

G1

ASSIGNED
 Name John G. Bernards
 By _____
 Address 14555 SW McCabe Chapel Rd.
McMinnville, OR 97128
 Date filed January 10, 1991
 Priority _____
 Action suspended until FPD 13-1-93 JCB
 Return to applicant _____
 Date of approval _____

CONSTRUCTION

Date for beginning 5-10-95
 Date for completion 10-1-96
 Extended to _____
 Date for application of water 10-1-97
 Extended to _____

PROSECUTION OF WORK

Form "A" filed 6/5/95
 Form "B" filed _____
 Form "C" filed _____

FINAL PROOF

Blank mailed 12-1-04
 Proof received _____
 Date certificate issued 12-16-04

Application No. G12381
G11726
 Permit No. _____
 Certificate No. 81063
81063
 Yamhill
 Stream Index, Page No. 2

FEES PAID

Date	Amount	Receipt No.
<u>1-10-91</u>	<u>2.00</u>	<u>70301</u>
<u>6/9/92</u>	<u>\$396.00</u>	<u>87642</u>
<u>3/25/94</u>	<u>4.00</u>	<u>110353 REC</u>
<u>11/6/02</u>	<u>55.00</u>	<u>56784</u>
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
<u>11/6/02</u>	<u>Richard Robinson, Robinson</u>	<u>Nursery LLC, P.O. Box 100, Amity OR 97101</u>		

REMARKS

118 sent 8/7/95
B sent 12/18/96
camp order not to use;
T-9281

NOTICE OF BEGINNING OF CONSTRUCTION

RECEIVED
JUN 5 1995
DEPT. OF WATER RESOURCES
SALEM, OREGON

John Bernards, the holder of Permit No. G. 11726
~~G. 12381~~

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 7 day of January, 1991.

Remarks: Drilling of well
The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 30 day of May, 1995.

John Bernards
(Signature of Applicant)

14555 SW McCabe Chapel Rd.
(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

SP*35567-690

M. Minn. 11e OR
97128

APPLICATION
CHECK-OFF LIST

~~RECEIPT POSTED~~
~~STREAM INDEXED & STREAM CODED~~
~~CONTENTS MARKED/STAMPED~~
~~SCENIC WATERWAY NOTED~~
~~FILE FOLDER TYPED~~
~~CALENDAR CARD TYPED~~
MAPS COPIED
~~APPLICATION COPIED~~
~~ACK LETTER TYPED~~ JUB 1/15/91



Oregon

Theodore R. Kulongoski, Governor

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

Date Mailed: December 16, 2004

NOTICE OF CERTIFICATE ISSUANCE

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

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

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

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

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

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

If you have any questions please contact Steve Brown at 503-986-0809.

STATE OF OREGON

COUNTY OF YAMHILL

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RICHARD ROBINSON
ROBINSON NURSERY LLC
P.O. BOX 100
AMITY, OR 97101

confirms the right to use the waters of A WELL in the SALT CREEK BASIN
for IRRIGATION OF 45.0 ACRES.

This right was perfected under Permit G-11726. The date of priority is
JANUARY 10, 1991. The amount of water to which this right is entitled
is limited to an amount actually beneficially used and shall not exceed
0.35 CUBIC FOOT PER SECOND, or its equivalent in case of rotation,
measured at the well.

The well is located as follows:

SE 1/4 NW 1/4, AS PROJECTED WITHIN DLC 80, SECTION 8, TOWNSHIP 5
SOUTH, RANGE 4 WEST, W.M.; 890 FEET SOUTH AND 1520 FEET EAST FROM
THE NE CORNER OF DLC 43.

The amount of water used for irrigation, together with the amount
secured under any other right existing for the same lands, is limited to
ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent
for each acre irrigated and shall be further limited to a diversion of
not to exceed 2.5 acre-feet per acre for each acre irrigated during the
irrigation season of each year. The period of use allowed under this
right is March 1 through October 31 of each year.

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:

SW 1/4 NW 1/4	3.0 ACRES
SE 1/4 NW 1/4	3.0 ACRES
NE 1/4 SW 1/4	18.0 ACRES
NW 1/4 SW 1/4	21.0 ACRES

ALL AS PROJECTED WITHIN J. WATT DLC 80
SECTION 8
TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

This is a final order in other than contested case. This order is subject
to judicial review under ORS 183.484. Any petition for judicial review
of the order must be filed within the 60 days of the date of service.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

Measurement, recording and reporting conditions:

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

The water user shall report a March static water level in the well to the Groundwater/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, certified engineering geologist, licensed well constructor, pump installer licensed by the Constructor Contractors Board or professional engineer.

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

The Water Resources Department has determined that the initial water level in the well is 10.9 feet below land surface at the well.

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

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

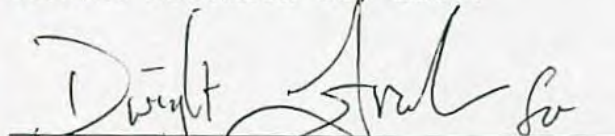
The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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.

Issued December 16, 2004.



Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates Number 81063.

G-12381.SB

File Copy - Do Not Remove Use for place of use only
(Map 1 of 2)

Map for: Robinson Nursery

Location: SE 1/4 & SW 1/4 of the NW 1/4 Section 8,
NE 1/4 & NW 1/4 of the SW 1/4 Section 8,
T. 5 S., R. 4 W., W.M., Yamhill County, Oregon.

Tax Lot: 5405 - 500

Date: 10 July 2003


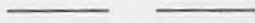

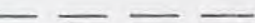
RECEIVED


JUL 31 2003


Application No. Amendment to T-9281

WATER RESOURCES DEPT.
SALEM, OREGON

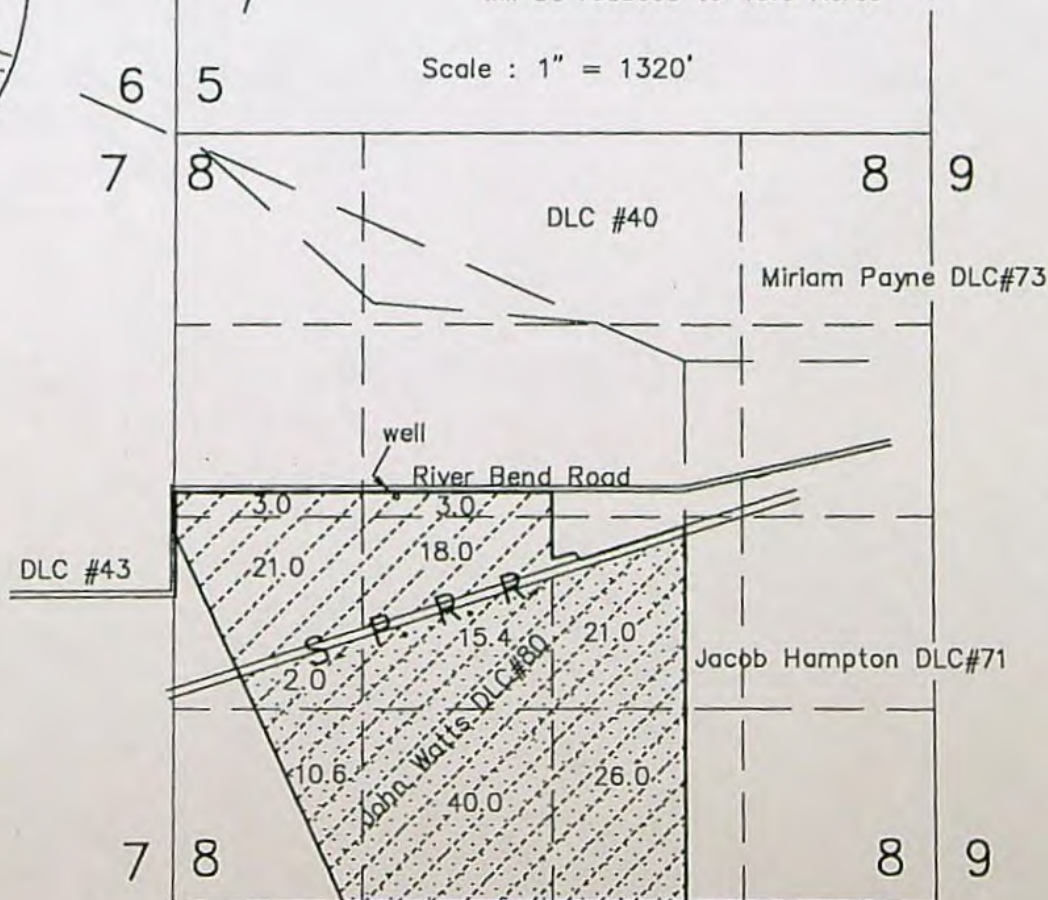
LEGEND:

-  = Property line
-  = D.L.C. line
-  = Section line
-  = "40" line

 = area of existing water rights
Application #G-12381, Permit #G-11726

 = area of existing water rights under
Application #G-12381, Permit #G-11726
to be transferred to the area north of the
S.P.R.R. so that the total area under
Application #G-12381, Permit #G-11726
will be reduced to 45.0 Acres

Scale: 1" = 1320'



I 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. This map is to be used for the purpose of identifying the location of water right only and is not intended to provide legal dimensions or locations of property ownership lines.



Matt Duncel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone: 472-7904

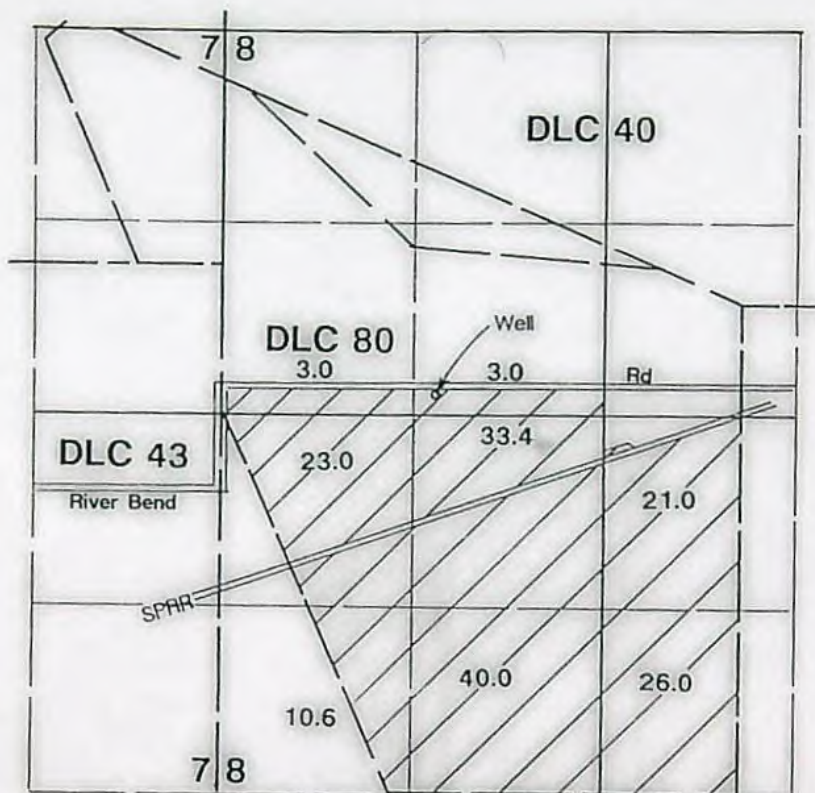
Use for well location only (Map 2 of 2)

RECEIVED

SEP 15 1997

WATER RESOURCES DEPT.
SALEM, OREGON

T.5S., R.4W., W.M.



1" = 1320'



Well located 890'S & 1520'E from NE corner DLC 43.

Final Proof Survey

Application #: G-12381

Permit #: G-11726

In Name Of

John G. Bernards

Surveyed on August 26, 1997 by JM Schuette

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.



Mailing List for Certificate

Mailing Date: 12/16/2004

Application ☒ G-12381
Permit G-11726
Certificate - 81063

Permit/Certificate Holder: (include copy of map)

☒ RICHARD ROBINSON
ROBINSON NURSERY LLC
P.O. BOX 100
AMITY, OR 97101

Copies Mailed

By: 

(STAFF)

on: 12/16/2004
(DATE)

Copies of Final Certificate to be sent to:

1. ☒ Watermaster # 16: (include copy of map)
2. ☒ Data Center (include copy of map)
3. ☒ Water Availability

Other persons to receive copies: (Include map)

☒ Transfer Section (T-9281)

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

In the Matter of Transfer Application)
T-9281, Yamhill County) **FINAL ORDER**
)

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

RICHARD ROBINSON
PO BOX 100
AMITY OR 97101

Findings of Fact

1. On 10-30-2002, Richard Robinson filed a transfer application to change the places of use and points of diversion under Certificates 19892, 22239, and 65195. The Department assigned the application number T-9281.
2. The first right to be transferred is as follows:
Certificate: 19892 in the name of HAROLD W. HELLER (perfected under Permit S-19093)
Use: IRRIGATION of 52.9 ACRES
Priority Date: OCTOBER 31, 1949
Rate: 0.65 CUBIC FOOT PER SECOND
Limit/Duty: ONE-EIGHTIETH of a cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season of each year
Source: S YAMHILL R, tributary to YAMHILL R

Authorized Point of Diversion:

Twtp	Rng	Mer	Sec	Q-Q	GLot
5 S	4 W	WM	6	SW SW	11

Authorized Place of Use:

IRRIGATION							
Twtp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	4 W	WM	6	SE SW	10		0.20
5 S	4 W	WM	7	NE NW		65	3.40
5 S	4 W	WM	7	NE NW	2		28.60
5 S	4 W	WM	7	NW NW		65	1.80

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	4 W	WM	7	NW NW	1		12.00
5 S	4 W	WM	7	SW NW		65	2.00
5 S	4 W	WM	7	SE NW		65	3.60
5 S	4 W	WM	7	SE NW	3		1.30

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

Certificate: 22239 in the name of HAROLD W. HELLER (perfected under Permit S-22343)

Use: IRRIGATION of 28.7 ACRES

Priority Date: JUNE 11, 1952

Rate: 0.36 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH of a cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

Source: S YAMHILL R, tributary to YAMHILL R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot
5 S	4 W	WM	6	SW SW	11

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
5 S	4 W	WM	7	SE NW	3		5.40
5 S	4 W	WM	7	SE NW		43	7.40
5 S	4 W	WM	7	NE SW		43	10.40
5 S	4 W	WM	7	NE SW	4		4.90
5 S	4 W	WM	7	NW SE		43	0.60

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

Certificate: 65195 in the name of ELMER SHARER C/O EDWIN SHARER (perfected under Permit S-41461)

Use: IRRIGATION of 26.3 ACRES

Priority Date: JANUARY 31, 1977

Rate: 0.33 CUBIC FOOT PER SECOND

Limit/Duty: ONE-EIGHTIETH of a cfs per acre, not to exceed 2.5 acre-feet per acre during the irrigation season of each year

Source: S YAMHILL R, tributary to YAMHILL R

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
5 S	4 W	WM	6	SE SW	10	1250 FEET NORTH FROM NE CORNER, DLC 65

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
5 S	4 W	WM	7	NW NW	1	17.10
5 S	5 W	WM	12	NE NE	7	9.20

5. Application T-9281 proposes to move the authorized point of diversion approximately 1.0 mile from the existing points of diversion to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
5 S	4 W	WM	5	SW NW	37	320 FEET NORTH AND 1400 FEET WEST FROM THE EASTERLEY SE CORNER OF MARTIN DLC 37.

6. Application T-9281 also proposes to change the place of use of Certificate 19892 to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	4 W	WM	8	SW SW	80	13.10
5 S	4 W	WM	8	SE SW	80	30.70
5 S	4 W	WM	8	SW SE	80	9.10

7. Application T-9281 also proposes to change the place of use of Certificate 22239 to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	4 W	WM	8	NE SW	80	1.60
5 S	4 W	WM	8	NW SE	80	22.20
5 S	4 W	WM	8	SW SE	80	4.90

8. Application T-9281 also proposes to change the place of use of a portion of Certificate 65195 to:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
5 S	4 W	WM	8	NE SW	80	19.60
5 S	4 W	WM	8	NW SW	80	6.70

9. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife did request inclusion of a condition requiring installation of proper fish screens.
10. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
11. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right are present.
12. The proposed change would not result in enlargement of the right.
13. The proposed change would not result in injury to other water rights.

Conclusions of Law

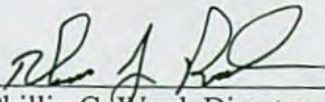
The proposed changes in places of use and points of diversion in application T-9281 appear to be consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in points of diversion and places of use proposed in application T-9281 are approved.
2. Water right certificates 19892, 22239, and 65195 are cancelled. A new certificate will be issued describing that portion of Certificate 65195 not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 19892, 22239, and 65195, and any related decree.
4. The proposed changes shall be completed on or before October 1, 2006.
5. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
6. The quantity of water diverted at the proposed point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion under Certificates 19892 and 22239.
7. The quantity of water diverted at the proposed point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion under Certificate 65195.
8. The former places of use shall no longer receive water as part of these rights.
9. Prior to diverting water, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
10. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.

11. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 14th day of FEBRUARY, 2005.


Phillip C. Ward, Director

Mailing date: FEB 22 2005

STATE OF OREGON
COUNTY OF YAMHILL
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ELMER SHARER
RT 1 BOX 204
MCMINNVILLE OR 97128

confirms the right to use the waters of the SOUTH YAMHILL R, a tributary of the YAMHILL R, for LIVESTOCK.

This right was perfected under Permit S-41461. The date of priority is JANUARY 31, 1977. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.01 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
5 S	4 W	WM	6	SE SW	10	1250 FEET NORTH FROM NE CORNER, DLC 65

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

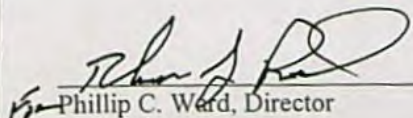
Twp	Rng	Mer	Sec	Q-Q	GLot
5 S	4 W	WM	7	NW NW	1
5 S	4 W	WM	7	SE NW	
5 S	5 W	WM	12	NE NE	7

This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of this right or as those quantities may be subsequently reduced.

This certificate describes that portion of the water right confirmed by Certificate 65195, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered FEB 14 2005, approving Transfer Application 9281.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 14, 2005.


Phillip C. Ward, Director

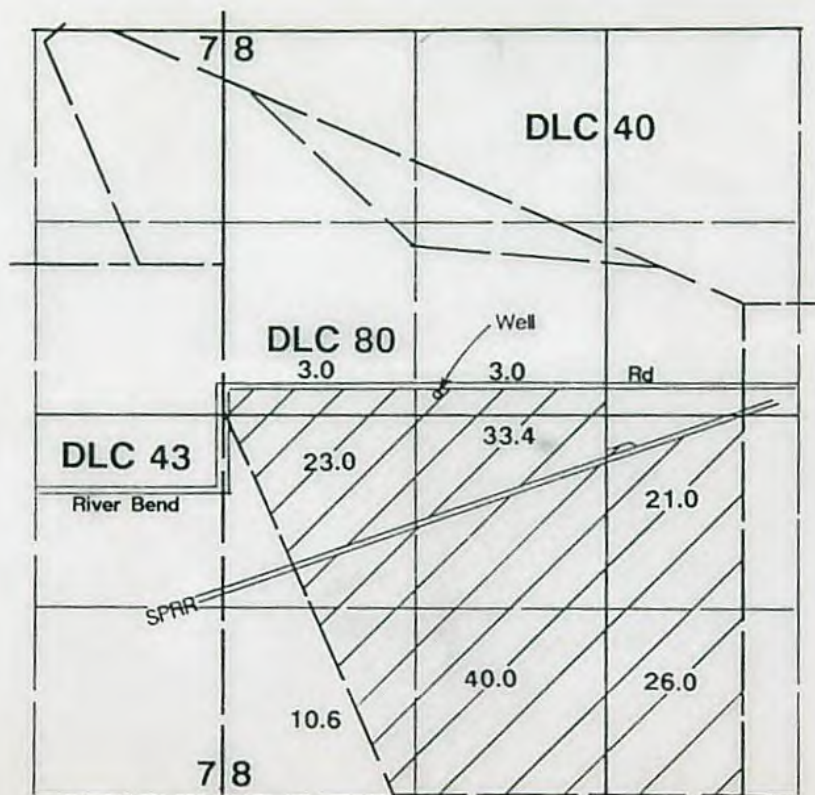
Use for well location only (Map 2 of 2)

RECEIVED

SEP 15 1997

**WATER RESOURCES DEPT.
SALEM, OREGON**

T.5S., R.4W., W.M.



Well located 890'S & 1520'E from NE corner DLC 43.

Final Proof Survey

Application #: G-12381

Permit #: G-11726

In Name Of

John G. Bernards

Surveyed on August 26, 1997 by JM Schuette

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.

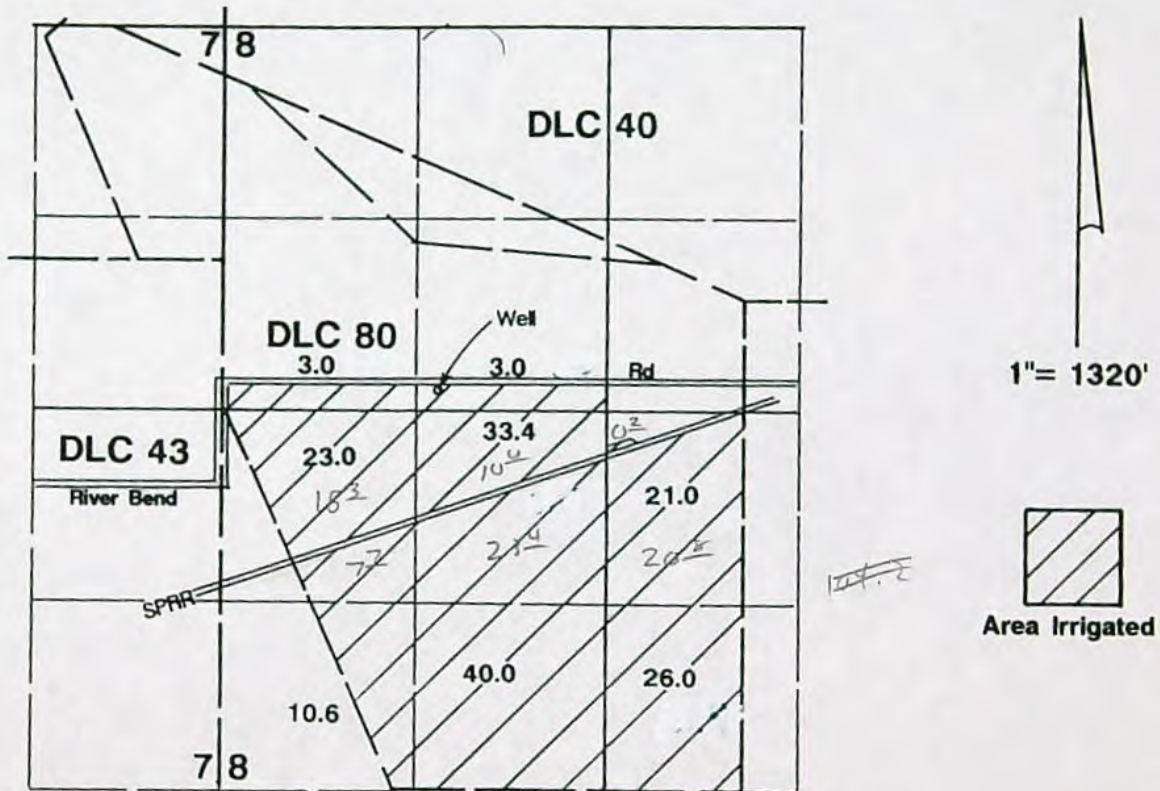


T.5S., R.4W., W.M.

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SEP 15 1997

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SALEM, OREGON



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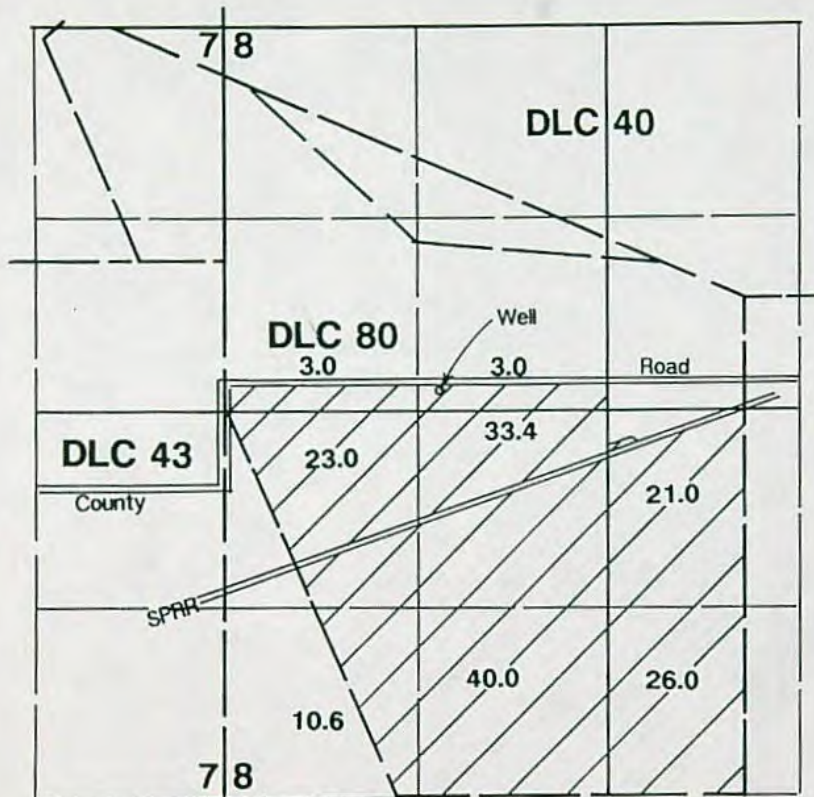


RECEIVED

JUN 09 1992

WATER RESOURCES DEP
SALEM, OREGON

T.5S., R.4W., W.M.



1" = 1320'

Area Irrigated



Well located 2850'N & 1500'E from the SW corner Section 8.

John G. Bernards

Application Map



Application #: 6-12381

Permit #: G11726

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File Copy - Do Not Remove Use for place of use only
(Map 1 of 2)

Map for: Robinson Nursery

Location: SE 1/4 & SW 1/4 of the NW 1/4 Section 8,
NE 1/4 & NW 1/4 of the SW 1/4 Section 8,
T. 5 S., R. 4 W., W.M., Yamhill County, Oregon.

Tax Lot: 5405 - 500

Date: 10 July 2003


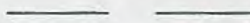


RECEIVED



JUL 31 2003

Application No. Amendment to T-9281

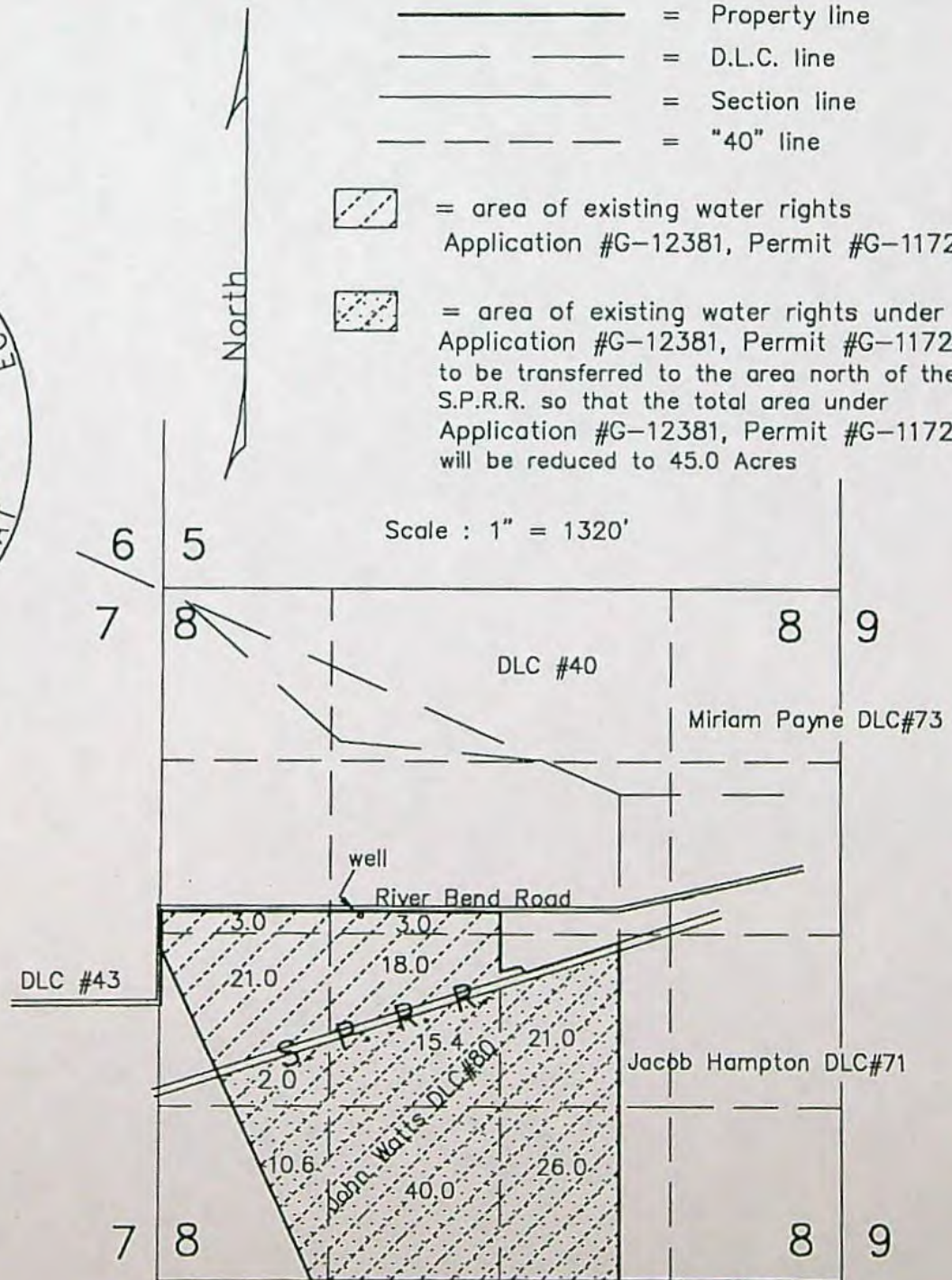
WATER RESOURCES DEPT.
SALEM, OREGON

LEGEND:

-  = Property line
-  = D.L.C. line
-  = Section line
-  = "40" line

-  = area of existing water rights
Application #G-12381, Permit #G-11726
-  = area of existing water rights under
Application #G-12381, Permit #G-11726
to be transferred to the area north of the
S.P.R.R. so that the total area under
Application #G-12381, Permit #G-11726
will be reduced to 45.0 Acres

Scale: 1" = 1320'



I 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. This map is to be used for the purpose of identifying the location of water right only and is not intended to provide legal dimensions or locations of property ownership lines.



Matt Dunckel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone: 472-7904

pod location id	Logid	Main aq	Userid lu	Priority
7854	YAMH_453	Basin-Fill Sediments	29061	01/10/1991

wr_id	wr_fam_id	type	status	stage	snp status	curr view
22398	22398	GW	NC	CM	AC	1

Application	Permit	cert_nbr	Pod	Transfers	Orders (vol/page)	Status	Source	snp id	Township	Range	S	QQ	Q																
G	12381	G	11726	1		NC	GW	22398	5.00	S	4.00	W	8 SE NW																
Condition type / Action status <u>SWL</u> <u>SWL</u> Date of last notice <u>2/9/2004</u> Impact plan: Submitted / Approved _____ Compliance: This yr / Overall _____ Compliance reviewed by _____ Compliance letter sent _____ Month / Yr use began _____ Ref level gw _____ Ref lvi det by _____ Trigger activated _____ Well not drilled as of _____ App file check / Date _____																													
Other measured wells not on permit: <table border="1"> <tr> <th>Logid</th> <th>Main aq</th> </tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>														Logid	Main aq														
Logid	Main aq																												
Comments _____ _____ _____ Other conditions <u>N</u> _____ _____																													
swl required <u>Y</u> swl frequency <u>ANN</u> swl month <u>MAR</u> swl duration <u>NO LIMIT</u> decline trigger <u>3/15/25/25</u> decl trig shutoff <u>Y</u> reference level <u>11111</u> ref level date _____ impact plan <u>N</u> supply plan <u>N</u> limit duration <u>N</u> limit date _____ meter required <u>Y</u> record water use <u>M</u> report water use <u>M</u>																													

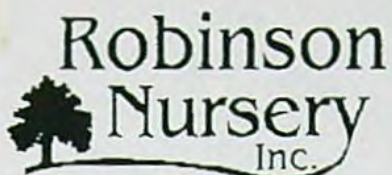
Redrill Logid	Compl Depth	Type Work	Compl Date	Correlated By	Comment

Current owner from pump_test_owners file:

name f / l	name other
contact <u>ROBINSON NURSERY</u>	email
address1 / 2 <u>PO BOX 100</u>	phone / fax
city / st / zip <u>AMITY OR 97101</u>	comment <u>9365 SW TRESTLE VIEW LANE, MCMINNVILLE, OR 97128</u>

Reported water levels for the specified well. No water levels will be present if a well log has not been correlated to the water right. in wris_logids file.

