

FILE#: G 13483

KELSO WATER ASSOCIATION INC.
PO BOX 835
BORING, OR 97009

Application No. G13483

Permit No. G-12763

Certificate No. _____

Stream Index, Page No. 2

Vol 123A: DEEP CR (also title)

FEEES PAID

Date	Amount	Receipt No.
8/9/93	200.00	103275
11-2-95	125.00	129961
Ext. 9-11-01	\$100.00	48206

Cert. Fee

FEEES REFUNDED

Date	Amount	Check No.

Date filed _____

Priority _____

Action suspended until COE
"on ext db"

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning 10-30-97

Date for completion 10-1-98

Extended to _____

Date for application of water 10-1-99

Extended to 10-1-05

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

See Transfer 7026
See G-14893

COBU MAP # 0343



**CLACKAMAS
COUNTY**

Department of Transportation
& Development

(503) 650-3277
FAX (503) 650-3418

**JOHN BORGE
SENIOR PLANNER**

902 Abernethy Road



Oregon City, OR 97045-1100

CURE
Jerry Branton
*Hm # 503-663-7069
Office # 541-296 9177
(Mon & Tues) 12-20-01

This form is subject to revision. Begin each new claim by checking for a new version of this form and downloading a new one if necessary.

If you have questions regarding the completion of this form, contact:

Gerry Clark by e-mail at Gerald.E.CLARK@wrд.state.or.us or by phone at 503-986-0811,

Or Jerry Gainey by e-mail at Jerry.W.GAINEY@wrд.state.or.us or by phone at 503-986-0812.

The Department has a new program that allows a permit holder to pay the cost to have a private contractor review of the claim and, if appropriate, prepare a certificate. This new program means a certificate can be issued in about a month. The Department has a list of trained contractors that are selected on a rotating basis. For more information on this program see: <http://www.wrд.state.or.us/programs/index.shtml>.

**This box can be deleted

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266
 Kelso.091

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WATER RESOURCES DEPT
SALEM, OREGON

CLAIM OF BENEFICIAL USE

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

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. **A separate form shall be completed for each permit or transfer final order.**

I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
G-13483	G-12763

2. Property owner (current owner information)

a. Individuals

Name		
Mailing Address		
City/State/Zip		
Phone #		
Fax #		
e-mail address		

b. Businesses/Organizations

Name	Kelso Water Association, Inc.
Contact Person and Title	Donn Snyder, President
Mailing Address	P.O. Box 835
City/State/Zip	Boring, Oregon 97009
Phone	503-826-1944
Fax	
e-mail	donnsny@aol.com

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

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

c. Individuals N/A

	Individual 1	Individual 2
Name		
Mailing Address		
City/State/Zip		

d. Businesses/Organizations

Name	Kelso Water Association, Inc.
Contact Person and Title	Donn Snyder, President
Mailing Address	P.O. Box 835
City/State/Zip	Boring, Oregon 97009

4. Date of Site Inspection: **December 1, 2006** (note: CWRE is also System Operator of Record. Inspections made at least weekly.)

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

Name	Date	Association with the project
Donn Snyder	12/1/06	Kelso Water Association, Inc. Board President

6. County:

7. Tax Lot Information:

Tax map number	Tax lot number
2S 4E 3CA	A11-100-4000
2S 4E 3CD	A11-100-4300
2S 4E 10AB	A11-100-1900

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)):

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

N/A

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

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II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

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

Source is from 2 wells, which pump into a 125,000 gallon steel reservoir. Water is drawn from reservoir through 2 booster pumps, one of which runs 24/7 to pressurize delivery into a PVC pipe distribution system covering the use area of 102 single family homes. Each lot is provided with a 3/4" service line into the actual place of household and yard irrigation usage.

2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
Well # 4 (replacement for #1 – abandoned)	Start Card 155452 & 162183	L-68302

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

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

Source	Tributary to
Well in the North Fork Deep Creek Basin	N/A

4. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner By distance and bearing or by coordinates
SE 1/4 SW 1/4 Section 3, T2S, R4E, W.M.	352' North and 933' West of S 1/4, Sec3, T2E, R4E, W.M.

5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
QUASI-MUNICIPAL (Household)	Yard and garden	Year around	190 gpm max limited to 15,000 gal/day

Total Quantity of Water 16.8 AF

6. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
		NE 1/4 SW 1/4	3	2S	4E	QUASI-MUNI.	40	-0-
		SE 1/4 SW 1/4	3	2S	4E	"	40	-0-
		NW 1/4 NE 1/4	10	2S	4E	"	16	-0-

Total Acres Irrigated 96

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Groundwater Source Information (Well and Sump)

****If the appropriation is not from ground water (well or sump), this section, items 1-5, can be deleted.**

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

Well #4 has 3/4" line with a 3/4" plugged tee in well top plate.

2. If well logs are not available, provide as much of the following information as possible: **Logs attached**

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Who the well was drilled for	Well drilled by

In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

****If the appropriation is not from a sump, the following section, items 3-4, can be deleted. Construction standards for sumps can be found in OAR 690-210-0400.**

3. If the appropriation involves a **SUMP**, provide the following information for each **SUMP**: **N/A**

Length	Width	Average diameter	Maximum depth	Surface area (in acres)	Volume in cubic feet or acre feet

4. If the sump is curbed constructed with watertight surface curbing, describe the curbing in the table below:

Curbing material (concrete, concrete tiles, or steel)	If concrete, provide the thickness of the wall

5. Provide sump volume calculations in the box below:

N/A

Reservoir Data

****If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-7, can be deleted.**

1. If the reservoir required the submittal of as-built plans and specifications, complete the table below:

Have the documents been submitted? yes or no	When were the documents submitted	Have they been approved by the Department?

2. If the reservoir stores less than 9.2 acre-feet of water or if the dam is less than 10 feet in height, and as-built plans and specifications are not required, complete the table below.

Maximum depth	Average depth	Surface area (in acres)	Volume in acre feet

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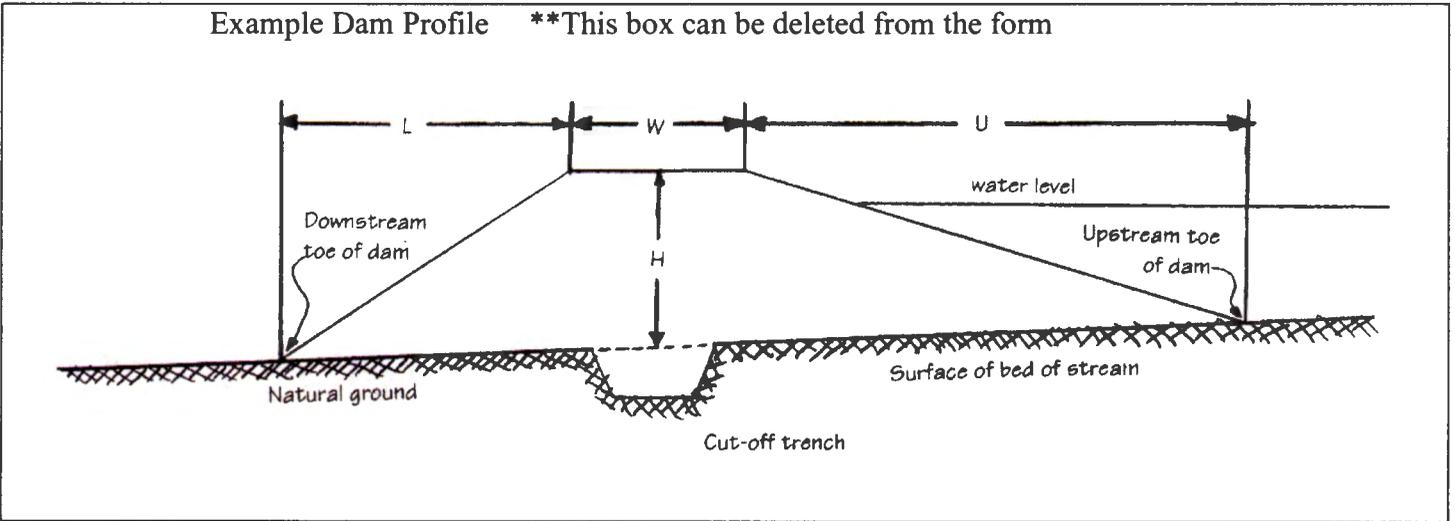
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3. Provide reservoir volume calculations in the box below:

N/A

4. Provide the following information concerning the physical characteristics of the dam:

Crest width (W)	Dam height at centerline (H)	Distance from downstream top of dam to downstream toe (L)	Distance from upstream top of dam to upstream toe (U)	Water level at inspection	Downstream slope	Upstream slope



5. In the box below, provide a drawing showing the cross section of the dam at the maximum section indicating details and dimensions. The drawing should be drawn at a standard even scale.

N/A

6. Describe the outlet works (size and type of the outlet conduit and location) in the box below:

N/A

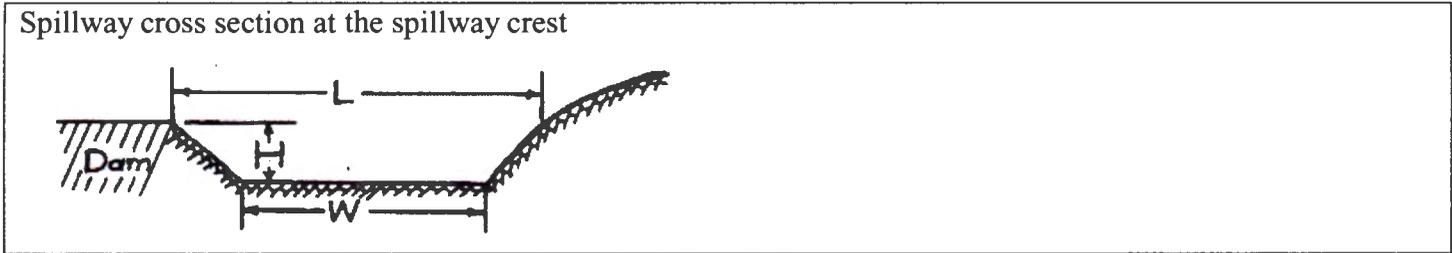
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7. Describe the emergency spillway (dimensions and location) in the box below: N/A

Spillway location	Bottom width (W)	Top width (L)	Spillway depth (H)



Storage tank data

**If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

1. If the system involved a storage tank, complete the table below:

Material (concrete, fiberglass, metal, etc.)	Capacity in gallons	Above ground or buried
30" diameter steel 25' high	125,000	Above ground

Gravity flow pipe (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

**If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted. N/A

1. If the system involves a gravity flow pipe, complete the table below.

Pipe size	Pipe type	"C" factor	Amount of fall	Length of pipe	Slope	Computed rate of water flow

2. Provide calculations in the box below:

3. If an actual measurement was taken, provide the following: N/A

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water

Attach measurements notes

Gravity flow canal or ditch (The Department typically uses Manning's formula for canals and ditches)

**If this claim does not rely on a gravity flow canal or ditch to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

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1. If the system involves a gravity canal or ditch, complete the table below. N/A

Canal or ditch type (material)	Top width of canal or ditch	Bottom width of canal or ditch	Depth	"N" factor	Amount of fall	Length of canal/ditch	Slope	Computed volume

2. Provide calculations in the box below:

3. If an actual measurement was taken, provide the following: N/A

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water

Attach measurements notes

System Information: Well #4 (replacement for Well #2 – abandoned)

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Grundfos	1505-250-13	Unknown	Submersible	N/A	3"

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Franklin	6"	25	3450	440v 3ph

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
Micrometer	98-3637	working	33910550	4" size

4. Measurement device description

Device description	Condition (working or not)	Notes
4" Micrometer Turbine	working	Instantaneous and totalizing

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
33908700	33910550	10 mi	1850 gal

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
25	To open reservoir	290' + column friction loss	423' (see calc pg 8)	187 gpm

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1. If the system involves a gravity canal or ditch, complete the table below. N/A

Canal or ditch type (material)	Top width of canal or ditch	Bottom width of canal or ditch	Depth	"N" factor	Amount of fall	Length of canal/ditch	Slope	Computed volume

2. Provide calculations in the box below:

3. If an actual measurement was taken, provide the following: N/A

Date of Measurement	Who made the measurement	Measurement method	Measured quantity of water

Attach measurements notes

System Information: Booster Pump #2

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Aurora	382-BF	73-495	Centrifugal	4"	4"

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
US Electrical	Unknown	15	3600	440-3ph

3. Meter information (if required in permit or transfer final order) N/A for this booster pump

Make	Serial #	Condition (working or not)	Current meter reading	Notes

4. Measurement device description

Device description	Condition (working or not)	Notes
Data Industrial Flow Meter	Working	Main line output instantaneous and totalizing for both booster pumps.

5. Measured pump capacity (using meter if meter was present and system was operating) N/A

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
15	65 psi	+20' ave positive head	165.1	307.5 gpm

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**WATER RESOURCES DEPT
SALEM, OREGON**

9. Lateral or handline information N/A

Lateral or handline size	Length	Type of pipe	Buried or above ground

10. Sprinkler information Make and model: N/A

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

11. Additional notes or comments related to the system:

Water is pumped by both wells into 30 dia by 24' high ground mounted steel reservoir. Return line from reservoir feeds into a 6" manifold, which supplies 2 booster pumps. Primary is a 7 1/2hp driving a centrifugal pump operating 24 hours, 7 days a week at 50gpm 130'th. The second unit is a pressure switched 15hp centrifugal unit rated at 200gpm at 120'th. Both pumps are then manifolded into three 8" mains feeding the distribution system. Float level switches in the reservoir control the well pumps. The system delivery (use) capacity is independent of the well production capacity and exceeds the wells production capacity by a factor of 2+. Only well #4 (replacement for abandoned well #2) is involved in this Claim of Beneficial Use under permit G-12763.

III. CONDITIONS

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

1. **Time Limits:**

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

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction	Not specified		System placed and operational at issue of transfer
Complete construction	Well #2 – Oct. 1, 2005	May 19, 2005	Well #2 – replaced with well #4, well #2 was abandoned
Complete application of water	October 1, 2005	October 11, 2005	All Lots in service area are served

2. Initial Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

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

b. What month was the initial measurement to be taken in? **March**

c. Did an authorized individual (as stated in the permit or transfer final order) make the initial static water level measurement in the month required?

YES NO 1 week early due to other time constraints

d. If "YES", was the measurement submitted to the Department? YES NO

e. If the initial measurement not been submitted, provide that measurement now if available: N/A

Date of measurement	Who made measurement	Method	Measurement
2/22/2006	Donald J. Branton, CWRE	Tape	205.00' below surface

3. Annual Static Water Level Measurements:

**If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

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

b. In the box below, provide the month in which the static water level was to be made:

March

c. Were the static water level measurements taken in the month required? YES NO Initial - 2/22/06

d. If "YES", were those measurements submitted to the Department? YES NO

e. If the annual measurements were not submitted, provide the measurements now in the box below: N/A

Year	Month	Measurement made by	Measurement

4. Measurement, recording, and reporting conditions:

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

YES NO

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

**If "NO", items b through g relating to this section can be deleted.

b. Has a meter been installed? YES NO

c. Provide the date the meter was installed:

At initial construction if well #2 – August 1993

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? YES NO N/A

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date

f. Is the water user required to report the water use to the Department? YES NO

g. Have the reports been submitted? YES NO

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

5. Fish Screening and/or By-pass Devices N/A

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? YES NO NA

If fish screening and/or by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

**If "NO", items b through i relating to this section can be deleted

b. Has the fish screening been installed? YES NO

c. When was the fish screening installed?

Date	By whom

d. Is the total diversion rate of all rights at the point of diversion less than 0.5 cfs? YES NO

e. If the total diversion rate is less than 0.5 cfs, has the water user self certified the fish screen. YES NO

f. Has a self certification form been previously submitted to the Department? YES NO

g. If not, is the self certification form attached to this Claim? YES NO

h. If the total diversion rate is greater than 0.5 cfs, has ODFW approved the screening? YES NO

i. Has the water user previously submitted a letter from ODFW approving the screening? YES NO

j. If not, is the approval letter attached to the Claim? YES NO

k. Has the by-pass device been installed? YES NO

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1. Describe the by-pass device: N/A

When installed	By whom	Approved by ODFW	Description

6. **Pump Test** (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)

- a. Did the permit require the submittal of a pump test? YES NO NA
- b. Has the pump test been previously submitted to the Department? YES NO
- c. Has the pump test been approved by the Department? YES NO
- d. If no, is the pump test attached to this Claim? YES NO

7. **Other Permit Conditions** (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

IV. Variations, Attachments, Conclusions, Map and Signatures

Variations

Include a description of variations from the permit or transfer final order

Repair of well as required by extension of time final order was done by replacement. New well located within 20' of the old well. Old well is properly abandoned with approval Oregon Water Rights Department approved procedures.
--

Attachments

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

Attachment name	Description
Well Log	New Well #4
Pump Curve	For installed pumps in Well #4
Maps	Proof of Beneficial Use maps (2 sheets)
Pump Test	New Well #4

Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
Well #4	x 0.446 cfs=200.7 gpm limited to 15,000 gal per day	187 gpm	185 gpm	185 gpm limited to 15,000 gal per day	96	96

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Claim of Beneficial Use Map

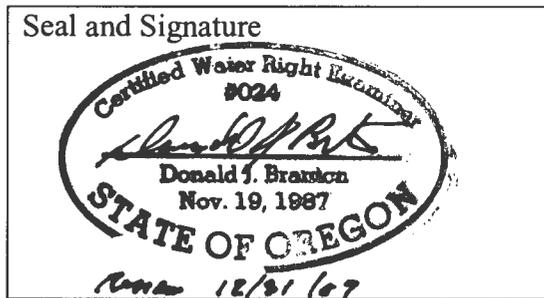
The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

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

Clackamas County Assessor's Maps of Served Platted Subdivisions

CWRE Statement, Seal and Signature

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



Permit or Transfer Holders Signature or Acknowledgement

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

Donn J. Snyder Donn Snyder 1-20-07
Signature Print or type name Date

Signature Print or type name Date

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January 18, 2007

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

Reference: Application G-13483, Permit G-12763, Claim of Beneficial Use

Gentlemen:

On behalf of our client, Kelso Water Association, Inc., we are submitting the attached Claim of Beneficial Use for G-12763. Included with the exhibits are plat maps, well log, pump curve, and a test pump data sheet.

It is noted that this well source is also named as an additional point of appropriation under Transfer Order T-7026. A separate claim has been filed under that transfer number.

If anything further is required to complete this Claim of Beneficial Use for G-12763, please advise.

Respectfully Submitted,



Donald J. Branton, C.W.R.E.

DJB:jw
<kelso.095>

cc: Kelso Water Association

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**WATER RESOURCES DEPT
SALEM, OREGON**

WELL #4 (REPLACEMENT/REPAIR FOR OLD WELL #2 - ABANDONED.)

State of Oregon
WATER WELL REPORT (as required by ORS 537.765)

Page 1 of 1

State Well ID L68302
Start Card # 155452

(1) OWNER: Well No. L68302
Name KELS0 WATER ASSOCIATION INC
Address PO BOX 835
City BORING St OR Zip 97009

(2) TYPE OF WORK: NEW WELL

(3) DRILL METHOD: ROTARY MUD

(4) PROPOSED USE: COMMUNITY

(5) BORE HOLE CONSTRUCTION:
Special Construction Approval YES Depth of Compl. Well ___ ft
Explosives used NO Type ___ Amount ___
MOLE SEAL
Diam. From To Material From To Amount
12 0 420 BENTONITE 0 420 100 SACKS

Seal placement method
Backfill: from ___ ft to ___ ft Material
Gravels: from ___ ft to ___ ft Size

(6) CASING/LINER:
Diam. From To Gauge Material Connection
Casing 12 +1 20 .250 STEEL WELDED
Liner
Final Location of shoe(s)

(7) PERFORATIONS/SCREENS:
 Perf. Method
 Screens Type Material
From To Slot Size Number Diam. Tele/pipe Size Casing/liner

(8) WELL TESTS: Minimum testing time is 1 hour
Test type
Yield GPM Draw-down Drill stem at Time 1 hr.
Temperature of water Depth Artesian Flow Found
Was water analysis done? NO By whom
Reason for water not suitable for use
Depth of strata

(9) LOCATION OF WELL by legal description:
County CLACK Lat. " " Long. " " " "
Township 2 S Range 4 E WM.
Section 3 SE 1/4 SW 1/4
Tax Lot 3200 Lot Block Subdivision
Street Address of Well (or nearest Address)
NW CORNER KELS0&NICHOLS BORING, OR 97009

(10) STATIC WATER LEVEL:
N/A ft. below land surface. Date
Artesian pressure ___ lb per square in. Date

(11) WATER BEARING ZONES:
Depth at which water was first found N/A
From To Est Flow Rate SWL
400 420 N/A

(12) WELL LOG:
Material Ground elevation From To SWL
TOP SOIL 0 2
STICKY BROWN CLAY 2 18
YELLOW CLAY 18 65
CLAY & GRAVEL 65 96
CLAY & BOULDERS 96 112
SANDY YELLOW CLAY 112 210
FINE GRAVEL 210 224
SANDY BROWN CLAY 224 334
SANDY BLUE CLAY 234 420
THIS WELL IS TEMPORARY ABANDONED FOR APPROXIMATELY 6 MONTHS.
Date started 03/29/04 Completed 04/10/04

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed _____ WMC Number _____
Date _____

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed *[Signature]* WMC Number 616
Date 05/09/04

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(old well #2)

24

(1) OWNER: Well No. 6062005
Name KELSO WATER ASSOCIATION INC
Address PO BOX 835
City BORING St OR Zip 97009

(9) LOCATION OF WELL by legal description:
County CLACK Lat. ° ' " Long. ° ' "
Township 2 S Range 4 E WM.
Section 3 SE 1/4 SW 1/4
Tax Lot 3200 Lot Block Subdivision
Street Address of Well (or nearest Address)
NW CORNER KELSO RD & NICHOLS BORING, OR 97009

(2) TYPE OF WORK: DEEPEN

(3) DRILL METHOD: ROTARY AIR

(4) PROPOSED USE: COMMUNITY

(10) STATIC WATER LEVEL:
203 ft. below land surface. Date 03/10/05
Artesian pressure _____ lb per square in. Date _____

(5) BORE HOLE CONSTRUCTION:

(11) WATER BEARING ZONES:
Depth at which water was first found 50
From To Est Flow Rate SWL
50 60 5-10 GPM 20
210 224 5-10 GPM 20
260 440 150 GPM 203

Special Construction Approval NO		Depth of Compl. Well 470 ft	
Explosives used NO	Type	Amount	
HOLE SEAL			
Diam.	From To	Material	From To Amount
18	0 470	CEMENT	0 247 259 SACKS

Seal placement method *SEE FORMATION
Backfill: from _____ ft to _____ ft Material _____
Gravel: from _____ ft to _____ ft Size _____

(6) CASING/LINER:

	Diam.	From	To	Gauge	Material	Connection
Casing	14	0	20	.250	STEEL	WELDED
	14	20	242	STD	STEEL	WELDED
	*SEE				STEEL	WELDED
	BELOW				STEEL	WELDED
Liner						

Final Location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

[] Perf. Method _____		[X] Screens Type JOHNSONS		Material STAINLESS STEEL		
From	To	Slot Size	Number	Diam.	Size	Casing/liner
SEE	*	.20		12-8	PIPE	CASING

(8) WELL TESTS: Minimum testing time is 1 hour

Test type PUMP	Yield GPM	Draw-down	Drill stem at	Time
	150	150		1 hr.
	150	150		10 hr.

