ELECTRONIC PAYMENTS, LOG IN TO [HTTP://WWW.OREGON.GOV/DAS/EGS/FBS/SFMS/PAGES/ACH.ASPX](http://www.oregon.gov/das/EGS/FBS/SFMS/PAGES/ACH.ASPX) ON THE INTERNET. CLICK ON FORMS AND BROCHURES. THEN SELECT DIRECT DEPOSIT (ACH) AUTHORIZATION FORM.

(503) 986-0924

FOLD ON PERFORATION LINE BELOW  BEFORE DETACHING.

JIM CATE  
34750 SANTIAM HWY  
LEBANON OR 97355

AUTHORIZED SIGNATURE

1050111



## STATE OF OREGON

## COUNTY OF LINN

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JIM CATE  
34750 SANTIAM HWY  
LEBANON OR 97355

confirms the right to the use of water perfected under the terms of Permit G-16340. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16846

SOURCE OF WATER: A WELL (LINN 57038) IN OAK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 64.3 ACRES

MAXIMUM RATE: 0.8 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 30, 2007

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	22	SE SW	55	WELL 1 - 1132.2 FEET NORTH AND 1651.4 FEET EAST FROM SW CORNER, SECTION 22

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	2 W	WM	21	NW NE	50	3.8
11 S	2 W	WM	21	SW NE	50	9.7
11 S	2 W	WM	21	NE NW	50	11.3
11 S	2 W	WM	21	NW NW	50	9.3
11 S	2 W	WM	21	SW NW	50	13.9
11 S	2 W	WM	21	SE NW	50	16.3

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

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.



Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order at each point of appropriation.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, 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 interference.

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

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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 the agreement.

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

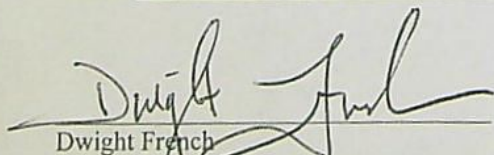
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Issued MAR 10 2017



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



# FINAL PROOF MAP

TO SHOW WATER RIGHTS AND  
POINTS OF APPROPRIATION  
FOR APPLICATIONS G-16167 G-16168, AND G-16846  
JIM CATE, CATE FARMS

TOWNSHIP 11 SOUTH, RANGE 2 WEST, SECTIONS 20, 21, 22, 27, 28, 29, 33, & 34, W.M.  
TAX LOTS: 100, 300, 500, 600, 602, 900, 1303, 1800, AND 1901  
ALL IN LINN COUNTY, OREGON

SCALE: 4 INCHES = 1 MILE

720.2 ACRES PRIMARY IRRIGATION  
FROM G-16028, AS SHOWN

64.3 ACRES PRIMARY IRRIGATION  
FROM G-16340, AS SHOWN

174.4 ACRES PRIMARY IRRIGATION  
FROM G-15963, AS SHOWN

40.0A = 40.0 ACRES IRRIGATION

12-INCH PVC PIPE  
10-INCH PVC PIPE  
8-INCH PVC PIPE  
STREAM  
D.L.C. LINE

▲ HYDRANT/RISER  
■ DLC MONUMENT TIED

● #1  
WELL #1 (LINN 57038)  
PERMITS: G-16028 AND G-16340  
1132.2' NORTH & 1651.4' EAST FROM THE SW CORNER  
SECTION 22

METER IS LOCATED ON PIPE 6' NW OF WELL

● #2  
WELL #2 (LINN 57546)  
PERMIT: G-15963  
1274.86' SOUTH & 1434.31' EAST FROM THE NW CORNER  
SECTION 34

METER IS LOCATED ON PIPE 8' SOUTH OF WELL



RENEWAL DATE: 12/31/2018

THIS MAP IS FOR THE PURPOSE OF LOCATING A  
WATER RIGHT ONLY AND HAS NO INTENT TO  
PROVIDE LEGAL DIMENSIONS OR THE LOCATION OF  
PROPERTY LINES

RECEIVED BY OWRD

MAR 02 2017

SALEM, OR

PREPARED FOR:  
JIM CATE  
CATE FARMS  
34750 SOUTH SANTIAM HWY  
LEBANON, OR 97355

PREPARED BY:



ALL POINTS ENGINEERING AND SURVEYING, INC.  
P.O. BOX 767 (CRR) TERREBONNE, OR 97760  
(541) 548-5833 www.APEandS.com





# Oregon

Kate Brown, Governor

## Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

Date Mailed: March 10, 2017

### NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, then that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Kerry Kavanagh at 503-986-0927.



# RA Mailing List for Certificate

Scheduled Mailing Date:

Application: G-16846

Permit: G-16340

Certificate: 92935

Copies Mailed	
by:	<u>Connie Vance</u>
	(STAFF)
on:	<u>MAR 10 2017</u>
	(DATE)

Certificate Holder:

JIM CATE  
34750 SANTIAM HWY  
LEBANON, OR 97355



Copies of Final Certificate to be sent to:

1. Watermaster District 2 (include copy of map) ✓
2. Water Availability ✓
3. Vault ✓
4. File ✓

Other persons to receive copies: (include map):

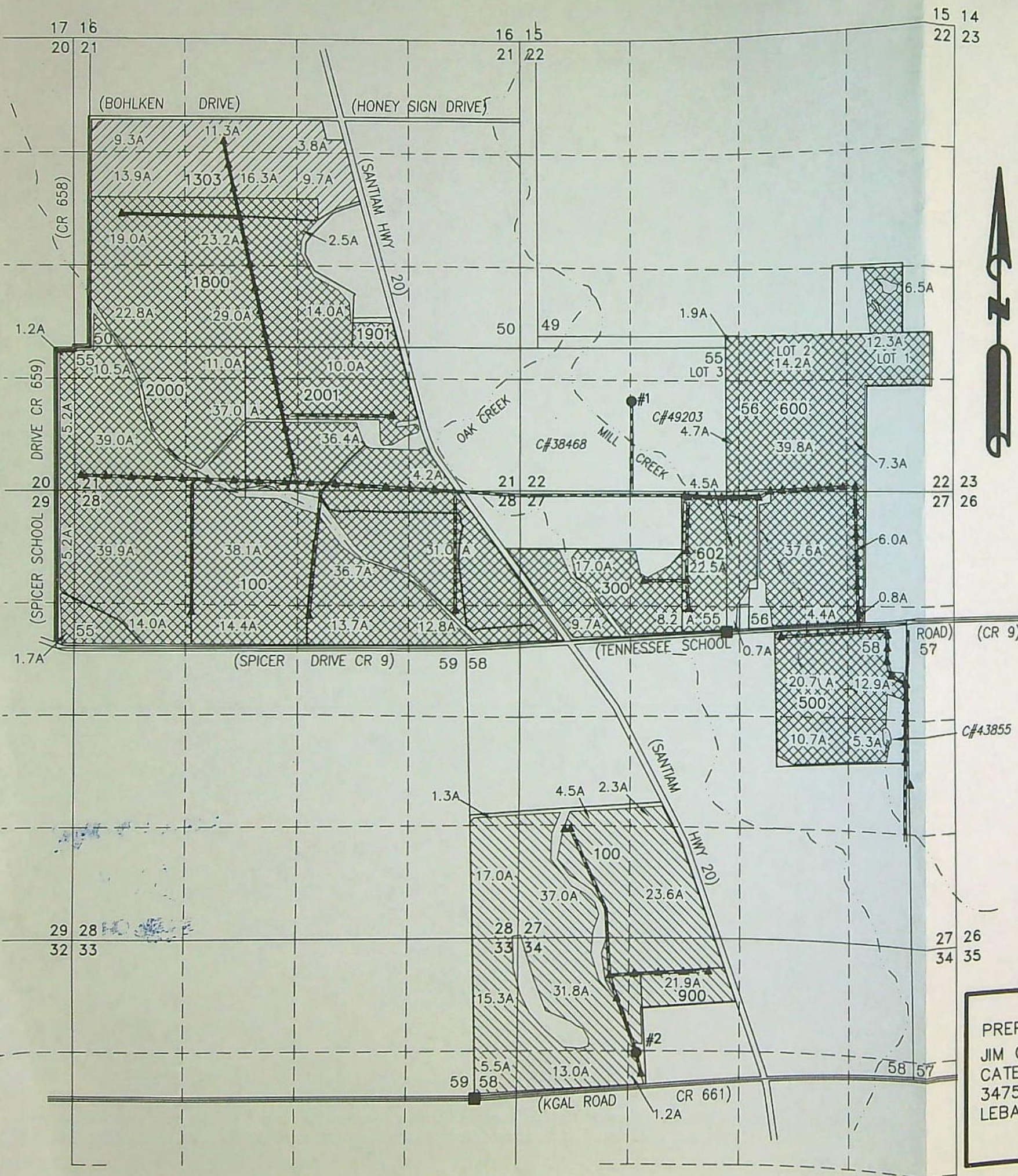
1. Scott Montgomery, CWRE ✓

## List of CLAIMED landowners (include map):

MapTax Lot 11S02W210001303

Jim R Cate & Ginger A Cate Revocable Living Trust  
Jim R Cate & Ginger A Cate  
34750 Santiam Hwy ✓  
Lebanon, OR 97355





# FINAL PROOF MAP

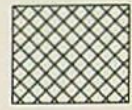
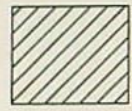
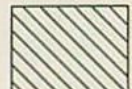
## TO SHOW WATER RIGHTS AND POINTS OF APPROPRIATION

### FOR APPLICATIONS G-16167 G-16168, AND G-16846








#### JIM CATE, CATE FARMS

TOWNSHIP 11 SOUTH, RANGE 2 WEST, SECTIONS 20, 21, 22, 27, 28, 29, 33, & 34, W.M.  
TAX LOTS: 100, 300, 500, 600, 602, 900, 1303, 1800, AND 1901  
ALL IN LINN COUNTY, OREGON

SCALE: 4 INCHES = 1 MILE

-  720.2 ACRES PRIMARY IRRIGATION FROM G-16028, AS SHOWN
-  64.3 ACRES PRIMARY IRRIGATION FROM G-16340, AS SHOWN
-  174.4 ACRES PRIMARY IRRIGATION FROM G-15963, AS SHOWN

40.0A = 40.0 ACRES IRRIGATION

-  12-INCH PVC PIPE
-  10-INCH PVC PIPE
-  8-INCH PVC PIPE
-  STREAM
-  D.L.C. LINE
-  HYDRANT/RISER
-  DLC MONUMENT TIED

- #1  
WELL #1 (LINN 57038)  
PERMITS: G-16028 AND G-16340  
1132.2' NORTH & 1651.4' EAST FROM THE SW CORNER SECTION 22  
  
METER IS LOCATED ON PIPE 6' NW OF WELL
- #2  
WELL #2 (LINN 57546)  
PERMIT: G-15963  
1274.86' SOUTH & 1434.31' EAST FROM THE NW CORNER SECTION 34  
  
METER IS LOCATED ON PIPE 8' SOUTH OF WELL



RENEWAL DATE: 12/31/2018


THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL DIMENSIONS OR THE LOCATION OF PROPERTY LINES

RECEIVED BY OWRD

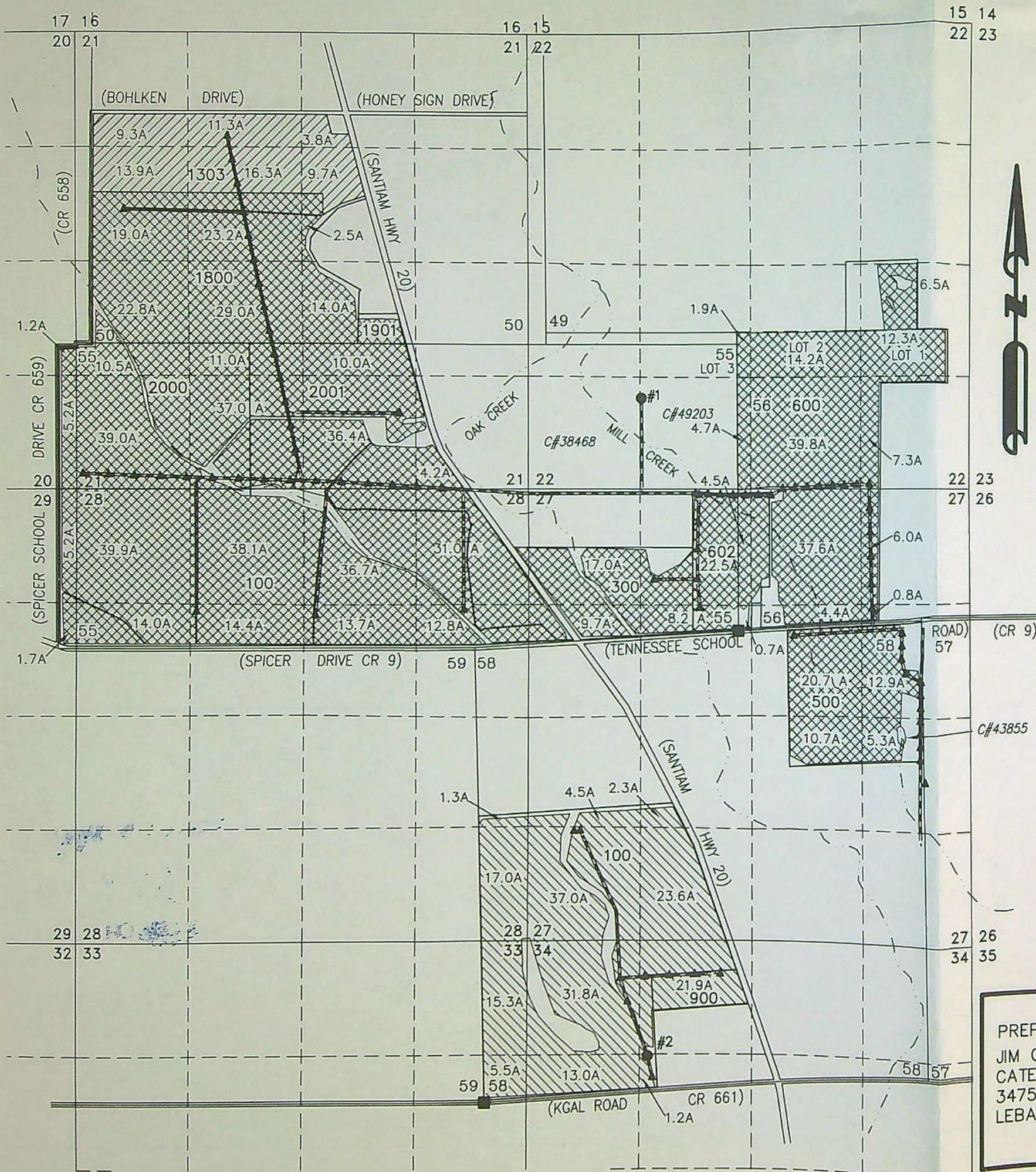
MAR 02 2017

SALEM, OR

PREPARED FOR:  
JIM CATE  
CATE FARMS  
34750 SOUTH SANTIAM HWY  
LEBANON, OR 97355

PREPARED BY:  
 ALL POINTS ENGINEERING AND SURVEYING, INC.  
P.O. BOX 767 (CRR) TERREBONNE, OR 97760  
(541) 548-5833  
www.APEandS.com







# FINAL PROOF MAP


## TO SHOW WATER RIGHTS AND POINTS OF APPROPRIATION FOR APPLICATIONS G-16167 G-16168, AND G-16846 JIM CATE, CATE FARMS

TOWNSHIP 11 SOUTH, RANGE 2 WEST, SECTIONS 20, 21, 22, 27, 28, 29, 33, & 34, W.M.  
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ALL IN LINN COUNTY, OREGON

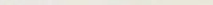
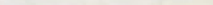
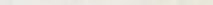
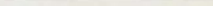
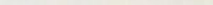


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1274.86' SOUTH & 1434.31' EAST FROM THE NW CORNER  
SECTION 34

METER IS LOCATED ON PIPE 8' SOUTH OF WELL



RENEWAL DATE: 12/31/2018


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RECEIVED BY OWRD

MAR 02 2017

SALEM, OR

PREPARED FOR:  
JIM CATE  
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34750 SOUTH SANTIAM HWY  
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COPY

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ENGINEERING & SURVEYING

P.O. Box 767 (CRR)  
Terrebonne, Oregon 97760

TRANSMITTAL

To:  
Oregon Water Resources Department  
725 Summer St. NE Suite A  
Salem, OR 97301-1266

Date: 2/28/2017 Job: 11-029  
Attention: Kerry Kavanagh

Re: R- 12414-17, R- 12415-17, &  
R- 12416-17

☒ Prints ☐ Plans ☒ Map/Plat ☐ Specifications ☐ Change order ☐ Other

Copies	No.	Description
1	1	Final Proof Map (1 sheet ARCH B mylar)

These are transmitted as checked below:

☐ For OWRD approval ☐ Approved as submitted ☐ Approved as noted  
☐ Copies for distribution ☐ Returned for corrections ☒ Returned corrected prints  
☐ Review and comment ☐ For bids due ☐ Other

Remarks:

Please find my corrected final proof map for Jim Cate's water rights.

Thanks and if you have questions please don't hesitate to call (541) 548-5833.

Signed: 

3-3-17

This 11x17 map  
was mailed in a  
9x12 manila  
envelope - folded  
in transit.

KLK

RECEIVED BY OWRD

MAR 02 2017

SALEM, OR





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ENGINEERING & SURVEYING

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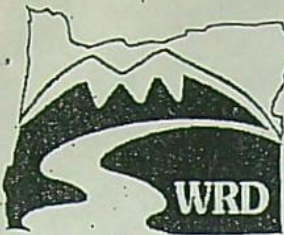
KZK

RECEIVED BY OWRD

MAR 02 2017

SALEM, OR





Date Received 6/30/2011 Application # G 16846  
CWRE Name Scott Montgomery Claim Logged yes  
File Marked yes  
Oversized Map # 0591-faldu ll  
Read the file and attach a copy of the permit or transfer final order. \_\_\_\_\_

#### Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #, or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- ☒ Source illustrated if surface water (OAR 690-014-0170(3))
- ☒ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- ☒ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- ☒ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))
- ☒ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

#### Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #, or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ Tax lot information (OAR 690-014)
- ☒ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☒ Source(s) of water (OAR 690-014-0100)
- ☒ Point of diversion/appropriation location (OAR 690-014-0100)
- ☒ Use, period of use, and rate for use (OAR 690-014-0100)
- ☒ Place of use location (OAR 690-014-0100)
- ☒ Type of use (OAR 690-014-0100)
- ☒ Extent of use (OAR 690-014-0100)
- ☒ Rate and Duty (OAR 690-014-0100)
- ☒ Diversion rate for each use (OAR 690-014-0100)
- ☒ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☒ System capacity (OAR 690-014-0100)
  - ☐ Calculated capacity of system (required)
  - ☐ Measured amount of use (optional)
- ☒ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
  - ☐ Time limits
  - ☐ Initial water level measurements
  - ☐ Annual static water level measurements
  - ☐ Measurement, recording, and reporting
    - ☐ Meter/measuring device
    - ☐ Water use reporting
  - ☐ Fish screening and/or by-pass
  - ☐ Pump test (ground water)
  - ☐ Other conditions

- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient  
N/A = Not Applicable

3-7-17  
See Mylar COBU map  
rec'd 3-2-2017  
in File App G-16167

KLR



## Certificate Issuance Processing Checklist

\_\_\_\_ Map and COBU reviewed  
\_\_\_\_ Conflict check (include copy of plat card printout) Any Conflicts? \_\_\_\_\_  
\_\_\_\_ Check for ownership

### Staff Recommendations:

\_\_\_\_ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.  
\_\_\_\_ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_\_\_\_\_  
\_\_\_\_ Proof to the Satisfaction has not been established for the following reasons: \_\_\_\_\_  
Proposed Actions:  
Send letter requesting the following items/information: \_\_\_\_\_  
Send letter recommending extension to cure deficiencies: \_\_\_\_\_

Can certificate be processed further?

\_\_\_\_ Yes

If "Yes":

\_\_\_\_ Proposed  
\_\_\_\_ Final

Certificate # \_\_\_\_\_

Mailing list:

Proposed:

Final:



# CLAIM OF BENEFICIAL USE for Permits claiming more than 0.1 cfs and All Transfers



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

A fee of \$150 must accompany this form to be accepted for permits  
with a priority date of July 9, 1987, or later. (ORS 536.050(1))

A separate form shall be completed for each permit.

*In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.*

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:  
[http://www.wrd.state.or.us/OWRD/WR/cwre\\_info.shtml#](http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#).

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement\\_authority.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml).

## SECTION 1

### GENERAL INFORMATION

#### 1. File Information

APPLICATION # (G, R, S or T) <b>G-16846</b>	PERMIT # (IF APPLICABLE) <b>G-16340</b>	PERMIT AMENDMENT # (IF APPLICABLE)
--	--	------------------------------------

#### 2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME <b>Jim Cate/Cate Farms</b>		PHONE NO. <b>541-451-4939</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>34750 Santiam Hwy</b>			
CITY <b>Lebanon</b>	STATE <b>OR</b>	ZIP <b>97355</b>	E-MAIL

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. **The COBU must be signed by the permit or transfer holder of record.**

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WATER RESOURCES DEPT  
SALEM, OREGON



3. Is the Property Owner the permit or transfer holder of record?

YES

Are there additional permit or transfer holders of record?

YES

If "NO" the following box may be deleted.

ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD		
<b>Robert G. Cate Living Trust</b>		
ADDRESS		
<b>37111 Tennessee School Dr</b>		
CITY	STATE	ZIP
<b>Lebanon</b>	<b>OR</b>	<b>97355</b>
ADDITIONAL PERMIT OR TRANSFER HOLDER OF RECORD		
<b>Alene A. Cate Living Trust</b>		
ADDRESS		
<b>37111 Tennessee School Dr</b>		
CITY	STATE	ZIP
<b>Lebanon</b>	<b>OR</b>	<b>97355</b>

4. Date of Site Inspection:

**May 12, 2011**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
<b>Jim Cate</b>	<b>May 12, 2011</b>	<b>Owner &amp; Permittee</b>

6. County: **Linn**

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

\*\*Mark "NA" if there are no owners of property not included in this claim

OWNER OF RECORD		
<b>N/a</b>		
ADDRESS		
CITY	STATE	ZIP

Are there additional Owners of Record?

YES

If "NO" the following box may be deleted.

ADDITIONAL OWNER OF RECORD		
<b>Robert &amp; Alene Cate</b>		
ADDRESS		
<b>37111 Tennessee School Dr</b>		
CITY	STATE	ZIP
<b>Lebanon</b>	<b>OR</b>	<b>97355</b>

## SECTION 2

### SYSTEM DESCRIPTION

#### A. Points of Diversion/Appropriation

**RECEIVED**  
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WATER RESOURCES DEPT  
SALEM, OREGON WR



1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
#1	80169	

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
#1	Oak Creek Basin	Santiam River

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
#1	IRR	Grass Seed	Mar 1 – Oct 31	0.8 CFS
Total Quantity of Water Used				

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion or appropriation to the place of use:

This system is the same as permit G-16028 with an extension of the main delivery pipe north to Bahlken drive. An east-west lateral and 4 hydrants were added to the existing system.

## SECTION 2

### SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

NO

#### B. Place of Use

1. Is the right for municipal use?

NO

TWP	RNG	MER	SEC	Q-Q	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
11S	2W	WM	21	NW NE		50	IRR	3.8	
11S	2W	WM	21	SW NE		50	IRR	9.7	
11S	2W	WM	21	NE NW		50	IRR	11.3	
11S	2W	WM	21	NW NW		50	IRR	9.3	
11S	2W	WM	21	SW NW		50	IRR	13.9	
11S	2W	WM	21	SE NW		50	IRR	16.3	
Total Acres Irrigated								64.3	

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (Gov Lot), Quarter-Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, Gov Lot, and QQ.

#### C. Diversion and Delivery System Information



Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

## 2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Fairbanks Morse	13E	M4842	Turbine	14"	12"

## 3. Motor Information

MANUFACTURER	HORSEPOWER
Deutz	152 hp

## 4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
152	80	8 ft	10 ft	1.2

## 5. Provide pump calculations:

$Q = \frac{7.04 \text{ ft}^3/\text{s}/\text{hp} \times \text{hp}}{\text{Total head, ft}} = \frac{(7.04)(152)}{(8+10+203.2)} = 4.8 \text{ cfs or } 2170 \text{ gpm}$   
 \*only one sprinkler used of 4 total. So  $Q = 4.8/4 = 1.2 \text{ cfs}$

## 6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
889.160 ac-ft	890.001 ac-ft	4 hours	2.54

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES

## 8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8 - inch	4550 lf	PVC	Buried
10 - inch	4000 lf	PVC	Buried
12 - inch	1110 lf	PVC	Buried

## 9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4 - inch	1800 lf	Polyvinyl	Above Ground

## 10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
1.2 inch	80	380	4	1	0.85

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JUN 30 2011

WATER RESOURCES DEPT  
SALEM, OREGON



Reminder: For sprinkler output determination use the reference information at the end of this document.

#### 11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
N/A				

#### 12. Additional notes or comments related to the system:

Flow was measured by meter to be 1100 gpm at Well #1, however, the well supplies irrigation for another 720.2 acres for permit G-16028. When water is applied from the east-west lateral in the north half of section 21, both permits are being supplied at the same time.

#### D. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)? YES

2. Describe the access port (type and location) or other means to measure the water level in the well:

1" bolt hole on SE pump plate

3. If well logs are not available, provide as much of the following information as possible:

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY
N/A	N/A	N/A	N/A	N/A	N/A	N/A

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

5. Is the appropriation from a dug well (sump)? NO

#### E. Storage

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir) NO

#### F. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe? NO

#### G. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? NO

#### H. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

Reminder: This section should only be completed if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.

### SECTION 3



## CONDITIONS

Please pay special attention to this section. All conditions contained in the permit, permit amendment, transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

### 1. Time Limits:

Permits, transfer final orders, and any extension final orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit, extension or transfer final order:

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	<b>June 23, 2008</b>		
BEGIN CONSTRUCTION (A)	<b>Not specified</b>	<b>N/A</b>	<b>N/A</b>
COMPLETE CONSTRUCTION (B)	<b>Not specified</b>	<b>N/A</b>	<b>N/A</b>
COMPLETE APPLICATION OF WATER (C)	<b>October 1, 2012</b>	<b>Prior to October 2009</b>	<b>NRCS 2009 aerial imagery shows the land has been irrigated since the 2009 season</b>

\* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)? **NO**

### 4. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement? **NO**

### 5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements? **NO**

### 6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test? **YES**

b. Has the pump test been previously submitted to the Department? **NO**

c. Is the pump test attached to this claim? **YES**

d. Has the pump test been approved by the Department? **NO**

### 7. Measurement Conditions:

a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device?

**Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.**

b. Has a meter been installed?

**RECEIVED**  
**YES**  
**JUN 30 2011**  
**WATER RESOURCES DEPT**  
**SALEM, OREGON**  
**YES**



c. Meter Information

POD/POA NAME OR #	MANUFACTURE R	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
#1	McCrometer	05-11952-08	Running	890001	Probably 2005

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? **N/A**

8. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? **YES**

b. Have the reports been submitted? **YES**

METHOD OF SUBMITTING REPORT (PAPER OR ELECTRONIC)	WATER USER REPORTING ID
Paper	Unknown

If the reports have not been submitted, attach a copy of the reports if available.

9. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? **NO**

10. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **NO**

11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order

a. Were there special well construction standards? **NO**

b. Was submittal of a ground water monitoring plan required? **NO**

c. Was the water user required to restore the riparian area if it was disturbed? **NO**

d. Was a fishway required? **NO**

e. Was submittal of a letter from an engineer required prior to storage of water? **NO**

f. Was submittal of a water management and conservation plan required? **NO**

g. Other conditions? **NO**

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

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JUN 8 0 2011  
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SALEM, OREGON

WR



## SECTION 4 VARIATIONS

Include a description of variations from the permit, permit amendment final order, extension final order, or transfer final order. (i.e. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

## SECTION 5 ATTACHMENTS

If you are attaching any documents to this report, provide a list:

ATTACHMENT NAME	DESCRIPTION
<b>NRCS Imagery</b>	<b>June 2009 NRCS aerial imagery from Gateway website</b>
<b>Well Logs</b>	<b>Linn 57038</b>
<b>Pump test</b>	<b>Reporting cover sheet and datasheet</b>

## SECTION 6 CLAIM SUMMARY

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
<b>#1</b>	<b>0.8 cfs</b>	<b>1.2 cfs</b>		<b>IRR</b>	<b>64.3</b>	<b>64.3</b>

## SECTION 7 CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

**The well, piping system and fields were tied to DLC corners by GPS Rapid static survey. The collected point data was compared to recent aerial imagery from NRCS.**

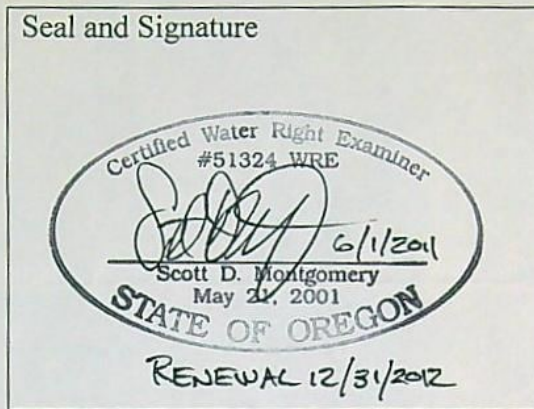
**RECEIVED**  
JUN 30 2011  
WATER RESOURCES DEPT  
SALEM, OREGON



## SECTION 8 SIGNATURES

### CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



CWRE NAME <b>Scott D. Montgomery</b>		PHONE NO. <b>541-548-5833</b>	ADDITIONAL CONTACT NO. <b>541-420-0401</b>
ADDRESS <b>PO Box 767</b>			
CITY <b>Terrebonne</b>	STATE <b>OR</b>	ZIP <b>97760</b>	E-MAIL <b>scott@apeands.com</b>

### Permit or Transfer Holder's of Record Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	DATE
	<b>Jim Cate, Owner &amp; Permit Holder</b>	<b>6-14-11</b>

RECEIVED

JUN 30 2011

WATER RESOURCES DEPT  
SALEM, OREGON

WR






# FINAL PROOF MAP

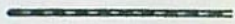




TO SHOW WATER RIGHTS AND  
POINTS OF APPROPRIATION  
FOR APPLICATIONS G-16167 G-16168, AND G-16846  
JIM CATE, CATE FARMS

TOWNSHIP 11 SOUTH, RANGE 2 WEST, SECTIONS 20, 21, 22, 27, 28, 29, 33, & 34, W.M.  
TAX LOTS: 100, 300, 500, 600, 602, 900, 1303, 1800, AND 1901  
ALL IN LINN COUNTY, OREGON

SCALE: 4 INCHES = 1 MILE

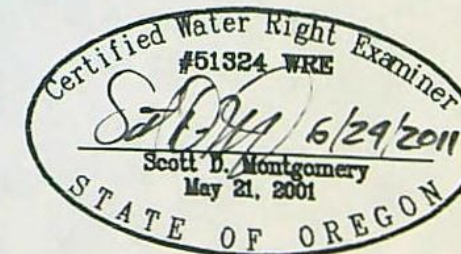
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-  64.3 ACRES PRIMARY IRRIGATION FROM G-16340, AS SHOWN
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-  8-INCH PVC PIPE
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-  D.L.C. LINE

- HYDRANT/RISER
- DLC MONUMENT TIED

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WELL #1 (LINN 57038)  
PERMITS: G-16028 AND G-16340  
1132.2' NORTH & 1651.4' EAST FROM THE SW CORNER SECTION 22  
METER IS LOCATED ON PIPE 6' NW OF WELL
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PERMIT: G-15963  
1274.86' SOUTH & 1434.31' EAST FROM THE NW CORNER SECTION 34  
METER IS LOCATED ON PIPE 8' SOUTH OF WELL



RENEWAL DATE: 12/31/2012

THIS MAP IS FOR THE PURPOSE OF LOCATING A  
WATER RIGHT ONLY AND HAS NO INTENT TO  
PROVIDE LEGAL DIMENSIONS OR THE LOCATION OF  
PROPERTY LINES

RECEIVED

JUN 30 2011

WATER RESOURCES DEPT  
SALEM OREGON

PREPARED FOR:  
JIM CATE  
CATE FARMS  
34750 SOUTH SANTIAM HWY  
LEBANON, OR 97355

PREPARED BY:



ALL POINTS ENGINEERING AND SURVEYING, INC.  
P.O. BOX 767 (CRR) TERREBONNE, OR 97760  
(541) 548-5833  
www.APEandS.com

COBU MAP #0591 folder 11

0591



**REIMBURSEMENT AUTHORITY PERMIT  
APPLICATION G-16846 PERMIT G-16340**

**Certificate 92935 issued 3-10-17**



# Completion Checklist for Claims of Beneficial Use for

POST JULY 1, 2004 Claims

Sec 21

Application # <u>9-16846 / Permit</u>	WRD Reviewer <u>Kerry Kavanagh</u>
Transfer # <u>G-16340</u>	Claim Logged
Date Received <u>6-30-11</u>	Oversized Map #
CWRE Name <u>Scott D Montgomery</u>	PR: <u>Jessica Joye 2/23/17</u>

## Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- ☒ Source illustrated if surface water (OAR 690-014-0170(3))
- ☒ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- ☒ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- ☒ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014-0170(4))
- ☒ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

## Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014) LINN
- ☒ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☒ Source(s) of water (OAR 690-014-0100)
- ☒ Place of use location (OAR 690-014-0100)
- ☒ Type of use (OAR 690-014-0100)
- ☒ Extent of use (OAR 690-014-0100)
- ☒ Rate and Duty (OAR 690-014-0100)
- ☒ Diversion rate for each use (OAR 690-014-0100)
- ☒ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☒ System capacity (OAR 690-014-0100)
  - ☒ Calculated capacity of system (required) Q<sub>pump</sub> = 1.2 cfs
  - ☒ Measured amount of use (optional) Q<sub>measured</sub> = 2.54 cfs
- ☒ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
  - ☒ Time limits
  - ☒ Initial water level measurements
  - ☒ Annual static water level measurements
  - ☒ Measurement, recording, and reporting
  - ☒ Meter/measuring device
  - ☒ Water use reporting "may require ...."
  - ☒ Fish screening and/or by-pass
  - ☒ Pump test (ground water) see 5-12-11 pump test results for LINN 57038
  - ☒ Other 2-16-17 pump test for LINN 57038 approved by Mike Thoma.

☒ Conditions from Extension Final Order and/or Water Management Conservation Plan

- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient  
N/A = Not Applicable



## Certificate Issuance Processing Checklist

☒ Map and COBU reviewed  
☒ Conflict check Any Conflicts? NO  
☒ Check for ownership + Lot 1303 - Jim R Cato & Ginger A Cato  
Reversible Living Trust  
Check Area of Interest ☐ YES ☒ NO  
Identified Party \_\_\_\_\_

### Staff Recommendations:

☒ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.  
\_\_\_\_\_  
Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_\_\_\_\_  
\_\_\_\_\_  
Proof to the Satisfaction has not been established for the following reasons: \_\_\_\_\_  
**Proposed Actions:**  
Send letter requesting the following items/information: \_\_\_\_\_  
Send letter recommending extension to cure deficiencies: \_\_\_\_\_

Can certificate be processed further?

\_\_\_\_\_  
Yes

If "Yes":

\_\_\_\_\_  
Proposed  
\_\_\_\_\_  
Final

Certificate # \_\_\_\_\_

Mailing list:

Proposed:

Final:

App G-16846

Well 1 LINN 57038



Peer reviewed by  
Jessica Joye

Agree w/ findings  
😊

STATE OF OREGON

COUNTY OF LINN

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JIM CATE ✓  
34750 SANTIAM HWY ✓  
LEBANON OR 97355 ✓

confirms the right to the use of water perfected under the terms of Permit G-16340. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16846 ✓

SOURCE OF WATER: A WELL (LINN 57038) IN OAK CREEK BASIN ✓

PURPOSE OR USE: IRRIGATION OF 64.3 ACRES ✓  
USE  
N

MAXIMUM RATE: 0.8 CUBIC FOOT PER SECOND ✓

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 ✓

DATE OF PRIORITY: APRIL 30, 2007 ✓

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	22	SE SW	55	WELL 1 - 1132.2 FEET NORTH AND 1651.4 FEET EAST FROM SW CORNER, SECTION 22

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	2 W	WM	21	NW NE	50	3.8
11 S	2 W	WM	21	SW NE	50	9.7
11 S	2 W	WM	21	NE NW	50	11.3
11 S	2 W	WM	21	NW NW	50	9.3
11 S	2 W	WM	21	SW NW	50	13.9
11 S	2 W	WM	21	SE NW	50	16.3

64.3 Ac

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.



Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order at each point of appropriation. ✓
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice. ✓
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval. ✓

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, 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 interference. ✓

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

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows. ✓

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 the agreement. ✓

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

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

Issued \_\_\_\_\_.

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



# RA Mailing List for Certificate and Order

Scheduled Mailing Date:

Application: G-16846

Permit: G-16340

**Certificate: PROPOSED**

Copies Mailed	
by: _____	(STAFF)
on: _____	(DATE)

Certificate Holder:

JIM CATE ✓

34750 SANTIAM HWY ✓

LEBANON, OR 97355 ✓

Copies of Final Certificate to be sent to:

1. Watermaster District 2 (include copy of map)
2. Water Availability
3. Vault
4. File

Other persons to receive copies: (include map):

1. Scott Montgomery, CWRE

## List of CLAIMED landowners (include map):

MapTax Lot 11S02W210001303 ✓

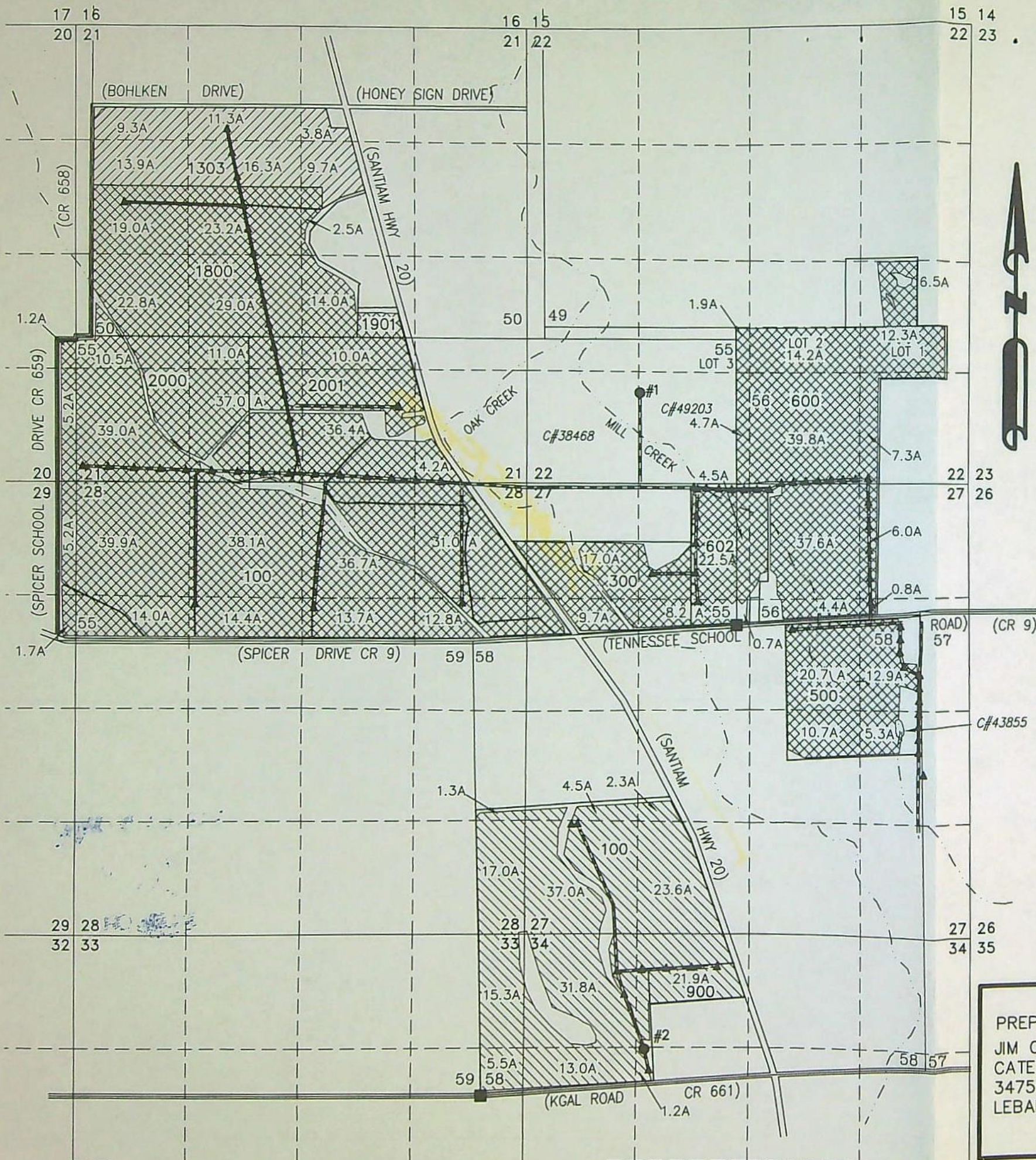
Jim R Cate & Ginger A Cate Revocable Living Trust ✓

Jim R Cate & Ginger A Cate ✓

34750 Santiam Hwy ✓

Lebanon, OR 97355 ✓





# FINAL PROOF MAP




## TO SHOW WATER RIGHTS AND POINTS OF APPROPRIATION

### FOR APPLICATIONS G-16167 G-16168, AND G-16846



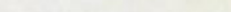
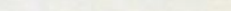



#### JIM CATE, CATE FARMS

TOWNSHIP 11 SOUTH, RANGE 2 WEST, SECTIONS 20, 21, 22, 27, 28, 29, 33, & 34, W.M.  
TAX LOTS: 100, 300, 500, 600, 602, 900, 1303, 1800, AND 1901  
ALL IN LINN COUNTY, OREGON

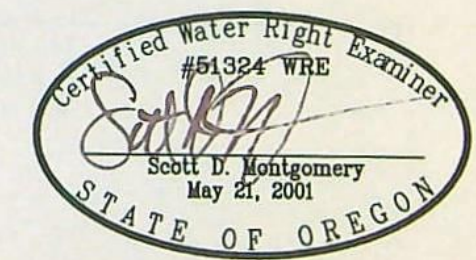
SCALE: 4 INCHES = 1 MILE

-  720.2 ACRES PRIMARY IRRIGATION FROM G-16028, AS SHOWN
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-  174.4 ACRES PRIMARY IRRIGATION FROM G-15963, AS SHOWN

40.0A = 40.0 ACRES IRRIGATION

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METER IS LOCATED ON PIPE 8' SOUTH OF WELL




RENEWAL DATE: 12/31/2018

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL DIMENSIONS OR THE LOCATION OF PROPERTY LINES

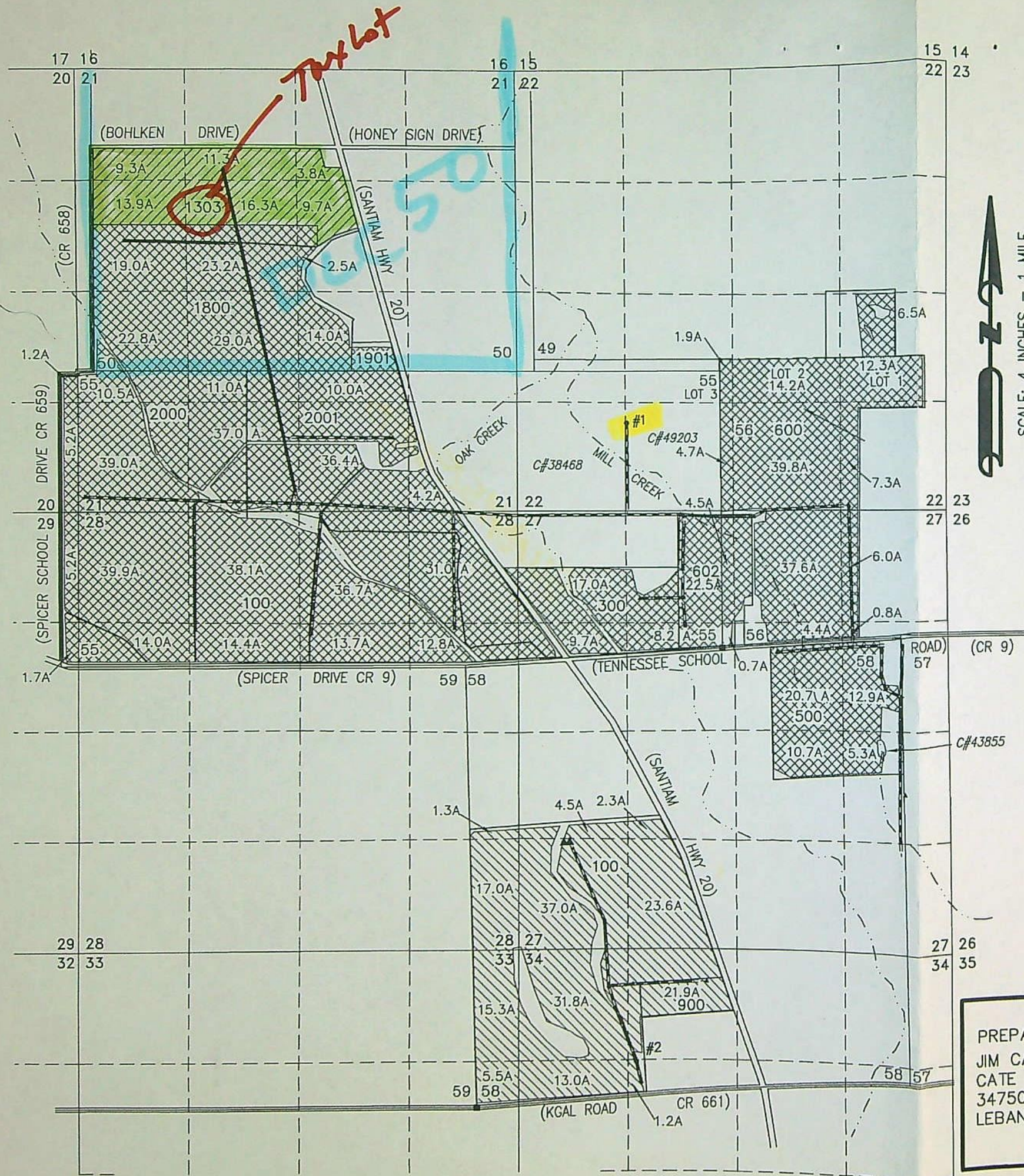
RECEIVED BY OWRD

MAR 02 2017

SALEM, OR

<p>PREPARED FOR:</p> <p>JIM CATE CATE FARMS 34750 SOUTH SANTIAM HWY LEBANON, OR 97355</p>	<p>PREPARED BY:</p> <p> ALL POINTS ENGINEERING AND SURVEYING, INC. P.O. BOX 767 (CRR) TERREBONNE, OR 97760 (541) 548-5833 www.APEandS.com</p>
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# FINAL PROOF MAP

TO SHOW WATER RIGHTS AND  
POINTS OF APPROPRIATION  
FOR APPLICATIONS G-16167 G-16168, AND G-16846  
JIM CATE, CATE FARMS

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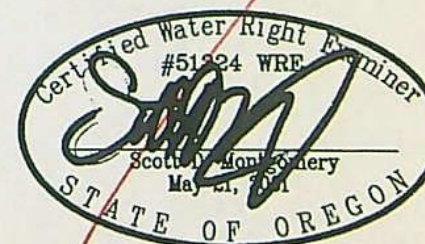
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- 64.3 ACRES PRIMARY IRRIGATION FROM G-16340, AS SHOWN
- 174.4 ACRES PRIMARY IRRIGATION FROM G-15963, AS SHOWN

- 12-INCH PVC PIPE
- 10-INCH PVC PIPE
- 8-INCH PVC PIPE
- STREAM
- D.L.C. LINE

- HYDRANT/RISER
- DLC MONUMENT TIED

- #1  
WELL #1 (LINN 57038)  
PERMITS: G-16028 AND G-16340  
1132.2' NORTH & 1651.4' EAST FROM THE SW CORNER SECTION 22  
METER IS LOCATED ON PIPE 6' NW OF WELL
- #2  
WELL #2 (LINN 57546)  
PERMIT: G-15963  
1274.86' SOUTH & 1434.31' EAST FROM THE NW CORNER SECTION 34  
METER IS LOCATED ON PIPE 8' SOUTH OF WELL



RENEWAL DATE: 12/31/2018

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL DIMENSIONS OR THE LOCATION OF PROPERTY LINES

RECEIVED  
JAN 18 2017  
OWRD

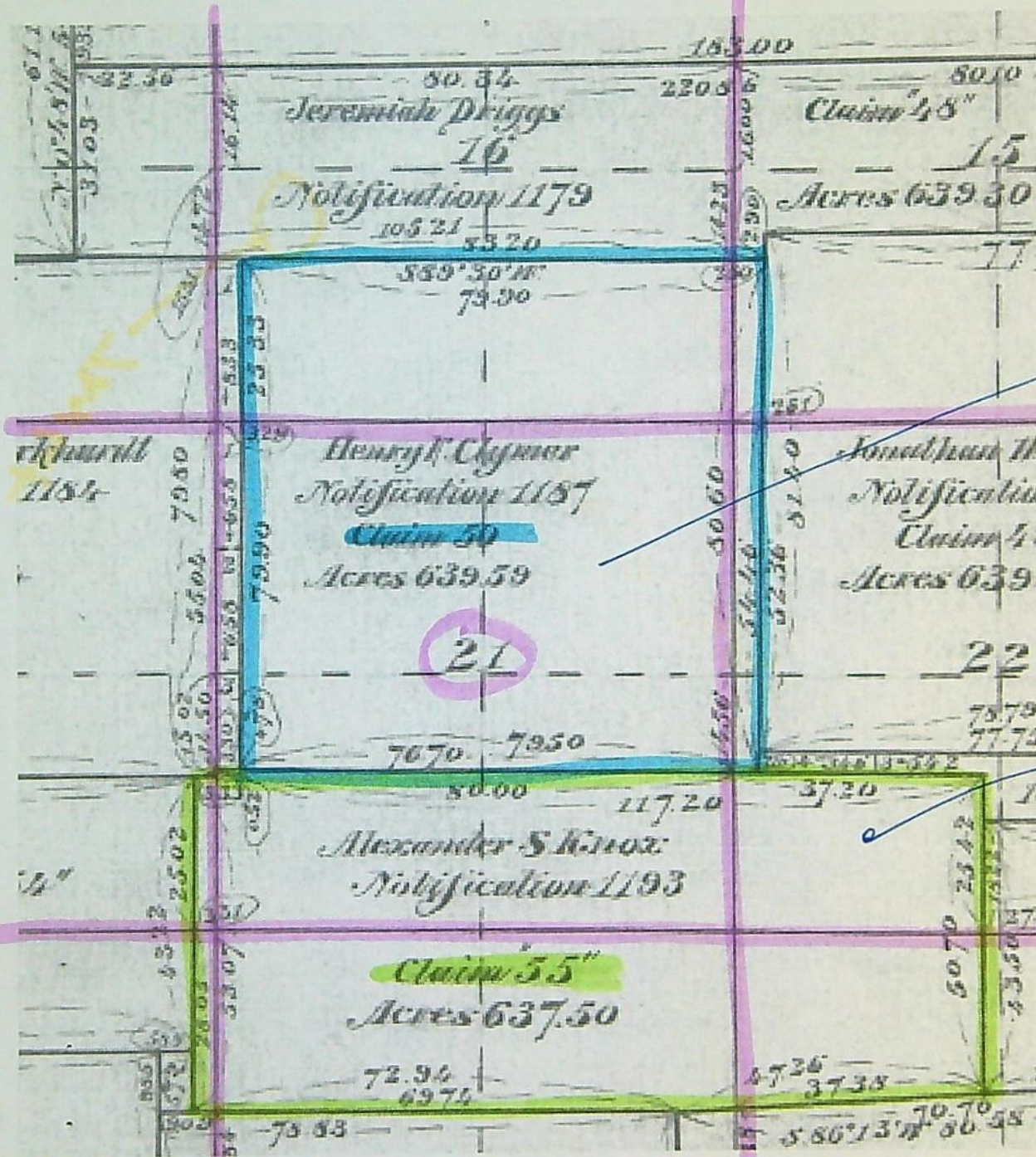
PREPARED FOR:  
JIM CATE  
CATE FARMS  
34750 SOUTH SANTIAM HWY  
LEBANON, OR 97355

PREPARED BY:  
ALL POINTS ENGINEERING AND SURVEYING, INC.  
P.O. BOX 767 (CRR) TERREBONNE, OR 97760  
(541) 548-5833  
www.APEandS.com



App 6-16846

Portion Cadastral Survey T11S, R2W, W.M. - 1861-10-26:













STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JIM CATE  
34750 SANTIAM HWY  
LEBANON, OR 97355

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

APPLICATION FILE NUMBER: G-16846

SOURCE OF WATER: A WELL (LINN 57038) IN OAK CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 64.3 ACRES

MAXIMUM RATE: 0.8 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 30, 2007

WELL LOCATION: SE ¼ SW ¼, SECTION 22, T11S, R2W, W.M.; 1132 FEET NORTH  
AND 1651 FEET EAST FROM SW CORNER, SECTION 22

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW ¼ NE ¼	3.5 ACRES
SW ¼ NE ¼	9.6 ACRES
NE ¼ NW ¼	11.3 ACRES
NW ¼ NW ¼	9.7 ACRES
SW ¼ NW ¼	13.9 ACRES
SE ¼ NW ¼	16.3 ACRES

SECTION 21

TOWNSHIP 11 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of

$64.3 \text{ ac} \times \frac{1}{60} \text{ cfs/ac} = 0.80 \text{ cfs}$

1132.2 feet

1132 FEET NORTH

1651.4 feet

per  
cont. map

3.8 ac

9.7 ac

11.3 ac

9.3 ac

13.9 ac

16.3 ac

+

64.3 ac total



appropriation. The permittee shall maintain the meter or measuring device in good working order.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

#### STANDARD CONDITIONS

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.

*same well*  
If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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 well(s) 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.

*MA*  
If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.



The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. 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.

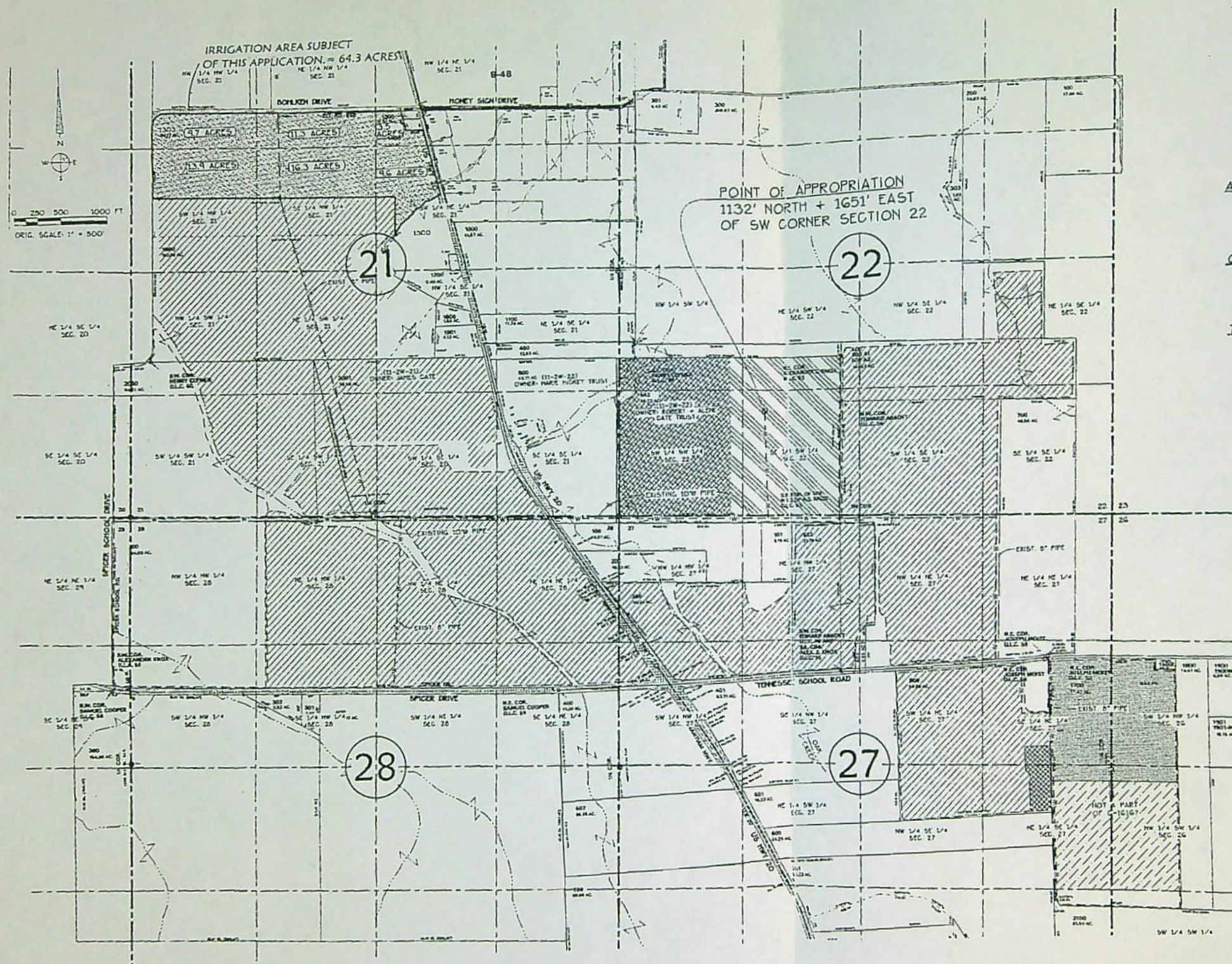
Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued JUNE 23, 2008

*E. Timothy Wall*

for Phillip C. Ward, Director  
Water Resources Department





GROUNDWATER APPLICATION MAP  
J. PLACE PROPERTY ADDITION TO  
CENTER FARMING AREA  
FOR  
CATE FARMS  
LOCATED IN  
SECTION 21, T. 11 S., R. 2 W., W.M.  
LINN COUNTY, OREGON  
APRIL 10, 2007

**APPLICANT:**  
CATE FARMS  
JIM CATE  
34750 SANTIAM HWY  
LEBANON, OR 97359

**OWNERS:**  
ROBERT G. CATE TRUST  
ALEX A. CATE TRUST  
37111 TENNESSEE SCHOOL DR  
LEBANON, OR 97359

**TAX LOT:**  
1303 (11-2W-21)

- LEGEND:**
- PROPOSED WATER RIGHT PER THIS APPLICATION LOCATED IN NORTH HALF OF SECTION 28 AS SHOWN ON MAP AREA = 64.3 ACRES
  - EXISTING WATER RIGHT PERMIT G-16022 (APPLICATION NO. G-16022) 720.2 ACRES NOT A PART OF THIS APPLICATION
  - EXISTING WATER RIGHT PERMIT G-5022 (CERTIFICATE NO. 49203) 51.9 ACRES NOT A PART OF THIS APPLICATION
  - EXISTING WATER RIGHT PERMIT G-211 (CERTIFICATE NO. 23637) 3.95 ACRES NOT A PART OF THIS APPLICATION
  - EXISTING WATER RIGHT PERMIT G-4416 (CERTIFICATE NO. 43855) 4.0 ACRES NOT A PART OF THIS APPLICATION
  - EXISTING WATER RIGHT PERMIT G-2626 (CERTIFICATE NO. 38468) 47.2 ACRES NOT A PART OF THIS APPLICATION
  - EXISTING WATER RIGHT PERMIT OR-232 38.6 ACRES NOT A PART OF THIS APPLICATION
  - EXISTING IRRIGATION SUPPLY PIPE

K. D. K & D ENGINEERING, INC.  
P.O. Box 1000, Salem, OR 97301  
Phone: 503-585-1111  
Fax: 503-585-1112

DATE: 4/10/2007 TIME: 14:01  
FILE: 2003-03-167147-Subj (Robert G.)