Date	Status	Method	MP hgt	Rpt WL	Ex WL	Measured by	Source Organiz	Source OWRD	Comments
1/7/1991	UNKNOWN	UNKNOWN		25	25	ROBERT SHELBURNE	DRILLER	PERMIT COND	
3/30/1995	STATIC	ETAPE	2	10.9	10.9	W RICHARD VERBOORT	CWRE	PERMIT COND	
3/15/1996	STATIC	UNKNOWN	2	9.667	9.667	PAUL SLOAN	UNKNOWN	PERMIT COND	
3/26/1997	STATIC	UNKNOWN	1.75	11.5	11.5	PATRICK DOLAN	PUMP INSTALLER	PERMIT COND	
8/17/2001	STATIC	UNKNOWN	2	26	26	ROBERT D. GREENWAY	PUMP INSTALLER	PERMIT COND	
3/19/2003	STATIC	ETAPE	2.5	8	8	ROBERT D. GREENWAY	PUMP INSTALLER	PERMIT COND	IDLE 90 DAYS



December 8, 2004

Steve Brown
Dwight French

I have read and agree with the proposed changes to Permit G-11726. Please proceed with the certificate of water right

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard Robinson", is written over the word "Sincerely,".

Richard Robinson



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

DATE MAILED: December 1, 2004

NOTICE

Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, the recorded certificate of water right will be mailed to the permittee.

If you have any questions please contact Steve Brown at 503-986-0809.

Sincerely,

Dwight French
Manager
Water Rights Section

M:\groups\wr\forms\proposed.cer-scb



STATE OF OREGON

COUNTY OF YAMHILL

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RICHARD ROBINSON
ROBINSON NURSERY LLC
P.O. BOX 100
AMITY, OR 97101

confirms the right to use the waters of A WELL in the SALT CREEK BASIN for IRRIGATION OF 45.0 ACRES.

This right was perfected under Permit G-11726. The date of priority is JANUARY 10, 1991. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.35 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 NW 1/4, AS PROJECTED WITHIN DLC 80, SECTION 8, TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.; 890 FEET SOUTH AND 1520 FEET EAST FROM THE NE CORNER OF DLC 43.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The period of use allowed under this right is March 1 through October 31 of each year.

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:

SW 1/4 NW 1/4	3.0 ACRES
SE 1/4 NW 1/4	3.0 ACRES
NE 1/4 SW 1/4	18.0 ACRES
NW 1/4 SW 1/4	21.0 ACRES

ALL AS PROJECTED WITHIN J. WATT DLC 80
SECTION 8
TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

Measurement, recording and reporting conditions:

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

The water user shall report a March static water level in the well to the Groundwater/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, certified engineering geologist, licensed well constructor, pump installer licensed by the Constructor Contractors Board or professional engineer.

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

The Water Resources Department has determined that the initial water level in the well is 10.9 feet below land surface at the well.

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

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

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.

Map for: Robinson Nursery

Location: SE 1/4 & SW 1/4 of the NW 1/4 Section 8,
NE 1/4 & NW 1/4 of the SW 1/4 Section 8,
T. 5 S., R. 4 W., W.M., Yamhill County, Oregon.

Tax Lot: 5405 - 500

Date: 10 July 2003


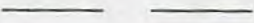

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

JUL 31 2003

Application No. Amendment to T-9281

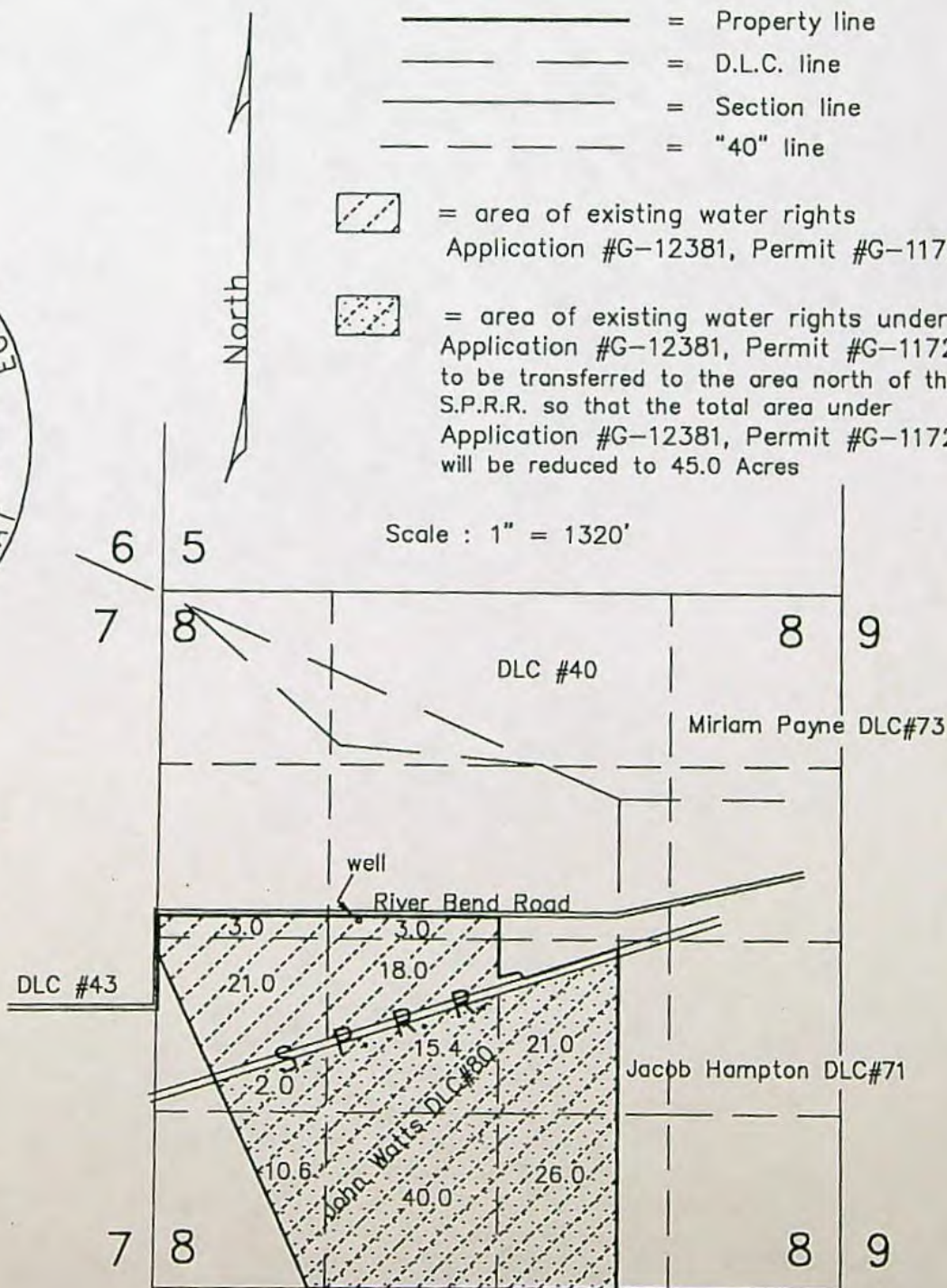
WATER RESOURCES DEPT.
SALEM, OREGON

LEGEND:

-  = Property line
-  = D.L.C. line
-  = Section line
-  = "40" line

-  = area of existing water rights
Application #G-12381, Permit #G-11726
-  = area of existing water rights under
Application #G-12381, Permit #G-11726
to be transferred to the area north of the
S.P.R.R. so that the total area under
Application #G-12381, Permit #G-11726
will be reduced to 45.0 Acres

Scale: 1" = 1320'



I 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. This map is to be used for the purpose of identifying the location of water right only and is not intended to provide legal dimensions or locations of property ownership lines.



Matt Dunckel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone: 472-7904

June 7, 1995

PERMIT#: G 11726

JOHN G BERNARDS
14555 SW MCCABE CHAPEL
MCMINNVILLE, OR 97128

Dear Permit Holder:

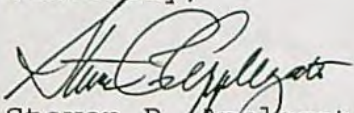
Within the last two years you were issued a permit to appropriate groundwater from this office. As a condition of the permit, you are to obtain a static water level measurement and submit the measurement to this office on a prescribed basis.

The permit condition failed to include licensed well constructors or pump installers licensed by the Construction Contractors Board as authorized individuals to make these measurements. This letter is to clarify that these additional parties are authorized to perform the water level measurements.

When your project is completed and the claim of beneficial use is submitted, the condition will be corrected when the resulting water right certificate is issued.

Please feel free to contact this office or our field staff if you have any questions in regard to this change in your permit conditions.

Sincerely,



Steven P. Applegate
Acting Administrator
Water Right/Adjudication Division

SPA/dpc

Enc: Permit Condition

cc: File
Region Managers
Watermasters

x:\exchange\castle\gw2.1tr



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

June 7, 1995

Tom Schneider, President
Oregon Groundwater Association
21881 River Road, NE
St. Paul, OR 17137

WATER
RESOURCES
DEPARTMENT

Re: Static Water Measurements
Well Constructors and Pump Installers

Dear Mr. Schneider:

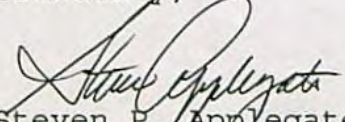
This letter is to address your group's concern regarding the Department's static water level measurement requirements on permits issued by this office.

Groundwater permits issued in 1994 and 1995 have contained conditions requiring measuring static water levels. A number (54) of these permits excluded licensed pump installers and well constructors as individuals authorized to perform the measurements.

Staff have been instructed to include licensed pump installers and well constructors as individuals authorized to perform the measurements on future permits. I am enclosing a copy of our standard static water level measurement condition for your information.

In addition, I am enclosing a list of the applications that have received permits with the wrong condition language. These permit holders and Department field staff have now been notified that licensed pump installers and well constructors are eligible to complete and submit the measurements even though this is not specifically authorized by their permit condition.

Sincerely,


Steven P. Applegate
Acting Administrator
Water Right/Adjudication Division

SPA/dpc
Enc: Listing of Permits
Permit Condition
Letter to Permittees (generic)

cc: Martha Pagel, Director, OWRD

x:\exchange\castle\gw1.1tr



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

Permit condition describing licensed well constructor or pump installer licensed by the Construction Contractors Board as authorized agents of the permittee:

The permittee shall obtain a static water-level measurement for each well during March of each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water-rights examiner, registered professional geologist, certified engineering geologist, professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board.

Completion Checklist for CWRE Claims of Beneficial Use



Date Received _____
 CWRE # _____
 Claim Logged _____
 File Marked _____
 Oversized Map # _____

Application # 9-12581
 Permit # 9-11726
 Transfer # _____
 Date _____
 Reviewer [Signature]

Map Review:

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

Report Review:

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

OK

*note see 67-15457 for map
 & T-9281 for intent
 to make proof*

Other conditions _____

☒ CWRE stamp and signature

☒ Signature(s) of permittee or transfer holder

Certificate Issuance Processing Checklist

_____ Map and COBU reviewed

_____ Conflict check (include copy of plat card printout)

_____ Check current ownership

Any Conflicts? No

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____

_____ Proof to the Satisfaction has not been established for the following reasons: _____

Proposed Actions:

Send letter requesting the following items/information: _____

Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed

_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

*C: after section
Suwala*

STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOHN G. BERNARDS
14555 SW MCCABE CHAPEL ROAD
MCMINNVILLE, OREGON 97128

503-472-4194

to use the waters of A WELL in the SALT CREEK BASIN for IRRIGATION OF 160.0 ACRES.

This permit is issued approving Application G-12381. The date of priority is JANUARY 10, 1991. The use is limited to not more than 0.35 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 NW 1/4, SECTION 8, T 5 S, R 4 W, W.M.; 2850 NORTH AND 1500 FEET EAST FROM THE SW CORNER OF SECTION 8.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year. The period of allowed use is March 1 through October 31.

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

A description of the proposed place of use under this permit is as follows:

SW 1/4 NW 1/4	3.0 ACRES
SE 1/4 NW 1/4	3.0 ACRES
NE 1/4 SW 1/4	33.4 ACRES
NW 1/4 SW 1/4	23.0 ACRES
SW 1/4 SW 1/4	10.6 ACRES
SE 1/4 SW 1/4	40.0 ACRES
NW 1/4 SE 1/4	21.0 ACRES
SW 1/4 SE 1/4	26.0 ACRES

SECTION 8
TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

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

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.
- 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.

Application G-12381

Water Resources Department

PERMIT G-11726

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

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

The Water Resources Department has determined that the initial water level in the well(s) are those of the initial March report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

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

Actual construction work shall begin on or before May 10, 1995 and shall be completed on or before October 1, 1996. Complete application of the water shall be made on or before October 1, 1997.

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.

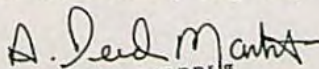
This permit is for beneficial use of water without waste. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

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

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

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, May 10, 1994.


A. REED MARBUT

Water Resources Department
Martha O. Pagel
Director

Application G-12381 Water Resources Department
Basin 2 Volume 11A Salt Creek & Misc.
MGMT.CODES 4EG, 4EW

PERMIT G-11726
District 16

RECEIVED

SEP 15 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Site Report and Claim of Beneficial Use
Application #: G-12381 Permit #: G-11726

John Bernards
14555 SW McCabe Chapel Rd
McMinnville, Oregon 97128-9725
Tele#: 541-472-4194

SOURCE: Irrigation water is obtained from one well (8" dia.
x 137' deep) located 890'S & 1520'E from NE corner
YAMH 453 of DLC 43. (ties obtained from field measurements
and aerial photo).

Well pumping system consists of two pumps: a 15HP
submersible turbine pump (160 GPM) connected in
series with a Cornell 3x2 centrifugal booster pump.
(The booster pump is used when a hard hose traveller
is used for irrigation. Well is equipped with a
pressure gauge and an access port to measure static
and pumping levels. A 4" water meter (Aquamaster
w/remote LED indicator and totalizer) is present
in the pumping discharge system.

PIPE: Irrigation water is transported through a 5" above
ground main line. Water is applied through hand lines
using 3/16" nozzles. Owner stated that approximately
22 heads are used per setting, with the system
operating at 50 PSI. Water useage is computed to be
as follows:

22 heads @ 7.3 GPM = 160.0 GPM/0.36 CFS

Water being used to full permitted duty of 0.35 CFS

LIFT: Topography of the area being irrigated is basically
flat with the elevation being ± 150.0 , with the
well head also being ± 150.0 USGS. Well head is
20" above the surrounding ground surface. Measured
from the top of well casing, static water level is
 $\pm 13'$; pumping water level is $\pm 78'$.

TIME
LIMITS: Actual construction shall begin on or before May
10, 1995 and shall be completed on or before
October 1, 1996. Complete application of water shall
be made on or before October 1, 1997.

Time Limits set forth in the permit have been met.

RECEIVED

SEP 15 1997

WATER RESOURCES DEPT.
SALEM, OREGON

USES: Water is being used to irrigate corn.

Note: A well pump test has been completed and a copy of the test is enclosed with this report.

The final proof survey and inspection of use was found to be completed under the terms and conditions of Permit G-11726. This final proof survey and inspection was completed by me on August 26, 1997, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



I, John G. Bernards, agree to the findings of the Certified Water Rights Examiner and do submit this site report and map as my Claim of beneficial Use of the water as provided under the terms and conditions of Permit G-11726.

John G. Bernards

To: Mike Zwart
Subject: File G-12381, Permit G-11726 - Bernards

Mike,

Please provide me info as to measurements submitted and their levels. Thanks.

Steve

Platcard Report

Township 5S Range 4W Section 8

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	S13242 01/21/1930	S9488 10965							6.0 IR	4.0 IR												
i	S17895 04/13/1939	S13516 13767		dlc: 40		9.2 IR			0.5 IR													
i	S18050 05/15/1939	S13718 14228		CN dlc: 40					8.0 IR CN													
i	S41995 03/15/1966	S31429 46109		lot: 7											2.0 IR							
	03/15/1966			lot: 8											8.2 IR							
i	S43576 05/10/1967	S32586 39348							WI													
i	S53947 02/25/1976	S40243 50254		dlc: 40	15.1 IR																	
i	S68123 07/19/1984	S48753 61976		dlc: 40	7.7 IR																	

Page: [First](#) [Previous](#) [1](#) [2](#)

[Return to Platcard Query Screen](#)

Phillip C. Ward, Director

Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 • Fax: 503-986-0903

Run Time: 1 seconds

Platcard Report

Township 5S Range 4W Section 8

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	- 04/30/1965	S30415 44122		xfr#: T2807 dlc: 40		0.4 IR			8.0 IR													
i	- 04/30/1965	S30415 76824		xfr#: T8695 dlc: 40		0.4 IR			8.0 IR													
i	G4657 10/23/1968	G4381 39559		dlc: 80			4.9 IR		6.4 IR	31.4 IR	23.9 IR											
	10/23/1968			lot: 5					2.5 IR			2.7 IR										
	10/23/1968			dlc: 80 lot: 5			0.2 IR															
	10/23/1968			lot: 6					5.1 IR	0.3 IR												
i	G12381 01/10/1991	G11726 -								3.0 IR	3.0 IR	33.4 IR	23.0 IR	10.6 IR	40.0 IR		21.0 IR	26.0 IR				
i	G15457 03/21/2001	G15225 -								3.0 IR	3.0 IR	33.4 IR	23.0 IR	10.6 IR	40.0 IR		21.0 IR	26.0 IR				
i	R43575 05/10/1967	R5005 39347		dlc: 40					WI													
i	S13175 12/03/1929	S9432 9920												10.0 IR								

Page:1 [2](#) [Next](#) [Last](#)[Return to Platcard Query Screen](#)Phillip C. Ward, Director

Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 • Fax: 503-986-0903

Run Time: 3 seconds

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

OCTOBER 10, 1997

To: FRED LISSNER

From: KEN DOWDEN

Subject: GW Permit Condition, File G-12381 (per# G-11726)
Applicant: JOHN BERNARDS

Prior to issuing a water right certificate, I need your help in determining if the following (permit) condition was met:

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

The permit issuance date was May 10, 1994.