Temperature of water 49F Depth Artesian Flow Found _____
Was water analysis done? NO By whom _____
Reason for water not suitable for use _____
Depth of strata _____

(12) WELL LOG:

Material	Ground elevation		SWL
	From	To	
TOP SOIL	0	2	
STICKY BROWN CLAY	2	18	
YELLOW CLAY	18	65	20
CLAY & GRAVEL	65	96	
CLAY & BOULDERS	96	112	
SANDY YELLOW CLAY	112	210	
FINE GRAVEL & CLAY	210	224	
SANDY BROWN CLAY	224	234	
BLUE CLAY	234	260	
BLUE CLAY WITH SEAMS OF FINE SAND	260	420	203
BLUE CLAY WITH MEDIUM SAND	420	440	203
BLUE CLAY	440	470	

*PUMPED 259 SACKS CEMENT GROUT DOWN CENTER OF 14" PIPE; THEN PUMPED WATER DOWN CENTER OF 14" PIPE UNTIL CEMENT GROUT CAME TO SURFACE.
Date started 11/10/04 Completed 05/04/05

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed _____ WWC Number _____
Date _____

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed *Ted Pulliam* WWC Number 616
Date 06/06/05

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WATER RESOURCES DEPT
SAI FM OREGON

TED PULLIAM WELL DRILLING
9480 S.E. 172nd
Boring, Oregon 97009
503-665-3353

3/3

(1) OWNER: Well No. 6062005
Name KELSO WATER ASSOCIATION INC
Address PO BOX 835
City BORING St OR Zip 97009

(2) TYPE OF WORK: DEEPEN
(3) DRILL METHOD: ROTARY AIR
(4) PROPOSED USE: COMMUNITY

(5) BORE HOLE CONSTRUCTION:
Special Construction Approval NO Depth of Compl. Well 470 ft
Explosives used NO Type Amount
HOLE SEAL
Diam. From To Material From To Amount
18 0 470 CEMENT 0 247 259 SACKS
Seal placement method *SEE FORMATION
Backfill: from ___ ft to ___ ft Material
Gravel: from ___ ft to ___ ft Size

(6) CASING/LINER:
Diam. From To Gauge Material Connection
Casing 14 0 20 .250 STEEL WELDED
14 20 242 STD STEEL WELDED
*SEE STEEL WELDED
BELOW STEEL WELDED
Liner
Final Location of shoe(s)

(7) PERFORATIONS/SCREENS:
[] Perf. Method
[X] Screens Type JOHNSONS Material STAINLESS STEEL
Slot Tele/pipe
From To Size Number Diam. Size Casing/liner
SEE * .20 12-8 PIPE CASING

(8) WELL TESTS: Minimum testing time is 1 hour
Test type PUMP
Yield GPM Draw-down Drill stem at Time
150 150 1 hr.
150 150 10 hr.
Temperature of water 49F Depth Artesian Flow Found
Was water analysis done? NO By whom
Reason for water not suitable for use
Depth of strata

(9) LOCATION OF WELL by legal description:
County CLACK Lat. ° ' " Long. ° ' "
Township 2 S Range 4 E WM.
Section 3 SE 1/4 SW 1/4
Tax Lot 3200 Lot Block Subdivision
Street Address of Well (or nearest Address)
NW CORNER KELSO RD & NICHOLS BORING, OR 97009

(10) STATIC WATER LEVEL:
203 ft. below land surface. Date 03/10/05
Artesian pressure ___ lb per square in. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 50
From To Est Flow Rate SWL
50 60 5-10 GPM 20
210 224 5-10 GPM 20
260 440 150 GPM 203

(12) WELL LOG:
Ground elevation ___
Material From To SWL
*CASING 8" STANDARD WALL
10' TO 270 FEET
290' TO 310 FEET
330' TO 350 FEET
370' TO 390 FEET
410' TO 430 FEET
450' TO 470 FEET
*SCREENS PREPACKED SS .20 10 3/4"OD 8"ID
270' TO 290 FEET
310' TO 330 FEET
350' TO 370 FEET
390' TO 410 FEET
430' TO 450 FEET
Date started 11/10/04 Completed 05/04/05

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed _____ WWC Number _____
Date _____

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed *Ted Pulliam* WWC Number 616
Date 06/06/05

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SALEM, OREGON
TED PULLIAM WELL DRILLING
9480 S.E. 172nd
Boring, Oregon 97009
503-665-3353

PERFORMANCE CURVES

150 GPM

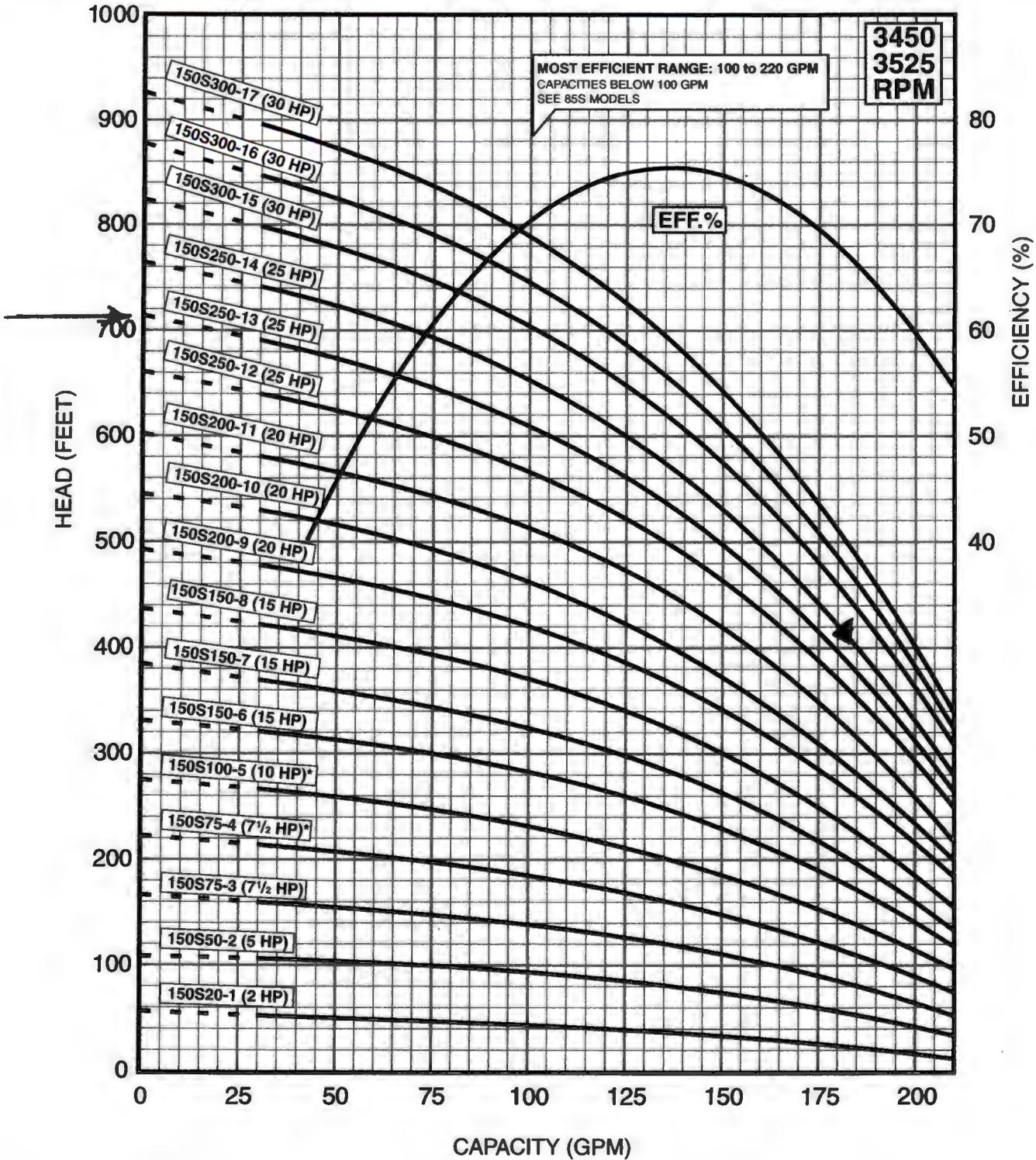
MODEL 150S

WELL # 4 PUMP

FLOW RANGE: 30 -220 GPM

OUTLET SIZE: 3" NPT

NOMINAL DIA. 6"



SPECIFICATIONS SUBJECT TO CHANGE WITHOUT NOTICE.

4" MOTOR STANDARD, 2-10 HP/3450 RPM
6" MOTOR STANDARD, 7.5-60 HP/3450 RPM.
8" MOTOR STANDARD, 75 HP/3525 RPM.

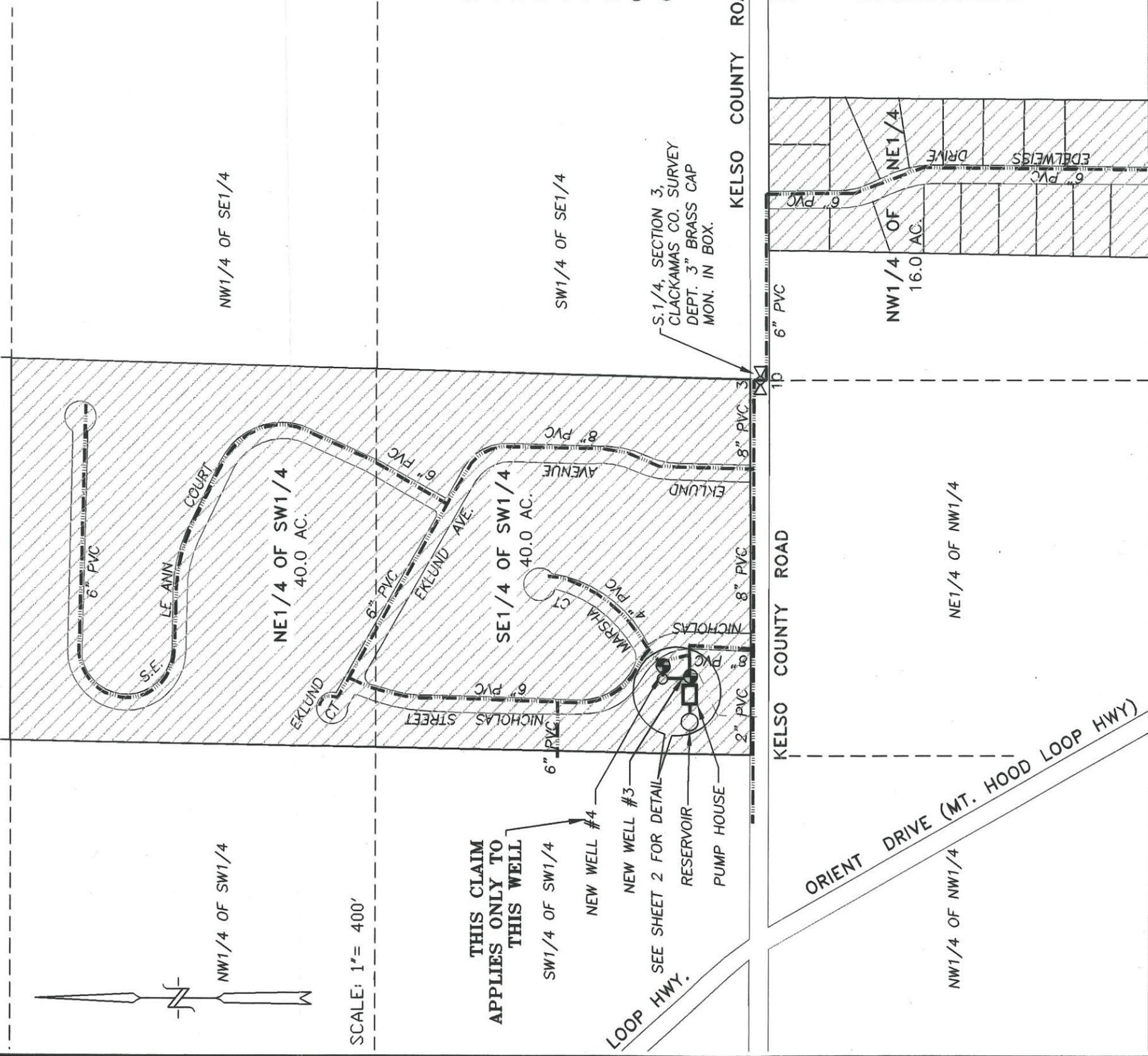
* Alternate motor sizes available.

Performance conforms to ISO 9906 Annex A
@ 5 ft. min. submergence.

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SECTIONS 3 AND 10, TOWNSHIP 2 S. RANGE 4 E. W.M.
CLACKAMAS COUNTY, OREGON



COBU MAP # 0343
1 of 2

THIS CLAIM APPLIES ONLY TO THIS WELL

- NEW WELL #4
- NEW WELL #3
- SEE SHEET 2 FOR DETAIL
- RESERVOIR
- PUMP HOUSE

- NEW WELL #3, 257' NORTH & 968' WEST OF S.1/4 COR. SECTION 3
- NEW WELL #4, 352' NORTH & 933' WEST OF S.1/4 COR. SECTION 3



WATER RIGHT CLAIM OF BENEFICIAL MAP

SCALE: 1" = 400'

APPLICATION No. G-13483
 PERMIT No. G-12763
 IN THE NAME OF:
KELSO WATER ASSOCIATION, INC.

BY: **TENNESON ENGINEERING CORP.**

409 LINCOLN STREET,
 THE DALLES, OREGON. 97058
 PH. (541) 296-9177
 FAX (541) 296-6657



NOTE: RENEW: 12/31/07

"THIS MAP IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES."

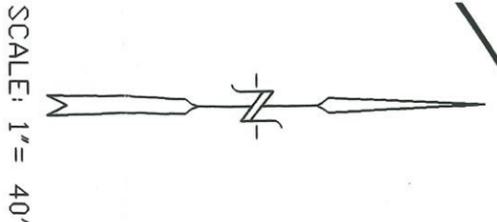
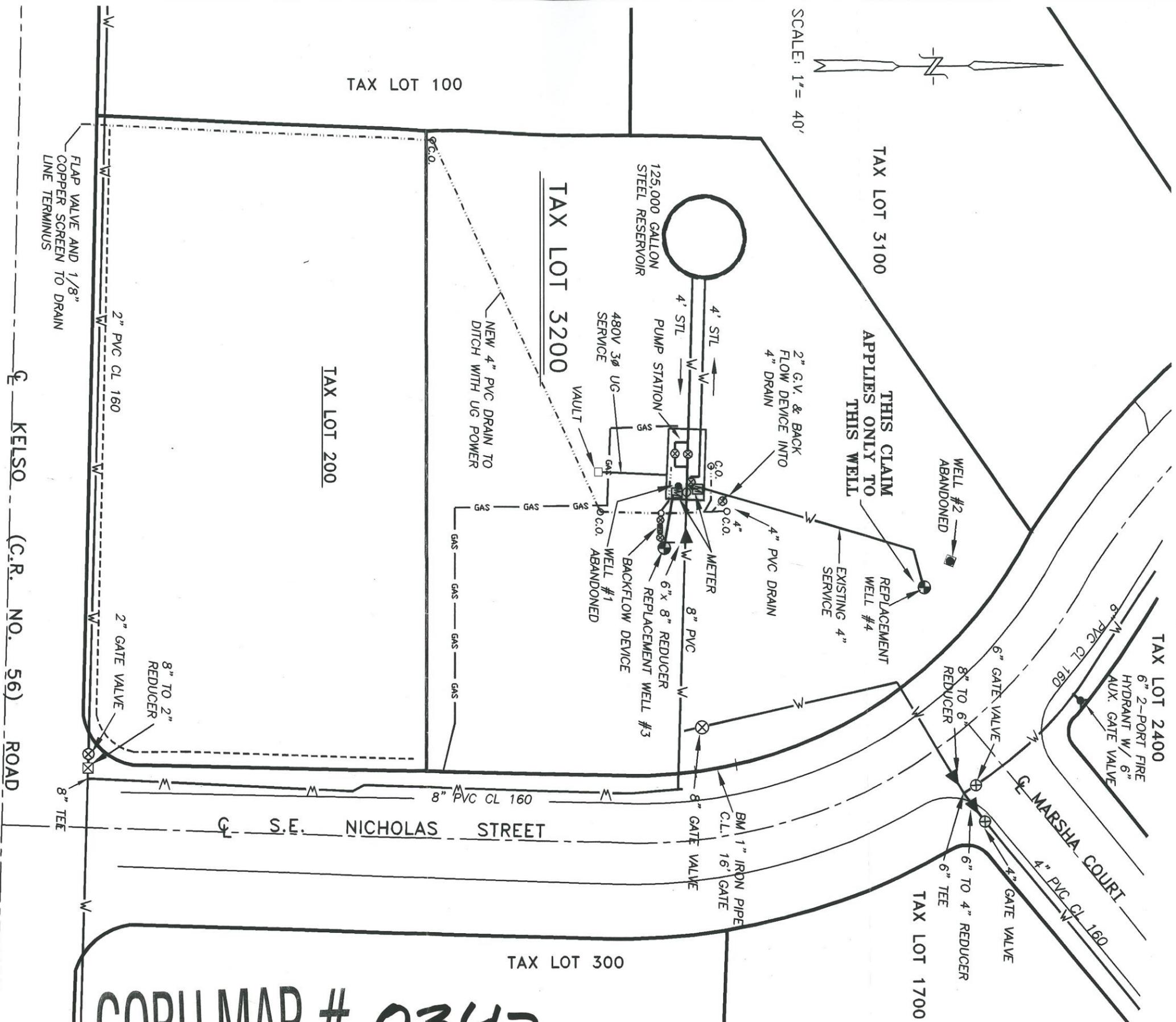
DATE: JANUARY 16, 2007

SHEET 1 OF 2

W.O. #10237

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 WATER RESOURCES DEPT
 SALEM, OREGON

SECTIONS 3 AND 10, TOWNSHIP 2 S. RANGE 4 E. W.M.
CLACKAMAS COUNTY, OREGON



WATER RIGHT CLAIM OF BENEFICIAL MAP

- ⊕ NEW WELL #3, 257' NORTH & 968' WEST OF S.1/4 COR. SECTION 3
- ⊕ NEW WELL #4, 352' NORTH & 933' WEST OF S.1/4 COR. SECTION 3
- W — EXISTING WATER MAIN

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WATER RESOURCES DEPT
SALEM, OREGON

SCALE: 1" = 40'

APPLICATION No. G-13483
 PERMIT No. G-12763
 IN THE NAME OF:
 KELSO WATER ASSOCIATION, INC.

BY: **TENNESON ENGINEERING CORP.**
 409 LINCOLN STREET,
 THE DALLES, OREGON, 97058
 PH. (541) 296-9177
 FAX (541) 296-6657



DATE: JANUARY 16, 2007

SHEET 2 OF 2

NOTE:
 "THIS MAP IS NOT INTENDED TO
 PROVIDE DIMENSIONS OR LOCATIONS
 OF PROPERTY OWNERSHIP LINES."
 W.O. #10237

COBU MAP # 0343
2 of 2

NOTICE OF COMPLETION OF CONSTRUCTION

I, Kelso Water Association, Inc., the holder of Permit No. G-12763

RECEIVED

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 30th day of September, 1999.

OCT 01 1999

Remarks: No changes. If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop-

WATER RESOURCES DEPT. SALEM, OREGON

ment, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of September, 1999.

[Handwritten Signature]

(Signature of Applicant) Representative

(Address)

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

NOTICE OF BEGINNING OF CONSTRUCTION

I, _____, the holder of Permit No. _____

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the _____ day of _____, 19 _____.

Remarks: _____ 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 _____ day of _____, 19 _____.

(Signature of Applicant)

(Address)

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

CWRE Claims of Beneficial Use Intake Form

CWRE: DONALD J BRANTON

"A" DATE: OCTOBER 30, 1997

"B" DATE: OCTOBER 1, 1998

"C" DATE: EXTENDED TO OCTOBER 1, 2005

Application # G-13483

Permit # G-12763

Transfer # _____

Date 9/12/2007

Reviewer J GAINNEY

Map Review:

YES Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))

YES Application & permit #; or transfer # (OAR 690-014-0100(1))

YES Disclaimer (OAR 690-014-0170(5))

YES North arrow (OAR 690-310-0050(2)(c))

YES CWRE stamp and signature (OAR 690-014 & 310-0050)

YES Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)

DEF Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

COMMENT: Tax lot numbers not listed on Sheet 1 of 2 for place of use.

N/A Source illustrated if surface water (OAR 690-014-0170(3))

YES Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)

YES Point(s) of diversion or appropriation (coordinates)(OAR 690-014(4) & 690-310-0050)

YES Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)

YES Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014(4))

DEF Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot) (OAR 690-310-0050, 690-014, 690-380-6010)

COMMENT: Cannot determine location of households. Irrigation not allowed-group domestic use only.

Report Review:

YES On form or format provided by the Department (OAR 690-014-0100(1))

YES Application & permit #; or transfer # (OAR 690-014)

YES Ownership information (OAR 690-014)

YES Date of survey (OAR 690-014)

YES Person interviewed (OAR 690-014)

YES County (OAR 690-014)

YES Tax lot information (OAR 690-014)

YES Description of conveyances system (from POD to POU) (OAR 690-014-0100)

YES Source(s) of water (OAR 690-014-0100)

YES Point of diversion/appropriation location (OAR 690-014-0100)

YES Use, period of use, and rate for use (OAR 690-014-0100)

DEF Place of use location (OAR 690-014-0100)

COMMENT: Place of use indicated as QUASI-MUNI and IRRIGATION, permitted for GROUP DOMESTIC.

