

80450

PARTIAL ASSIGNED

FILE#: S 80450

EVERGREEN AGRICULTURAL ENTERPRISES IN  
PO BOX 1254  
MC MINNVILLE, OR 97128

Application No. S- 80450Permit No. 52733

Certificate No. \_\_\_\_\_

Stream Index, Page No. 28

## FEES PAID

Date	Amount	Receipt No.
6-14-95	200. -	125355
8-21-96	832. -	5658
2-10-17	\$85.00	122614
2-8-2021	\$100.00	134484
	Cert. Fee	

## FEES REFUNDED

Date	Amount	Check No.

Date filed \_\_\_\_\_

Priority \_\_\_\_\_

Action suspended until EPD 3/1/03 SCB

Return to applicant \_\_\_\_\_

Date of approval \_\_\_\_\_

## CONSTRUCTION

Date for beginning AUG 28 1997Date for completion OCT 01 1998

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

Date for application of water OCT 01 1999

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

## PROSECUTION OF WORK

Form "A" filed \_\_\_\_\_

Form "B" filed \_\_\_\_\_

Form "C" filed \_\_\_\_\_

## FINAL PROOF

Blank mailed \_\_\_\_\_

Proof received \_\_\_\_\_

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

## ASSIGNED

Date

2-15-2017

To Whom

Evergreen Agricultural Enterprises, Inc.  
PO Box 1254 McMinnville, OR 97128

2/11/2021

Sarbanand Enterprises, LLC

## ASSIGNMENTS

Address

Munger Hortifrut North America, LLC  
786 Rd. 188 Delano, CA 93215

786 Rd. 188: Delano, CA. 93215

Volume

Page

## REMARKS

52733



ANYWAYS!

PHONE CALL

FOR WED 03201 DATE 4-16 TIME 444 A.M.  
P.M.

M KEVIN K. 80450

OF KURZWEIL (LOCAL) ☒ PHONED

PHONE ☐ FAX ☐ MOBILE (503)-868-7292 RETURNED  
YOUR CALL

MESSAGE FOR 52733 ☒ PLEASE CALL

SALEM LOCAL # WILL  
AG

COST > SHARE " MIDST " ☒ CAM  
SEE

Permit # WANTS  
SEE

SIGNED STEVE BROWN HighMark

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **134484**

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

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

RECEIVED FROM: Sarbanand Enterprises, LLC  
BY: \_\_\_\_\_

APPLICATION	<u>X See below</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 2343 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 400.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) <u>GR 3581</u>	\$
TC162 DEPOSIT LIAB. (IDENTIFY) <u>GR 3582</u>	\$
0240 EXTENSION OF TIME <u>GR 3583</u>	\$
	\$

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		

**WELL CONSTRUCTION**

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

0250 OTHER (IDENTIFY) Assignment 400.00 \$ 400.00

**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: **134484**

DATE: 2-8-2021 BY: [Signature]





# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE Ste A

Salem, OR 97301-1266

Phone: 503-986-0900

Fax: 503-986-0904

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

February 11, 2021

Sarbanand Enterprises, LLC  
786 Road 188  
Delano, CA 93215

Reference: Application GR-3581, Registration GR-3290

Reference: Application GR-3582, Registration GR-3291

Reference: Application GR-3583, Registration GR-3292

Reference: Application S-80450, Permit S-52733

Regarding Application GR-3581, Registration GR-3290, Application GR-3582, Registration GR-3291, and Application GR-3583, Registration GR-3292, the assignment from Munger Hortifrut North America, LLC to Sarbanand Enterprises, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Sarbanand Enterprises, LLC as the registration holder of record.

A registration is not a perfected water right, and will in the future be adjudicated.

Regarding Application S-80450, Permit S-52733, the partial assignment from Munger Hortifrut North America, LLC to Sarbanand Enterprises, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Sarbanand Enterprises, LLC, and Evergreen Agricultural Enterprises Inc. as the permit holders of record.

Our records have been changed accordingly and the original requests are enclosed. Receipt number 134484 covering the recording fees is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Sincerely,

Mary F. Bjork  
Water Rights Program Analyst  
Water Right Services Division



Enclosure: Original Requests and Receipt #134484

cc: GSI Water Solutions, Inc.; Attn: Kimberly Grigsby – 1600 SW Western Blvd., Suite 240, Corvallis,  
OR 97333  
Data Center, OWRD (cover letter, request & map)  
File



RECEIVED

FEB 08 2021

OWRD



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

# Request for Assignment

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Munger Hortifrut North America, LLC

(Name of Current Holder of Record)

786 Road 188

Delano CA 93215 (661) 725-6458

(Mailing Address)

(City) (State) (Zip) (Phone #)

- ☐ hereby assign all my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, sold all the land authorized under the right)
- ☒ hereby assign all my interest in and to a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, adding an additional person)

Application # S-80450; Permit # S-52733; Transfer # \_\_\_\_\_;

Limited License # \_\_\_\_\_; Groundwater Statement # \_\_\_\_\_;

as filed in the office of the Water Resources Director, to:

Sarbanand Enterprises, LLC

(Name of New Owner)

786 Road 188

Delano CA 93215 (661) 725-6458

(Mailing Address)

(City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below \_\_\_\_\_.

N/A I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 26 day of Jan, 2021.  
(Day) (Month) (Year)

We are unable to contact  
Evergreen Agricultural  
Enterprises, Inc. because it  
no longer exists.

Signature of Current Holder of Record by [Signature] CAO

Failure to provide any of the required information will result in the return of your application.

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 134484

For Director by Mary F. Bjork, Program Analyst in Water Rights Division. MB

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$100.

Last updated: September 18, 2017

Request for Assignment

WR

part. assign - Approve  
HOB 2-17-2021



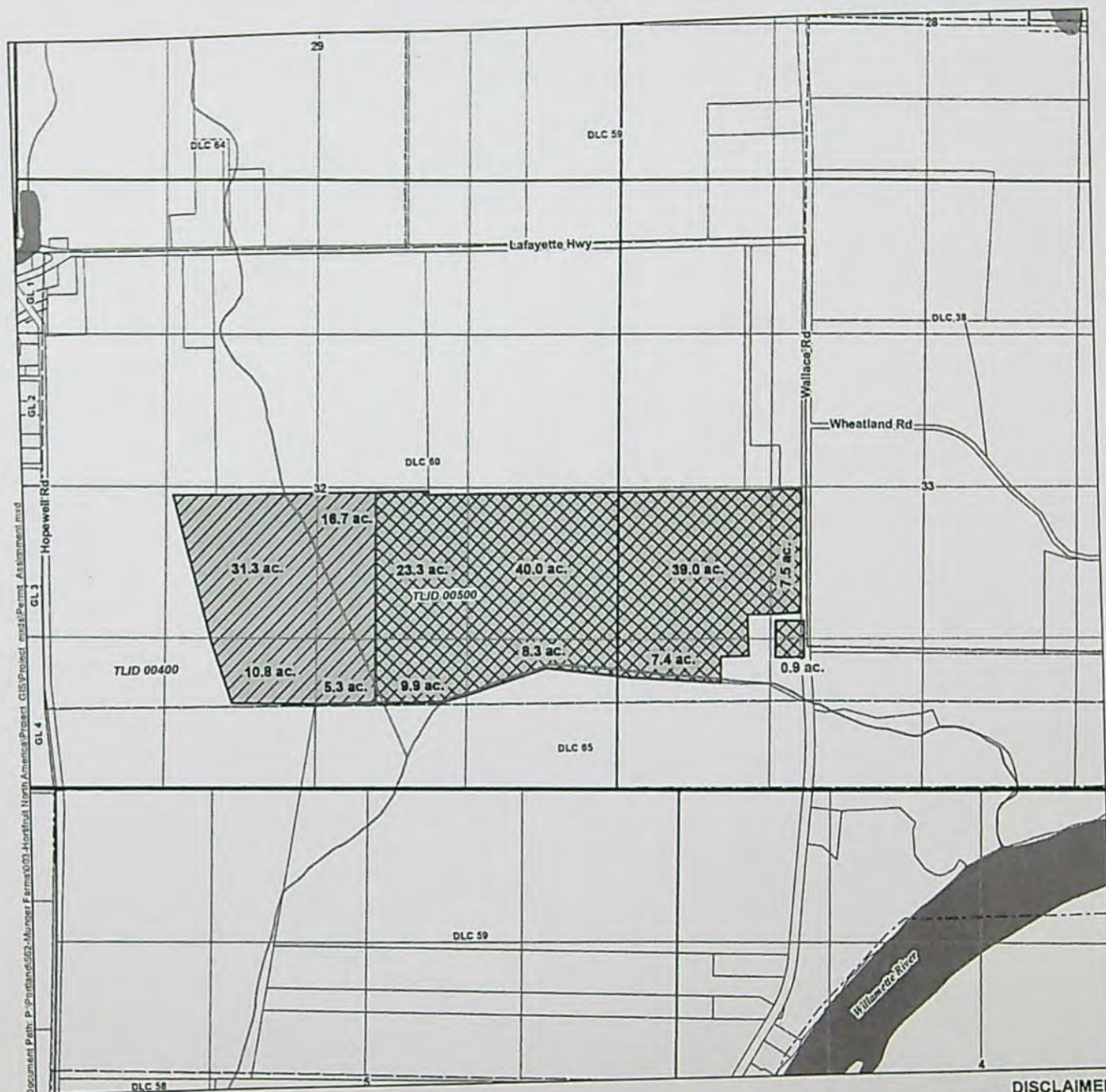
# Request for Assignment

Permit S-52733  
Township 5 South, Range 3 West (W.M.)

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FEB 08 2021

OWRD



## LEGEND

Permit S-52733

Place of Use (POU) not being assigned, 64.1 acres

Portion of POU to be Assigned, 136.3 acres

All Other Features

Tax Lot

Donation Land Claim (DLC)

Government Lot (GL)

Watercourse

Waterbody

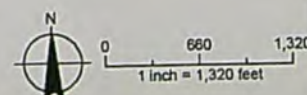
## DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

## MAP NOTES

Date: January 20, 2021

Data Sources: BLM, OWRD, Yamhill Co., USGS





Request for Assignment

Permit S-52733

Additional permit holder of record for a portion of the permit (no longer in business):

Evergreen Agricultural Enterprises, Inc.

P.O. Box 1254

McMinnville, OR 97128

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FEB 08 2021

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February 4, 2021

Mary Bjork  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Requests for Assignments for four water rights in the name of Munger Hortifrut North America, LLC to Sarbanand Enterprises, LLC

Dear Ms. Bjork:

Munger Hortifrut North America, LLC is the current holder of record for Groundwater Registrations GR-3581, GR-3582, and GR-3583. In addition, it is the permit holder of record for a 136.3-acre portion of Permit S-52733. The remaining portion of Permit S-52733 is in the name of Evergreen Agricultural Enterprises, Inc., which is listed as inactive on the Secretary of State Business Registry and does not currently have any constituted officers or employees. Sarbanand Enterprises, LLC was, therefore, unable to contact Evergreen regarding the enclosed assignment. (Munger Hortifrut's portion of Permit S-52733 was assigned to it in 2017 by proof of ownership.)

Munger Hortifrut North America, LLC is now operating under the name of Sarbanand Enterprises, LLC. On behalf of Sarbanand Enterprises, I am enclosing a Request for Assignment form requesting that the Oregon Water Resources Department assign each of the water rights (or portion of the right) to Sarbanand Enterprises, LLC. I have also enclosed a check in the amount of \$400.00 (\$100 fee for each of the 4 water rights).

If you have any questions regarding these forms, please call me at (541) 257-9004.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly Grigsby".

Kimberly Grigsby  
Principal Water Resources Consultant

Enclosures: Request for Assignment forms (4)  
Check in the amount of \$400

RECEIVED

FEB 08 2021

OWRD



1600 SW Western Blvd.  
Suite 240  
Corvallis, OR 97333

S7708193

\$0.510

US POSTAGE  
FIRST-CLASS  
062S0010883628  
FROM 97333



Mary Bjork  
OWRD  
725 NE Summer St, Suite A  
Salem, OR 97301





SARBANAND ENTERPRISES, LLC

2343

Oregon Water Resources Dept.

Date	Type	Reference	Original Amt.	Balance Due	1/28/2021 Discount	Payment
1/26/2021	Bill	Jan.26.2021	400.00	400.00		400.00
					Check Amount	400.00

RECEIVED

FEB 08 2021

OWRD

FCW/CoBank # 6110 Request for Assignment & Ownership Update M

400.00



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

February 15, 2017

Munger Hortifrut North America, LLC  
786 Rd. 188  
Delano, California 93215

Reference: Application S-80450, Permit S-52733

The partial assignment by proof from Evergreen Agricultural Enterprises Inc. to Munger Hortifrut North America, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Evergreen Agricultural Enterprises Inc. and Munger Hortifrut North America, LLC as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 122614 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Receipt 122614

cc: Watermaster 16

Evergreen Agricultural Enterprises Inc.

Data Center, OWRD (cover letter & request)

File







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

# Request for Assignment

By Proof of Ownership  
(If Water Right Holder is Not Available)

If for multiple rights, a separate form and fee for each right will be required.

1, Munger Hortifrut North America, LLC  
(Name of Party Requesting Assignment)

786 Road 188 Delano CA 93215 661-725-6458  
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☐ hereby request assignment of application/permit/transfer/license/GR Certificate of Registration;
- ☒ hereby request assignment of a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # S-80450; Permit # S-52733; Transfer# \_\_\_\_\_  
-OR-

License # \_\_\_\_\_ GR Statement # \_\_\_\_\_; GR Certificate of Registration # \_\_\_\_\_

Evergreen Agricultural Enterprises Inc.  
(Name of Holder of Record)

P.O. Box 1254 McMinnville OR 97128 (503) 472-9361  
(Mailing Address) (City) (State) (Zip) (Phone #)

**Note:** You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 20<sup>th</sup> day of January, 2017

Party Requesting Assignment [Signature] CAO

Party Requesting Assignment \_\_\_\_\_

**DO NOT WRITE IN THIS BOX**

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.  
Fee receipt # 122614  
For Director by Jerry Sauter, Program Analyst in Water Rights Division

Last updated: July 17, 2013 request for Assignment if Permit Holder not available

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$85.

RECEIVED BY OWRD

FEB 10 2017

SALEM, OR

W/R

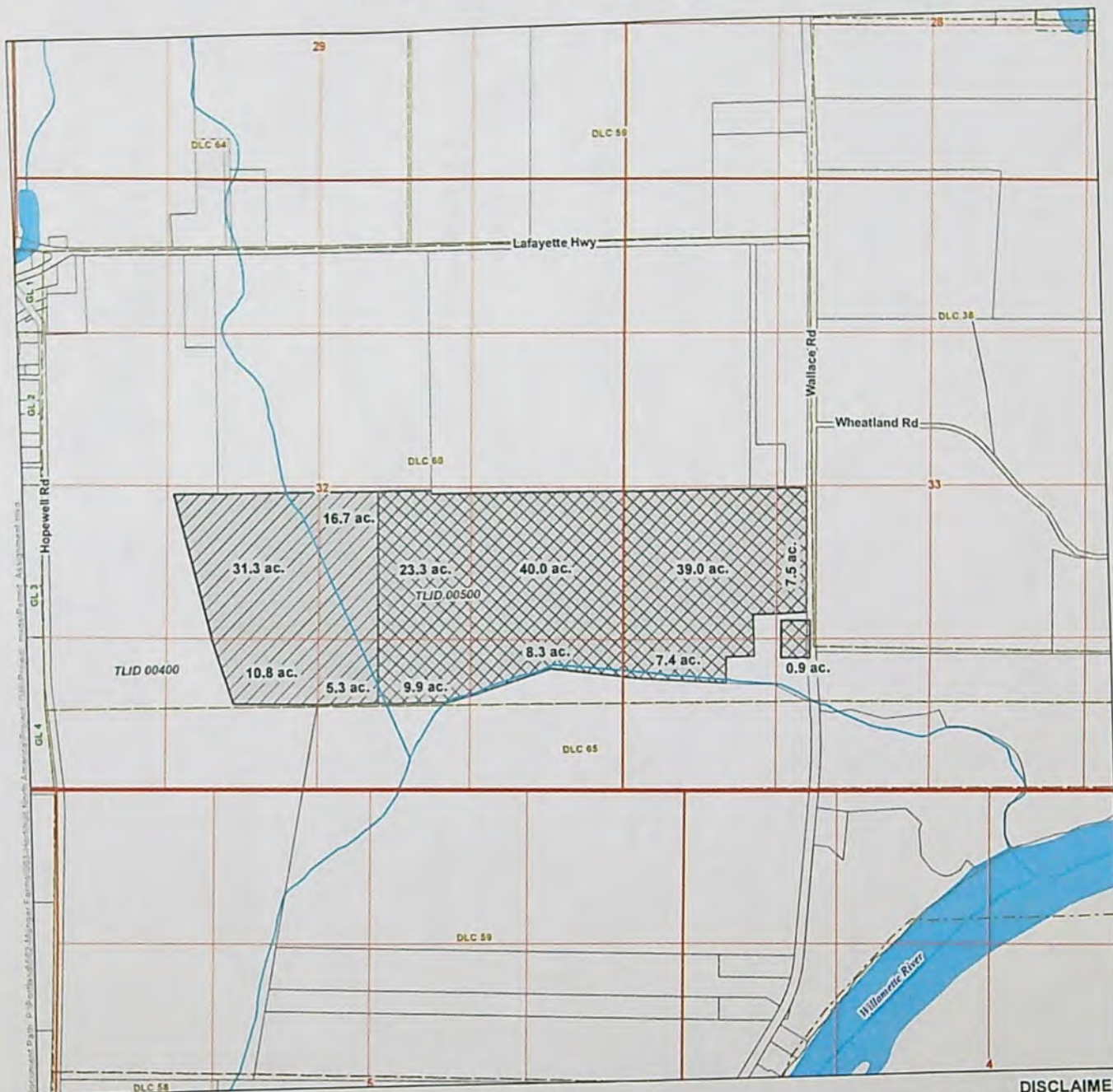
RECEIVED BY OWRD  
FEB 2/13/2017



# Request for Assignment by Proof of Ownership

Permit S-52733

Township 5 South, Range 3 West (W.M.)



## LEGEND

Permit S-52733

- Place of Use (POU) not being assigned, 64.1 acres
- Portion of POU to be Assigned, 136.3 acres

### All Other Features

- Tax Lot
- Donation Land Claim (DLC)
- Government Lot (GL)
- Watercourse
- Waterbody

## DISCLAIMER

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

## MAP NOTES

Date: January 17, 2017

Data Sources: BLM, OWRD, Yamhill Co., USGS

RECEIVED BY OWRD

FEB 10 2017

SALEM, OR



0 660 1,320  
1 inch = 1,320 feet







February 7, 2017

Jerry Sauter  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

Re: Request for Assignment for Water Use Permit S-52733

Dear Mr. Sauter:

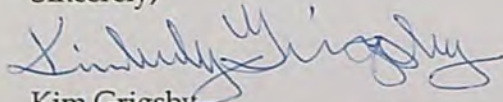
Munger Hortifrut North America, LLC (Munger Hortifrut) recently acquired property ("Paramount Farm") that includes a portion of water use Permit S-52733. Permit S-52733 authorizes the use of up to 5.01 cfs from Palmer Creek and the Willamette River for supplemental irrigation and agricultural use on 200.4 acres. Munger Hortifrut is requesting an assignment of the 136.3 acre portion of water use Permit S-52733 associated with Paramount Farm. (See the map in Attachment A.)

Permit S-52733 is currently in the name of Evergreen Agricultural Enterprises, Inc., which is listed as inactive on the Secretary of State Business Registry. Further, Evergreen Agricultural Enterprises, Inc. does not currently have any constituted officers or employees. (See Attachment D.)

Enclosed is a Request for Assignment by Proof of Ownership form to assign a 136.3 acre portion of Permit S-52733 to Munger Hortifrut North America, LLC., as well as a check in the amount of \$85 for the required assignment fee.

Please contact me if you have any questions. My number is 541-257-9004.

Sincerely,

  
Kim Grigsby  
Supervising Water Resources Consultant

Enclosures: Request for Assignment  
Check in the amount of \$85

RECEIVED BY OWRD

FEB 10 2017

SALEM, OR

RECEIVED BY OWRD

FEB 10 2017

SALEM, OR

# Attachment A Map

Request for Assignment in Absence of the Permit Holder – Munger Hortifrut North America, LLC.

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RECEIVED BY OWRD

FEB 10 2017

SALEM, OR

Attachment B  
Proof of Ownership

Request for Assignment in Absence of the Permit Holder – Munger Hortifrut North America, LLC.

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After recording return to:

Munger Hortifrut North America, LLC  
9450 Corkscrew Palms Circle, Suite #202  
Estero, FL 33928

This space reserved for recorder's use.

Yamhill County Official Records	201615862
DMR-DDMR	
Str=0 SUTTONS	10/11/2016 01:50:53 PM
5Pgs \$25.00 \$11.00 \$5.00 \$20.00	\$61.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

GRANTOR: Munger Bros., LLC

GRANTEE: Munger Hortifrut North America, LLC

Until a change is requested, all tax statements shall be sent to Grantee at the following address:

Munger Hortifrut North America, LLC  
9450 Corkscrew Palms Circle, Suite #202  
Estero, FL 33928

### STATUTORY SPECIAL WARRANTY DEED

Munger Bros., LLC, a California limited liability company ("Grantor") conveys and specially warrants to Munger Hortifrut North America, LLC, a Delaware limited liability company ("Grantee") the real property in Yamhill County, Oregon, more particularly described on Exhibit A attached hereto and by this reference incorporated herein, free of encumbrances created or suffered by the Grantor, except for those encumbrances set forth on Exhibit B, attached hereto and by this reference incorporated herein.

The true consideration for this conveyance consists of other value given or received (See ORS 93.030).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

TICOR TITLE 471816055586

RECEIVED BY OWRD

FEB 10 2017

SALEM, OR



DATED: October 6, 2016

Munger Bros., LLC, a California limited liability company

By: Baldev K. Munger  
Name: Baldev K. Munger  
Its: Member

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

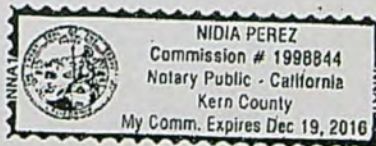
STATE OF CALIFORNIA     )  
  ) ss.  
COUNTY OF KERN         )

On October 6, 2016, before me, Nidia Perez a Notary Public, personally appeared Baldev K. Munger, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Nidia Perez (Seal)



RECEIVED BY OWRD

FEB 10 2017

SALEM, OR



**EXHIBIT "A"**  
Legal Description

**TRACT A:**

Beginning at the Southwest corner of the Donation Land Claim of William Miller and Jane Miller, his wife, Notification No. 280, Claim No. 65 in Township 5 South, Range 3 West and Claim No. 59 in Township 6 South, Range 3 West of the Willamette Meridian, in Yamhill County, Oregon; and running thence East, along the South line of said Donation Land Claim, 25.68 chains; thence North 9° East 49.20 chains to an iron bar at the Northwest corner of the W.S. Dawne's land; thence East 17.00 chains, along the line of the lands of W.S. Dawne on the South and R.M. Dawne on the North; thence North 72°30' East, down the center of ditch, 14.70 chains to angle in ditch and angle in the North boundary of W.S. Dawne's land, in angle in the South boundary line of R.M. Dawne's land; thence South 86° East, down the center of ditch, 10.00 chains to angle in ditch and angle in the North boundary line of W.S. Dawne's land; thence South 89°45' East, down the center of a ditch, 18.80 chains to angle in ditch and angle in the North boundary line of W.S. Dawne's land; thence South 70° East, down the center of ditch, 5.00 chains to angle in ditch and angle in North boundary line of W.S. Dawne's land; thence South 85° East, down the center of ditch, 0.80 of a chain to the center of County Road; thence South 2° East, along the center of County Road, to the line between the lands of W.S. Dawne on the West and R.M. Dawne on the East, 4.50 chains to angle in road; thence South 30° West, along the center of road, 10.00 chains to angle in road; thence South 5° West 11.50 chains to angle in road; thence South 1° East 6.00 chains to angle in road; thence South 6°30' West 5.00 chains to angle in road; thence South 11°45' West 7.00 chains to angle in road; thence South 20°30' West 4.25 chains to angle in road; thence South 54° West 4.00 chains to angle in road; thence South 38° East 1.60 chains to the South boundary line of Claim No. 59; thence East, on the South boundary line of said William Miller Donation Land Claim, 3.93 chains to angle corner on the South boundary line of said Donation Land Claim; thence North 42°30' East 4.50 chains; thence North 35° East 15.00 chains; thence North 43° East 7.16 chains; thence East 49.00 chains to the Southeast corner of said Donation Land Claim; thence North 33.73 chains to the Easterly Northeast corner of the Donation Land Claim of Adam Matheny and Harriett Matheny, his wife, Notification No. 1633, Claim No. 60, in Township 5 South, Range 3 West of the Willamette Meridian; thence West, along line of said Matheny Donation Land Claim, 60.00 chains to inner angle corner of said Donation Land Claim; thence North, along a line of said Donation Land Claim, 21.25 chains to the Southeast corner of tract of land conveyed by William Miller and Jane Miller, his wife, to W. M. West by Deed recorded at Page 432, Volume "F", Records of Deeds for Yamhill County, Oregon; thence West 100.00 chains to the West boundary line of said Matheny Donation Land Claim; thence South 75.87 chains, along the West boundary lines of the said Matheny and Miller Donation Land Claims, to the place of beginning.