RECEIVED  
APR 30 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

App no G-16846





**Oregon Water Resources Department**  
Water Rights Information Query

Permit: G 16340 \*

[Main](#) [Help](#)  
[Return](#) [Contact Us](#)

**Contact Information** (Click to Collapse...)

▼ **Current contact information**

OWNER:  
JIM CATE  
34750 SANTIAM HWY  
LEBANON, OR 97355

**Water Right Information** (Click to Collapse...)

Status: Non-Cancelled  
County: Linn  
File Folder Location: Salem  
Watermaster District: 2

**Workflow** (Click to Collapse...)

▼ **Application: G 16846**

Received: 4/30/2007

**Application Workflow**

Action	Date	Result	Completed By
Application Filed	5/7/2007		
Initial Review	12/7/2007	Propose to Approve	JOEL PLAHN
IR Comment Period	1/10/2008	Propose to Approve	TIMMIE BRANDT
Proposed Final Order	3/18/2008	Propose to Approve	JOEL PLAHN
PFO Protest Period	5/2/2008	Propose to Approve	JOEL PLAHN
Final Order	6/23/2008	Issued	JOEL PLAHN
Permit Issued	6/23/2008	Issued	JOEL PLAHN

▼ **Permit: G 16340 document, paper map**

Signature: 6/23/2008

**Permit Workflow**

Action	Date	Result	Completed By
CBU Received	6/30/2011		SCOTT MONTGOMERY
Completion Date [C Date]	10/1/2012		

▼ **Related Documents**

- ▶ [Permit: G 16028](#)
- ▶ [Certificate: 49203](#)
- ▶ [Certificate: 23637](#)
- ▶ [Certificate: 43855](#)
- ▶ [Certificate: 38468](#)
- ▶ [Claim: GR 232](#)
- ▶ [View right with Web Mapping](#)
- ▶ [View Places of Use from Water Rights in the Same Area](#)

**Scanned Documents** (Click to Collapse...)

Records per page: 3

Document Type	Document Title	Date	Remarks
Order - Final	<a href="#">Final Order</a>	6/23/2008	
Permit	<a href="#">Permit G16340 Map Image</a>	6/23/2008	
Permit	<a href="#">Permit G16340 Image</a>	6/23/2008	

**Point(s) of Diversion** (Click to Collapse...)

▼ **POD 1 - A WELL > OAK CREEK**

▼ **Description**

- ▶ T-R-S-QQ: 11.00S-2.00W-22-SE SW
- ▶ Location Description: 1132 FEET NORTH AND 1651 FEET EAST FROM SW CORNER, SECTION 22

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
0.8	0.8		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Elevation (ft)	Rate/Acre	Duty	Start Date	End Date	Remarks
4/30/2007	0.8	0.8				1/80	2.50000	3/1	10/31	

▼ **Remarks**

- ▶ LINN 57038

**Place(s) of Use** (Click to Collapse...)

Add TRS grouping

▼ **Use - IRRIGATION**

(Primary) - 64.3 acres; Priority Date: 4/30/2007



T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Linked PODs	Inchoate Info	Remarks
11.00S-2.00W-21	NW NE				3.5	NC			
11.00S-2.00W-21	SW NE				9.6	NC			
11.00S-2.00W-21	NE NW				11.3	NC			
11.00S-2.00W-21	NW NW				9.7	NC			
11.00S-2.00W-21	SW NW				13.9	NC			
11.00S-2.00W-21	SE NW				16.3	NC			

Sum of Acres: 64.3

**Water Right Genealogy** (Click to Collapse...)

App: G 16846

└ Permit: G 16340 \*

[View Water Rights in same Family](#)[Report Errors with Water Right Data](#)



## Pump Capacity Calculation Sheet

Application G-16846, Permit G-16340

using Department designed formula:

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

### Data Entry (fill in underlined blanks)

one well - LINN 57038

HP = 152  
Efficiency = 7.04  
Lift = 18  
PSI = 80

### Results Calculated

$(hp)(\text{efficiency}) = 1070.08$   
Head based on psi = 203.2  
Total dynamic head = 221.2  
(head + lift)

Pump Capacity = 4.84 feet per second



SECTION 21 T.11S. R.2W. W.M.  
Linn County  
1" = 400'

FOR ASSIGNMENT AND  
TRANSFERENCE ONLY

11S02W21  
LINN COUNTY  
CANCELLED

1303  
45.95 AC

PARTITION I

PLAT

110. 2005-70

9-33

9-48

110. 2003-43

11S02W21  
LINN COUNTY  
9/9/2008





## Assessment and Taxation

### Account Query

[Back](#) [Forward](#) [Search Page](#) [Logoff](#)

<b>Account #</b>	907622	<b>Tax Status</b>	ASSESSABLE
<b>Map #</b>	11S02W210001303	<b>Account Status</b>	ACTIVE
<b>Code - Tax #</b>	00933-907622	<b>Subtype</b>	NORMAL
<b>Owner</b>	JIM R CATE & GINGER A CATE REV LIV TRUST		
<b>Agent</b>	CATE JIM R & GINGER A TR		
<b>Mailing Address</b>	34750 SANTIAM HWY LEBANON, OR 97355		

[Reports](#)

[Summary Report](#)

[Tax Summary Report](#)

[Names](#)

[Tax Statement](#)

[Documents/Images](#)

[Help](#)

Accounts in foreclosure require that you call the Linn County Tax Department for the correct payoff amount.

To verify the account is in foreclosure - scroll to the bottom of the Tax Summary Report. A notation will display "foreclosure"





Oregon Water Resources Department  
Water Rights Platcard Report

Main Help  
Return Contact Us

## Search Criteria

Meridian: Willamette Township: 11 South Range: 2 West Section: 21 Records per Page: 8

Search

Platcards Maps!  
Learn about View Map

Water Right	Changing Users	Priority	Use	Use Status	DLC	Gov't Lot	Ac(40): Ac(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	Unknown QQ
Select Cert:38159 OR *		8/23/1966	IRRIGATION		50		10																	
Additional Info: HARRY/WILMA WOOD App: G3633 Permit: G3416 Cert: 38159																								
Select Cert:38468 OR *	T9939	4/3/1964	IRRIGATION		55															1.8			0.8	
Additional Info: JAMES/MARIE HICKEY App: G2823 Permit: G2626 Cert: 38468																								
Select Inchoate: T 9939 CF (TMP) RJ		4/3/1964	IRRIGATION	RJ	55															(1.8)			(0.8)	
Additional Info: JIM CATE App: G2823 Permit: G2626																								
Select Permit: G 16028 *		1/20/2004	IRRIGATION						2.7					19.2	23.7	40	33.8	39.6	37		24.8	37.1	4.2	
Additional Info: JIM CATE App: G16167 Permit: G16028																								
Select Permit: G 16340 *		4/30/2007	IRRIGATION					3.5	9.6		11.3	9.7	13.9	16.3										
Additional Info: JIM CATE App: G16846 Permit: G16340																								
Select Cert:38468 OR *	T9939	4/3/1964	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		55															8	0.1		30	
Additional Info: JAMES/MARIE HICKEY App: G2823 Permit: G2626 Cert: 38468																								
Select Inchoate: T 9939 CF (TMP) RJ		4/3/1964	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	RJ	55															(8)	(0.1)		(30)	
Additional Info: JIM CATE App: G2823 Permit: G2626																								
1 2																								

Acreage Legend: 12.25 Regular  
acreage

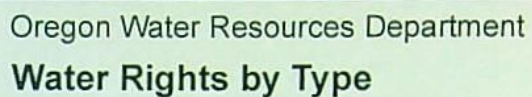
12.25 Acreage is on a canceled  
right

(12.25) Acreage is part of a transfer and has not been proven up on  
yet (inchoate)

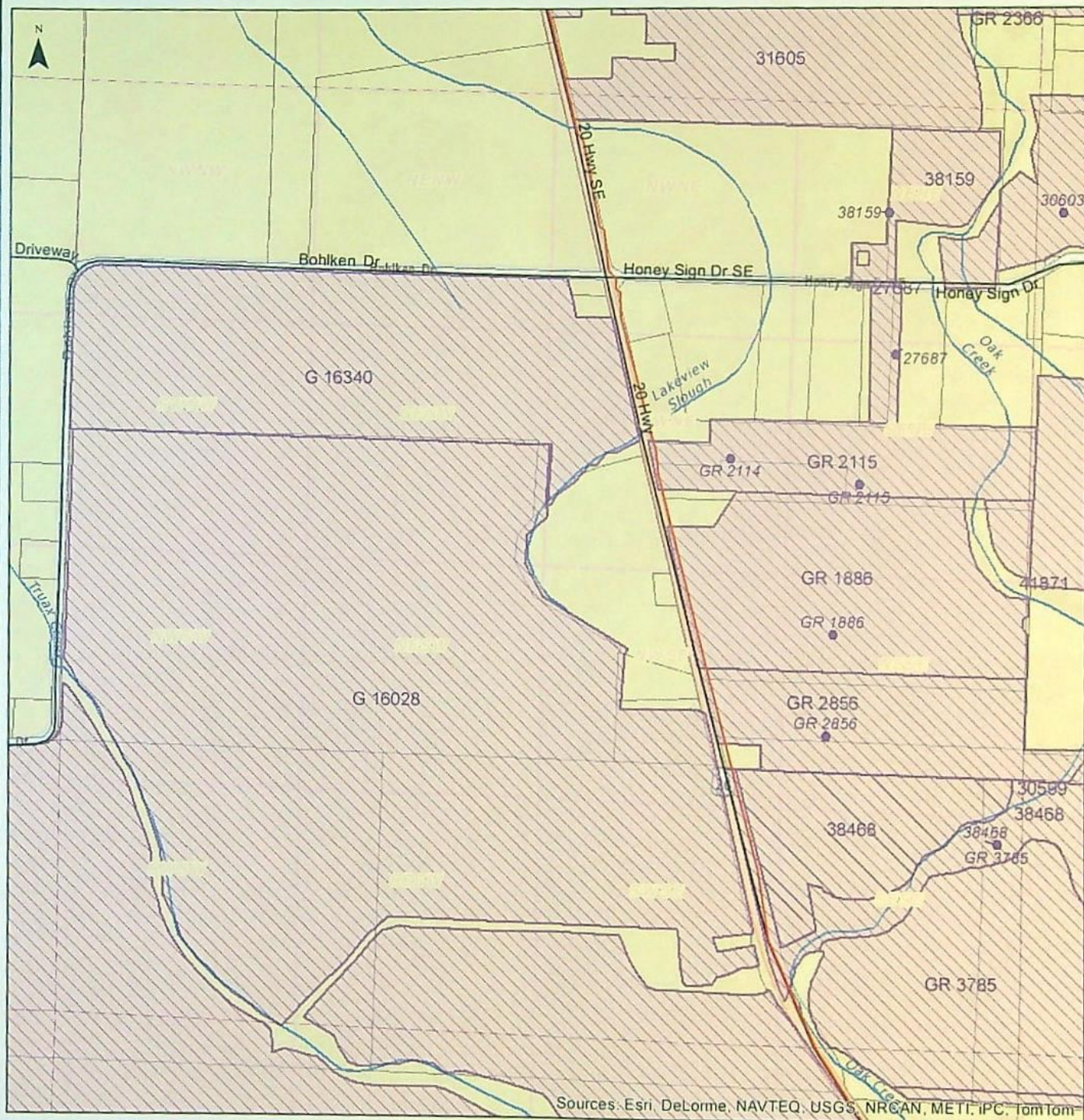
(12.25) Acreage has been  
suspended

\* Acreage is not  
specified





WM11.00S02.00W21  
Map Date: January 13, 2016



Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, IPC, TomTom

For more information:  
<http://www.wrd.state.or.us> and  
<http://apps.wrd.state.or.us/apps/wr/wrinfo/>

This map is for informal purposes only. It is not intended for legal, engineering or surveying purposes. Municipal rights are not included on this map.

### Legend

### Points of Diversion    Places of Use

- 75030

- 24883

- 24883

- 75030

- 24883

- 24883

Storage water

### Surface water

Ground water

◆ Water Rights - Outline to be determined. (Applies to all colors)

Water right labels indicate certificate number or permit letter(s) and number. Municipality uses excluded.

## Index Map







Oregon Water Resources Department  
Water Rights Platcard Report

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## Search Criteria

Meridian: Willamette   Township: 11   South   Range: 2   West   Section: 21   Records per Page: 8

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[Platcards Maps!](#)  
[Learn about](#)   [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Let	ac(40): ac(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	Unknown QQ
<a href="#">Select</a> Claim:GR 1886 *		3/30/1945	IRRIGATION							3.5	10.5									18.5	3.5			
Additional Info: KENNETH HOUGHTON Claim: GR1886																								
<a href="#">Select</a> Claim:GR 2114 *		12/31/1933	IRRIGATION							3.7	15.3													
Additional Info: W E BARKER Claim: GR2114																								
<a href="#">Select</a> Claim:GR 2115 *		12/31/1952	IRRIGATION							3.7	15.3													
Additional Info: W E BARKER Claim: GR2115																								
<a href="#">Select</a> Claim:GR 2856 *		12/31/1944	IRRIGATION																	14	2.5			
Additional Info: SANTIAM VALLEY NURSERIES Claim: GR2856																								
<a href="#">Select</a> Claim:GR 3785 *		5/31/1955	IRRIGATION																	8	1	0.5	30	
Additional Info: GEORGE HANNAFORD Claim: GR3785																								
<a href="#">Select</a> Cert:27687 OR *		9/7/1956	IRRIGATION		50			1.2			1.4													
Additional Info: EINAR/EDNA DALBY App: G469 Permit: G348 Cert: 27687																								
<a href="#">Select</a> Cert:30603 OR *		7/26/1960	IRRIGATION		50			0.3																
Additional Info: GORDON/GOLDIE HORST App: G1810 Permit: G1655 Cert: 30603																								
<a href="#">Select</a> Cert:31605 OR *		4/29/1960	IRRIGATION		50			3	2.6															
Additional Info: ROBERT K WILSON App: G1737 Permit: G1586 Cert: 31605																								
1 2																								

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 Water Resources Department  
**Water Rights by Type**

**WM11.00S02.00W21**  
Map Date: January 13, 2016



Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, IPC, TomTom

0 1,000 Feet

**Legend**

**Points of Diversion Places of Use**

● 75030

● 24883

● 24883

75030

24883

24883

Storage water

Surface water

Ground water

◇ Water Rights - Outline to be determined. (Applies to all colors)

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**Index Map**



For more information:  
<http://www.wrd.state.or.us> and  
<http://apps.wrd.state.or.us/apps/wr/wrinfo/>

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It is not intended for legal, engineering or  
surveying purposes. Municipality rights are  
not included on this map.





## Oregon Water Resources Department Water Rights Mapping Tool

OWRD Only

725 Summer St NE, Sale

Return

Contact Us

Search

Search: Water Right by File

Application: G 16846

Permit:

Certificate:

Claim:

Transfer:

Snap ID:

POD Source: Equals

Irr. District:

(Draw box on map.)

Points of Diversion: (Count: 1)

Places of Use: (Count: 1)

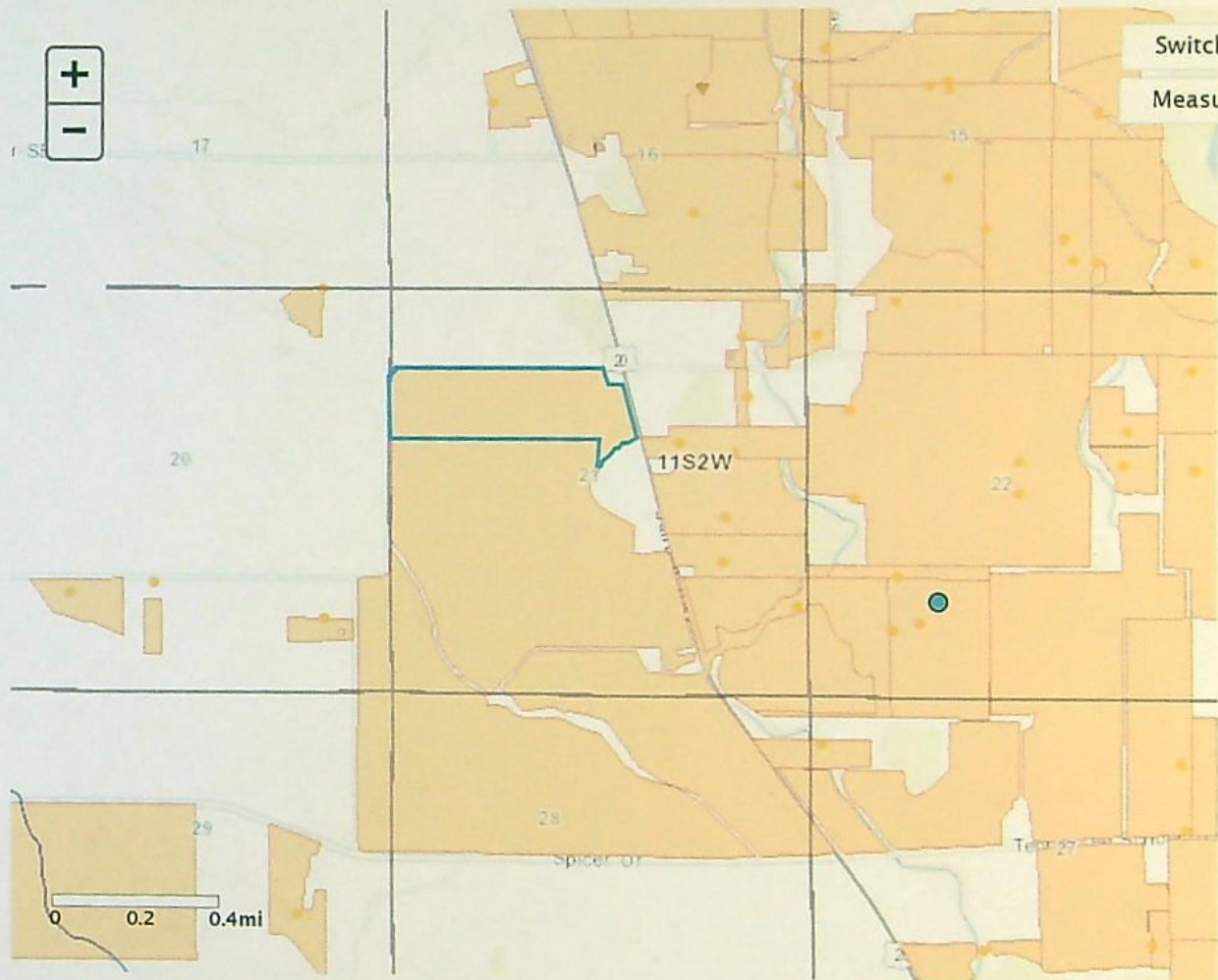
Identify Non-Water Right Features

Tax Lots

Tools

Layers

Bookmarks



Switch

Measure

POD

POU

Irrigation Districts AOI

WR By Time



Application # G-16846 Permit # G-16340 Transfer #

Jim Cate RA#  
R12415-17

**Reimbursement Authority Process**  
**Itemized Estimate Sheet**  
for  
**Certificates**

	Est. Time (hr)	Individual	Hourly Rate	Est. Cost	Date	Act. Time (hr)
1. Review Claim of Beneficial Use report & map;	0.75	Kerry	\$95	\$71	1-19 0.75	71
2. Conflict Check	0.00	Kerry	\$95	\$0		
3. Preparation of deficiency letter	0.00	Kerry	\$95	\$0		
4. Preparation of proposed certificate	1.00	Kerry	\$95	\$95	1-19 2-23 0.75 0.5	119
5a. Peer review	0.00	Laura	\$95	\$71	0	
5b. Peer review	0.10	Dwight	\$120	\$12	3-10 0.1	12
5c. Peer review	0.75	Ann Jessica	\$87	\$65	0.25 hours 2/23/17	22
6. Project Management	3.00	Kerry	\$95	\$284	9-26 1-18 1-19 2-23 2-28 3-1 3-3 3-7 3-8 3-10 0.5 0.25 0.1 0.5 0.1 0.1 0.2 0.3 0.3 0.5	271
7a. Water right data record update	0.20	Connie	\$60	\$12	3-10 0.2	12
7b. Water right data record update	1.50	Data Tech	\$58	\$87	3-7 1.0	53
8. Pump test - submitted w/COBU - NEED review	2.00	GW Staff	\$98	\$196	2-16 2.0	196 +
<b>Total</b>	<b>9.30</b>			<b>\$891</b>		761

900

Permit G-16340 - 0.8 CFS for IR of 64.3 acres from a well (LINN 57038)

pump test submitted w/COBU  
-- Kerry/Karl to review pump test

POU listing includes many DLC's and a few Glots

\$139 under  
REFUND \$139

Certificate # 92935 issued 3-10-17.



## KAVANAGH Kerry L \* WRD

---

**From:** Scott <Scott@apeands.com>  
**Sent:** Tuesday, March 07, 2017 9:41 AM  
**To:** KAVANAGH Kerry L \* WRD  
**Cc:** CLARK Gerald E \* WRD; gingerct@gmail.com  
**Subject:** RE: RA Project R12414-17 for Jim Cate involving Application G-16167 - language contained in all 3 files - Apps G-16167, G-16168, and G-16846

Good Morning Kerry,

I understand your replies to the inquiries I've made regarding conditions on the certificate. I'm glad that you shared this with Jim and Ginger Cate so they may understand the possible future actions that may take place regarding their water rights. I don't see any other concerns with the drafts.

Thank you for taking the time to explain the department's intentions as they apply to the permit conditions.

Sincerely,

*Scott Montgomery, Owner/Principal  
All Points Engineering and Surveying, Inc.  
(541) 548-5833*

---

**From:** KAVANAGH Kerry L \* WRD [mailto:Kerry.L.Kavanagh@oregon.gov]  
**Sent:** Tuesday, March 07, 2017 8:36 AM  
**To:** Scott <Scott@apeands.com>  
**Cc:** CLARK Gerald E \* WRD <Gerald.E.Clark@oregon.gov>; gingerct@gmail.com  
**Subject:** RE: RA Project R12414-17 for Jim Cate involving Application G-16167 - language contained in all 3 files - Apps G-16167, G-16168, and G-16846

Hi Scott,

I agree that the permit does not contain a specific condition that requires the permit holder to make and report static water measurements. In response to your specific questions:

Why would the director mandate these measurements when there's no baseline measurement to compare against?

Although the permit does not contain a specific condition to require static water level measurements, it is still important for the Department to manage the groundwater resource. In order for the Department to make wise decisions, it may be necessary for the Department to require a water user to submit measurements so the Department can track what is happening in a specific aquifer. Because the right does not have an aquifer draw down condition which places limits on the use based on declines in the aquifer, it would appear that the collection of measurements would be used for data only, not limits on use; the priority date would drive any regulation of use.

My second question is why are we now re-writing the permit conditions on a certificate? Why can't a simple statement to comply with all permit conditions be made? It seems like the older certificates were more in this fashion.

Our intention is to issue certificates consistent with the permit. In addition, it is our intention to carry the conditions forward in a manner that will not require a water user or the Watermaster to have to review multiple documents in order to determine what the conditions of use of the right are.

Because of the way that permit conditions are worded, it may be necessary for the Department to modify them at the time of certificate issuance. For example, a condition that requires the permit holder to install a meter prior to use and



then maintain the meter. This condition has two components, install the meter and then maintain the meter. If the Department, upon review of a Claim, determines that the permit holder installed the meter timely, the condition is modified to read that the meter needs to be maintained; this is a standard practice.

Another example is the Pump Test condition that you have referenced. The permit contained the following condition related to the submittal of a pump test and the possibility of the Director requiring water level or pump test results every ten years.

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

This is a standard condition for all groundwater permits which were applied for on after December 20, 1988. Because it was included in the groundwater permit, we must carry it forward in the certificate. Because the Pump Test has been approved, or exempted, the only portion of the condition that is carried forward is the portion dealing with the possibility of the Director requiring water level or pump test results every ten years.

Please let me know if you have any additional questions.

Also, please give me direction as to whether I can move forward with finalization of the certificates for Applications G-16167, G-16168, and G-16846.

Thanks for your consideration,  
Kerry

---

**From:** Scott [<mailto:Scott@apeands.com>]  
**Sent:** Friday, March 03, 2017 8:22 AM  
**To:** KAVANAGH Kerry L \* WRD; [gingerct@gmail.com](mailto:gingerct@gmail.com)  
**Cc:** CLARK Gerald E \* WRD  
**Subject:** RE: RA Project R12414-17 for Jim Cate involving Application G-16167 - language contained in all 3 files - Apps G-16167, G-16168, and G-16846

Hi Kerry,  
I understand the original permit has the same language. It's pretty much boiler-plate language for GW permits issued in the same time period. The permit has no conditions for static well measuring to establish the proof into certificate. Why would the director mandate these measurements when there's no baseline measurement to compare against? My second question is why are we now re-writing the permit conditions on a certificate. Why can't a simple statement to comply with all permit conditions be made. It seems like the older certificates were more in this fashion.  
Thanks

---

**From:** KAVANAGH Kerry L \* WRD [[Kerry.L.Kavanagh@oregon.gov](mailto:Kerry.L.Kavanagh@oregon.gov)]  
**Sent:** Wednesday, March 01, 2017 1:08 PM  
**To:** Scott; [gingerct@gmail.com](mailto:gingerct@gmail.com)  
**Cc:** CLARK Gerald E \* WRD; KAVANAGH Kerry L \* WRD  
**Subject:** RE: RA Project R12414-17 for Jim Cate involving Application G-16167 - language contained in all 3 files - Apps G-16167, G-16168, and G-16846

Hi Scott,

The language in question is included in the draft proposed certificates for the three files:



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

is derived from the following permit condition – contained in the permits for all three files: Application G-16167 (Permit G-16028), Application G-16168 (Permit G-15963), and Application G-16846 (Permit G-16340):

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

This is standard language for all groundwater permits. Because it was included in the groundwater permits, we must carry it forward in the certificates.

Please let me know if you have any additional questions.

Thanks,  
Kerry

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**From:** Scott [mailto:Scott@apeands.com]  
**Sent:** Tuesday, February 28, 2017 11:24 AM  
**To:** KAVANAGH Kerry L \* WRD; gingerct@gmail.com  
**Subject:** RE: RA Project R12414-17 for Jim Cate involving Application G-16167

Kerry,  
I know the original permit, G-15963 mentions that the Director may require a pump test or additional level measurements after 10 years. However, the permit did not require level measurements. So, I don't believe that should apply after 10 years if it didn't apply in the beginning.

---

**From:** KAVANAGH Kerry L \* WRD [mailto:Kerry.L.Kavanagh@oregon.gov]  
**Sent:** Thursday, February 23, 2017 3:26 PM  
**To:** gingerct@gmail.com; Scott <Scott@apeands.com>  
**Subject:** RA Project R12414-17 for Jim Cate involving Application G-16167

Hello Jim and Scott,

Please find attached to this email the draft proposed certificate for Application G-16167. Please review and compare the draft proposed certificate to Permit G-16028 for accuracy and completeness.

For your convenience, here is a link to information regarding Application G-16167 in the Department's Water Rights Information System (WRIS) database:

[http://apps.wrd.state.or.us/apps/wr/wrinfo/wr\\_details.aspx?snp\\_id=146392](http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=146392)

Click on "document" to the right of Permit G-16028 (near top right portion of screen) to view the permit.