Permittee of record will need to submit a Water Right Transfer Application to change character of use.

DEF Type of use (OAR 690-014-0100)

COMMENT: Use indicated as QUASI-MUNI and IRRIGATION, permitted for GROUP DOMESTIC. Permittee of record will need to submit a Water Right Transfer Application to change character of use.

YES Extent of use (OAR 690-014-0100)

YES Rate and Duty (OAR 690-014-0100)

YES Diversion rate for each use (OAR 690-014-0100)

YES Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)

YES System capacity (OAR 690-014-0100)

YES Calculated capacity of system (required)

___ Measured amount of use (optional)

YES Permit/Transfer Final Order Conditions (OAR 690-014-0100)

YES Time limits

DEF Initial water level measurements

COMMENT: March measurement required - measurement submitted was taken on 2/2/06. Measurement was performed by an unauthorized individual.

YES Annual static water level measurements **7 CONSECUTIVE MEASUREMENTS PER PERMIT**

Measurement, recording, and reporting

YES Meter/measuring device

___ Water use reporting

N/A Fish screening and/or by-pass

YES Pump test (ground water) Pump test attached to report-forward to GW for review/approval.

___ Other conditions

YES CWRE stamp and signature (OAR 690-014-0100)

YES Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable

Final Order
Extension of Time for Permit Number G-12763

Application History

On September 11, 2001, Kelso Water Association Inc. submitted an application to the Department for an extension of time for permit number G-12763. The Department issued permit number G-12763 on October 30, 1996. The permit called for completion of construction of the water development project by October 1, 1998, and complete application of water to the full beneficial use by October 1, 1999. In accordance with OAR 690-315-0050(2), on June 18, 2002, the Department issued a Proposed Final Order proposing to fully apply water to beneficial use to October 1, 2002. The protest period closed August 2, 2002, in accordance with OAR 690-315-0060(1). One written protest from Tenneson Engineering Corp, authorized agent for Kelso Water Association Inc., was filed with the Department on June 26, 2002.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

Conditions

1. Well Reconstruction

In order to prevent commingling of water between the aquifers, Well #2 must be reconstructed so that it only develops water from the lower Troutdale aquifer. The reconstruction must be accomplished within the authorized time-frame allowed by this extension, being October 1, 2002.

2. Water Level Measurement and Limited Water Level Decline/Interference

The permit holder shall, *after* reconstruction of Well #2 (authorized under Permit #G-12763) and Well #1 (requested under Application #G-14893) has been accomplished, obtain the required static water level measurement to establish the reference level for Well #2, against which future annual measurements will be compared.

The six subsequent annual static water level measurements made in the month of **March**, as required by Permit #G-12763, shall be submitted to the Department within 30 days of measurement.

Based on analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

The protest filed with the Department on June 26, 2002, raised concerns that if the reconstruction of Well #2 was required to be done by October 1, 2002 (as proposed under Condition #1 of the Proposed Final Order), it could substantially subject the system to an extreme water shortage caused by taking Well #2 offline during peak summer water use months in order to accomplish the required reconstruction.

In addition to Permit #G-12763, Kelso Water Association Inc. also holds Certificate #42888, which is currently involved in a pending transfer (#T-7026). Among other things, this transfer proposes to change the place so that all lands within the system's service area will be covered under Certificate #42888. Until such time as Transfer #T-7026 is approved, however, Permit #G-12763 is currently the only year round water right that Kelso Water Association Inc. holds, and it is the only water right they have to supply the Alpine Meadows Subdivision within their service area. Requiring Kelso Water Association Inc. to take Well #2 offline to accomplish the reconstruction by October 1, 2002, would likely cause undue hardship to the water association and its water users.

The Department's continuing evaluation, therefore, reveals that the following modifications must be made to the Proposed Final Order:

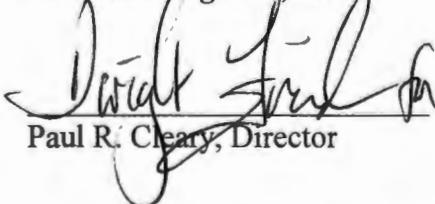
Condition #1 of the Proposed Final Order should state: "In order to prevent commingling of water between the aquifers, Well #2 must be reconstructed so that it only develops water from the lower Troutdale aquifer. The reconstruction must be accomplished within the authorized time-frame allowed by this extension, being October 1, 2005."

The factors shown by the applicant, together with the conditions imposed by the Department and the modifications made herein, establish good cause for the permit extension.

Order

The extension of time for Application Number G-13483, Permit Number G-12763, therefore, is approved with the above modifications to the Proposed Final Order. The deadline for applying water to full beneficial use is extended to October 1, 2005.

DATED: August 7, 2002

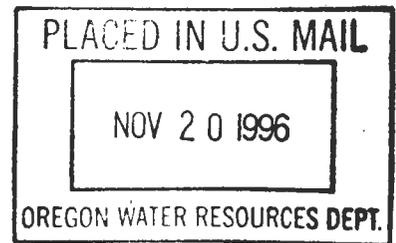


Paul R. Cleary, Director

Hearing and Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the Circuit Court for the County in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-13483

Final Order

Application History

On August 9, 1993, KELSO WATER ASSOCIATION INC. submitted an application to the Department for the following water use permit:

- Amount of Water: 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY
- Use of Water: GROUP DOMESTIC USE
- Source of Water: A WELL IN NORTH FORK DEEP CREEK BASIN
- Area of Proposed Use: Clackamas County within NE 1/4 SW 1/4, SE 1/4 SW 1/4, SECTION 3; NW 1/4 NE 1/4, SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.
- Water Delivery System: CONSISTS OF 4", 6", AND 8" WATER TRANSMISSION PIPES

The Department mailed the applicant notice of its Proposed Final Order on April 30, 1996. The protest period closed on June 14, 1996; on June 12, 1996, the applicant protested the Proposed Final Order and requested a contested case hearing. On October 4, 1996, the applicant withdrew its protest and request for a contested case hearing.

Assessment

1. In proceeding with the evaluation of Application G-13483 the Department finds that the findings of the Proposed Final Order require modification.
2. The following sources of information were relevant in the Department's continued evaluation of Application G-13483:
 - a. Comments by and consultation with other agencies
 - b. The Willamette Basin Program
 - c. The Clackamas County Comprehensive Plan and Zoning Ordinance
 - d. The amount of water available

- e. The rate and duty for the proposed use
- f. Pending senior applications and existing water rights of record
- g. Applicable statutes, administrative rules, and case law
- h. The Scenic Waterway requirements of ORS 390.835
- i. Any comments received
- j. Objections and protests received

3. As a result of the Department's continued evaluation of the application and evaluation of the protest and comments submitted the Department has made the following findings:

a. Classified Use

The protestant asserts that the Proposed Final Order is in error, because it states that the Willamette Basin Program (Damascus Groundwater Limited Area) does not allow Group Domestic uses, but rather exempt uses only. They assert that Group Domestic use, up to 15,000 gallons per day, is an exempt use, and is therefore a classified use.

ORS 537.545 (1) states that "...no registration, application for a permit, permit, certificate of completion or ground water right certificate under ORS 537.505 to 537.795 and 537.992 is required for the use of ground water for (a) Stockwatering purposes; (b) Watering any lawn or noncommercial garden not exceeding one-half acre in area; (c) Watering the lawns, grounds and fields not exceeding 10 acres in area of schools located within a critical ground water area established pursuant to ORS 537.730 to 537.740; (d) **Single or group domestic purposes in an amount not exceeding 15,000 gallons a day;** (e) Down-hole heat exchange purposes; or (f) Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day."

OAR 690-502-160 (1) indicates that the proposed source is classified for exempt uses. Therefore, the Director finds that the Willamette Basin Program allows the proposed use, and that a permit may be issued for group domestic use as requested in the application submitted August 9, 1993.

b. Preference of Use

The protestant asserts that the Proposed Final Order is in error, in that it states that the use is granted no preference under ORS 536.310 (12).

ORS 536.310 (12) states: "When proposed uses of water are in mutually exclusive conflict or when available supplies of water are insufficient for all who desire to use them, preference shall be given to human consumption purposes over all other uses...."

The findings of the Proposed Final Order shall be modified to indicate that human consumption use is granted preference under ORS 536.310 (12).

5. WELL #2 IN NORTH FORK DEEP CREEK BASIN is within or above a State Scenic Waterway.
6. The Department finds that no more than 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY would be necessary for the proposed use. The amount of water requested, 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY, is allowable.
7. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
8. The proposed use complies with all other rules of the Commission.

Conclusions of Law

Under the provisions of ORS 537.621(2), the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

1. The proposed use requested in this application is allowed in the Willamette Basin Plan.
2. Water is available for the proposed use.
3. The proposed use will not injure other water rights.
4. The proposed use complies with rules of the Water Resources Commission.
5. The proposed use complies with the State Agency Agreement for land use.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The Director therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will ensure the preservation of the public welfare, safety and health as provided in ORS 537.525.

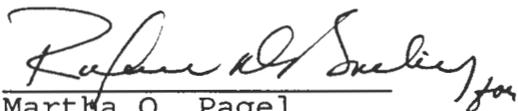
Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, the Proposed Final Order did not establish the presumption that the proposed use would ensure the preservation of the public welfare, safety and health. However, upon the Director's review of the protest, it has been determined that the proposed use, as conditioned herein, would ensure the preservation of the public welfare, safety and health.

Therefore, the proposed use, as conditioned and described in the attached permit, would ensure the preservation of the public welfare, safety and health.

Order

Application G-13483 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number G-12763 is issued as limited by the conditions set forth in the permit.

DATED October 30, 1996



Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.625(2), the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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

STATE OF OREGON
COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KELSO WATER ASSOCIATION INC.
PO BOX 835
BORING, OREGON 97009

(503) 668-5948

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

APPLICATION FILE NUMBER: G-13483

SOURCE OF WATER: WELL #2 IN NORTH FORK DEEP CREEK BASIN

PURPOSE OR USE: GROUP DOMESTIC USE

MAXIMUM RATE: 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 9, 1993

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 3, T2S, R4E, W.M.; 260 FEET NORTH & 1610 FEET EAST FROM THE SW CORNER OF SECTION 3

THE PLACE OF USE IS LOCATED WITHIN:

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 3

NW 1/4 NE 1/4
SECTION 10

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

Limited Water Level Decline/Interference Condition

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

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

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

If at any time the well or its use acts as a conduit for groundwater contamination, allows loss of artesian pressure, allows waste of groundwater, interferes with senior groundwater users, or interferes with nearby surface water sources, the Department may require that the well be repaired in accordance with current well construction standards.

STANDARD CONDITIONS

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

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

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

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

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

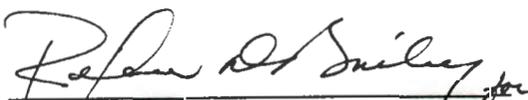
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will ensure the preservation of the public welfare, safety and health.

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

Issued October 30, 1996


Water Resources Department
Director

(40) "Quasi-Municipal Water Use" means the delivery and use of water through the water service system of a corporation other than a public corporation created for the purpose of operating a water supply system, for those uses usual and ordinary to municipal water use, or a federally recognized Indian tribe that operates a water supply system for uses usual and ordinary to a municipal water use. A quasi-municipal water right shall not be granted the statutory municipal preferences given to a municipality under ORS 537.190(2), 537.230(1), 537.352, 537.410(2), 540.510(3), 540.610(2), (3), or those preferences over minimum streamflows designated in a basin program.

DIVISION 300

DEFINITIONS

690-300-0010

Definitions

The following definitions apply in OAR Chapter 690, Divisions 15, 310, 320, 330, 340, and 350 and to any permits, certificates or transfers issued under these rules:

(14) "Domestic Water Use" means the use of water for human consumption, household purposes, domestic animal consumption that is ancillary to residential use of the property or related accessory uses.

(15) "Domestic Use Expanded" means the use of water, in addition to that allowed for domestic use, for watering up to 1/2-acre of lawn or noncommercial garden.

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

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

**Oregon Water Resources Department
PERMIT CONDITION WATER-LEVEL REPORTING FORM**

RE: Required Water Level Report for a Well on Permit **G 12763** Certificate **0** Pod **1** Application **G 13483**
 Listed on water right as: **WELL 2** Well log ID (if any, in our records): **CLAC 5410** Priority date: **8/9/1993**
Well location: In the SE quarter of the SW quarter of Section 3, Township 2S, Range 4E
 260 FEET NORTH & 1610 FEET EAST FROM SW CORNER, SECTION 3

RECEIVED

APR 07 2003

WATER RESOURCES DEPT.
SALEM, OREGON

**KELSO WATER ASSOCIATION INC.
PO BOX 835
BORING OR 97009**

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). **All wells that have been constructed must be measured regardless of whether they are being used, in accordance with your permit.**

MEASUREMENT REPORT

(Complete one form for each well.)

Well Identification (Provide as much of the following information as possible; correct any errors from our files):

Well not yet drilled as of date: N/A
 Original owner on well log: DON EKLUND
 Well ID # (on tag attached to casing): L unknown Startcard number (if listed on well log): not shown
 Well depth: 505.00 (ft) Casing diameter: 8 (in) Date drilled: 7/14/1986
 Owner's well name: Kelso Water Association, Inc. Drilled by: Brad Brant, Brant Well Drilling

When did water use begin under this permit from this well? Date: Month/Yr Aug. 9, 1993

Show all water rights listing this well:

Application number(s): G-13483 T-7026
 Permit number(s): G-12763
 Certificate number(s): _____

Measurement Details:

Date of measurement: Feb. 2, 2003

Description of measuring point (e.g. 1 1/4" port pipe on north side): 1/2" PVC sounding tube mounted in well cap
0.67' above top cap and projecting horizontally to gauge on outside of pump house.

Static water level above (circle one) measuring point: 212.62 feet, or airline pressure 97.7 psi

Measuring point distance above (circle one) land surface: 2.67 feet, or airline length 436 total feet

Static water level above (circle one) land surface: 209.95 feet

Shut-in pressure (if flowing artesian well): N/A psi

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

Water-level status when measured: Static X Pumping _____ Rising _____ Flowing _____ Other _____

Length of time well was idle before measurement: 4:00 hours

Comments (use back or extra sheet if necessary): Have set up monthly measurement of water levels this well & #1 well.

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): Donald J. Branton

Signature of measurer: *Donald J. Branton*

Company: Tenneson Engineering Corporation

License number (CWRP) RG, PE, WWC, Pump Installer): 024

Daytime phone number: (503) 663-7069 Email address: jerrybranton331@msn.com

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 245.
Return this Form to: OWRD, Ground Water/Hydrology Section, 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 2/19/2003

GW/KCW

Water Level Data on File at OWRD for this well (last 3 measurements only, most recent date on top) :

DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED BY	COMMENTS
02/24/2002	STATIC	AIRLINE	2.67	204.64	DONALD J BRANTON	IDLE 4 HRS
07/14/1986	STATIC	ETAPE	1.83	195.00	DRILLER	WELL LOG

WATER RESOURCES DEPARTMENT

MEMO

May 29, 2002

TO: Water Rights Section
FROM: Marc Norton, Ground Water/Hydrology Section
SUBJECT: Ground Water Application G-13483

MAN

There are two wells used for this development. Neither well meets well construction standards. They both allow water from an upper aquifer to commingle with water from the lower aquifer. The requirement to monitor water levels is meaningless until the wells are properly constructed. Ground water levels will probably change after the wells are reconstructed.

- 1) Both wells need to be reconstructed so that they only develop water from the lower aquifer. The CWRE for the applicant has indicated that well reconstruction is in the works, but there was no time frame specified. I suggest language be added to the Extension of Time that requires both wells to be reconstructed within the time frame of the extension.
- 2) The collection of water level data to meet the terms of the permit should begin after the wells have been reconstructed. The reference level should be determined after the work has been completed on both wells. Water levels should be collected until the wells are reconstructed.

G-13483

Water Resources Department

MEMO

January 22, 1996

TO Application G- 13483

FROM GW: _____
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

Yes
 No
The source of appropriation is within or above a Scenic Waterway.

Yes
 No
Use the Scenic Waterway condition (Condition 7J).

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)

At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water 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.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

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

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

13483

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-134-83

ROUTED TO: WR

TOWNSHIP/
RANGE-SECTION: 25/4E-3

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

7 J per 1033

Reviewer: Don Miller

TO: Water Rights Section

Nov 1, 1993

FROM: Groundwater/Hydrology Section

Marc A Norton

Reviewer's Name

SUBJECT: Application G- 13483

1. PER THE 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) 4c ; 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) 4g+4c ; 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:

9-18483

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELLS^{are} 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: lack of seal
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.

_____, 1993.

(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: _____

_____, 1993.

(Signature)

(WRFORM8\91)

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology
FROM: Marc Norton
SUBJECT: Groundwater Application G- 13483

Date Nov 1, 1993

Applicants(s) seek 200 gpm (.446 cfs) from 2 wells in the
_____ basin
_____ sub basin
_____ sub basin

Pertinent 7 1/2 - minute quads _____

Well 1 WRD# _____ T2S R4E S3 Q0SW/sw County Clackamas
Legal Description _____
Well is 1300 ft from Creek (North) (river/stream)
Well is 2500 ft from 4 (South) (river/stream)
Well Elevation 710 ft River/Stream elevation _____ ft.
Well Elevation - River/Stream elevation _____ ft.
Well depth 495 ft SWL 140 ft on 7/13/62
Sealed to 30 ft Depth first water found 151 ft
Cased to 495 ft Perforations/screens 152-160 ft
Lined to _____ ft Perforations/screens 250-258 ft
Well test and types 148 gpm @ 70ft of drawdown 384-392
(Confined or Unconfined) Direct hydraulic connection? (YES) NO
Potential to cause substantial interference? Minimal

Well 2 WRD# _____ T2S R4E S3 Q0SW/sw County Clackamas
Legal Description _____
Well is _____ ft from _____ (river/stream)
Well is _____ ft from _____ (river/stream)
Well Elevation 710 ft River/Stream elevation _____ ft.
Well Elevation - River/Stream elevation _____ ft.
Well depth 505 ft SWL 195 ft on 7/14/86
Sealed to 25 ft Depth first water found 112 ft
Cased to 209 ft Perforations/screens 220-503 ft
Lined to 190-505 ft Perforations/screens _____ ft
Well test and types _____
(Confined or Unconfined) Direct hydraulic connection? (YES) NO
Potential to cause substantial interference? Minimal

Conditioned water rights in area: _____
Other nearby water rights of record: _____
Density of nearby wells: _____

Comments: NOTE: Water level decline of 50 feet
from 1962 to 1986. The two wells are located within
about 50 ft of each other.

References Used: _____

MEMORANDUM

October 8, 1993

TO: Steve Brown
FROM: Marc Norton *MAN*
SUBJECT: Groundwater Application G-13483

This Applicant has a pending transfer that should cover the water needs at both subdivisions. The transfer should be processed first. It will probably eliminate the need to process this application.

If it is determined that Groundwater Application G-13483 does need to be processed, the applicant's second well should be added as an additional point of appropriation. The amount of groundwater requested seems very high considering that the existing permit exceeds their current use by ten-fold. Route the application back to me if further work is needed.

G-13483

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

CLAC 05410

25/4E-300

(1) **OWNER:** Don EKLUND
 Name: Don EKLUND
 Address: 1536 Bluff Rd.
 City: Sandy State: ORE Zip: 97055

(9) **LOCATION OF WELL by legal description:**
 County: CLACK Latitude: " Longitude: "
 Township: 2-5 N or S. Range: 4-E E or W. WM.
 Section: 3 SW 1/4 SW 1/4
 Tax Lot: Lot: Block: Subdivision:
 Street Address of Well (or nearest address): Mountain Ladon's Estates Kelso ORE. 14323 S.E. Nichols

(2) **TYPE OF WORK:**
 New Well Deepen Recondition Abandon
 (3) **DRILL METHOD:**
 Rotary Air Rotary Mud Cable Other

(10) **STATIC WATER LEVEL:**
 195 ft. below land surface. Date: 7/14/86
 Artesian pressure: lb. per square inch. Date:

(4) **PROPOSED USE:**
 Domestic Community Industrial Irrigation
 Thermal Injection Other

(11) **WELL LOG:** Ground elevation _____

(5) **BORE HOLE CONSTRUCTION:**
 Depth of Completed Well: 505 ft.
 Special Standards date of approval: NONE

HOLE diameter	From	To	SEAL Material	From	To	Amount
						sacks or pounds
2"	0	25	Gravel	0	25 FT	24
8"	25	505				

Material	From	To	WB?	SWL
TOP SOIL	0	2	0	0
CLAY Red	2	18	0	0
CLAY Yellow	18	65	0	0
CLAY & GRAVEL	65	96	0	0
Boulders & Clay	96	112	0	0
CLAY Yellow SANDY	112	210	71	71
Cemented GRAVEL	210	224	0	71
CLAY BROWN SANDY	224	334	151	151
CLAY Blue	334	423	0	151
Blue SHAKE W.B.	423	462	195	195
CLAY Blue	462	496	-	195
BLACK SHAKE	496	505	-	195

How was seal placed? Method: A B C D E
 Other
 Backfill placed from: 25 ft. to 505 ft. Material: 3/8
 Gravel placed from: 25 ft. to 505 ft. Size of gravel: 3/8

(6) **CASING/LINER:**

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
8"	22	209	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7"	190	505		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

 Location of shoe(s): 209

(7) **PERFORATIONS/SCREENS:**
 Perforations Method: truck
 Screens Type: Material:

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
220	503	8	540	710	8	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Date started: 4/24/86 Completed: 7/10/86

(8) **WELL TESTS: Minimum testing time is 1 hour**
 Pump Bailor Air Flowing Artesian

Yield gal/min	Pumping level	Drill stem at	Time
38	185		1/2 hr
46	191		1 hr

(unbonded) Water Well Constructor Certification:
 I constructed this well in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
 Signed: _____ Date: _____

Temperature of water: 52 Depth Artesian Flow Found: _____
 Was a water analysis done? Yes By whom: _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other: NO
 Depth of strata: _____

(bonded) Water Well Constructor Certification:
 I accept responsibility for construction of this well and its compliance with all Oregon water well standards. This report is true to the best of my knowledge and belief.
 Signed: Brad Brant Date: 7/14/86
 Company: BRANT WELL DRILLING Job No. _____



Marc

REVIEW CHECKLIST

FOR G- 13483

- Xerox appropriate parts of the stream index.
- Estimate number of wells within one mile radius and identify types.
- Verify that the well log is in application file. If not, provide one.
- List of state observation wells within five mile radius.
- List groundwater permits within five mile radius with extraordinary conditions.
- Pull 7 1/2 minute quad and attach to file.
- Make sure it is a new well.