SAVING AND EXCEPTING THEREFROM 12.00 acres, more or less, sold and conveyed by Will C. Miller and Nancy May Miller, his wife, to Clyde H. LaFollette by Deed recorded at Page 42 of Volume 65 of Records of Deeds of Yamhill County, Oregon.

ALSO SAVING AND EXCEPTING THEREFROM the following:

Being a part of the William Miller Donation Land Claim in Yamhill County, Oregon, which part is described as follows:

Beginning in the center of the County Road now there, and known and being Market Road No. 16, said beginning point being the Southwest corner of the Daniel Matheny Donation Land Claim in said County and State; thence, running in a Southerly direction in the center of said Market Road, to the South line of the said William Miller Donation Land Claim; thence East to the low water mark of the Willamette River; thence Northeasterly, following the low water mark of said Willamette River, to the North line of said William Miller Donation Land Claim; thence North, along the East line of the Adam Matheny Donation Land Claim, to the South line of the Daniel Matheny Donation Land Claim; thence West, on the South line of the Daniel Matheny Donation Land Claim, to the place of beginning.

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**EXHIBIT "A"**  
Legal Description

ALSO SAVING AND EXCEPTING THEREFROM the following:

Beginning at the Southwest corner of the Donation Land Claim of William Miller and Jane Miller, his wife, Notification No. 280, Claim No. 65 in Township 5 South, Range 3 West of the Willamette Meridian and Claim No. 59 in Township 6 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon; and running thence East, along the South line of said Donation Land Claim, 25.68 chains; thence North 9° East 49.20 chains to an iron bar at the Northwest corner of the W.S. Dawne's land; thence East 17.00 chains, along the line of the lands of W.S. Dawne on the South and R.M. Dawne on the North; thence North 72° 30' East, down the center of a ditch, 14.70 chains to angle in ditch and angle in the North boundary line of W.S. Dawne's land in angle in the South boundary line of R.M. Dawne's land; thence South 86° East, down the center of a ditch, 10.00 chains to angle in the North boundary line of W.S. Dawne's land; thence South 89° 45' East, down the center of ditch, 18.80 chains to angle in ditch and angle in the North boundary line of W.S. Dawne's land; thence South 70° East, down the center of ditch, 5.00 chains to angle in ditch and angle in the North boundary line of W.S. Dawne's land; thence South 85° East, down the center of ditch, 0.80 chain to the center of County Road; thence North 2° West, along the center of said road, 112 feet to the true place of beginning of the herein described tract; thence, from the said true place of beginning, North 2° West, along said center line of the road, 242 feet to a point; thence West 180 feet to a point; thence South, parallel with the center line of said road, 242 feet; thence East 180 feet to the true point of beginning.

FURTHER EXCEPTING THEREFROM that portion of the above described property lying Westerly of the following described line, said property having been conveyed to D & E Land Holdings, LLC, by deed recorded June 6, 2013, Recorder's No. 201308583, and re-recorded August 29, 2013, Recorder's No. 201313945:

Commencing at the Southwest corner of the Daniel Matheny Donation Land Claim No. 38, said Township and said Range; thence North 1405.20 feet to the Southeast corner of a tract of land described in deed from William Miller and Jane Miller, his wife, to W.M. West by Deed recorded at Page 432, Volume "F", Records of Deeds for Yamhill County, Oregon, from which corner a 1/2 inch iron pipe bears South 89° 17' 53" West 12.82 feet, and from which corner a 1-1/2 inch iron pipe bears South 89° 17' 53" West 29.82 feet; thence South 89° 17' 53" West 3274.12 feet to the Southwest corner of said West tract; thence South 89° 29' 15" West 462.34 feet to an iron rod on the North line of said Parcel 6 and the point of beginning of the herein described line; thence South 1799.32 feet to an iron rod on the South line of the above described property, as shown on CS-12917, County Lot Line Adjustment Application L-08-13.

**TRACT B:**

Beginning at the Southwest corner of the Donation Land Claim of William Miller and Jane Miller, his wife, Notification No. 280, Claim No. 65 in Township 5 South, Range 3 West of the Willamette Meridian and Claim No. 59 in Township 6 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon; and running thence East, along the South line of said Donation Land Claim, 25.68 chains; thence North 9° East 49.20 chains to an iron bar at the Northwest corner of the W.S. Dawne's land; thence East 17.00 chains, along the line of the lands of W.S. Dawne on the South and R.M. Dawne on the North; thence North 72° 30' East, down the center of a ditch, 14.70 chains to angle in ditch and angle in the North boundary line of W.S. Dawne's land in angle in the South boundary line of R.M. Dawne's land; thence South 86° East, down the center of a ditch, 10.00 chains to angle in the North boundary line of W.S. Dawne's land; thence South 89° 45' East, down the center of ditch, 18.80 chains to angle in ditch and angle in the North boundary line of W.S. Dawne's land; thence South 70° East, down the center of ditch, 5.00 chains to angle in ditch and angle in the North boundary line of W.S. Dawne's land; thence South 85° East, down the center of ditch, 0.80 chain to the center of County Road; thence North 2° West, along the center of said road, 112 feet to the true place of beginning of the herein described tract; thence, from the said true place of beginning, North 2° West, along said center line of the road, 242 feet to a point; thence West 180 feet to a point; thence South, parallel with the center line of said road, 242 feet; thence East 180 feet to the true point of beginning.

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Exhibit "B"

As disclosed by the assessment and tax roll, the premises herein were once specially assessed for farmland, forestland or other special assessment status and later disqualified. Per ORS 308A.700 to 308A.733, additional taxes were imposed and remain as potential additional tax liability for the property. A check with the Assessor's office will be necessary to determine the effect and continuation of the additional tax liability.

Additional Tax Liability Amount: \$51,562.82

The Land is within, and is subject to the statutory powers, including the power of assessment, of the Palmer Creek Water District Improvement Company.

Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Portland General Electric Company

Purpose: Transmission line, guy wire and anchor

Recording Date: May 2, 1958

Recording No: Book 187, Page 403, Deed Records

Affects: An otherwise unspecified location along Wallace Road.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Willamette Valley Land, LLC

Purpose: Well access

Recording Date: November 7, 2013

Recording No: 201317117

Affects: Reference is hereby made to said document for full particulars

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Attachment C  
Permit S-52733

Request for Assignment in Absence of the Permit Holder – Munger Hortifrut North America, LLC.

---

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EVERGREEN AGRICULTURAL ENTERPRISES, INC.  
P.O. BOX 1254  
MCMINNVILLE, OREGON 97128

PHONE: (503) 472-9361

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-80450

SOURCE OF WATER: PALMER CREEK, A TRIBUTARY OF THE YAMHILL RIVER, AND THE WILLAMETTE RIVER, TRIBUTARY TO THE COLUMBIA RIVER

PURPOSE OR USE OF WATER: AGRICULTURAL USE AND SUPPLEMENTAL IRRIGATION ON 200.4 ACRES FOR NURSERY OPERATIONS FROM PALMER CREEK, AND AGRICULTURAL USE FOR NURSERY OPERATIONS FROM THE WILLAMETTE RIVER

MAXIMUM RATE/VOLUME ALLOWED: 5.01 CUBIC FEET PER SECOND (CFS) FROM EITHER SOURCE, BUT LIMITED TO NO MORE THAN 5.01 CFS AT ANY ONE TIME

PERIOD OF USE: NOVEMBER 1 THROUGH APRIL 30 FOR AGRICULTURAL USE AND MARCH 1 THROUGH APRIL 30 FOR SUPPLEMENTAL IRRIGATION FROM PALMER CREEK; AND APRIL 1 TO SEPTEMBER 30 FOR AGRICULTURAL USE FROM THE WILLAMETTE RIVER

DATE OF PRIORITY: JUNE 14, 1995 FOR WATER FROM PALMER CREEK AND MARCH 14, 1996 FOR WATER FROM THE WILLAMETTE RIVER

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 32, T5S, R3W, W.M.; NW 1/4 SW 1/4, SECTION 4, T6S, R3W, W.M.; PALMER CREEK - 125 FEET NORTH AND 1550 FEET EAST FROM SW CORNER OF MATHENY DLC 60; WILLAMETTE RIVER - 4700 FEET NORTH AND 1290 FEET WEST FROM THE SE CORNER OF GAY DLC 58

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of containerized nursery plants, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of in ground nursery plants the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of any other crop, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

Application S-80450 Water Resources Department

PERMIT 52733

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SALEM, OR



## THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4	31.3 ACRES
SE 1/4 SW 1/4	10.8 ACRES
NE 1/4 SE 1/4	40.0 ACRES
NW 1/4 SE 1/4	40.0 ACRES
SW 1/4 SE 1/4	15.2 ACRES
SE 1/4 SE 1/4	8.3 ACRES

## SECTION 32

NE 1/4 SW 1/4	7.5 ACRES
NW 1/4 SW 1/4	39.0 ACRES
SW 1/4 SW 1/4	7.4 ACRES
SE 1/4 SW 1/4	0.9 ACRE

## SECTION 33

TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

## Measurement, recording and reporting conditions:

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

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

Application S-80450 Water Resources Department

PERMIT 52733

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SALEM, OR



The use may be restricted if the quality of the source stream, namely the Yamhill River and Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

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

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

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

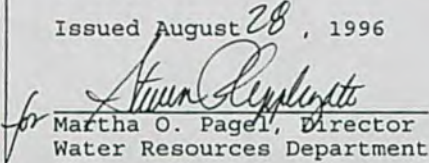
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued August 28, 1996

  
for Martha O. Pagel, Director  
Water Resources Department

Application S-80450 Water Resources Department  
Basin 02 Volume 12A, Palmer Creek & Misc. &  
Volume 25, Willamette River N1/2 & Misc.

PERMIT 52733  
District 16

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Attachment D  
Proof of Dissolution

Request for Assignment in Absence of the Permit Holder – Munger Hortifrut North America, LLC.

---

## Kim Grigsby

---

**From:** Lisa Anderson <lisa.anderson@greenpatchfarms.com>  
**Sent:** Friday, April 17, 2015 1:09 PM  
**To:** Kim Grigsby  
**Cc:** 'Goffman, Jay M'; 'Li, Annie Z'  
**Subject:** EAE Amity Farm

Kim

This email is to confirm that Evergreen Agricultural Enterprises, Inc. does not currently have any constituted officers or employees.

Best regards

Lisa

Lisa E. Anderson  
Director of Finance and Management  
Delford M. Smith entities  
1271 NE Hwy 99W, PMB 502  
McMinnville, OR 97128  
503-550-2059

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FEB 10 2017

SALEM, OR



FEB 10 2017

## Business Registry Business Name Search

SALEM, OR

12-13-2016

10:33

[New Search](#)

## Business Entity Data

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
049803-89	DBC	INA	OREGON	10-14-1986		
Entity Name EVERGREEN AGRICULTURAL ENTERPRISES, INC.						
Foreign Name						

[New Search](#)

## Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS		
Addr 1	3850 THREE MILE LN			
Addr 2				
CSZ	MCMINNVILLE	OR	97128	Country UNITED STATES OF AMERICA

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

Type	AGT	REGISTERED AGENT	Start Date	01-10-2001	Resign Date	
Of Record	003292-27	C T CORPORATION SYSTEM				
Addr 1	388 STATE ST STE 420					
Addr 2						
CSZ	SALEM	OR	97301		Country	UNITED STATES OF AMERICA

Type	MAL	MAILING ADDRESS		
Addr 1	ATTN TAX DEPT			
Addr 2	3850 THREE MILE LN			
CSZ	MCMINNVILLE	OR	97128	Country UNITED STATES OF AMERICA

Type	PRE	PRESIDENT	Resign Date	
Name	BRIAN	E	CROWE	
Addr 1	3850 THREE MILE LN			
Addr 2				
CSZ	MCMINNVILLE	OR	97128	Country UNITED STATES OF AMERICA

Type	SEC	SECRETARY	Resign Date	
Name	ANDREA		AVOLIO	
Addr 1	3850 THREE MILE LN			



Addr 2					
CSZ	MCMINNVILLE	OR	97128	Country	UNITED STATES OF AMERICA

[New Search](#)

## Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
EVERGREEN AGRICULTURAL ENTERPRISES, INC.	EN	CUR	05-08-1987	
EVERGREEN AGRI BUSINESS, INC.	EN	PRE	10-14-1986	05-08-1987

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Please [read](#) before ordering [Copies](#).

FEB 10 2017

[New Search](#)

## Summary History

SALEM, OR

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	ADMINISTRATIVE DISSOLUTION	12-12-2014		SYS		
	NOTICE LATE ANNUAL	10-17-2014		SYS		
	AMENDED ANNUAL REPORT	11-20-2013		FI		
	NOTICE LATE ANNUAL	10-18-2013		SYS		
	AMENDED ANNUAL REPORT	09-21-2012		FI		
	AMENDED ANNUAL REPORT	09-02-2011		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	04-14-2011		FI		
	ANNUAL REPORT PAYMENT	11-09-2010	11-08-2010	SYS		
	NOTICE LATE ANNUAL	10-15-2010		SYS		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	10-13-2009		FI		
	ANNUAL REPORT PAYMENT	10-02-2009	10-01-2009	SYS		
	REINSTATEMENT STRAIGHT	02-02-2009		FI		
	ADMINISTRATIVE DISSOLUTION	12-12-2008		SYS		
	NOTICE LATE ANNUAL	10-17-2008		SYS		



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **122614**

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

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

RECEIVED FROM: Munger Herdfield North  
BY: America, LLC

APPLICATION	5-80450
PERMIT	
TRANSFER	

CASH: ☐ CHECK # 1080 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 85.00

**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) Assignment \$ 85.00  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

**WELL CONSTRUCTION**

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

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

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **122614**

DATED: 2-10-17 BY: B. B. B.

Munger Hortifrut North America, LLC  
786 Road 188  
Delano, California 93215  
(661) 725-6458 Extension 7056

1086

Company  
Oregon Water Resources Dept.  
725 NE Summer Street Suite A  
Salem OR 97301

Payment No.: 2000000087  
Payment Date: 01/27/2017  
Vendor No.: 1500051

Page: 1 of 1

Invoice Number	Invoice Date	Document Number Text	Gross Amount	Discount	Net Amount
GW NURSERY	01/20/2017	Please accept this check as settlement for the items listed below subject to the goods and services supplied and the invoice therefore being correct. 1900000236	85.00	0.00	85.00
		Check Total.....			\$ 85.00
RECEIVED BY OWRD FEB 10 2017 SALEM, OR					

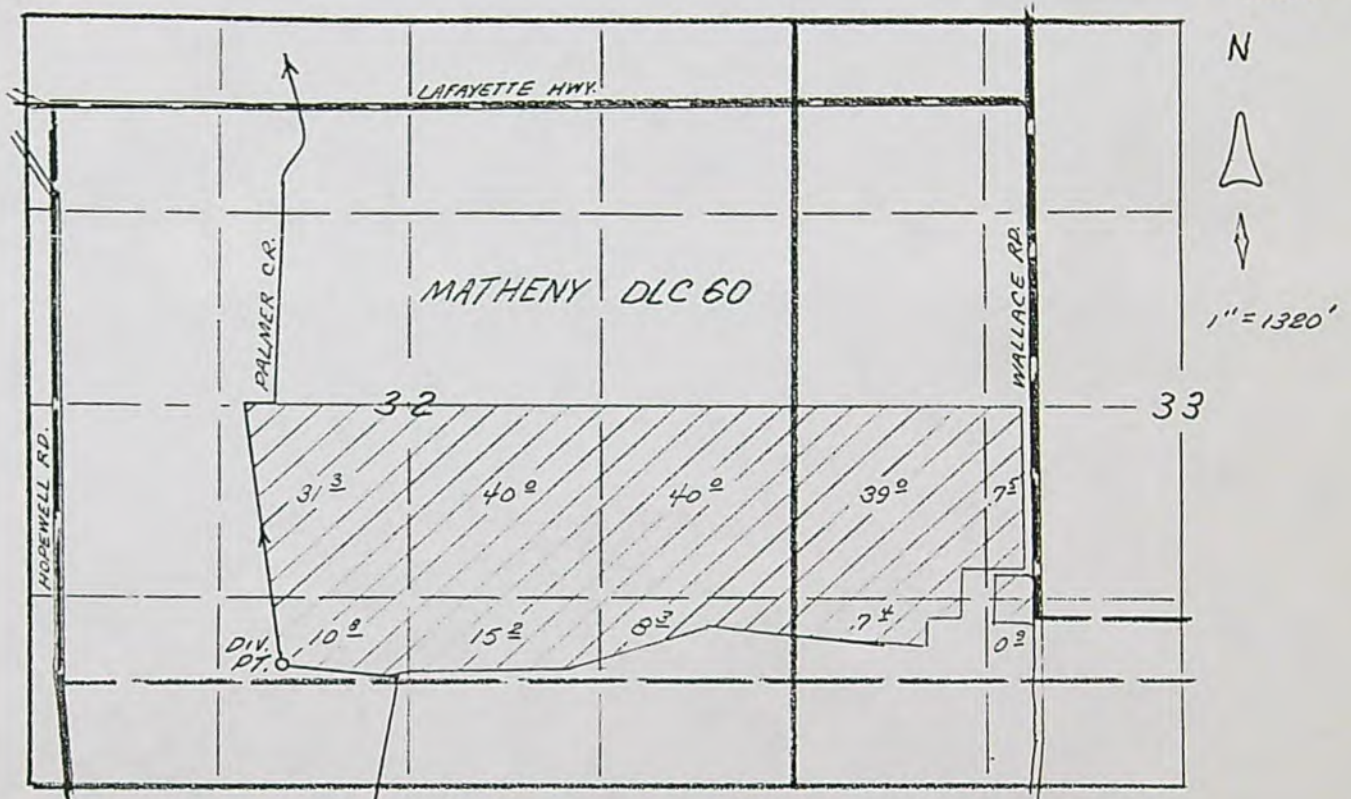
DETACH FROM CHECK AND KEEP FOR YOUR RECORDS



TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

**RECEIVED**

MAR 14 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

PALMER CREEK DIV. PT. LOCATED 125 FT. N. AND 1550 FT. E.  
FROM SW CORNER DLC 60.

APPLICATION MAP  
FOR  
EVERGREEN AGRICULTURAL ENT.

Application No. S 80450  
Permit No. 52733





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

October 30, 2002

Kevin Klupenger, Manager  
Evergreen Agricultural Enterprises, Inc.  
P.O. Box 1254  
McMinnville, OR 97128

Reference: Application File No. 80450, Permit No. 52733

Dear Mr. Klupenger:

I have examined the Claim of Beneficial Use and Site Report (Report) for your permit. This Report is to assist in determining if the use of water was perfected within the terms of the permit to the satisfaction of the Water Resources Director.

Permit No. 52733 contains the following conditions:

- a) The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.
- b) Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

Neither the Report or the file indicates you have fully complied with the above referenced conditions. It's the Department's expectations your Report confirms you have complied with the terms and conditions of the permit. In order to process the permit towards issuance of a certificate of water right, you are required to provide written evidence addressing the above referenced conditions.

Evidence of compliance satisfying the Oregon Department of Fish and Wildlife fish screening and by-pass conditions on both diversions are required. In addition, a description of the measuring device for monitoring the amount of water diverted from the Willamette River is required. When providing this information, you should describe the dates the measuring devices and screens were properly installed.



October 30, 2002

Evergreen Agricultural Enterprises, Inc.

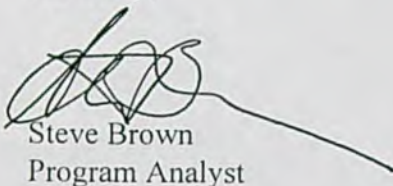
Reference: Application File No. 80450, Permit No. 52733

If you have failed to install adequate measuring devices or are required to modify or install fish screening devices, the department will advise what action is necessary to resolve any condition which remains unsatisfied.

Further action on your permit will be withheld for a reasonable length of time awaiting your reply to address the items contained in this letter.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



Steve Brown  
Program Analyst

c: Mr. Donald Buell, CWRE  
Palmer Creek Improvement District



STATE OF OREGON  
COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

EVERGREEN AGRICULTURAL ENTERPRISES, INC.  
P.O. BOX 1254  
MCMINNVILLE, OREGON 97128

PHONE: (503) 472-9361

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-80450

SOURCE OF WATER: PALMER CREEK, A TRIBUTARY OF THE YAMHILL RIVER, AND THE WILLAMETTE RIVER, TRIBUTARY TO THE COLUMBIA RIVER

PURPOSE OR USE OF WATER: AGRICULTURAL USE AND SUPPLEMENTAL IRRIGATION ON 200.4 ACRES FOR NURSERY OPERATIONS FROM PALMER CREEK, AND AGRICULTURAL USE FOR NURSERY OPERATIONS FROM THE WILLAMETTE RIVER

MAXIMUM RATE/VOLUME ALLOWED: 5.01 CUBIC FEET PER SECOND (CFS) FROM EITHER SOURCE, BUT LIMITED TO NO MORE THAN 5.01 CFS AT ANY ONE TIME

PERIOD OF USE: NOVEMBER 1 THROUGH APRIL 30 FOR AGRICULTURAL USE AND MARCH 1 THROUGH APRIL 30 FOR SUPPLEMENTAL IRRIGATION FROM PALMER CREEK; AND APRIL 1 TO SEPTEMBER 30 FOR AGRICULTURAL USE FROM THE WILLAMETTE RIVER

DATE OF PRIORITY: JUNE 14, 1995 FOR WATER FROM PALMER CREEK AND MARCH 14, 1996 FOR WATER FROM THE WILLAMETTE RIVER

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 32, T5S, R3W, W.M.; NW 1/4 SW 1/4, SECTION 4, T6S, R3W, W.M.; PALMER CREEK - 125 FEET NORTH AND 1550 FEET EAST FROM SW CORNER OF MATHENY DLC 60; WILLAMETTE RIVER - 4700 FEET NORTH AND 1290 FEET WEST FROM THE SE CORNER OF GAY DLC 58

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.



## THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4	31.3 ACRES
SE 1/4 SW 1/4	10.8 ACRES
NE 1/4 SE 1/4	40.0 ACRES
NW 1/4 SE 1/4	40.0 ACRES
SW 1/4 SE 1/4	15.2 ACRES
SE 1/4 SE 1/4	8.3 ACRES

## SECTION 32

NE 1/4 SW 1/4	7.5 ACRES
NW 1/4 SW 1/4	39.0 ACRES
SW 1/4 SW 1/4	7.4 ACRES
SE 1/4 SW 1/4	0.9 ACRE

## SECTION 33

TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

## Measurement, recording and reporting conditions:

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

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.



The use may be restricted if the quality of the source stream, namely the Yamhill River and Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

#### STANDARD CONDITIONS

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

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

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

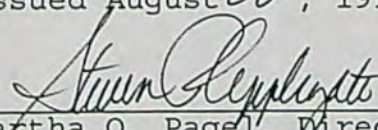
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued August 28, 1996

  
for Martha O. Pagel, Director  
Water Resources Department



MEMORANDUM

To: Files G-13197 and 80450

Date: July 9, 2001



From: Steve Brown

The holders of permits for the above referenced files were granted additional time to complete the requirements of submitting a claim of beneficial use and site report. As of this date, no claims appear to have been submitted and no requests for additional time have been made. These files are subject to cancellation for failure to submit the required claims of beneficial use reports.

Prior to cancellation, these files should be reviewed to determine if late claims are submitted.

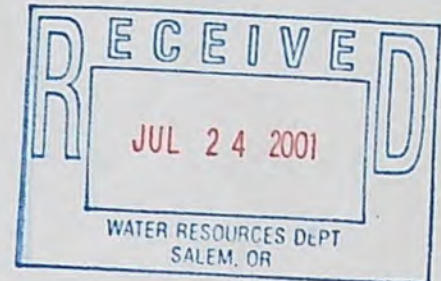
CLAIM OF BENEFICIAL USE AND SITE REPORT  
UNDER PERMIT 52733 IN THE NAME OF  
EVERGREEN AGRICULTURAL ENTERPRISES, INC.