Please provide me your comments or edits, should you have any. If you agree with the draft proposed certificate and let me know this, then I can proceed to issue a certificate without waiting the standard 60-day notice period.

Thank you.  
Kerry



## KAVANAGH Kerry L \* WRD

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**From:** KAVANAGH Kerry L \* WRD  
**Sent:** Thursday, February 23, 2017 3:29 PM  
**To:** 'gingerct@gmail.com'; 'Scott'  
**Subject:** RA Project R12415-17 for Jim Cate involving Application G-16846  
**Attachments:** G-16846-or-prop\_DRAFT-2017-02-23.pdf

Hello Jim and Scott,

Please find attached to this email the draft proposed certificate for Application G-16846. Please review and compare the draft proposed certificate to Permit G-16340 for accuracy and completeness.

For your convenience, here is a link to information regarding Application G-16846 in the Department's Water Rights Information System (WRIS) database:

[http://apps.wrd.state.or.us/apps/wr/wrinfo/wr\\_details.aspx?snp\\_id=161070](http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=161070)

Click on "document" to the right of Permit G-16340 (near top right portion of screen) to view the permit.

Please provide me your comments or edits, should you have any. If you agree with the draft proposed certificate and let me know this, then I can proceed to issue a certificate without waiting the standard 60-day notice period.

Thank you.  
Kerry

*Kerry Kavanagh* | Reimbursement Authority, Certificates, Water Right Services Division

**Oregon Water Resources Department** | 725 Summer St. NE, Suite A, Salem, Oregon 97301

Voice 503.986.0927 | Fax 503.986.0901

Email: [Kerry.L.Kavanagh@oregon.gov](mailto:Kerry.L.Kavanagh@oregon.gov) Web: <http://oregon.gov/ORWD>



## STATE OF OREGON

## COUNTY OF LINN

## CERTIFICATE OF WATER RIGHT

## THIS CERTIFICATE ISSUED TO

JIM CATE  
34750 SANTIAM HWY  
LEBANON OR 97355

confirms the right to the use of water perfected under the terms of Permit G-16340. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16846

SOURCE OF WATER: A WELL (LINN 57038) IN OAK CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 64.3 ACRES

MAXIMUM RATE: 0.8 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 30, 2007

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
11 S	2 W	WM	22	SE SW	55	WELL 1 - 1132.2 FEET NORTH AND 1651.4 FEET EAST FROM SW CORNER, SECTION 22

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
11 S	2 W	WM	21	NW NE	50	3.8
11 S	2 W	WM	21	SW NE	50	9.7
11 S	2 W	WM	21	NE NW	50	11.3
11 S	2 W	WM	21	NW NW	50	9.3
11 S	2 W	WM	21	SW NW	50	13.9
11 S	2 W	WM	21	SE NW	50	16.3

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

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.



Measurement, recording and reporting conditions:

- A. The water user shall maintain the totalizing flow meter or other suitable measuring device as approved by the Director in good working order at each point of appropriation.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, 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 interference.

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

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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 the agreement.

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

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

Issued \_\_\_\_\_.

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



## KAVANAGH Kerry L

---

**From:** KAVANAGH Kerry L  
**Sent:** Monday, September 26, 2016 12:16 PM  
**To:** gingerct@gmail.com; scott@apeands.com  
**Subject:** RA Agreement R12415-17 for Jim Cate involving Application G-16846  
**Attachments:** RA contract executed\_G-16846.pdf; RA contract receipt\_G-16846.pdf

Hello Jim and Scott,

Attached are copies of the fully executed Applicant's Agreement signed by the required parties and a receipt for the monies paid for these expedited services. The agreement details the terms and conditions that a work order was issued for the expedited services you requested.

If you have any questions, please contact me.

Thanks,  
Kerry

*Kerry Kavanagh* | Reimbursement Authority, Certificates, Water Right Services Division

**Oregon Water Resources Department** | 725 Summer St. NE, Suite A, Salem, Oregon 97301

Voice 503.986.0927 | Fax 503.986.0901

Email: [Kerry.L.Kavanagh@state.or.us](mailto:Kerry.L.Kavanagh@state.or.us) Web: <http://oregon.gov/ORWD>





OREGON WATER RESOURCES DEPARTMENT  
**CERTIFICATE REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT**



Contract Number: **R12415-17**

This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Jim Cate, hereafter Applicant, hereafter known together as the parties.

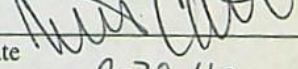
OWRD Information	Applicant's Information	Applicant's Representative
Project Contact: Kerry Kavanagh Reimbursement Authority Oregon Water Resources Department	Name: Jim Cate	Name: Scott Montgomery Title: Representative Company: All Points Engineering & Surveying
725 Summer Street NE Salem, OR 97301-1271 Phone: 503-986-0927 Email: <a href="mailto:Kerry.L.Kavanagh@state.or.us">Kerry.L.Kavanagh@state.or.us</a>	Address: 34750 Santiam Hwy Lebanon, OR 97355 Phone: 541-451-4939 Email: <a href="mailto:gingercat@gmail.com">gingercat@gmail.com</a>	Address: PO Box 767 Terrebonne, OR 97760 Phone: 541-548-5833 Email: <a href="mailto:scott@apeands.com">scott@apeands.com</a>

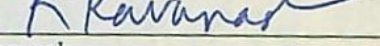
- Purpose.** The purpose of this Agreement is to expedite the processing of the **Claim of Beneficial Use**. (Application Number: G-16846)
- Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** Jim Cate and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- Consideration.** Jim Cate shall pay OWRD in advance for actual costs incurred by OWRD. Jim Cate agrees to pay the full amount of **\$900** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality.** Jim Cate agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47126



8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant:   
Name: Jim Cate  
Date: 9-20-16

For OWRD:   
Name: Kerry Kavanagh  
Water Right Services Division  
Date: 9-22-16

Mail signed Agreement to:

Kerry Kavanagh  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

PCA 47126



## KAVANAGH Kerry L

---

**From:** KAVANAGH Kerry L  
**Sent:** Monday, September 19, 2016 1:47 PM  
**To:** gingerct@gmail.com; scott@apeands.com  
**Subject:** RA Certificate Estimate R12415-17 for Jim Cate involving Application G-16846  
**Attachments:** RA contract\_G-16846.pdf; RA estimate receipt\_G-16846.pdf; RA estimate request\_G-16846.pdf

Hello Jim and Scott,

Please find the attached estimate and agreement to process the permit into a certificate. If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to process the permit into a certificate.

If you have any questions, please call me.

Kerry

*Kerry Kavanagh* | Reimbursement Authority, Certificates, Water Right Services Division

**Oregon Water Resources Department** | 725 Summer St. NE, Suite A, Salem, Oregon 97301

Voice 503.986.0927 | Fax 503.986.0901

Email: [Kerry.L.Kavanagh@state.or.us](mailto:Kerry.L.Kavanagh@state.or.us) Web: <http://oregon.gov/ORWD>





OREGON WATER RESOURCES DEPARTMENT  
CERTIFICATE REIMBURSEMENT AUTHORITY  
APPLICANT'S AGREEMENT

Contract Number: **R12415-17**



This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Jim Cate, hereafter Applicant, hereafter known together as the parties.

OWRD Information	Applicant's Information	Applicant's Representative
Project Contact: Kerry Kavanagh Reimbursement Authority Oregon Water Resources Department	Name: Jim Cate	Name: Scott Montgomery Title: Representative Company: All Points Engineering & Surveying
725 Summer Street NE Salem, OR 97301-1271 Phone: 503-986-0927 Email: <a href="mailto:Kerry.L.Kavanagh@state.or.us">Kerry.L.Kavanagh@state.or.us</a>	Address: 34750 Santiam Hwy Lebanon, OR 97355 Phone: 541-451-4939 Email: <a href="mailto:gingerct@gmail.com">gingerct@gmail.com</a>	Address: PO Box 767 Terrebonne, OR 97760 Phone: 541-548-5833 Email: <a href="mailto:scott@apeands.com">scott@apeands.com</a>

- Purpose.** The purpose of this Agreement is to expedite the processing of the Claim of Beneficial Use. (Application Number: G-16846)
- Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
- Restrictions.** Jim Cate and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- Consideration.** Jim Cate shall pay OWRD in advance for actual costs incurred by OWRD. Jim Cate agrees to pay the full amount of \$900 to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality.** Jim Cate agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47126



8. **Termination.** Applicant may request to terminate this agreement only in writing at any time during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
9. **Funds Authorized and Available.** By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
10. **Duration of Estimate.** The Estimate of Time to complete the work is no later than one hundred and twenty days (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
11. **Completion Date.** OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
12. **Captions.** The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
13. **Amendment and Merger.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
14. **Signatures.** All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: \_\_\_\_\_  
Name: Jim Cate  
Date: \_\_\_\_\_

For OWRD: \_\_\_\_\_  
Name: Kerry Kavanagh  
Water Right Services Division  
Date: \_\_\_\_\_

Mail signed Agreement to:

Kerry Kavanagh  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

PCA 47126



**KAVANAGH Kerry L**

---

**From:** OPEIFA Salem B  
**Sent:** Friday, September 09, 2016 11:59 AM  
**To:** BROWN Felicia M; SUMPTION Mishelle K  
**Cc:** WUETHRICH Courtney A; KAVANAGH Kerry L; ZIELINSKI Vicki J  
**Subject:** RE: RA

Please us R12415 PCA 47126 Obj: 0408 for Jim Cate G-16846. Thank you.

*Salem Opeifa* | Contract/Loan/Grant Specialist

**Oregon Water Resources Department**  
Desk: 503.986.0929

---

**From:** BROWN Felicia M  
**Sent:** Friday, September 09, 2016 8:17 AM  
**To:** OPEIFA Salem B; SUMPTION Mishelle K  
**Cc:** WUETHRICH Courtney A; KAVANAGH Kerry L; ZIELINSKI Vicki J  
**Subject:** RA

Hello, and good morning!

Applicant: Jim Cate  
Related to Application: G-16846  
Receipt #: 121203

Thank You

*Felicia Brown* | Receptionist , Administrative Services

**Oregon Water Resources Department**  
725 Summer St. NE, Suite A  
Salem, Oregon 97301  
Email: [Felicia.M.Brown@wrdd.state.or.us](mailto:Felicia.M.Brown@wrdd.state.or.us)  
Desk: 503.986.0900



**KAVANAGH Kerry L**

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**From:** BROWN Felicia M  
**Sent:** Friday, September 09, 2016 8:17 AM  
**To:** OPEIFA Salem B; SUMPTION Mishelle K  
**Cc:** WUETHRICH Courtney A; KAVANAGH Kerry L; ZIELINSKI Vicki J  
**Subject:** RA

Hello, and good morning!

Applicant: Jim Cate  
Related to Application: G-16846  
Receipt #: 121203

Thank You

*Felicia Brown* | Receptionist , Administrative Services

---

**Oregon Water Resources Department**

725 Summer St. NE, Suite A

Salem, Oregon 97301

Email: [Felicia.M.Brown@wrd.state.or.us](mailto:Felicia.M.Brown@wrd.state.or.us)

Desk: 503.986.0900





OREGON WATER RESOURCES DEPARTMENT  
CERTIFICATE REIMBURSEMENT AUTHORITY  
ESTIMATE APPLICATION

ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Certificate Request. A separate estimate application is required for each application and/or transfer number. There is a non-refundable application fee of \$125.00 per request.

REQUEST	TYPE	FILE NUMBER
<input checked="" type="checkbox"/>	Certificate Request	Application Number <u>G-16846</u> Permit Number <u>G-16340</u> Transfer Number/Permit Amendment (if applicable) _____

Applicant Information		Applicant's Representative/Contact
Name:	<u>Jim Cate</u>	<u>Scott Montgomery</u>
Address:	<u>34750 Santiam Hwy</u> <u>Lebanon, OR 97355</u>	<u>P.O. Box 767</u> <u>Terrebonne, OR 97760</u>
Phone:	<u>541-451-4939</u>	<u>541-548-5833</u>
Fax:	_____	<u>844-273-9878</u>
E-Mail Address:	<u>gingercate@gmail.com</u>	<u>scott@apeands.com</u>

I certify that I (check one):

- ☒ have previously filed a Claim of Beneficial Use  
☐ am attaching the Claim of Beneficial Use with this request and have included the appropriate claim fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of **\$ 125.00**, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate Claim of Beneficial Use may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.
- Send completed Application and payment to:

Oregon Water Resources Department  
Certificate Reimbursement Authority Program  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271

I certify that I am the (check one):

- ☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) \_\_\_\_\_

Name: Jim Cate, Water Right Holder

Signature: \_\_\_\_\_

OWRD USE ONLY: Reimbursement Authority Number: R12 415-17

RECEIVED BY OWRD

SEP 06 2016

SALEM, OR





Oregon  
Kate Brown, Governor

Water Resources Department  
725 Summer St NE, Suite A  
Salem, OR 97301  
(503) 986-0900  
Fax (503) 986-0904

February 16, 2017

JIM & GINGER CATE  
ROBERT G. CATE FARMS, L.L.C.  
34750 SANTIAM HWY  
LEBANON OR 97355

GW

The Department has accepted the pump test results for the following permitted well(s):

Application	Water Right	Permitted Well	Tested Well	Test Date	Test Status	Exemption	Owner's Well Name
G 16168	Permit: G 15963 *	LINN 57546	LINN 57038	05/12/2011	Approved	Multiple Well	
G 16167	Permit: G 16028 *	LINN 57038	LINN 57038	05/12/2011	Approved	None	
G 16846	Permit: G 16340 *	LINN 57038	LINN 57038	05/12/2011	Approved	None	

Please contact me if you have any questions.

Sincerely,

Michael Thoma  
Groundwater Section

cc: GW Pump Test File





# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

May 9, 2011

Mr. Scott Montgomery  
All Points Engineering and Surveying, Inc.  
P. O. Box 767  
Terrebonne, OR 97760

Re: Cate Farms; Permits G-15963, G-16028 & G-16340;  
Well-IDs: LINN 57038 (tested well), LINN 57546

Dear Scott:

Based on your letter of May 2, 2011, which requested a multiple well exemption for one of the two wells authorized by the above permits, I can approve the request. The wells develop the same water-bearing zones and are within five miles of each other. I look forward to receiving a pump test for LINN 57038. Please let me know if you plan to test the other well instead.

If you have any questions, please contact me at (503) 986-0844.

Sincerely,

Michael J. Zwart  
Hydrogeologist

cc: Water Rights Files





Well L1NN 57038

Oregon Water Resources Department  
**PUMP TEST FORM COVER SHEET**

**Well Owner:**

Name: Jim Cate  
Address: 34750 S Santiam Hwy  
County: Linn  
City: Lebanon State: OR Zip: \_\_\_\_\_  
Original owner (from well log): \_\_\_\_\_

**Well Location:**

Township: 11 S Range: 2 W  
Section: 22  $\frac{1}{4}$ : SW  $\frac{1}{16}$ : SE  $\frac{1}{64}$ : NE  
Well depth: \_\_\_\_\_ Date drilled: 11/25/2005  
Owners well no. (if any): #1 0  
POD ID: \_\_\_\_\_

**Water Right Information:**

Application: G-16168 Permit: G-15963 Certificate: \_\_\_\_\_  
Is this well listed on more than one water right? ☒ Yes If yes, list additional water rights below:  
Application: G-16167 Permit: G-16028 Certificate: \_\_\_\_\_  
Application: G-16846 Permit: G-16340 Certificate: \_\_\_\_\_

**Pump Test:**

Test Conducted by: Jim Cate & Scott Montgomery Well Owner? ☒ Yes  
Company: Cate Farms/All Points Engr & Surveying Inc  
Address: PO Box 767 Date of Test: 05/12/2011  
City: Terrebonne State: OR Zip: 97760  
Daytime phone: 541-548-5833

Method of discharge measurement (see our brochure for more information): Flow meter  
Method of water-level measurement (pick one or enter other method used): Electric tape  
Length of air line (if used): \_\_\_\_\_

Pump type (pick one or enter other method used): Turbine  
Was the pump test conducted during normal use of the well? ☐ Yes Note: \_\_\_\_\_

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? ☐ Yes Note: \_\_\_\_\_  
If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: \_\_\_\_\_

Is there a lake, stream or other surface water body within  $\frac{1}{4}$  mile of the tested well? ☐ Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: \_\_\_\_\_ ft Approx. elevation difference: \_\_\_\_\_ ft

Well elevation is below surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) Bolt hole in top on pump plate above casing

Measuring point distance below land surface \_\_\_\_\_ feet.

**Static water level measurements:** (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
<u>8:20 am</u>	<u>9.32</u>	<u>8.12</u>
<u>8:40 am</u>	<u>9.32</u>	<u>8.12</u>
<u>9:00 am</u>	<u>9.32</u>	<u>8.12</u>

**Discharge measurements:** (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
<u>9:21 am</u>	<u>1,100.00</u>	<u>gpm (gallons per minute)</u>
<u>10:20 am</u>	<u>1,100.00</u>	<u>gpm (gallons per minute)</u>
<u>11:20 am</u>	<u>1,100.00</u>	<u>gpm (gallons per minute)</u>
<u>12:20 pm</u>	<u>1,100.00</u>	<u>gpm (gallons per minute)</u>

Time pump turned on: Date 05/12/2011  
Time pump turned off: Date 05/12/2011  
Total pumping time: 4 hours \_\_\_\_\_ minutes

**Note:** Well must be idle for at least 16 hours prior to the test.

Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

Required Signature: \_\_\_\_\_

OWRD 2/9/2000

**RECEIVED**

JUN 30 2011

WATER RESOURCES DEPT  
SALEM, OREGON



OWRD 2/9/2000





ALL POINTS  
ENGINEERING & SURVEYING, INC.  
P.O. Box 767 (CRR)  
Terrebonne, Oregon 97760

RECEIVED

JUN 30 2011

WATER RESOURCES DEPT  
SALEM, OREGON

TRANSMITTAL

To:  
Oregon Water Resources Department  
725 Summer St. NE, Suit A  
Salem, OR 97301-1266

Date: 6/24/2011 Job: 11-029

Attention: Gerry Clark

Re: G-15963, G-16028 & G-16340

☒ Prints ☐ Plans ☐ Plat ☐ Specifications ☐ Change order ☐ Other

Copies	No.	Description
1	1	Claim of Beneficial Use Report G-15963 (10 sheets letter bond)
1	2	Claim of Beneficial Use Report G-16028 (12 sheets letter bond)
1	3	Claim of Beneficial Use Report G-16340 (10 sheets letter bond)
1	4	Final Proof Survey Map (1 sheet 17" x 11" mylar)
1	5	Well Reports (2 sheet letter bond)
1	6	NRCS Aerial Imagery (1 sheet letter bond)
1	7	Check for OWRD fee \$450
1	8	Pump test cover and data sheets (2 sheet letter bond)

Remarks:

Gerry,

I prepared the COBUs and map for Mr. Cate's well permits. I helped Mr. Cate with the pump test while we were surveying his fields and system. I've attached our report along with the usual other items.

Thanks and if you have questions please don't hesitate to call (541) 548-5833.

Signed: S. J. Clark



LINN 57546

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

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

(WELL I.D.)# L 86270

(START CARD) # 191122

(1) OWNER: Well Number **4780**  
Name **Jim Cate**  
Address **34750 Santiam Hwy.**  
City **Lebanon** State **Oregon** Zip **97355**

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

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

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

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval ☐ Yes ☒ No Depth of Completed Well **182** ft.  
Explosives used ☐ Yes ☒ No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL				
Diameter	From	To	Material	From	To	Sacks or pounds	
20	0	7	Bentonite	0	7	8 sacks	
16	0	50	Cement	0	50	28 sacks	
12	50	200					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E  
☒ Other **Poured dry**  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing 12	+1	99	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(7) PERFORATIONS/SCREENS:

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

(8) WELL TESTS: Minimum testing time is 1 hour  
☐ Pump ☐ Bailor ☒ Air ☐ Flowing  
Yield gal/min \_\_\_\_\_ Drawdown \_\_\_\_\_ Drill stem at \_\_\_\_\_ Time \_\_\_\_\_  
**1200** **160** **1 hr.**

Temperature of water **54** Depth Artesian Flow Found \_\_\_\_\_  
Was a water analysis done? ☐ Yes By whom \_\_\_\_\_  
Did any strata contain water not suitable for intended use? ☐ Too little  
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other \_\_\_\_\_  
Depth of strata \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
County **Linn** Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township **11** S Range **2** W WM.  
Section **34** SW 1/4 NE 1/4  
Tax Lot **100** Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) **Kgal Dr.**  
**Lebanon, OR 97355**

(10) STATIC WATER LEVEL:  
**6** ft. below land surface. Date **11/22/2006**  
Artesian pressure \_\_\_\_\_ lb per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
Depth at which water was first found **90**

From	To	Estimated Flow Rate	SWL
<b>90</b>	<b>165</b>	<b>1500+</b>	<b>6</b>

(12) WELL LOG:

Material	From	To	SWL
Topsoil	0	2	
Brown clay	2	7	
Cemented clay & gravel	7	39	
Blue clay	39	90	
Black cemented sand	90	100	6
Blue clay	100	120	
Blue sand & gravel	120	145	6
Blue clay	145	155	
Cemented sand & pea gravel	155	165	6
Blue clay	165	200	

Drilled to 200' caved back to 182'  
**JONES DRILLING CO., INC.**  
**29400 SANTIAM HWY.**  
**LEBANON, OR 97355**  
**541-367-2560 541-451-2686**  
**1-800-915-8388**  
**RECEIVED**  
**NOV 24 2006**  
**WATER RESOURCES DEPT**  
**SALEM, OREGON**

Date started **11/17/2006** Completed **11/22/2006**  
(unbonded) Water Well Constructor Certification:  
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
Signed **K. Adams** WWC Number **1411** Date **11/27/2006**

(bonded) Water Well Constructor Certification:  
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
Signed **[Signature]** WWC Number **1684** Date **11/27/2006**

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

**RECEIVED**  
**NOV 24 2006**  
**WATER RESOURCES DEPT**  
**SALEM, OREGON**



JAN 05 2006

PORT  
WATER RESOURCES DEPT  
SALEM, OREGON

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

(START CARD) # 181938

Zip 97355

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





# Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

July 5, 2011

Cate Farms  
Jim Cate  
34750 Santiam Hwy  
Lebanon OR 97355

On June 30, 2011, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application G-16167 Permit G-16028  
G-16168 Permit G-15963  
G-16846 Permit G-16340

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: [http://www.wrd.state.or.us/OWRD/mgmt\\_reimbursement\\_authority.shtml](http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml)

Customer Service phone: (503) 986-0801

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Your receipt is enclosed.



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-16846

**Final Order**

*Appeal Rights*

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

*Application History*

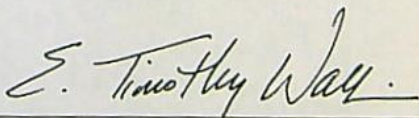
On April 30, 2007, JIM CATE submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on March 18, 2008. The protest period closed May 2, 2008, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

**Order**

Application G-16846 therefore is approved as proposed by the Proposed Final Order, and Permit G-16340 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED June 23, 2008



for Phillip C. Ward, Director  
Water Resources Department



*This document was prepared by Joel Plahn. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0815.*

*If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.*

*If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.*

*Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.*



STATE OF OREGON

COUNTY OF LINN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JIM CATE  
34750 SANTIAM HWY  
LEBANON, OR 97355

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

APPLICATION FILE NUMBER: G-16846

SOURCE OF WATER: A WELL (LINN 57038) IN OAK CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 64.3 ACRES

MAXIMUM RATE: 0.8 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 30, 2007

WELL LOCATION: SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 22, T11S, R2W, W.M.; 1132 FEET NORTH  
AND 1651 FEET EAST FROM SW CORNER, SECTION 22

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  3.5 ACRES  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  9.6 ACRES  
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  11.3 ACRES  
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  9.7 ACRES  
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  13.9 ACRES  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  16.3 ACRES

SECTION 21

TOWNSHIP 11 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of



appropriation. The permittee shall maintain the meter or measuring device in good working order.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

#### STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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 well(s) 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.



The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. 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 JUNE 23, 2008

*E. Timothy Wall*

for Phillip C. Ward, Director  
Water Resources Department



# Mailing List for FO Copies

Application #G-16846

---

**Original mailed to applicant with claim of beneficial use form:**

JIM CATE  
34750 SANTIAM HWY  
LEBANON OR 97355

Copies sent to: 1. WRD - File # G-16846  
2. WRD - Ken Stahr

<b>Copies Mailed</b>	
By:	<u>CAS</u> (SUPPORT STAFF)
on:	<u>6/23/08</u> (DATE)

**FO and Map Copies sent to (remember to reduce copy margins):**

3. WRD - Watermaster District #: 2

**Copies sent to Other Interested Persons (CWRE, Agent, Commenter, etc.)**

4.

**"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies**

1.

CASEWORKER : Joel Plahn



GROUNDWATER APPLICATION MAP  
J. PLACE PROPERTY ADDITION TO  
CENTER FARMING AREA

FOR  
CATE FARMS

LOCATED IN  
SECTION 21, T. 11 S., R. 2 W., W.M.  
LINN COUNTY, OREGON

APRIL 10, 2007

**APPLICANT:**

CATE FARMS  
JIM GATE  
34750 SANTIAM HWY.  
LEBANON, OR 97355









**OWNERS:**

ROBERT G. GATE TRUST  
ALENE A. GATE TRUST  
37111 TENNESSEE SCHOOL DR.  
LEBANON, OR 97355

**TAX LOT:**

1303 (11-2W-21)

**LEGEND:**

-  PROPOSED WATER RIGHT PER THIS APPLICATION LOCATED IN NORTH HALF OF SECTION 28 AS SHOWN ON MAP AREA = 64.3 ACRES
-  EXISTING WATER RIGHT PERMIT G-16028 (APPLICATION NO. G-16167) 720.2 ACRES NOT A PART OF THIS APPLICATION
-  EXISTING WATER RIGHT PERMIT G-5552 (CERTIFICATE No. 49203) 51.9 ACRES NOT A PART OF THIS APPLICATION
-  EXISTING WATER RIGHT PERMIT G-211 (CERTIFICATE No. 23637) 39.5 ACRES NOT A PART OF THIS APPLICATION
-  EXISTING WATER RIGHT PERMIT G-4416 (CERTIFICATE No. 43855) 4.0 ACRES NOT A PART OF THIS APPLICATION
-  EXISTING WATER RIGHT PERMIT G-2626 (CERTIFICATE 38468) 47.2 ACRES NOT A PART OF THIS APPLICATION
-  EXISTING WATER RIGHT PERMIT GR-232 38.8 ACRES NOT A PART OF THIS APPLICATION
-  EXISTING IRRIGATION SUPPLY PIPE

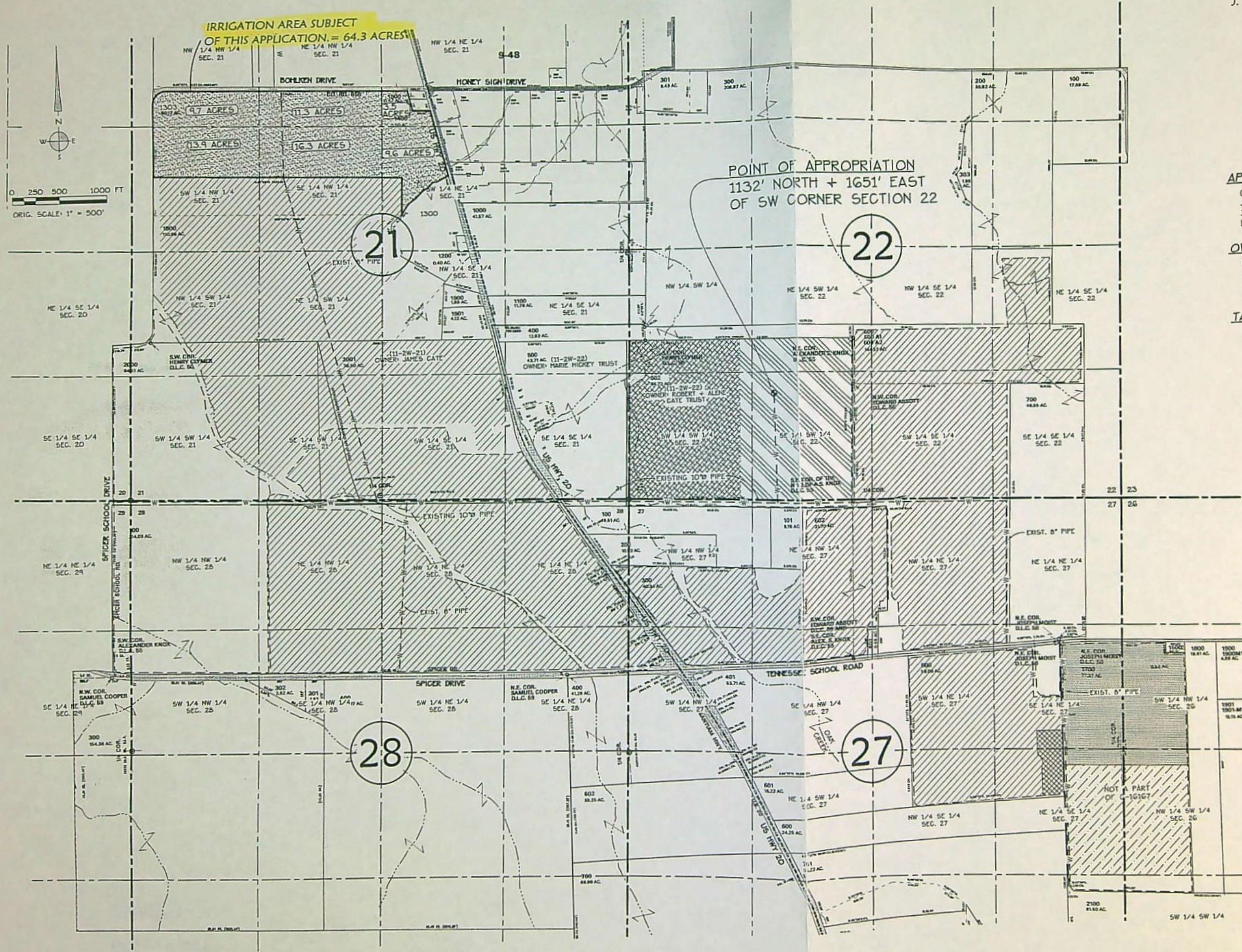
K & D ENGINEERING, Inc.  
278 N.W. Hickory Street, P.O. Box 725  
Albany, Oregon 97321  
(541) 938-0583  
Date: 4/10/2007 Time: 14:01  
File: 2003\03-167\167-v5.dwg (Robert D)

RECEIVED

APR 30 2007

WATER RESOURCES DEPT  
SALEM, OREGON

App no G-16846 Permit No G-16340





## FO Checklist

Application #: G-16846 Applicant: JIM CATE

☒ Name and/or address has **changed or been assigned** ☐ Yes ☒ No

If new: \_\_\_\_\_

☒ Respond to **significant comments, issues, or disputes** related to the proposed use of water. ☒ N/A

☒ Verify **names/addresses** of affected landowners, and those who commented and/or paid \$10 fee. ☒ N/A

☒ Affected **landowner(s)** have been notified ☐ N/A ☒ Yes ☐ No, send a letter to landowners before FO issuance.