2859W

Clac

SWSW 25 4E 3

OB WELLS

- 34
- 35
- 36
- 37
- 52

DO	FD	IR	MU	total
23	1	2	1	27

Appl

- 13146
- 12476
- 12395
- 13178

G 13483

State of Oregon
Water Resources Department

INTEROFFICE MEMORANDUM

Date: 11-30-93

TO: Steve Brown
FROM: Rob Carter, Steve Applegate
SUBJECT: Permit Condition; Water Right Review

Below is proposed permit condition language for those wells which do not meet current rules at time of water right review, but did conform at the time of construction:

According to the well report, the well does not conform with current construction standards. However, it appears that the well was constructed in accordance with the standards in effect at the time. If at any time, however, the well or its use:

- a) acts as a conduit for groundwater contamination,
- b) allows loss of artesian pressure,
- c) allows waste of groundwater,
- d) interferes with senior groundwater users, or
- e) interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

Our section's reviews of well construction is attached.

1. The current batch of water rights forwarded to the Enforcement Section from Groundwater include several wells that met the standards (if any) in effect at the time. Those files are listed below. The Enforcement Section recommends conditioning these permits with the attached (or similar) language.

<u>Application #</u>	<u>Applicant</u>	<u>Year</u>	<u>Concern</u>
G-13210	Scharer	1954	Commingling
G-13352	Laney	1957	No Surface Seal
G-13374	3-D Ranches	1957	No Surface Seal
G-13390	Blue Sky Farm	1956	Puddled Clay Seal
G-13215	Rice	1951	No Known Seal

2. I concur with Groundwater's assessment concerning the construction of the following wells and recommend well repair. The Enforcement Section will contact the constructor or landowner to effect repairs. We recommend issuance of the permit with the condition that the wells be repaired prior to use of water:

<u>Application #</u>	<u>Applicant</u>	<u>Concern</u>
G-13132	USFS	Commingling
G-13189	Hendry	No Seal into Clay
G-13081	Lindsey	No Access Port
G-13415	Dillard	Commingling
G-13320	Ofelt	Commingling
G-13265	Lee	Commingling
G-12323	Wurdinger	Commingling
G-13375	McGhehey	Health Hazard, Sanitary Seal
G-13354	Eggleston	Commingling
G-12446	Farr	Commingling
G-12917	Farr	Commingling

3. The Enforcement Section disagrees with Groundwater's assessment concerning the construction of the following wells and feel the current construction is adequate. We recommend issuance of the permit with no well construction conditions:

<u>Application #</u>	<u>Applicant</u>	<u>GW's Concern</u>
G-13416	Arranmore	Insufficient Seal
G-13297	Hostetler	Loss of Artesian Head
G-13324	Carlton Plants	Improper Abandonment
G-12249	Eyman	Commingling (Poss Interference)
G-13483	Kelso Water	Commingling

By copy of this memo, we are alerting the Groundwater Section of our decisions concerning the above. If there are questions or concerns, contact Rob Carter.

cc: Fred Lissner

NOTE: *Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.*

Mailing List for Extension FO Copies

Application #G-13483
Permit #G-12763

FO Date: August 7, 2002

Original mailed to:

Applicant: Kelso Water Association, Inc.
PO Box 835
Boring, OR 97009

Copies Mailed
By: <u>[Signature]</u> (SUPPORT STAFF)
on: <u>8/7/02</u> (DATE)

For Extension PFO's - Copies sent to:

3. WRD - Appl. File #G-13483 / Permit #G-12763
4. WRD - Watermaster District: #20 - Mike McCord, Oregon City
5. WRD - Regional Manager: NWR - Dave Jarrett, Salem
6. WRD - Transfer Technician: Kelly Starnes
7. WRD - Jonnine Fuss, Salem... *Permit record update*

Other interested parties:

8. Tenneson Engineering Corp.
Attn: Donald J. Branton
409 Lincoln Street
The Dalles, OR 97058

CASEWORKER: LJJ



TENNESON
ENGINEERING CORPORATION
CONSULTING ENGINEERS • SURVEYORS • PLANNERS

409 LINCOLN STREET
THE DALLES, OR 97058

PHONE (541) 296-9177
FAX (541) 296-6657

June 24, 2002

Oregon Water Resources
158 12th Street Northeast
Salem, Oregon 97310-0210

Attention: Ms. Lisa J. Juul

Regarding: Application File G-13483/Permit G-12763

Gentlemen:

Your proposed final order, dated June 20, 2002, for the above extension of time to complete development under referenced water right has been reviewed by myself as the designated agent for the Kelso Water Association, Inc. Board. We have no problems whatsoever with any of the conditions and agree with them with the single exception of the timing of the #2 well repair. This is a new condition that has been placed on the permit and was not in place when the extension was requested and it does present some serious potential problems for the operation of the system.

The current major source of water for the system is under Well #1, Permit G-3407, Certificate 42888, and pending Transfer T-7026. The Transfer has been pending since 1993 and only recently has the Kelso Water Board been able to obtain the signed permissions from the 78 lot owners to allow this application to proceed. The Transfer is proposing to change the existing certified irrigation water right to a quasi-municipal, cover the full system service area, and add Well #2 as a second point of appropriation. The problem is that the Transfer Order has not yet been issued, and after October 1, the existing permit, subject of this extension request, is the only year around water right the entire system has. It is also the only water right that the system currently has to provide for the Alpine Meadows Subdivision that is on the systems service area. It is the Kelso Water Boards and my opinion that the Transfer Order, T-7026, needs to be implemented to provide a year around alternate source of water for the Alpine Meadows Subdivision, as well as the Mountain Shadows Estates Subdivision, BEFORE taking Well #2 out of production to do the repair job.

Well #2, which is the subject of this extension request, was drilled in 1989 and was in existence at the time of the issuance of the current Permit G-12763 in 1993. We believe that to effect a repair on Well #2, after the requested time extension has been issued some time in August 2002 or later during peak summer use months and prior to October 1, 2002, could substantially subject the system to an extreme water shortage, plus having to undertake the repair work on a extremely tight time schedule, which would be very expensive. It is also quite apparent to the Board that the 15,000 gallon per day maximum allowable under this permit is inadequate for the winter months because the usage is

PROTEST

RECEIVED

JUN 26 2002

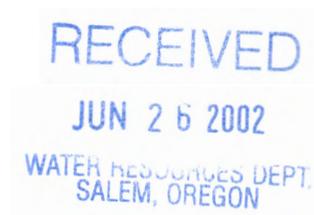
WATER RESOURCES DEPT
SALEM, OREGON

normally in excess of this amount. Therefore, it is going to be necessary that either the Transfer T-7026 be approved as currently applied for to provide an alternate year around source for both served subdivisions or an additional well will have to be drilled at some other point outside of the critical groundwater area.

We would therefore request that Water Resources consider modifying the proposed order for the time extension on Permit G-12763 (Well #2 source) by requiring that repair of Well #2 be completed within 12 months after the issuance by the Department's of the requested Transfer T-7026 on Wells #1 and #2 combined, which Transfer can also be subject to the repair of both Wells #1 and #2 or for a much longer period of time, i.e. October 1, 2005. The Water District could implement either one of these alternatives without substantial risk of creating system shortages.

If there are any questions or further submittals necessary in this matter, I may be contacted at:

Tenneson Engineering Corporation
409 Lincoln Street
The Dalles, Oregon 97058
PH: (541) 296-9177
FX: (541) 296-6657



Or through my home at (503) 663-7069 or fax (503) 663-0859

Thank you for your consideration in this matter.

Respectfully submitted,

TENNESON ENGINEERING CORPORATION

A handwritten signature in black ink, appearing to read "Donald J. Branton".

Donald J. Branton, CWRE #024

DJB:kb

cc: Kelso Water Association, Inc.



ATTN MS LISA J. JUUL
OR WATER RESOURCES
158 12TH ST NE
SALEM OR 97310-0210

373014172



Extension "Final Order" Checklist

Application # G-13483 / Permit # G-12763

Permit Holder's Name Kelso Water Assoc. Inc.

✓ 1. Date Extension Request submitted: 9-11-2001

✓ 2. Date permit was issued: 10-30-96

✓ 3. Original "B" Date from permit: 10-1-98
(Date for completion of construction)

✓ 4. Original "C" Date from permit: 10-1-99
(Date for complete application of water)

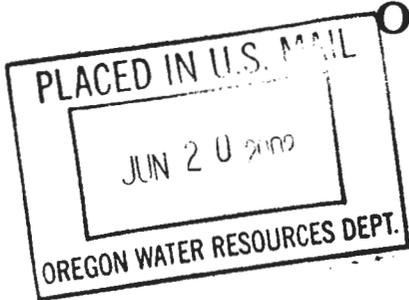
✓ 5. Extension PFO Date: 6-18-2002

✓ 6. WRD recommends extending "B" Date to: _____
and extending the "C" Date to: 10-1-2002

✓ 7. Protest Deadline Date from PFO: 8-2-2002

★ 8. Any written Protests or written Comments received within the Protest period? Yes / No

✓ 9. Conditions from Extension PFO? Yes
• Well Reconstruction
• SWL Measurements



**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application)
for an Extension of Time for)
Permit #G-12763, Water Right) **PROPOSED FINAL ORDER**
Application #G-13483)
(Kelso Water Association, Inc.))

Permit Information

Application File #G-13483 / Permit #G-12763

Basin: #02 - Willamette Basin / Watermaster District: #20

Date of Priority: August 9, 1993

Authorized Use of Water

Source of Water: One Well (Well #2), within the North Fork Deep
Creek Basin
Purpose or Use: Group Domestic Use
Maximum Rate: 0.446 cubic foot per second (cfs) further limited
to 15,000 gallons per day

**This Extension of Time request is being processed in accordance
with Oregon Administrative Rule 690-315.**

***Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit #G-12763, water right Application #G-13483. A copy of Permit #G-12763 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete application of water from October 1, 1999, to October 1, 2002; and
- make the extension subject to certain conditions set forth below.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Historical Background

1. Permit #G-12763 was granted by the Water Resources Department on October 30, 1996. The permit authorizes the use of up to 0.446 cfs of water further limited to 15,000 gallons per day for Group Domestic Use from one well (Well #2), within the North Fork Deep Creek Basin. The permit specified that construction of the water development project should be completed by October 1, 1998, and that complete application of water was to be made on or before October 1, 1999.
2. The permit holder submitted an "Application for Extension of Time" to the Department on September 11, 2001, requesting the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-12763 be extended from October 1, 1999, to October 1, 2002. This is the first permit extension requested for Permit #G-12763.

Development Overview

3. Construction of the well (Well #2) was completed on July 10, 1986. Since then, the pump, water meter, distribution system pipe works and a 125,000 gallon reservoir have been installed and service connections to at least 100 homes have been established. As of September 11, 2001, only one lot remained undeveloped awaiting construction of a house.
4. Since the issuance of Permit #G-12763 on October 30, 1996, a maximum rate of 0.446 cfs limited to 15,000 gallons per day has been appropriated from the well (Well #2).

5. In addition to Permit #G-12763, Kelso Water Association also has a pending application (#G-14893) requesting the use of ground water from Well #1 for Quasi-Municipal purposes. As part of the Division 9 ground water review for Application #G-14893, the Department determined on February 11, 2000, that Well #1 develops water from three distinct aquifers within the Troutdale Formation and allows water to commingle between the aquifers. Additionally, on February 15, 2000, the Enforcement Section performed a well construction review and concluded that Well #1 should be repaired **prior to** permit issuance. Application #G-14893 has since been placed on "Administrative Hold" by the applicant.
6. As part of the February 15, 2000, Enforcement Section well construction review for Application #G-14893, it was also determined that Well #2, authorized under Permit #G-12763, was improperly constructed and allowed water to commingle between multiple aquifers.
7. On May 29, 2002, Marc Norton, of the Department's Ground Water/Hydrology Section, confirmed that both Well #1 and Well #2 allow water from an upper aquifer to commingle with water from a lower aquifer, and that both Well #1 and Well #2 need to be reconstructed so that they only develop water from the lower Troutdale Aquifer. Additionally, in order to meet the terms of the permit, however, the collection of water level data should begin after Wells #1 and #2 have been reconstructed. The reference level should be determined after the reconstruction work has been completed on both wells.

Review Criteria [OAR 690-315-0040(1)(2)]

8. As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the requirements of ORS 537.230, 537.248¹, 537.630 and 539.010(5).

Other Governmental Requirements [ORS 537.230(2)]

9. Delay in the development of this project was not caused by any other governmental requirements.

¹ ORS 537.248 applies to reservoir permits only.

Start of Construction [ORS 537.630]

10. The applicant demonstrated that construction of the well and water system began within the time specified in the permit, being October 30, 1997. The work thus far consists of complete construction of the well and installation of the pump, water meter, distribution system pipe works and a 125,000 gallon reservoir, as evidenced by documentation of work contained in the file.

Financial Investment [ORS 539.010(5)]

11. As of September 11, 2001, the permit holder had invested a total of \$750,000.00 into the project, consisting of complete construction of the well and installation of the pump, water meter, distribution system pipe works and a 125,000 gallon reservoir. An additional \$2,000.00 investment is anticipated for the completion of this project.

Reasonable Diligence and Good Faith of the Appropriator [ORS 537.230(1), 537.630(1) and 539.010(5)]

12. Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [ORS 537.260, OAR 690-315-0040(3)].
13. In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:
 - a. The amount of construction completed within the time allowed in the permit or previous extension.
 - Construction of the well and water system began within the time specified in the permit, being October 30, 1997. The work thus far consists of complete construction of the well and installation of the pump, water meter, distribution system pipe works and a 125,000 gallon reservoir, as evidenced by documentation of work contained in the file.
 - b. The amount of beneficial use made of the water during the permit or previous extension time limits.
 - Since the issuance of Permit #G-12763 on October 30, 1996, a maximum cumulative total of 0.446 cfs has been appropriated from all the well.

- Delay of full beneficial use of water under Permit #G-12763 was due, in part, to the length of time necessary to complete development on all the permitted lots. As of September 11, 2001, only one lot remained undeveloped awaiting construction of a house.
- c. The water right permit holder's conformance with the permit or previous extension conditions.
- The record does raise concerns about the permit holder's compliance with the annual March static water level measurement and reporting permit condition. Because Well #2 is not properly constructed and allows water to commingle between multiple aquifers, however, any static water level measurements reported to the Department could have been impaired. Therefore, the Department is requiring well reconstruction prior to obtaining the required static water level measurement to establish the reference level for Well #2, against which future annual measurements will be compared.
- d. Financial investments made toward developing the beneficial water use.
- As of September 11, 2001, the permit holder had invested approximately 99.5 percent of the total projected cost for complete development of this project. A total of \$750,000.00 has been invested into the project, consisting of complete construction of the well and installation of the pump, water meter, distribution system pipe works and a 125,000 gallon reservoir. An additional \$2,000.00 investment is anticipated for the completion of this project.

The Market and Present Demands for Water [ORS 539.010(5) and OAR 690-315-0040(4)]

14. In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:
- a. The amount of water available to satisfy other affected water rights and scenic waterway flows.
- The Department determined on November 1, 1993, that this use of ground water will, if properly conditioned, adequately protect the surface water from interference. Conditions were placed upon Permit #G-12763 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impact.

- The permitted point of appropriation (Well #2), authorized under Permit #G-12763, is located within the boundaries of the specially designated portion of the deep Troutdale aquifer within the Sandy-Boring Ground Water Limited Area. Under OAR 690-502-160(2)(a), however, ground water from this deep Troutdale aquifer may be used for exempt uses only, such as group domestic use limited to no more than 15,000 gallons per day. This application, therefore, does not raise concerns about the use of ground water allowed under this permit.
 - The permitted point of appropriation (Well #2), authorized under Permit #G-12763, is located within or above the Sandy Scenic Waterway. The Department determined on November 1, 1993, however, that this use of groundwater will, if properly conditioned, adequately protect the surface water from interference. Therefore, conditions were placed upon Permit #G-12763 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impacts.
- b. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
- The permitted point of appropriation (Well #2), authorized under Permit #G-12763, is located within a stream segment that has been identified by the Oregon Department of Fish and Wildlife as the "highest" ranking area for streamflow restoration for fish. The Department determined on November 1, 1993, however, that this use of groundwater will, if properly conditioned, adequately protect the surface water from interference. Therefore, conditions were placed upon Permit #G-12763 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impacts.
- c. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
- The permitted well is located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified on the Division 33 map furnished by the Oregon Department of Fish and Wildlife. The Department determined on November 1, 1993, however, that this use

of groundwater will, if properly conditioned, adequately protect the surface water from interference. Therefore, conditions were placed upon Permit #G-12763 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impacts.

- d. Economic investment in the project to date.
 - As of September 11, 2001, the permit holder had invested approximately 99.5 percent of the total projected cost for complete development of this project. A total of \$750,000.00 has been invested into the project, consisting of complete construction of the well and installation of the pump, water meter, distribution system pipe works and a 125,000 gallon reservoir. An additional \$2,000.00 investment is anticipated for the completion of this project.
- e. Other economic interests dependent on completion of the project.
 - None have been identified.
- f. Other factors relevant to the determination of the market and present demand for water and power.
 - There are no other known sources of water available that are within reasonable economic reach of this water system.

Fair Return Upon Investment [ORS 539.010(5)]

15. Reasonable returns against the investment in the project will be gained. In the event that returns are insufficient to maintain and operate the system, the Kelso Water Association will initiate a water use rate increase to ensure adequate funds.

Duration of Extension [OAR 690-315-0040(1)(c), ORS 539.010(5)]

16. As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.
17. As of September 11, 2001, the remaining work to be completed consists of reconstruction of Well #2 and complete application of water to beneficial use.

18. The scope and nature of the project extended the length of time needed to fully develop and perfect the permit, caused mainly by the need to complete development on the last remaining lot.
19. Full application of water to beneficial use and reconstruction of Well #2 can be accomplished by October 1, 2002.

Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230 and ORS 537.630.
2. The applicant has submitted a complete extension application form and the fee required by ORS 536.050(1)(k).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to ORS 537.630(1).
5. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2002, to complete the application of water to beneficial use under the terms of Permit #G-12763 is both reasonable and necessary.
6. Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

Proposed Order

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time for complete application of water to beneficial use under Permit #G-12763 from October 1, 1999, to October 1, 2002.

Subject to the following conditions:

CONDITIONS

1. Well Reconstruction

In order to prevent commingling of water between the aquifers, Well #2 must be reconstructed so that it only develops water from the lower Troutdale aquifer. The reconstruction must be accomplished within the authorized time-frame allowed by this extension, being October 1, 2002.

2. Water Level Measurement and Limited Water Level Decline/Interference

The permit holder shall, *after* reconstruction of Well #2 (authorized under Permit #G-12763) and Well #1 (requested under Application #G-14893) has been accomplished, obtain the required static water level measurement to establish the reference level for Well #2, against which future annual measurements will be compared.

The six subsequent annual static water level measurements made in the month of **March**, as required by Permit #G-12763, shall be submitted to the Department within 30 days of measurement.

Based on analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

DATED: June 18, 2002


 Dwight French
 Water Rights Section Manager

*If you have any questions,
 please check the information
 box on the last page for the
 appropriate names and
 phone numbers.*

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing

must be in writing and must be received by the Water Resources Department no later than **Friday, August 2, 2002**, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.

2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - A. Upon review of the issues, the director finds there are significant disputes related to the proposed agency action; or
 - B. The applicant submitted a timely request for a contested case hearing.

If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503) 387-8455, extension 201. Address all other correspondence to:

**Water Rights Section
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97301-4172
Fax #: (503) 378-2496**

This document was prepared by Lisa J. Juul. If you have any questions about any of the statements contained in this document, I am most likely the best person to answer your questions. You may contact me by telephone at (503) 378-8455, extension 272.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Dwight French. His extension number is 268.

If you have other questions about the Department or any of its programs, please contact our Water Rights Information Group at extension 201.

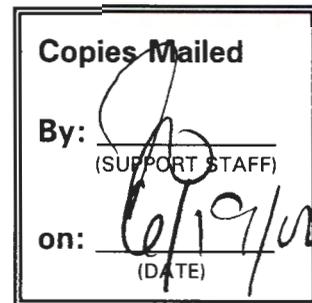
Mailing List for Extension PFO Copies

Application #G-13483
Permit #G-12763

PFO Date: June 18, 2002

Original mailed to:

Applicant: **Kelso Water Association, Inc**
PO Box 835
Boring, Oregon 97009



For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-13483 / Permit #G-12763
2. WRD - Watermaster District: #20 - Mike McCord, Oregon City
3. WRD - Transfer Technician: Kelly Starnes, Salem

Other interested parties:

4. **Donald J. Branton, CWRE**
Tenneson Engineering Corp.
409 Lincoln Street
The Dalles, OR 97058

CASEWORKER: LJJ

S:\groups\wr\extensions\PF O\Work_315 rules\g13483.wpd

Appl G-13483 / Permit G-12763

Route Slip ... Extension of Time

per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ WRIG...

Money Received: \$100.⁰⁰ on 9-11-2001

◆ Lisa Juul...

Extension Completeness: 
(If NOT complete, send certified letter requesting add'l information.)

If Extension Appl complete and \$100 fee submitted, route to...

◆ Jonnine Fuss...

Initial 30-day Public Notice: 9-25-01

Files back to filing cabinets: 9-25-01

At the close of the Initial 30-day Comment Period...

◆ Lisa Juul...

Pull files for Ext PFO review: _____

Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

◆ Jonnine Fuss...

Prepare Ext PFO for mailing to applicant: _____

Mail to those who commented and paid copy fee: _____

Include Ext PFO on weekly Public Notice: _____

Within 60 days after the close of the 45-day PFO Protest Period...

(PFO Protest Period ends 45 days from PFO sign date)...

◆ Lisa Juul...

Issue an Extension FO: _____

... per Division 315 Rules
EXTENSION REVIEW CHECKLIST for PFO

Application #: G - 13483 / Permit #: G - 12763

Permittee's Name: Kelso Water Assoc., Inc.