APP 80450

INFORMATION:

Kevin Klupenger, Manager  
P. O. Box 1254  
McMinnville, Oregon 97128

Telephone: (503) 868-7292



Mr. Klupenger stated that water had been put to beneficial use from 1997 through 1999.

DIVERSION POINT:

A concrete dam with 40" of boards raises the water level in Palmer Creek. Water is diverted from a 5' diameter well on the north side of the creek. Willamette River water is pumped into Palmer Creek by the Palmer Creek Water District Improvement Co.

PUMP:

a 50 hp U.S. Electric motor at 1775 rpm, 3 phase, drives a 15" Ingersol-Dressey water lifter to pump water through a 15" buried pipeline to a holding pond. Pipeline is 1400' long.

LIFT:

(to large pond) 10' pump lift and 8' discharge.

SYSTEM:

Water from diversion is pumped into a holding pond as shown on map. Water is repumped to nursery operation with one or all of the following pumps.

2 each - 75 hp U.S. Electric motors, 1770 rpm, 3 phase, Ingersol-Dressley water lifter, mod. 12-H110-5 8" discharge

1 - 30 hp U.S. Electric motor, 1760 rpm, 3 phase, Ingersol-Dressey water lifter, mod. 10M41-6 6" discharge

Through 10", 8", and 4" buried mainlines to a solid set system in can yards and to the greenhouses.

Lateral lines are also buried and are 3" and 2" pvc.



Solid set sprinklers in can yards are double throw Rainbird 30's with 5/32" and 3/32" nozzles.

Can yards are divided into sections, each section has 24 sprinklers and 11 sections are operated at one time for a total of 264 sprinklers.

Greenhouses use either 7 Rainbird partial circle sprinklers with 1/8" nozzles or 13 overhead mist sprinklers fed by 1" pvc.

The smaller pond shown on the final proof map is being converted to a recycling pond. The pump is an Ingersoll-Dressey water lifter with an 8" discharge powered by a 50 hp U.S. Electric motor at 1775 rpm. This pump will be used to pump cleaned water back to Palmer Creek.

#### QUANTITY OF WATER:

Although use of 265 Rainbirds with 5/32" and 3/32" nozzles operating at 60 psi would use:

$264 \times (5.6 + 2) = 2006$  gpm or 4.46 cfs., the controlling factor would be the quantity of water that could be pumped from Palmer Creek to the holding pond with a 50 hp pump operating at 75 percent efficiency with a lift of 18' pumping through 1400' of 15" pipe with friction loss of 1.47' per 100' or 20.72' at 3750 gpm.

$(50 \times 6.61)$  divided by  $(18 + 20.72) = 8.53$  cfs or ~~2840 cfs~~ <sup>3 gpm</sup> Dave of Evergreen stated that the pump supplies a maximum of 3000 gpm. Use allowed under the permit is 5.01 cfs or 2250 gpm. Water is also used in greenhouses and general nursery use while sprinklers are running in can yards so 5.01 cfs has been put to beneficial use.

Pumps on large pond total 180 hp through 5' of lift and are capable of pumping over 3000 gpm.

#### USE:

Supplemental irrigation and nursery use including out-of-season irrigation, temperature control and moistening of plants awaiting shipping over 196.3 acres.

#### FLOW METER:

A McCrometer flowmeter is installed in the 15" mainline near the creek pump. Serial number 00-8466-16R.



SURVEY:

Photo-chain survey tied to SW corner DLC 60 (in center line Hopewell Road).

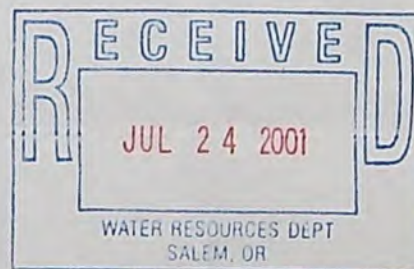
The final proof survey and inspection of the use as found to be completed under the terms and conditions of permit 52733 was completed by me on April 2, 2001, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



Donald R. Buell  
Certified Water Right Examiner

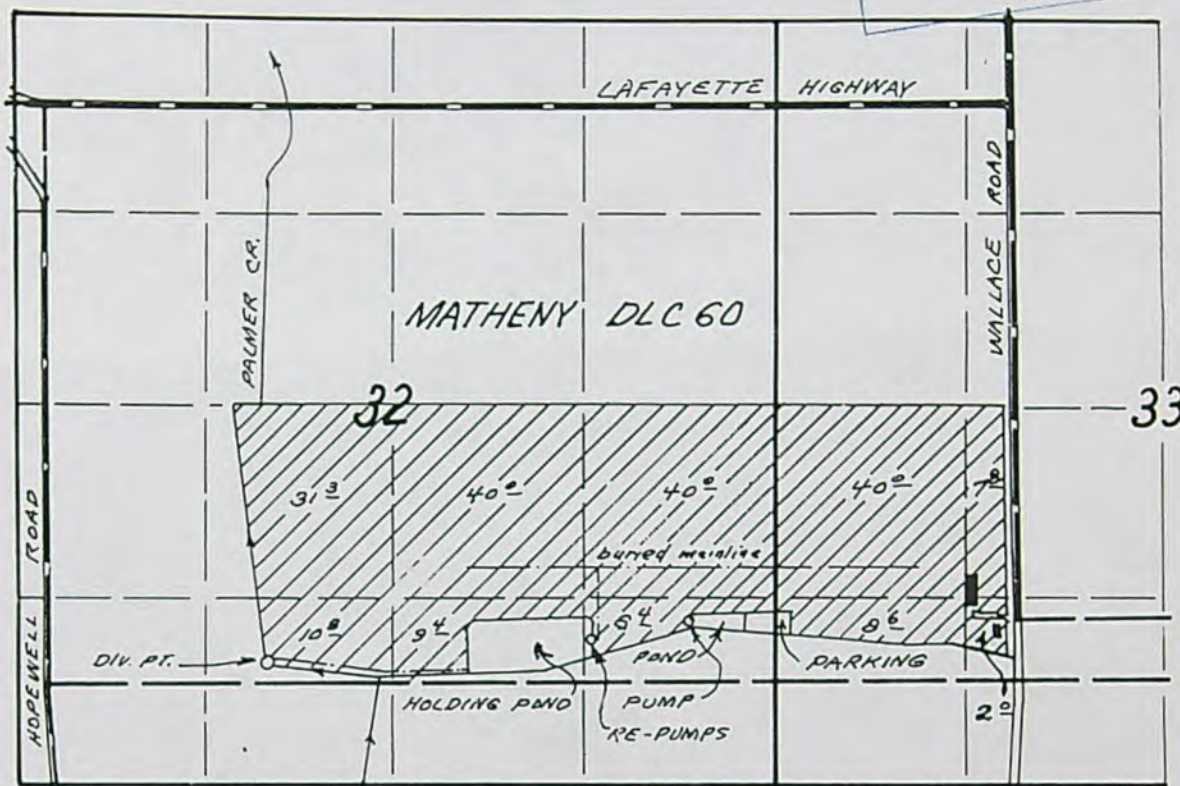
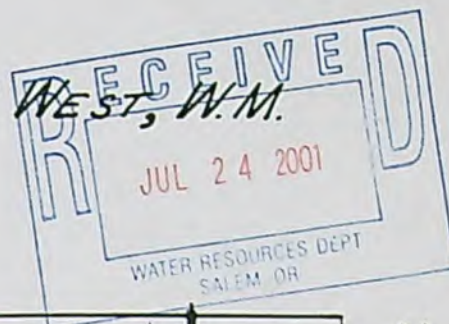
We, Evergreen Agricultural Enterprises, Inc., agree to the findings of the CWRE and do submit this site report and map as our Claim of Beneficial Use of the water as provided under the terms and conditions of our permit 52733.

[Signature]





TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.



DIV. PTS. LOCATED: PALMER CREEK - 125' N. & 1550' E FROM SW COR. DLC 60.  
WILLAMETTE RIVER - 4900' N. & 1290' E. FROM SW COR. DLC 58.

### FINAL PROOF SURVEY

UNDER

APPL. No. 80450, PER. No. 52733

IN NAME OF

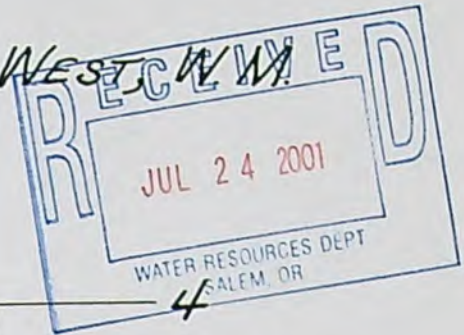
EVERGREEN AGRICULTURAL ENTERPRISES, INC.

APRIL 2, 2001



THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.



FINAL PROOF SURVEY

UNDER

APPL. No. 80450, PER. No. 52733

IN NAME OF

EVERGREEN AGRICULTURAL ENTERPRISES, INC.

APRIL 2, 2001



THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.



STATE OF OREGON  
COUNTY OF YAMHILL

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EVERGREEN AGRICULTURAL ENTERPRISES, INC.  
P.O. BOX 1254  
McMINNVILLE, OREGON 97128

*10/21/02*  
*Draft*  
*Fish screen?*  
*meter or on willamette?*  
*letter to*  
*Ag. Dept.*

confirms the right to use the waters of PALMER CREEK, A TRIBUTARY TO YAMHILL RIVER AND WILLAMETTE RIVER, a tributary of COLUMBIA RIVER, for AGRICULTURAL USE AND SUPPLEMENTAL IRRIGATION ON 196.3 ACRES FROM PALMER CREEK AND AGRICULTURAL USE FOR NURSERY OPERATIONS FROM THE WILLAMETTE RIVER.

This right was perfected under Permit 52733. The date of priority is JUNE 14, 1995, FOR PALMER CREEK AND MARCH 14, 1996, FOR WILLAMETTE RIVER. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 5.01 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

PALMER CREEK - SE 1/4 SW 1/4, AS PROJECTED WITHIN MATHENY DLC 60, SECTION 32, TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.; 125 FEET NORTH AND 1550 FEET EAST FROM THE SW CORNER OF MATHENY DLC 60; AND

WILLAMETTE RIVER - NW 1/4 SW 1/4, AS PROJECTED WITHIN GAY DLC 58, SECTION 4, TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.; 4700 FEET NORTH AND 1290 FEET EAST FROM THE SW CORNER OF GAY DLC 58.

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.



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

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 SW 1/4	31.3 ACRES
SE 1/4 SW 1/4	10.8 ACRES
NE 1/4 SE 1/4	40.0 ACRES
NW 1/4 SE 1/4	40.0 ACRES
SW 1/4 SE 1/4	9.4 ACRES
SE 1/4 SE 1/4	6.4 ACRES
ALL AS PROJECTED WITHIN MATHENY DLC 60	
SECTION 32	
NE 1/4 SW 1/4	7.8 ACRES
NW 1/4 SW 1/4	40.0 ACRES
SW 1/4 SW 1/4	8.6 ACRES
SE 1/4 SW 1/4	2.0 ACRES
ALL AS PROJECTED WITHIN MATHENY DLC 60	
SECTION 33	
TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.	

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- 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.

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.



Page Three

The use may be restricted if the quality of the source stream, namely the Yamhill River and Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

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.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. 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 confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

Plat Card Report for: *Township: 5S, Range: 3W Section: 33*

Page

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
S 14189	S 10328	10064																		
7/13/1931		-																		
S 21676	S 17090	19935																		
5/27/1946		-	dlc: 38	19.000 IR	16.000 IR															
S 52109	S 39385	51493												0.100 IR						
5/7/1975		-	dlc: 60																	
S 71485	S 51600																			
4/4/1991				20.500 AG	1.000 AG				17.000 AG											
S 71486	S 51601																			
4/4/1991				CM														DN	LV	
S 76860																				
1/26/1995												7.500 IR (s)	39.000 IR (s)	7.400 IR (s)	0.900 IR (s)					
S 80450	S 52733																			
												AG	AG	AG	AG					

Go to 5S, 3W, 33 page: [Previous](#) 1 2

Go to Section: 32 33

[Return to Plat Card Search](#)NOTE: Please read the disclaimer before using this information.Frequently asked questions and the abbreviations (water use codes) noted above are discussed in our Plat Card FAQ.



## Plat Card Report for: Township: 5S, Range: 3W Section: 33

Page

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
G 256 3/6/1956	G 201	<u>26528</u> -	dlc: 38	3.000 IR	0.700 IR	10.000 IR	40.000 IR									16.400 IR	0.400 IR			
GR 1496 4/30/1954	GR 1446													33.000 IR						
GR 1497 6/30/1947	GR 1447													33.000 IR						
GR 2159 12/31/1948	GR 2069		Cncld					RC Cncld	RC Cncld	RC Cncld	RC Cncld									
G 2736 11/20/1963	G 2536	<u>33371</u> -	dlc: 38													11.800 IR			1.400 IR	
G 5689 12/17/1971	G 5503	<u>51708</u> -	dlc: 60									8.600 IR	39.700 IR	9.600 IR	0.800 IR					
T 7087 4/10/1975	CG 6422		dlc: 69													7.800 IR			18.000 IR	
G 9937 9/15/1980	G 9215	<u>57627</u> -							9.500 IR											
G 12474	G 12154				AG			AG												
G 12474	G 12154 .				12.000 IR			29.300 IR												

Go to 5S, 3W, 33 page: 1 2 [Next >>](#)Go to Section: [32](#) [33](#)[Return to Plat Card Search](#)**NOTE: Please read the [disclaimer](#) before using this information.**Frequently asked questions and the abbreviations (water use codes) noted above are discussed in our Plat Card [FAQ](#).

## Plat Card Report for: Township: 5S, Range: 3W Section: 32

Page

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
S 76860 1/26/1995															1.800 IR			17.400 IR		
S 76860 1/26/1995	*				10.200 IR (s)			12.800 IR (s)	25.900 IR (s)	33.400 IR (s)	11.600 IR (s)	40.000 IR (s)	33.700 IR (s)	32.600 IR (s)	37.200 IR (s)	40.000 IR (s)	40.000 IR (s)	16.400 IR (s)	37.600 IR (s)	
S 80450	S 52733											AG	39.000 IS (s)	7.400 IS (s)	AG	AG	AG	AG	AG	
S 80450	S 52733 *														10.800 IS (s)				8.300 IS (s)	
S 80450	S 52733 *											31.300 IS (s)			0.900 IS (s)	40.000 IS (s)	40.000 IS (s)	15.200 IS (s)	7.500 IS (s)	

Go to 5S, 3W, 32 page: &lt;&lt;Previous 1 2 3

Go to Section: 32 33

Return to Plat Card Search

NOTE: Please read the disclaimer before using this information.

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Plat Card Report for: *Township: 5S, Range: 3W Section: 32*

Page

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
GR 1496 4/30/1954	GR T446																		12,000 IR	
GR 1497 6/30/1947	GR 1447																		12,000 IR	
G 2263 3/22/1962	G 2079	<u>34205</u> -	dlc: 59	4,100 IR	6,200 IR															
G 2428 8/30/1962	G 2238	<u>33310</u> -	dlc: 60		7,000 IR	27,500 IR		0,800 IR			11,000 IR									
G 5527 5/26/1971	G 5413	<u>58947</u> -	dlc: 60		2,700 IR			7,600 IR			16,400 IR									
G 5689 12/17/1971	G 5503	<u>51708</u> -	dlc: 60													40,000 IS (s)			8,800 IS (s)	
T 6383 4/14/1967	S 32243	<u>64748</u> -	dlc: 64					0,200 IR	13,400 IR											
T 6383 4/14/1967	S 32243 *	<u>64748</u> -	dlc: 65											17,600 IR	19,600 IR					
T 6383 4/14/1967	S 32243 *	<u>64748</u> -	dlc: 60									40,000 IR	33,700 IR	15,000 IR	17,600 IR	40,000 IR	40,000 IR	15,400 IR	8,800 IR	
T 6383 5/28/1969	S 34436 *	<u>64749</u> -	dlc: 64		10,200 IR			8,900 IR												

Go to 5S, 3W, 32 page: [1](#) [2](#) [3](#) [Next >>](#)Go to Section: [32](#) [33](#)[Return to Plat Card Search](#)**NOTE: Please read the [disclaimer](#) before using this information.**Frequently asked questions and the abbreviations (water use codes) noted above are discussed in our Plat Card [FAQ](#).

## Plat Card Report for: Township: 5S, Range: 3W Section: 32

Page

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
G 9937	G 9215	<u>57627</u>		12.000 IR																
9/15/1980		-																		
S 14189	S 10328	<u>10064</u>																		
7/13/1931		-																		
S 43490	S 32243	<u>51491</u>	Cncl'd dlc: 60									40.000 IR Cncl'd	33.700 IR Cncl'd	15.000 IR Cncl'd	17.600 IR Cncl'd	40.000 IR Cncl'd	40.000 IR Cncl'd	15.400 IR Cncl'd	8.800 IR Cncl'd	
4/14/1967		-																		
S 43490	S 32243	<u>51491</u>	Cncl'd dlc: 64					0.200 IR Cncl'd	13.400 IR Cncl'd											
4/14/1967	*	-																		
S 43490	S 32243	<u>51491</u>	Cncl'd dlc: 65											17.600 IR Cncl'd	19.600 IR Cncl'd					
4/14/1967	*	-																		
S 46087	S 34436	<u>51492</u>	Cncl'd dlc: 64		10.200 IR Cncl'd			8.900 IR Cncl'd												
5/28/1969		-																		
S 52109	S 39385	<u>51493</u>	dlc: 60					3.700 IR	12.500 IR	33.400 IR	11.600 IR								8.000 IR	
5/7/1975		-																		
S 52109	S 39385	<u>51493</u>	dlc: 65															1.000 IR	20.800 IR	
5/7/1975	*	-																		
R 59721	R 8180	<u>64669</u>	dlc: 60		IS (s)															
1/21/1980		-																		
S 59722	S 45189	<u>64670</u>	dlc: 60		9.700 IS (s)	27.500 IS (s)		6.600 IS (s)			27.400 IS (s)									
1/21/1980		-																		

Go to 5S, 3W, 32 page: <<Previous 1 2 3 Next >>Go to Section: 32 33Return to Plat Card Search**NOTE: Please read the disclaimer before using this information.**Frequently asked questions and the abbreviations (water use codes) noted above are discussed in our Plat Card FAQ.

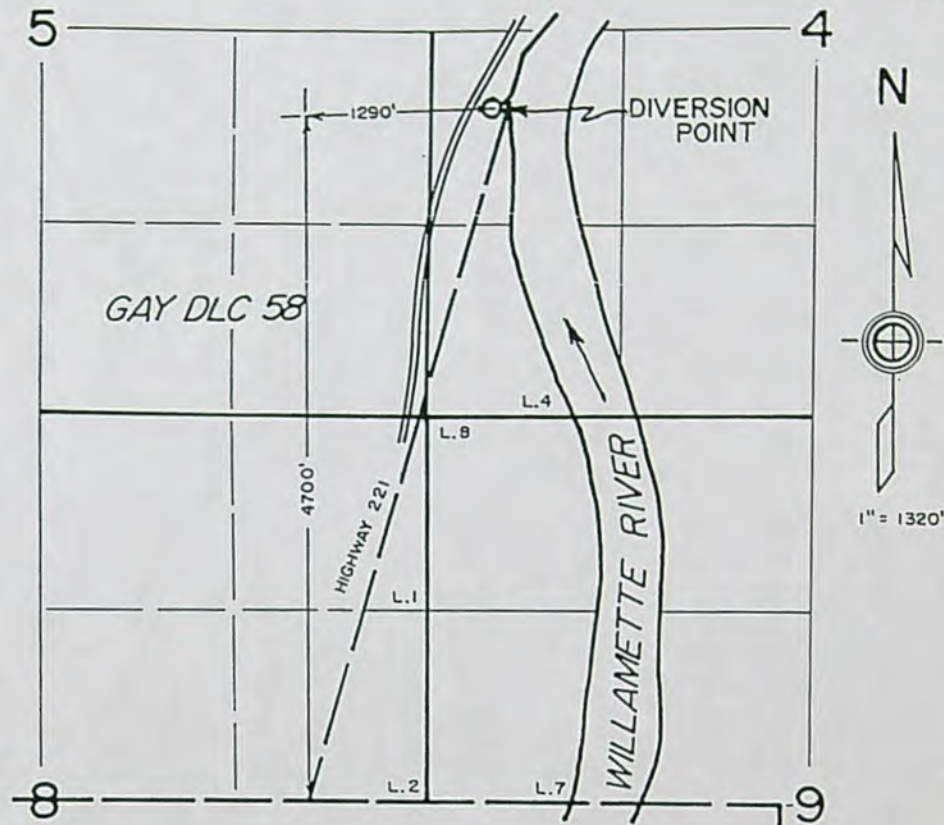


## Township 6 South, Range 3 West, W.M.

Portions of Sections 4, 5, 8 &amp; 9

**RECEIVED**

MAR 14 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

APPLICATION MAP  
FOR  
EVERGREEN AGRICULTURAL ENT.

PCWDIC DIV. PT.

5-80450

52733

MAP 2 OF 2

THIS MAP WAS PREPARED FOR THE PURPOSE OF  
IDENTIFYING THE LOCATION OF A WATER RIGHT  
ONLY AND IS NOT INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATION OF PROPERTY  
OWNERSHIP LINES.

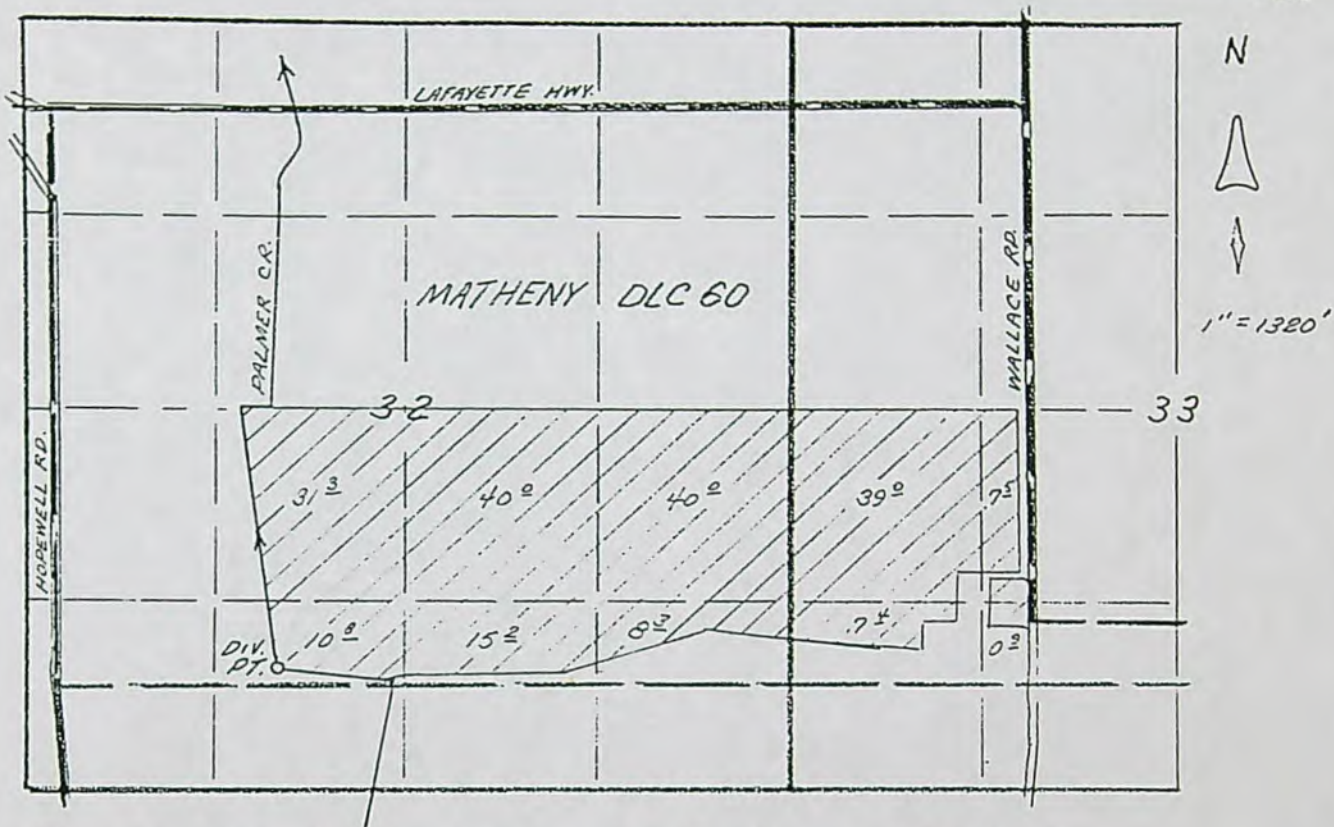
S-80450

TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

**RECEIVED**

MAR 14 1996

WATER RESOURCES DEPT.  
SALEM, OREGON



PALMER CREEK DIV. PT. LOCATED 125 FT. N. AND 1550 FT. E.  
FROM SW CORNER DLC 60.