☒ Include fish screen form if ODFW requested **screening condition and rate**  $\leq 0.5$  CFS ☒ N/A ☐ Yes ☐ No

☒ Are requested **GW conditions included** in permit? ☐ N/A ☒ Yes If not, add condition(s) 7B

☒ PFO conclusions **require modification** due to typos, errors or omission of conditions ☐ Yes ☒ No

If so: \_\_\_\_\_

☒ Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated** ☒ N/A ☐ Yes

☒ **SWW** If GW and interference, copy form for Stahr. ☒ N/A

<input checked="" type="checkbox"/> Fees	Base Fee	Water Amount (Q)
	\$150 / \$250	1" CFS/AF
	<u>\$300</u> / \$500	<u>200</u>
		_____ Addl @ _____
		_____ Addl @ _____
		Add'l <input type="checkbox"/> POD/POA <input type="checkbox"/> use + _____
	<u>300</u> (base)	<u>200</u> (Q)
	+	= <u>500</u> (total exam fee)

EXAM FEE REQUIRED	<u>500</u>	RECORDING FEE REQUIRED	\$175 / \$250 / <u>\$300</u>
EXAM FEE PAID	<u>500</u>	RECORDING FEE PAID	<u>300</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

FO type ☐ DENIAL  
refund \$ \_\_\_\_\_

☒ FO w/ Permit # 16340

☐ FO w/o permit

☐ lacks fees  
☐ lacks easement  
☐ lacks approved dam plans/specs

Name: Joel Plahn

Date: 6/9/2008

Peer Reviewer: jme

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**Joel Plahn**

---

**From:** Janet Vitolo  
**Sent:** Friday, March 28, 2008 8:39 AM  
**To:** Joel Plahn  
**Subject:** RE: Fee Transfer G-16846

Hi Joel,  
This transfer has been completed. Please note on the file that this has been done.  
Thanks,  
Janet

---

**From:** Joel Plahn  
**Sent:** Thursday, March 06, 2008 8:27 AM  
**To:** Janet Vitolo  
**Cc:** Joel Plahn  
**Subject:** Fee Transfer G-16846

Hello Janet,

Will you please transfer \$200.00 from exam fee to the recording fee? Receipt 87409 = \$100.00 exam and Receipt 87336 = \$600.00 exam. OWRD over charged the applicant for exam fees when the application was submitted. The total exam fees required are \$500.00. I currently have the application on my desk. Let me know if you need any additional information. Thanks for the help.

Joel Plahn  
Oregon Water Resources Department  
725 Summer St. NE Suite A  
Salem, Oregon 97301  
(503) 986-0815

3/28/2008



# PFO Checklist

Application #: G-16846 Applicant: JIM CATE

☒ Shortcomings preventing PFO? Y / ☒ Should process continue? ☒ / N

☒ IR Date 12-7-07 Public Notice Date 12-11-07 Comments received? Y / ☒

☒ Was additional information requested in the IR? Y / ☒ If so, do we now have enough info to do the PFO? Y / N

☒ Was the application filed after 10/23/99? ☒ / N (If not, add A date requirement)

☒ B.O.R. or Doug Co. project Y / ☒ Contract in file? N contract # \_\_\_\_\_

☒ IR identifies as DEQ 303d? Y / ☒ NA Comments received? Y / N \_\_\_\_\_

☒ Is second gw review necessary? Y / ☒ NA Complete? Y / N

☒ Water Availability ☒ REDONE / NA \_\_\_\_\_

☒ Have conflicts been addressed? Y / N / ☒ \_\_\_\_\_

☒ Changes from IR determinations \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

☒ SWW If GW and interference, copy form for Stahr.

Copy to NO Regional Manager 2 Watermaster KJD CWRE \_\_\_\_\_ Agent \_\_\_\_\_

Fees	Base Fee	Water Amount (Q)
	\$150 / \$250	1 <sup>st</sup> CFS/AF
	<input checked="" type="checkbox"/> \$300 / \$500	<u>200</u>
		_____ Addl @ _____ + _____
	<u>300</u> (base)	<u>200</u> (Q)
	+	= <u>500</u> (total exam fee)

EXAM FEE REQUIRED	<u>500</u>	RECORDING FEE REQUIRED	\$175 / \$250 / <input checked="" type="checkbox"/> \$300
EXAM FEE PAID	<u>700</u>	RECORDING FEE PAID	<u>0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>300</u> 100 still owed

Refund # 200 transfer

Name: Joel Date: 2/25/2008 Peer Reviewer: hjh

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Linn (57038)

IR CHECKLISTApplication #: G-16846 Applicant: JIM CATEUse(s): IRRIGATION USE ON 64.3 ACRES Priority Date: April 30, 2007

☒ MU or QM ☒ NA ☐ will complete construction within 20 years  
☐ Fujii reviewed recommendations \_\_\_\_\_

☒ Is the application complete? ☐ No ☒ Yes

☒ ORS 538 prohibits use ☒ No ☐ Yes If so, do not do an IR; return the application & fees to the applicant.

☒ DIV 9 ☒ NA ☐ will likely be available... ☐ will not likely be available... ☐ will, if properly conditioned...

☐ classify as surface water well \_\_\_\_\_ has PSI with \_\_\_\_\_

(include basin map if true) well \_\_\_\_\_ is within ☐ 1N 3E 20, 21, 28, 29 ☐ GWLA ☐ CGWA \_\_\_\_\_

GW conditions 7B-interference

☒ DIVISION 33 ☒ NA ☐ No ☐ above Bonneville, and ☐ not allowed 4/15 - 9/30  
☐ below Bonneville  
☐ statewide

☒ SW Availability ☒ NA ☐ 80% live ☐ 50% storage \_\_\_\_\_ WID: \_\_\_\_\_

☐ Use DWF's nonstandard W/A memo if the source is a Drews Reservoir tributary; the Snake River; the Columbia River; the North Umpqua River below Rock Creek; or within the drainages of the Lost River, Chehalem Creek, or Champoe Creek (including Mission & Case Creeks)

☒ POU conflict ☐ NA ☒ No ☐ No, different sources ☐ No, make up a deficiency in rate ☐ No, existing not at max. rate  
☐ Yes \_\_\_\_\_

☒ Use is supplemental, checked for primary rights ☒ NA ☐ Yes limits \_\_\_\_\_

☒ Use is ☒ allowed ☐ not allowed ☐ limited ☐ OAR ☐ Compact \_\_\_\_\_

☒ Requested Use/Rate/Season irrigation / 0.8 cfs / 3/1-10/31

Allowed Use/Rate/Season yes / 1/80 = 64.3 = 0.8 cfs Limit 1/80 Duty \_\_\_\_\_

☒ Land use ☒ approved ☐ not approved ☐ being pursued ☐ county notified ☐ NA

☒ Storage contract ☒ NA ☐ BOR ☐ Doug Co ☐ Corp of Eng ☐ needed ☐ obtained \_\_\_\_\_

☒ Authorized agent specified ☒ NA ☐ needed ☐ Yes \_\_\_\_\_

☒ Conditions: Medium, 7B-interference

☐ Small  $\leq 0.1$  CFS,  $\leq 9.2$  AF, ☒ Medium  $> 0.1$  and  $< 1.5$  CFS,  $> 9.2$  and  $< 100$  AF, ☐ Large  $\geq 1.5$  CFS,  $\geq 100$  AF

Use at least "Medium" when the source is Siltcoos Lake, Sandy Basin GW, or stored water with a contract.

Use "Large" for temp control (including NU), or HC above a SWW, Tenmile Lake, or if applicant is a government entity

Use "Large-7g" or "Large-7i" if GW recommends 7g or 7i

Use "Large with totalizing flow meter" for IR permits in South Salem Hills or IR over 10 Ac. in Stage Gulch CGWA

☒ Stream is withdrawn ☒ NA ☐ No ☐ Yes, allows use/season \_\_\_\_\_

☒ Basin Maps have been checked ☐ NA ☒ Yes limits \_\_\_\_\_

☒ SWW ☒ NA ☐ above ☐ within \_\_\_\_\_ (If above or within, notify Parks.)



Application #: G-16846 Applicant: JIM CATE

☒ Use is within a high priority area for streamflow restoration ☒ NA ☐ No ☐ Yes

☒ Letter format ☒ good ☐ limited ☐ bad ☐ bad w/ rate reduction opportunity ☐ bad w/ HC opportunity

☒ POD is within North Umpqua settlement reach and the spreadsheet was updated ☒ NA ☐ Yes

☒ Forms ☒ NA ☐ DIV 33 ☐ basin map ☐ HC except ☐ spring description other \_\_\_\_\_

☒ Copy to ☐ NWR ☒ WM # 2 ☐ ODFW ☐ CRIFC  
☐ NCR ☐ agent ☐ DEQ ☐ US Fish & Wildlife  
☐ ER ☐ CWRE ☐ DOA ☐ NW Planning Council  
☐ SWR ☐ State Parks ☐ CTUIR

☐ DOA Food Safety Division  
(bottled water)

☐ city \_\_\_\_\_  
(w/in 5-mile muni wells)

☒ Prior to permit, applicant must submit ☐ NA ☐ storage contract ☒ easement ☐ plans/specs ☐ evidence of well repair

☒ App and map meet min. requirements ☒ Yes ☐ No \_\_\_\_\_  
(If not, send IR certified)

☐ E-mailed Tim, including note if negative? ☐ No ☐ Yes

<input checked="" type="checkbox"/> Fees <u>300</u> CFS	Base	<u>300</u>
_____ AF	Up to 1 CFS	<u>200</u>
	_____ Add'l CFS @ _____	_____
	Up to 20 AF	_____
	_____ Add'l AF @ _____	_____
	Add'l <input type="checkbox"/> POD/POA <input type="checkbox"/> use +	_____
	Exam Fee Required =	<u>500</u>
	Exam Fee Paid	<u>700</u>
	Still Owed	<u>Ø</u>

200 left over...

Name: Joel Plahn Date: 11/30/2007

Peer Reviewer: Brook Geffen

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NO PSI

Analysis for Application: G16846

Location: 11S-2W-21-NWNE

Uses: IR 3.5 P

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
19	2	NW	Mike Mattick	Central Lane Justice Court, 220 North Fifth	Springfield	97477	541-687-3620		541-746-1861	178196479007	2847258.69661

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
30200601	2	Water Availability: 50% 80%	Peak Flow Analysis

Records Found: 1

County

COUNTY	FIPS
Linn	41043

Records Found: 1

Groundwater Restricted Records Found: 0Division 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0303D Lakes Records Found: 0

Location: 11S-2W-21-SWNE

Uses: IR 9.6 P

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
19	2	NW	Mike Mattick	Central Lane Justice Court, 220 North Fifth	Springfield	97477	541-687-3620		541-746-1861	178196479007	2847258.69661

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
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Linn	41043

Records Found: 1

Groundwater Restricted Records Found: 0Division 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0303D Lakes Records Found: 0

Location: 11S-2W-21-NENW

Uses: IR 11.3 P

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
19	2	NW	Mike Mattick	Central Lane Justice Court, 220 North Fifth	Springfield	97477	541-687-3620		541-746-1861	178196479007	2847258.69661

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
30200601	2	Water Availability: 50% 80%	Peak Flow Analysis

Records Found: 1



**County**

COUNTY	FIPS
Linn	41043

Records Found: 1

Groundwater Restricted Records Found: 0**Divison 33 Area**

DIV33
In a Div33 area

Records Found: 1

**Rule 4D**

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0303D Lakes Records Found: 0**Location: 11S-2W-21-NWNW**

Uses: IR 9.7 P

**Basins**

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

**WaterMaster Districts**

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
19	2	NW	Mike Matick	Central Lane Justice Court, 220 North Fifth	Springfield	97477	541-687-3620		541-746-1861	178196479007	2847258.69661

Records Found: 1

**WAB**

GAGE	BASIN	LINK1	LINK2
183	2	Water Availability: 50% 80%	Peak Flow Analysis
30200601	2	Water Availability: 50% 80%	Peak Flow Analysis

Records Found: 2

**County**

COUNTY	FIPS
Linn	41043

Records Found: 1

Groundwater Restricted Records Found: 0**Divison 33 Area**

DIV33
In a Div33 area

Records Found: 1

**Rule 4D**

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0303D Lakes Records Found: 0**Location: 11S-2W-21-SENW**

Uses: IR 16.3 P

**Basins**

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

**WaterMaster Districts**

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
19	2	NW	Mike Matick	Central Lane Justice Court, 220 North Fifth	Springfield	97477	541-687-3620		541-746-1861	178196479007	2847258.69661

Records Found: 1

**WAB**

GAGE	BASIN	LINK1	LINK2
183	2	Water Availability: 50% 80%	Peak Flow Analysis
30200601	2	Water Availability: 50% 80%	Peak Flow Analysis

Records Found: 2

**County**

COUNTY	FIPS
Linn	41043

Records Found: 1

Groundwater Restricted Records Found: 0**Divison 33 Area**

DIV33
In a Div33 area

Records Found: 1

**Rule 4D**

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0303D Lakes Records Found: 0



Location: 11S-2W-21-SWNW

Uses: IR 13.9 P

**Basins**

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

**WaterMaster Districts**

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
19	2	NW	Mike Mattick	Central Lane Justice Court, 220 North Fifth	Springfield	97477	541-687-3620		541-746-1861	178196479007	2847258.69661

Records Found: 1

**WAB**

GAGE	BASIN	LINK1	LINK2
183	2	Water Availability: 50% 80%	Peak Flow Analysis
30200601	2	Water Availability: 50% 80%	Peak Flow Analysis

Records Found: 2

**County**

COUNTY	FIPS
Linn	41043

Records Found: 1

**Groundwater Restricted** Records Found: 0**Division 33 Area**

DIV33
In a Div33 area

Records Found: 1

**Rule 4D**

RULE4D
In a Rule4D Area

Records Found: 1

**303D Streams** Records Found: 0**303D Lakes** Records Found: 0



# WATER RESOURCES DEPARTMENT

## 1. DIVISION 502

### WILLAMETTE BASIN PROGRAM

690-502-0160

#### 1. Groundwater Classifications and Conditions

(1) Use of groundwater from the basalt aquifer within the Cooper-Bull Mountain Critical Groundwater Area shall be as described in the State Engineer's order designating the Cooper-Bull Mountain Critical Groundwater Area dated May 17, 1974.

(2) Groundwater Classification: The groundwater resources of the Willamette Basin are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and statutorily exempt groundwater uses except as described in OAR 690-502-0170 to 690-502-0210.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 536 & ORS 537

Stats. Implemented:

Hist.: Upper Willamette River Basin Program: WRB 8, f. 4-21-59?; WRB 19, f. 6-5-62; WRB 27, f. 5-11-64; WRB 30, f. 7-3-64; WRD 9-1980, f. & cert. ef. 11-26-80; WRD 2-1981, f. & cert. ef. 4-30-81; WRD 5-1985, f. & cert. ef. 6-14-85; Middle Willamette River Basin Program: WRB 29, f. 7-1-64; WRB 32, f. 7-27-65; WRB 11-1985, f. & cert. ef. 9-5-85; Lower Willamette River Basin Program: WRB 35, f. 6-10-66; WRB 40, f. 9-6-68; WRB 42, f. 5-1-70; WRB 47, f. 4-30-71; WRB 63, f. 6-5-75; WRD 2, f. 11-5-76; WRD 7-1980, f. & cert. ef. 8-12-20; WRD 1-1980, f. & cert. ef. 12-19-80; WRD 11-1985, f. & cert. ef. 9-5-85; WRD 3-1986(Temp), f. & cert. ef. 3-11-86) WRD 4-1992, f. & cert. ef. 3-13-92, Renumbered from 690-080-0021 - 690-080-0023; WRD 12-1993, f. & cert. ef. 9-9-92; WRD 3-1994, f. & cert. ef. 3-10-94; WRD 13-1994, f. & cert. ef. 11-7-94; WRD 3-2003, f. & cert. ef. 12-4-03



No conflict ✓

## Water Rights Platcard Report

Meridian: WILLAMETTE Township: 11 South Range: 2 West Section: 21 Records per Page: 16 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	Unknown QQ
<del>Section</del> App:G 16846 *		4/30/2007	IRRIGATION					3.5	9.6			11.3	9.7	13.9	16.3									
Additional Info: JIM CATE App: G16846																								
<del>Section</del> Claim:GR 1886 *		3/30/1945	IRRIGATION						3.5	10.5										18.5	3.5			
Additional Info: KENNETH HOUGHTON Claim: GR1886																								
<del>Section</del> Claim:GR 2114 *		12/31/1933	IRRIGATION						3.7	15.3														
Additional Info: W E BARKER Claim: GR2114																								
<del>Section</del> Claim:GR 2115 *		12/31/1952	IRRIGATION						3.7	15.3														
Additional Info: W E BARKER Claim: GR2115																								
<del>Section</del> Claim:GR 2856 *		12/31/1944	IRRIGATION																14	2.5				
Additional Info: SANTIAM VALLEY NURSERIES Claim: GR2856																								
<del>Section</del> Claim:GR 3785 *		5/31/1955	IRRIGATION																8	1	0.5	30		
Additional Info: GEORGE HANNAFORD Claim: GR3785																								
<del>Section</del> Cert:27687 OR *		9/7/1956	IRRIGATION		50			1.2		1.4														
Additional Info: EINAR/EDNA DALBY App: G469 Permit: G348 Cert: 27687																								
<del>Section</del> Cert:30603 OR *		7/26/1960	IRRIGATION		50			0.3																
Additional Info: GORDON/GOLDIE HORST App: G1810 Permit: G1655 Cert: 30603																								
<del>Section</del> Cert:31605 OR *		4/29/1960	IRRIGATION		50			3	2.6															
Additional Info: ROBERT K WILSON App: G1737 Permit: G1586 Cert: 31605																								
<del>Section</del> Cert:38159 OR *		8/23/1966	IRRIGATION		50			10																
Additional Info: HARRY/WILMA WOOD App: G3633																								



[illegible]



Jim CATE

# Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040) (ORS 537.400)

Application <u>G-16844</u>	Township <u>11S</u>
Priority Date _____	Range <u>2W</u>
Use(s) <u>IRRIG</u>	Section <u>21 &amp; 22</u>
Rate <u>2.53 cfs</u>	POD Loc. <u>SESW Sec 22</u>
County <u>LINN</u>	POU Loc. <u>Sec 21</u>

☒ Applicant/Organization Name, Mailing Address and Telephone Number, application signed in ink.

☒ Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400)

one well  
LINN 57038

☒ Property ownership indicated.

5 Landowners notified under App G-16167

☒ If applicant does not own all the land, the affected landowner's name and mailing address must be listed.

Hand name & address  
- Hickey → Submitted  
- State DOT notified  
under App G-16167

☐ If applicant does not own all the land, a statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

☒ Groundwater development section (Page 2, Section 3 and/or Page 3, Section 2) or a well log report.

☒ Proposed use of water. If supplemental, list primary water right acreage if applicable.

IRRIG  
on 64.3 acres

☒ Enclosed Supplemental Form for each proposed use.

☒ Form I (Irrigation)

☐ Form M (Municipal or Quasi-Municipal)

☐ Form R (Mining)

☐ Form Q (Commercial or Industrial)

☐ Spring Description Sheet

☒ Amount of water from each source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)

2.53 cfs

☒ Period of use

Mar 1 - Oct 31



☒ Water management section (Please estimate if the water system has not been designed).

☒ Resource Protection Section (Page 6, Section 5).

☒ Project schedule (If system is already completed, indicate "existing").

☒ For reservoir applications storing more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required.

☐ If the above is statement is checked, the map must be prepared by a CWRE.

☒ All applicants (or the authorized agent with title or authority if for an organization or corporation), must sign the application in ink.

☒ You must include a Legal description of the property involved that includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

TL 502 TL 500  
TL 1303  
TL 2001  
TL 1800

☒ A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Date of signature must be within the past 6 months.*

☒ The map must meet all the minimum requirements of OAR 690-310-0050.

☒ Township, Range, Section

☒ Location of main canals, ditches, pipelines or flumes

☒ Place of use, 1/4, 1/4's and tax lot clearly identified

☒ Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)

☒ Location of each diversion point well or dam by reference to a recognized public land survey corner

☒ North Directional Symbol

☒ Number of acres per 1/4, 1/4, if irrigation, nursery, or agriculture

☐ Other \_\_\_\_\_

☒ Reference corner on map

☒ Each point of diversion coordinate

☒ Fees: Amount of water requested 2.53 cfs

Base Fee \$ 300

Total Exam Fee \$ 700

1st CFS/AF 200

Total Paid \$ 600 + \$100 = \$700

2 Addtn'l @ 100 = 200

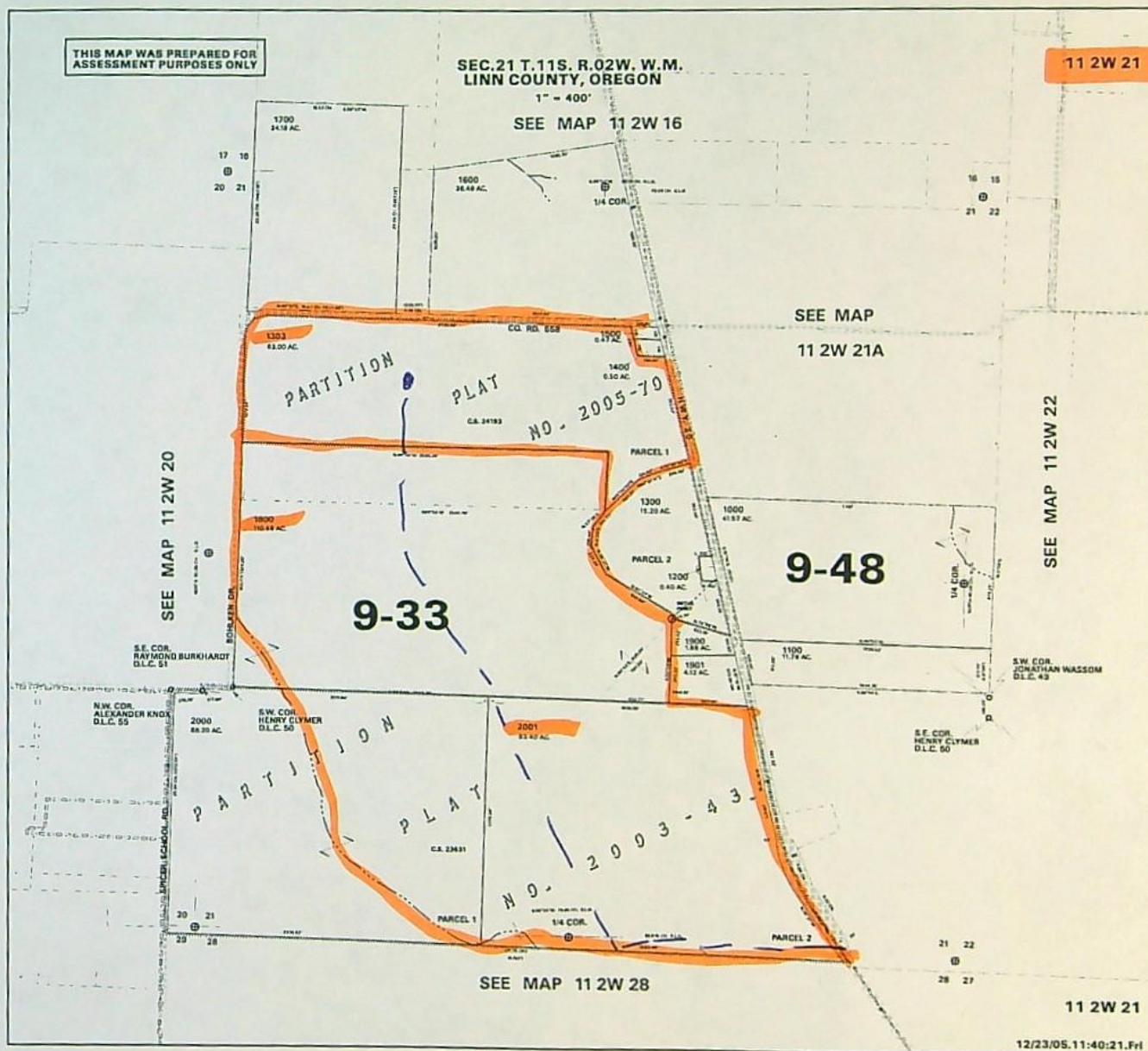
Amount Due \$ 100

Reviewed by K Kammrath

Date 5-1-07 & 5-3-07

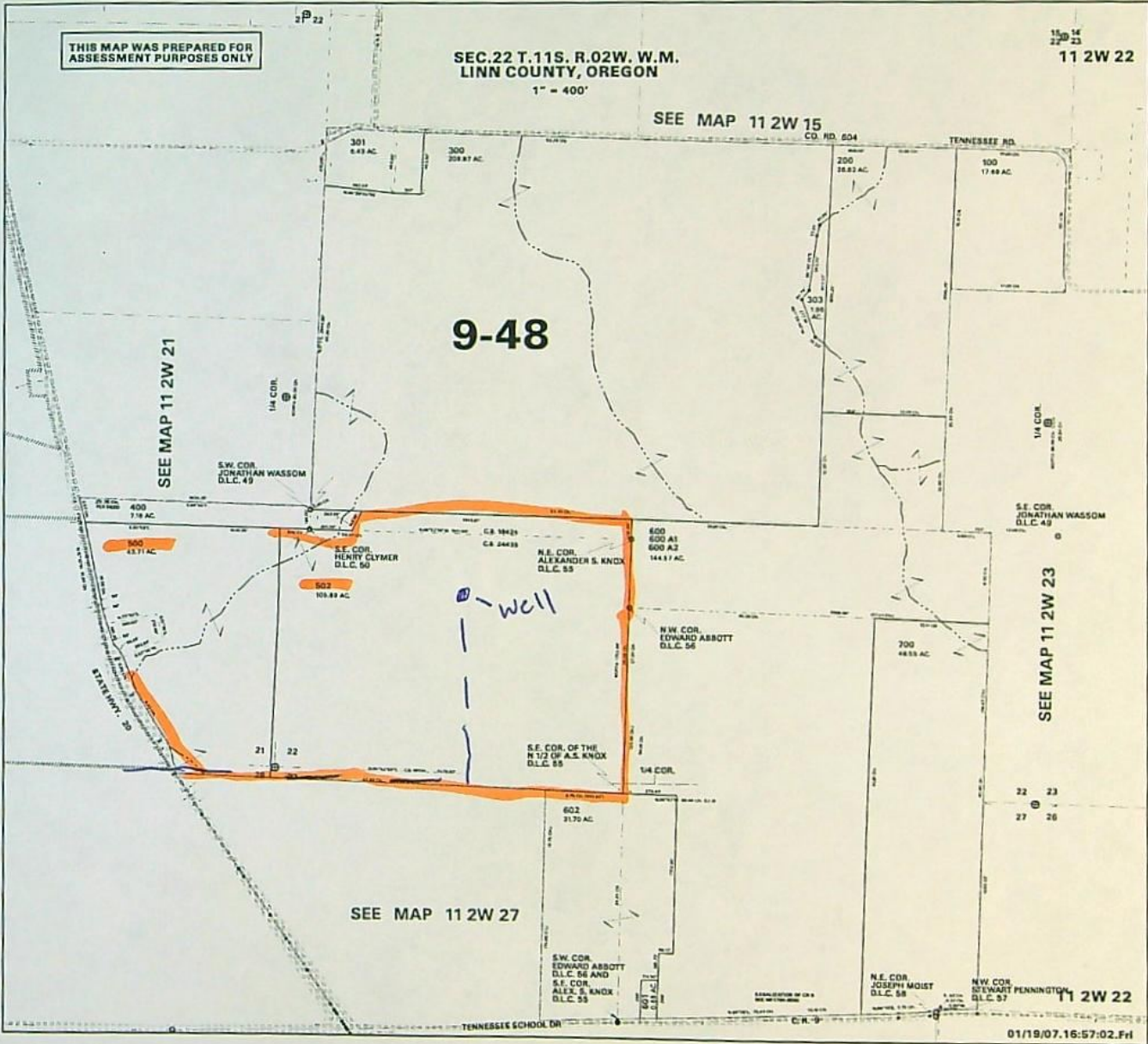


WEEK





WORK





# Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # # G-16846

ROUTED TO: W.R.