Yes WL's on file:
1995, 96, + 97

Please, also view attached memo from Mike Zwart regarding final language on certificate.

Recommend using current condition 7C instead of existing language

Aug 07 01 09:16a

p.2

Aug 03 01 12:51a

Rick & Roxanne Robinson (808) 565-9926

p.3

Oregon Water Resources Department PERMIT CONDITION WATER-LEVEL REPORTING FORM

RE: Required Water Level Report for a Well on Permit G 11726 Certificate 0 Pod 1 Application G 12381
 Listed on water right as: A WELL. Well log ID (if any, in our records) YAMB 453 Priority date: 1/10/1991
 Location: In the SE quarter of the NW quarter of Section 8, Township 5S, Range 4W
 2850 FEET NORTH & 1500 FEET EAST FROM SW CORNER, SECTION 8

ROBINSON NURSERY
 9365 SW TRESTLE VIEW LANE
 MC MINNVILLE, OR 97128

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

MEASUREMENT REPORT (Complete one form for each well)

WVC # 417

Well Identification (provide as much of the following information as possible):

Original owner of well (owner name on well log): John G. Bernards
 Owner's well name or number (if any):
 Well ID (number on tag attached to casing, if present):
 Well log start/end number (if listed on well log): 24193
 Well depth: 137' Casing diameter: 8"
 Date drilled: 12-12-90 Driller: Robt. Shalburne

When did water use begin under this permit from this well? Date: Month/Yr.

Show all water rights listing this well:

Application number(s): G-12381
 Permit number(s): G-11726
 Certificate number(s):

Date of measurement: 8/17/01

Description of measuring point (e.g. 1 1/4" port pipe on north side):

Static water level above/below (circle one) measuring point: 2.8' feet, or airline pressure psi
 Measuring point distance above/below (circle one) land surface: 2.2' feet, or airline length feet
 Static water level above/below (circle one) land surface: 26' feet
 Shut-in pressure (if flowing artesian well): N/A psi

Method of measurement: E-tape X Airline Other(specify):
 Water-level status when measured: Static X Pumping Recovering Flowing
 Length of time well was idle before measurement: 18 hrs
 Calculation / comments (show all work; use back or extra sheet if necessary): N/A

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): ROBT. D. GREENWAY
 Signature of measurer: [Signature]
 Company: CASCADE WATER SYSTEMS
 License number (CWRP, RG, PE, WWC, Pump Installer): CCB # 132-390
 Daytime phone number: 503 435-1515 Email address: PAUL@CASCADEWATER.COM

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503-378-8455 ext. 289. Return this form to 158 12th St. NE, Salem, OR 97310-4172.

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

OWRD 02/12/2001 GW/RCK

RECEIVED

AUG 21 2001

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

MAR 14 2001

Oregon Water Resources Department
PERMIT CONDITION WATER-LEVEL REPORTING FORM

WATER RESOURCES DEPT.
SALEM, OREGON

RE: Required Water Level Report for a Well on Permit G 11726 Certificate 0 Pod 1 Application G 12381

Listed on water right as: A WELL

Well log ID (if any, in our records): YAMH 453

Priority date: 1/10/1991

Location: In the SE quarter of the NW quarter of Section 8, Township 5S, Range 4W

2850 FEET NORTH & 1500 FEET EAST FROM SW CORNER, SECTION 8

JOHN G. BERNARDS
14555 SW MCCABE CHAPEL RD
MCMINNVILLE OR 97128

this place has been sold to
Robinson Nursery 9365 SW Trestle
View LN
Mcminville OR 97128

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

MEASUREMENT REPORT

(Complete one form for each well)

Well Identification (provide as much of the following information as possible):

Original owner of well (owner name on well log): _____

Owner's well name or number (if any): _____

Well ID (number on tag attached to casing, if present): _____

Well log startcard number (if listed on well log): _____

Well depth: _____ Casing diameter: _____

Date drilled: _____ Driller: _____

When did water use begin under this permit from this well? Date: Month/Yr. _____

Show all water rights listing this well:

Application number(s): _____

Permit number(s): _____

Certificate number(s): _____

Date of measurement: _____

Description of measuring point (e.g. 1 1/4" port pipe on north side): _____

Static water level above / below (circle one) measuring point: _____ feet, or airline pressure _____ psi

Measuring point distance above / below (circle one) land surface: _____ feet, or airline length _____ feet

Static water level above / below (circle one) land surface: _____ feet

Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape _____ Airline _____ Other(specify): _____

Water-level status when measured: Static _____ Pumping _____ Recovering _____ Flowing _____

Length of time well was idle before measurement: _____

Calculation / comments (show all work; use back or extra sheet if necessary): _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): _____

Signature of measurer: _____

Company: _____

License number (CWRE, RG, PE, WWC, Pump Installer): _____

Daytime phone number: _____ Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 289, or toll free (within Oregon only) at 1-800-624-3199. Return this Form to 158 12th St. NE, Salem, OR 97310-4172.

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

OWRD 02/12/2001

GW/RCK

JOHN G BERNARDS
14555 SW MCCABE CHAPEL
MCMINNVILLE, OR 97128

YAMH 453
RECEIVED

APR 21 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

WATER
RESOURCES
DEPARTMENT

RE: Required Well Water Level Report for Permit G - 11726

Our records indicate that you are the holder of groundwater permit G - 11726. If you are no longer the holder of this permit or no longer have an interest in it, please contact our department.

This permit contains a provision which requires the permittee to cause the static water level in the well(s) to be measured and reported to this agency annually. **Consulting your permit will show the required times for measuring and reporting, as well as a list of persons eligible to make the measurements.** Please use this letter for your reply, placing any additional information on the back side if necessary. We recommend that you keep a copy of this measurement report for your records.

MEASUREMENT REPORT

Well Name or Number (if any): John G Bernards ^{well # 1193} start card # 24793
Application and Permit numbers: Application # G12381 permit # G-11726
Person Making Measurement: Patrick Dolan
Description of Measuring Point: Top of well casing
Measuring Point Correction: 1' 9" feet above below land surface
Static Water Level: 13' 3" * feet above/below land surface
Length of Time Well was Idle Before Measurement: 6 months
Date of Measurement: 3/26/97
Calculation/Comments: * Actual static, deducting correction factor is 11' 6"

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Signature of Person Making Measurement Patrick Dolan

Organization: Cascade Tractor - 9889 S Hwy 99 McMinnville, OR 97128

Thank you for your attention to this matter. If you have questions about this notice, please call the Groundwater/Hydrology Section of the Department at (503) 378-8455 ext. 207, or toll free at 1-800-624-3199.



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

YAMH 453

February 29, 1996

JOHN G BERNARDS
14555 SW MCCABE CHAPEL
MCMINNVILLE OR 97128

RECEIVED

APR 03 1996

WATER RESOURCES DEPT
SALEM, OREGON

RE: Required Well Water Level Report for Permit G-11726

Our records indicate that you are the holder of groundwater permit G-11726. If you are no longer the holder of this permit or no longer have an interest in it, please contact our department.

This permit contains a provision which requires the permittee to cause the static water level in the well(s) to be measured and reported to this agency annually. Consulting your permit will show the required times for measuring and reporting, as well as a list of persons eligible to make the measurements.

Please use this letter for your reply, placing any additional information on the back side if necessary. We recommend you keep a cop of this measurement report for your records.

MEASUREMENT REPORT

Well Name or Number (if any): _____

Application and Permit number: Application # G 12381 permit G-11726

Person Making Measurement: Paul Sloan c/o Cascade Tractor

Description of Measuring Point: 2 feet above/below land surface

Static Water Level: 9' 8" feet below land surface

Length of Time Well was Idle Before Measurement: Several months

Calculation/Comments: _____

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Signature of Person Making Measurement: Paul B Sloan JR

Organization: Cascade Tractor

Pump & Irrigation Dept.
495 N. Hwy 99W
McMinnville, OR 97128

Thank you for your attention to this matter. If you have any questions about this notice, please call the Groundwater/Hydrology Section of the department at 378-8455 ext. 207.

W. RICHARD VERBOORT - CIVIL ENGINEER

PLANNING - DESIGN - INSPECTION

CIVIL - WATER RESOURCES - AGRICULTURE

666 S.E. 36th AVENUE, HILLSBORO, OR 97123

(503) 648-6180

YAMH 453

RECEIVED

APR - 4 1995

WATER RESOURCES
SALEM, OREGON

MR. JOHN G. BERNARDS
14555 S.W. McCABE CHAPEL
McMINNVILLE, OR 97128

March 31, 1995

Dear Mr. Bernards:

App. 6-12381

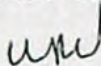
Water level data for your well under ODWR Permit G-11726, located south of McMinnville, OR is as follows.

Date (m/d/y)	depth to water
03/30/95	10.9 feet, tc

The well had not been operated within 48 hours prior to the test.

Please call if there are any questions concerning this data.

Sincerely,


W. Richard Verboort, P.E.
Civil Engineer

tc (top of casing) is 24" above average ground level

Reading taken with a Soiltest model DR-762A water level indicator.

X CC: ODWR Groundwater Section, Salem, OR

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **56784**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Robinson Farms, LLC
BY: _____

APPLICATION	12381
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 96601 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 55.00

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)

\$ 55.00

(New) TC162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

\$

0219

LICENSE FEE

\$

0218 WELL DRILL CONSTRUCTOR

0220

\$

LANDOWNER'S PERMIT

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 # **56784**

DATE: 11/06/02 BY: K. J. Hall

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



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

December 16, 2002

Richard Robinson - Robinson Nursery, LLC
P.O. Box 100
Amity, Oregon 97101

Reference: Application G-12381, Permit G-11726

The assignment by deed from John G. Bernards to you, has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 56784 covering the recording fee of \$55.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: receipt 56784

cc: Watermaster 16
John G. Bernards
Data Center, OWRD
File

REQUEST FOR ASSIGNMENT

BY PROOF OF OWNERSHIP (IF PERMIT HOLDER IS NOT AVAILABLE)

RICHARD ROBINSON - ROBINSON NURSERY, LLC
(Name of Party Requesting Assignment)

P.O. BOX 100 AMITY OR 97101 (503) 835-4533
(mailing address) (City) (State) (Zip) (Phone #)

CHECK ONE

☒ ...hereby request assignment in and to application/permit;

☐ ...hereby request assignment in and to a portion of application/permit;

(You must include a map showing the portion of the application/permit 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;
(Remember to include \$5 for each additional page.)

Application # G-12381, Permit # G-11726;
-OR-

GR Statement # _____, GR Certificate of Registration # _____

John G. Bernards
(Name of Permit Holder of Record)

14555 SW McCabe Chapel Rd McMinnville OR 97128 (503) 472-4194
(mailing address) (City) (State) (Zip) (Phone #)

NOTE:

If there are other owners of the property described in this Application, Permit or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 4 day of November, 2002.

Party Requesting Assignment _____

Party Requesting Assignment _____

RECEIVED

NOV 06 2002

WATER RESOURCES DEPT.
SALEM, OREGON

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 56784
- For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form must be submitted to the Department along with the appropriate recording fees:

- ◆ \$25 for the first page, and
- ◆ \$5 for each additional page.
(as required by ORS 536.050(1)(d))

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97301-4172

After Recording Return to:
Paul R.J. Connolly
Connolly & Doyle, LLP
2731 Twelfth St., SE
PO Box 3095
Salem, OR 97302

OFFICIAL YAMHILL COUNTY RECORDS
CHARLES STERN, COUNTY CLERK



\$51.00

00047262200000184930060065

200018493

11:52:54 AM 12/29/2000

DMR-DTDMR Cnt=1 Stn=2 JAN
\$30.00 \$10.00 \$11.00

DEED OF TRUST

On December 29, 2000, Robinson Farms, LLC, hereinafter called Grantor, whose address is:

9365 SW Trestle View Ln.
McMinnville, OR 97128
PO Box 100
Amity, OR 97101

grant, convey, warrant, transfer and assign to Paul R.J. Connolly, an attorney, hereinafter called Trustee, whose address is 2731 Twelfth St., SE, PO Box 3095, Salem, OR 97302, in trust with power of sale for the benefit of John Bernards hereinafter called Beneficiary, whose address is 14555 SW McCabe Chapel Rd., McMinnville, OR 97128, property in Yamhill County, State of Oregon, more particularly described as follows:

PARCEL 1:

A tract of land in Section 8, Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at a point on the line between Sections 8 and 17 in said Township and Range, 16.90 chains East of the corner of Sections 7, 8, 17 and 18, which said point is also the Southwest corner of the Donation Land Claim of Joseph Watts; thence East with the South line of said Donation Land Claim, 36 chains to the Southeast corner of the said Donation Land Claim; thence North on the East line of said Donation Land Claim, 44.40 chains; thence West 52.20 chains; thence South 2.04 chains; thence South 21°45' East, 45.60 chains to the point of beginning.

EXCEPTING THEREFROM a tract conveyed to Joseph Robert Stupfel, et ux, by Deed recorded October 29, 1970 in Film Volume 81, Page 1072, Deed and Mortgage Records of Yamhill County, Oregon.

ALSO EXCEPTING THEREFROM that portion described in Deed to Yamhill County, recorded December 5, 1975 in Film Volume 109, Page 860, Deed and Mortgage Records, Yamhill County, Oregon.

PARCEL 2:

A tract of land located in Section 8, Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follow:

BEGINNING at the Northeast corner of the certain tract of land described in Deed from Fred C. Stupfel to Leo J. Stupfel and Mary C. Stupfel, husband and wife, recorded February 21, 1919 in Book 77, Page 297, Deed Records of Yamhill County, Oregon; thence West 940 feet to a monument; thence South 470 feet to an iron pipe and the True Point of Beginning; thence South 50 feet to the Northerly right of way line of the Southern Pacific Railroad; thence North 72° East, 175 feet along the North right of way line of said railroad to an iron pipe; thence North 71°07'50" West, 50 feet to an iron pipe; thence Westerly 124 feet to the True Point of Beginning.

RECEIVED

NOV 06 2002

WATER RESOURCES DEPT.
SALEM, OREGON

NORTHWEST TITLE COMPANY

SUBJECT TO rights of the public in any to any portion of the property lying within the boundaries of roads or highways, additional taxes or penalties and interest in the event of disqualification for farm use assessment, right of way for railroad as set forth in instrument recorded 4/25/1883 in Volume V, Page 466, Deed Records, and trust deed for the benefit of Farm Credit Services dated April 19, 1996, recorded as Instrument No. 199606014, Deed and Mortgage Records, beneficial interest assigned to Northwest Farm Credit Services, FLCA, by instrument No. 200012156, Deed and Mortgage Records.

TAX IDENTIFICATION NOS.: 5408-700/192801/4.1;

and including all rents, issues, profits, buildings and improvements thereon and in all tenements, hereditaments, rights, privileges, easements, rights of way and appurtenances (including without limitation private road, grazing privileges; water rights, ditches and conduits and rights of way therefor, all plumbing, lighting, heating, cooling, ventilations, elevating, and irrigating apparatus and other equipment and fixtures, now or hereafter belonging to or used in connection therewith), excepting, however, water rights hereafter transferred to the Property by Grantor and rights of way obtained by Grantor in connection therewith, all of which is hereinafter called the "Property."

The following described Note(s), security documents and any other documents or instruments signed in connection with the note(s) and security documents and any amendments thereto are collectively called the "Loan Documents." "Advances" shall include any amounts provided to grantors under the terms of the Loan Documents and any amounts expended by Beneficiary to protect the Property or enforce its rights under the Loan Documents. This conveyance is intended to secure performance of the covenants and agreements contained herein, and in any Loan Documents, and payment of the indebtedness under the terms of the Note(s) made by Grantors to the order of Beneficiary, with interest and charges as provided therein and in the Loan Documents, and any extensions, modifications or renewals thereof:

DATE OF NOTE	PRINCIPAL AMOUNT	FINAL INSTALLMENT DATE
	\$814,250.00	05/28/22

The terms of the Note(s) and Loan Documents, described above, provide that the interest rate, payment terms or amounts due may be indexed, adjusted, renewed or renegotiated upon written agreement of the parties.