APPLICATION MAP  
FOR  
EVERGREEN AGRICULTURAL ENT.

S 80450  
52733



RECEIVED

MAR 21 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

March 20, 2001

Steve Brown  
Water Resources Dept.  
158 12th Street NE  
Salem, Oregon 97310

Re: File 80450, Evergreen Agricultural Enterprises

Dear Steve:

It has come to my attention that the permit issued under Application 80450 had a completion date of October 1, 1999, and therefore required a Claim of Beneficial Use and Site Report prior to October 1, 2000.

The project was completed prior to October 1, 1999, and due to a change of managers at Evergreen and the fact that I did not receive a copy of the permit or notice of need for final inspection, it was overlooked by me.

By this letter I request an extension of the time to complete the final inspection to October 1, 2001, to preserve a right that was established by the beneficial use of water.

Sincerely,

*Don Buell*

Don Buell, PE, CWRE  
PO Box 20537  
Keizer, OR 97307-0537  
SSN 541-28-2223  
503-390-3188



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

March 22, 2001

Don Buell, PE, CWRE  
P.O. Box 20537  
Salem, OR 97307-0537

Reference: File No. 80450 - Evergreen Agricultural Enterprises, Inc.

Dear Mr. Buell:

Thank you for your letter in regards to the above referenced permits. The Department will allow additional time for you to submit a claim of beneficial use report (Report).

If for some reason you are unable to submit the Report on or before July 1, 2001, you should advise the Department of the reason for the delay and request additional time to complete the requirements.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

Steve Brown  
Certificates

c: Evergreen Agricultural Enterprises, Inc.  
P.O. Box 1254  
McMinnville, OR 97128

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.





Application S-80450

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-80450 ✓

KEN STAHR ✓

WATERMASTER # 16 ✓

REGIONAL MANAGER: TOM PAUL ✓

ODF&W - Yamhill County: YAMHILL COUNTY ✓

CWRE (if agent):

DEQ ✓

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: X COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;  
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

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PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

PALMER CREEK WATER DISTRICT IMPROVEMENT CO., SAM SWEENEY, PO BOX 152, DAYTON, OR 97114 ✓

DAVID AND ELDON DITCHEN, 7385 HOWEL PRAIRIE RD., SILVERTON, OR 97381 ✓

JOE OWEN, 24700 WALLACE RD., SALEM, OR 97304 ✓

WALLY WOODS, 18280 WALNUT HILL RD., DAYTON, OR 97114 ✓

CASEWORKER : LKS



EVERGREEN AGRICULTURAL ENTERPRISES, INC.  
 DBA: EVERGREEN FARMS  
 EVERGREEN NURSERY  
 P.O. Box 1254, McMinnville, OR 97128-9496 USA  
 Phone (503) 472-9361 FAX (503) 434-4211

**PURCHASE ORDER**

NURSERY  
 FARMS

20-0861

TO: OR Water Resource

**RECEIVED**

#4023

Terms 1) Date of Issue: 7-22-96

2) Delivery Date:

3) Payment Terms:

PHONE:  
 SHIP TO:

AUG 21 1996

FAX:

WATER RESOURCES DEPT.  
 SALEM, OREGON

Attn:

Vendor Number:

**PURCHASE ORDER**

Line	Quantity	Unit	Part #	Description	Equip. #	Cost Code	Unit Price	Total Price
1						1651.01		
2								
3								
4								
5								
6								
7								
8								
9								
10								

ENTERED AUG 15 1996

TOTAL:

**PURCHASE REQUEST**

SUGGESTED VENDOR

Oregon Water Resources Dept.

For Co.:

DATE REQUESTED 7/19

DATE REQUIRED

PHONE

CONTACT

Martha Pagel

Purchase Order  
 Approval:

Date:

Approval:

Date:

Mo. Exp. To Be Paid

Budget Mo.

Budget Annual

Category

MTD

YTD

Line	Quantity	Unit	Part #	Description/Field #'s	Equip. #	Unit Price	Total Price
1				Recording Fees to WRO			
2				for additional water usage permit			
3				for nursery can yard			
4				Water Rights Application Number 5-80450			832.00
5							
6				Payable no later than 60 day from			
7				issuance of final order (July 17, 1996)			
8							
9							
10				3850 PORTLAND RD NE Salem, OR 97310			

ESTIMATED TOTAL: 832.00

Submitted by:

Purchase Request

Approval:

Date:

Approval:

Date:

**BUYERS QUOTE RECORD**

Sole Source

1. Vendor:

\$

Directed Source

2. Vendor:

\$

Comparison  
 Bid

3. Vendor:

\$



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-80450

**Final Order**

*Application History*

On June 14, 1995, EVERGREEN AGRICULTURAL ENTERPRISES, INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on May 7, 1996. The protest period closed June 21, 1996, and no protest was filed.

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

**Order**

Upon payment of outstanding permit recording fees, Application S-80450 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$832.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application S-80450.

DATED July 17, 1996

*for Martha O. Pagel*  
Director

*Appeal Rights*

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.





STATE OF OREGON

COUNTY OF YAMHILL

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

EVERGREEN AGRICULTURAL ENTERPRISES, INC.

P.O. BOX 1254

PHONE: (503) 472-9361

MCMINNVILLE, OREGON 97128

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-80450

SOURCE OF WATER: PALMER CREEK, A TRIBUTARY OF THE YAMHILL RIVER, AND THE WILLAMETTE RIVER, TRIBUTARY TO THE COLUMBIA RIVER

PURPOSE OR USE OF WATER: AGRICULTURAL USE AND SUPPLEMENTAL IRRIGATION ON 200.4 ACRES FOR NURSERY OPERATIONS FROM PALMER CREEK, AND AGRICULTURAL USE FOR NURSERY OPERATIONS FROM THE WILLAMETTE RIVER

MAXIMUM RATE/VOLUME ALLOWED: 5.01 CUBIC FEET PER SECOND (CFS) FROM EITHER SOURCE, BUT LIMITED TO NO MORE THAN 5.01 CFS AT ANY ONE TIME

PERIOD OF USE: NOVEMBER 1 THROUGH APRIL 30 FOR AGRICULTURAL USE AND MARCH 1 THROUGH APRIL 30 FOR SUPPLEMENTAL IRRIGATION FROM PALMER CREEK; AND APRIL 1 TO SEPTEMBER 30 FOR AGRICULTURAL USE FROM THE WILLAMETTE RIVER

DATE OF PRIORITY: JUNE 14, 1995 FOR WATER FROM PALMER CREEK AND MARCH 14, 1996 FOR WATER FROM THE WILLAMETTE RIVER

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 32, T5S, R3W, W.M.; NW 1/4 SW 1/4, SECTION 4, T6S, R3W, W.M.; PALMER CREEK - 125 FEET NORTH AND 1550 FEET EAST FROM SW CORNER OF MATHENY DLC 60; WILLAMETTE RIVER - 4700 FEET NORTH AND 1290 FEET WEST FROM THE SE CORNER OF GAY DLC 58

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.



## THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4	SW 1/4	31.3 ACRES
SE 1/4	SW 1/4	10.8 ACRES
NE 1/4	SE 1/4	40.0 ACRES
NW 1/4	SE 1/4	40.0 ACRES
SW 1/4	SE 1/4	15.2 ACRES
SE 1/4	SE 1/4	8.3 ACRES

## SECTION 32

NE 1/4	SW 1/4	7.5 ACRES
NW 1/4	SW 1/4	39.0 ACRES
SW 1/4	SW 1/4	7.4 ACRES
SE 1/4	SW 1/4	0.9 ACRE

## SECTION 33

TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

## Measurement, recording and reporting conditions:

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

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.



The use may be restricted if the quality of the source stream, namely the Yamhill River and Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

#### STANDARD CONDITIONS

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

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

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

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

{DATE}

DRAFT

Martha O. Pagel, Director  
Water Resources Department



# FO CHECKLIST

201 AC

FILE # S-80450

PFO TO FO CONVERSION

REVIEW DATE: 7/8/96

WEEK # 41 \_\_\_\_\_

INITIALS: JWG

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. ✓ Verify names and addresses on the PFO CC list. **ALL** commentators (regardless of comment date), **affected landowners**, and **those who paid the \$10 fee** should be listed.  
\$832
3. 582 Verify payment of recording fees (circle the appropriate option)  
(1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including **standing fees if no protest is filed and no modifications are being made to the PFO**  
(2) Issue FO w/o permit if fees are lacking *See Reverse*
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / N Has ODFW asked for self certification on screening condition?
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file?
8. \_\_\_\_\_ Assign permit numbers to files with oath, fees, and no protests or other issues

Route to: (circle one)  
DENIAL FO w/o PERMIT FO & PERMIT COMMENTS  
LARRY CORY JERRY & JEREMY DOUG

9. Y / N Is further processing possible? If not state reason: \_\_\_\_\_ Initials \_\_\_\_\_
10. WJG Notify applicant of additional information or fees required prior to permit issuance (**SEND CERTIFIED LETTER** & use standard wording from M:\T\FO\TOOLS if possible)

Modify FO as needed to:

11. WJG Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
12. \_\_\_\_\_ Include or exclude permit conditions and management codes
13. \_\_\_\_\_ Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

14. WJG Save WordPerfect document in M:\T\FO\WEEK 43 & delete duplicates
15. \_\_\_\_\_ Print final draft of document and submit to team leader for review
16. Y / N Team leader review completed

200- EXAM

100- 1 cfs

250- 50X5 CFS

100- 10 AC IR

382- 191 AC IR X 2

\$ 1032

- 200

\$ 832 - Due



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-80450

Proposed Final Order

*Summary of Recommendation:* The Department recommends that the attached draft permit be issued with conditions.

*Additional Information Required:* The Department proposes to issue the attached permit contingent on the receipt of the attached "Limited Period of Use Acknowledgement Letter." This letter must be signed and returned to the Department within 45 days. Failure to return the letter may result in the Department withholding issuance of the permit.

*Application History*

On June 14, 1995, EVERGREEN AGRICULTURAL ENTERPRISES INC. submitted an application to the Department for the following water use permit:

- Amount of Water: 5.01 CUBIC FEET PER SECOND (CFS)
- Use of Water: AGRICULTURAL FOR NURSERY OPERATIONS ON 200.4 ACRES
- Source of Water: PALMER CREEK, TRIBUTARY OF THE YAMHILL RIVER
- Area of Proposed Use: Yamhill County within SECTION 32 AND SECTION 33, TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.
- Water Delivery System: The delivery system consists of a 72 inch by 36 inch wet well with access ladder and filter screen which will be installed beside Palmer Creek. A 20 feet by 24 inch inlet pipe, from the creek, will feed water to the wet well. A 50 horsepower pump, with nine feet of oil lube column, capable of 3200 gallons per minute, will be installed in the wet well. 3700 feet of 15 inch pvc pipe will be laid in the ground from the pump site to a point of discharge, which will be a 33 acre-foot irrigation pond. The irrigation pond will be constructed to capture all runoff water produced by Nursery Operations and also to provide an irrigation pumping site for the Nursery Operations. The pond will have wet wells installed to house three 75 horsepower vertical turbine pumps. The pumps will be capable of pumping 1160 gallons per minute each.

On March 14, 1996, the application was amended to add an additional source of water and to clarify the intended use of water. In addition to use of water from Palmer Creek the applicant is requesting to use water from the Willamette River. Under this amendment the applicant is requesting to use water for Agricultural and Irrigation use for Nursery Operations from Palmer Creek during the period of October 1 to June 30



and for Agricultural Use for Nursery Operations from the Willamette River during the period of April 1 to September 30.

On SEPTEMBER 19, 1995, the Department mailed the applicant notice of its Initial Review, determining that the use of 5.01 CFS of water from Palmer Creek for Nursery Operations is allowable October 1 through June 30 of each year. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On OCTOBER 3, 1995, 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.

Within 30 days of the Department's public notice, written comments were received from Waterwatch.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- 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
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

#### *Findings of Fact*

The Willamette Basin Program allows the following uses: AGRICULTURAL AND SUPPLEMENTAL IRRIGATION USE FOR NURSERY OPERATIONS FROM PALMER CREEK, TRIBUTARY TO THE YAMHILL RIVER, AND AGRICULTURAL USE FOR NURSERY OPERATIONS FROM THE WILLAMETTE RIVER, TRIBUTARY TO THE COLUMBIA RIVER, ON 200.4 ACRES.

Senior water rights exist on PALMER CREEK, A TRIBUTARY OF THE YAMHILL RIVER, AND THE WILLAMETTE RIVER, TRIBUTARY TO THE COLUMBIA RIVER, or on downstream waters.

PALMER CREEK, A TRIBUTARY OF THE YAMHILL RIVER, AND THE WILLAMETTE RIVER, TRIBUTARY TO THE COLUMBIA RIVER, are not within or above a State Scenic Waterway.

Water is available for further appropriation (at an 80 percent exceedance probability) for the period NOVEMBER 1 THROUGH APRIL 30 FOR AGRICULTURAL USE AND MARCH 1 THROUGH APRIL 30 FOR SUPPLEMENTAL IRRIGATION FROM PALMER CREEK, TRIBUTARY TO THE YAMHILL RIVER, AND APRIL 1 TO SEPTEMBER 30 FOR AGRICULTURAL USE FROM THE WILLAMETTE RIVER, TRIBUTARY TO THE COLUMBIA RIVER.



The Department finds that no more than 30.1 CFS would be necessary for the proposed use. The amount of water requested, 5.01 CFS, is allowable.

The Oregon Department of Fish and Wildlife has advised that one or more species of game fish are present at the described point of diversion.

Notification has been received from the Department of Environmental Quality (DEQ) that the YAMHILL River is Water Quality Limited Stream for which Total Maximum Daily Loads have been established. The DEQ requests that no new water rights be issued for the period May 1 through October 31.

#### *Conclusions of Law*

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest 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 Plan.

No 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 rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) 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 will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
  - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
  - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by



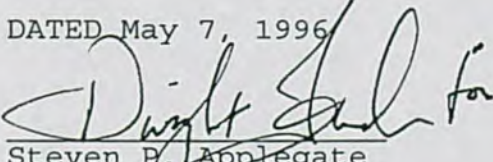
a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

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 will not impair or be detrimental to the public interest as provided in ORS 537.170.

#### Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED May 7, 1996

  
Steven P. Applegate  
Administrator  
Water Rights Division

#### Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against this proposed final order. Your protest 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 \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than June 21, 1996.



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 if

- 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.

LKS

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF YAMHILL

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

EVERGREEN AGRICULTURAL ENTERPRISES, INC.  
P.O. BOX 1254  
MCMINNVILLE, OREGON 97128

PHONE: (503) 472-9361

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-80450

SOURCE OF WATER: PALMER CREEK, A TRIBUTARY OF THE YAMHILL RIVER, AND THE WILLAMETTE RIVER, TRIBUTARY TO THE COLUMBIA RIVER

PURPOSE OR USE: AGRICULTURAL AND IRRIGATION USE FOR NURSERY OPERATIONS FROM PALMER CREEK AND AGRICULTURAL USE FOR NURSERY OPERATIONS FROM THE WILLAMETTE RIVER

MAXIMUM RATE/VOLUME ALLOWED: 5.01 CUBIC FEET PER SECOND (CFS) FROM EITHER SOURCE, BUT LIMITED TO NO MORE THAN 5.01 CFS AT ANY ONE TIME

PERIOD OF USE: NOVEMBER 1 THROUGH APRIL 30 FOR AGRICULTURAL USE AND MARCH 1 THROUGH APRIL 30 FOR SUPPLEMENTAL IRRIGATION FROM PALMER CREEK AND APRIL 1 TO SEPTEMBER 30 FOR AGRICULTURAL USE FROM THE WILLAMETTE RIVER

DATE OF PRIORITY: JUNE 14, 1995 FOR WATER FROM PALMER CREEK AND MARCH 14, 1996 FOR WATER FROM THE WILLAMETTE RIVER

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 32, T5S, R3W, W.M.; NW 1/4 SW 1/4, SECTION 4, T6S, R3W, W.M.; PALMER CREEK - 125 FEET NORTH AND 1550 FEET EAST FROM SW CORNER, DLC 60, WILLAMETTE RIVER - 4700 FEET NORTH AND 1290 FEET WEST FROM SE CORNER, GAY DLC 58

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per

Application S-80450 Water Resources Department

PERMIT DRAFT



year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 31.3 ACRES  
SE 1/4 SW 1/4 10.8 ACRES  
NE 1/4 SE 1/4 40.0 ACRES  
NW 1/4 SE 1/4 40.0 ACRES  
SW 1/4 SE 1/4 15.2 ACRES  
SE 1/4 SE 1/4 8.3 ACRES

SECTION 32

SW 1/4 SW 1/4 7.4 ACRES  
SE 1/4 SW 1/4 0.9 ACRES  
NE 1/4 SW 1/4 7.5 ACRES  
NW 1/4 SW 1/4 39.0 ACRES

SECTION 33

TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

Measurement, recording and reporting conditions:

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

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.



In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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.

The use may be restricted if the quality of the source stream, namely the Yamhill River and Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

#### STANDARD CONDITIONS

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

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

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

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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



Application S-80450

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued \_\_\_\_\_, 199\_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department  
Director

Application S-80450    Water Resources Department  
Basin 02                      Volume 12A Palmer Creek & Misc  
                                Volume 25 Willamette River N1/2 & Misc.  
LKS    MGMT.CODE

PERMIT DRAFT  
District 16





5-80450

**EVERGREEN AGRICULTURAL ENTERPRISES, INC.**

P.O. Box 1254 • McMinnville, OR 97128-9496 USA  
Phone (503) 472-9361 • Fax (503) 434-4211 • Telex 360841

March 12, 1996

Mr. Michael J. Mattick  
Water Resources Department  
Commerce Building  
158 12 th Street NE  
Salem, Oregon 97310-0210

**RECEIVED**  
MAR 14 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

Dear Mr. Mattick

Please find enclosed revised maps for application number 80450. These maps were revised by Mr. Don Buell after he had a meeting in your office concerning our application.

I would also like to request some changes in wording on our application. Please review the following and make the necessary changes...

Under source of water, it should be from Palmer Creek and the Willamette River Tributary to the Columbia River.

Under use of water, it should be agricultural use, nursery operations including irrigation from Palmer Creek during the period from October 1 to June 30 each year and agricultural use, nursery operations from the Willamette River through Palmer Creek W. D. I. C. facilities during the period of April 1 to September 30 of each year.

Your attention to this matter is greatly appreciated.

Sincerely,

Gary L. Marshall  
President

Evergreen Agricultural Enterprises, Inc.



**RECEIVED**

MAY 17 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

## LIMITED PERIOD OF USE ACKNOWLEDGEMENT LETTER

Application Number: S-80450

I, the applicant, acknowledge and agree that if a permit is issued, water use will only occur during the allowed period of use.

Signature

Ernest Marshall, Pres.

Date

5/14/96



5-14-96

called / 5-80450  
Gary Marshall  
Evergreen

fax 503-434-4211

Did not receive "Limited Period  
of Use acknowledgement Letters  
with the PFD

Faxed to him.



Please fax to  
Gary Marshall  
Evergreen  
Agricultural  
1-503-434-4211

FAXED  
5-14-96

JS

ED PERIOD OF USE ACKNOWLEDGEMENT LETTER

Application Number: 5-80450

I, the applicant, acknowledge and agree that if a permit is issued, water use will only occur during the allowed period of use.

Signature \_\_\_\_\_

Date \_\_\_\_\_



LIMITED PERIOD OF USE ACKNOWLEDGEMENT LETTER

Application Number: 5-80450

I, the applicant, acknowledge and agree that if a permit is issued, water use will only occur during the allowed period of use.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

## 3. Article Addressed to:

EVERGREEN AGRICULTURAL  
ENTERPRISES INC.  
PO BOX 1254  
MCMINNVILLE OR 97128

## 4a. Article Number

P56221

## 4b. Service Type

- |   |   |
|---|---|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

## 7. Date of Delivery

5-14

## 5. Received By: (Print Name)

## 8. Addressee's Address (Only if requested and fee is paid)

## 6. Signature: (Addressee or Agent)

X

*Crystal Lewis*



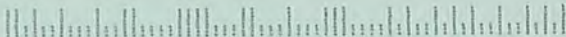
UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

WATER RESOURCES DEPARTMENT  
158 12TH STREET NW  
SALEM OR 97310



CERTIFIED MAIL  
Return Receipt RequestedWATER  
RESOURCES  
DEPARTMENT

MAY 7, 1996

EVERGREEN AGRICULTURAL ENTERPRISES INC.  
P.O. BOX 1254  
MC MINNVILLE, OREGON 97128

RE: Application File # S-80450

Dear APPLICANT:

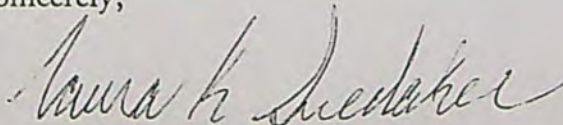
On MAY 7, 1996, a Proposed Final Order was sent from the Department requesting additional information necessary to complete your application for water use. This item must be received:

- The Department proposes to issue the draft permit contingent on the receipt of the "Limited Period of Use Acknowledgement Letter" attached to the Proposed Final Order. This letter must be signed and returned to the Department within 45 days. Failure to return the letter may result in the Department withholding issuance of the permit and may result in the eventual rejection of your application.

Please submit these items by JUNE 21, 1996. If we do not receive the items requested above by this date, we may reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 331.

Sincerely,

Laura K. Snedaker  
Senior Water Rights ExaminerCommerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130



## PFO ACCURACY CHECKLIST

Application #: S-80450

1. ☒ CHECK NAME(S)/COMPANY NAME
  - \* Assigned
  - \* Signature Name
  - \* Correct Name(s)/Company throughout PFO
  - \* Correct Address & Phone Number on Draft Permit
2. ☒ CHECK SOURCE AND TRIBUTARY
  - \* Consistent throughout PFO and Draft Permit
3. ☒ CHECK RATE OF USE
4. ☒ CHECK PRIORITY DATE & TR/IR DATES
5. ☒ CHECK POD IN DRAFT PERMIT
  - \* Check Map against permit
  - \* Check Township, Range and Section
6. ☒ CHECK POU IN PFO AND DRAFT PERMIT
  - \* Check Map against both
  - \* If Acres on Application do not agree with Map, use Map info
  - \* Check Township, Range and Section
7. ☒ ADD VOLUME NUMBER/NAME AT END OF DRAFT PERMIT
8. ☒ COMPLETE READ THROUGH OF PFO
  - \* Sentence Structure
  - \* Punctuation
  - \* Spelling, etc.

Name:  
LKS

Laura Swelaker

Date:

5-1-96



September 19, 1995

EVERGREEN AGRICULTURAL ENTERPRISES INC  
PO BOX 1254  
MCMINNVILLE, OREGON 97128

Reference: File S-80450

Dear Applicant:

**THIS IS NOT A PERMIT AND IS  
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the potential limitations to your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for NURSERY OPERATIONS is allowed under OAR 502, the Willamette Basin Program.
4. The use of 5.01 CUBIC FEET PER SECOND from Palmer Creek for Nursery Operations on 200.4 acres is not available July 1 through September 30 of each year.

Summary of Initial Determinations

The use of 5.01 cfs from Palmer Creek for Nursery Operations from October 1 through June 30 of each year is allowable.

Because of the Departments determination, your application can be moved to the next phase of the water rights application review process. However, due to #4 above your application will likely be limited as summarized above.

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.



---

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130



S-80450  
September 19, 1995  
Page 2

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **October 3, 1995**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. You will be required to comply with state and federal water quality standards.
4. A description of the measures to be taken to assure reasonably efficient water use will need to be supplied.

S-80450

September 19, 1995

Page 3

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,

Gary Holliday  
Initial Reviewer

cc: Regional Manager, Watermaster, Water Availability  
Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form



Application No. 5-80450

RECEIVED

JUN 14 1995

State of Oregon  
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT.  
SALEM, OREGON

## Application for a Permit to Appropriate Surface Water

Applicant(s) Evergreen Agricultural Enterprises, Inc.  
(Please print or type - use dark ink)

Mailing Address: P.O. Box 1254  
McMinnville OR. 97128 472-9361 ext. 4642  
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. SOURCE OF WATER for the proposed use: Palmer Creek,  
a tributary of Willamette River.
2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 5.01 cubic feet per  
second, OR 2250 gallons per minute. If water is to be used from more than one source,  
give the quantity of water from each: \_\_\_\_\_
3. INTENDED USE(s) OF WATER: Agricultural use (Nursery operations)

If for more than one use, give the quantity of water from each source for each use; \_\_\_\_\_

If for DOMESTIC use, state the number of households to be supplied; \_\_\_\_\_

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served,  
and an estimate of the future requirements; (List population projections, water needs, anticipated areas  
to be provided water.)