TOWNSHIP/  
RANGE-SECTION: 11S/2W-22

CONDITIONS ATTACHED?: ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

\_\_\_\_\_

\_\_\_\_\_

Reviewer: Marc A. Norton



## WATER RESOURCES DEPARTMENT

MEMO

Nov 8, 2007

TO: Application G- 16846

FROM: GW: Mare Norton  
(Reviewer's Name)

SUBJECT: **Scenic Waterway Interference Evaluation**

YES  
NO The source of appropriation is within or above a Scenic Waterway

☒ YES  
☐ NO

Use the Scenic Waterway condition (Condition 7J)

Per ORS 390.835, the Ground Water Section is **able** to calculate ground water interference with surface water that contributes to a Scenic Waterway. The calculated interference is distributed below.

Per ORS 390.835, the Ground Water Section is **unable** to calculate ground water interference with surface water that contributes to a scenic waterway; **therefore, the Department is unable to find that there is a preponderance of evidence that the proposed use will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway.**

## DISTRIBUTION OF INTERFERENCE

Calculate the percentage of consumptive use by month and fill in the table below. If interference cannot be calculated, per criteria in 390.835, do not fill in the table but check the "unable" option above, thus informing Water Rights that the Department is unable to make a Preponderance of Evidence finding.

Exercise of this permit is calculated to reduce monthly flows in \_\_\_\_\_ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

[illegible]



# PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date November 8, 2007

FROM: Ground Water/Hydrology Section Marc Norton  
Reviewer's Name

SUBJECT: Application G- 16846 Supersedes review of \_\_\_\_\_  
Date of Review(s) \_\_\_\_\_

## PUBLIC INTEREST PRESUMPTION; GROUNDWATER

OAR 690-310-130 (1) *The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525.* Department staff review ground water applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. This review is based upon available information and agency policies in place at the time of evaluation.

A. **GENERAL INFORMATION:** Applicant's Name: Jim Cate County: Linn

A1. Applicant(s) seek(s) 0.81 cfs from 1 well(s) in the Willamette River Basin,  
South Santiam River - Oak Creek subbasin Quad Map: Lebanon

A2. Proposed use: Irrigation Seasonality: March 1 to October 31

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	LINN57038	1	Alluvium	0.81	11S/02W-22 SE SW	1132' N, 1651' E fr SW cor S 22
2						
3						
4						
5						

\* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	295	18	13	11/25/05	32	0 - 18	+1 - 18 28 - 32	-----	18 - 28	1800	2	pum

Use data from application for proposed wells.

A4. Comments: See conceptual model discussion for more details on geology and ground water.

A5. ☒ Provisions of the Willamette River Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water ☐ are, or ☒ are not, activated by this application. (Not all basin rules contain such provisions.)

Comments: The well is not located within 1/4 mile of a hydraulically connected stream, therefore this portion of the rule does not apply. There are many nearby intermittent streams near the well. Past work in the area indicates that these streams only flow during the winter months, drying up by early summer.

A6. ☐ Well(s) # \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, tap(s) an aquifer limited by an administrative restriction.

Name of administrative area: \_\_\_\_\_

Comments: \_\_\_\_\_







**C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040****C1. 690-09-040 (1): Evaluation of aquifer confinement:**

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	Alluvium	<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"/>

Basis for aquifer confinement evaluation: The aquifer is composed of sand and gravels with various amounts of clays overlying the sands. The sands and gravels will act as an unconfined aquifer.

**C2. 690-09-040 (2) (3):** Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	Oak Creek	280	295	665	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	2	Un-named trib. to Oak Creek	280	290	1800	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	3	South Fork Santiam River	280	285	6600	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: Past field work in the area shows that the intermittent streams are dry in late July.

Water Availability Basin the well(s) are located within: S SANTIAM R > SANTIAM R - AT MOUTH

**C3a. 690-09-040 (4):** Evaluation of stream impacts for each well that has been determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% natural flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked ☒ box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
1	3	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	253	<input type="checkbox"/>	< 25%	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>



C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. **Complete only if Q is distributed among wells.** Otherwise same evaluation and limitations apply as in C3a above.

	SW #	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
		<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Comments: The requested discharge rate of 0.81 cfs is less than 1% of 80% of natural flow and interference is less than 25%, therefore interference is not assumed.

C4a. **690-09-040 (5):** Estimated impacts on **hydraulically connected surface water sources greater than one mile** as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%







**D. WELL CONSTRUCTION, OAR 690-200**

D1. Well #: \_\_\_\_\_ Logid: \_\_\_\_\_

D2. **THE WELL does not meet current well construction standards based upon:**

- a. ☐ review of the well log;  
b. ☐ field inspection by \_\_\_\_\_;  
c. ☐ report of CWRE \_\_\_\_\_;  
d. ☐ other: (specify) \_\_\_\_\_

D3. **THE WELL construction deficiency:**

- a. ☐ constitutes a health threat under Division 200 rules;  
b. ☐ commingles water from more than one ground water reservoir;  
c. ☐ permits the loss of artesian head;  
d. ☐ permits the de-watering of one or more ground water reservoirs;  
e. ☐ other: (specify) \_\_\_\_\_

D4. **THE WELL construction deficiency is described as follows:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_D5. **THE WELL** a. ☐ was, or ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.b. ☐ I don't know if it met standards at the time of construction.D6. ☐ **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.**THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL**D7. ☐ Well construction deficiency has been corrected by the following actions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_\_\_\_\_\_  
(Enforcement Section Signature)

\_\_\_\_\_, 200\_\_\_\_.

D8. ☐ **Route to Water Rights Section (attach well reconstruction logs to this page).**



## DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 11/ 8/2007 for

S SANTIAM R &gt; SANTIAM R - AT MOUTH

Watershed ID #: 30200601

Basin: WILLAMETTE

Exceedance Level: 80

Time: 09:28

Date: 11/08/2007

Month	Natural Stream Flow	Consumptiv Use and Storage	Expected Stream Flow	Reserved Stream Flow	Instream Require- ments	Net Water Available
1	3090.00	259.00	2830.00	0.00	0.00	2830.00
2	3360.00	1530.00	1840.00	0.00	0.00	1840.00
3	3170.00	1250.00	1920.00	0.00	0.00	1920.00
4	2950.00	1040.00	1910.00	0.00	0.00	1910.00
5	2050.00	707.00	1340.00	0.00	0.00	1340.00
6	968.00	178.00	790.00	0.00	0.00	790.00
7	450.00	199.00	251.00	0.00	0.00	251.00
8	275.00	184.00	91.20	0.00	0.00	91.20
9	253.00	155.00	98.30	0.00	0.00	98.30
10	363.00	133.00	230.00	0.00	0.00	230.00
11	1450.00	134.00	1320.00	0.00	0.00	1320.00
12	3040.00	136.00	2900.00	0.00	0.00	2900.00
Stor-50%	2330000	350900	1980000	0	0	1980000

Conceptual Model -- Generalized Ground Water Flow Systems.

Marc Norton

January 8, 2004

Based on:

*OWRD GRID - Ground water Resource Information Distribution**OWRD Ground Water Database**Memo on Recommended Vertical Hydraulic Conductivity Values for the Willamette Silt Hydrogeologic Unit When Using the Hunt Analytical Model, Karl Wozniak, January 6, 2004.**Ground-Water Resources of the Willamette Valley, Oregon, 1942, Water-Supply Paper 890, Piper.**Hydrogeologic Framework of the Willamette Lowland Aquifer System, Oregon and Washington, 1998, US Geological Survey Professional Paper 1424 B, Woodward, Gannett, and Vaccaro.***GENERALIZED GEOLOGY**

The Willamette Lowland in Oregon and Washington encompasses 3,700 square mile and includes the low-lying parts of the Willamette Valley in Oregon and most of Clark county in Washington. About 70% of the population of Oregon and Clark County reside in the lowlands. The lowland is 145 miles long and averages 10 to 15 miles in width. Water is recharged to the Willamette Lowland aquifer system primarily through the direct infiltration of precipitation on the lowland. The regional water-table map shows an overall pattern of ground-water flow to the major streams, indicating that the base flow of these streams is sustained by ground water discharge. This ground-water discharge fully supports the base flow of streams that head in the lowland and partially support the base flow of the other streams.



## HYDROGEOLOGIC UNITS

The aquifer system is composed of five hydrogeologic units, from oldest to youngest:

- 1) the basement confining unit,
- 2) the Columbia River basalt aquifer,
- 3) the Willamette confining unit,
- 4) the Willamette aquifer, and
- 5) the Willamette silt unit.

The basement-confining unit forms the lateral and basal boundary to the Willamette aquifer system. The basement-confining unit includes all the stratigraphic units that underlie either the Columbia River Basalt Group in the northern part of the basin or the basin-fill deposits in the southern part. The unit is composed of marine sedimentary rocks and volcanic rocks of the Coast and Cascade ranges. The basement-confining unit is generally a low yielding aquifer where wells develop water primarily from fractures in the rock. Ground water can be found under unconfined conditions in the highlands and under confined conditions with greater depth and lower elevations. Yields are generally less than 10 gpm and usually decrease over time. The deeper the well, the greater the chance of brackish water being encountered.

The Columbia River basalt aquifer overlies the basement-confining unit and consists of layers of basalt flows of the Columbia River Basalt Group. The thickness of the aquifer generally is several hundred feet but locally is as much as 1000 feet. Ground water in the basalts is generally under confined conditions except in the foot-hills where they may be unconfined. Well yields vary from tens to hundreds of gallons per minutes. Brackish water has been encountered in several areas, particularly with depth.

The Willamette confining unit consists primarily of fine-grained, distal alluvial fan and low-gradient stream deposits. The fine-grained deposits are considered a regional confining unit because of their wide spread occurrence and low permeability. Ground water in the Willamette confining unit is generally under confined conditions and well yields are very low to "dry".

The Willamette aquifer consists primarily of coarse-grained proximal alluvial-fan and braided-stream deposits. The greatest thickness, and coarsest materials of the Willamette aquifer outside of the Portland Basin occur in six major alluvial fans that were deposited where major streams from the Cascade Range enter the Willamette Lowland. Ground water in the Willamette aquifer unit varies from unconfined to confined conditions, depending on location and depth. Vertical gradients are usually downward except near major streams. Deposits of lower permeable material can act as a confining layer but are generally of limited aerial extent.

The Willamette silt unit is deposited throughout much of the Willamette Lowland by glacial-outburst floods. The deposits range in thickness from 0 to 130 feet. They consist primarily of silt and fine sand of relatively uniform lithology. Ground water in the Willamette silt unit is generally under unconfined conditions and well yields are low, less than 5 to 10 gpm.

## STRUCTURAL BASINS

Outcrops of folded and faulted basalt within the Willamette Valley divide the lowland into four separate areas or structural basins -- from north to south, **the Portland Basin, the Tualatin Basin, the central Willamette Valley, and the southern Willamette valley.** Each of these areas has decidedly different hydrologic and hydrogeologic properties. The aquifer system in each basin, although hydraulically connected through a series of restrictive water gaps, is distinctive.



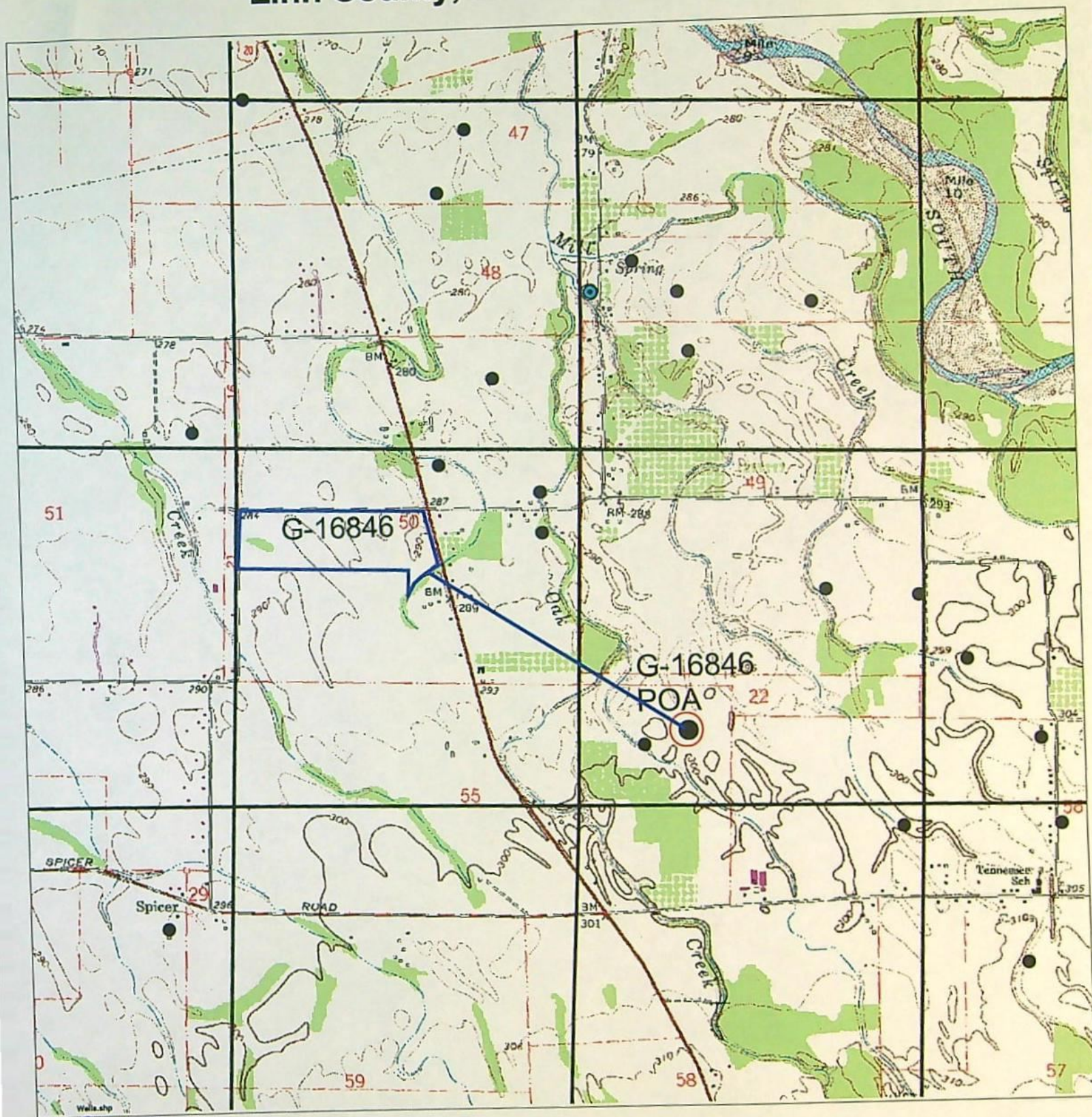
Tualatin Basin. The Columbia River basalt aquifer and the Willamette confining unit are the only regional hydrogeologic units above the basement-confining unit in the Tualatin Basin. The Columbia River basalt aquifer underlies the entire basin, and its upper surface forms a sediment-filled bowl-like depression.

The Central Willamette Valley All five of the hydrogeologic units occur in the central Willamette Valley. The Columbia River basalt aquifer underlies the entire central Willamette Valley, except for small areas along the far eastern margin. A number of faults have been mapped in the central Willamette Valley, some of which offset the aquifer, and numerous other faults have been mapped in the uplands surrounding the basin where the aquifer crops out. The Willamette aquifer in the central Willamette Valley contains three major alluvial fans -- the Salem fan, the Molalla fan, and the Canby fan. The Willamette Silt unit overlies most of the central valley with a maximum thickness of about 130 feet near the center and thins towards the south and near the margins of the basin.

The Southern Willamette Valley In the southern Willamette Valley, all of the regional hydrogeologic units are present; however, the Columbia River basalt aquifer occurs only in the Stayton area. The Willamette confining unit is thinner in the southern Willamette Valley than elsewhere in the Willamette Lowland. The Willamette aquifer contains the Lebanon fan and the Stayton fan. The Willamette aquifer is much thinner (averaging only about 20 to 40 feet thick) between the alluvial fans of the southern Willamette Valley. The Willamette Silt unit covers most of the southern Willamette Valley and generally thins towards the south.



# Ground Water Application G-16846 Linn County, Lebanon Quad



0.2 0 0.2 0.4 Miles



1:24000 Scale

This product is for informational purposes and may not have been prepared for, or be suitable for legal engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.







JIM & GINGER CATE  
34750 SANTIAM HIGHWAY  
LEBANON, OREGON 97355  
541-451-4939

March 25, 2008

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271


**RE: Application G - 16846**

We have received notice of a proposed final order for the above water rights application. We just went through the written authorization process permitting our access to lands not owned by us with permit # G - 16028, issued on March 16, 2006. Our current application is the same water line crossing the same neighbors property as G - 16028, and we feel it redundant to duplicate that authorization. Nothing has changed with our verbal agreement with our adjoining neighbor: the Marie T. Hickey, TR property.

Enclosed please find a copy of all affected land owners, written authorizations from Robert & Alene Cate, Jim & Ginger Cate, and a check in the amount of \$100.00 for recording fees.

Respectfully,

Jim Cate



Enclosures (4)

**RECEIVED**  
MAR 27 2008  
WATER RESOURCES DEPT  
SALEM, OREGON



CLIENT'S COPY

## CATE WATER RIGHT

### List of names and mailing addresses of all affected land owners:

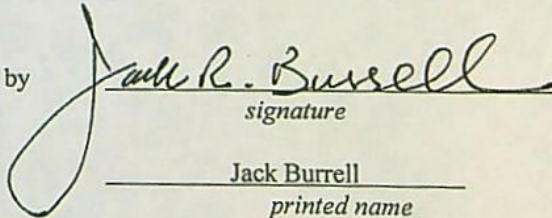
- |  |   |   |
|--|---|---|
| * 11S-2W-22; 500<br>Hickey, Marie T, TR<br>34779 Santiam HWY<br>Lebanon, OR 97355-0000       | * 11S-2W-21; 1303<br>Cate, Alene A & Robert G TR<br>37111 Tennessee School Dr<br>Lebanon, OR 97355-0000                                   | * 11S-2W-21; 1800<br>Cate, Robert & Alene TR<br>37111 Tennessee School Dr<br>Lebanon, OR 97355-9638 |
| * 11S-2W-21; 2001<br>Cate, James R & Ginger A<br>34750 Santiam HWY<br>Lebanon, OR 97355-9638 | * 11S-2W-22; 502<br>Cate, Robert & Alene TR<br>Cate, Jim<br>C/O Robert G Cate Etal<br>37111 Tennessee School Dr<br>Lebanon, OR 97355-9638 |   |

**RECEIVED**

**MAR 27 2008**

**WATER RESOURCES DEPT  
SALEM, OREGON**

The above list was prepared by

  
signature  
\_\_\_\_\_  
Jack Burrell  
printed name

on April 11, 2007

The source of the information was Linn County Assessor Office On-Line



**ROBERT & ALENE CATE**  
37111 TENNESSEE SCHOOL DR.  
LEBANON, OREGON 97355  
541-259-2903

March 25, 2008

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271

**RE: Application G - 16846**

We are hereby giving our written authorization for Jim Cate to have full access to our property for the purposes of his farming / irrigation operation.

Respectfully,

Alene A. Cate *Alene A. Cate*

Robert G. Cate *Robert G. Cate*

**RECEIVED**

**MAR 27 2008**

**WATER RESOURCES DEPT  
SALEM, OREGON**



**JIM & GINGER CATE**  
34750 SANTIAM HIGHWAY  
LEBANON, OREGON 97355  
541-451-4939

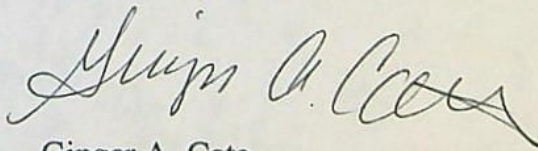
March 25, 2008

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271

**RE: Application G - 16846**

We are hereby giving our written authorization for Jim Cate to have full access to our property for the purposes of his farming / irrigation operation.

Respectfully,



Ginger A. Cate



Jim R. Cate

**RECEIVED**

MAR 27 2008

WATER RESOURCES DEPT  
SALEM, OREGON



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-16846

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of \$100.00. Please include your application number on your check made out to the Oregon Water Resources Department.

Prior to the issuance of a permit, the Department must receive evidence that you have written authorization or an easement permitting access to lands not owned by you. Please include your application number on any documentation submitted to the Oregon Water Resources Department.

**Proposed Final Order**

*Summary of Recommendation:* The Department recommends that the attached draft permit be issued with conditions.

*Application History*

On April 30, 2007, JIM CATE submitted an application to the Department for the following water use permit:

- Amount of Water: 0.80 CUBIC FOOT PER SECOND (CFS)
- Use of Water: IRRIGATION USE ON 64.3 ACRES
- Source of Water: A WELL (LINN 57038) IN OAK CREEK BASIN
- Area of Proposed Use: LINN COUNTY WITHIN SECTION 21, TOWNSHIP 11 SOUTH, RANGE 2 WEST, W.M.

On December 7, 2007, the Department mailed the applicant notice of its Initial Review, determining that "The use of 0.8 CFS from a well (LINN 57038) in Oak Creek Basin for irrigation use on 64.3 acres is allowable during the full period requested, March 1 through October 31." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On December 11, 2007, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order. No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:



- recommendations by other state agencies
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical ground water areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

#### *Findings of Fact*

The Willamette Basin Program allows IRRIGATION USE.

A WELL (LINN 57038) IN OAK CREEK BASIN is not within or above a State Scenic Waterway.

#### Ground Water Findings Under OAR 690-09

The Department determined, consistent with OAR 690-09-0040(4), that the proposed ground water use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.



According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

An assessment of ground water availability has been completed by the Department's Ground Water/Hydrology section. A copy of this assessment is in the file. The proposed water use will, if properly conditioned, avoid injury to existing rights and the resource.

The Department finds that the amount of water requested, 0.8 CFS, is an acceptable amount.

The proposed well is not within a designated critical ground water area.

#### *Conclusions of Law*

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Program, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or



(b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:

(A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and

(B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

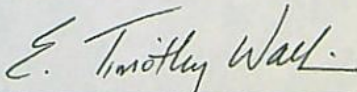
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

#### Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED March 18, 2008



for Phillip C. Ward, Director  
Water Resources Department

*If you have any questions,  
please check the information  
box on the last page for the  
appropriate names and  
phone numbers.*

#### Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this proposed final order. Protests must be received in the Water Resources Department no later than May 2, 2008. Protests must be in writing, and must include the following:



- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of \$350 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.*

#### Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a proposed final order can request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order.

Requests for standing must be received in the Water Resources Department no later than **May 2, 2008**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;



- A statement that the requester supports the proposed final order as issued;
- A detailed statement of how the requester would be harmed if the proposed final order is modified; and
- A standing fee of \$100.00. If a hearing is scheduled, an additional fee of \$250.00 must be submitted along with a request for intervention.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and either:

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

*This document was prepared by Joel Plahn. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0815.*

*If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.*

*If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to:*

*Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.*



DRAFT

This is not a permit.  
STATE OF OREGON

DRAFT

COUNTY OF LINN

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JIM CATE  
34750 SANTIAM HWY  
LEBANON, OR 97355

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

APPLICATION FILE NUMBER: G-16846

SOURCE OF WATER: A WELL (LINN 57038) IN OAK CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 64.3 ACRES

MAXIMUM RATE: 0.8 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 30, 2007

WELL LOCATION: SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 22, T11S, R2W, W.M.; 1132 FEET NORTH  
AND 1651 FEET EAST FROM SW CORNER, SECTION 22

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  3.5 ACRES  
SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  9.6 ACRES  
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  11.3 ACRES  
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  9.7 ACRES  
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  13.9 ACRES  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  16.3 ACRES  
SECTION 21

TOWNSHIP 11 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

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

Application G-16846 Water Resources Department

PERMIT DRAFT



measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

#### STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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 well(s) 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and



Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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.

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.

This permit does not allow unauthorized inundation of property not under the ownership of the permit holder.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. 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 \_\_\_\_\_, 2008

DRAFT - THIS IS NOT A PERMIT

\_\_\_\_\_  
for Phillip C. Ward, Director  
Water Resources Department



GROUNDWATER APPLICATION MAP  
J. PLACE PROPERTY ADDITION TO  
CENTER FARMING AREA  
FOR  
CATE FARMS

LOCATED IN  
SECTION 21, T. 11 S., R. 2 W., W.M.  
LINN COUNTY, OREGON  
APRIL 10, 2007

**APPLICANT:**

CATE FARMS  
JIM CATE  
34750 SANTIAM HWY.  
LEBANON, OR 97355









**OWNERS:**

ROBERT G. CATE TRUST  
ALENE A. CATE TRUST  
37111 TENNESSEE SCHOOL DR.  
LEBANON, OR 97355

**TAX LOT:**

1303 (11-2W-21)

**LEGEND:**

-  PROPOSED WATER RIGHT PER THIS APPLICATION LOCATED IN NORTH HALF OF SECTION 28 AS SHOWN ON MAP AREA = 64.3 ACRES
-  EXISTING WATER RIGHT PERMIT G-16028 (APPLICATION NO. G-16167) 720.2 ACRES NOT A PART OF THIS APPLICATION
-  EXISTING WATER RIGHT PERMIT G-5552 (CERTIFICATE NO. 49203) 51.9 ACRES NOT A PART OF THIS APPLICATION
-  EXISTING WATER RIGHT PERMIT G-211 (CERTIFICATE NO. 23637) 39.5 ACRES NOT A PART OF THIS APPLICATION
-  EXISTING WATER RIGHT PERMIT G-4416 (CERTIFICATE NO. 43855) 4.0 ACRES NOT A PART OF THIS APPLICATION
-  EXISTING WATER RIGHT PERMIT G-2626 (CERTIFICATE 38468) 47.2 ACRES NOT A PART OF THIS APPLICATION
-  EXISTING WATER RIGHT PERMIT CR-232 38.8 ACRES NOT A PART OF THIS APPLICATION
-  EXISTING IRRIGATION SUPPLY PIPE

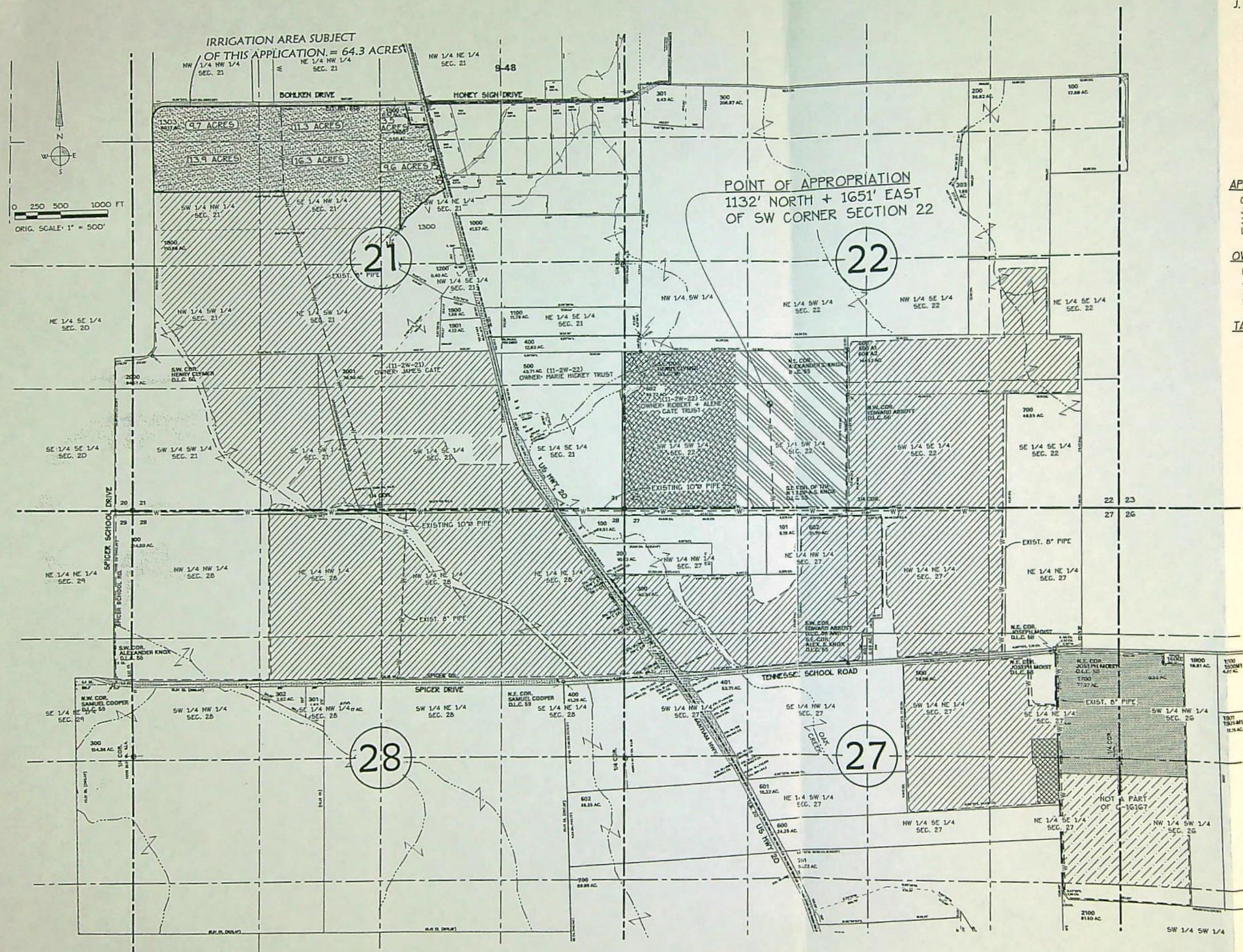
K & D ENGINEERING, Inc.  
278 N.W. Hickory Street P.O. Box 705  
Albany, Oregon 97321  
(541) 928-2563

Date: 4/10/2007 Time: 14:01  
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2003\03-167\167-w5.dwg (Robert B)

RECEIVED

APR 30 2007

WATER RESOURCES DEPT  
SALEM, OREGON



App no G-16846



# Mailing List for PFO Copies

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Application #G-16846

PFO Date March 18, 2008

**Original mailed to applicant:**

~~JIM CATE, 34750 SANTIAM HWY, LEBANON, OR 97355~~

Copies sent to:

- ~~1.~~ WRD - File # G-16846
- ~~2.~~ Water Availability: Ken Stahr

PFO and Map Copies sent to:

- ~~3.~~ WRD - Watermaster # 2

Copies Mailed
By: <u>JCB</u>
(SUPPORT STAFF)
on: <u>3/18/08</u>
(DATE)

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

- ~~4.~~ K & D Engineering Inc., PO Box 725, Albany, OR 97321

Affected Landowners (include "Notice of Proposed Final Order--Affected Landowner"):

- ~~5.~~ Hickey, Marie, 34779 Santiam HWY, Lebanon OR 97355
- ~~6.~~ Cate, James and Ginger, 34750 Santiam HWY, Lebanon OR 97355
- ~~7.~~ Cate, Alene and Robert, 37111 Tennessee School Dr, Lebanon OR 97355

CASEWORKER : Joel Plahn





# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

JIM CATE  
34750 SANTIAM HWY  
LEBANON, OR 97355

December 7, 2007

Reference: File G-16846

Dear Mr. Cate:

**THIS IS NOT A PERMIT AND IS  
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application requested the use of 362 gallons per minute, which is 0.81 cubic foot per second (CFS), from a well (LINN 57038) in Oak Creek Basin, for irrigation use on 64.3 acres from March 1 through October 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from a well (LINN 57038) in Oak Creek Basin for irrigation use is allowable under the Willamette Basin Program.
4. Ground water will likely be available in the amounts requested without injury to prior rights and within the capacity of the resource.
5. The Department has determined, based upon OAR 690-09, that the proposed ground water use will not have the potential for substantial interference with any surface water source.
6. You are encouraged to contact Linn County as you may need to obtain authorization to cross HWY 20.
7. The standard allowable rate for irrigation use from ground water is 1/80 cubic foot per second (CFS) per acre. Your application requested 0.81 CFS for 64.3 acres. If the application is approved, the rate allowed will be limited to 0.80 CFS.