Permittee's Mailing Address: PO Box 835, Boring OR 97009

POD Location: Township 2S Range 4E Section 3 ¼¼ SESW

Stream Basin: Deep Cr & misc County: Clackamas
- #2 Willamette Basin

- ✓ 1. Has the applicant completely filled out the updated Extension Application form? (Yes) No
 ***If "No"..... has certified request for the new extension form been sent? Yes / No

- ___ 2. Shortcomings of Extension Request..... based upon review of updated extension form Yes / No
 ***(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)
missing some water level measurements - see # 2 B of Ext. Appt.

- ✓ 3. Date Permit was issued: 10-30-96
- ✓ 4. Source: One Well (Well # 2 in North Fork Deep Cr. Basin)
- ✓ 5. Use: Group Domestic
- ✓ 6. "Q": 0.446 cfs further limited to 15,000 gpd. / Orig. "A" Date: 10-30-97
- ✓ 7. Original "B" Date: 10-1-98 Original "C" Date: 10-1-99
- ✓ 8. Conditions of Permit:
 - Before Water Use begins → install a meter.
 - Annual ~~water~~ static water level measurements in March ... Reported to WRP within 30 days of measurement ea. yr. for 7 consecutive years
 - Before Water Use begins → initial water level measurement.
- ✓ 9. Extension request received: 9-11-2001 Request Number (...1st, 2nd, 3rd): 1st
- ✓ 10. Last Authorized "B" Date: 10-1-98 Last Authorized "C" Date: 10-1-99
- ✓ 11. Proposed "B" Date: _____ Proposed C Date: 10-1-2002
- ✓ 12. Amount Invested to date: \$ 750,000.00 Estimated Total Cost: \$ 752,000.00
 (***)Estimated Remaining Cost: \$ 2,000.00

- Submitted Oct 2001 meas - Mar 2002?

13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. Yes/No ***If "No"..... What permit terms and/or conditions have not been met?

- Some water level measurements missing... see # 2-B of Ext. Appl
\$ see GW SWL Database Report... No measurements.

• Meter installed

Well constr. compl. 7-10-86
Initial SWL taken 7-14-86
Met "A" Date

14. Work on the water development project completed to date includes:

- Well completed 7-10-86. • Pump & Meter installed
- 99% complete.... 100± users hooked-up
- 125,000 gallon reservoir installed
- Have Used 0.446 cfs (being further limited to 15,000 gpd.)
- Distrib Sys pipe work complete.

15. The work remaining to be completed consists of:

Lot remaining to be built upon & water supplied to.

16. Progress in perfecting the permit is being held up by:
Water District has been pursuing add'l permits & a transfer (T-7026) to upgrade their issued water rights to meet actual need amounts and in the course of this work.. failed to note the requirement for filing for a time extension on this permit.

17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes/No

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]

- The amount of construction completed within the time allowed in the permit or previous extension;
- The amount of beneficial use made of the water during the permit or previous extension time limits;
- Water right permit holder conformance with the permit or previous extension conditions; and
- Financial investments made toward developing the beneficial water use.

99% of project development done
 • 99.5% of total proj. cost invested to date
 • Have used 100% of allowed "Q"
 • installed meter & met "A" Date. (Missing SWL Meas.)
 * Reconstruction to prevent commingling is condition of permit extension.

18. Determination of the market and the present demand for water or power to be supplied:

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:

- The amount of water available to satisfy other affected water rights and scenic waterway flows;
- Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- Economic investment in the project to date;
- Other economic interests dependent on completion of the project; and
- Other factors relevant to the determination of the market and the present demand for water or power.

• Div 9 GW Review on 11-1-93 states... "the well will, if properly cond. adequately protect the surface water from interference Cond's added"

Within "Deep Troutdale" Aquifer of Sandy-Boring GW Untd Area. Within or above SWL

• Within a Div 33 Area per ODFW Map
• Within a Streamflow Restoration Area
• "Highest" ranking Area by ODFW

19. Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. → Approval of Extension Request
 No ... "Good Cause" cannot be found. → Denial of Extension Request
 With Well Reconstruction

20. Conditions to be included on Extension PFO:
 Reconstruction of Both wells so that they only develop water from lower aquifer.
 Collection of water level data should begin once wells reconstructed. → reference level (7d included in permit)

Extension "PFO" Dates _____ Checklist Last Revised: 9/12/2001

Mailing / Issuance Date: _____ Reviewer's Name: _____

Protest Deadline Date: _____ Date: 3-20-2002

WATER RESOURCES DEPARTMENT

MEMO

May 29, 2002

TO: Water Rights Section *LISA*

FROM: Marc Norton, Ground Water/Hydrology Section *MAN*

SUBJECT: Ground Water Application G-13483

There are two wells used for this development. Neither well meets well construction standards. They both allow water from an upper aquifer to commingle with water from the lower aquifer. The requirement to monitor water levels is meaningless until the wells are properly constructed. Ground water levels will probably change after the wells are reconstructed.

- 1) Both wells need to be reconstructed so that they only develop water from the lower aquifer. The CWRE for the applicant has indicated that well reconstruction is in the works, but there was no time frame specified. I suggest language be added to the Extension of Time that requires both wells to be reconstructed within the time frame of the extension.
- 2) The collection of water level data to meet the terms of the permit should begin after the wells have been reconstructed. The reference level should be determined after the work has been completed on both wells. Water levels should be collected until the wells are reconstructed.



409 LINCOLN STREET
THE DALLES, OR 97058

PHONE (541) 296-9177
FAX (541) 296-6657

May 16, 2002

Oregon Water Resources
Technical Services Groundwater Section
158 12th Street Northeast
Salem, Oregon 97310-0210

Via Fax at (503) 378-2496

Attention: Mr. Mark Norton

Reference: Application File G-13483, Permit G-12763
Kelso Water Association, Inc. Well Level Reports

Dear Mark:

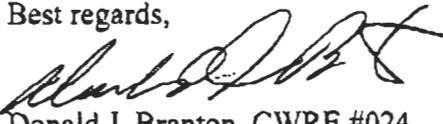
Enclosed for your use is the information I have on the Kelso Water Association Well #2, which is the source for the above referenced permit. I am enclosing the April 2, 2002 standard report form. I have also, through investigation, gotten some other readings that may be of help to you in reviewing this extension request.

1. Original Well Log, July 10, 1986, static 195 ft.
2. From Steve's Pump Service, who handles the repairs for the Association, phone number (503) 658-3051, June 15, 1998, pump changed out. Static 210 ft.
3. August 14, 2000, static 298 ft. (#1 pump may have been running). Draw down with both pumps running 326 ft.
4. September 28, 2001, by e-tape measurement, static 238.5 ft. This was taken in my presence as we setup the air line for continued level maintenance by Kelso Water Association personnel.
5. 09/30/01, pump running, draw down 264.7 ft.

As discussed, when the #1 pump comes on, some 200 feet to the immediate south, it effects the static in this well. I am setting Kelso Water up to take monthly readings on a Sunday morning after shutting the pumps off Saturday nights so that they are getting true static readings. Will keep you advised as to how this is progressing. I am also sure that if they are successful in transfer T-7026 and replacement of that well with a repair well, which does not have perforations in the upper aquifers, it will effect these readings substantially.

Feel free to call me if you have any questions on this.

Best regards,



Donald J. Branton, CWRE #024

Enclosure

cc: Kelso Water Association, Inc.



TENNESON
ENGINEERING CORPORATION
CONSULTING ENGINEERS • SURVEYORS • PLANNERS

409 LINCOLN STREET
THE DALLES, OR 97058

PHONE (541) 296-9177
FAX (541) 296-6657

April 2, 2002

Oregon Water Resources
Technical Services Groundwater Section
158 12th Street Northeast
Salem, Oregon 97310-0210

Reference: Permit G-12763
Water Level Report

Gentlemen:

Enclosed is the required Water Level Report for the well under the above listed permit. As noted on the permit, we have set up, with Kelso Water Association, Inc., a procedure to get level readings from both this well and Well #1 (C-42888, T-7026) on a monthly basis.

If further submittals are necessary, please advise.

Well #1 under
Appl # G-14893.

Respectfully submitted,

Donald J. Branton, P.E.
Certified Water Rights Examiner #024

DJB:kb

Enc.

cc: Kelso Water Association
Donn Snyder, Secretary

Oregon Water Resources Department PERMIT CONDITION WATER-LEVEL REPORTING FORM

RE: Required Water Level Report for a Well on Permit G 12763 Certificate 0 Pod 1 Application G 13483

Listed on water right as: WELL 2 Well log ID (if any, in our records): CLAC 5410 Priority date: 8/9/1993
Well location: In the SE quarter of the SW quarter of Section 3, Township 2S, Range 4E
260 FEET NORTH & 1610 FEET EAST FROM SW CORNER, SECTION 3

KELSO WATER ASSOCIATION INC.
PO BOX 835
BORING OR 97009

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). All wells that have been constructed must be measured regardless of whether they are being used, in accordance with your permit.

MEASUREMENT REPORT

(Complete one form for each well)

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

Well not yet drilled as of date: N/A
Original owner on well log: Mountain Shadows Estates o/o Don Eckland
Well ID # (on tag attached to casing): L unknown Startcard number (if listed on well log): not shown
Well depth: 505 Casing diameter: 8" Date drilled: Jan 7/14/86
Owner's well name: Kelso Water Association, Inc. Drilled by: Brad Brant, Brant Well Drilling

When did water use begin under this permit from this well? Date: Month/Yr Aug. 9, 1993

Show all water rights listing this well:

Application number(s): G-13483 T-7026
Permit number(s): G-12763
Certificate number(s):

Measurement Details:

Date of measurement: Feb. 24, 2002

Description of measuring point (e.g. 1 1/4" port pipe on north side): 1/2" P.V. sounding tube mounted in well cap 0.67' above top cap and projecting horizontally to gauge on outside of pump house.

Static water level above/below (circle one) measuring point: 207.31 feet, or airline pressure 99 psi

Measuring point distance above/below (circle one) land surface: 2.67 feet, or airline length 436 total feet

Static water level above/below (circle one) land surface: 204.64 feet

Shut-in pressure (if flowing artesian well): N/A psi

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

Water-level status when measured: Static X Pumping Rising Flowing Other

Length of time well was idle before measurement: 4:00 hours

Comments (use back or extra sheet if necessary): Have set up monthly measurement of water levels this well & #1 well.

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): Donald J. Branton

Signature of measurer: [Signature]

Company: Tenneson Engineering Corporation

License number (CWRB RG, PE, WWC, Pump Installer): 024

Daytime phone number: (503) 663-7069 Email address: jbranton@attbi.com

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 267. Return this Form to: OWRD, Ground Water/Hydrology Section, 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 02/08/2002 GW/KCW

Water Level Data on File at OWRD for this well (last 3 measurements only, most recent date on top) :

DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED BY	COMMENTS
07/14/1988	STATIC	ETAPE	1.83	196.00	DRILLER	WELL LOG

Permit Extension Ground Water Review

Date: May 2, 2002
To: Fred Lissner, Ground Water Section Manager
From: Lisa Juul, Permit Extension Review
Subject: Ground Water Review Needed for File # G-13483 / Permit # G-12763

The above referenced permit is currently being reviewed for an extension of time. Before I can determine whether or not an extension of time should be granted, however, a Ground Water review for this file is necessary due to the following:

NOTE: Original Division 9 review completed by: Marc Norton

No Division 9 Ground Water Review Done.... **please see below**

Located within a **Critical** Ground Water Area

Located within a Ground Water **Limited** Area - Sandy/Boring

Located within a Ground Water **Study** Area

5-Year Limited Permit

Other: _____

For Ground Water / Hydrology Staff Use:

YES NO

Please complete a Division 9 Review for this file. Due to the early priority date associated with this permit, no prior Division 9 review was ever done.

Please answer the following questions. If necessary, attach an additional sheet.

1. Should any additional conditions be added to this permit? _____
2. Should the extension of time request be further conditioned or **DENIED** due to ground water supply concerns? _____
3. Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? _____
4. Other issues or concerns? _____

File # G-13483
(Permit # G-12763)

MEMORANDUM

Date: May 2, 2002

To: File #G-13483 (Permit #G-12763)

From: Lisa Juul, Permit Extension Review 

Subject: Additional information for Extension of Time request

Today I spoke with Jerry Branton, CWRE for the Kelso Water Association, concerning their pending extension of time request. The following information was provided by Mr. Branton in response to my inquiries:

Question: The extension application indicates that an October 2001 water level measurement was obtained from the well. Were any other water level measurements taken and submitted to the Department?

Answer: Yes...a March 2002 water level measurement was obtained from Well #2 and submitted to the Department. The well has been equipped with an access port to allow for future measurements.

NOTE: Any water level measurement data submitted to the Department within the last year will most likely not be entered into the water level database yet. This is due to the Ground Water Section staff being short-handed and not having time to input data. So... just because data is not visible in the database does not necessarily mean that it has not been submitted.

Question: The extension application indicates that one (1) lot is left to be built upon. The application, does not clearly state whether or not this is the reason why the extension of time is needed. Why is the extension of time being requested?

Answer: Due to the size and scope of the project, additional time is needed to complete development of the one remaining lot. Once a house is built on this lot, the Kelso Water Association can deliver water to the lot.

September 4, 2001

Oregon State Water Resources Department
158 12th Street Northeast
Salem, Oregon 97310

Reference: Application G-13483; Permit G-12763

Gentlemen:

On behalf of our client, Kelso Water Association, Inc., we would like to submit the attached application for extension for time to complete full beneficial use of the water under Permit G-12763. Due to a change over of the operating board of this Water Association, the fact that this application for time extension had not been filed was missed. Hopefully this will correct the situation. The Association has retained Tenneson Engineering Corporation to provide a Certified Water Rights Examiner to assist them in bringing the rest of their permits and applications to a current situation. If there are any further submissions necessary to complete this extension request, please advise immediately.

Respectfully submitted,

TENNESON ENGINEERING CORPORATION


Donald J. Branton, CWRE #024

DJB:kb

Enc: Application
Statutory fee of \$100

cc: Kelso Water Association, Inc.

RECEIVED

SEP 11 2001

WATER RESOURCES DEPT.
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **48206**

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

INVOICE # _____

RECEIVED FROM: Kelso Water Assoc.
BY: _____

APPLICATION	G 13483
PERMIT	
TRANSFER	

CASH: CHECK: # 96-218 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

REDUCTION OF EXPENSE

CASH ACCT. \$ _____
VOUCHER # _____

PCA AND OBJECT CLASS _____

0427 WRD OPERATING ACCT

66111

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$	0202 RECORD FEE \$
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$	0206 \$

WELL CONSTRUCTION

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

0240 OTHER (IDENTIFY) Ext. of time \$ 100.00

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

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

RECEIPT # **48206**

DATED: 9/11/01 BY: C. Vance

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review).

Installed meter, keep use records, have some records of well levels.

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions. Well level records apparently missing for some years due to Water Association Board not being fully advised of need for annual measurements. Corrective measures have been taken by current Board to hire CWE (Jerry Branton #024) to get system current on measurements as soon as possible. October 1, 2001 latest.

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period: Two new home services connected, leaving only one unserved lot in service area. Retained CWE to get permit status current and prepare Final Proof Survey.

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period: Well, pump, 125,000 gallon reservoir and distribution system pipe work completed.

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated): 0.446 cfs and 15,000 gallons per day for group domestic use. 100% of permitted right.

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SALEM, OREGON
WATER RESOURCES DEPT

4-Cost of project to date \$750,000. Estimated remaining cost to complete the project \$2,000.

5-Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified.

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit. Not applicable

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes. Not applicable

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project. The Applicant has been pursuing additional permits and a transfer, T-7026, to upgrade their issued water rights to actual need amounts and in the course of this work, failed to note the requirement for filing for a time extension on this permit. This application for a time extension will resolve the matter.

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. Not applicable

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding. System is the only water supply for a residential housing subdivision which currently 99% built out. (1 lot unbuilt. 100± users)

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SALEM, OREGON

A) Has there been any change in this market since the permit was issued? No

B) Have these changes, if any, affected the economic feasibility of your project? No

7-Are there other present competing demands for water in your community? No

A) Has there been any change in these demands for water since the permit was issued? No

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?
None known available within reasonable economic reach of system.

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community? None known

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WATER RESOURCES DEPT
SALEM, OREGON

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project? Yes. If return inadequate to maintain and operate system, user rates are increased.

9-If the extension request is denied, is the current level of water use economically feasible? This permit currently represents 100% of the permitted system use. Other permit and transfer are pending but not yet issued. Denial would require system shut down, leaving 100 ± users without permitted potable water supply or fire protection.

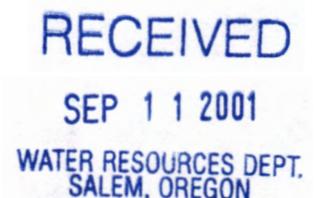
I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

Dan J. Snyder
Signature

Sept 8, 2001
Date

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OREGON 97310





Oregon

John A. Kitzhaber, M.D., Governor

File # G-13483

Water Resources Department

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

MEMO

February 15, 2000

TO: Dave Jarrett
FROM: *MM* Mike McCord
RE: G-14893

Copy from
Appl # G-14893

This application was forwarded by the Ground Water Section to the Enforcement Section for review. Donn Miller states in his review that the well develops water from three aquifers in the Troutdale Formation. See log Clac 05432. Based on my review of this log and Clac 05410, which is located 50' away, I concur with Don's assessment. In addition, I believe the Department erred in not requiring the repair of Well #2 prior to issuing Permit G-12763. The well associated with that water right, Clac 05410, allows water to commingle between aquifers.

Well # 1 should be repaired prior to permit issuance. There are two options for repairing the well. They may have the seal extended to a depth that shuts off water from the shallow Troutdale Formation or abandon the lower portion of the well so that it does not draw water from the deep Troutdale Formation. Another option is to abandon the well and have a new well drilled. This option would be the best for the resource since it could help ensure that water is only being withdrawn from one aquifer. In addition, if a new well is drilled, it could be placed in a location that could eliminate the use restrictions placed on the Sandy-Boring Deep Troutdale Aquifer.

NOTE:
Both Wells #1 & #2 are located within the Specially Designated Deep Troutdale portion of the Sandy-Boring GW Lmt'd Area.

[Signature]
6-10-2002



File # G-13483

Gerald H. Grondin

From: Fred Lissner [Frederick.G.LISSNER@wrd.state.or.us]
Sent: Friday, December 21, 2001 11:14 AM
To: Gerald.H.GRONDIN@wrd.state.or.us
Subject: Fwd: Static Water Level Measurement Reporting

Thanx Jerry.

X-Sender: juullj@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.0.2
Date: Fri, 21 Dec 2001 09:05:39 -0800
To: Frederick.G.LISSNER@wrd.state.or.us
From: Lisa J Juul <Lisa.J.JUUL@wrd.state.or.us>
Subject: Static Water Level Measurement Reporting

Hi Fred,

I am working on a permit extension request for Permit #G-12763 (Appl #G-13483) for Kelso Water Association Inc. in Clackamas County. This permit contained the GW seven-year March static water level measurement condition.

Would it be possible to get a printout of all the SWL data that has been submitted for Permit #G-12763?

Thank you,
Lisa

Lisa J. Juul
Water Rights Specialist
Water Rights & Adjudications Division
Oregon Water Resources Department
158 - 12th Street NE
Salem, Oregon 97301-4172

Phone # (503) 378-8455, extension 272
FAX # (503) 378-6203
Homepage/Website Address - <http://www.wrd.state.or.us>

Application No. 6-13483

Permit No. 612763

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AUG - 9 1993

WATER RESOURCES DEPT.
SALEM, OREGON

33 34

T.1S.,R.4E.,W.M.

34 35

4 3

T.2S.,R.4E.,W.M.

3 2

MOUNTAIN
SHADOW
ESTATES
SERVICE AREA
(80 acres)

CREEK

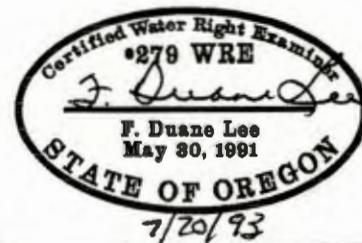
WELL NO. 2 LOCATION
260' N AND 1610' E FROM
SW CORNER OF SECTION 3

4 3
9 10

3 2
10 11

ALPINE
MEADOWS
SERVICE AREA
(16 acres)

THIS MAP IS FOR THE PURPOSE OF
IDENTIFYING THE LOCATION OF POINT(S)
OF DIVERSION AND PLACE(S) OF USE OF
THE WATER RIGHTS ONLY AND IS NOT
INTENDED TO PROVIDE LEGAL DIMENSIONS
OF THE PROPERTIES ILLUSTRATED HEREIN.



OWNER:

KELSO WATER ASSOCIATION, INC.

LEE ENGINEERING, INC.

1300 JOHN ADAMS ST.
OREGON CITY, OR, 97045

DWG TITLE:

WELL NO. 2 LOCATION

DATE:
3/31/93
FILE NO:
1317S02

REVISED:

FIGURE 2

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13483

ROUTED TO: WR

TOWNSHIP/

RANGE-SECTION: 25/4E-3

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

7 J per 1033

Reviewer: Donna M. Allen

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-13483

ROUTED TO: Steve Brown

TOWNSHIP/

RANGE-SECTION: 25/4E-3

CONDITIONS ATTACHED? yes [] no

REMARKS OR FURTHER INSTRUCTIONS:

Conditioned

Reviewer: Marc Norton

TO: Water Rights Section

Nov 1, 1993

FROM: Groundwater/Hydrology Section

Marc A Norton

Reviewer's Name

SUBJECT: Application G- 13483

1. PER THE _____ 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) 4c;
 - 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) 4g + 4c;
 - 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:

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELLS^{are} 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: lack of seal
8. THE WELL
- a. was, or constructed according to the standards in effect at the time of
 - b. was not original construction or most recent modification.
 - c. I don't know if it met standards at the time of construction.

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.
_____, 1993.

(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: _____

_____, 1993.

(Signature)

(WRFORM8\91)

1. The current batch of water rights forwarded to the Enforcement Section from Groundwater include several wells that met the standards (if any) in effect at the time. Those files are listed below. The Enforcement Section recommends conditioning these permits with the attached (or similar) language.