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; \_\_\_\_\_

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed  
under each use;

Irrigation \_\_\_\_\_

Other (describe) Agriculture Use 200.4 ac.



4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

72" x 36" wet well with access ladder AND filter screens will be installed beside Palmer Creek; a 20ft. x 24" inlet pipe from creek will feed water to wet well. A Fairbanks Morse 50 HP pump with nine feet of oil lube column, capable of 3200 GPM will be installed in wet well. 3700 ft. of class 100 15 inch pvc pipe will be layed in ground from pump site to point of ~~discharge~~ <sup>discharge</sup>, which will be a 33 ac. ft. irrigation pond. Irrigation pond will be constructed to capture all run off water produced by Nursery operations and also to provide an irrigation pumping site for our nursery operations. Pond will have wet wells installed to house 3 75 HP Ingersoll-Dresser short set vertical Turbine Pumps. (Model 12KSH-456 Bowl). They will be capable of pumping 1160 GPM (90 psi) each. (V.S. Motor - VHS with non reverse)

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin 1 year from issuance of permit

Proposed date construction work will be completed 10-1-97

Proposed date water use will be completed 10-1-98

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

X Applicant        CWRE        Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

X Applicant        CWRE        Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.



**REMARKS:**

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

*NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.*

 Pres.  
Signature of Applicant

5/12/95  
Date

Signature of Co-Applicant, if any

Date

-----  
FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

\_\_\_\_\_

\_\_\_\_\_

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

\_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Water Resources Director*

By: \_\_\_\_\_

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 14 day of June, 1995, at 2:30 o'clock, P M.

APPLICATION NO: 5- 80450

PERMIT NO: \_\_\_\_\_



WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

March 5, 1996

To: File 80450

From: Mattick *MM*

Subject: conversation with Don Buell, CWRE

Don came in this morning to discuss the application's deficiencies and to make sure I understood what the intent of the application was.

All lands have an underlying irrigation right.

This application is to add out of season irrigation of nursery crops and year round agricultural use.

The source will be the Willamette River during the irrigation season diverted through the Palmer Creek Water District Improvement Company's facilities. Don will identify the season for this source to coincide with the Districts operations.

When the District is not delivering water the source will be Palmer Creek, Don will also identify the season for this source.

This information and the items requested in my 11/24/95 will be delivered by March 29, 1995.



RECEIVED

MAR - 5 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

March 1, 1996

TO: Michael J. Mattick  
Water Rights Specialist  
Water Resources Department  
158 12th St. NE  
Salem, OR 97310-0210

FROM: Sam Sweeney - Secretary/Treasurer - Palmer Creek Water District

REGARDING: S - 80450

Dear Mr. Mattick

We have been contacted by Gary Marshall of Evergreen Agricultural Enterprises Inc. in regards to their application no. S - 80450 for nursery use.

He requested that we furnish WRD information regarding our willingness to supply the water, and also the names and addresses of the landowners owning land that our supply canal crosses.

Their land is included within the District and we currently supply water for their use by a pumping station and canal. We will continue to do so under this new permit during the District's regular pumping season and in accordance with District policy.

Our pumping station supplies irrigation water to their inclusions by a canal that crosses several adjacent landowners. These landowners granted the District the necessary easements allowing the movement of water through their property. The names and addresses of these landowners are as follows:


David & Eldon Ditchen  
7385 Howel Prairie Rd.  
Silverton, OR 97381

Wally Woods  
18280 Walnut Hill Rd.  
Dayton, OR 97114

Joe Owen  
24700 Wallace Rd.  
Salem, OR 97304

If I can be of further help, let me know.

Sincerely,

  
Sam Sweeney  
Secretary & Treasurer  
864-2442

cc: Gary Marshall



November 24, 1995

Mr. Gary Marshall  
Evergreen Agricultural Enterprises, Inc.  
P.O. Box 1254  
McMinnville, OR 97128

REFERENCE: S-80450

Dear Mr. Marshall,

This is to confirm the telephone conversation we had on Tuesday morning.

From our conversation I concluded that:

The land in question has an underlying irrigation water right;  
The source of water is actually the Willamette River, not  
Palmer Creek; and  
The diversion and transmission system is controlled and  
operated by the Palmer Creek Irrigation District.

In order to continue processing the application we will need:

1. A written statement correctly identifying the source of water;
2. A new application map showing the point of diversion (with coordinates referencing a survey corner); and
3. A written statement from an official of the Palmer Creek Water District Improvement Company indicating their willingness and ability to provide the 5.01 cfs year round.

After talking with my Division Administrator, I have been reminded that we need two additional things:

4. The names and mailing addresses of any lands crossed by a ditch, canal or other work; and
5. A statement declaring the existence of written authorization or an easement permitting access to land crossed by the proposed ditch, canal or other work.

The District may be able to provide these last two things.



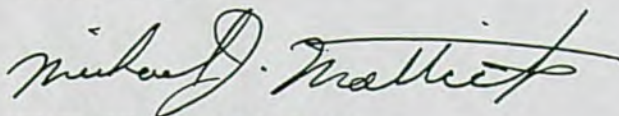
---

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

These are statutory requirements, and while I would like to waive them, because an irrigation company delivers the water, we can not.

Please provide the requested information within the next 90 days. If we do not receive it, we will process the application based on the information currently in the file. Please call me if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Mattick". The signature is written in dark ink and is positioned above the typed name.

MICHAEL J. MATTICK  
Water Rights Specialist

m:\letter\69



# PFO CHECKLIST

Application #: 5 80450  
 Basin: Willamette WAB: 01051 - Palmer Cr & 0105 Will. R.  
 Township 55 Range 3W Section 32-33 1/4 1/4  
6S 3W 4 - Will R POD

- ☒ A1. Public Interest Screen Criteria No
- ☒ 1. Is the file complete by the Completeness Checklist? Yes
- ☒ 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) Fees
- ☒ 3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other) None
- ☒ 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
- ☒ a. Is second groundwater review necessary? (objection) V.12A Palmer Cr & Misc
- ☒ b. Is HB 1033 review complete? V.25 Will R N<sup>1</sup>/<sub>2</sub> + Misc.
- ☒ 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. No
- ☒ 6. Is the Proposed Use located in or above a Scenic Waterway? No
- ☒ 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) Yes - Palmer Cr is trib to Yamhill R.
- ☒ 8. Is the use allowed or limited by the Basin Program? Allowed
- ☒ 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)
- ☒ 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992) Palmer Cr ~~Sept~~ Oct -> June Will R Year Round
- ☒ 11. Rate 400 Duty Nursery operation Irrigation Season March 1 - 7 Oct 31
- ☒ 12. Period of Allowed Use Palmer Cr - Oct -> June - Agt & Ir for Nursery
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file? Will R - ~~Sept~~ ~~Oct~~ ~~Nov~~ ~~Dec~~ Ag. only for Nursery April 1 to Sept 30
- ☒ 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994) Applies - Add Conditions
- ☒ 15. Have conflicts been identified, verified and/or addressed? All lands have underlying irrigation rights
- ☒ 16. Is the use Small ( $\leq 0.1$  cfs,  $\leq 9.2$  AF), Medium ( $> 0.1$  or  $< 1.5$  cfs,  $> 9.2$  or  $< 100$  AF) or Large ( $\geq 1.5$  cfs,  $\geq 100$  AF)? 5.01 cfs (requested amount)
- ☒ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO ODFW, Div 33, POD
- ☒ 18. Fill out Accuracy Checklist 200.4 ac x .15 cfs = 30.06 cfs
- ☒ 19. Spell Check Public Notice 10/3/95
- ☒ 20. Documents used in determination are attached and highlighted
- ☒ 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
- ☒ a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes) Yes
- ☒ 22. Final PFO report hard copy check (format, margins, etc.)
- ☒ 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Laura Sweelaker Date: 4-29-96 LKS



Palmer Creek Water Dist  
Improvement Company  
Sam Sweeney  
PO Box 152  
Dayton OK 97114

David & Eldon Dierker  
7385 Howell Prairie Rd  
Silverton OK 97381

Joe Owen  
24700 Wallace Rd.  
Salem OK 97304

Wally Woods  
~~#~~ 18280 Walnut Hill Rd.  
Dayton, OK 97114

~~S~~ - FMDL - Yamhill  
O = requested months  
- = Basin Plan Allowed

Palmer

OK ① ② ③ ④ ~~⑤~~ ~~⑥~~ \* \* \* ~~⑧~~ ⑨ ⑩ ⑪ ⑫

for ag & irr for nursery operations

Will R

1 2 3 4 5 6 7 8 9 10 11 12  
can't use driving by Basin Plan  
ag for nursery operations

1 2 3 4 5 6 7 8 9 ~~10~~ 11 12  
requested



November, 1994

OREGON ADMINISTRATIVE RULES  
WATER RESOURCES DEPARTMENT  
CHAPTER 690  
DIVISION 502  
WILLAMETTE BASIN PROGRAM

[ED. NOTE: This Division was renumbered from OAR 690-080 by WRD 4-1992, f. & cert. ef. 3-13-92.]

**Definitions**

690-502-010 As used in this rule, unless the context requires otherwise:

- (1) The Willamette Basin is as shown on Water Resources Department Map No. 2.6.
- (2) "Agricultural Use" means non-irrigation agricultural use of water such as temperature control, chemigation, mineral leaching, dairy barn washing, greenhouse use, harvest use and other related uses.
- (3) "Classification" or "Classified" means the allowed and preferred beneficial use(s) of a given surface or groundwater source for which future uses of water shall be permitted. Except as otherwise provided by the Commission, the Department shall not issue permits to appropriate, and no use shall be initiated of any of the surface or groundwaters of the Willamette Basin for any uses except those for which the waters are classified. A classification does not affect legal uses existing on the date of adoption or alteration of the classification.
- (4) "Commission" means the Water Resources Commission.
- (5) "Commercial Use" means use of water at a place where commodities or services are bought or sold or provided by an entity open to the public, such as a gas station, restaurant, motel, etc.
- (6) "Department" means the Water Resources Department.
- (7) "Director" means the Director of the Water Resources Department.
- (8) "Domestic Use" includes domestic use, domestic use expanded and group domestic, as defined in OAR 690-11.
- (9) "Fish Life Use" includes use of water to support natural or artificial propagation of fish and other aquatic life.
- (10) "Groundwater Recharge" means the intentional addition of water to a groundwater reservoir where consistent with OAR 690-11.
- (11) "Industrial Use" includes the use of water in the manufacture of a product and maintenance of industrial sites, facilities and buildings, and includes other related miscellaneous uses.
- (12) "Irrigation Use" means the application of water to crops or plants by artificial means to promote growth or nourish plants.
- (13) "Livestock Use" means the use of groundwater or diversion of water from the natural water course or storage of water for consumption by livestock or wildlife.
- (14) "Mining Use" means the use of water to extract metals or minerals including placer mining as defined in OAR 690-11 and leaching operations.
- (15) "Municipal Use" means the delivery and use of water through the water service system of an incorporated municipality or a nonprofit corporation and includes quasi-municipal uses as defined in OAR 690-11.
- (16) "Pollution Abatement" means the use of water to remove or dilute pollutants or achieve water quality standards.
- (17) "Power" means the use of water for electrical or mechanical power or for operation of a hydraulic ram where such uses are consistent with OAR 690-51.



(18) "Public Instream Use" means the public use of water where there is no diversion or other means of physical control over the water. Public instream uses include, but are not limited to, recreation, conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, wetlands other than those referred to in section (21) of this rule and any other ecological values, pollution abatement or navigation.

(19) "Recreation Use" means the use of natural or stored water to provide recreation uses as defined in OAR 690-11.

(20) "Storage Season" means the time period during which reservoirs may be filled.

(21) "Wetland Enhancement" means the diversion or control of surface or groundwater for the purpose of mitigating, constructing, enhancing and/or maintaining wetlands.

(22) "Wildlife Use" includes use of water by or for sustaining wild animal species and their habitats.

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

### Policies

690-502-020 Water Resources Commission and Department activities which affect the waters of the Willamette River Basin shall be compatible with the policies established in this rule. Surface water allocation, groundwater management, municipal and domestic water systems, reservoir coordination, conservation and land use coordination are important issues in the Willamette Basin. The Commission's policies on these issues are as follows:

(1) Surface water allocation:

(a) Protect undeveloped streams with instream values for public instream uses;

(b) Seek a balance in the future appropriation of water between instream and total out-of-stream uses on those streams already significantly developed for out-of-stream purposes;

(c) Preserve opportunities for future economic development by reserving water for future use;

(d) Minimize the likelihood of over-appropriation due to new uses;

(e) Manage stored waters which have been released for instream purposes to meet flow needs reflected in established instream water rights;

(f) Allow irrigation use for the longest period possible between March 1 and October 31 provided sufficient water is available.

(2) Groundwater management:

(a) Prevent excessive water level declines, restore aquifer stability in areas of decline and preserve with limited storage capacity for designated uses;

(b) Identify low-yield aquifers and inform local agencies of probable groundwater capacity limitations for some uses;

(c) Ensure safe municipal and domestic groundwater supplies by participating with the Department of Environmental Quality and the State Health Division in a formal monitoring program to document changes in quality and provide data for aquifer management;

(d) Minimize impairment of surface water uses resulting from hydraulic connection between groundwater and surface water;

(e) Encourage the development of programs for making groundwater resource information available to the public and local agencies.

(3) Municipal and domestic water systems: Support coordinated water service planning and consolidation by water purveyors to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin.



(4) Reservoir coordination:

(a) Promote funding to study and implement the Willamette River Basin Review Study reconnaissance phase recommendations with significant potential to assist the state in meeting its resource management objectives;

(b) Formalize reservoir operation guidelines with the Corps of Engineers to meet state water management objectives and enter into a memorandum of understanding or other agreement that defines the reservoir coordination process and water management objectives.

(5) Water conservation:

(a) Implement programs to eliminate wasteful water use;

(b) Improve the efficiency of water use through implementation of voluntary conservation measures;

(c) Give priority to developing subbasin conservation plans and providing public assistance in areas of known over-appropriation of surface water and groundwater and in water quality problem areas as listed by the Department of Environmental Quality.

(6) Land use coordination: Promote effective state and local water resource planning and protection and efficient water use through coordination with land use programs.

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

### Objectives

690-502-030 The objectives of the Commission in managing the waters of Willamette Basin are to:

(1) Retain minimum perennial streamflows as provided in OAR 690-502-050 to 690-502-150 until the process for conversion to instream water rights is completed.

(2) Promote public instream uses and values in headwaters streams exhibiting high instream values.

(3) Meet public instream needs for fish life, wildlife, recreation and pollution abatement.

(4) Protect instream values in state scenic waterways as described in ORS 390.835 and support management of national wild and scenic rivers.

(5) Minimize the potential of future permits to over-appropriate water.

(6) Consider reservations for future uses within the context of planned and reasonably expected mixes of land uses and economic development in the basin or subbasin(s) consistent with the public interest. Establish reservations that provide for appropriate mix(es) of future uses as established by local or regional plans; e.g., comprehensive plans, water supply plans, economic development plans, urban reserves, and other relevant resource development and protection plans. Generally, design, condition or subordinate reservations such that water can be allocated to meet future municipal and irrigation needs without disadvantaging either use in a way that is consistent with the public interest.

(7) Coordinate with the Department of Environmental Quality in efforts to meet total maximum daily loads in designated drainages by limiting new surface water appropriations during the low-flow season and placing conditions on permits requiring efficiency measures. These drainages include, but are not limited to, the Coast Fork of the Willamette, Tualatin, Yamhill, Pudding, Rickreall Creek and Columbia Slough.

(8) Increase basinwide water use efficiency.

(9) Coordinate with the Northwest Power Planning Council in meeting the objectives of the "protected areas" designation when evaluating hydroelectric permit applications.



(10) Protect and encourage use of water which sustains economic development.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

#### General Provisions

690-502-040 (1) Water availability: The classifications in OAR 690-502-050 through 690-502-150 limit access to natural streamflow during periods when remaining available supplies are insufficient to meet existing water rights and public instream uses 80 percent of the time. When improved water availability data show that there is insufficient natural flow to support a classification, any permit issued shall further restrict or condition the time of use to when water is available.

(2) Limited licenses: The uses of surface water for which limited licenses may be issued are prescribed in ORS 537.143(1). Applications for limited licenses may be accepted in the Willamette Basin unless expressly prohibited by statute, order of the State Engineer or the Commission, or by the classifications in OAR 690-502-050 through 690-502-150.

(3) Surface water applications: Applications to use surface water filed after April 18, 1991, shall be processed under the classifications established in OAR 690-502-050 through 690-502-150. Applications filed on or before April 18, 1991, shall be processed under the classification in effect at the time of the application.

(4) Storage:

(a) Unless expressly prohibited by statute, order or administrative rule, the surface waters of the Willamette River and tributaries are classified for storage from November 1 to June 30. A storage permit may be issued for a shorter time period and/or conditioned based on water availability or compatibility with other uses and needs;

(b) Secondary applications to maintain reservoir levels throughout the year may be processed if the proposed use is consistent with the classification;

(c) Water legally stored may be released or used at any time for any beneficial purpose, such as domestic, livestock, irrigation (during the irrigation season as specified in section (6) of this rule), agricultural, commercial, municipal, industrial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement, public instream uses and uses allowed under a limited license.

(5) Groundwater recharge: Use of surface water to recharge groundwater shall be subject to the same limitations and season as specified in section (4) of this rule. Use of groundwater from one aquifer to recharge another shall be allowed only if consistent with the classification of the providing aquifer as specified in OAR 690-502-160.

→ (6) Expanded irrigation season: Unless expressly limited by statute, court decree, order, administrative rule (including classification, except for use of stored water), water availability or any other permit condition, an irrigation season of March 1 to October 31 shall apply to future permits for primary and supplemental irrigation.

(7) Conservation: The Department shall require that special conservation and water use efficiency conditions be employed when permitting the use of water from the Columbia River Basalt Group, low-yield aquifers and water quality limited streams.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92



### Main Stem Willamette River Subbasin

690-502-050 The Main Stem Willamette River Subbasin includes the Willamette River from Willamette Falls near river mile 27 in Oregon City to the confluence of the Middle Fork and Coast Fork Willamette south of Springfield. Stream systems which are tributary to the Willamette River main stem above Willamette Falls are included in the subbasin, except for the major tributary subbasins specified in OAR 690-502-060 through 690-502-150:

(1) Surface water classification:

(a) The following streams and tributaries are withdrawn from further appropriation except storage:

(A) Second Periwinkle Creek (also known as Cox Creek and Ash Creek) and tributaries near Willamette River mile 118 at Albany are withdrawn from further appropriation by order of the State Engineer dated November 20, 1950;

(B) Croisan Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(C) Pringle Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(D) Mill Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated September 22, 1950;

(E) An unnamed stream and tributaries flowing through Section 24, Township 6 South, Range 4 West, Willamette Meridian, a tributary to Spring Valley Creek in Section 19, Township 6 South, Range 3 West, Willamette Meridian, are withdrawn from further appropriation by order of the State Engineer dated August 18, 1950;

(F) Corral Creek and tributaries near Willamette River mile 40 are withdrawn from further appropriation by order of the State Engineer dated August 7, 1951;

(G) Hatlin Creek and tributaries tributary to Potter Creek near Oregon City are withdrawn from further appropriation by order of the State Engineer dated September 22, 1950.

(b) The Willamette River main stem down-stream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses;

(c) The Willamette River main stem upstream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, to the confluence of the McKenzie and Willamette Rivers, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31;

(d) The Willamette River main stem above the confluence with the McKenzie River to the confluence of the Middle and Coast Forks of the Willamette River, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through October 31;



(e) Except as specified in subsection (1)(a) of this rule, tributaries of the Main Stem Willamette River Subbasin are classified for domestic, livestock, municipal, industrial, irrigation, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31.

(2) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and to minimize pollution and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic or livestock uses or waters to be legally stored or legally released from storage shall be made or granted by any state agency or public corporation of the state for the following waters and as shown in Table 1:

(a) The Willamette River or its tributaries above USGS Gage 14174000 (SW 1/4 Section 6, Township 11 South, Range 3 West) at Albany, Oregon, for natural flows of the Willamette River below 1,750 cubic feet per second plus waters released from storage of up to 3,140 cubic feet per second measured at the aforementioned gage;

(b) The Willamette River or its tributaries above USGS Gage 14191000 (SW 1/4 Section 22, Township 7 South, Range 3 West) at Salem, Oregon, for natural flows of the Willamette River below 1,300 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(c) The Willamette River or its tributaries above USGS Gage 14198000 (SE 1/4 Section 23, Township 3 South, Range 1 West) at Wilsonville, Oregon, for natural flows of the Willamette River below 1,250 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(d) The Willamette River or its tributaries above Willamette Falls at Oregon City for natural flows of the Willamette River below 1,500 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at or near said Willamette Falls and maintained to the mouth.

[ED. NOTE: Table 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Water Resources Department.]

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

#### **Middle Fork Willamette River Subbasin**

690-502-060 The Middle Fork Willamette River Subbasin includes the Middle Fork Willamette River and tributaries upstream from its confluence with the Coast Fork Willamette River south of Springfield:

(1) Surface water classification:

(a) The North Fork of the Middle Fork Willamette River, from a point one mile upstream from the railroad bridge near Westfir to its headwaters, and Waldo Lake, are designated state scenic waterways. These waters and tributaries are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(b) Except as otherwise specified in subsection (c) of this section, the Middle Fork of the Willamette River and tributaries below Dexter Dam are classified for domestic, livestock, municipal, irrigation, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through January 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from February 1 through August 31;



## WATER AVAILABILITY TABLE

Basin: WILLAMETTE

Exceedance Level: 80

Water Availability Subbasin: 0105000000000000 (and Nested Subbasins)

Time: 14:42

Date: 04/30/1996

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0100000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	0105000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

## STREAM NAMES

Basin: WILLAMETTE

Water Availability Subbasin: 0105000000000000 (and Nested Subbasins)

Time: 14:42

Date: 04/30/1996

WAB #	Stream Name	Tributary to
0100000000000000	WILLAMETTE R	COLUMBIA R
0105000000000000	WILLAMETTE R	COLUMBIA R

## LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0105000000000000

Basin: WILLAMETTE

Exceedance Level: 80

Time: 14:42

Date: 04/30/1996

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0105000000000000	WILLAMETTE R	YES	19400.0
2	0105000000000000	WILLAMETTE R	YES	18200.0
3	0105000000000000	WILLAMETTE R	YES	16200.0
4	0105000000000000	WILLAMETTE R	YES	13900.0
5	0105000000000000	WILLAMETTE R	YES	12900.0
6	0105000000000000	WILLAMETTE R	YES	6080.0
7	0105000000000000	WILLAMETTE R	YES	2120.0
8	0105000000000000	WILLAMETTE R	YES	1120.0
9	0105000000000000	WILLAMETTE R	YES	1420.0
10	0105000000000000	WILLAMETTE R	YES	2930.0
11	0105000000000000	WILLAMETTE R	YES	8220.0
12	0105000000000000	WILLAMETTE R	YES	17300.0
Stor	0105000000000000	WILLAMETTE R	YES	*****



## DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: WILLAMETTE R

&gt; COLUMBIA R

Water Availability Subbasin: 0100000000000000

Exceedance Level: 80

Time: 14:42

Date: 04/30/1996

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	28800.00	500.00	28300.00	271.00	28000.00	1500.00	26500.00
2	31100.00	3500.00	27600.00	272.00	27300.00	1500.00	25800.00
3	29300.00	4600.00	24700.00	268.00	24400.00	1500.00	22900.00
4	26100.00	4400.00	21700.00	269.00	21400.00	1500.00	19900.00
5	21200.00	2200.00	19000.00	278.00	18700.00	1500.00	17200.00
6	10900.00	1260.00	9640.00	393.00	9250.00	1500.00	7750.00
7	6300.00	1640.00	4660.00	350.00	4310.00	1500.00	2810.00
8	4940.00	1460.00	3480.00	317.00	3160.00	1500.00	1660.00
9	5030.00	1090.00	3940.00	309.00	3630.00	1500.00	2130.00
10	6030.00	360.00	5670.00	198.00	5470.00	1500.00	3970.00
11	12800.00	400.00	12400.00	254.00	12100.00	1500.00	10600.00
12	25800.00	400.00	25400.00	270.00	25100.00	1500.00	23600.00
Stor	19900000	1960000	18000000	206000	18800000	1080000	16700000

## DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: WILLAMETTE R

&gt; COLUMBIA R

Water Availability Subbasin: 0100000000000000

Time: 14:42

Date: 04/30/1996

-----ISWRs-----							RESULTANT
APP # :	181A	0	0	0	0	0	
STATUS:	Cert.						
1	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
2	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
3	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
4	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
5	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
6	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
7	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
8	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
9	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
10	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
11	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
12	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C



## DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: WILLAMETTE R

&gt; COLUMBIA R

Water Availability Subbasin: 0105000000000000

Exceedance Level: 80

Time: 14:42

Date: 04/30/1996

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	21400.00	300.00	21100.00	230.00	20900.00	1500.00	19400.00
2	23200.00	3300.00	19900.00	230.00	19700.00	1500.00	18200.00
3	22400.00	4500.00	17900.00	228.00	17700.00	1500.00	16200.00
4	19900.00	4300.00	15600.00	228.00	15400.00	1500.00	13900.00
5	16600.00	2000.00	14600.00	242.00	14400.00	1500.00	12900.00
6	8740.00	850.00	7890.00	315.00	7580.00	1500.00	6080.00
7	4980.00	1100.00	3880.00	263.00	3620.00	1500.00	2120.00
8	3830.00	980.00	2850.00	235.00	2620.00	1500.00	1120.00
9	3890.00	730.00	3160.00	240.00	2920.00	1500.00	1420.00
10	4850.00	250.00	4600.00	172.00	4430.00	1500.00	2930.00
11	10200.00	260.00	9940.00	221.00	9720.00	1500.00	8220.00
12	19300.00	300.00	19000.00	229.00	18800.00	1500.00	17300.00
Stor	15100000	1750000	13400000	170000	13700000	1080000	12100000

## DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: WILLAMETTE R

&gt; COLUMBIA R

Water Availability Subbasin: 0105000000000000

Time: 14:42

Date: 04/30/1996

ISWRs							RESULTANT
APP # :	182A	0	0	0	0	0	
STATUS:	Cert.						
1	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
2	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
3	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
4	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
5	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
6	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
7	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
8	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
9	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
10	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
11	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
12	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C



## INTEROFFICE MEMORANDUM



TO: TR Caseworkers  
FROM: Reed Marbut *RM*  
DATE: April 27, 1994  
RE: TMDL/WQL; DEQ Letters of February 7, 1994

All surface water, reservoir or groundwater in hydraulic connection to surface water applications within the Yamhill River, Pudding River or Tualatin River systems should be conditioned to not allow use of live flow during the period May 1 to October 31 each year.