Grantors and each of them REPRESENT, WARRANT, COVENANT and AGREE:

1. That they have title to the Property free from encumbrances, except as described above, they have good right and lawful authority to convey and encumber the same; they will warrant and defend the same forever against the lawful claims and demands of all persons whomsoever; and they agree this covenant shall not be extinguished by transfers.
2. That this deed of trust also constitutes a Security Agreement granting Beneficiary a security interest in any and all personal property described above.
3. To keep all buildings and other improvements, now or hereafter existing, in good repair; not to remove or demolish or permit the removal or demolition of any building or other improvement; to restore promptly in a good and workmanlike manner any building or improvement, which may be damaged or destroyed; to maintain and cultivate the Property in a good and husbandlike manner; not to change or permit change in the use of the

RECEIVED

NOV 06 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Property; and not to do anything which would reduce the value of the Property; and Beneficiary shall have the right to enter upon the Property to make full inspection of the Property at reasonable times after prior written notice.

4. To maintain casualty insurance, naming Beneficiary as loss payee, on all buildings and improvements,, against loss or damage by fire or other risks; to maintain liability insurance; to obtain flood insurance at any time it is determined that any building or improvement is located, in whole or in part, within a special flood hazard area; to pay all premiums and charges on all such insurance when due; and to provide Beneficiary satisfactory proof of such insurance and to name the Beneficiary as an "Additional Insured" on the policy. All such insurance shall be in such form(s), with such company(s) and in such amount(s) as shall be reasonably satisfactory to Beneficiary.
5. To pay all debts and money, secured hereby, when due; to pay, when due, all taxes, assessments, rents and other charges upon the Property and to suffer no other encumbrance, charge or lien on the Property, which would be superior to this deed of trust, except as stated above.
6. Any payments of insurance reimbursements and condemnation awards, at any time accruing, for any transfer, loss or seizure of the Property, any portion thereof or any rights therein shall be paid to the parties as their respective interest appear and any such proceeds not received by Grantor shall be applied to the balance of the Note hereunder.
7. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the Property and its use, including without limitation all environmental laws; not to use or permit the use of the Property for any unlawful or objectionable purpose or for any purpose that poses an unreasonable risk of harm, or that impairs or may impair the value of the Property, or any part thereof; not to apply residue from waste water treatment facilities to the Property without prior written notice to Beneficiary; to remedy any environmental contamination or violation of environmental laws that may occur or be discovered in the future; to allow Beneficiary access to the Property to inspect its condition; to forward copies of any notices received from any environmental agencies to Beneficiary; to provide Beneficiary copies of any independent test or inspection reports on the environmental status of the Property; and to indemnify and hold Beneficiary, its directors, employees agents and its successors and assigns, harmless from and against any environmental claims of any kind, and all costs and expenses incurred in connection therewith, including, without limitation, attorney's fees except such claims that arise by reason of Beneficiary's prior ownership of the Property.
8. Not to apply or enter into any federal, state or local program which limits or restricts the use of the Property, in any way without prior written consent of Beneficiary; to perform all acts necessary to perfect and maintain any water permit, certificate, license or other water interest, however designated, described in or used in conjunction with the real property described above; any assignment of any such interest during the term of this deed of trust, naming Beneficiary as an assignee shall be for security purposes and shall not alter Grantor's obligations hereunder; and any failure of Grantor to perform any such obligation shall constitute an event of default.
9. That in the event of default in any of the covenants or agreements herein, or in any of the Loan Documents, Beneficiary may, at its option, perform the same, in whole or in part; any

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NOV 06 2002

WATER RESOURCES DEPT.
SALEM, OREGON

advances, attorney fees or costs, paid or incurred by Beneficiary to protect or enforce its rights under the Loan Documents, in bankruptcy, appellate proceedings or otherwise, shall be payable on demand and shall become a part of the obligation secured by this deed of trust.

10. If Grantor defaults in the payment of the indebtedness, or with respect to any warranty, covenant or agreement in the Loan Documents or if a receiver or trustee for any part of the Property is appointed, or if any proceedings under the bankruptcy or insolvency laws is commenced by or against Grantor, or if Grantor becomes insolvent, or if any action is commenced to foreclose or enforce a lien on any portion of the Property, then, Grantor shall be in default hereunder.
11. That time is of the essence and in the event of default, at Beneficiary's option, the entire indebtedness secured hereby shall forthwith become due and payable and bear interest at the rate set forth in the loan Documents; Beneficiary shall have the right to foreclose the lien of this deed of trust or to direct Trustee, in writing, to foreclose this deed of trust by notice and sale, to have a receiver appointed in any court proceeding, to collect any rents, issues and profits from the Property and to deliver them to Beneficiary to be applied as provided above and to exercise any rights and remedies available under the Uniform commercial Code for the state in which the property is located; and reasonable notice if require by such Code shall be five (5) days.
12. That Beneficiary may from time to time, in writing and without further notice or consent, release any person from liability for payment of any of the indebtedness or extend the time or otherwise alter the terms of payment of any of the indebtedness; and Trustee may, with written consent of Beneficiary, at any time and from time to time, and without affecting the liability of any person:
 - a. Joint in any subordination or other agreement affecting this deed of trust or lien or charge thereof.
 - b. Reconvey, without warranty, any or all of the Property.
13. That after all sums secured hereby have been paid, upon receipt of the deed of trust and note and payment of its fees, Trustee shall reconvey without warranty the Property, as provided by law. The grantee is such reconveyance may be described as "the person or persons legally entitled thereto."
14. That, in the event of foreclosure of this deed of trust by notice and sale, the power of sale shall be exercised by the Trustee according to and under the authority of the law pertaining to deeds of trust then in effect in the state in which the Property is situated; Trustee shall deliver to purchaser its deed, without warranty, containing recitals demonstrating compliance with the requirements of such law.
15. To surrender possession of such premises within the time period provided by law; in the event Beneficiary is purchaser of the Property and possession is not delivered, as provided by law, to pay Beneficiary the costs and the expenses, including reasonable attorney fees, incurred in any suit or action by Beneficiary to obtain possession of the premises.
16. That Trustee accepts this trust when this deed, duly executed and acknowledged is recorded as provided by law; any Trustee lawfully appointed by Beneficiary as a substitute or successor Trustee shall succeed to all the powers and duties of the Trustee named

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WATER RESOURCES DEPT.
SALEM, OREGON

herein.

17. That as used herein, the term "deed of trust" shall be synonymous with the terms "trust indenture" and "trust deed"; the terms "Grantor" shall be synonymous with the term "Trustors" as used in any laws of the state in which the Property is situated; the term "Beneficiary" shall mean the holder and owner of any Note secured hereby, or if any Note(s) has been pledged, the pledgee thereof.
18. That the failure of Beneficiary to exercise any right or option provided herein, at any time shall not preclude Beneficiary from exercising any of such rights at any other time; the covenants and agreements contained herein shall be binding on and inure to the benefit of the parties and their respective heirs successors and assigns; all rights conferred on Beneficiary or on Trustee are cumulative and additional to any rights conferred by law; and if any provision is found to be invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision thereof and the deed of trust shall be construed as though such provision had been omitted.
19. That Grantor joins in this instrument for the purpose of subjecting its right, title and interest, if any, in the Property, whether of record or otherwise and including any right to possession, to the lien of this deed of trust.

Beneficiary REPRESENTS, WARRANTS, COVENANTS and AGREES, and for this purpose joins in the execution of this instrument, as follows:

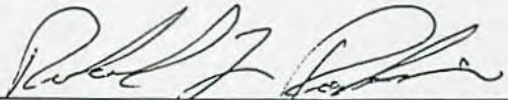
Prior Lien. Beneficiary is the grantor under that certain Trust Deed dated April 19, 1996, in favor of Farm Credit Services (now Northwest Farm Credit Services, FLCA) as beneficiary, and recorded on April 19, 1996, as Instrument No. 199606014 in the Yamhill County Deed Records, securing an initial indebtedness of \$258,000.00 ("Prior Lien"). Beneficiary represents and warrants to Grantor that the current principal balance due under the Prior Lien is not more than \$230,000.00. Beneficiary further covenants that the principal balance of said Prior Lien shall not hereafter be increased, that Beneficiary shall make all payments required by said Prior Lien in a timely manner and shall not allow said Prior Lien to be in default at any time and shall join with Grantor in requesting Northwest Farm Credit Services, FLCA to provide written notice to Grantor in the event of a default of said Prior Lien and the obligation secured thereby and a reasonable time in which to cure said default before commencing foreclosure proceedings. In the event of a default of said Prior Lien, Grantor may, at Grantor's option, make any payments necessary to cure said default and the amount thereof shall be credited against the balance due from Grantor to Beneficiary on the Note hereunder without regard to prepayment restrictions between Grantor and Beneficiary and shall, at Grantor's option, relieve Grantor of the next payments coming due on the Note in the same amount as such payments made by Grantor. During the period in which said Prior Lien is in effect, Grantor shall comply with the insurance provisions and other provisions relating to care of the Property contained in said Prior Lien. The parties further agree that they shall establish a collection escrow through North Valley Contract Services, or other mutually agreed escrow agent, and shall provide instructions to said escrow agent to collect all payments due from Grantor to Beneficiary hereunder, and to provide for a sufficient portion of said payments to be disbursed directly from said escrow to Northwest Farm Credit Services, FLCA to make all payments required by said Prior Lien and such additional payments so as to assure that the

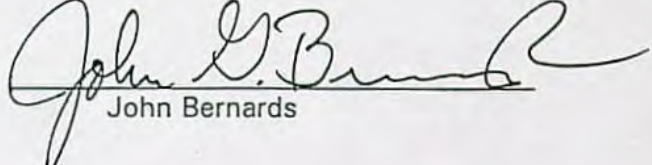
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WATER RESOURCES DEPT.
SALEM, OREGON

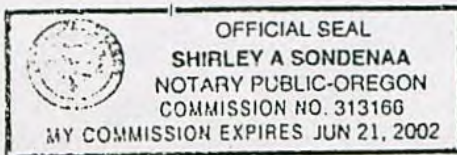
balance due on the Note hereunder shall never exceed the balance due on the obligation secured by said Prior Lien, with the balance of said payments collected by escrow to be disbursed directly to Beneficiary. Said escrow agent shall provide appropriate accounting and tax records to the parties showing the receipt and disbursement of said payments, including any payments made directly to Northwest Farm Credit Services, FLCA. The parties shall share equally the initial cost to establish said escrow and Grantor shall pay the monthly collection fee for the payments required hereunder and Beneficiary shall pay any fees associated with the collection and disbursement of payments to the holder of the Prior Lien. Upon payment in full of said Prior Lien, Beneficiary shall, at Beneficiary's expense, record such documentation as reasonably required by Grantor to clear title to the Property of said Prior Lien which shall occur, in any event, at or prior to payment of the balance of the Note hereunder.

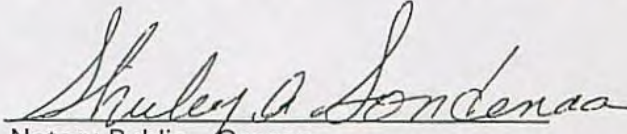

Richard L. Robinson, Managing Member
Robinson Farms, LLC


John Bernards

State of Oregon)
) ss.
County of Yamhill)

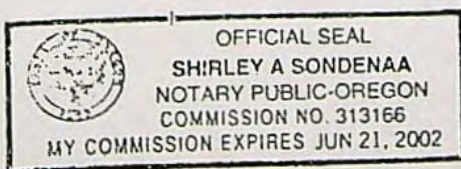
On this 29th day of December, 2000, before me personally appeared Richard L. Robinson, Managing Member, Robinson Farms, LLC, to me known to be the person(s) described in and who executed the within instrument, and acknowledged that he executed the same as his free act and deed.

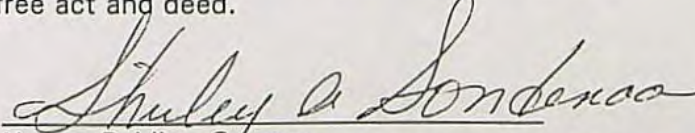



Notary Public - Oregon
My commission expires: 06-21-2002

State of Oregon)
) ss.
County of Yamhill)

On this 29th day of December, 2000, before me personally appeared John Bernards, to me known to be the person(s) described in and who executed the within instrument, and acknowledged that he executed the same as his free act and deed.




Notary Public - Oregon
My commission expires: 06-21-2002

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NOV 06 2002

WATER RESOURCES DEPT.
SALEM, OREGON

ROBINSON FARMS LLC

1139

Water Resources Department
Date Type Reference
11/04/2002 Bill G-12381

Original Amt.
55.00

11/5/2002
Balance Due Discount
55.00
Check Amount

Payment
55.00
55.00

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WATER RESOURCES DEPT.
SALEM, OREGON

Columbia River Bank

55.00

Robinson Nursery, Inc.
P.O. Box 100
Amity, OR 97101

FIRST CLASS MAIL

Water Resources Dept.
158 12th St NE
Salem, OR 97301-4172



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

October 11, 2002

Robinson Nursery
9635 SW Trestle View Lane
McMinnville, OR 97128

Reference: Application File No. G-12381, Permit No. G-11726 - John G. Bernards

Dear Ladies and Gentlemen:

I am currently reviewing the above referenced file and have discovered you may be the owners of the well and land described by the above referenced permit. This permit currently is in the name of John G. Bernards.

If it is your intent to obtain a certificate of water in your names, it will be necessary for you to complete and return the enclosed request for assignment of the permit along with the required fees and we will change our records accordingly. Then I may prepare a final certificate of water right for your consideration.

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: Mr. Bernards

enclosures: assignment forms

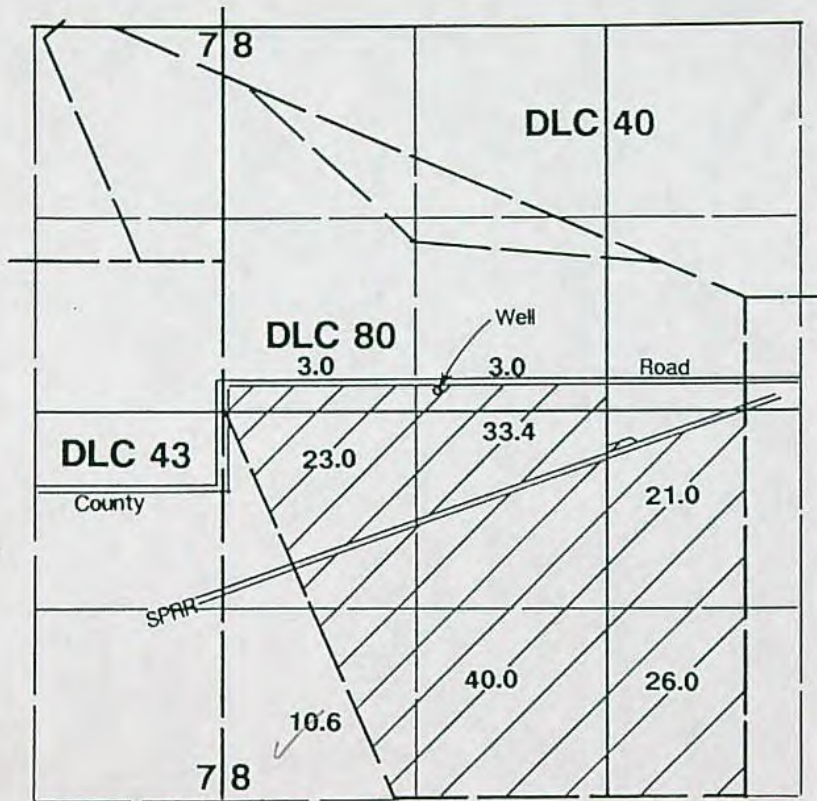
work copy

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JUN 09 1992

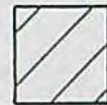
WATER RESOURCES DEPT
SALEM, OREGON

T.5S., R.4W., W.M.



1" = 1320'

Area Irrigated



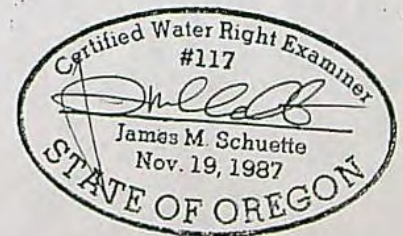
Well located 2850'N & 1500'E from the SW corner Section 8.

John G. Bernards

Application Map

Application #: 6-12381

Permit #: G11726



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.

April 22, 1997

John G. Bernards
14555 SW McCabe Chapel Rd
Mcminnville, OR. 97128

WATER
RESOURCES
DEPARTMENT

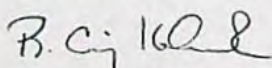
With regard to the pump test requirements for the following well and its associated water right:

APP. #: G-12381 PERMIT #: G-11726 USER-ID:27713 POD-ID:32247

The Water Resources Department has reviewed and accepted the pump test results you submitted. The Department requires no further testing of this well at this time. However, you will be required to submit a static water level measurement of the well on the ten-year anniversary of the test you conducted. If your permit or certificate includes a condition that requires annual static water level measurements, please continue to make and report these measurements unless otherwise instructed.