### Summary of Initial Determinations

**The use of 0.80 CFS from a well (LINN 57038) in Oak Creek Basin for irrigation use on 64.3 acres is allowable during the full period requested, March 1 through October 31.**

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Prior to permit issuance, if one is issued, the Department must receive evidence that you have written authorization or an easement permitting access to lands not owned by you.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

### To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

### Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, December 21, 2007**. For your convenience you may use the enclosed "STOP PROCESSING" form.

### If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director



may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

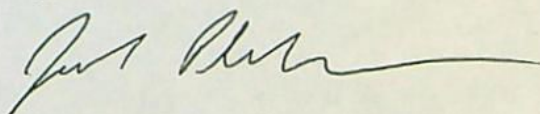
2. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements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

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at [http://www.oregon.gov/ODA/NRD/water\\_agplans.shtml](http://www.oregon.gov/ODA/NRD/water_agplans.shtml) to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0815 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Joel Plahn, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Joel Plahn  
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-16846  
GW



# APPLICATION FACT SHEET

Application File Number: G-16846

Applicant: JIM CATE

County: LINN

Watermaster: 2

Priority Date: APRIL 30, 2007

Source: IN OAK CREEK BASIN

Use: IRRIGATION USE ON 64.3 ACRES

Quantity: 0.81 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #2

Stream Index Reference: Volume 7 MILL CR MISC

Well Location: (LINN 57038) - SESW, SECTION 22, T11S, R2W, W.M.; 1132 FEET NORTH AND 1651 FEET EAST FROM SW CORNER, SECTION 22

Place of Use:

NW ¼	NE ¼	3.5 ACRES
SW ¼	NE ¼	9.6 ACRES
NE ¼	NW ¼	11.3 ACRES
NW ¼	NW ¼	9.7 ACRES
SW ¼	NW ¼	13.9 ACRES
SE ¼	NW ¼	16.3 ACRES

SECTION 21

TOWNSHIP 11 SOUTH, RANGE 2 WEST, W.M.

**14 DAY STOP PROCESSING DEADLINE DATE: Friday, December 21, 2007**

**PUBLIC NOTICE DATE: Tuesday, December 11, 2007**

**30 DAY COMMENT DEADLINE DATE: Thursday, January 10, 2008**



GROUNDWATER APPLICATION MAP  
J. PLACE PROPERTY ADDITION TO  
CENTER FARMING AREA

FOR  
CATE FARMS

LOCATED IN  
SECTION 21, T. 11 S., R. 2 W., W.M.  
LINN COUNTY, OREGON

APRIL 10, 2007

**APPLICANT:**

CATE FARMS  
JIM CATE  
34750 SANTIAM HWY.  
LEBANON, OR 97355









**OWNERS:**

ROBERT G. CATE TRUST  
ALENE A. CATE TRUST  
37111 TENNESSEE SCHOOL DR.  
LEBANON, OR 97355

**TAX LOT:**

1303 (11-2W-21)

**LEGEND:**

-  PROPOSED WATER RIGHT PER THIS APPLICATION LOCATED IN NORTH HALF OF SECTION 28 AS SHOWN ON MAP AREA = 64.3 ACRES
-  EXISTING WATER RIGHT PERMIT G-1602B (APPLICATION NO. G-16167)=720.2 ACRES NOT A PART OF THIS APPLICATION
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-  EXISTING WATER RIGHT PERMIT G-211 (CERTIFICATE NO. 23637) 39.5 ACRES NOT A PART OF THIS APPLICATION
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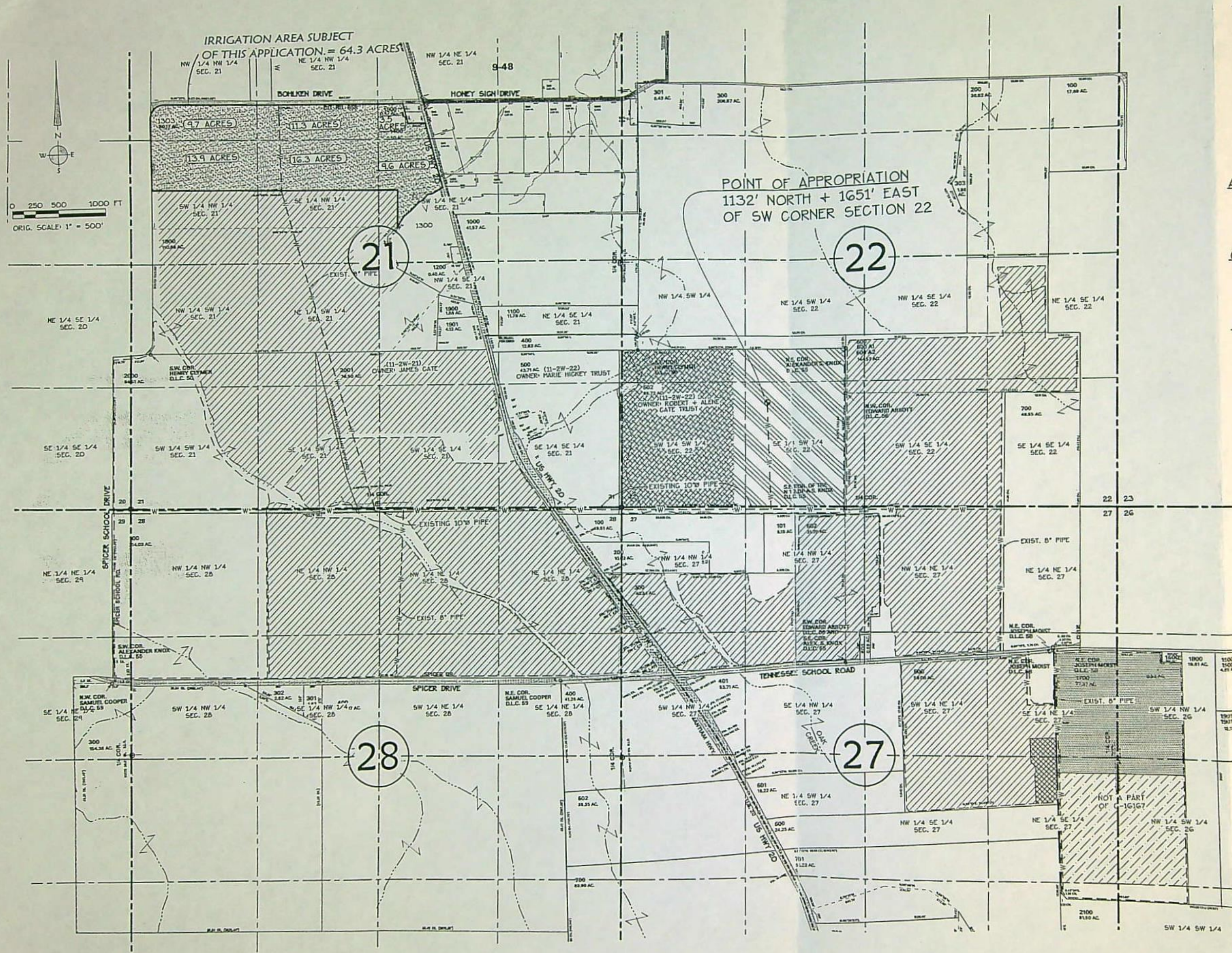
K & D ENGINEERING, Inc.  
276 N.W. Hickory Street, P.O. Box 125  
Albany, Oregon 97321  
(503) 899-2563

Date: 4/10/2007 Time: 14:01

RECEIVED 2003\03-167\167-w5.dwg (Robert D)

APR 30 2007

WATER RESOURCES DEPT  
SALEM, OREGON



App no G-16846



# Mailing List for IR Copies

Application #G-16846

IR Date: December 7, 2007

## Original mailed to applicant:

~~JIM CATE, 34750 SANTIAM HWY, LEBANON, OR 97355~~

## Copies sent to:

~~1. WRD - File # G-16846~~

~~2. WRD - Water Availability: Ken Stahr~~

## IR, Map, and Fact Sheet Copies sent to:

~~3. WRD - Watermaster # 2~~

## Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

~~Linn County Road Department: 3010 Ferry Street SW, Albany, OR 97322~~

~~K & D Engineering Inc., PO Box 725, Albany, OR 97321~~

Copies Mailed
By: <u>JCB</u>
(SUPPORT STAFF)
on: <u>12/7/07</u>
(DATE)

Caseworker: Joel Plahn

COPYSH.T.IR





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

## Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

### 1. APPLICANT INFORMATION

#### A. Individuals

Applicant: Jim Cate  
First Last  
Mailing address: 34750 Santiam Hwy  
Lebanon OR 97355  
City State Zip  
Phone: 541-451-4939  
Home Work Other  
\*Fax: N/A \*E-Mail address: gingerct@dswebnet.com

#### B. Organizations N/A

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: \_\_\_\_\_  
Name and title of person applying: \_\_\_\_\_  
Mailing address of organization: \_\_\_\_\_  
\_\_\_\_\_  
City State Zip  
Phone: \_\_\_\_\_  
Day Evening  
\*Fax: \_\_\_\_\_ \*E-Mail address: \_\_\_\_\_

\* Optional information

For Department Use		
App. No. <u>G-16846</u>	Permit No. _____	Date _____

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Last updated: 6/7/2005

Ground Water/1

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WR

WATER RESOURCES DEPT  
SALEM, OREGON



## 2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

☐ Yes (Skip to section 3 "Ground water Development.")

☒ No (Please check the appropriate box below.)

☐ I have a recorded easement or written authorization permitting access.

☒ I do not currently have written authorization or easement permitting access.

☒ Written authorization or an easement is not necessary, because the only affected

lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

20. The State was notified under application # G-16167.

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

The well, transmission pipe and place of use affects 5 tax lots.  
Attached please find names & address of each affected owner.

## 3. GROUND WATER DEVELOPMENT

### A. Well Information

Number of well(s): 1

Name of nearest surface water body: Santiam River

Distance from well(s) to nearest stream or lake: 1) 1.7 miles

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) \_\_\_\_\_

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

### B. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: Existing well was completed by Jones Drilling Co.

Address: 29400 Santiam Hwy.  
Lebanon, OR 97355

Completion date: 11/25/05 (see attached well log).

Ground Water/2

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WATER RESOURCES DEPT  
SALEM, OREGON



Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	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
1	14"	steel : 14" 250 gauge	32'	From 18' To 28'	18'	18'	18'	unknown	32'
Note:									
1) Copy of Well Log is attached									
2) Well I.D. # is #80169									
3) Start Card is #181938									
4) Well Number is 4137									

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

#### C. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

N/A

#### 4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

##### A. Type(s) of Use(s) Irrigation

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: \_\_\_\_\_
- If your proposed use is **irrigation**, please attach **Form I** ✓
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

Ground Water/3

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SALEM, OREGON



**C. Application/Distribution Method**

What equipment will you use to apply water to your place of use? Big Gun Water Cannon

Irrigation or land application method (check all that apply):

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Flood                                   | <input type="checkbox"/> High-pressure sprinkler  | <input type="checkbox"/> Low pressure sprinkler |
| <input type="checkbox"/> Drip                                    | <input checked="" type="checkbox"/> Water cannons | <input type="checkbox"/> Center pivot system    |
| <input type="checkbox"/> Hand lines                              | <input checked="" type="checkbox"/> Wheel lines   |   |
| <input type="checkbox"/> Siphon tubes or gated pipe with furrows |   |   |
| <input type="checkbox"/> Other, describe _____                   |   |   |

Distribution method

- ☒ Direct pipe from source    ☐ In-line storage (tank or pond)    ☐ Open canal

**D. Conservation**

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Use only when necessary. 1 or 2 applications in a normal year is typical to irrigate rye grass. More would be necessary if type of crop changed

**6. PROJECT SCHEDULE**

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: Well is completed

Proposed date construction will be completed: Construction is complete

Proposed date beneficial water use will begin: ASAP (when permit is granted.)

**7. REMARKS**

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

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

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Ground Water/5

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**WATER RESOURCES DEPT  
SALEM, OREGON**



## 8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

## 9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

X

Signature of Applicant (If more than one applicant, all must sign.)

4-18-07

Date

Before you submit your application be sure you have:

- ✓ Answered each question completely.
- ✓ Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- ✓ Included a Land Use Information Form or receipt stub signed by a local official.
- ✓ Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- ✓ Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

WRD on the web:  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

Ground Water/6

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**WATER RESOURCES DEPT  
SALEM, OREGON**





# Oregon Water Resources Department

## FORM I

### FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

☒ Primary ☐ Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 64.3 Acres

Secondary: \_\_\_\_\_ Acres

List the permit or certificate number of the primary water right:

No. N/A

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- |                      |   |  |
|----------------------|---|--|
| 1. <u>Grass Seed</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 2. <u>Row Crops</u>  | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 3. _____             | <input type="checkbox"/> Full season            | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 4. _____             | <input type="checkbox"/> Full season            | <input type="checkbox"/> Partial season (from: _____ to _____) |

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

Vary between 6" to 18" of irrigation depending on crop and conditions:  
Farmer wants to reserve right to use up to 2.5' acre-ft per acre

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

160.75 ac-ft (assuming 2.5')

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Rye Grass likely will be irrigated twice per season.  
Row crops will depend on weather with irrigation typically during the daytime.
- |   |   |
|---|---|
| <input type="checkbox"/> Daily during daytime hours               | <input type="checkbox"/> Daily during nighttime hours               |
| <input type="checkbox"/> Two or three times weekly during daytime | <input type="checkbox"/> Two or three times weekly during nighttime |
| <input type="checkbox"/> Weekly, during daytime hours             | <input type="checkbox"/> Weekly, during nighttime hours             |

☒ Other, explain: \_\_\_\_\_

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Last revision: October 31, 1996

WATER RESOURCES DEPT  
SALEM, OREGON

G-16846









# Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Jim Cate  
Mailing Address: 34750 Santiam Hwy  
City: Lebanon State: OR Zip: 97355 Day Phone: 541-451-4939  
This application is related to a Measure 37 claim. ☐ Yes ☒ No

## A. Land and Location

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

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
11	2W	22		502	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Ag
11	2W	22		500	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Ag
11	2W	21		2001	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Ag
11	2W	21		1800	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Ag
11	2W	21		1303	EFU	<input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Ag - LINN

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

## B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) Mill Creek Basin

Estimated quantity of water needed: 160.75 ☐ 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: Irrigation of 64.3 acres

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

## Receipt for Request for Land Use Information

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

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WATER RESOURCES DEPT  
SALEM, OREGON

G-16846



## 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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LCC 928.310.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

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Name: ROBERT WHEELDON Title: SENIOR PLANNER  
Signature: Robert T. Wheeldon Phone: 541-967-3816 Date: 4/11/07  
Government Entity: Linn County Planning & BUILDING DEPT.

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

### Receipt for Request for Land Use Information

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: **RECEIVED** Date: \_\_\_\_\_

APR 30 2007

Last updated 12/22/06 WR

WATER RESOURCES DEPT  
SALEM, OREGON



## *Linn County Account Detail*

Account: **R 759049**Area: **2**Zoning: **EFU**Map: **11S-2W-22**Lot: **502**

Name/Mailing Address

**CATE, ROBERT G, TR****CATE, ALENE A, TR****CATE, JIM****C/O ROBERT G CATE ETAL****37111 TENNESSEE SCHOOL DR****LEBANON OR 97355-9638**

Site Address

Class: **502**Deed Ref: **DN2006-30842**

LAND

Acres: **99.72**RMV: **\$336,540**IMPROVEMENTSRMV: **\$0**

Type:

Year Blt: **0**Sq Ft: **0**Rooms: **0/0**Total RMV: **\$336,540**2006-07 Levied\* Tax: **\$968.98**

*\*Original tax as extended on the tax roll. Amount does not include any adjustments or discounts.*

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SALEM, OREGON**



Tax Lot 502 (Map 11-2W-22)

THIS SPACE RESERVED FOR RECORDER'S USE

Robert G. Cate, Trustee of the Robert G. Cate  
Living Trust dated March 5, 1992  
37111 Tennessee School Drive  
Lebanon, OR 97355

Grantor's Name and Address

Robert G. Cate, Trustee of the Robert G. Cate  
Living Trust dated March 5, 1992  
37111 Tennessee School Drive  
Lebanon, OR 97355

Grantee's Name and Address

After recording return to:  
Robert G. Cate, Trustee of the Robert G. Cate  
Living Trust dated March 5, 1992  
37111 Tennessee School Drive  
Lebanon, OR 97355

Until a change is requested all tax statements  
shall be sent to the following address:  
Robert G. Cate, Trustee of the Robert G. Cate  
Living Trust dated March 5, 1992  
37111 Tennessee School Drive  
Lebanon, OR 97355

Escrow No. 08-803650

BSD

### BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That Robert G. Cate, Trustee of the Robert G. Cate Living Trust dated March 5, 1992 and Alene A. Cate, Trustee of the Alene A. Cate Living Trust dated March 5, 1992 and Jim R. Cate AKA Jim Cate, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Robert G. Cate, Trustee of the Robert G. Cate Living Trust dated March 5, 1992 and Alene A. Cate, Trustee of the Alene A. Cate Living Trust dated March 5, 1992 and Jim R. Cate AKA Jim Cate, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining, situated in the County of LINN, State of Oregon, described as follows, to wit

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF...

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$Consolidation Deed.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 19<sup>th</sup> day of December, 2006; if a corporate grantor, it has caused its name to be signed and its seal if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Robert G. Cate  
Robert G. Cate, Trustee of the Robert G. Cate Living Trust dated March 5, 1992

Alene A. Cate  
Alene A. Cate, Trustee of the Robert G. Cate Living Trust dated March 5, 1992

Jim R. Cate  
Jim R. Cate AKA Jim Cate

LINN COUNTY, OREGON 2006-30842  
D-BB 12/19/2006 03:32:27 PM  
Clt=1 Str=1 COUNTER \$15.00 \$11.00 \$10.00 \$36.00



00034886200800308420030033  
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.  
Steve Druckenmiller - County Clerk



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WATER RESOURCES DEPT  
SALEM, OREGON

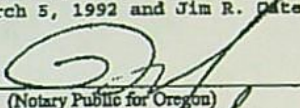
12-20-22 1400 After Recording Return To: AmeriTitle 206191



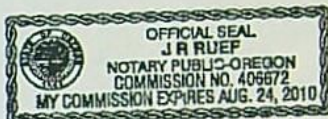
Page 2 - Bargain and Sale Deed  
Escrow No. 08-803650

State of Oregon  
County of LINN

This instrument was acknowledged before me on March 19, 2006 by Robert G. Cate, Trustee of the Robert G. Cate Living Trust dated March 5, 1992 and Alene A. Cate, Trustee of the Alene A. Cate Living Trust dated March 5, 1992 and Jim R. Cate AKA Jim Cate.

  
(Notary Public for Oregon)

My commission expires 8/24/10



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SALEM, OREGON



### Area "A"

An area of land in the Northeast 1/4 of the Southwest 1/4 of Section 22, Township 11 South, Range 2 West, Willamette Meriden, Linn County, Oregon being more particularly described as follows:

The land described in Linn County deed MF Volume 730 Page 606

Together with the following;

Beginning at a 5/8" iron rod that bears North 89°52' East 301.00 feet along the North line of the Alexander S. Knox Donation Land Claim No. 55 from a 12"x 15" granite stone marking the Southeast corner of DLC 50 in the Northeast 1/4 of the Southwest 1/4 of Section 8, Township 11 South, Range 2 West, Willamette Meriden, Linn County, Oregon; Thence North 24°22'40" East 152.18 feet to a 5/8" iron rod on the South line of the Jonathan Wassom Donation Land Claim No. 49; thence along the South line of said DLC 49 North 89°52'16" East 1901.00 feet to a point; thence leaving said DLC 49 South 138.60 feet to a 5/8" iron rod marking the Northeast corner of the Alexander S. Knox Donation Land Claim No. 55; thence along the North line of said DLC 55 North 89°52'00" West 1966.81 feet to the point of beginning.

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WATER RESOURCES DEPT  
SALEM, OREGON



## *Linn County Account Detail*

---

Account: **R 65710** Area: **2** Zoning: **EFU**

Map: **11S-2W-22** Lot: **500**

Name/Mailing Address

**HICKEY, MARIE T, TR**  
**34779 SANTIAM HWY**  
**LEBANON OR 97355-0000**

Site Address

**34779 SANTIAM HWY**  
**LEBANON OR 97355-0000**

Class: **502**

Deed Ref: **MF1464-520**

LAND

Acres: **43.71**

RMV: **\$311,690**

IMPROVEMENTS

RMV: **\$177,470**

Type: **R1**

Year Blt: **1960**

Sq Ft: **2508**

Rooms: **3/2**

Total RMV: **\$489,160**

2006-07 Levied\* Tax: **\$2,815.91**

*\*Original tax as extended on the tax roll. Amount does not include any adjustments or discounts.*

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**WATER RESOURCES DEPT  
SALEM, OREGON**



Tax Lot 500  
(11-2W-22)

CORRECTION DEED

VOL. 1464 PAGE 520

Grantor: Marie Hickey

Grantee: Marie T. Hickey, Trustee

✓ After recording return to: Marie T. Hickey, Trustee  
34779 Santiam Hwy.  
Lebanon, OR 97355

Address for tax statements: Marie T. Hickey, Trustee  
34779 Santiam Hwy.  
Lebanon, OR 97355

Consideration: The true consideration for this conveyance is \$NONE. The actual consideration consists of transfer of title for the following property to avoid probate.

MARIE HICKEY, aka MARIE THERESE HICKEY, aka MARIE T. HICKEY, Grantors, convey and warrant to MARIE T. HICKEY, Trustee of the MARIE T. HICKEY Revocable Living Trust dated April 25, 2002, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Linn County, Oregon:

Parcel 1: Linn County Assessor's Acct. No. 0062923, Map No. T11S-R2W-S8, Tax Lot 1900 (36270 Highway 226 SE, Albany) described as follows:

Beginning at a point which is South 89 deg. 12' West 25.63 chains distant from a point which is North 20 chains and West 18.25 chains distant from the most Easterly Southeast corner of the DLC of Ludlow Maxwell, Not. No. 1177, Claim No. 43 in Township 11 South, Range 2 West of the Willamette Meridian in Linn County, Oregon, said point being in the center of the Albany Sanderson Bridge county road, and running thence South 13.50 rods, more or less to the center of a county road leading to Lebanon, thence in a Northwesterly direction following said county road and in the center thereof to a point in the center of said Albany-Sanderson Bridge road; thence Easterly to the place of beginning, containing 3/4 of an acre in Linn County, Oregon.

Parcel 2: Linn County Assessor's Acct. No. 0065710, Map No. T11S-R2W-S22, Tax Lot 500 (34779 S. Santiam Hwy., Lebanon) described as follows:

Beginning at the N.E. corner of the D.L.C. of A.S. Knox and wife, same being Not. No. 1193 and Claim No. 55, in T. 11 S. of R. 2 W. of the Will. Mer., Oregon; thence South along the East line of said Claim 26.56 chains to the S.E. corner of the North half of said Claim No. 55; thence West parallel with the North line of said Claim, 47.82 chains to the center of the Santiam Highway; thence North 36 deg. 21' West along the center of said Highway, 8.32 chains; thence Northerly on a curve to the right with a radius of 716.2 feet, a distance of 4.00 chains; thence North 15 deg. 13' West 16.88 chains to the North line of said Claim No. 55; thence East 58.92 chains to the place of beginning, containing 144.70 acres, more or less, all lying in Linn County, State of Oregon.

EXCEPT: Beginning at the Southeast corner of the Henry V. Clymer DLC 50, Township 11 South, Range 2 West, Willamette Base & Meridian, Linn County, Oregon; thence North 89° 58' West along the South line of said claim 209.73 feet to a 5/8 inch iron rod; thence South 0° 02' West 1752.96 feet to the South line of the North half of the Alexander S. Knox DLC 55, said township and range; thence North 89° 52' 50" East 2478.83 feet to the Southeast corner of the North half of said claim; thence North 1752.96 feet to the Northeast corner of said Alexander claim; thence South 89° 52' West 2268.08 feet to the point of beginning.

This Correction Deed is being recorded to correct the exception of Parcel 2 in MF1287-361.

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SALEM, OREGON



Parcel 3: Linn County Assessor's Acct. No. 0370334, Map No. 1464 PAGE 521  
T11S-R3W-S9A, Tax Lot 201 (834 Goldfish Farm Rd. SE, Albany)  
described as follows:

Beginning at a point in the West Boundary line of the Donation Land Claim of Hugh Nickerson and wife, same being Notification No. 708, Claim No. 39, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon, which is 4.48 chains South of the South boundary line of Section 3, in said Township and Range; thence West 1 chain; thence South 1.05 chains; thence West 19.00 chains; thence South 3.00 chains; thence East 20.00 chains, more or less to the West boundary line of said Claim No. 39; thence North 4.05 chains to the place of beginning. EXCEPT the Westerly 500 feet of even width thereof. ALSO SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways.

The said property is free from encumbrances except easements, conditions, restrictions and roadways of record.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

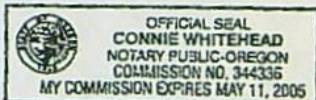
Dated this 31 day of July, 2007

Marie T. Hickey  
MARIE HICKEY, aka  
MARIE T. HICKEY

STATE OF OREGON )  
County of Linn ) ss. July 31, 2007

Personally appeared the above-named MARIE T. HICKEY, and acknowledged the foregoing instrument to be her voluntary act and deed.

Connie Whitehead  
Notary Public for Oregon  
My Commission expires: 5/11/05



STATE OF OREGON  
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records.