<u>Application #</u>	<u>Applicant</u>	<u>Year</u>	<u>Concern</u>
G-13210	Scharer	1954	Commingling
G-13352	Laney	1957	No Surface Seal
G-13374	3-D Ranches	1957	No Surface Seal
G-13390	Blue Sky Farm	1956	Puddled Clay Seal
G-13215	Rice	1951	No Known Seal

2. I concur with Groundwater's assessment concerning the construction of the following wells and recommend well repair. The Enforcement Section will contact the constructor or landowner to effect repairs. We recommend issuance of the permit with the condition that the wells be repaired prior to use of water:

<u>Application #</u>	<u>Applicant</u>	<u>Concern</u>
G-13132	USFS	Commingling
G-13189	Hendry	No Seal into Clay
G-13081	Lindsey	No Access Port
G-13415	Dillard	Commingling
G-13320	Ofelt	Commingling
G-13265	Lee	Commingling
G-12323	Wurdinger	Commingling
G-13375	McGhehey	Health Hazard, Sanitary Seal
G-13354	Eggleston	Commingling
G-12446	Farr	Commingling
G-12917	Farr	Commingling

3. The Enforcement Section disagrees with Groundwater's assessment concerning the construction of the following wells and feel the current construction is adequate. We recommend issuance of the permit with no well construction conditions:

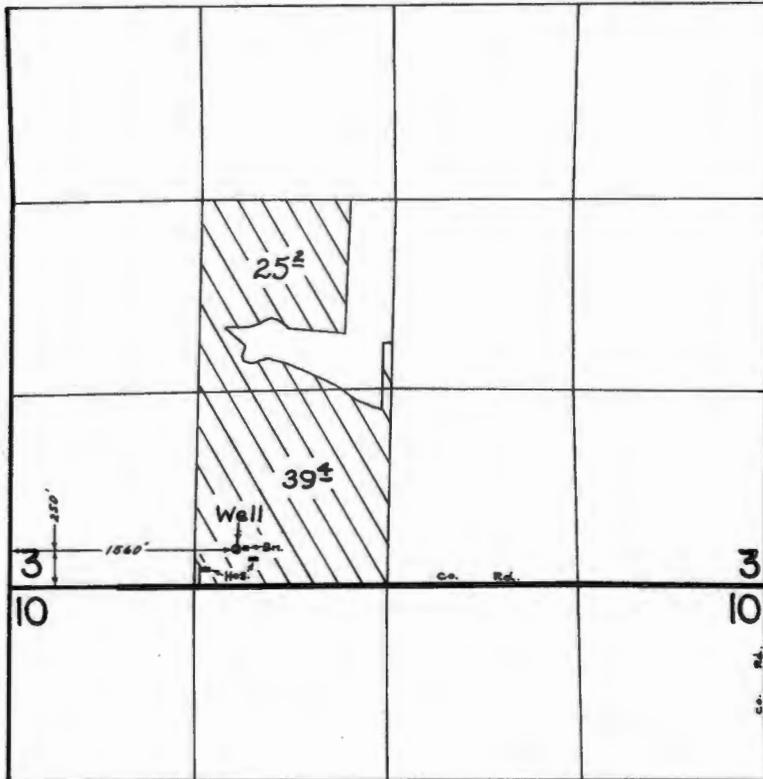
<u>Application #</u>	<u>Applicant</u>	<u>GW's Concern</u>
G-13416	Arranmore	Insufficient Seal
G-13297	Hostetler	Loss of Artesian Head
G-13324	Carlton Plants	Improper Abandonment
G-12249	Eyman	Commingling (Poss Interference)
G-13483	Kelso Water	Commingling

By copy of this memo, we are alerting the Groundwater Section of our decisions concerning the above. If there are questions or concerns, contact Rob Carter.

cc: Fred Lissner

EXISTING CERT # 42888

T.2S. R.4E. W.M.



64± rec.

FINAL PROOF SURVEY
UNDER

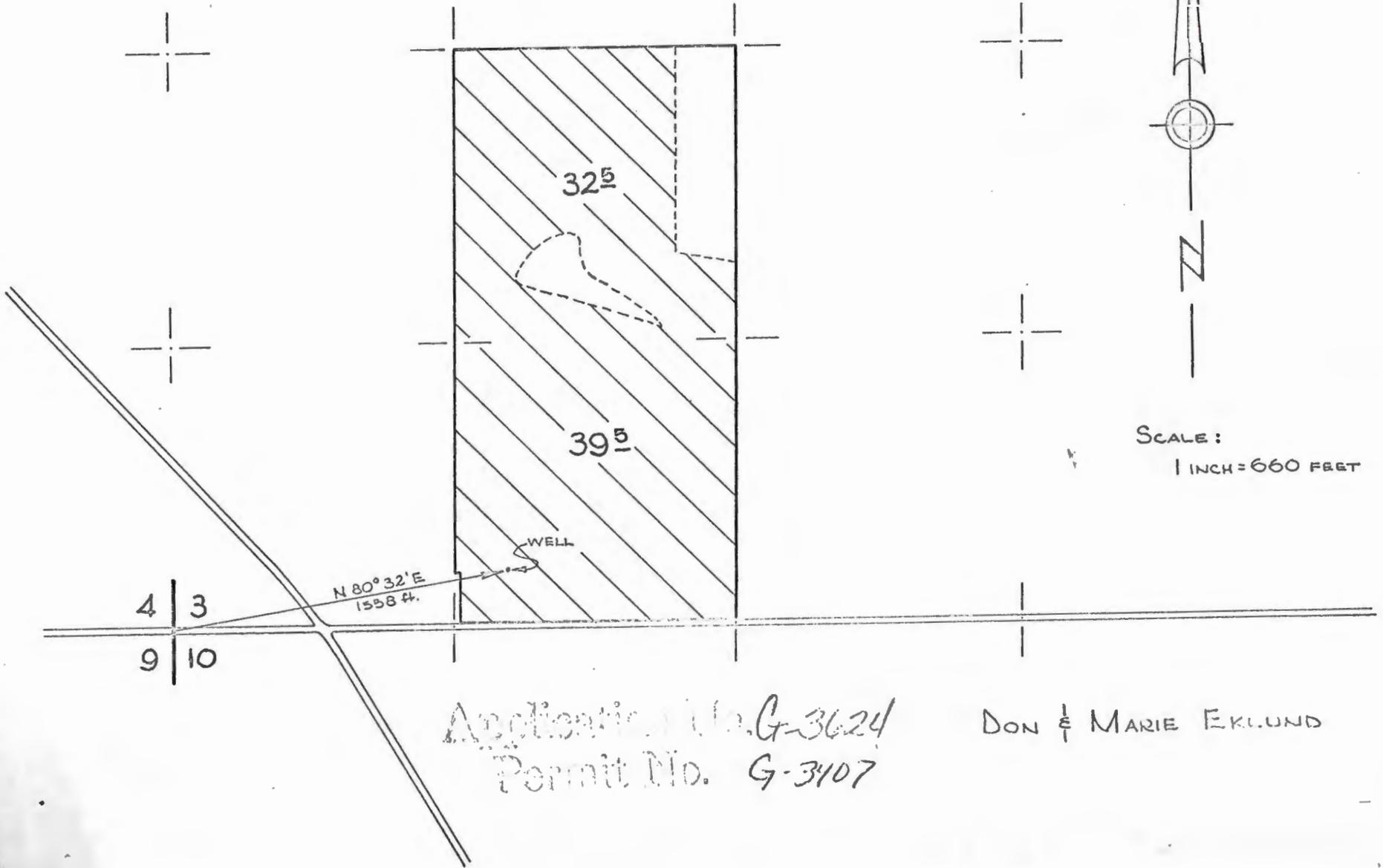
Application No. G-3624 Permit No. G-3407
IN NAME OF

DON B. & MARIE P. EKLUND

Surveyed NOV. 7, 1974, by L.E. GOULD

TR- 7026 TO ΔTYPE of USE IRR → GROUP DON. DFK-ILL-245 JAF

T. 2 S. R. 4 E.



SCALE:
1 INCH = 660 FEET

Application No. G-3624
Permit No. G-3407

DON & MARIE EKLUND

Info: Mr. Don Eklund

Well: 8" casing Total depth - 500'
Static w. l. approx. 140'
Pumping w. l. " 200'

Pump: 30 H.P. G. E., 3 ph., 1775 R.P.M.
Div. Dr. Pump, Pipe, & Power Co. Turbine, 4" Disch.

Pipe: 1600' 5" Alum. } Main
1000' 4" " }
1320' 4" " }
2000' 3" " } Lateral

Heads: 60 R.B. #30 - $\frac{9}{64} \times \frac{3}{32}$
1 " " " - $\frac{3}{16}$
5 " " #40 - $\frac{3}{16} \times \frac{3}{32}$
All op. @ 1 time max.

Lift: Suction 200' Disch. 0' to 10'

Crop: Rowcrop.

Tie: Land & well shown on Photo DFK-ILL-245

Note: Mr. Eklund said that he is currently leasing the property to a Flower Bulb Farm. He said that he plans to subdivide land into lots.

Nov. 7, 1974, R. E. Gould
Field Engineer

LEGAL DESCRIPTION OF EKLUND PROPERTY

PARCEL I:

The East half of the Southwest quarter of Section 3, T.2S., R.4E., of the W.M., in the County of Clackamas and the State of Oregon, Excepting the portion thereof conveyed to School District #19, by deed recorded in Book "U", page 79, and also excepting the portion thereof conveyed to Jack Leroy Cook Jr., by deed recorded August 11, 1968 in book 459, page 569, described as:

Commencing at the northeast corner of the southwest quarter of section 3, T. 2S., R.4E., of the W.M.: thence westerly tracing the north line of said Southwest quarter of Section 3, a distance of 320 feet; thence southerly and parallel with the east line of said Southwest quarter of Section 3 to the south line thereof; thence easterly tracing the south line of said Southwest quarter of Section 3 to the southeast corner of said quarter section; thence northerly tracing the east line of said quarter section to the point of beginning.

PARCEL II:

A part of Section 3, T.2S., R.4E., of the W.M., in the County of Clackamas and State of Oregon, more particularly described as follows:

Commencing at the northeast corner of the southwest quarter of section 3, T.2S., R.4E., of the W.M.; thence westerly tracing the north line of said Southwest quarter of Section 3, a distance of 320 feet; thence southerly and parallel with the east line of said Southwest quarter of Section 3 to the south line thereof; thence easterly tracing the south line of said Southwest quarter of Section 3 to the southeast corner of said quarter section; thence northerly tracing the east line of said quarter section to the point of beginning.

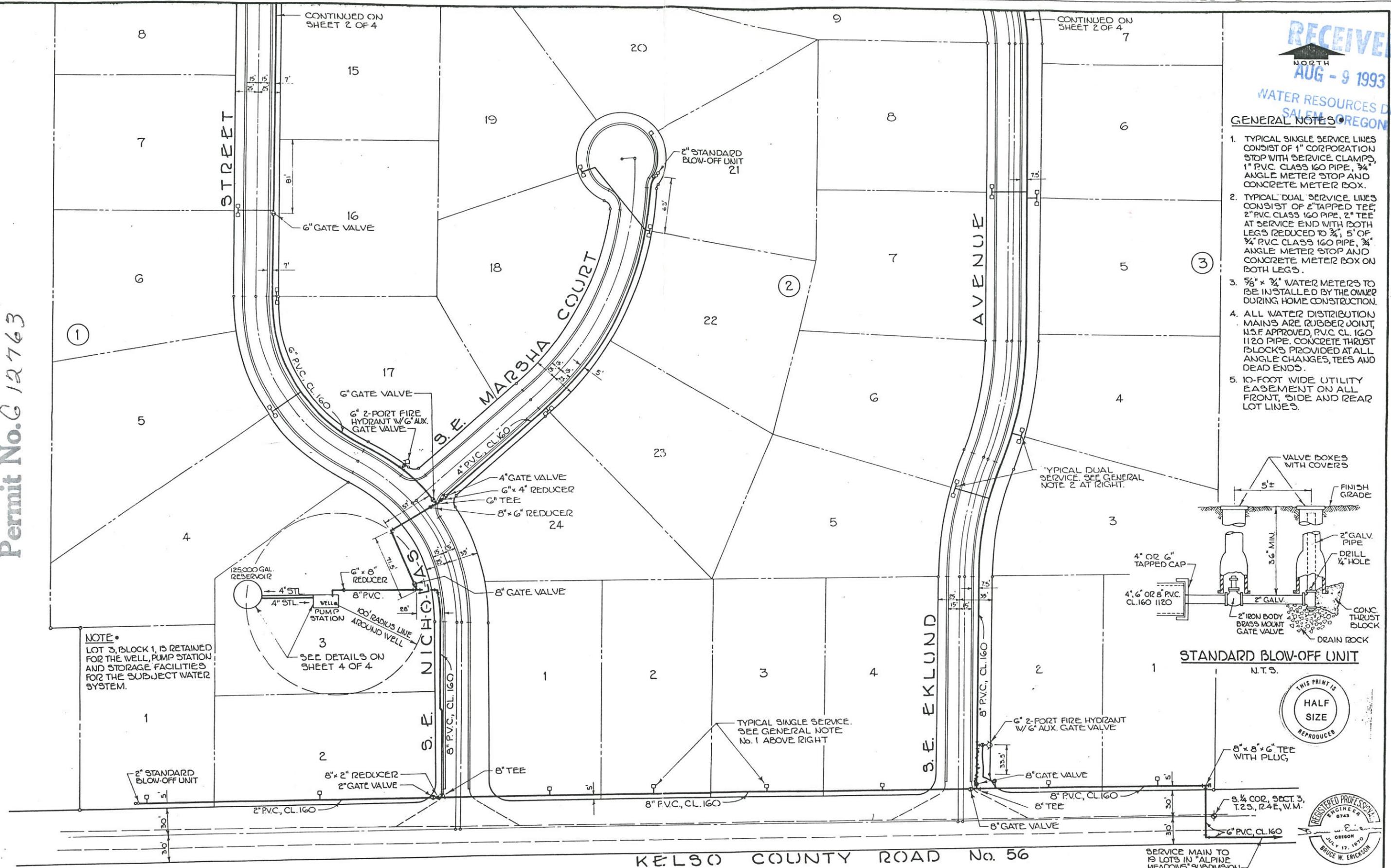
Application No. G-3624
Permit No.

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 NORTH
 AUG - 9 1993
 WATER RESOURCES DEPT.
 SALEM, OREGON

Application No. C-13483
 Permit No. G 12763

GENERAL NOTES

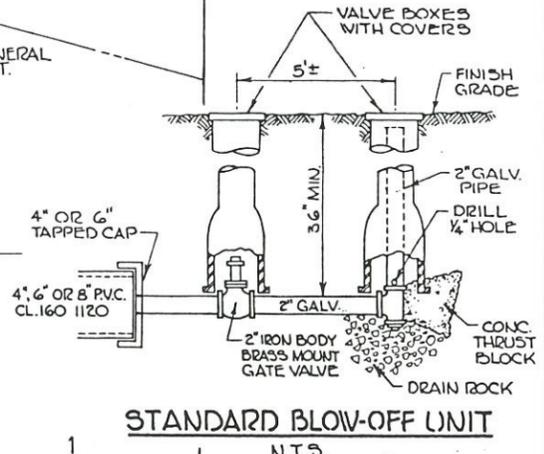
1. TYPICAL SINGLE SERVICE LINES CONSIST OF 1" CORPORATION STOP WITH SERVICE CLAMPS, 1" PVC CLASS 160 PIPE, 3/4" ANGLE METER STOP AND CONCRETE METER BOX.
2. TYPICAL DUAL SERVICE LINES CONSIST OF 2" TAPPED TEE, 2" PVC CLASS 160 PIPE, 2" TEE AT SERVICE END WITH BOTH LEGS REDUCED TO 3/4", 5' OF 3/4" PVC CLASS 160 PIPE, 3/4" ANGLE METER STOP AND CONCRETE METER BOX ON BOTH LEGS.
3. 5/8" x 3/4" WATER METERS TO BE INSTALLED BY THE OWNER DURING HOME CONSTRUCTION.
4. ALL WATER DISTRIBUTION MAINS ARE RUBBER JOINT, NSF APPROVED, PVC CL. 160 1120 PIPE. CONCRETE THRUST BLOCKS PROVIDED AT ALL ANGLE CHANGES, TEES AND DEAD ENDS.
5. 10-FOOT WIDE UTILITY EASEMENT ON ALL FRONT, SIDE AND REAR LOT LINES.



NOTE •
 LOT 3, BLOCK 1, IS RETAINED FOR THE WELL, PUMP STATION AND STORAGE FACILITIES FOR THE SUBJECT WATER SYSTEM.
 SEE DETAILS ON SHEET 4 OF 4

TYPICAL SINGLE SERVICE. SEE GENERAL NOTE No. 1 ABOVE RIGHT

TYPICAL DUAL SERVICE. SEE GENERAL NOTE 2 AT RIGHT.



THIS PRINT IS
 HALF
 SIZE
 REPRODUCED

REGISTERED PROFESSIONAL
 ENGINEER
 BRUCE W. ERICKSON
 JULY 17, 1970
 OREGON

DESIGNED	APPROVED
DRAWN B.D.L.	SCALE " = 50' DATE AUG. 1979
CHECKED B.V.E.	FILE F-11-79
DATE 8-30-79	NO. 1
REVISED "AS-BUILT" PLAN	
REVISION	

Bruce W. Erickson
 Consulting Engineer
 P.O. BOX 100 • SANDY, ORE 97055

MT. SHADOWS ESTATES
 CLACKAMAS COUNTY • OREGON

WATER SYSTEM PLAN
 DISTRIBUTION

Application No. G-13483
 Permit No. G-12763

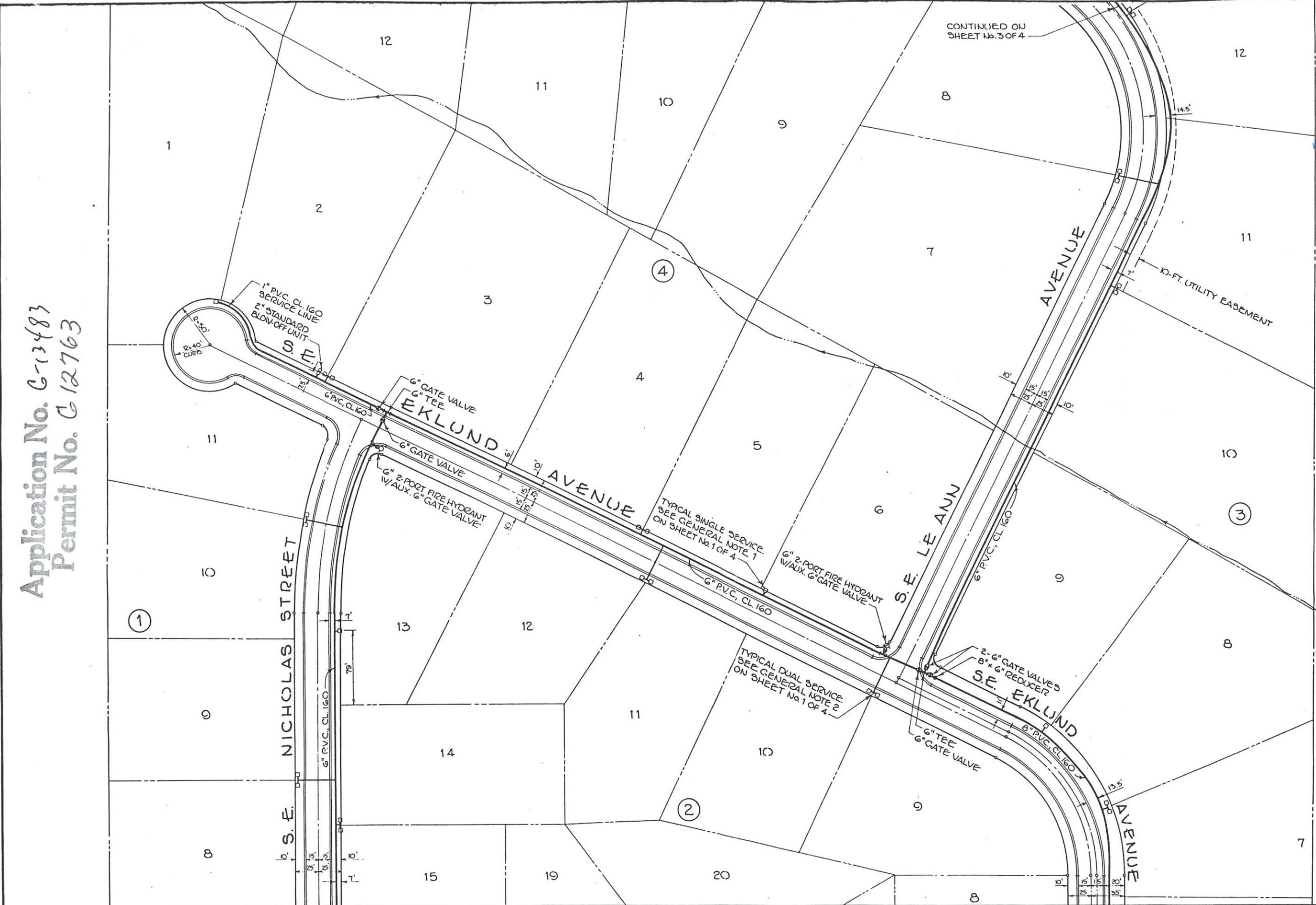
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WATER RESOURCES DEPT.
 SALEM, OREGON

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REGISTERED PROFESSIONAL
 ENGINEER
 6743
 OREGON
 JULY 17, 1970
 BRUCE W. ERIKSON



DESIGNED	APPROVED
DRAWN B.D.L.	SCALE 1" = 50'
CHECKED B.W.E.	DATE AUG-1979
FILE P-11-79	

B.W.E.
 Bruce W. Erikson
 Consulting Engineer
 1000 SW 10th St. - Sandy, OR 97055