We appreciate your cooperation with this program. If you have any questions, please contact me at (503) 378-8455 ext. 289 or Mike Zwart at ext. 207. The Department's toll free number is 1-800-624-3199.

Sincerely,



R. Craig Kohanek
Pump Test Coordinator

cc: Water Rights Section



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

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

OCTOBER 10, 1997

To: FRED LISSNER/

From: KEN DOWDEN/

Subject: GW Permit Condition, File G-12381 (per# G-11726)
Applicant: JOHN BERNARDS

Prior to issuing a water right certificate, I need your help in determining if the following (permit) condition was met:

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

The permit issuance date was May 10, 1994.

Please, also view attached memo from Mike Zwart regarding final language on certificate.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE G-12381

Date: May 2, 1995

From: MICHAEL ZWART

Subject: GROUNDWATER PERMIT CONDITION

This Application File contains a condition in the permit issued which requires static water levels to be measured. Please contact the manager of the Groundwater and Hydrology Section prior to certificate issuance. Staff there will recommend whether any changes should be made to the final language of such conditions in the certificate.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

September 17, 1997

JOHN G. BERNARDS
114555 SW McCABE CHAPEL RD
McMINNVILLE, OR 97128-9725

REFERENCE: Files G-11870 AND G-12381

This will acknowledge that your claim of beneficial use, map, and a copy of your pump test for File G-12381 in the name of JOHN G. BERNARDS were received on SEPTEMBER 15, 1997. These will be reviewed in the future to insure they are complete and correct.

Please contact me if you have any questions.

Sincerely,

DON KNAUER
Program Representative

DEK:tcb

cc: JAMES M. SCHUETTE, CWRE #117



Oregon Water Resources Department PUMP TEST FORM COVER SHEET

SEP 15 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Well Owner:

Name John G. Bernards
Address 14555 SW McCabe Chapel Rd.
County Yamhill
City, State, Zip McMinnville, OR 97128

Well Location:

Township 5S (N or S), Range 4W (E or W)
Section 8 1/4, 1/4, 1/4 SE NW
Well Depth 137' Date Drilled 01/07/91
Owners Well No. (if any) 1193
YAMH 453

Water Right Information:

Application No. G12381 Permit No. G-11726 Certificate No. _____Does this pump test apply to more than one water right? No If Yes, fill out numbers below:

App. No. _____ Permit No. _____ Cert. No. _____

App. No. _____ Permit No. _____ Cert. No. _____

Pump Test:

Test conducted by: Paul B Sloan Well Owner? N (Y/N)
Company Cascade Tractor + pump
Address 9889 S Hwy 99W Date of Test 4/16/97
City, State, Zip McMinnville, OR 97128

Method of Discharge Measurement: Coincident 400R flowmeter w/ digital readoutMethod of Water Level Measurement: SounderDepth of Air Line (if used) NAPump Type: SubmersibleWas pump test conducted during normal use of the well? N (Y/N)Description of point from which water level was measured: Top of well casing

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? No (Y/N). If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? No (Y/N)If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approximate distance: No Approximate elevation difference: _____

Is well elevation above or below the surface water body? _____

Static water level measurements: (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time	Depth to Water
9:05 AM	13' 3" <u>BTOL 7</u>
9:25 AM	13' 3" <u>BTOL 7</u>
9:45 AM	13' 3" <u>BTOL 7</u>

Discharge Measurements: (A discharge measurement is required at the start of pumping and once an hour during the test):

Time	Discharge Rate
9:45 a.m.	160 gpm
10:45 a.m.	160 gpm
11:45 a.m.	160 gpm
12:45 p.m.	160 gpm
1:45 p.m.	160 gpm

Pump turned on: Date: 4/16/97 Time: 9:45 AM Pump turned off: Date: 4/16/97 Time: 1:45 PM
Total pumping time: 4 hours, 0 minutes.

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

STATE OF OREGON WATER RESOURCE DEPARTMENT

PUMP TEST DATA SHEET

SEP 15 1997

APPLICATION NO. G12381PERMIT NO. G-11726P.O.D.-ID WATER RESOURCES DEPT
SALEM, OREGON

All water level measurements must either be in (1) feet and inches, or 2) feet and decimal fractions. (Circle one)

DRAWDOWN DATA

RECOVERY DATA

DATE	TIME	TIME SINCE PUMP STARTED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS	DATE	TIME	TIME SINCE PUMP STOPPED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS
4/14/97	9:47	2 min	20'7"	1'9"	18'10"		4/14/97	1:47	2 min	44'7"	1'9"	42'10"	
4/14/97	9:49	4 min	81'10"	1'9"	80'1"		4/14/97	1:49	4 min	34'3"	1'9"	32'6"	
4/14/97	9:51	6 min	81'10"		80'1"		"	1:51	6 min	30'9"		29'	
4/14/97	9:53	8 min	81'10"		80'1"		"	1:53	8 min	29'6"		27'9"	
4/14/97	9:55	10 min	81'10"		80'1"		"	1:55	10 min	28'5"		26'8"	
4/14/97	10:00	15 min	81'10"		80'1"		"	2:00	15 min	27'2"		25'5"	
4/14/97	10:05	20 min	81'10"		80'1"		"	2:05	20 min	25'10"		24'1"	
4/14/97	10:10	25 min	81'10"		80'1"		"	2:10	25 min	25'		23'3"	
4/14/97	10:15	30 min	81'10"		80'1"		"	2:15	30 min	24'3"		22'6"	
4/14/97	10:20	35 min	80'4"		78'7"		"	2:20	35 min	23'8"		21'11"	
4/14/97	10:25	40 min	80'4"		78'7"		"	2:25	40 min	23'1"		21'4"	
4/14/97	10:30	45 min	80'		78'3"		"	2:30	45 min	22'9"		21'	
4/14/97	10:45	60 min	80'		78'3"		"	2:45	60 min	21'7"		19'10"	
4/14/97	11:00	75 min	80'				"	3:00	75 min	20'9"		19'	
4/14/97	11:15	90 min	80'				"	3:15	90 min	20'2"		18'5"	
4/14/97	11:30	105 min	80'				"	3:30	105 min	19'8"		17'11"	
4/14/97	11:45	120 min	80'				"	3:45	120 min	19'3"		17'6"	
4/14/97	12:00 pm	135 min	80'				"	4:00	135 min	18'10"		17'1"	
4/14/97	12:15	150 min	80'				"	4:15	150 min	18'6"		16'9"	
4/14/97	12:30	165 min	80'				"	4:30	165 min	18'2"		16'5"	
4/14/97	12:45	180 min	80'				"	4:45	180 min	17'10"		16'1"	
4/14/97	1:00	195 min	80'				"	5:00	195 min	17'7"		15'10"	
4/14/97	1:15	210 min	80'				"	5:15	210 min	17'5"		15'8"	
4/14/97	1:30	225 min	80'				"	5:30	225 min	17'3"		15'6"	
4/14/97	1:45 pm	240 min	80'	✓	✓		"	5:45	240 min	17'2"	✓	15'4"	

STATE OF OREGON
COUNTY OF YAMHILL
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JOHN G. BERNARDS
14555 SW MCCABE CHAPEL ROAD
MCMINNVILLE, OREGON 97128

503-472-4194

to use the waters of A WELL in the SALT CREEK BASIN for IRRIGATION OF 160.0 ACRES.

This permit is issued approving Application G-12381. The date of priority is JANUARY 10, 1991. The use is limited to not more than 0.35 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 NW 1/4, SECTION 8, T 5 S, R 4 W, W.M.; 2850 NORTH AND 1500 FEET EAST FROM THE SW CORNER OF SECTION 8.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year. The period of allowed use is March 1 through October 31.

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

A description of the proposed place of use under this permit is as follows:

SW 1/4 NW 1/4	3.0 ACRES
SE 1/4 NW 1/4	3.0 ACRES
NE 1/4 SW 1/4	33.4 ACRES
NW 1/4 SW 1/4	23.0 ACRES
SW 1/4 SW 1/4	10.6 ACRES
SE 1/4 SW 1/4	40.0 ACRES
NW 1/4 SE 1/4	21.0 ACRES
SW 1/4 SE 1/4	26.0 ACRES

SECTION 8
TOWNSHIP 5 SOUTH, RANGE 4 WEST, W.M.

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

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.
- 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.

Application G-12381

Water Resources Department

PERMIT G-11726

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

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

The Water Resources Department has determined that the initial water level in the well(s) are those of the initial March report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

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

Actual construction work shall begin on or before May 10, 1995 and shall be completed on or before October 1, 1996. Complete application of the water shall be made on or before October 1, 1997.

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

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

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

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, May 10, 1994.

A. Reed Marbut

Water Resources Department
Martha O. Pagel
Director

Application G-12381 Water Resources Department
Basin 2 Volume 11A Salt Creek & Misc.
 MGMT.CODES 4EG, 4EW

PERMIT G-11726
District 16

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE G- 12381

Date: May 2, 1995

From: MICHAEL ZWART

Subject: GROUNDWATER PERMIT CONDITION

This Application File contains a condition in the permit issued which requires static water levels to be measured. Please contact the manager of the Groundwater and Hydrology Section prior to certificate issuance. Staff there will recommend whether any changes should be made to the final language of such conditions in the certificate.

38690

1	G	11984
2	G	11982
3	G	12069
4	G	12149
5	G	12217
6	G	12218
7	G	12222
8	G	12250
9	G	12273
10	G	12381
11	G	12407
12	G	12576
13	G	12794
14	G	12799
15	G	12800
16	G	12813
17	G	12829
18	G	12855
19	G	12858
20	G	12878
21	G	12913
22	G	12916
23	G	12921
24	G	12941
25	G	12945
26	G	12974
27	G	12975
28	G	12998
29	G	12999
30	G	13000
31	G	13090
32	G	13108
33	G	13142
34	G	13194
35	G	13196
36	G	13269
37	G	13271
38	G	13318
39	G	13330
40	G	13356
41	G	13388
42	G	13404
43	G	13406
44	G	13409
45	G	13412
46	G	13421
47	G	13429
48	G	13458
49	G	13506
50	G	13528
51	G	13529
52	G	13538
53	G	13555
54	G	13573

App'l year

Application
not permit
- add permit's names
" stream basin / trib. info

DRAFT

PUBLIC INTEREST REVIEW

The proposed water use described in Application # G-12381 has been evaluated according to the public interest standards set out in ORS 537.170 and OAR 690-11-195.

The Application requested the use of 0.35 CFS from the/a Well tributary to/within the SALT CR. BASIN (ADB) for the purpose(s) of IRRIGATION OF 158.2 AC 160. AC. The Technical Review Report limits the proposed use to water applied during the normal irrigation season @ 0.35 CFS, the pump capacity.

The proposed use described in Application # G-12381 is not within a category required to be submitted to the Commission.

The Director of the Water Resources Department has evaluated the Application for the proposed water use and made the following public interest determination.

TECHNICAL REVIEW

If satisfactory-

Water use Application # G-12381 received a Satisfactory Report of Technical Review.

The Technical Review revealed that the proposed water use:

- a)-is not prohibited by statute or scenic waterway criteria;
- b)-is a classified use under the applicable basin program or an application for the use has been filed under ORS 536.295 and OAR 690 Division 82;
- c)-is consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-will not conflict with (an) existing water right(s);
- e)-is supported by an available source of water.

NA
DIB

If unsatisfactory-

Water use Application # _____ received an Unsatisfactory Report of Technical Review.

The Technical Review conducted according to OAR 690-11-160 on the water use application revealed that the proposed water use:

- a)-is prohibited by statute or scenic waterway criteria;
- b)-is not a classified use under the applicable basin program and an application for the use has not been filed under ORS 536.295 and OAR 690, Division 82;
- c)-cannot be modified to be consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-would conflict with (an) existing water right(s), or
- e)-water is not available from the source to support the proposed water use.

As the result of the above finding based on the Technical Review conducted on this water use Application, the Director concluded that the proposed water use would impair or be detrimental to the public interest.

DB

Public notice of the proposed water use was sent to all local governments which have requested such notice and none of those local governments have filed objections to the proposed water use.

Comment: _____

DB

There is nothing in the record to indicate the proposed water use is incompatible with Statewide Planning Goals or local comprehensive plans.

Comment: _____

NA

If local government approval has not been granted, there is nothing in the record to indicate conditions cannot be placed on the proposed water use to require local land use approval prior to initiation of the use.

Comment: _____

NA

An applicant for municipal water use has submitted information showing the proposed water use is compatible with comprehensive plan policies concerning urban services, urban growth boundaries, and Public Facilities Plans.

Comment: _____

III. Identified environmental concerns.

DB

The proposed water use does not appropriate water from any water body listed to receive Total Maximum Daily Loads and therefore, the water body has not been defined as water quality limited according to Section 303(d)(1) of the federal Clean Water Act according to the information supplied by the Oregon Department of Environmental Quality.

Comment: _____

PUBLIC INTEREST REVIEW
CHECKLIST

The Director of the Water Resources Department has evaluated the proposed water use, as described in Application # G-12381, in light of current and planned uses and reasonably anticipated future demands for water from the water source as established in the record.

The evaluation has recognized known beneficial uses of water, including but not limited to the categories described in OAR 690-11-195(3)(a)-(d).

The Director has reviewed the elements of the proposed water use and has based the public interest determination on evidence in the record which included the following:

I. Existing claims to water from the same source.

DV

There are no conflicts with existing claims to water from the same source as is documented in the Report of Technical Review.

Comment: _____

II. Land use matters.

DV

The local government where the proposed water use is located has acknowledged receipt of the Land Use Information Form and has filed no objections to the proposed appropriation.

Comment: _____

IV. The character and extent of other natural resources which are present in the water source basin.

DB

The Oregon Department of Fish and Wildlife (ODFW) has been notified of the proposed water use and has made no objections regarding fish and other aquatic and wildlife species and populations.

Comment: _____

DB

There are no listed threatened or endangered species in the water source according to the information supplied by the Oregon Department of Fish and Wildlife.

Comment: _____

V. Riparian characteristics.

DB

There is nothing in the record to indicate the proposed use is likely to be detrimental to the riparian characteristics of the water source. This riparian review is not applicable to groundwater sources.

Comment: _____

VI. Recreational use and potential of the water source and its basin area.

DB

There is nothing in the record to indicate a conflict with known or reasonably anticipated recreational use.

Comment: _____

VII. Agricultural potential of the area.

DB

There is nothing in the record to indicate the proposed water use will conflict with known or reasonably anticipated agricultural practices.

Comment: _____

VIII. Designated historic, cultural, or natural resource protection areas.

DB

There is nothing in the record to indicate any conflict with any known or reasonably anticipated historic, cultural, or natural resource designations.

Comment: _____

IX. Identified health or safety requirements.

DB

There nothing in the record to indicate any identified health and safety requirements.

Comment: _____

of the Department and has made the following public interest determination.

The Director has determined that the proposed water use described in Application # G-12381:

____ WILL IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director hereby proposes rejection of the application and shall schedule a contested case hearing.

✓
____ WILL NOT IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director shall issue a water use permit with appropriate conditions.

A. Reed Marbut

A. Reed Marbut, Administrator
Water Rights/Adjudication Division

Signed this 10 day of May, 1994, in the office of the Director.

PUBLIC INTEREST REVIEW
FINDINGS AND CONCLUSIONS

This public interest determination has considered the following standards as set out in ORS 537.170(5):

- a) The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.
- b) The maximum economic development of the waters involved.
- c) The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.
- d) The amount of waters available for appropriation for beneficial use.
- e) The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.
- f) All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.
- g) The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.525.

The Director of the Water Resources Department, pursuant to OAR 690-11-185(4), has considered the facts set forth in the Application and its supporting data, the Director's Report of Technical Review and any objections which met the requirements of OAR 690-11-170(1).

The Director of the Water Resources Department has evaluated the proposed water use with respect to the information in the record

RECEIVED

MAR 18 1994

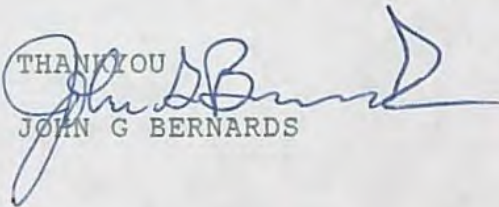
WATER RESOURCES DEPT.
SALEM, OREGON

JOHN G BERNARDS
14555 SW McCABE CHAPEL RD
McMINNVILLE OR 97128-8542

MARCH 16 1994

To Doug Baer: Oregon Water Resources
Doug I am writing this letter as to our conversation on 3-16-94 concerning the public interest review on water right permit application # 12381. I wish to amend application #12381 from 158 acres to 160 acres to correspond with the map submitted by Jim Shutte. I'm also enclosing a legal description and a check to cover the additional fee.