This policy, effective immediately, is in response to the attached letters received from DEQ on February 7, 1994.



FEB 14 1994

February 7, 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

DEPARTMENT OF  
ENVIRONMENTAL  
QUALITY

Steve Brown, Manager  
Water Rights Division  
Water Resources Department  
3850 Portland Road, Northeast  
Salem, Oregon 97310

Re: Yamhill River - Water Quality Limited - Public's Interest  
Review of Further Reductions of Instream Flows and Impact on  
Instream Water Quality.

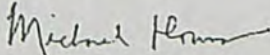
Dear Mr. Brown:

The Yamhill River drainage basin has been identified as water quality limited by the Department. The Department's analysis of water quality in this basin indicates that during periods of low flow, water quality problems exist. As a result of extensive analysis, Total Maximum Daily Loads (TMDL) have been set for this basin. These TMDLs are based in-part on the estimated low flows, which normally occur during the summer period of May 1st to October 31st of each year. On August 5, 1993, the Department submitted application for instream water rights to protect the public's interest to provide pollution abatement flows in the Yamhill River basin. A listing of the specific stream segments and requested instream flow is attached.

It is the Department's opinion that additional out of stream use of water will reduce available instream flows during the seasonal low flow period, thus, increasing the likelihood of exacerbating identified water quality problems in this drainage basin. The Department does not believe that it is in the public's interest to further reduce the instream flows during the seasonal low flow period in this drainage basin.

If you have questions or wish to further discuss this issue please feel free to contact Neil Mullane (503-229-5284) of my staff.

Sincerely,



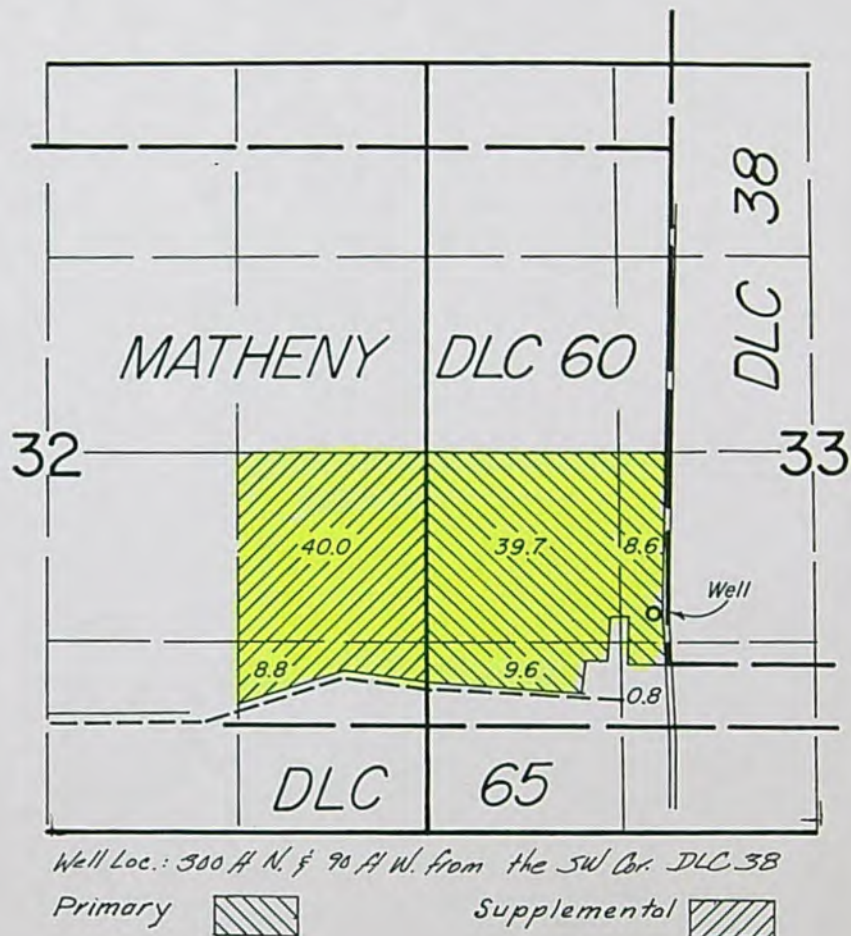
Michael Downs  
Administrator  
Water Quality Division

MD:JE:crw  
SA\WC12\WC12135.5

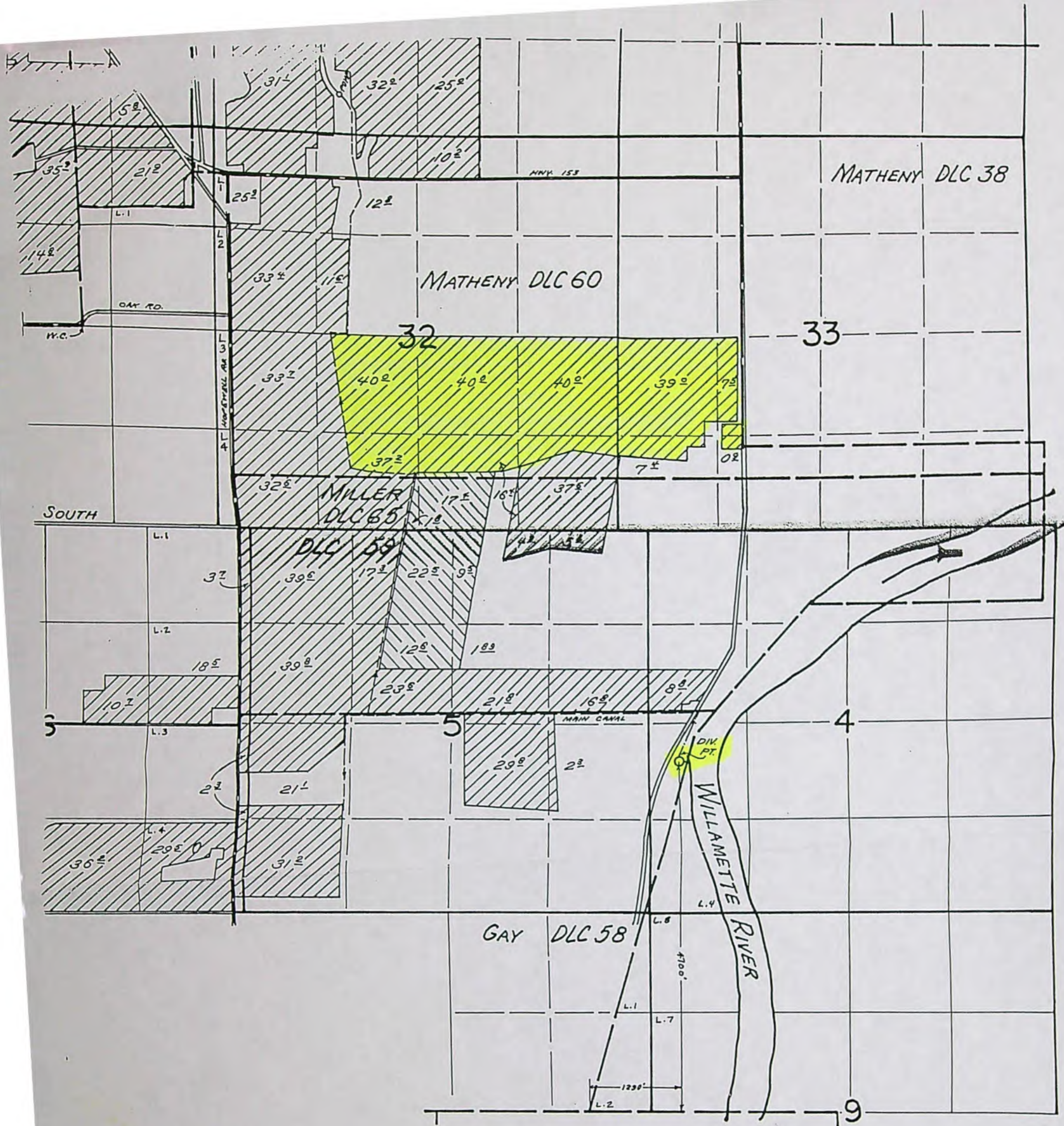


811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696  
TDD (503) 229-6993  
DEQ-1









APPL. No. 76860

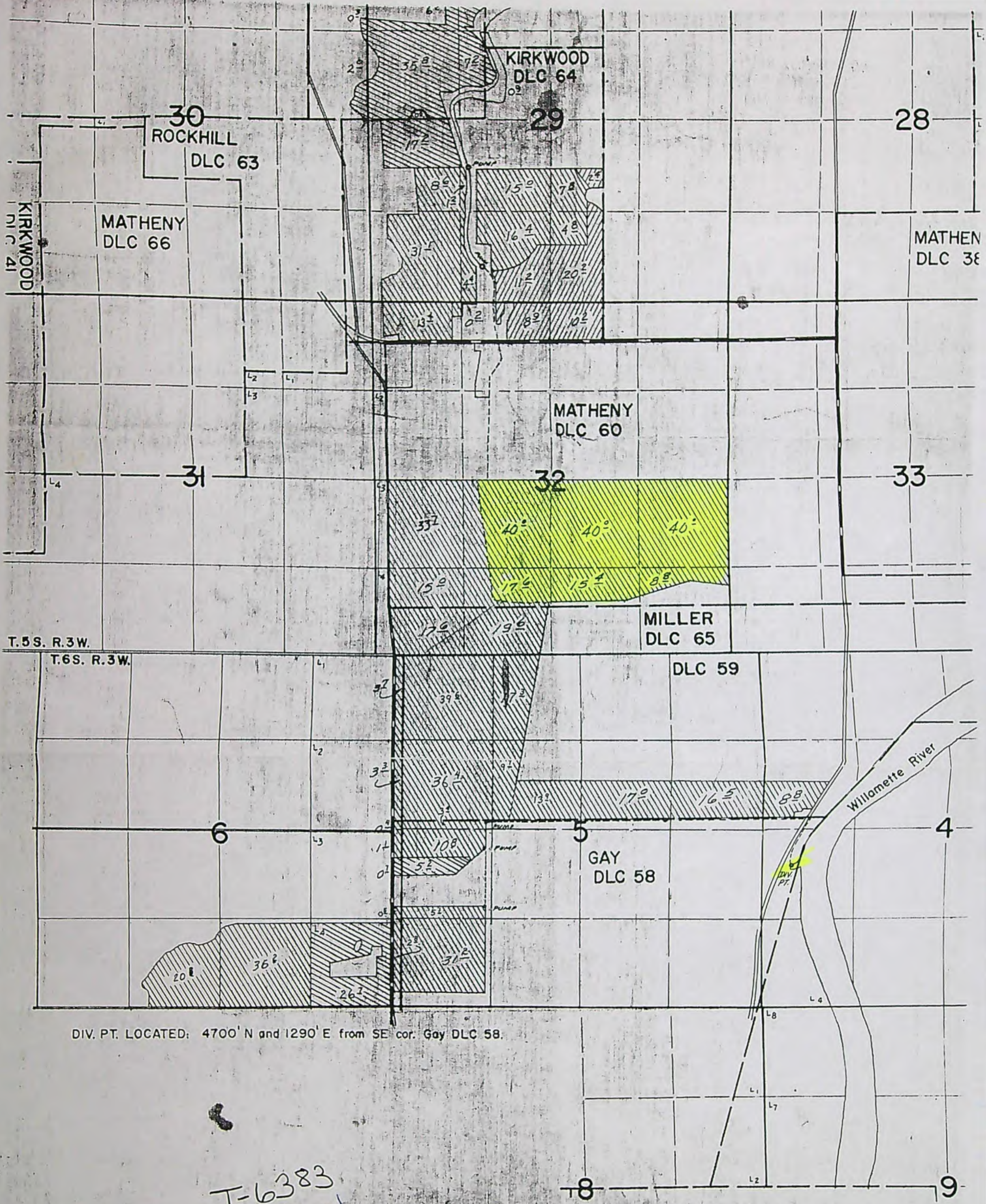
PER. No. \_\_\_\_\_

APPLICATION MAP  
FOR

PALMER CREEK WATER DISTRICT IMPROVEMENT COMPANY

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER DISTRICT AND IS NOT INTENDED TO BE A





DIV. PT. LOCATED: 4700' N and 1290' E from SE cor. Gay DLC 58.

T-6383  
(additional  
POD)

### FINAL PROOF SURVEY

43490      32243  
Application No. 46087 Permit No. 34436  
IN NAME OF

PALMER CREEK WATER DISTRICT IMPROVEMENT COMPANY

Aug. 12-16, 1975 L.E. Gould  
Aug. 21-23, 1975 R.G. Mucken  
Surveyed Aug. 26-29, 1975, by D.M. Norby



OREGON WATER RESOURCES PLAT CARD: Township 5.00 S Range 2.00 W SECTION 33

4/30/1995

APP. NO. / PERMIT NO.	CERT NO.	BOV* OLC	LOT	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
S 76850 0	0	V													0.90 (IR) (S)				
S 76850 0	0	V											39.00 (IR) (S)						
S 76850 0	0	V										7.50 (IR) (S)							
S 76850 0	0	V												7.40 (IR) (S)					
S 80450 0	0	V										7.5	39.00 (AU)	7.4	6.9				

Subject APP



16.401  
(1R)  
(S)

40.004  
(FR)  
(S)

1.80  
(1R)

32-50  
(IR)  
(S)

77.50  
(1R)  
(S)

5/30/1996

APP. NO. / (CER)		NO.	DOV'T LOT	NE				NW				SW				SE			
PERMIT NO.			DLC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
S 76850 0		0 V						12.80 (IR) (S)											
S 80450 0		0 V																15.20 (AG)	
S 80450 0		0 V																	8.30 (AG)
S 80450 0		0 V												<del>UWA</del>					
S 80450 0		0 V													10.80 (AG)				
S 80450 0		0 V												<del>UWA</del>					
S 80450 0		0 V										31.30 (AG)							
S 80450 0		0 V															40.00 (AG)		
S 80450 0		0 V														40.00 (AG)			
S 80450 0		0 V										<del>UWA</del>							



4/30/1998



4/30/1956

4/30/1996







4/30/1996



OREGON WATER RESOURCES PLAT CARD: Township 8.00 S Range 3.00 W SECTION 4

4/30/1995

APP. NO. / CERT		GOV'T LOT DLC	NE				NW				SW				SE			
PERMIT NO.	NO.		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
GR 1495	0 V							17.00										
GR 1446								(1R)										
GR 1497	0 V							17.00										
GR 1447								(1R)										
S 17187	25198 V	OLC 59								1.20								
S 15557		OLC 59							4.00	(1R)								
		OLC 59						5.60	(1R)									
		OLC 59					10.20	(1R)										
		OLC 59		2.60														
				(1R)														
S 24899	22492 V			4.40											1.80			







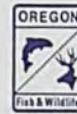
RECEIVED

JAN 16 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon

DEPARTMENT OF  
FISH AND  
WILDLIFE



NORTHWEST  
REGIONAL OFFICE

January 10, 1996

Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, OR 97310

Re: Application # S-80450  
Evergreen Agricultural Enterprises  
Yamhill County  
Palmer Creek > Willamette River; 5.010 cfs

Because one or more species of game fish are present at the described point of diversion, ODFW will require the applicant to provide fish screening pursuant to ORS 498.248. Therefore, ODFW requests that WRD include the following condition if the permit is granted:

The permittee shall install and maintain a fish screening device as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional, and approved by an ODFW representative prior to diversion of any water.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven R. Mamoyac".

Steven R. Mamoyac  
District Fish Biologist

c: Elicker, HCD

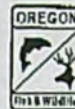
John A. Kitzhaber  
Governor



7118 NE Vandenberg Ave.  
Corvallis, OR 97330-9446  
(503) 757-4186  
FAX (503) 757-4252



Oregon

DEPARTMENT OF  
FISH AND  
WILDLIFENORTHWEST  
REGIONAL OFFICE

January 10, 1996

Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, OR 97310Re: Application # S-80450  
Evergreen Agricultural Enterprises  
Yamhill County  
Palmer Creek > Willamette River; 5.010 cfs

Because one or more species of game fish are present at the described point of diversion, ODFW will require the applicant to provide fish screening pursuant to ORS 498.248. Therefore, ODFW requests that WRD include the following condition if the permit is granted:

The permittee shall install and maintain a fish screening device as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional, and approved by an ODFW representative prior to diversion of any water.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Mamoyac".

Steven R. Mamoyac  
District Fish Biologist

c: Elicker, HCD

John A. Kitzhaber  
Governor7118 NE Vandenberg Ave.  
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# INITIAL REVIEW CHECKLIST

APPLICATION # 5 80450  
BASIN 2  
WAB # 010510  
POU-WAB 010510 + 0105

1. ☒ ITEMS HAVE BEEN VERIFIED ON COMPLETENESS CHECKLIST
2. N/A GW - A, B, OR C (IF B OR C THEN 3b,d;4;5;6;8 DO NOT APPLY)
3. DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...
  - a. ☒ BASIN PLAN
  - b. ☒ LEGISLATIVE WITHDRAWAL (ORS 538)
  - c. ☒ RULES
  - d. ☒ SCENIC WATERWAY (OTHER THAN WA ORS 390.826)
  - e. ☐ OTHER \_\_\_\_\_
4. ☒ WATER AVAILABILITY(WA) CFS 5.01 MONTHS Oct 1 - June 30  
50 % BEFORE JULY 17, 1992; 80 % LIVE FLOW 50 % STORAGE AFTER JULY 17, 1992
5. ☒ INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER AVAILABILITY SHEETS
6. N/A USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN THE FILE
7. N/A GROUND WATER REVIEW HAS BEEN EVALUATED FOR HYDRAULIC CONNECTION (USE WA DATABASE IF GW A) REQUIRED CONDITIONS \_\_\_\_\_
8. DIVISION 33 HAS BEEN ADDRESSED...
  - a. N/A SEASON FOR DIRECT FLOW (ABOVE BONN ONLY) \_\_\_\_\_
  - b. ☒ WATER QUALITY PARAGRAPH
  - c. ☒ EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)
9. ☒ PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP IS ATTACHED SHOWING THE CONFLICT WITH \_\_\_\_\_
10. N/A IRRIGATION SEASON \_\_\_\_\_ (DECREE, BASIN PLAN, PERMIT, GENERIC)
11. N/A RATE & DUTY \_\_\_\_\_ (DECREE, BASIN PLAN, PERMIT, GENERIC)  
GROUND WATER ALWAYS GENERIC FOR RATE AND DUTY  
# OF ACRES PRI \_\_\_\_\_ SUPP \_\_\_\_\_ NOT SURE \_\_\_\_\_
12. ☒ ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND HIGHLIGHTED AND PACKET IS STAPLED TOGETHER
13. ☒ WATERMASTER # 16
14. ☒ REGNL MANGER - SEND COPY (SW, SC, E) DO NOT SEND COPY TO (NW, NC)
15. ☐ SPELL CHECK HAS BEEN COMPLETED
16. ☐ LETTER WAS SAVED FROM M:\T\IR\WORK TO M:\T\IR\SENT

NAME \_\_\_\_\_ DATE \_\_\_\_\_



### **Main Stem Willamette River Subbasin**

690-502-050 The Main Stem Willamette River Subbasin includes the Willamette River from Willamette Falls near river mile 27 in Oregon City to the confluence of the Middle Fork and Coast Fork Willamette south of Springfield. Stream systems which are tributary to the Willamette River main stem above Willamette Falls are included in the subbasin, except for the major tributary subbasins specified in OAR 690-502-060 through 690-502-150:

(1) Surface water classification:

(a) The following streams and tributaries are withdrawn from further appropriation except storage:

(A) Second Periwinkle Creek (also known as Cox Creek and Ash Creek) and tributaries near Willamette River mile 118 at Albany are withdrawn from further appropriation by order of the State Engineer dated November 20, 1950;

(B) Croisan Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(C) Pringle Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(D) Mill Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated September 22, 1950;

(E) An unnamed stream and tributaries flowing through Section 24, Township 6 South, Range 4 West, Willamette Meridian, a tributary to Spring Valley Creek in Section 19, Township 6 South, Range 3 West, Willamette Meridian, are withdrawn from further appropriation by order of the State Engineer dated August 18, 1950;

(F) Corral Creek and tributaries near Willamette River mile 40 are withdrawn from further appropriation by order of the State Engineer dated August 7, 1951;

(G) Hatlin Creek and tributaries tributary to Potter Creek near Oregon City are withdrawn from further appropriation by order of the State Engineer dated September 22, 1950.

(b) The Willamette River main stem down-stream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses;

(c) The Willamette River main stem upstream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, to the confluence of the McKenzie and Willamette Rivers, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31;

(d) The Willamette River main stem above the confluence with the McKenzie River to the confluence of the Middle and Coast Forks of the Willamette River, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through October 31;



(e) Except as specified in subsection (1)(a) of this rule, **tributaries of the Main Stem Willamette River Subbasin are classified** for domestic, livestock, municipal, industrial, irrigation, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31.

(2) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and to minimize pollution and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic or livestock uses or waters to be legally stored or legally released from storage shall be made or granted by any state agency or public corporation of the state for the following waters and as shown in Table 1:

(a) The Willamette River or its tributaries above USGS Gage 14174000 (SW 1/4 Section 6, Township 11 South, Range 3 West) at Albany, Oregon, for natural flows of the Willamette River below 1,750 cubic feet per second plus waters released from storage of up to 3,140 cubic feet per second measured at the aforementioned gage;

(b) The Willamette River or its tributaries above USGS Gage 14191000 (SW 1/4 Section 22, Township 7 South, Range 3 West) at Salem, Oregon, for natural flows of the Willamette River below 1,300 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(c) The Willamette River or its tributaries above USGS Gage 14198000 (SE 1/4 Section 23, Township 3 South, Range 1 West) at Wilsonville, Oregon, for natural flows of the Willamette River below 1,250 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(d) The Willamette River or its tributaries above Willamette Falls at Oregon City for natural flows of the Willamette River below 1,500 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at or near said Willamette Falls and maintained to the mouth.

[ED. NOTE: Table 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Water Resources Department.]