MT. SHADOWS ESTATES
 CLACKAMAS COUNTY • OREGON

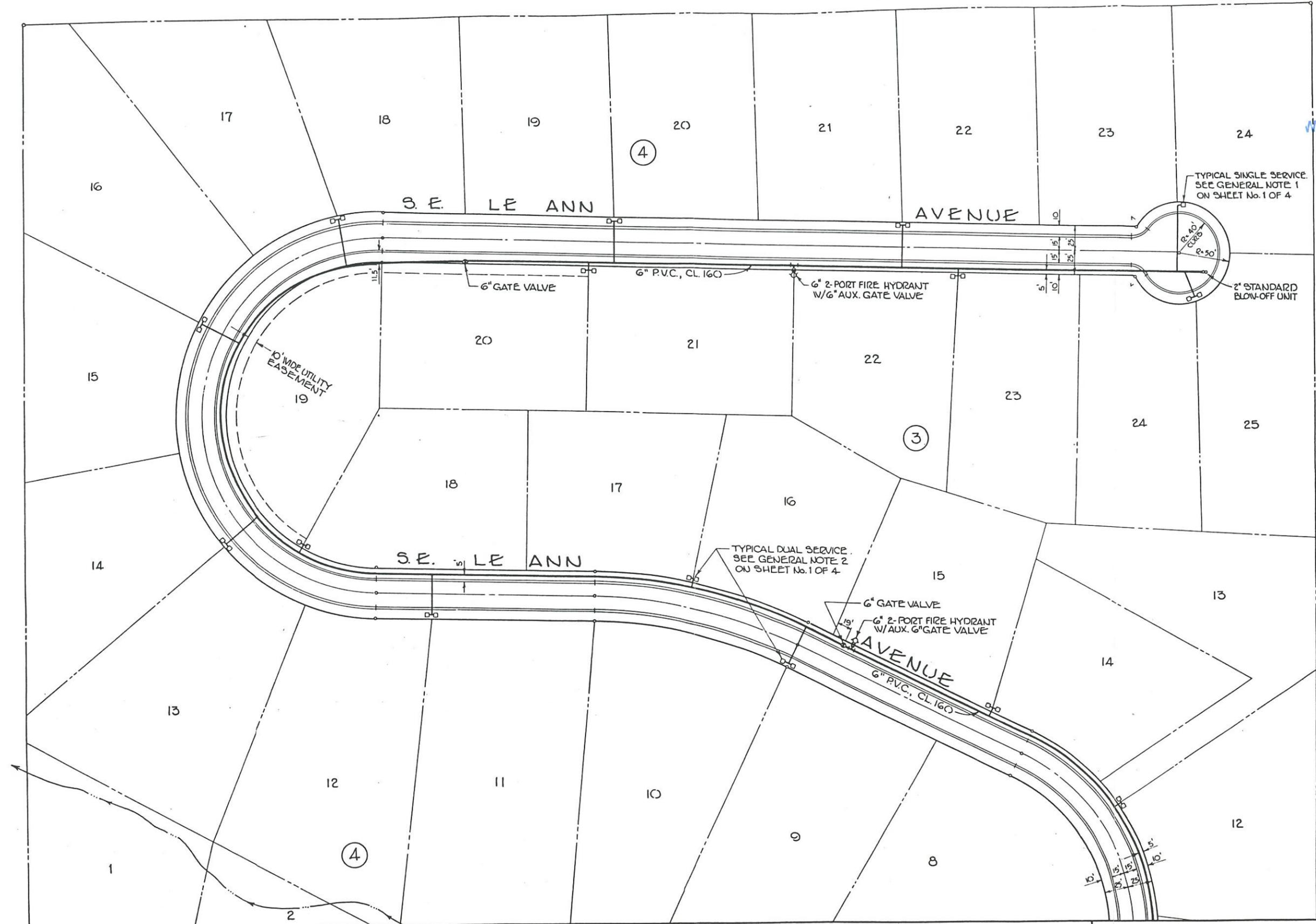
WATER SYSTEM PLAN
 DISTRIBUTION

2
 4

Application No. 6-13483
 Permit No. 612763



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 WATER RESOURCES DEPT.
 SALEM, OREGON



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DESIGNED	APPROVED
DRAWN B.D.L.	SCALE 1" = 50'
DATE 8-30-79	DATE AUG. 1979
NO. 1	REVISION
BY B.W.E.	FILE P-11-79
CHECKED D.W.E.	

Bruce W. Erickson
 Consulting Engineer
 P.O. BOX 525 • SANDY, ORE. 97055

MT. SHADOWS ESTATES
 CLACKAMAS COUNTY • OREGON

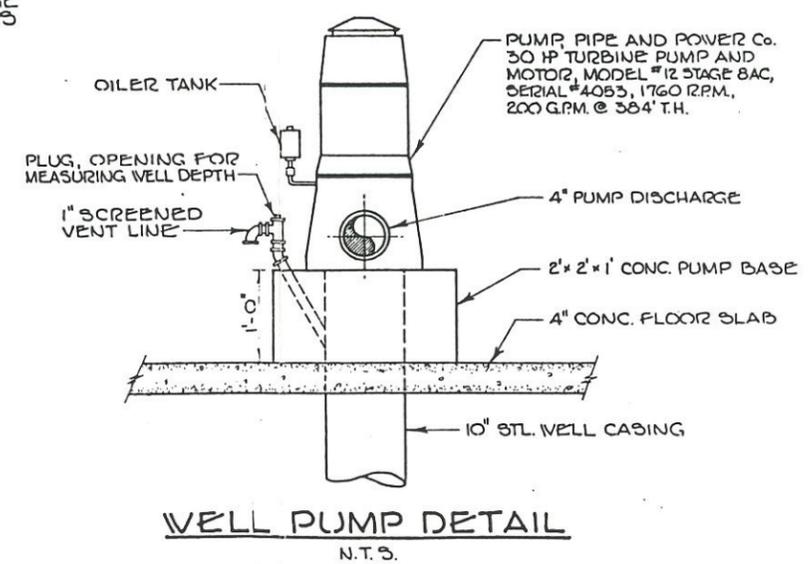
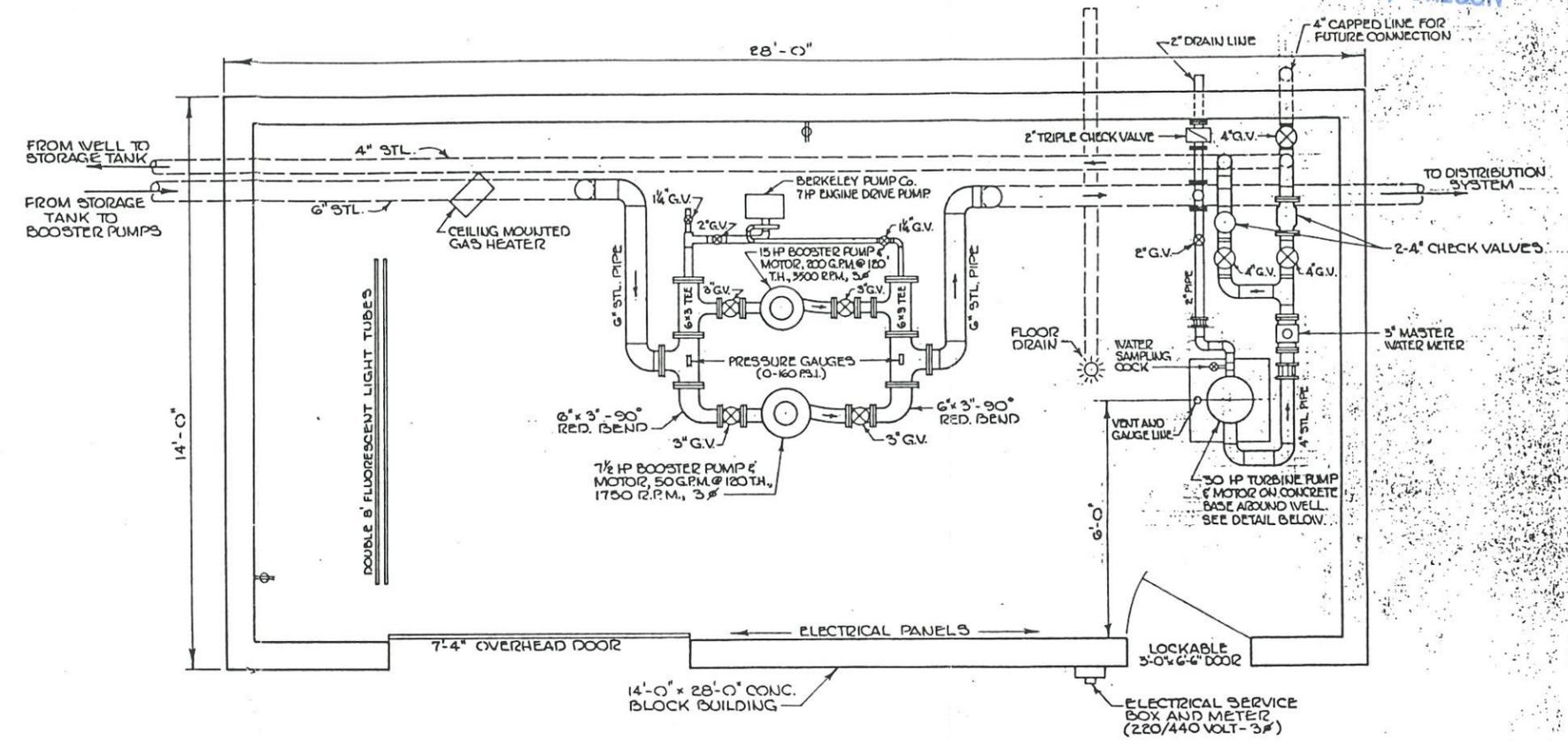
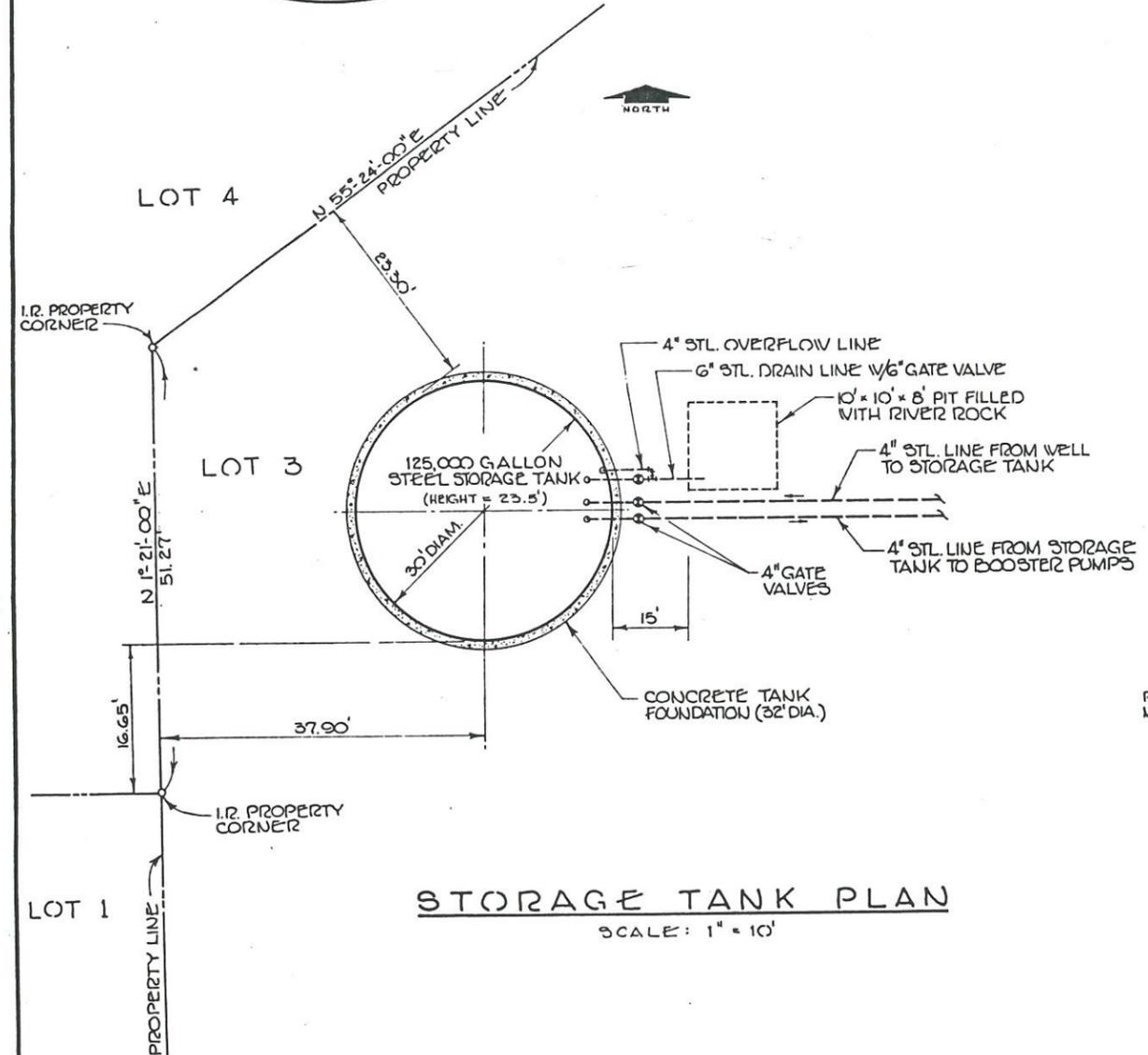
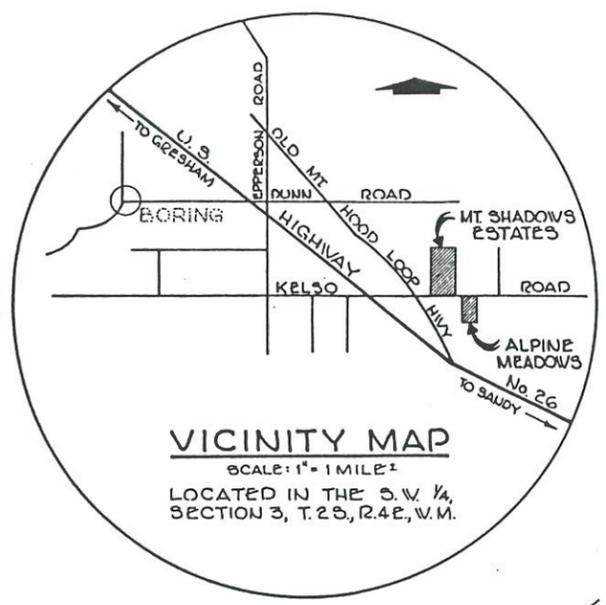
WATER SYSTEM PLAN
 DISTRIBUTION

3
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WATER RESOURCES DEPT.
SALEM, OREGON



Application No. G-13483
Permit No.



DESIGNED	APPROVED
DRAWN B.D.L.	SCALE AS SHOWN DATE JULY 1979
CHECKED B.W.E.	FILE P-11-79
DATE 8-30-79	NO. 1
REVISED "AS-BUILT" PLAN	
REVISION	

B W E
Bruce W. Erickson
Consulting Engineer
Sandy, Oregon

MT. SHADOWS ESTATES
CLACKAMAS COUNTY • OREGON

WATER SYSTEM PLAN
WATER SUPPLY AND STORAGE TANK DETAILS

4
4

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 637.745)

Application No. **EXHIBIT "A" 6-13483**
Permit No. _____

CLAC 5910

(1) OWNER: Don Eklund
Name: Don Eklund
Address: 15361 Bluff Rd.
City: Sandy State: ORE Zip: 97055
Owner's Well Number: _____

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Other

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

(5) BORE HOLE CONSTRUCTION:
Depth of Completed Well: 505 ft.
Special Standards date of approval: NONE

HOLE		SEAL		Amount sacks or pounds
Diameter	From To	Material	From To	
1 1/2"	0 to 25	Gravel	0 to 25	24
3"	25 to 505			

How was seal placed? Method A B C D E
 Other

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from 25 ft. to 505 ft. Size of gravel 3/8

(6) CASING/LINER:

Casing/Liner	Diameter	From To	Gauge	Steel		Plastic		Welded		Threaded	
				□	□	□	□	□	□	□	□
Casing	8"	0 to 209	2.50	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner	7"	190 to 505		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of sheets) 209

(7) PERFORATIONS/SCREENS:

Perforations Method: Trick
 Screens Type: _____ Material: _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
220	503	1/8	540	7.10	8	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Pumping level	Drill stem at	Time 1/2 hr	Time 1 hr
38	185			
46	191			

Temperature of water 52 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other NO
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County CLACK Latitude _____ Longitude _____
Township 2-3 N or S. Range 4-E E or W, WM.
Section 3 SW 1/4 SW 1/4
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Mountain Jackson Estates Kelso ORE 14323 S.E. Michelle

(10) STATIC WATER LEVEL:
195 ft. below land surface. Date 7/14/86
Artesian pressure _____ lb. per square inch. Date _____

(11) WELL LOG: Ground elevation _____

Material	From	To	WB?	SWL
Top Soil	0	2	0	0
CLAY Red	2	13	0	0
CLAY Yellow	18	65	0	0
CLAY & GRAVEL	65	96	0	0
Reddish Clay	96	112	0	0
CLAY Yellow SANDY	112	210	7/8	71
Coarse GRAVEL	210	224	0	71
CLAY Brown SANDY	224	334	1/2	151
CLAY Blue	334	423	0	151
Blue SHALE W.B	423	462	1/2	195
CLAY Blue	462	496	-	195
BLACK SHALE	496	505	-	195

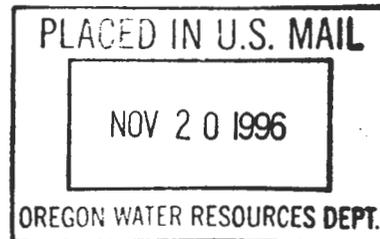
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WATER RESOURCES DIV
SALEM, OREGON

Date started 4/24/86 Completed 7/10/86

(unbonded) Water Well Constructor Certification:
I constructed this well in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for construction of this well and its compliance with all Oregon water well standards. This report is true to the best of my knowledge and belief.
Signed Brad Grant Date 7/14/86
Company GRANT WELL DRILLING Job No. _____

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-13483

Final Order

Application History

On August 9, 1993, KELSO WATER ASSOCIATION INC. submitted an application to the Department for the following water use permit:

- Amount of Water: 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY
- Use of Water: GROUP DOMESTIC USE
- Source of Water: A WELL IN NORTH FORK DEEP CREEK BASIN
- Area of Proposed Use: Clackamas County within NE 1/4 SW 1/4, SE 1/4 SW 1/4, SECTION 3; NW 1/4 NE 1/4, SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.
- Water Delivery System: CONSISTS OF 4", 6", AND 8" WATER TRANSMISSION PIPES

The Department mailed the applicant notice of its Proposed Final Order on April 30, 1996. The protest period closed on June 14, 1996; on June 12, 1996, the applicant protested the Proposed Final Order and requested a contested case hearing. On October 4, 1996, the applicant withdrew its protest and request for a contested case hearing.

Assessment

1. In proceeding with the evaluation of Application G-13483 the Department finds that the findings of the Proposed Final Order require modification.
2. The following sources of information were relevant in the Department's continued evaluation of Application G-13483:
 - a. Comments by and consultation with other agencies
 - b. The Willamette Basin Program
 - c. The Clackamas County Comprehensive Plan and Zoning Ordinance
 - d. The amount of water available

- e. The rate and duty for the proposed use
- f. Pending senior applications and existing water rights of record
- g. Applicable statutes, administrative rules, and case law
- h. The Scenic Waterway requirements of ORS 390.835
- i. Any comments received
- j. Objections and protests received

3. As a result of the Department's continued evaluation of the application and evaluation of the protest and comments submitted the Department has made the following findings:

a. Classified Use

The protestant asserts that the Proposed Final Order is in error, because it states that the Willamette Basin Program (Damascus Groundwater Limited Area) does not allow Group Domestic uses, but rather exempt uses only. They assert that Group Domestic use, up to 15,000 gallons per day, is an exempt use, and is therefore a classified use.

ORS 537.545 (1) states that "...no registration, application for a permit, permit, certificate of completion or ground water right certificate under ORS 537.505 to 537.795 and 537.992 is required for the use of ground water for (a) Stockwatering purposes; (b) Watering any lawn or noncommercial garden not exceeding one-half acre in area; (c) Watering the lawns, grounds and fields not exceeding 10 acres in area of schools located within a critical ground water area established pursuant to ORS 537.730 to 537.740; (d) **Single or group domestic purposes in an amount not exceeding 15,000 gallons a day;** (e) Down-hole heat exchange purposes; or (f) Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day."

OAR 690-502-160 (1) indicates that the proposed source is classified for exempt uses. Therefore, the Director finds that the Willamette Basin Program allows the proposed use, and that a permit may be issued for group domestic use as requested in the application submitted August 9, 1993.

b. Preference of Use

The protestant asserts that the Proposed Final Order is in error, in that it states that the use is granted no preference under ORS 536.310 (12).

ORS 536.310 (12) states: "When proposed uses of water are in mutually exclusive conflict or when available supplies of water are insufficient for all who desire to use them, preference shall be given to human consumption purposes over all other uses...."

The findings of the Proposed Final Order shall be modified to indicate that human consumption use is granted preference under ORS 536.310 (12).

5. WELL #2 IN NORTH FORK DEEP CREEK BASIN is within or above a State Scenic Waterway.
6. The Department finds that no more than 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY would be necessary for the proposed use. The amount of water requested, 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY, is allowable.
7. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
8. The proposed use complies with all other rules of the Commission.

Conclusions of Law

Under the provisions of ORS 537.621(2), the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

1. The proposed use requested in this application is allowed in the Willamette Basin Plan.
2. Water is available for the proposed use.
3. The proposed use will not injure other water rights.
4. The proposed use complies with rules of the Water Resources Commission.
5. The proposed use complies with the State Agency Agreement for land use.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The Director therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will ensure the preservation of the public welfare, safety and health as provided in ORS 537.525.

Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, the Proposed Final Order did not establish the presumption that the proposed use would ensure the preservation of the public welfare, safety and health. However, upon the Director's review of the protest, it has been determined that the proposed use, as conditioned herein, would ensure the preservation of the public welfare, safety and health.

Therefore, the proposed use, as conditioned and described in the attached permit, would ensure the preservation of the public welfare, safety and health.

Order

Application G-13483 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number G-12763 is issued as limited by the conditions set forth in the permit.

DATED October 30, 1996



Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.625(2), the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KELSO WATER ASSOCIATION INC.
PO BOX 835
BORING, OREGON 97009

(503) 668-5948

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

APPLICATION FILE NUMBER: G-13483

SOURCE OF WATER: WELL #2 IN NORTH FORK DEEP CREEK BASIN

PURPOSE OR USE: GROUP DOMESTIC USE

MAXIMUM RATE: 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 9, 1993

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 3, T2S, R4E, W.M.; 260 FEET NORTH & 1610 FEET EAST FROM THE SW CORNER OF SECTION 3

THE PLACE OF USE IS LOCATED WITHIN:

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 3

NW 1/4 NE 1/4
SECTION 10

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

Limited Water Level Decline/Interference Condition

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

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

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

If at any time the well or its use acts as a conduit for groundwater contamination, allows loss of artesian pressure, allows waste of groundwater, interferes with senior groundwater users, or interferes with nearby surface water sources, the Department may require that the well be repaired in accordance with current well construction standards.