THANK YOU


JOHN G BERNARDS

MAR 18 1994

36-71992 WATER RESOURCES DEPT
SALEM, OREGON

LEGAL DESCRIPTION

-----PARCEL 1: A tract of land in Section 8, Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at a point on the line between Sections 8 and 17 in said Township and Range, 16.90 chains East of the corner to Sections 7, 8, 17 and 18, which said point is also the Southwest corner of the Donation Land Claim of Joseph Watts; thence East with the South line of said Donation Land Claim, 36 chains to the Southeast corner of the said Donation Land Claim; thence North on the East line of said Donation Land Claim, 44.40 chains; thence West 52.20 chains; thence South 2.04 chains; thence South $21^{\circ}45'$ East, 45.60 chains to the point of beginning.

EXCEPTING THEREFROM a tract conveyed to Joseph Robert Stupfel et ux., by Deed recorded October 29, 1970 in Film Volume 81, Page 1072, Deed and Mortgage Records, Yamhill County, Oregon.

ALSO EXCEPTING THEREFROM that portion described in Deed to Yamhill County, recorded December 5, 1975 in Film Volume 109, Page 860, Deed and Mortgage Records, Yamhill County, Oregon.

PARCEL 2: A tract of land located in Section 8, Township 5 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

BEGINNING at the Northeast corner of that certain tract of land described in Deed from Fred C. Stupfel to Leo J. Stupfel and Mary C. Stupfel, husband and wife, recorded February 21, 1919 in Book 77, Page 297, Deed Records of Yamhill County, Oregon; thence West 940 feet to a monument; thence South 470 feet to an iron pipe and the True Point of Beginning; thence South 50 feet to the Northerly right of way line of the Southern Pacific Railroad; thence North 72° East, 175 feet along the North right of way line of said railroad to an iron pipe; thence North $71^{\circ}7'50''$ West, 50 feet to an iron pipe; thence Westerly 124 feet to the True Point of Beginning. -----

July 23, 1993

JOHN G BERNARDS
14555 SW MCCABE CHAPEL
MCMINNVILLE, OR 97128

WATER
RESOURCES
DEPARTMENT

Reference: Number G-12381

Dear Mr. Bernards:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION OF YOUR APPLICATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

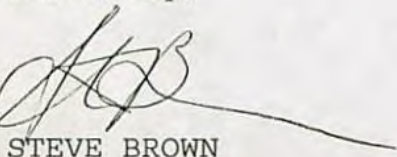
All evidence and objections must be received by our Salem office **no later than 5:00 p.m. on or before September 24, 1993** or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

Enclosures

Report Date: 7/23/93

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE:
9/24/93.

APPLICATION FILE NUMBER - G 12381

Applicant name/address/county/phone:

JOHN G BERNARDS
14555 SW MCCABE CHAPEL
MCMINNVILLE, OR 97128
YAMHILL Co. 503-472-4194

Date application received for filing and/or tentative date
of priority: 1/10/1991 for 158 acres and 6/9/92 for 2 acres.

SOURCE: A WELL

TRIBUTARY TO: SALT CR

Purpose and/or use: IRRIGATION.

Flow: 0.5600 cfs

Point of Diversion Location:

SE 1/4, NW 1/4, Section 8, T 5 S R 4 W, W.M.
2850 feet North and 1500 feet East from the SW corner
of Section 8, T 5 S, R 4 W, W.M.

Place of use: tentative priority date 1/10/91

SWNW	3.0 Acres
SENW	3.0 Acres
NESW	33.4 Acres
NWSW	23.0 Acres
SWSW	10.6 Acres
SESW	40 Acres
NWSE	21.0 Acres
SWSE	24.0 Acres

Section 8

T 5.00 S R 4.00 W, W.M.

Place of use: tentative priority date 6/9/92
SWSE 2.0 Acres
Section 8
T 5.00 S R 4.00 W, W.M.

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will not have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported the water is not likely to be available to supply the proposed use. Allowable rate has been reduced to pump capacity.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are no existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Water in the amount of 160 gpm is likely available for 8 months of the 8 months normal period of use. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: G-12381

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Period of allowed use: Irrigation Season - March 1-October 31.
2. Rate: 160 GPM 0.35 CFS
3. The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2 1/2 acre-feet for each acre irrigated during the irrigation season of each year.
4. Water use development requirements:
 - A) Begin construction by (one year from issuance of permit).
 - B) Complete construction by October 1, 1995.
 - C) Completely apply the water to beneficial use by October 1, 1996.
5. The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.
6. Measurement, recording and reporting conditions:
 - A. The Director may at any time require the permittee to report general water use information, including the periods of water use and the place and nature of use of water under the permit.
 - 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
 - C. 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.

- D. The Director may at any time require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director.
7. Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.
 8. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
 9. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
 10. The 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.
 11. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
 12. The use of water shall be limited when it interferes with any prior surface or ground water rights.
 13. The water user shall report a March static water level in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 of each year. The measurement shall be made and calculations detailed by a certified water rights examiner, registered professional geologist, certified engineering geologist, or professional engineer.

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

The Water Resources Department has determined that the initial water level in the well(s) are those of the initial March report. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

January 25, 1994

WATER
RESOURCES
DEPARTMENT

Andrew McRae
22075 S. Highway 99 W
Amity, OR 97101

Reference File No. G 12381

Re: Response to Comments
to Application File Number G 12381

Dear Mr. McRae:

The Water Resources Department has received your letter of Comments to the proposed water use reported in the Satisfactory Reports of Technical Review announced on Application File Numbers G 12381 submitted by John C. Bernards. Your Comments have been reviewed by the Director and as the result of the Director's assessment, **your Comments to this proposed water uses are acknowledged.**

The proposed water use, as conditioned, should not unreasonably affect your well.

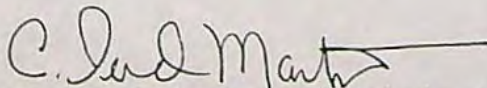
Under Oregon groundwater law, wells which unreasonably interfere with a more senior well are to be regulated. Should Mr. Bernards well under application number G 12381 begin to cause unreasonable interference with your well, the Department of Water Resources would regulate its use.

The application will now undergo a public interest review. If it successfully passes that review, a permit will be issued.

No permit will be issued on the Application which cannot be conditioned to adequately protect the resource and senior water rights.

If you have any questions, please call us in the Water Rights Division.

Sincerely,



A. Reed Marbut, Administrator
Water Rights and Adjudications Division

cc: John C. Bernards



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

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SEP 24 1993

WATER RESOURCES DEPT.
SALEM, OREGON

22075 S Hwy 99W
Amity, Oregon 97101
September 21, 1993

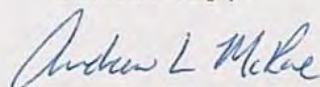
Mr. Steve Brown
Water Rights Division
Water Resource Department
3850 Portland Rd. NE
Salem, Oregon 97310

Dear Mr. Brown,

This is to inform you that I have received and reviewed the proposed water right permit G-12381. It has been my concern that this proposed permit will have an adverse impact on my irrigation well. If your department feels the restrictions placed on this permit will protect my water rights then I am satisfied. If your department does not feel that the proposed restrictions will protect my water rights then I do disagree with this permit being granted.

I appreciate all the assistance your department has provided in this matter and thank-you for considering my concerns.

Sincerely,



Andrew L. McRae

July 23, 1993

JOHN G BERNARDS
14555 SW MCCABE CHAPEL
MCMINNVILLE, OR 97128

Reference: Number G-12381

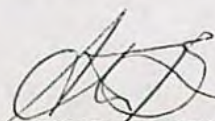
Dear Mr. Bernards:

We are currently reviewing your application for a water use permit, and have determined that your application is incomplete. Before we can process your application further, you need to provide us with additional information.

Please send a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract).

We will continue our assessment of your application after we have received the above information. If you have any questions you may telephone me at 378-8455, in Salem, or call toll free from within the state, 1-800-624-3199. Send any correspondence and all requested information, documentation, and fees to the following address: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310. Please include your application file number (as referenced at the head of this letter) whenever you write or call.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

cc: James Schuette, CWRE



3850 Portland Rd NE
Salem, OR 97310
(503) 378-3739
FAX (503) 378-8130

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

Date: July 23, 1992

From: MICHAEL ZWART *MJZ*

Subject: APPLICATION G-12381, JOHN BERNARDS

I spoke with Andrew McRae about 8:30 today. I wanted to see if he was interested in withdrawing his complaint against the subject application to allow irrigation while the application is in the processing stage. He was not interested in doing so. He intends to file a formal complaint (protest) in the future, when he is given that opportunity, and did not wish to give the impression that he is satisfied with the results of the aquifer test or with the conditions that were proposed in my memo of June 17, 1992.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

Date: June 17, 1992

From: MICHAEL ZWART *MSZ*

Map, Lat & Long ???

SS/4W-8

Subject: APPLICATION G-12381, JOHN BERNARDS

*Bernard's well YAHH 453 App 1
McRae well YAHH 4876 G-12381
G-4657*

As a result of a concern regarding potential well interference by a nearby water right holder, Andrew McRae, an aquifer test was conducted on June 4, 1992. Mr. McRae's well was pumped for 8 hours and drawdown water levels were monitored at it and the Bernards' well, approximately 830 feet away. After the pump was shut off, recovery water levels were monitored for 3 hours. The Department's ultrasonic flow meter was used to measure the discharge at the pumped well, which averaged 100.4 gallons per minute (gpm).

During the pumping phase of the test, the McRae well drew down from 20.33 feet to 58.81 feet below the measuring point. After the pump was shut off, it recovered to 28.30 feet below the measuring point within three hours. The Bernards well drew down from 19.07 feet to 21.43 feet below the measuring point. The maximum drawdown occurred 1.5 to two hours after the pump was shut off. The water level recovered to 21.38 feet by the end of the recovery period.

The data were analysed to determine the aquifer parameters of transmissivity (T) and storage coefficient (S). T is calculated to be about 6,000 gallons per day per foot and S is calculated to be about 0.0003. It is likely that these parameters would be similar if the aquifer test were conducted using the Bernards well as the pumping well. Therefore, the potential interference caused by the Bernard's well at the McRae well can be reasonably estimated by using the above parameters and an average pumping rate for the Bernards well. The subject Water Right Application requests 250 gpm. However, the size of the installed pump and the yield information on the Water Well Report indicated that the actual pumping rate would be somewhat less than this quantity. In a phone conversation with Mr. Bernards, he stated that the actual pumping rate is about 150 gpm and that during peak-use periods the well would be pumped about 15 hours per day.

Potential maximum interference was calculated for an irrigation season of 120 days using continuous pumping rates of 75, 100, and 150 gpm to simulate average daily pumping of 12, 16, and 24 hours at a rate of 150 gpm. The interference at the end of this 120 day period is calculated to be about 10, 13.3, and 20 feet, respectively.

Based on these calculations, it is unlikely that the use of water by Bernards would cause substantial interference at the McRae well, although, depending on the depth of the pump intake at the McRae well and the actual use by both wells, the interference could be sufficient to require Mr. McRae to consider lowering the pump intake. It is recommended that a permit, if issued, should contain resource protection condition 4E and, in addition, limit the rate of appropriation to 160 gpm to reflect the actual well production with the present pump.

TO: Water Rights Section

June 17, 1992

FROM: Groundwater/Hydrology Section M. Zwart
Reviewer's Name

SUBJECT: Application G- 12381

1. PER THE Willamette Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. _____ will, or } have the potential for substantial interference with the nearest surface water
 - b. ☒ will not } source, namely _____; or
 - c. _____ will, if properly conditioned, adequately protect the surface water from interference:
 - i. _____ The permit should contain condition #(s) _____;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
 - d. _____ will, with well reconstruction, adequately protect the surface water from substantial interference.
3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. _____ will, or } likely be available in the amounts requested without injury to prior rights and/or
 - b. _____ will not } within the capacity of the resource; or
 - c. ☒ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
 - i. _____ The permit should contain condition #(s) 4E;
 - ii. ☒ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below.
4.
 - a. _____ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. _____ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. _____ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: The applicant estimates the pumping rate to be 150 gpm.
Recommend the draft permit limit the rate to 160 gpm.

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____.
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one groundwater reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more groundwater reservoirs;
 - e. ☐ other: (specify) _____.
7. THE WELL construction deficiency is described as follows: _____

_____.
8. THE WELL
- a. ☐ was, or
 - b. ☐ was not
 - c. ☐ I don't know if it met standards at the time of construction.
- } constructed according to the standards in effect at the time of original construction or most recent modification.

RECOMMENDATION:

- A. ☐ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. ☐ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.
_____, 1992.

(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____.

(Signature)

_____, 1992.

(WRFORM3\92)

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

DATE: 1/13/92

TO: File G-12381

FROM: Donn Miller *DM*

SUBJECT: Comments on Andrew McRae's letter dated 12/30/91

Contacts with Mr. McRae

I have notes and otherwise recall speaking to Mr. McRae in December 1990 and November 1991. On the first occasion, we spoke for a couple of hours on application processing and groundwater use regulation among users (reasonable resource development, substantial interference, long-term decline). At that time we placed his name in the stream index so he would be alerted of any new groundwater filings in his section. He expressed an interest in protesting an application since he is a well user under certificate 39559 (Application G-4657). In November 1991, he called me saying that an application was filed in his section and asking why he was not alerted. He had recently spoken to Dallas Miller in the Water Rights section who informed him of a new filing. On investigation it appeared that the man who logs new applications into the stream index had missed the flag. Enough time had elapsed that Mr. McRae "appeared" no longer eligible to protest the application.

Mr. McRae called me between the two recited times, asking if his area were within a management area of the proposed Willamette Basin Plan. It was not. I don't recall responding to him about any pending applications at that time.

Groundwater Conditions

Although there was a standard Groundwater Section review of the new application, the Water Resources Department has not determined that his general area of Yamhill County is in "excellent condition". The readily available information did not raise a red flag to the reviewer. Mr. McRae is able, as he suggests, to submit another application for irrigation from groundwater in his area at this time.

Involvement in Processing Application

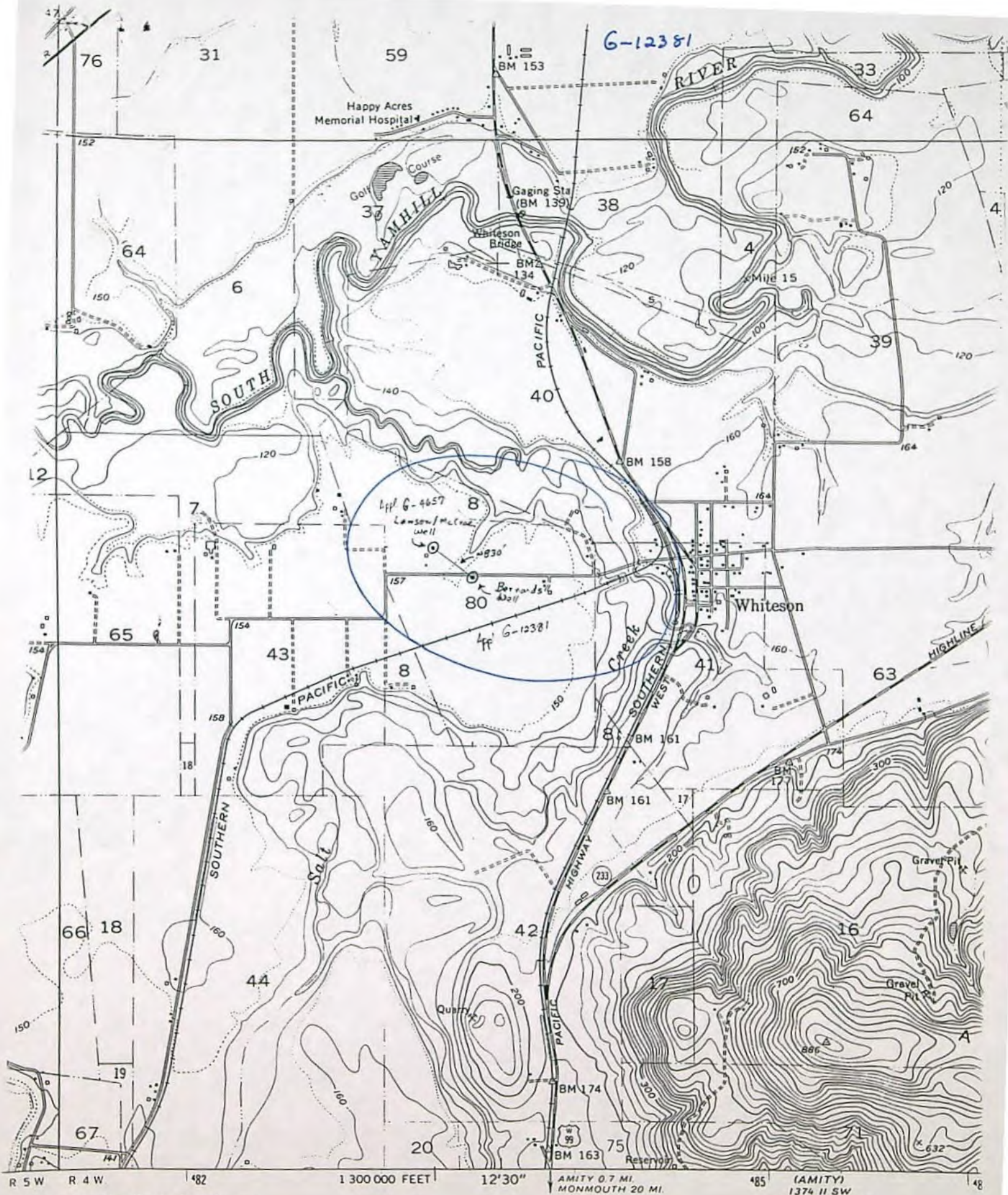
Mr. McRae asks to be involved in any further proceedings as to the processing of the new application and wishes to be kept informed as to the results of same. Generally, at this point, there is not much further processing activity to be involved with. If we issue a permit, we could easily send him a copy.