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

#### **Middle Fork Willamette River Subbasin**

**690-502-060** The Middle Fork Willamette River Subbasin includes the Middle Fork Willamette River and tributaries upstream from its confluence with the Coast Fork Willamette River south of Springfield:

(1) Surface water classification:

(a) The North Fork of the Middle Fork Willamette River, from a point one mile upstream from the railroad bridge near Westfir to its headwaters, and Waldo Lake, are designated state scenic waterways. These waters and tributaries are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(b) Except as otherwise specified in subsection (c) of this section, the Middle Fork of the Willamette River and tributaries below Dexter Dam are classified for domestic, livestock, municipal, irrigation, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through January 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from February 1 through August 31;



OREGON ADMINISTRATIVE RULES  
WATER RESOURCES DEPARTMENT  
CHAPTER 690  
DIVISION 500  
BASIN PROGRAMS

**Basin Programs Preamble**

690-500-010

(1) The Water Resources Commission is responsible for the establishment of policy and procedures for the use and control of the state's water resources. In executing this responsibility, the Commission develops, adopts and periodically modifies programs for the state's major drainage basins as shown in Figure 1.

(2) Basin programs are administrative rules which establish water management policies and objectives and which govern the appropriation and use of the surface and ground water within each of the respective basins. The rules classify surface and ground waters according to the uses which are permitted, may establish preferences among uses, may withdraw surface and ground waters from further appropriation, may reserve waters for specified future uses, and may establish minimum perennial streamflows. These rules are in addition to rules with statewide applicability which govern the allocation and use of water.

(3) The Commission has adopted programs for the following basins:

- (a) North Coast Basin (Division 501)
- (b) Willamette Basin (Division 502)
- (c) Sandy Basin (Included in Division 502)
- (d) Hood Basin (Division 504)
- (e) Deschutes Basin (Division 505)
- (f) John Day Basin (Division 506)
- (g) Umatilla Basin (Division 507)
- (h) Grand Ronde Basin (Division 508)
- (i) Powder Basin (Division 509)
- (j) Malheur - Owyhee Basins (Division 510)
- (k) Goose and Summer Lakes Basin (Division 513)
- (l) Rogue Basin (Division 515)
- (m) Umpqua Basin (Division 516)
- (n) South Coast Basin (Division 517)
- (o) Mid Coast Basin (Division 518)
- (p) Columbia River (Division 519)
- (q) Middle Snake River Basin (Division 520)

(4) Although the Commission has not adopted a comprehensive basin program for the waters of the Malheur Lake Basin, minimum perennial streamflows have been adopted for specified streams in the basin. These minimum perennial streamflows are in Division 512. Allocation and use of the waters of the basin also are subject to administrative rules with statewide applicability.

(5) The Commission has not adopted a comprehensive basin program for the waters of the Klamath Basin. Allocation and use of the waters of the basin are subject to administrative rules with statewide applicability and to the provisions of the Klamath River Basin Compact (ORS 542.62

{adopted 9-23-88 and renumbered from 690-80-000}



## Definitions

690-500-020 Unless otherwise defined in a basin program, the following definitions apply in OAR Chapter 690, Divisions 501, 504-512, and 515-520 to any classification adopted prior to January 1, 1993:

- (1) "Domestic use" means the use of water for domestic water use, group domestic water use, commercial water use of less than 5,000 gallons per day, or human consumption as defined in OAR 690-11-010.
- (2) "Fish culture or fish life use" means the use of water for aquatic life water uses as defined in OAR 690-11-010 and public uses related to fish culture or fish life water uses as defined in OAR 690-77-010.
- (3) "Industrial use" means the use of water for commercial water use or industrial water use as defined in OAR 690-11-010.
- (4) "Irrigation use" means the use of water for agricultural water use, cranberry use, irrigation, nursery operations use, or temperature control as defined in OAR 690-11-010.
- (5) "Livestock use" means the use of water for stockwater use as defined in OAR 690-11-010.
- (6) "Mining use" means the use of water for mining water use or placer mining as defined in OAR 690-11-010.
- (7) "Municipal use" means the use of water for commercial water use, municipal water uses, or quasi-municipal water uses as defined on OAR 690-11-010.
- (8) "Pollution abatement use" means the use of water for pollution abatement or prevention water use as defined in OAR 690-11-010 and public uses related to pollution abatement as defined in OAR 690-77-010.
- (9) "Power or power development use" means the use of water for power development water use as defined in OAR 690-11-010.
- (10) "Recreation use" means the use of water for recreation water use as defined in OAR 690-11-010 and public uses related to recreation uses as defined in OAR 690-77-010.
- (11) "Wildlife use" means the use of water for wildlife use as defined in OAR 690-11-010 and public uses related to wildlife uses as defined in OAR 690-77-010.

{adopted 10-1-93}



(19) "Fish Screen", as used in OAR 690-11-014, means a screen, bar, rack trap or other barrier at a water diversion to entrap or provide adequate protection for fish populations, including related improvements necessary to insure its effective operation.

(20) "Fishway", as used in OAR 690-11-014, means any structure, facility or device used to facilitate upstream or downstream passage of fish through, over or around any man-made or natural barrier to free movement.

(21) "Forestland and Rangeland Management", as used in Chapter 595, Oregon Laws 1993, means water used for operations conducted on or pertaining to forestlands and rangelands. Such uses may include, but are not limited to, reforestation, road construction and maintenance, harvesting, vegetation management, and disposal of slash. Such use shall not include irrigation.

(22) "Groundwater Reservoir" means a designated body of standing or moving groundwater as defined in ORS 537.515(5).

(23) "Group Domestic Water Use" means the use of water for domestic water use by more than one residence or dwelling unit.

(24) "Human Consumption" means the use of water for the purposes of drinking, cooking, and sanitation.

(25) "Industrial Water Use" means the use of water associated with the processing or manufacture of a product. These uses include, but are not limited to, construction, operation and maintenance of an industrial site, facilities and buildings and related uses. Examples of these uses include, but are not limited to, general construction; road construction; non-hydroelectric power production, including down-hole heat exchange and geothermal; agricultural or forest product processing; and fire protection. Such use shall not include irrigation or landscape maintenance of more than 1/2 acre.

(26) "Irrigation" means the artificial application of water to crops or plants by controlled means to promote growth or nourish crops or plants. Examples of these uses include, but are not limited to, watering of an agricultural crop, commercial garden, tree farm, orchard, park, golf course, play field or vineyard and alkali abatement.

(27) "Mining Water Use" means the use of water for extraction, preliminary grading, or processing of minerals or aggregate at a mining site or construction, operation and maintenance of a mining site. These uses include, but are not limited to, general construction, road construction, and dust control. Examples of mining include, but are not limited to, aggregate, hard rock, heap leach and placer mining.

(28) "Municipal Corporation" means any county, city, town or district as defined in ORS 198.010 or 198.180(5) that is authorized by law to supply water for usual and ordinary municipal water uses.

(29) "Municipal Water Use" means the delivery and use of water through the water service system of a municipal corporation for all water uses usual and ordinary to such systems. Examples of these water uses shall include but are not limited to domestic water use, irrigation of lawns and gardens, commercial water use, industrial water use, fire protection, irrigation and other water uses in park and recreation facilities, and street washing. Such uses shall not include generation of hydroelectric power.

(30) "Nursery Operations Use" means the use of water for operation of a commercial nursery which may include temperature control, watering of containerized stock, soil preparation, application of chemicals or fertilizers, watering within greenhouses and uses to construct, operate and maintain nursery facilities. The use of water within plant nursery operations constitutes a different use from field irrigation, although that may be a part of nursery use. If used for field irrigation for nursery stock, such use is not restricted to the defined agricultural irrigation season.



2F

No fill shall be placed until excavation of the cutoff trench has been completed in its entirety and approved by the engineer.

2G

A new topographical map and area-capacity curve, prepared by an engineer, must be submitted to this department if earth material is removed from the storage area during construction.

3A

When determined necessary by the department the water user shall install and maintain an outlet pipe with a minimum diameter of XXX inches and an approved controlling device or shall provide other means to bypass direct flows or to evacuate the stored water.

3B

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

3C

No water may be appropriated during the period XXX to XXX (except for human and/or livestock consumption).

3D

The amount of water diverted for CRANBERRY OPERATIONS, together with amounts secured under any other rights existing for the same lands, is limited as follows: For temperature control, 0.15 cubic foot per second per acre; For flood harvesting or pest control, 0.05 cubic foot per second per acre; For irrigation of cranberries, ONE-FORTIETH of one cubic foot per second and 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. For the irrigation of any other crop, ONE-EIGHTIETH of one cubic foot per second and 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. ,

3E

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the irrigation of **in ground nursery plants** the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at anytime of the year that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.



further conditioned so that, if the riparian area is disturbed in the process of developing a point of diversion, the riparian area is restored or enhanced.

(4) If a proposed use is not consistent with the Fish and Wildlife Program, the applicant may propose mitigation compatible with OAR 690-33-120(2) and (3). The Director shall determine if the proposed use with mitigation is consistent with the Fish and Wildlife Program. 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.

#### Flow Management Objectives

690-33-130 If the flow management objectives cannot be achieved because of differing requirements between fish species in the management area, the Department shall consult with the affected fish and wildlife agencies and the appropriate Indian tribes to assist in resolving the flow management conflicts.

Stat. Auth.: ORS 537.140-190

Hist.: WRD 10-1994, f. & cert. ef. 9-21-94

#### Exemptions

690-33-140 Notwithstanding OAR 690-33-120(2)(a) and (b), the Commission may approve a water right permit for:

(a) Domestic water use;

(b) Projects that provide net benefits for native resident and native anadromous fish recovery. For example, these projects may include, but are not limited to, livestock watering away from water courses which results in improved riparian areas;

(c) Emergency use necessary for public health and safety;

(d) Existing water uses covered under House Bill 2153 (Oregon Legislature 1993);

or

(e) Multipurpose storage projects or other projects with measurable public benefits.

Stat. Auth.: ORS 537.140-190

Hist.: WRD 10-1994, f. & cert. ef. 9-21-94

#### Additional Public Interest Review Standards for Applications Proposing New Water Uses in the Columbia River below Bonneville Dam for the Protection of Threatened and Endangered Fish Species

690-33-210 (1) These rules apply to applications filed after April 8, 1994, in the areas listed below for which no permit has been granted, or on which no contested case has been ordered as of the effective date of these rules:

(a) Portions of the North Coast Basin which drain into the Columbia River; and

(b) Clackamas Subbasin of the Willamette Basin.

(2) These rules apply to applications filed after June 3, 1994, in the areas listed below for which no permit has been granted, or on which no contested case has been ordered, as of the effective date of these rules:

(a) Sandy Basin;



- (b) Willamette Basin, excluding the Clackamas Subbasin; and
- (c) Mainstem Columbia River below Bonneville Dam.
- (3) These definitions, standards and procedures are in addition to, not in lieu of, all other existing rules and laws.
- (4) These rules shall be reviewed and may be revised when:
  - (a) A final National Marine Fisheries Service Recovery Plan for Snake River salmon is promulgated, or the Northwest Power Planning Council Fish and Wildlife Program is revised after the effective date of these rules providing additional information concerning the recovery of threatened or endangered fish stocks in the Lower Columbia Basin; or
  - (b) 300 cfs of additional water rights have been issued from the Mainstem Columbia River below Bonneville Dam since June 3, 1994; or
  - (c) An additional fish species has been listed as threatened or endangered in the area listed in OAR 690-33-210(1) or (2).

Stat. Auth.: ORS 537.170

Hist.: WRD -1995, f. & cert. ef. 6-16-95

#### Evaluation Criteria

690-33-220 (1) If the Department determines that a proposed use of water is detrimental to the protection or recovery of a threatened or endangered species and cannot be conditioned or mitigated to avoid the detriment, the application shall be presumed to impair or be detrimental to the public interest. The Department shall review recovery plans, the Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered species in evaluating whether a proposed use is detrimental to the protection or recovery of a threatened or endangered species.

(2) The proposed use shall comply with the following standards which will form the basis for permit conditions:

(a) The proposed use complies with screen design, installation, operation (including provisions for maintenance) specifications and passage requirements as listed in ORS 498.248 through 498.268 and 509.600 through 509.630;

(b) The proposed use complies with existing state and federal water quality standards; and

(c) The proposed use complies with water use measurement, recording and reporting required by the Director?

(3) Any application for more than one cubic foot per second not subject to the requirements of OAR Chapter 690, Division 86, shall contain a description of the measures to be taken to assure reasonably efficient water use.

(4) Based on the determination under OAR 690-33-220(1) the proposed use may be further conditioned so that, if the riparian area is disturbed in the process of developing a point of diversion, the riparian areas is restored or enhanced.

(5) If a proposed use is determined to be detrimental to the protection or recovery of a threatened or endangered species, the applicant may propose mitigation compatible with OAR 690-33-220 (2), (3), and (4). The Director shall determine if the proposed use with mitigation offsets the detriment. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635,



## WATER AVAILABILITY TABLE

Basin: WILLAMETTE Exceedance Level: 80  
 Water Availability Subbasin: 0105100000000000 (and Nested Subbasins)  
 Time: 14:45 Date: 09/15/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0100000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	0105000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
3	0105100000000000	YES	YES	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES	YES

## STREAM NAMES

Basin: WILLAMETTE  
 Water Availability Subbasin: 0105100000000000 (and Nested Subbasins)  
 Time: 14:45 Date: 09/15/1995

WAB #	Stream Name	Tributary to
0100000000000000	WILLAMETTE R	COLUMBIA R
0105000000000000	WILLAMETTE R	COLUMBIA R
0105100000000000	YAMHILL R	WILLAMETTE R

## LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0105100000000000

Basin: WILLAMETTE

Exceedance Level: 80

Time: 14:45

Date: 09/15/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0105100000000000	YAMHILL R	YES	1760.0
2	0105100000000000	YAMHILL R	YES	1980.0
3	0105100000000000	YAMHILL R	YES	1700.0
4	0105100000000000	YAMHILL R	YES	985.0
5	0105100000000000	YAMHILL R	YES	423.0
6	0105100000000000	YAMHILL R	YES	98.4
7	0105100000000000	YAMHILL R	NO	-53.2
8	0105100000000000	YAMHILL R	NO	-75.2
9	0105100000000000	YAMHILL R	NO	-50.1
10	0105100000000000	YAMHILL R	YES	16.2
11	0105100000000000	YAMHILL R	YES	400.0
12	0105100000000000	YAMHILL R	YES	1590.0
Stor	0105100000000000	YAMHILL R	YES	1110000.0



## DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: WILLAMETTE R

&gt; COLUMBIA R

Water Availability Subbasin: 0100000000000000

Exceedance Level: 80

Time: 14:45

Date: 09/15/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	28800.00	500.00	28300.00	178.00	28100.00	1500.00	26600.00
2	31100.00	3500.00	27600.00	179.00	27400.00	1500.00	25900.00
3	29300.00	4600.00	24700.00	176.00	24500.00	1500.00	23000.00
4	26100.00	4400.00	21700.00	178.00	21500.00	1500.00	20000.00
5	21200.00	2200.00	19000.00	195.00	18800.00	1500.00	17300.00
6	10900.00	1260.00	9640.00	308.00	9330.00	1500.00	7830.00
7	6300.00	1640.00	4660.00	308.00	4350.00	1500.00	2850.00
8	4940.00	1460.00	3480.00	275.00	3200.00	1500.00	1700.00
9	5030.00	1090.00	3940.00	273.00	3670.00	1500.00	2170.00
10	6030.00	360.00	5670.00	163.00	5510.00	1500.00	4010.00
11	12800.00	400.00	12400.00	168.00	12200.00	1500.00	10700.00
12	25800.00	400.00	25400.00	178.00	25200.00	1500.00	23700.00
Stor	19900000	1960000	18000000	154000	17800000	1080000	16700000

## DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: WILLAMETTE R

&gt; COLUMBIA R

Water Availability Subbasin: 0100000000000000

Time: 14:45

Date: 09/15/1995

-----ISWRs-----							RESULTANT
APP # :	181A	0	0	0	0	0	
STATUS:	Cert.						
1	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
2	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
3	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
4	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
5	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
6	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
7	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
8	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
9	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
10	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
11	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
12	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C



## DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: WILLAMETTE R

&gt; COLUMBIA R

Water Availability Subbasin: 0105000000000000

Exceedance Level: 80

Time: 14:45

Date: 09/15/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	21400.00	300.00	21100.00	146.00	21000.00	1500.00	19500.00
2	23200.00	3300.00	19900.00	146.00	19800.00	1500.00	18300.00
3	22400.00	4500.00	17900.00	145.00	17800.00	1500.00	16300.00
4	19900.00	4300.00	15600.00	145.00	15500.00	1500.00	14000.00
5	16600.00	2000.00	14600.00	160.00	14400.00	1500.00	12900.00
6	8740.00	850.00	7890.00	232.00	7660.00	1500.00	6160.00
7	4980.00	1100.00	3880.00	224.00	3660.00	1500.00	2160.00
8	3830.00	980.00	2850.00	196.00	2650.00	1500.00	1150.00
9	3890.00	730.00	3160.00	203.00	2960.00	1500.00	1460.00
10	4850.00	250.00	4600.00	138.00	4460.00	1500.00	2960.00
11	10200.00	260.00	9940.00	139.00	9800.00	1500.00	8300.00
12	19300.00	300.00	19000.00	145.00	18900.00	1500.00	17400.00
Stor	15100000	1750000	13400000	121000	13300000	1080000	12200000

## DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: WILLAMETTE R

&gt; COLUMBIA R

Water Availability Subbasin: 0105000000000000

Time: 14:45

Date: 09/15/1995

-----ISWRs-----							
APP # :	182A	0	0	0	0	0	RESULTANT
STATUS:	Cert.						
1	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
2	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
3	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
4	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
5	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
6	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
7	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
8	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
9	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
10	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
11	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
12	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C



## DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE

Stream: YAMHILL R

&gt; WILLAMETTE R

Water Availability Subbasin: 0105100000000000

Exceedance Level: 80

Time: 14:45

Date: 09/15/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	1840.00	30.00	1810.00	16.90	1791.70	31.70	1760.00
2	2070.00	40.00	2030.00	17.30	2011.70	31.70	1980.00
3	1760.00	10.00	1750.00	15.50	1731.70	31.70	1700.00
4	1060.00	30.00	1030.00	12.80	1016.70	31.70	985.00
5	523.00	56.00	467.00	11.90	454.70	31.70	423.00
6	232.00	78.00	154.00	23.90	130.10	31.70	98.40
7	108.00	101.00	6.52	28.00	-21.50	31.70	-53.20
8	66.90	89.70	-22.80	20.70	-43.50	31.70	-75.20
9	56.50	56.10	0.37	18.80	-18.40	31.70	-50.10
10	72.50	14.50	58.00	10.10	47.90	31.70	16.20
11	462.00	18.00	444.00	11.90	431.70	31.70	400.00
12	1670.00	30.00	1640.00	16.50	1621.70	31.70	1590.00
Stor	1170000	32700	1140000	12200	1130000	22800	1110000

## DETAILED REPORT OF ISWRs

Basin: WILLAMETTE

Stream: YAMHILL R

&gt; WILLAMETTE R

Water Availability Subbasin: 0105100000000000

Time: 14:45

Date: 09/15/1995

-----ISWRs-----							
APP # :	73547A	73548A	0	0	0	RESULTANT	
STATUS:	App.	App.					
1	31.7	31.5	0.0	0.0	0.0	31.7	A
2	31.7	31.5	0.0	0.0	0.0	31.7	A
3	31.7	31.5	0.0	0.0	0.0	31.7	A
4	31.7	31.5	0.0	0.0	0.0	31.7	A
5	31.7	31.5	0.0	0.0	0.0	31.7	A
6	31.7	31.5	0.0	0.0	0.0	31.7	A
7	31.7	31.5	0.0	0.0	0.0	31.7	A
8	31.7	31.5	0.0	0.0	0.0	31.7	A
9	31.7	31.5	0.0	0.0	0.0	31.7	A
10	31.7	31.5	0.0	0.0	0.0	31.7	A
11	31.7	31.5	0.0	0.0	0.0	31.7	A
12	31.7	31.5	0.0	0.0	0.0	31.7	A



9/15/1995

[illegible]



Palmer St Water District Improvement Company

9/15/1995

[illegible]



				(1R)															
S	52109	51493	V	DLC 65															20.80
S	39385			DLC 60															(1R)
				DLC 60	3.70														
				DLC 60	(1R)														
				DLC 60	12.50														
				DLC 60	(1R)														
				DLC 60	33.40														
				DLC 65	(1R)														
				DLC 60															1.00
				DLC 60															(1R)
				DLC 60	11.60														
				DLC 60	(1R)														
				DLC 60															8.00
				DLC 60	(1R)														
S	59722	64570	V	DLC 60	5.60														
S	45189			DLC 60	(1R)														
				DLC 60	(S)														
				DLC 60	27.40														
				DLC 60	(1R)														
				DLC 60	(S)														
				DLC 60	9.70														
				DLC 60	(1R)														
				DLC 60	(S)														
				DLC 60	27.50														
				DLC 60	(1R)														
				DLC 60	(S)														

OREGON WATER RESOURCES PLAT CARD: Township 5.00 S Range 3.00 W SECTION 33

9/15/1995

APP. NO. / CERT		GOV'T LOT		NE				NW				SW				SE			
PERMIT NO.	NO.	DLC		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 256	25528	V	DLC 38				40.00												
G 201			DLC 38			10.00	(1R)												
			DLC 38		0.70	(1R)													
			DLC 38												16.40	(1R)			
			DLC 38	3.00	(1R)														
			DLC 38												0.40	(1R)			
G 2736	33371	V	DLC 38												11.80	(1R)			
G 2536			DLC 38															1.40	(1R)
G 5589	51708	V	DLC 60									39.70	(1R)						
G 5503			DLC 60								8.60	(1R)							
			DLC 60										9.60	(1R)					



0.80  
(IR)

9/15/1995







OREGON WATER RESOURCES PLAT CARD: Township 5.00 S Range 3.00 W SECTION 33

9/15/1995

APP. NO. / CERT PERMIT NO.	NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 12474 0	01V	(IR) -->																
G 12474 0	01V	(AG) -->																
S 76860 0	01V												7.40 (IR) (S)					
S 76860 0	01V													0.90 (IR) (S)				
S 76860 0	01V												39.00 (IR) (S)					
S 76860 0	01V												7.50 (IR) (S)					
S 80450 0	01V												39.00 (AG)					



# Water Watch

RIVERS NEED WATER

Via FAX and Regular Mail

RECEIVED

NOV - 1 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

October 31, 1995

Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, OR 97310

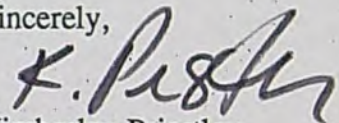
**RE: Additional Comments to Application 80450, Evergreen Agricultural Enterprises Inc.,  
Nursery Operations, Palmer Creek/Yamhill River, Willamette River Basin**

Dear Water Rights Section:

These comments are in addition to the ones we submitted earlier on this same application.

The initial review states that nursery operations are allowed under the Willamette Basin Plan. In reviewing the plan, it became clear that nursery operations are not an allowable use under the plan. Thus, the standard for the presumption under Senate Bill 674 B that this use is in the public interest is not met.

Sincerely,



Kimberley Priestley  
Legal/Policy Analyst



# Water Watch

RIVERS NEED WATER

Via FAX and Regular Mail

October 31, 1995

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NOV - 1 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, OR 97310

RE: Additional Comments to Application 80450, Evergreen Agricultural Enterprises Inc., Nursery Operations, Palmer Creek/Yamhill River, Willamette River Basin

Dear Water Rights Section:

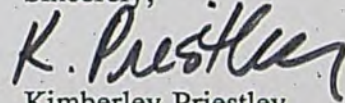
These comments are in addition to the ones we submitted earlier on this same application.

In reviewing another file, we came upon a WRD interoffice memo that states:

All surface water, reservoir or groundwater in hydraulic connection to surface water applications within the **Yamhill River, Pudding River or Tualatin River** systems should be conditioned to not allow use of live flow during the period May 1 to October 31 each year. (See attached memo).

Given that the proposed source for this application is part of the Yamhill River System, the Department is violating its own directive by proposing use in the initial review that falls within this time period. This is not in the public interest.

Sincerely,




Kimberley Priestley  
Legal/Policy Analyst



## INTEROFFICE MEMORANDUM



TO: TR Caseworkers

FROM: Reed Marbut 

DATE: April 27, 1994

RE: TMDL/WQL; DEQ Letters of February 7, 1994

All surface water, reservoir or groundwater in hydraulic connection to surface water applications within the Yamhill River, Pudding River or Tualatin River systems should be conditioned to not allow use of live flow during the period May 1 to October 31 each year.

This policy, effective immediately, is in response to the attached letters received from DEQ on February 7, 1994.