STEVE DRUCKENMILLER  
Linn County Clerk

MF 1464  
520

Deputy PAGE

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SALEM, OREGON



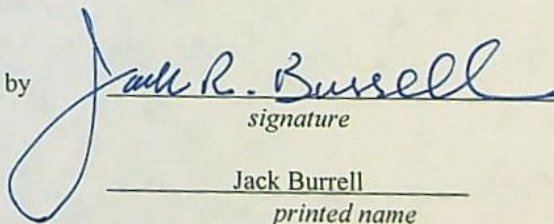
## CATE WATER RIGHT

### List of names and mailing addresses of all affected land owners:

- |  |   |   |
|--|---|---|
| * 11S-2W-22; 500<br>Hickey, Marie T, TR<br>34779 Santiam HWY<br>Lebanon, OR 97355-0000       | * 11S-2W-21; 1303<br>Cate, Alene A & Robert G TR<br>37111 Tennessee School Dr<br>Lebanon, OR 97355-0000                                   | * 11S-2W-21; 1800<br>Cate, Robert & Alene TR<br>37111 Tennessee School Dr<br>Lebanon, OR 97355-9638 |
| * 11S-2W-21; 2001<br>Cate, James R & Ginger A<br>34750 Santiam HWY<br>Lebanon, OR 97355-9638 | * 11S-2W-22; 502<br>Cate, Robert & Alene TR<br>Cate, Jim<br>C/O Robert G Cate Etal<br>37111 Tennessee School Dr<br>Lebanon, OR 97355-9638 |   |

Land owners were notified under app. #G16167

The above list was prepared by

  
signature  
Jack Burrell  
printed name

on April 11, 2007

The source of the information was Linn County Assessor Office On-Line

File Ref: nlm\shared documents\03-167-a cate water right.doc

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SALEM, OREGON

16846



SEC. 22 T. 11 S. R. 02 W. W. M.  
LINN COUNTY, OREGON  
1" = 400'

SEE MAP 11 2W 15

9-48

SEE MAP 11 2W 21

S.W. COR.  
JONATHAN WASSON  
D.L.C. 49

500  
43.71 AC  
Hickey Trust  
(MF 1464-520)

S.F. COR. (DN 2006-30842)  
HENRY CLYMER  
D.L.C. 90  
N.E. COR.  
ALEXANDER S. KNORR  
D.L.C. 95

Bob & Alene Cate Trust | Well (Diversion)

Line Gate  
(evidence)  
Irrigation Line

D.L.C. 55

602  
31.73 AC

S.W. COR.  
EDWARD ARB  
D.L.C. 54 AND  
S.E. COR.  
ALEX. S. KNOX  
D.L.C. 55

TENNESSEE RD.

11 2W 22

S.E. COR.  
JONATHAN WASSON  
D.L.C. 49

SEE MAP 11 2W 23

22 23  
27 28

11 2W 22

09/24/03.17:41:10.Wed

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**WATER RESOURCES DEPT  
SALEM, OREGON**



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSES ONLY

SEC. 21 T. 11S. R. 02W. W.M.  
LINN COUNTY, OREGON

1" = 400'

SEE MAP 11 2W 16

11 2W 21

17 18  
20 21

18 19  
21 22

SEE MAP  
11 2W 21A

SEE MAP 11 2W 22

SEE MAP 11 2W 20

S.E. COR.  
RAYMOND BURKHARDT  
D.L.C. 51

N.W. COR.  
ALEXANDER KNOR  
D.L.C. 55

S.W. COR.  
HENRY CLYMER  
D.L.C. 50

S.W. COR.  
JONATHAN WASSOM  
D.L.C. 49

S.E. COR.  
HENRY CLYMER  
D.L.C. 50

SEE MAP 11 2W 28

11 2W 21

12/23/05.11:40:21.Fri

(conveyance & use)  
Bob & Alene Cate Tr.  
PARTIAL PLAT  
PLACE OF USE  
(D.N. 2006-1745)  
C.S. 24183  
NO. 2005-70

(MF 691-645  
MF 753-675  
MF 748-768)  
Bob & Alene Cate Trust.

(conveyance)  
9-33

9-48

Jim & Ginger Cate  
(MF 1503-163)

(conveyance)  
NO. 2003-43

irrigation

PARTIAL PLAT  
C.S. 23631

WATER RESOURCES DEPT  
SALEM, OREGON

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## *Linn County Account Detail*

Account: **R 907622**Area: **2**

Zoning:

Map: 11S-2W-21Lot: **1303**

Name/Mailing Address

**CATE, ALENE A, TR****CATE, ROBERT G, TR****37111 TENNESSEE SCHOOL DR****LEBANON OR 97355-0000**

Site Address

Class: **502**Deed Ref: **DN2006-1745**

LAND

Acres: **63.00**RMV: **\$186,560**IMPROVEMENTSRMV: **\$0**

Type:

Year Blt: **0**Sq Ft: **0**Rooms: **0/0**Total RMV: **\$186,560**2006-07 Levied\* Tax: **\$502.07**

*\*Original tax as extended on the tax roll. Amount does not include any adjustments or discounts.*

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SALEM, OREGON****G-16846**



Trak Lot 1303 (11-2W-21)

NN

Jack Willard Place, Trustee  
34980 Santiam Hwy  
Lebanon, OR 97355  
Grantor's Name and Address  
Alene A. Cate, Trustee  
Robert G. Cate, Trustee  
37111 Tennessee School Rd.  
Lebanon, OR 97355  
Grantee's Name and Address  
After recording, return to Please, Address, Zip:  
The Grantees -- same address  
Until requested otherwise, send all tax statements to Please, Address, Zip:  
The Grantees -- same address

LINN COUNTY, OREGON 2006-01745  
D-WD 01/24/2006 08:35:05 AM  
Ck=1 Sm=1 COUNTER  
\$5.00 \$11.00 \$10.00 \$28.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.



Steve Druckenmiller - County Clerk

By \_\_\_\_\_, Deputy.

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that Jack Willard Place, Trustee of the Jack Willard Place Living Trust Dated August 15, 2000 hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by The Grantees, more fully and correctly described below \*\*\* hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Linn County, State of Oregon, described as follows, to-wit:

\*\*\* The Grantees are:  
Alene A. Cate, Trustee of the Alene A. Cate Revocable Living Trust  
Dated March 5, 1992, as amended.  
Robert G. Cate, Trustee of the Robert G. Cate Revocable Living Trust  
Dated March 5, 1992, as amended.  
AS TENANTS IN COMMON

DESCRIPTION

Parcel 1 of Partition Plat No. 2005-070, recorded December 16, 2005, Volume 1799, Page 846, in Linn County, Oregon.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.  
And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except (if no exceptions, so state): regulations of Linn Soil and Water Conservation District, rights of the public and roads, streets, and highways, and taxes from and after January 15, 2006

and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$126,000.00. However, the actual consideration consists of or includes other property or value given or promised which is ☐ the whole ☐ part of the (indicate which) consideration. (The sentence between the symbols ☐ if not applicable, should be deleted. See ORS 93.030.)

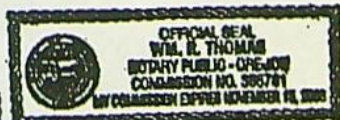
In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In witness whereof, the grantor has executed this instrument on January 17, 2006; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Jack Willard Place  
Jack Willard Place, Trustee of the  
Jack Willard Place Living Trust  
Dated August 15, 2000:

STATE OF OREGON, County of Linn ss.  
This instrument was acknowledged before me on January 17, 2006  
by Jack Willard Place, Trustee  
This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_



Wm. B. Thomas  
Notary Public for Oregon  
My commission expires \_\_\_\_\_

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SALEM, OREGON

After recording  
return to Titor Title



## *Linn County Account Detail*

Account: **R 881934**Area: **2**

Zoning:

Map: **11S-2W-21**Lot: **2001**

Name/Mailing Address

**CATE, JAMES R****CATE, GINGER A****34750 SANTIAM HWY****LEBANON OR 97355-9638**

Site Address

**34746 SANTIAM HWY****LEBANON OR 97355-9638**Class: **502**Deed Ref: **MF1503-163**

LAND

Acres: **83.40**RMV: **\$290,840**IMPROVEMENTSRMV: **\$246,090**Type: **R1**Year Blt: **1915**Sq Ft: **3440**Rooms: **3/2.5**Total RMV: **\$536,930**2006-07 Levied\* Tax: **\$3,887.12***\*Original tax as extended on the tax roll. Amount does not include any adjustments or discounts.*[Return to Search Page](#)

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Tax Lot 2001 (11-2W-21)

FORM No. 723 - BARGAIN AND SALE DEED (Individual or Corporate)

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VOL 1503 PAGE 163  
 ROBERT G. CATE  
 37111 Tennessee School Drive  
 Lebanon OR 97355  
 James R. Cate & Ginger A. Cate  
 34750 Santiam Highway  
 Lebanon OR 97355  
 After recording, return to (Name, Address, Zip):  
 James R. Cate & Ginger A. Cate  
 Same  
 Until requested otherwise, send all tax statements to (Name, Address, Zip):  
 James R. Cate & Ginger A. Cate  
 Same

STATE OF OREGON,  
 County of \_\_\_\_\_ } ss.  
 STATE OF OREGON  
 County of Linn  
 I hereby certify that the attached  
 was received and duly recorded  
 by me in Linn County records.  
 STEVE DRUCKENMILLER  
 Linn County Clerk  
 By \_\_\_\_\_ Deputy  
 MF 1374  
 PAGE 682  
 JAN 15 2003  
 2:30 O'clock P.M. 26

THIS INSTRUMENT RECORDED  
 TO CORRECT LEGAL  
 DESCRIPTION  
 PREVIOUSLY RECORDED IN  
 MF VOL 1374 PAGE 682

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that ROBERT G. CATE

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto JAMES R. CATE and GINGER A. CATE  
 hereinafter called grantees, and unto grantees' heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, situated in LINN County,  
 State of Oregon, described as follows, to-wit:

An undivided one-fourth interest in and to the East 80 acres of even width lying immediately West of the centerline of Highway 20, Linn County, Oregon, said East 80 acres being a part of the following description:

Beginning at the Northeast corner of the D.L.C. of A. S. Knox and Mary A. S. Knox, his wife, same being Notification No. 1193 and Claim No. 55 in Township 11 South Range 2 West of the Willamette Meridian, Oregon and running thence South 26.46 chains, more or less, to the South line of the North half of said D.L.C.; thence West on said division line 120.53 chains, more or less, to the West boundary line of said D.L.C.; thence North 25.94 chains, more or less, to the Northeast corner of the D.L.C. of Samuel Hardman and wife, being Not. No. 1202 and Claim No. 54 in said Township and Range; thence East 3.33 chains; thence North 52 links; thence East 117.20 chains to the place of beginning, containing 318.75 acres. The same being the North half of the D.L.C. of said A.S. Knox and wife, all lying and being in the County of Linn and State of Oregon.

CORRECT LEGAL DESCRIPTION:  
 An Undivided One-fourth Interest in and to:  
 PARCEL 2 of Partition Plat 2003-43, Linn County, Oregon

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)  
 To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.  
 The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ NONE. However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☐ the whole (indicate which) consideration. (The sentence between the symbols ☐, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on January 8, 2003; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Robert G. Cate

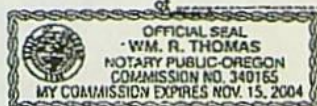
STATE OF OREGON, County of Linn ) ss.

This instrument was acknowledged before me on January 8, 2003

by Robert G. Cate

This instrument was acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_  
 as \_\_\_\_\_



Wm. R. Thomas  
 Notary Public for Oregon  
 My commission expires 11/15/2004

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WATER RESOURCES DEPT  
 SALEM, OREGON



VOL. 1503 PAGE 164

STATE OF OREGON  
County of Linn

I hereby certify that the attached  
was received and duly recorded  
by me in Linn County records.

STEVE DRUCKENMILLER  
Linn County Clerk

By [Signature] Deputy PAGE 163

M. 3  
R. 20  
A. —  
O. —

8:30 O'clock a.m.

OCT 17 2003

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SALEM, OREGON



## *Linn County Account Detail*

Account: **R 65637**Area: **2**Zoning: **EFU**Map: **11S-2W-21**Lot: **1800**

Name/Mailing Address

**CATE, ROBERT G, TR****CATE, ALENE A, TR****37111 TENNESSEE SCHOOL DR****LEBANON OR 97355-9638**

Site Address

Class: **502**Deed Ref: **MF591-545, MF753-675, MF748-768**

LAND

Acres: **110.68**RMV: **\$342,500**IMPROVEMENTSRMV: **\$0**

Type:

Year Blt: **0**Sq Ft: **0**Rooms: **0/0**Total RMV: **\$342,500**2006-07 Levied\* Tax: **\$863.38***\*Original tax as extended on the tax roll. Amount does not include any adjustments or discounts.*[Return to Search Page](#)

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SALEM, OREGON**



## BARGAIN AND SALE DEED

1 of 3 deed to  
T.L. # 1800  
(11-2W-21)

KNOW ALL MEN BY THESE PRESENTS, that ROBERT G. CATE and ALENE A. CATE, Husband and Wife, Grantors, for valuable consideration, do hereby grant, bargain, sell, and convey unto the grantees designated below and in the proportions indicated, all of their respective interests of any kind or nature (including fractional interests) in and to the property described below.

The grantees are as follows:

An undivided one-half interest thereof unto ROBERT G. CATE, Trustee UDT DATED MARCH 5, 1992, and an undivided one-half interest thereof unto ALENE A. CATE, Trustee UDT DATED MARCH 5, 1992, said grantees taking title as tenants in common.

## PARCEL 1

The property herein conveyed is described as follows: Beginning at a 3/4" iron bolt at the intersection of the South line of the Henry V. Clymer Donation Land Claim No. 50 in Township 11 South, Range 2 West of the Willamette Meridian in Linn County, Oregon, with the Westerly right of way line of the Santiam Highway, said bolt being North 89°58' West 1651.25 feet from the Southeast corner of said Claim 50; and running thence North 15°13' West along the Westerly right of way line of said highway 363.94 feet to a 1/2" iron rod; thence South 88°39' West 455.20 feet; thence South 2°09' West 340.37 feet to a 1/2" iron rod on the South line of Claim 50; thence South 89°58' East 563.36 feet to the place of beginning.

## PARCEL 2

Beginning at the Southwest corner of the Henry V. Clymer D.L.C. No. 50, in T. 11 S. R. 2 W. of the W.M.; thence South 89°58' East along the South line of said Claim 2549.3 feet to a 3/4" iron bolt which bears North 89°58' West 2707.35 feet from the Southeast corner of said Claim No. 50; thence North 40°42' East 820.0 feet to a 1/2" iron rod; thence North 60°33' West 549.86 feet to a 1/2" iron rod; thence North 29°21' West 220.34 feet to a 1/2" iron rod; thence North 4°33' East 138.44 feet to a 1/2" iron rod; thence North 37°28' East 134.77 feet to a 1/2" iron rod which bears North 1329.0 feet from the South line of said D.L.C. #50; thence North 89°58' West, parallel with the South line of said Claim #50, a distance of 2590.20 feet to a 1/2" iron rod on the West line of said Claim; thence South along said West line 1329.0 feet to the place of beginning.--

## PARCEL 3

Beginning at a 2" iron pipe which is South 86°17' West 49 chains and North 3°43' West 1110 feet from the Southeast corner of the Joseph Moist Donation Land Claim No. 58, in township 11 south, Range 2 West of the Willamette Meridian, in Linn County, Oregon; thence North 86°17' East 1077.30 feet to the West right of way

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WATER RESOURCES DEPT  
SALEM, OREGON



of the South Santiam Highway; thence South  $19^{\circ}39'$  East along said right of way 208 feet; thence South  $86^{\circ}17'$  West 1134.19 feet; thence North  $3^{\circ}43'$  West 200 feet to the place of beginning. ALSO Beginning at a 2" iron pipe which is 49 chains South  $86^{\circ}17'$  West and North  $3^{\circ}43'$  West 1110 feet from the Southeast corner of the Joseph Moist Donation Land Claim No. 58, in township 11 South, Range 2 West of the Willamette Meridian, in Linn County, Oregon; thence North  $86^{\circ}17'$  East 1077.30 feet to the West right of way of the south Santiam Highway; thence North  $19^{\circ}39'$  West along said right of way 218.3 feet; thence South  $86^{\circ}17'$  West 1017.57 feet; thence South  $3^{\circ}43'$  East 210 feet to the place of beginning.

PARCEL 4

Part of Sections 27 and 26, Township 11 South, Range 2 West, Willamette Meridian, Linn County, Oregon, more particularly described as:

The West half of the West half of the North half of the Donation Land Claim of Stewart M. Pennington and wife, being Notification No. 1194, and Claim No. 57, in Township 11 South, Range 2 West of the Willamette Meridian, Linn County, Oregon.

SAVE AND EXCEPT: Beginning at a point on the North line of the Stewart M. Pennington Donation Land Claim No. 57 in Township 11 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, said point being 1,108.2 feet East of the Northwest corner of said Donation Land Claim No. 57; thence East along said Claim line, 200 feet; thence South 139.0 feet to a  $3/4$  inch pipe; thence West 200 feet to a  $1/2$  inch pipe; thence North 139.0 feet to the place of beginning.

AND EXCEPT any portion thereof conveyed to J.L. Jimerfield et ux, by instrument recorded May 28, 1954 in Book 237, page 779, Deed Records, Linn County, Oregon.

PARCEL 5

Commencing at a point North  $1^{\circ}27'$  West and 20.00 chains distant from the Southeast corner of the DLC of Joseph Moist and Elizabeth Moist, his wife, being Claim No. 58, Township 11 South, Range 2 West, Willamette Meridian, Linn County, Oregon; running thence North  $1^{\circ}27'$  West 3.65 chains; thence West 80.34 chains to the West boundary line of said Claim; thence South  $1^{\circ}50'$  East 28.91 chains to the Southwest corner of said Claim; thence North  $86^{\circ}13'$  East 31.05 chains; thence North  $3^{\circ}47'$  West 20.00 chains; thence North  $86^{\circ}13'$  East 15.70 chains; thence South  $20^{\circ}$  East 94 links; thence North  $72^{\circ}13'$  East 6.62 chains; thence South  $3^{\circ}47'$  East 80 links; thence North  $86^{\circ}13'$  East 27.35 chains to the place of beginning.

SAVE AND EXCEPT that portion lying within the boundaries of Santiam Highway No. 20.

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WATER RESOURCES DEPT  
SALEM, OREGON



TO HAVE AND TO HOLD the same unto the grantees in the proportions above indicated and to their successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$NONE - TITLE ADJUSTMENT (However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration)

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

IT IS RECITED that the above parcels of property are all non contiguous, and it is not the intention of the grantors to combine any of said parcels. It is the intention of the grantors that each parcel shall retain its separate and distinct status.

IN WITNESS WHEREOF, the grantors have executed this instrument this 5th day of MARCH, 1992.

ROBERT G. CATE

ALENE A. CATE

STATE OF OREGON )  
 ) ss.  
COUNTY OF LINN )

This instrument was acknowledged before me on March 5,  
1992, by ROBERT G. CATE and ALENE A. CATE.

NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES: 11/11/92



PAGE 3 BARGAIN AND SALE DEED  
CATE

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SALEM, OREGON



ROBERT G. CATE & ALENE A. CATE

37111 Tennessee School Dr.

Lebanon, OR 97355  
GRANTORS' NAME AND ADDRESS

ROBERT G. CATE & ALENE A. CATE

37111 Tennessee School Dr.

Lebanon, OR 97355  
GRANTEES' NAME AND ADDRESS

AFTER RECORDING RETURN TO

✓ ROBERT G. CATE & ALENE A. CATE  
37111 Tennessee School Dr.  
Lebanon, OR 97355

UNTIL A CHANGE IS REQUESTED ALL TAX STATEMENTS SHALL BE SENT TO  
THE FOLLOWING ADDRESS:

ROBERT G. CATE & ALENE A. CATE  
37111 Tennessee School Dr.  
Lebanon, OR 97355

ENTERED MAR 10 1992

STATE OF OREGON  
County of Linn

I hereby certify that the attached was  
received and duly recorded by me in  
Linn County records:

Volume: MF 591 Page: 545

At 8:30 O'clock a.m.

STEVE DRUCKENMILLER  
Linn County Clerk

By  Deputy

PAGE 4 BARGAIN AND SALE DEED  
CATE

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WATER RESOURCES DEPT  
SALEM, OREGON



1 of 3 deeds  
for Tax lot 1800  
(11-2W-21)

VOL 0753 PAGE 675

GRANTOR'S NAME AND ADDRESS:  
ROBERT G. CATE and ALENE CATE  
37111 TENNESSEE SCHOOL ROAD  
LEBANON OR 97355

GRANTEE'S NAME AND ADDRESS:  
ROBERT G. CATE, TRUSTEE  
ALENE A. CATE, TRUSTEE  
37111 TENNESSEE SCHOOL ROAD  
LEBANON OR 97355

✓ AFTER RECORDING RETURN TO:  
ROBERT G. CATE  
ALENE A. CATE  
37111 TENNESSEE SCHOOL ROAD  
LEBANON OR 97355

UNTIL REQUESTED OTHERWISE SEND ALL TAX STATEMENTS TO:  
ROBERT G. CATE  
ALENE A. CATE  
37111 TENNESSEE SCHOOL ROAD  
LEBANON OR 97355

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, ROBERT G. CATE and ALENE CATE, Husband and Wife, hereinafter called Grantors, for the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto: ROBERT G. CATE, TRUSTEE OF THE ROBERT G. CATE LIVING TRUST DATED MARCH 5, 1992, an undivided one-half interest; and ALENE A. CATE, TRUSTEE OF THE ALENE A. CATE LIVING TRUST DATED MARCH 5, 1992, an undivided one-half interest; AS TENANTS IN COMMON, hereinafter called Grantees, and unto Grantees' successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Linn, State of Oregon, described as follows, to-wit:

Beginning at a 3/4 inch iron bolt on the south line of and North 89°58' West 2707.35 feet from the SE corner of the Henry V. Clymer D.L.C. No. 50 in T. 11 S., R. 2 West of the W. M. in Linn County, Oregon; running thence North 40°42' East 790.21 feet to a 3/4 inch iron bolt; thence South 2°09' West 599.79 feet to a 1/2 inch iron rod on the South line of said D.L.C. No. 50; thence N. 89°58' W. 492.74 feet to the place of beginning, all being situated in Linn County, Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars, is  
\$ NONE-TITLE ADJUSTMENT

1- DEED - CATE -CATE TRUSTS

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WATER RESOURCES DEPT  
SALEM, OREGON



The purpose of this deed, in addition to transferring the property to the Trustees above set forth, is to consolidate the same into one Parcel with the property described in that certain deed between these same parties, recorded VOL 591 PAGE 545 of the DEED RECORDS OF LINN COUNTY, OREGON, as well as that certain deed from JACK PLACE to these grantors, recorded in VOL MF 748, PAGE 768, recorded May 23, 1995.

TO HAVE AND TO HOLD the same unto the said grantees and grantees' successors and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

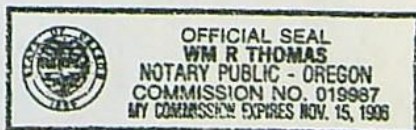
IN WITNESS WHEREOF, the grantors have executed this instrument this 27<sup>th</sup> day of JUNE, 1995.

Robert G. Cate  
Alene G. Cate

STATE OF OREGON     )  
                                  ) ss  
COUNTY OF LINN     )

This instrument was acknowledged before me on JUNE 27, 1995, by ROBERT G. CATE and ALENE CATE.

Wm. R. Thomas  
NOTARY PUBLIC FOR OREGON



2- DEED - CATE -CATE TRUSTS

STATE OF OREGON  
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records.

STEVE DRUCKENMILLER  
Linn County Clerk

By [Signature], Deputy

M  
R 10  
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A 20  
O  
753  
MF 675  
PAGE

8:30 O'clock a.m.

JUN 28 1995

40

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WATER RESOURCES DEPT  
SALEM, OREGON



0748 PRE 768

1 of 3 deed  
For 105-2W-21  
TAX Lot 1800

JACK PLACE

34980 SANTIAM HIGHWAY

LEBANON OR 97355

GRANTOR'S NAME AND ADDRESS

ROBERT G. CATE, TRUSTEE

ALENE A. CATE, TRUSTEE

37111 TENNESSEE SCHOOL ROAD

LEBANON OR 97355

GRANTEE'S NAME AND ADDRESS

AFTER RECORDING RETURN TO:

ROBERT G. CATE & ALENE A. CATE

37111 TENNESSEE SCHOOL ROAD

LEBANON OR 97355

UNTIL REQUESTED OTHERWISE SEND  
ALL TAX STATEMENTS TO:

ROBERT G. CATE & ALENE A. CATE

37111 TENNESSEE SCHOOL ROAD

LEBANON OR 97355

#### STATUTORY WARRANTY DEED

JACK PLACE, aka JACK W. PLACE, GRANTOR, conveys and warrants to ROBERT G. CATE, TRUSTEE OF THE ROBERT G. CATE TRUST DATED MARCH 5, 1992, an undivided one-half interest, and ALENE A. CATE, TRUSTEE OF THE ALENE A. CATE TRUST DATED MARCH 5, 1992, an undivided one-half interest, AS TENANTS IN COMMON, GRANTEES, the following described real property free of encumbrances except as specifically set forth herein:

#### DESCRIPTION

Beginning at a 1/2 inch iron rod at the northwest corner of that parcel conveyed to Robert

Consideration \$ 43,200.<sup>00</sup>

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WATER RESOURCES DEPT  
SALEM, OREGON

AFTER RECORDING RETURN TO:  
OREGON TITLE INSURANCE COMPANY

11-2W-21/1300

655321



Cate et ux by deed recorded in Volume 240, Page 307, Parcel 2, Linn County Deed Records, which point is 1329 feet North of the southwest corner of the Henry Clymer Donation Land Claim number 50, Township 11 South, Range 2 West of the Willamette Base and Meridian, Linn County, Oregon; said rod being on the west line of said claim; thence South 89°58' East 2590.20 feet to a 1/2 inch iron rod at the northeast corner of said Cate parcel; thence North parallel with the west line of said Clymer Claim 403.61 feet; thence North 89°58' West parallel with the north line of said Cate parcel 2590.20 feet to the west line of said Clymer claim; thence South 403.61 feet to the point of beginning.

The foregoing description is hereby consolidated with the following described real property, to-wit:

Beginning at the Southwest corner of the Henry V. Clymer D.L.C. No. 50, in T. 11 S. R. 2 W. of the W.M.; thence South 89°58' East along the South line of said Claim 2549.3 feet to a 3/4" iron bolt which bears North 89°58' West 2707.35 feet from the Southeast corner of said Claim No. 50; thence North 40°42' East 820.0 feet to a 1/2" iron rod; thence North 60°33' West 549.86 feet to a 1/2" iron rod; thence North 29°21' West 220.34 feet to a 1/2" iron rod; thence North 4°33' East 138.44 feet to a 1/2" iron rod; thence North 37°28' East 134.77 feet to a 1/2" iron rod which bears North 1329.0 feet from the South line of said D.L.C. #50; thence North 89°58' West, parallel with the South line of said Claim #50, a distance of 2590.20 feet to a 1/2" iron rod on the West line of said Claim; thence South along said West line 1329.0 feet to the place of beginning.

It is the intention of the Grantor and Grantees that this shall constitute a consolidation with Tax Lot 1800, Township 11 South, Range 2 West, Section 21, and shall constitute one parcel of property.

Together with a perpetual non-exclusive easement for drainage purposes, being fifteen (15') feet in width and following the location of an existing pipeline running from the North line of the above described property and approximately at the midpoint of said North line and running thence North across the property of the Grantor herein more fully described in Vol. 256, Page 535 on Bohlken Road, at which point there is a visible vertical tile. The Easement includes the right to install and maintain one or more eight (8) inch pipes for drainage purposes and is appurtenant to the above described property. Such pipe shall be placed at sufficient depth as not to interfere with farming, and in the event of maintenance disturbing the soil, the same shall be restored to its original condition upon completion.

The encumbrances excepted in this deed are:

1. Levies and assessments, if any, of the Grand Prairie Water District;
2. Levies and assessments, if any, of the Linn Soil and Water District; and
3. Rights of the public, governmental bodies and public utilities in and to that portion of the property, if any, lying within the limits of roads and highway.

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WATER RESOURCES DEPT  
SALEM, OREGON



0748 ~~mc~~ 770

The true consideration for this conveyance is \$43,200.00;

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930

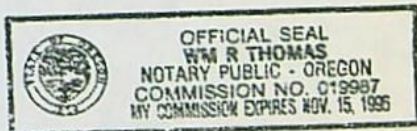
Dated this 17<sup>th</sup> day of MAY, 1995.

Jack Place

STATE OF OREGON       )  
                                  ) ss.  
COUNTY OF LINN       )

This instrument was acknowledged before me on MAY 17, 1995, by JACK PLACE, aka JACK W. PLACE.

Wm. R. Thomas  
NOTARY PUBLIC FOR OREGON



STATE OF OREGON  
County of Linn

I hereby certify that the attached  
was received and duly recorded  
by me in Linn County records.

STEVE DRUCKENMILLER  
Linn County Clerk

By cm, Deputy

MP 748  
PAGE 768

45  
May 23 3 02 PM '95

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SALEM, OREGON