Under the unusual circumstances, Mike Mattick and Steve Applegate of the Water Rights Section believe that Mr. McRae is probably not precluded from the protest process on Application G-12381. His recent letter states objections to permit issuance which the agency can investigate as if we were still within the 60-day comment period.

The Department goofed by not notifying him. I suggest that we look into the technical issue further. If he has any information which would support denying or conditioning a permit under application G-12381, we should invite him to provide it. We can still address his concern that the new well's use could adversely affect his ability to irrigate effectively.

I will ask a staff hydrogeologist to investigate and answer the following questions:

1. What is the general groundwater setting for the McRae well and the well in G-12381?
2. What is the potential for long-term decline in the aquifer by the proposed appropriation in G-12381?
3. What is the potential for substantial interference on the McRae well due to the proposed use in G-12381? If it is high, does the McRae well need to more fully develop the resource?

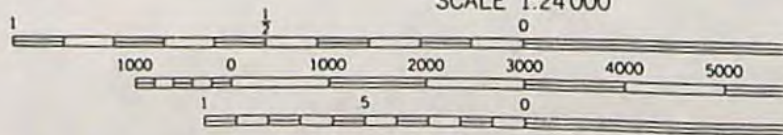


published by the Geological Survey

: & GS, and State of Oregon

photographs by Kelsh plotter and by

.7. Aerial photographs taken 1954



55/4w/8 bed

belief. 417
Signed Robert. Shelburne WWC Number 01/07/91 Date

RECEIVED

JUN 16 1992

WATER RESOURCES DEPT.
SALEM, OREGON

22075 S Hwy 99W
Amity, Oregon 97101
June 10, 1992

Mr. Tom Shook
Resource Management Division
3850 Portland Rd. NE 97310

Dear Mr. Shook,

This letter is to follow up our telephone conversation on June 8, 1992 about application G12381.

At that time we discussed that I am to wait until Mr. Mike Zwart has analyzed the data compiled from the well test he ran on June 4, 1992. At that time he measured some interference between my well and the one under application G12381.

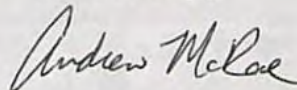
If your department considers issuing the permit when Mr. Zwart has completed his memo, then I will be sent a draft of the permit, at which time I will have 20 days in which to file a formal comment.

You also instructed me to inform Dave Jarrett, the watermaster for Yamhill County, if water was being pumped from the well before the permit is issued.

Water was being used from the well on June 8, 1992, at which time I contacted Mr. Jarrett. He agreed to see to the discontinuance of the usage of water from this well within the next couple of days.

Thank-you for your assistance in this matter.

Sincerely,



Andrew McRae

RECEIVED

JAN 21 1992

WATER RESOURCES DEPT.
SALEM, OREGON

22075 S Hwy 99W
Amity, Oregon 97101
January 16, 1992

Mr. Donn Miller
Water Resource Department
3850 Portland Rd. NE 97310

Dear Mr. Miller,

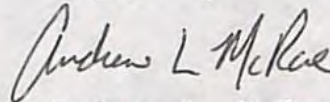
This letter is to follow up our telephone conversation on January 13, 1992 about application G12381.

It is my understanding that at this time the Water Resource Department is handling my concern over this application as though I had met the 60 day deadline and I will receive a letter from your office informing me on how to proceed. I will then be contacted by the water rights department in your office to make a test of the well.

We also discussed that I am not required to do anymore until I hear from your office again.

I appreciate your efforts in assisting me with my concern over this application and look forward to talking with you again soon.

Sincerely,



Andrew L. McRae

~~2/10/92~~
Borden

JAN - 3 1992
S. Ameyte

22075 S Hwy 99W
Amity, Oregon 97101
December 30, 1991

WATER RESOURCES DEPT
SALEM, OREGON

Mr. William Young
Water Resource Department
3850 Portland Rd. NE 97310

Dear Mr. Young:

I am writing this letter as directed by Mr. Tom Shook in follow up to our telephone conversation on November 19, 1991 about my concern over application G12381 which was filed in your office in January 1991. I wish to express my concern that the well for which this application has been made will have an adverse effect on my present well because of it's close proximity.

I first expressed my concern over this issue in December 1990 at the Water Resource Department when I spoke to Mr. Donn Miller. At that time I was told the only thing I could do was to place my name in the permit log book and I requested and was assured that when an application was made for this permit I would be notified. I would then be allowed to make a formal comment. I talked with Mr. Miller in August 1991 when he again assured me that no application had been filed. After contacting Mr. Miller a third time on November 19, 1991 I not only discovered that the application had been made in January of 1991 and that I had not been notified, but that it had already been reviewed by the ground water committee and approved.

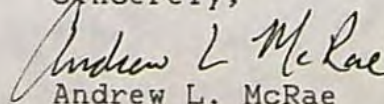
I was concerned that the granting of a water right permit for this particular well, because of it's close proximity to my existing well could have potential adverse affects on my ability to irrigate effectively.

Much to my surprise, the Water Resource Department has apparently determined that the water resource in this general area of Yamhill county is in excellent condition. Based on this knowledge I anticipate that you will not have any difficulty in granting one the right to irrigate additional farm ground, application for which I expect to file with the department in the near future. This application for water rights will be for 100 acres and will be in the same general area as application G12381.

I would appreciate the ability to be involved in any further proceedings as to the processing of this application, and wish to be kept informed as to the results of the following steps.

Thank-you for your consideration in this matter.

Sincerely,


Andrew L. McRae

July 7, 1992

JOHN G. BERNARDS
14555 MCCABE CHAPEL RD
MCMINNVILLE, OR 97128

REFERENCE FILE: G-12381

We have received the irrigation recording fees and a map prepared by your examiner, Jim Schuette.

A legal description of the property must also be submitted. This could be copied from your deed or title insurance policy.

Sincerely,

Thomas E. Shook
Water Right Specialist

Andrew Mc Rae

835-7345

John Bernards, application

55/40 - 8

158 acres

200 gpm

G-12381 (?)

11/19/91 I CALLED HIM. HE WOULD SEND
A LETTER OF OBJECTION. HE ALSO WANTS
TO BE NOTICED WHEN WE ARE READY
TO ISSUE THE PERMIT.

DOUG MILLER WOULD LIKE TO SEE
ANDREW'S LETTER. YES

TO: Water Rights Section 10/31, 1991
FROM: Groundwater/Hydrology Section Meyer
SUBJECT: Application G- 12381 Reviewer's Name Super

1. PER THE Willamette Basin rules, one or more of the proposed POA's is within _____ mile of a surface water source and taps a groundwater source hydraulically connected to the surface water.

N/A

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
- a. _____ will, or } have the potential for substantial interference with the nearest surface water
 - b. X will not } source, namely Salt Creek; or
 - c. _____ will, if properly conditioned, adequately protect the surface water from interference:
 - i. _____ The permit should contain condition #(s) _____;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
 - d. _____ will, with well reconstruction, adequately protect the surface water from substantial interference.

3. BASED UPON available data, I have determined that groundwater for the proposed use
- a. X will, or }
 - b. _____ will not } likely be available in the amounts requested without injury to prior rights; or
 - c. _____ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
 - i. _____ The permit should contain condition #(s) _____;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below.

4. a. _____ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
- b. _____ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
- c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
- d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
- e. _____ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

- N/A A CWRE map is not required for applications filed before November 9, 1987.
- U A written copy of the legal description of the property on which the water is to be used.
- N/A A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- N/A No statement of ownership was required for applications filed before August, 1990.
- S The proposed use is not restricted or prohibited by statute.
- S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- S Irrigation use(s) is/are classified uses(s) under the willamette Basin Program, OAR 690 - 502-160.(2).
- Legal Des. U The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

As expressed by the Planning Department of Yamhill County

- S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section 402).
- N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- N/A The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- S A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- S The report from groundwater section has been received.

For reservoir applications:

- N/A Plans, specifications and supporting information for the dam and impoundment area.

4E & Rate Limitation 160 gpm.

TECHNICAL REVIEW CHECKLIST

Application: G -12381

Review Date: 6/16/93 *mm*

- S indicates information was completed or adequately addressed.
- U indicates information is needed, or incomplete, or inadequately addressed
- N/A indicates Not Applicable

SUMMARY	
<u>U</u>	Completeness <i>Legal Description</i>
<u> </u>	Land Use
<u> </u>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u> </u>	Conflicts
<u> </u>	Water Availability

N/A

The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

S

No oath is required because application was filed before June 5, 1992.

S

Application fees:

Examination fee:	\$ 200	
Recording fee:	\$ 396	
TOTAL REQUIRED	\$ 596	
TOTAL SUBMITTED	\$ 596	
AMOUNT DUE prior to issuance of permit	\$ <u>0</u>	
AMOUNT OVERPAID	\$ <u> </u>	
refund due applicant	\$ <u> </u>	

*158 ac
100 ± (148 x 2) 3.96*

S

Proposed dates of beginning and completion of construction, and complete application of water.

S

A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3).

Application No. 6-12381

RECEIVED

R11263

JAN 10 1991

State of Oregon

WATER RESOURCES DEPARTMENT WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Appropriate Ground Water

Applicant(s) John G. Bernards
(Please print or type - use dark ink)

Mailing Address: 14555 SW McCabe Chapel Rd.
McMinnville OR 97128 472-4194
City State Zip Daytime Phone No.

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

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.): one well

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: _____

Elevation difference between streambed and development: _____

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

See attached well log To be Received when well completed

Diameter of well: 8" Depth in feet: 137

Type and size of well casing: Steel 8" No. of feet: 137

Estimated depth to water: _____

Type of access port or measuring device: _____

Wells to be drilled by: _____

Address: _____

If the water well is flowing artesian, describe your water control and conservation works: _____

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.56 cubic feet per second, OR 2509 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** Irrigation

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 158.0

Other (describe) _____

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).

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

Proposed date construction work will begin Started

Proposed date construction work will be completed 10-1-92

Proposed date water use will be completed 10-1-95

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):

_____ Applicant X 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):

_____ Applicant X 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.

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

REMARKS: _____

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.

John M. Bernhardt
Signature of Applicant

1-10-91
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 10th day of January, 1991, at 10:29 o'clock, A M.

APPLICATION NO: 9-12381

SECTION 8, TSS., E. 4 W.

SEE SEC. 5 4 07

$$I'' = 400'$$

John G. BERNARDS
14555 SW McCAGE Capel Rd
McMinnville, OR 97128

New
Well
(2850' N & 1500' E FROM
SW corner Section 8)

158 ACRES

AREA IRRIGATED

Application No. L-12381
Permit No.

RECEIVED

JAN 10 1991

WATER RESOURCES DEPT.
SALEM, OREGON

ANGLE CORNER
T.H.GARRISON D.L.C.

ELY S.E. CORNER
J GWINN D L C

S.W. corner J Vatts LLC

DE CORNER T Vatta DE

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.

Applicant's Name: John Bernards
Address: 14555 SW McCabe Chapel Rd.
City: McMinnville State: OR Zip: 97128 Day Phone: 472-4194

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
<u>5408-700</u>				<u>X</u>

Irrigation

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

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. Go to section b) on reverse side.

Yamhill County Zoning Ordinance

☐ 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

RECEIVED

JAN 10 1991

WATER RESOURCES DEPT
SALEM, OREGON

(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: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Kenneth P. Fridley
Title: Assoc Planner

Date: 1/7/91
Phone: 434-7516

Signature: Kenneth P. Fridley
Kenneth P Fridley

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

Lined area for additional comments.

Application No. 12381

Permit No.

Description of Water Use

Planning Official Initials: JK

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: John Bernard
 Address: 14555 SW McCabe Chapel Rd.
McMinnville OR 97128
 Phone: 472-4194

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

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): Row crop
- ☐ 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>0.56</u> Cubic feet per second. <u>250</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

RECEIVED
 JAN 10 1991
 WATER RESOURCES DEPT.
 SALEM, OREGON

Route Slip



SPA

Talk w/
Zwart

TO: Name

Initial

Date

1. John E

2.

3.

4. We'll call you back in

5. 15-20 minutes MM

<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

- Appl # G-12381

Dec, 90 / Jan, 91

Neighbor Mr Andrew McCrea

Mike Zwart did aquifer test two weeks ago.

FROM:

Phone No.

Central Stores 97677



See Other Side

Route Slip



SPA

Date _____

TO:	Name	Division/Section	Initial	Date
1.	John Bernard			
2.				
3.		472 - 4/94		
4.	We'll call you back in			
5.	15-20 minutes	MM		

<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

- Appl # G-12381

Dec, 90 / Jan, 91

Neighbor Mr Andrew McCrea

Mike Zwart did aquifer test two weeks ago.

FROM:

Phone No.

Central Stores 97677

☐ See Other Side

- Completed results of aquifer test - memo in file.

- Res. Prot. condition 4E

- Pumping rate restriction to 100 GPM

- measurable interference

both wells constructed about the same. ~ 135 ft deep

John G. Bernards
14555 SW McCabe Chapel
McMinnville, OR 97128-9725

**RETURN RECEIPT
REQUESTED**

Fold at line over top of envelope to the
right of the return address

CERTIFIED

Z 682 942 999

MAIL



0000

U.S. POSTAGE
PAID
MCMINNVILLE, OR
97128
MAR 16, 1994
AMOUNT

\$2.00

00023714-08



RECEIVED

MAR 18 1994

WATER RESOURCES DEPT
SALEM, OREGON

**RETURN RECEIPT
REQUESTED**

Water Resources
Attn. Doug Baer
3850 Portland Rd. NE.
Salem OR 97310

TOWNSHIP 5s RANGE 4 W W. M. Card 1 SECTION 8

NE				NW				SW				SE				APPLICA- TION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
DLG 40				DLG 40				DLG 40				DLG 41						
DLG 41				DLG 40				DLG 40				DLG 41						
DLG 30				DLG 30				DLG 30				DLG 30						
Lot 5				Lot 5				Lot 5				Lot 7 Lot 8						
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
								10								13175	9432	9920
				6° 4°												13242	9488	10965
92°				05°												17895	13516	13767
4				8°				15				15				18050	15718	14228
5				4°												26473	20751	
								2 82								40826	30415	
				Res Water- Fowl												41292	30530	46109
																41995	31424	46109
																R43525	R-5005	39347
																4350	32586	39348
																44300	Withdrawn	
5				25 115 313 265												G-46576	4381	39589

(SEE BACK OF CARD FOR PLAT OF SECTION)

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 55 RANGE 4 W W. M. Card #2 SECTION 8

[illegible]



10/10/97

APPL.# G - 12381

PER.# G - 11726

MAP REVIEW

- ✓ 1 - source and trib
- ✓ 2 - diversion point location
- ✓ 3 - conveyances (pipes, ditch, etc.)
- ✓ 4 - place of use
- ✓ 5 - scale
- ✓ 6 - township, range, section
- ✓ 7 - north arrow
- ✓ 8 - CWRE stamp (signed?)
- ✓ 9 - disclaimer
- ✓ 10 - date survey was performed
- ✓ 11 - P.O.B. of survey
- ✓ 12 - dimensions and capacity of diversion system
- ✓ 13 - "beneficial use" type title
- ✓ 14 - "permanent-quality" paper

REPORT

- 15- permit conditions
() fish screen &/or fish passage devices
(OK) flow meter
(OK) pump-test
(NEED) other INFO FROM GW SECTION
RE: COMPLIANCE w/ SWL MSITS

MEMO

- ✓ 16- type of use
- ✓ 17- extent of use
- ✓ 18- rate and duty
- ✓ 19- time limits
(A, B, "C" date)
- ✓ 20- crop type
- ✓ 21- system capacity
(with computations)

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **110353**

3850 PORTLAND ROAD NE
SALEM, OR 97310
378-8455 / 378-8130 (FAX)

RECEIVED FROM: John G. Brumby
BY: _____

APPLICATION	6-12381
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 967037 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 7.00

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

CASH ACCT. \$

COST CENTER AND OBJECT CLASS

VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
850.200	RESEARCH FEEDS	\$
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	\$ <u>7.00</u>
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 #	

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 # **110353**

DATED: 3/18/91

BY: C. J. Neal