**RECEIVED**

NOV - 1 1995

WATER RESOURCES DEPT.  
SALEM, OREGON



# Water Watch

R I V E R S   N E E D   W A T E R

Via FAX and Regular Mail

October 31, 1995

RECEIVED

NOV - 1 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, OR 97310

**RE: Comments to Application 80450, Evergreen Agricultural Enterprises Inc., Nursery Operations, Palmer Creek/Yamhill River, Willamette River Basin**

Dear Water Rights Section:

According to the public notice, the applicant proposes to withdraw a total of 5.01 cfs from Palmer Creek for Agriculture. The Department determined that water was available for the limited months of October 1 through June 30 for Nursery Operations.

1. The Public Interest Presumption of Senate Bill 674 B has not been met.

Under SB 674 B, a proposed use is presumed to be in the public interest if four criteria are met: the use must be allowed under the applicable basin program, water must be available, the proposed use must not injure other water rights, and the use must comply with the rules of the Water Resources Commission. The presumption is not established with regard to this application because the Department has not adequately determined that water is available from Palmer Creek for this use.

The Department's water availability analysis was for the Yamhill River and the Willamette River. Nowhere in the file was there any analysis of the water available for appropriation from Palmer Creek, the source of use. Failure to determine whether there is water available for further appropriation from the proposed source means the analysis is insufficient to ensure that water is available for the proposed use. Thus, the presumption under SB 674 B has not been met.

2. The proposed use will impair or be detrimental to the public interest

a. efficiency

The initial review lists the proposed use as nursery operations. Nowhere in the file is an explanation of the proposed operation. Oregon statutes and rules require that water be used beneficially without waste. Oregon law calls for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). Oregon Courts have recognized that the allocation of water is governed by a doctrine that requires "suppress(ing) all wasting of water." Tudor v. Jaca, 178 Or. 126, 144 (1946) (quoting In Re Water Rights of Deschutes River, 134 Or. 623, 666 (1930)). Oregon Courts have found that wasteful use constitutes a



"non-beneficial use" of water. Hennings v. Water Resources Dept, 50 Or App 121, 125, (1981). Given the low flows of the Yamhill River, the water quality problems, and the fact that nursery uses are a contributing factor to these existing problems, it is imperative that any use allowed be held to a strict efficiency standard prior to issuance of any new permit.

b. measurement and reporting

The Initial Review states that if the permit is issued it will likely include the condition that "you may be required to measure the amount of water used and report that use annually." Such a vague standard is not in the public interest, especially given the resource concerns in the basin. At a minimum, there should be mandatory measurement and reporting of both rate and duty.

c. Fish screening

The Initial Review states that the applicant "may" be required to install fish screens at the point of diversion. Given the adverse effects this diversion will have on fish habitat, screening must be mandatory and clearly be required to be in place **before** any storage or diversion of water. In addition, failure to maintain screening facilities must be grounds for shutting off water use. There should be a condition which **clearly** states these requirements.

d. Water Quality

Many sections of the Yamhill River are designated by the DEQ as water quality limited for several pollution assessment parameters. As defined in Division 11, "Nursery operations" includes the application of chemicals or fertilizers. Thus, it is probable that the proposed use will further exacerbate existing water quality problems.

When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. No where in the file is there evidence that the Department has fulfilled this duty.

e. Processing out of order

No where in the public notice or in the initial review is a tentative priority date listed. However, from various sources in the file, including the high application number, it can be deduced that the application date is sometime in 1994.

The Commission has directed the Department to process applications in the order received. The Department is not abiding by this direction. Of the over 5000 pending applications currently in the backlog, a large percentage of those were filed prior to 1994. To process this application out of order prejudices those applicants, both instream and out-of-stream, who filed applications in this subbasin prior to this applicant.

RECEIVED

NOV - 1 1995

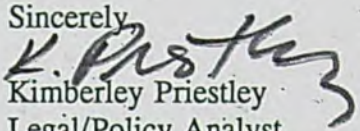
WATER RESOURCE  
SALEM, OREG



e. The proposed use will impair streamflows needed for instream uses

The Yamhill River system supports a variety of fish life, including cutthroat trout and steelhead. Low flows affect the viability of these and other species. The water availability analysis documents the low flows of this system. The Department has proposed to limit the use somewhat, however, they are proposing to allow use during the months of June and October, when flows are relatively low. Unless the Department further limits the proposed months of use to prohibit use in these months as well, the public interest will be impaired.

Sincerely,

  
Kimberley Priestley  
Legal/Policy Analyst

RECEIVED  
NOV - 1 1995  
WATER RESOURCES  
SALEM, OREGON



# Water Watch



RIVERS NEED WATER

Via FAX and Regular Mail

October 31, 1995

Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, OR 97310

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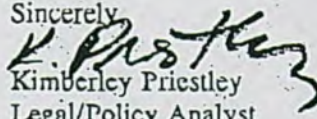
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Sincerely,

  
Kimberley Priestley  
Legal/Policy Analyst



# Water Watch

## FACSIMILE TRANSMITTAL COVER SHEET

Date: 10.31.95  
To: Water Rights Section, WRD  
Fax: (503) 378-8130  
From: K. Prostey Fax number (503) 295-2791  
Total Pages Being Sent, including this page: ~~4~~ 2

If there are any problems receiving this transmission,  
please telephone WaterWatch immediately at 503-295-4039.

Re: comments 80450, additional comments

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREDY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS BELOW. THANK YOU.

Confirming call:

Initials \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ WRD contact \_\_\_\_\_



# Water Watch



RIVERS NEED WATER

Via FAX and Regular Mail

October 31, 1995

Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, OR 97310

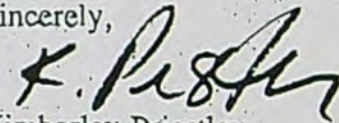
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Sincerely,



Kimberley Priestley  
Legal/Policy Analyst



Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in  
Addition to Classified Uses

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

RECEIVED

JUN 14 1995

Applicant's Name: Evergreen Agricultural Enterprises, Inc  
Address: PO Box 1254  
City: McMinnville State: OR Zip: 97128 Day Phone: 472-9384

WATER RESOURCES DEPT.  
SALEM, OREGON 97301-2042

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) 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.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
T55 R3W Sec 32-500	AFLH - EF-40			
T55 R3W Sec 33-500	AFLH - EF-40			

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. YAMHILL

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Application No. 80450

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide 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): 402 OF Y.C.C. 2-0. Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: \_\_\_\_\_

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government can not provide the above requested land use information while the applicant waits.

City or County: \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date of Information Request: \_\_\_\_\_



JUN 14 1995

WATER RESOURCES DEPT.  
SALMON AND OREGON

Date: 5-12-95  
Phone: 434-7516

March 1896

Additional Comments:

Version: 8/27/90



## Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Evergreen Agricultural Enterprises, Inc.Address: PO Box 1254  
McMinnville, OR 97128Phone: 503-472-9361 ext. 4642**RECEIVED**

JUN 14 1995

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

WATER RESOURCES DEPT.  
SALEM, OREGON

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): NURSERY USE
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): \_\_\_\_\_
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_
- ☐ Institutional (i.e., school, library, etc.): \_\_\_\_\_
- ☐ Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_
- ☐ Recreation (park, campsite, pond, etc.): \_\_\_\_\_
- ☐ Fish and Wildlife (pond, hatchery, etc.): \_\_\_\_\_
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_
- ☐ Other (Name and list key characteristics): \_\_\_\_\_

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: <u>PALMER CREEK</u>	<u>5.01</u> Cubic feet per second. <u>2250</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	



# Water Watch

## FACSIMILE TRANSMITTAL COVER SHEET

Date: 10.31.95

To: Water Rights Section, WRD

Fax: (503) 378-8130

From: K. Prostley

Fax number (503) 295-2791

Total Pages Being Sent, including this page:

~~4~~ ~~4~~ 3

If there are any problems receiving this transmission,  
please telephone WaterWatch immediately at 503-295-4039.

Re: comments 80450, additional comments

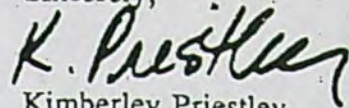
THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS BELOW. THANK YOU.

Confirming call:

Initials \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ WRD contact \_\_\_\_\_



Sincerely,



Kimberley Priestley  
Legal/Policy Analyst

WaterWatch of Oregon • 213 Southwest Ash, Suite 208 • Portland, OR 97204  
Phone: (503) 295-4039 Fax: (503) 295-2791 Email: watrwtch@teleport.com



## INTEROFFICE MEMORANDUM



TO: TR Caseworkers  
FROM: Reed Marbut *RM*  
DATE: April 27, 1994  
RE: TMDL/WQL: D14(Q) Letters of February 7, 1994

All surface water, reservoir or groundwater in hydraulic connection to surface water applications within the Yamhill River, Pudding River or Tualatin River systems should be conditioned to not allow use of live flow during the period May 1 to October 31 each year.

This policy, effective immediately, is in response to the attached letters received from D14(Q) on February 7, 1994.



South 38° East 1.60 chains to the South boundary line of Claim No. 59; thence East on the South boundary line of said William Miller Donation Land Claim, 3.93 chains to angle corner on the South boundary line of said Donation Land Claim; thence North 42°30' East 4.50 chains; thence North 36° East 15.00 chains; thence North 43° East 7.16 chains; thence East 49.00 chains to the Southeast corner of said Donation Land Claim; thence North 33.73 chains to the Easterly Northeast corner of the Donation Land Claim of Adam Matheny and Harriett Matheny, his wife, Notification No. 1633, Claim No. 60 in Township 5 South, Range 3 West of the Willamette Meridian; thence West along line of said Matheny Donation Land Claim 60.00 chains to inner angle corner of said Donation Land Claim; thence North along a line of said Donation Land Claim, 21.25 chains to the Southeast corner of tract of land conveyed by William Miller and Jane Miller, his wife, to W. M. West by Deed recorded at Page 432, Volume "F", Records of Deeds for Yamhill County, Oregon; thence West 100.00 chains to the West boundary line of said Matheny Donation Land Claim; thence South 75.87 chains along the West boundary lines of the said Matheny and Miller Donation Land Claims to the place of beginning.

SAVING AND EXCEPTING THEREFROM 12.00 acres, more or less, sold and conveyed by Will C. Miller and Nancy May Miller, his wife, to Clyde H. LaFollette by Deed recorded at Page 42 of Volume 65 of Records of Deeds of Yamhill County, Oregon.

ALSO SAVING AND EXCEPTING THEREFROM the following:

Being a part of the William Miller Donation Land Claim in Yamhill County, Oregon, which part is described as follows:

Beginning in the center of the County Road now there and known and being Market Road No. 16, said beginning point being the Southwest corner of the Daniel Matheny Donation Land Claim in said County and State; thence running in a Southerly direction in the center of said Market Road to the South line of the said William Miller Donation Land Claim; thence East to the low water mark of the Willamette River; thence Northeasterly following the low water mark of said Willamette River to the North line of said William Miller Donation Land Claim; thence North along the East line of the Adam Matheny Donation Land Claim to the South line of the Daniel Matheny Donation Land Claim; thence West on the South line of the Daniel Matheny Donation Land Claim to the place of beginning.

ALSO SAVING AND EXCEPTING THEREFROM the following:

Beginning at the Southwest corner of the Donation Land Claim of William Miller and Jane Miller, his wife, Notification No. 280, Claim No. 65 in Township 5 South, Range 3 West of the Willamette Meridian and Claim No. 59 in Township 6 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon; and running thence East along the South line of said Donation Land Claim, 25.68 chains;



thence North  $9^{\circ}$  East 49.20 chains to an iron bar at the Northwest corner of the W. S. Dawne's land; thence East 17.00 chains along the line of the lands of W. S. Dawne on the South and R. M. Dawne on the North; thence North  $72^{\circ}30'$  East down the center of a ditch, 14.70 chains to angle in ditch and angle in the North boundary line of W. S. Dawne's land in angle in the South boundary line of R. M. Dawne's land; thence South  $86^{\circ}$  East down the center of a ditch, 10.00 chains to angle in the North boundary line of W. S. Dawne's land; thence South  $89^{\circ}45'$  East down the center of ditch, 18.80 chains to angle in ditch and angle in the North boundary line of W. S. Dawne's land; thence South  $70^{\circ}$  East down the center of ditch, 5.00 chains to angle in ditch and angle in the North boundary line of W. S. Dawne's land; thence South  $85^{\circ}$  East down the center of ditch 0.80 of a chain to the center of County Road; thence North  $2^{\circ}$  West along the center of said Road, 112 feet to the TRUE place of beginning of the herein described tract; thence from said TRUE place of beginning North  $2^{\circ}$  West along said center line of the road, 242 feet to a point; thence West 180 feet to a point; thence South parallel with the center line of said road, 242 feet; thence East 180 feet to the TRUE point of beginning.

PARCEL 2: Beginning at the Southwest corner of the Donation Land Claim of William Miller and Jane Miller, his wife, Notification No. 280, Claim No. 65 in Township 5 South, Range 3 West of the Willamette Meridian and Claim No. 59 in Township 6 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon; and running thence East along the South line of said Donation Land Claim 25.68 chains; thence North  $9^{\circ}$  East 49.20 chains to an iron bar at the Northwest corner of the W. S. Dawne's land; thence East 17.00 chains along the line of the lands of W. S. Dawne on the South and R. M. Dawne on the North; thence North  $72^{\circ}30'$  East down the center of a ditch, 14.70 chains to angle in ditch and angle in the North boundary line of W. S. Dawne's land in angle in the South boundary line of R. M. Dawne's land; thence South  $86^{\circ}$  East down the center of ditch 10.00 chains to angle in the North boundary of W. S. Dawne's land; thence South  $89^{\circ}45'$  East down the center of ditch, 18.80 chains to angle in ditch and angle in the North boundary line of W. S. Dawne's land; thence South  $70^{\circ}$  East down the center of ditch, 5.00 chains to angle in ditch and angle in the North boundary line of W. S. Dawne's land; thence South  $85^{\circ}$  East down the center of ditch 0.80 of a chain to the center of County Road; thence North  $2^{\circ}$  West along the center of said road, 112 feet to the TRUE place of beginning of the herein described tract; thence from said TRUE point of beginning North  $2^{\circ}$  West along said center line of the Road, 242 feet to a point; thence



West 180 feet to a point; thence South parallel with the center line of said road, 242 feet; thence East 180 feet to the TRUE point of beginning.

PARCEL 3: Part of the Adam Matheny Donation Land Claim No. 60 Notification No. 1633, in Township 5 South, Range 3 West of the Willamet Meridian in Yamhill County, Oregon, described as follows:

Beginning at the Northwest corner of said Claim; thence East along the North line of said Claim a distance of 279.20 feet to the Northeast corner of that certain tract conveyed to School District No. 49 by Deed recorded January 22, 1914 in Book 67, Page 253, Deed Records and the TRUE place of beginning of the tract to be described; thence East along the North line of said Donation Land Claim a distance of 925.8 feet; thence South 825 feet; thence East 264 feet; thence South 1258.60 feet; thence West 1459 feet, more or less, to the East line of the County Road; thence North along the East line of said road to the Southwest corner of that certain tract conveyed to W. B. Versteeg by Deed recorded August 23, 1950 in Book 158, Page 498, Deed Records; thence East 275 feet to the Southeast corner of said Versteeg tract; thence North 01°11' West 344 feet to the Northeast corner of said Versteeg tract and the Southeast corner of the aforesaid School District No. 49 tract; thence North 354.50 feet to the TRUE place of beginning.-----

Exhibit C  
Page 4

Evergreen Helicopters, Inc.

by: X

Zeeb's Investment Co.,

by: Clay Dzel

, Partner



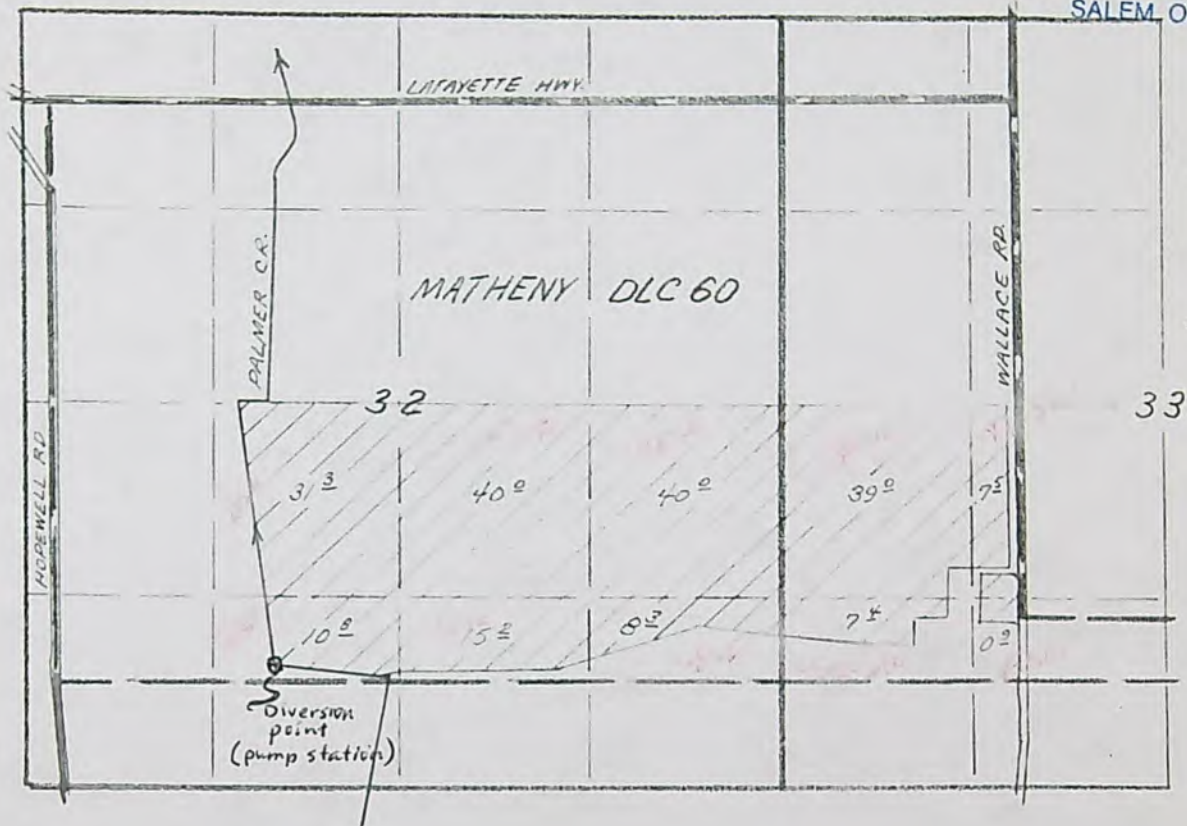
TOWNSHIP 5 SOUTH, RANGE 3 WEST, W.M.

RECEIVED

Superseded  
3/14/96

JUN 14 1995

WATER RESOURCES DEPT  
SALEM, OREGON



Application No. 80450  
Permit No.

APPLICATION MAP  
FOR  
EVERGREEN AGRICULTURAL ENT.



# Route Slip

80450



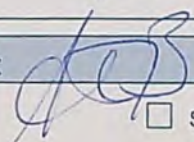
Date 10-30-02

TO:	Name	Division/Section	Initial	Date
1.	Support			
2.				
3.				
4.				
5.				

<input type="checkbox"/>	as requested	<input type="checkbox"/>	investigate	<input type="checkbox"/>	per conversation
<input type="checkbox"/>	approval	<input checked="" type="checkbox"/>	justify	<input type="checkbox"/>	prepare reply
<input type="checkbox"/>	comment	<input checked="" type="checkbox"/>	necessary action	<input type="checkbox"/>	return with more detail
<input type="checkbox"/>	confer	<input type="checkbox"/>	initial and return	<input type="checkbox"/>	review and circulate
<input type="checkbox"/>	for your information	<input type="checkbox"/>	note and file	<input type="checkbox"/>	signature

please set up  
3-1-03 SCB

Thanks

FROM: 	Phone No.
---	-----------





ODFW + Bio  
Polk co

Gary  
Grabovich

505-  
541-757

4186

+ 251



duplicate A97

Application No. S 80450

Permit No. 52733

Name .. EVERGREEN AGRICULTURAL ENTERPRISES IN

Address \_ PO BOX 1254

Assigned MCMINNIVILLE, OR 97128

Address

AUG 28 1997

Beginning construction

OCT 01 1998

Completion of construction

Extended to

OCT 01 1999

Complete application of water

Extended to



# Route Slip



Date \_\_\_\_\_

TO:	Name	Division/Section	Initial	Date
1.				
2.	Fayed (local)			
3.	9-563 868 7578			
4.	copy of per & map to			
5.				

<input type="checkbox"/>	as requested	<input type="checkbox"/>	investigate	<input type="checkbox"/>	per conversation
<input type="checkbox"/>	approval	<input type="checkbox"/>	justify	<input type="checkbox"/>	prepare reply
<input type="checkbox"/>	comment	<input type="checkbox"/>	necessary action	<input type="checkbox"/>	return with more detail
<input type="checkbox"/>	confer	<input type="checkbox"/>	initial and return	<input type="checkbox"/>	review and circulate
<input type="checkbox"/>	for your information	<input type="checkbox"/>	note and file	<input type="checkbox"/>	signature

Kevin Klupenger

12-5-02

80x50

FROM:	Phone No.
-------	-----------



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **125355**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

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

RECEIVED FROM: <u>Evergreen Agriculture</u>	APPLICATION <u>80450</u>
BY: <u>ural Enterprises INC</u>	PERMIT
	TRANSFER

CASH: ☐ CHECK: # 96-444 OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 200.7

**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
OTHER:	(IDENTIFY)	\$

**REDUCTION OF EXPENSE**

COST CENTER AND OBJECT CLASS

CASH ACCT.

VOUCHER #

**03-00-0 WRD OPERATING ACCT**

**MISCELLANEOUS**

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

**WATER RIGHTS:**

842.001	SURFACE WATER	\$	842.002	\$
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

**WELL CONSTRUCTION**

842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
	LANDOWNER'S PERMIT	\$	842.024	\$

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

**06-00-0 WELL CONST. START FEE**

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

**45-00-0 LOTTERY PROCEEDS**

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

**07-00-0 HYDRO ACTIVITY**

LIC NUMBER

842.011	POWER LICENSE FEE (FW/WRD)	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION		\$

RECEIPT # **125355**

DATED: 6-14-95

BY: D. Burnett



11/20/95

August 1994

S	M	T	W	T	F	S
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Tuesday July 19

200/165

Gary Marshall

7 Michael Mattheck  
I'll write requesting

1) Demand app for  
true volume  
(will R.)

8 Monrovia system is also  
9 on Palmer ck system

2) New Map  
3) District  
Endowment

10 District

11 Holding Pond is to administer  
water when coral is low.

12



1

2 SAM SWEENEY IS  
PALMER CK I.P.

3

We put request in writing

4

Re-portion,  
Pump from coral is far  
from survey operation.  
They can pump B volume

5

Evening

but not pressure so  
system at pond provide pressure  
They do not store water  
for long term.



## EVERGREEN AGRICULTURAL ENTERPRISES, INC.

2239

DBA EVERGREEN FARMS/EVERGREEN NURSERY

OREGON WATER RESOURCES DEPT.

08/16/96

Date	Trans. No.	Description	Vend. Inv. #	Gross	Disc	Net
08/01/96	4023	ADD'L WATER FR PALME USAGE PRMT		832.00	0.00	832.00
		Totals:		832.00	0.00	832.00

Water Rights Application Number 5-80450

**RECEIVED**

AUG 21 1996

WATER RESOURCES DEPT.  
SALEM, OREGON



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **5658**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

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

RECEIVED FROM: Evergreen Agricultural Enterprises, Inc.  
BY: \_\_\_\_\_

APPLICATION	80450
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 96-644 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 832.<sup>00</sup>

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

**REDUCTION OF EXPENSE**

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

**0427 WRD OPERATING ACCT**

MISCELLANEOUS

\$

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC165 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER PCA66111

\$ 0

0202

\$ 832.<sup>00</sup>

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS

\$

**0467 HYDRO ACTIVITY**

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **5658**

DATED: 8-21-96

BY: Joyce Brown

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



FILE#: S 80450

EVERGREEN AGRICULTURAL ENTERPRISES IN  
PO BOX 1254  
MCMINNVILLE, OR 97128

FILE#: S 80450

EVERGREEN AGRICULTURAL ENTERPRISES IN  
PO BOX 1254  
MCMINNVILLE, OR 97128



Evergreen Agricultural Enterprises, Inc.  
PO Box 1254  
McMinnville, OR 97128 S-80450

Evergreen Agricultural Enterprises, Inc.  
PO Box 1254  
McMinnville, OR 97128 S-80450

Munger Hortifrut North America, LLC  
786 Rd. 188  
Delano, CA 93215 S-80450

Munger Hortifrut North America, LLC  
786 Rd. 188  
Delano, CA 93215 S-80450