STANDARD CONDITIONS

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

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

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

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

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

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

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will ensure the preservation of the public welfare, safety and health.

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

Issued October 30, 1996


Water Resources Department
Director

Application G-13483 Water Resources Department
Basin 02 Volume 23A, Deep Creek (also Misc)
MGMT CODES 7BG, 7BR, 7DG, 7DR

PERMIT G-12763
District 01

FO CHECKLIST

FILE # G-13483

PFO TO FO CONVERSION

REVIEW DATE: 8/24/96

WEEK # 40

INITIALS: CS

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. protest resolved List names and addresses of ALL commentors (regardless of comment date) on the PFO CC list.
3. Verify payment of recording fees (circle the appropriate option)
(1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees
(2) Issue FO w/o permit if fees are lacking
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / N Has ODFW asked for self certification on screening condition?
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file?
8. Assign permit numbers to files with oath, fees, and no protests or other issues

Route to: (circle one)

DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS
LARRY	CORY	JERRY	DOUG

9. Y / N Is further processing possible? If not state reason: _____
10. Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)

Modify FO as needed to:

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

Once FO document is completed:

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

RECEIVED

OCT - 7 1996

THOMAS J. RASTETTER, P.C.

ATTORNEY AT LAW
A PROFESSIONAL CORPORATION

WATER RESOURCES DEPT.
SALEM, OREGON

TELEPHONE (503) 657-0777

FACSIMILE (503) 650-0367

294 WARNER MILNE ROAD
OREGON CITY, OREGON 97045

October 4, 1996

Adam Sussman
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310-3739

RE: Application G-13483

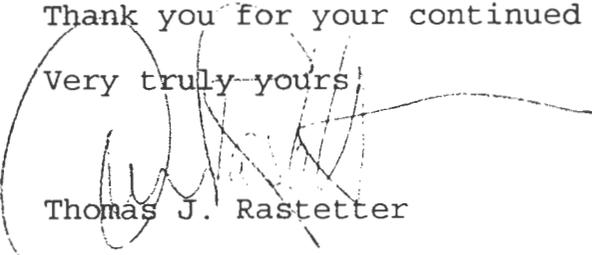
Dear Adam:

We previously filed a Protest to the Department's Proposed Final Order in the above-referenced application. Subsequent to that time, you submitted a revised Proposed Final Order in which the application was approved.

Provided that it is still the Department's intention to approve our application as indicated in your letter to me of September 12, 1996, we hereby withdraw our Protest and Request for a Hearing in this matter.

Thank you for your continued courtesies.

Very truly yours,



Thomas J. Rastetter

TJR/lrb

cc: Client

September 12, 1996

THOMAS J RASTETTER, P.C.
294 WARNER MILNE ROAD
OREGON CITY, OREGON 97045

REFERENCE: File G-13483

As per our discussion, a copy of the draft final order and draft permit for the above referenced application is enclosed for your review. If they are satisfactory please submit a withdrawal of the request for hearing within a timely manner.

Feel free to call me at (503) 378-8455 ext. 262 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,

for Russell V. Kline
Adam Sussman
Program Analyst, Water Rights Section

cc:
enclosures:



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

**Oregon Water Resources Department
Water Rights Division**

Water Rights Application
Number G-13483

Final Order

Application History

On August 9, 1993, KELSO WATER ASSOCIATION INC. submitted an application to the Department for the following water use permit:

- Amount of Water: 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY
- Use of Water: GROUP DOMESTIC USE
- Source of Water: A WELL IN NORTH FORK DEEP CREEK BASIN
- Area of Proposed Use: Clackamas County within NE 1/4 SW 1/4, SE 1/4 SW 1/4, SECTION 3; NW 1/4 NE 1/4, SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.
- Water Delivery System: CONSISTS OF 4", 6", AND 8" WATER TRANSMISSION PIPES

The Department mailed the applicant notice of its Proposed Final Order on April 30, 1996. The protest period closed on June 14, 1996; on June 12, 1996, the applicant protested the Proposed Final Order and requested a contested case hearing. On _____, 1996, the applicant withdrew its request for a contested case hearing.

Assessment

1. In proceeding with the evaluation of Application G-13483 the Department finds that the findings of the Proposed Final Order require modification.
2. The following sources of information were relevant in the Department's continued evaluation of Application G-13483:
 - a. Comments by and consultation with other agencies
 - b. The Willamette Basin Program
 - c. The Clackamas County Comprehensive Plan and Zoning Ordinance
 - d. The amount of water available

- e. The rate and duty for the proposed use
- f. Pending senior applications and existing water rights of record
- g. Applicable statutes, administrative rules, and case law
- h. The Scenic Waterway requirements of ORS 390.835
- i. Any comments received
- j. Objections and protests received

3. As a result of the Department's continued evaluation of the application and evaluation of the protest and comments submitted the Department has made the following findings:

a. Classified Use

The protestant asserts that the Proposed Final Order is in error, because it states that the Willamette Basin Program (Damascus Groundwater Limited Area) does not allow Group Domestic uses, but rather exempt uses only. They assert that Group Domestic use, up to 15,000 gallons per day, is an exempt use, and is therefore a classified use.

ORS 537.545 (1) states that "...no registration, application for a permit, permit, certificate of completion or ground water right certificate under ORS 537.505 to 537.795 and 537.992 is required for the use of ground water for (a) Stockwatering purposes; (b) Watering any lawn or noncommercial garden not exceeding one-half acre in area; (c) Watering the lawns, grounds and fields not exceeding 10 acres in area of schools located within a critical ground water area established pursuant to ORS 537.730 to 537.740; **(d) Single or group domestic purposes in an amount not exceeding 15,000 gallons a day;** (e) Down-hole heat exchange purposes; or (f) Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day."

OAR 690-502-160 (1) indicates that the proposed source is classified for exempt uses. Therefore, the Director finds that the Willamette Basin Program allows the proposed use, and that a permit may be issued for group domestic use as requested in the application submitted August 9, 1993.

b. Preference of Use

The protestant asserts that the Proposed Final Order is in error, in that it states that the use is granted no preference under ORS 536.310 (12).

ORS 536.310 (12) states: "When proposed uses of water are in mutually exclusive conflict or when available supplies of water are insufficient for all who desire to use them, preference shall be given to human consumption purposes over all other uses...."

The findings of the Proposed Final Order shall be modified to indicate that human consumption use is granted preference under ORS 536.310 (12).

5. WELL #2 IN NORTH FORK DEEP CREEK BASIN is within or above a State Scenic Waterway.
6. The Department finds that no more than 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY would be necessary for the proposed use. The amount of water requested, 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY, is allowable.
7. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
8. The proposed use complies with all other rules of the Commission.

Conclusions of Law

Under the provisions of ORS 537.621(2), the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

1. The proposed use requested in this application is allowed in the Willamette Basin Plan.
2. Water is available for the proposed use.
3. The proposed use will not injure other water rights.
4. The proposed use complies with rules of the Water Resources Commission.
5. The proposed use complies with the State Agency Agreement for land use.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The Director therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will ensure the preservation of the public welfare, safety and health as provided in ORS 537.525.

Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, the Proposed Final Order did not establish the presumption that the proposed use would ensure the preservation of the public welfare, safety and health. However, upon the Director's review of the protest, it has been determined that the proposed use, as conditioned herein, would ensure the preservation of the public welfare, safety and health.

Therefore, the proposed use, as conditioned and described in the attached permit, would ensure the preservation of the public welfare, safety and health.

Order

Application G-13483 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number G-12763 is issued as limited by the conditions set forth in the permit.

DATED September , 1996

Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.625(2), the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KELSO WATER ASSOCIATION INC.
PO BOX 835
BORING, OREGON 97009

(503) 668-5948

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

APPLICATION FILE NUMBER: G-13483

SOURCE OF WATER: WELL #2 IN NORTH FORK DEEP CREEK BASIN

PURPOSE OR USE: GROUP DOMESTIC USE

MAXIMUM RATE: 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 9, 1993

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 3, T2S, R4E, W.M.; 260 FEET NORTH & 1610 FEET EAST FROM THE SW CORNER OF SECTION 3

THE PLACE OF USE IS LOCATED WITHIN:

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 3

NW 1/4 NE 1/4
SECTION 10

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

Limited Water Level Decline/Interference Condition

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

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

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

STANDARD CONDITIONS

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

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

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13483

Proposed Final Order

Summary of Recommendation: The point of appropriation is within a groundwater limited area. The Department recommends that the application be denied.

Application History

On August 9, 1993, the Kelso Water Association Inc. submitted an application to the Department for the following water use permit:

- Amount of Water: 0.446 CUBIC FOOT PER SECOND
- Use of Water: GROUP DOMESTIC
- Source of Water: A WELL IN NORTH FORK DEEP CREEK BASIN
- Area of Proposed Use: Clackamas County within
NE 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 3
NW 1/4 NE 1/4
SECTION 10
TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

The Department mailed the applicant notice of its Technical Review July 14, 1994, determining that water was available and the use allowable. The 60-day objection period closed September 12, 1994.

Within the 60-day period, objections were received from WaterWatch.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law

- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Willamette Basin Program **does not** allow the following uses: GROUP DOMESTIC. OAR 690-502-160 (2) (a) provides classification for exempt uses only.

Senior water rights exist on A WELL IN NORTH FORK DEEP CREEK BASIN or on downstream waters.

A WELL IN NORTH FORK DEEP CREEK BASIN is above a State Scenic Waterway.

Water **is not** available for further appropriation (at an 80 percent exceedance probability).

The Department finds that the proposed use is not allowable.

The proposed point of appropriation is within the Sandy - Boring Limited groundwater area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Director **does not find**, based on a preponderance of evidence, that the proposed use of ground water 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.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application **is not** allowed in the Willamette Basin Plan. The point of proposed appropriation is within the Sandy-Boring Groundwater Limited area. OAR 502-160 (2) (a) does not allow uses other than exempt uses.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water **is not** available for the proposed use.

The proposed use **will** injure other water rights.

The proposed use **does not comply** with rules of the Water Resources Commission.

The proposed use **is** compatible with applicable land use plans.

For these reasons, the required presumption **has not** been established.

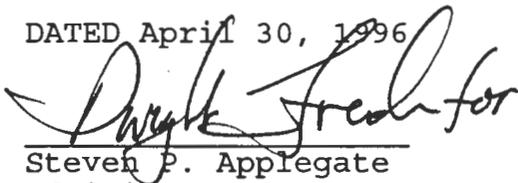
The application therefore **has been processed without the statutory presumption.**

The Department therefore concludes that water **is not** available in the amount of water necessary for the proposed use; the proposed use **will** result in injury to existing water rights; and the proposed use **would not** ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the application be denied.

DATED April 30, 1996



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

Protest Rights

Under the provisions of ORS 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or

deficiency;

- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.

Your protest must be received in the Water Resources Department no later than **June 14, 1996**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

WHF

THOMAS J. RASTETTER, P.C.

ATTORNEY AT LAW
A PROFESSIONAL CORPORATION

294 WARNER MILNE ROAD
OREGON CITY, OREGON 97045

TELEPHONE (503) 657-0777
FACSIMILE (503) 650-0367

RECEIVED

AUG 23 1996

WATER RESOURCES DEPT.
SALEM, OREGON

August 20, 1996

Adam Sussman
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310-3739

RE: Application No. G-13483

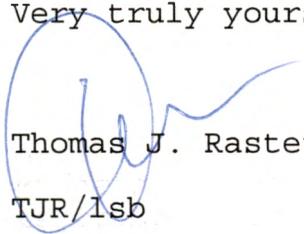
Dear Adam:

Thanks for your time on the telephone regarding the above-referenced application. As you recall, we filed a Protest and Request for Hearing in response to the Department's Proposed Final Order.

As we discussed, you are going to be amending the Final Order in order to designate that the permit may be issued, but that it would be limited to group domestic purposes in an amount not exceeding 15,000 gallons a day. Additionally, pursuant to the statute, the permit would designate that the watering of any lawn or commercial garden not exceed one half acre in area, although we could request an exception from this requirement under the statutory procedure. I also understand that you will be attaching a condition requiring that the well be metered.

I am looking forward to reviewing the Final Order. Thanks again for your help.

Very truly yours,


Thomas J. Rastetter

TJR/lrb

cc: David Nickila

RECEIVED

AUG 14 1996

**WATER RESOURCES DEPT.
SALEM, OREGON**

THOMAS J. RASTETTER, P.C.

**ATTORNEY AT LAW
A PROFESSIONAL CORPORATION**

294 WARNER MILNE ROAD
OREGON CITY, OREGON 97045

TELEPHONE (503) 657-0777
FACSIMILE (503) 650-0367

August 12, 1996

Steven P. Applegate, Administrator
Water Rights and Adjudications Division
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97310-3739

RE: Application No. G-13483

Dear Mr. Applegate:

I represent the applicant regarding the above-referenced application. We received a Proposed Final Order on this matter in May, and we filed a Protest to Proposed Final Order and Request for Contested Case Hearing about two months ago. To date, we have not heard anything back from the Department. Has this matter been set for a hearing?

Thank you for your courtesies.

Very truly yours,

Thomas J. Rastetter
Thomas J. Rastetter

TJR/lrb

cc: David Nickila

Post[®] telephone message pad 7660

To Adam

Date 8/14 Time _____

WHILE YOU WERE OUT

M _____

of _____

Phone No. _____

TELEPHONED	PLEASE CALL
WAS IN TO SEE YOU	WILL CALL BACK
WANTS TO SEE YOU	URGENT
RETURNED YOUR CALL	

Message _____

Operator *SR*

RECEIVED

JUN 12 1996

BEFORE THE OREGON WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

WATER RESOURCES DEPT.
SALEM, OREGON

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In the Matter of the Application)
of Kelso Water Association, Inc.)
) Application No. G-13483
)
) PROTEST TO PROPOSED
) FINAL ORDER and REQUEST
) FOR CONTESTED CASE HEARING

COMES NOW the Kelso Water Association, Inc., by and through
its attorney, Thomas J. Rastetter, and pursuant to ORS 537.621(7),
alleges as follows:

1

The name, address and telephone number of the protestant is as
follows:

Kelso Water Association, Inc.
P.O. Box 835
Boring, Oregon 97009
(503) 668-5948

Thomas J. Rastetter
Attorney at Law
294 Warner Milne Road
Oregon City, Oregon 97045
(503) 657-0777

2

The protestant's interest in the Proposed Final Order is that
the protestant is the applicant for the water right.

3

The Proposed Final Order would impair or be detrimental to the
protestant's interest in that the protestant is the applicant for
the water right. The Kelso Water Association, Inc. serves as the
sole source of water for approximately 120 homes in two
subdivisions in rural Clackamas County.

1 - PROTEST TO PROPOSED FINAL ORDER and
REQUEST FOR CONTESTED CASE HEARING

1 The Proposed Final Order is in error in that the first Finding
 2 of Fact states that the Willamette Basin Program does not allow
 3 Group Domestic uses. The Finding of Fact cites OAR 690-502-160 (2)
 4 (a) as providing classification for exempt uses only. Although it
 5 is correct that exempt uses only are allowed in this area, the
 6 Finding of Fact is incorrect where it states that Group Domestic
 7 uses are not allowable. By definition, exempt uses include Group
 8 Domestic uses. ORS 537.545 (1) (d); OAR 690-11-014 (1) (c). The
 9 statement in the Findings of Fact that the proposed use is not
 10 allowable is therefore incorrect; the use is allowable provided it
 11 does not exceed 15,000 gallons per day. The Department should
 12 therefore propose permit conditions limiting the right to 15,000
 13 gallons per day as was recommended in the technical review under
 14 OAR 690-11-160 (2). That administrative rule states that if
 15 technical review indicates that water is available on a limited
 16 basis, or if the proposed water use can be restricted so as to
 17 avoid causing conflict with other uses and cause the use to be
 18 permitted within the programs and policies of the Commission, the
 19 director shall propose permit conditions to reflect such limits or
 20 restrictions.

22 The Proposed Final Order is further in error in that the
 23 second paragraph of the Conclusions of Law states that the proposed
 24 use is not allowed within the Willamette Basin Plan. As stated
 25 above, Group Domestic uses are exempt uses by definition, provided

RECEIVED

JUN 12 1996

WATER RESOURCES DEPT.
SALEM, OREGON

1 they do not exceed 15,000 gallons per day, and exempt uses are
2 allowable within the Sandy-Boring Groundwater Limited Area. For
3 the reasons stated above in Paragraph 4, this Conclusion of Law is
4 in error. The application should be approved with a condition
5 limiting the appropriation to not more than 15,000 gallons per day.

6

6 The Proposed Final Order is further in error in that the
7 **fourth paragraph of the Conclusions of Law states that no**
8 **preference for this use is granted under the provisions of ORS**
9 **536.310 (12).** That statute states that when available supplies of
10 water are insufficient for all who desire to use them, preference
11 shall be given to human consumption purposes over all other uses.
12 The fourth Conclusion of Law is therefore in error, because the
13 proposed use is indeed for human consumption purposes. Provided
14 the use is limited to 15,000 gallons per day, this use is entitled
15 to preference.

16

17 Protestant/applicant requests a contested case hearing on this
18 matter.

19
20 DATED this 10th day of June, 1996.

21
22 
23 Thomas J. Rastetter, OSB #84330
24 Attorney for Kelso Water
25 Association, Inc.

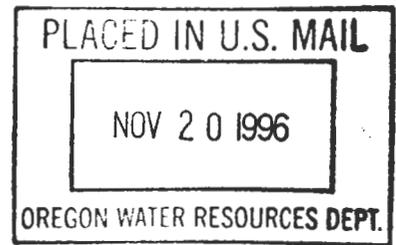
26 3 - PROTEST TO PROPOSED FINAL ORDER and
Page REQUEST FOR CONTESTED CASE HEARING

RECEIVED

JUN 12 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-13483

Final Order

Application History

On August 9, 1993, KELSO WATER ASSOCIATION INC. submitted an application to the Department for the following water use permit:

- Amount of Water: 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY
- Use of Water: GROUP DOMESTIC USE
- Source of Water: A WELL IN NORTH FORK DEEP CREEK BASIN
- Area of Proposed Use: Clackamas County within NE 1/4 SW 1/4, SE 1/4 SW 1/4, SECTION 3; NW 1/4 NE 1/4, SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.
- Water Delivery System: CONSISTS OF 4", 6", AND 8" WATER TRANSMISSION PIPES

The Department mailed the applicant notice of its Proposed Final Order on April 30, 1996. The protest period closed on June 14, 1996; on June 12, 1996, the applicant protested the Proposed Final Order and requested a contested case hearing. On October 4, 1996, the applicant withdrew its protest and request for a contested case hearing.

Assessment

1. In proceeding with the evaluation of Application G-13483 the Department finds that the findings of the Proposed Final Order require modification.
2. The following sources of information were relevant in the Department's continued evaluation of Application G-13483:
 - a. Comments by and consultation with other agencies
 - b. The Willamette Basin Program
 - c. The Clackamas County Comprehensive Plan and Zoning Ordinance
 - d. The amount of water available

- e. The rate and duty for the proposed use
- f. Pending senior applications and existing water rights of record
- g. Applicable statutes, administrative rules, and case law
- h. The Scenic Waterway requirements of ORS 390.835
- i. Any comments received
- j. Objections and protests received

3. As a result of the Department's continued evaluation of the application and evaluation of the protest and comments submitted the Department has made the following findings:

a. Classified Use

The protestant asserts that the Proposed Final Order is in error, because it states that the Willamette Basin Program (Damascus Groundwater Limited Area) does not allow Group Domestic uses, but rather exempt uses only. They assert that Group Domestic use, up to 15,000 gallons per day, is an exempt use, and is therefore a classified use.

ORS 537.545 (1) states that "...no registration, application for a permit, permit, certificate of completion or ground water right certificate under ORS 537.505 to 537.795 and 537.992 is required for the use of ground water for (a) Stockwatering purposes; (b) Watering any lawn or noncommercial garden not exceeding one-half acre in area; (c) Watering the lawns, grounds and fields not exceeding 10 acres in area of schools located within a critical ground water area established pursuant to ORS 537.730 to 537.740; (d) **Single or group domestic purposes in an amount not exceeding 15,000 gallons a day;** (e) Down-hole heat exchange purposes; or (f) Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day."

OAR 690-502-160 (1) ^{2a} indicates that the proposed source is classified for exempt uses. Therefore, the Director finds that the Willamette Basin Program allows the proposed use, and that a permit may be issued for group domestic use as requested in the application submitted August 9, 1993.

b. Preference of Use

The protestant asserts that the Proposed Final Order is in error, in that it states that the use is granted no preference under ORS 536.310 (12).

ORS 536.310 (12) states: "When proposed uses of water are in mutually exclusive conflict or when available supplies of water are insufficient for all who desire to use them, preference shall be given to human consumption purposes over all other uses...."

The findings of the Proposed Final Order shall be modified to indicate that human consumption use is granted preference under ORS 536.310 (12).

5. WELL #2 IN NORTH FORK DEEP CREEK BASIN is within or above a State Scenic Waterway.
6. The Department finds that no more than 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY would be necessary for the proposed use. The amount of water requested, 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY, is allowable.
7. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
8. The proposed use complies with all other rules of the Commission.

Conclusions of Law

Under the provisions of ORS 537.621(2), the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

1. The proposed use requested in this application is allowed in the Willamette Basin Plan.
2. Water is available for the proposed use.
3. The proposed use will not injure other water rights.
4. The proposed use complies with rules of the Water Resources Commission.
5. The proposed use complies with the State Agency Agreement for land use.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The Director therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will ensure the preservation of the public welfare, safety and health as provided in ORS 537.525.

Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, the Proposed Final Order did not establish the presumption that the proposed use would ensure the preservation of the public welfare, safety and health. However, upon the Director's review of the protest, it has been determined that the proposed use, as conditioned herein, would ensure the preservation of the public welfare, safety and health.

Therefore, the proposed use, as conditioned and described in the attached permit, would ensure the preservation of the public welfare, safety and health.

Order

Application G-13483 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number G-12763 is issued as limited by the conditions set forth in the permit.

DATED October 30, 1996


Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.625(2), the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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

STATE OF OREGON
COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KELSO WATER ASSOCIATION INC.
PO BOX 835
BORING, OREGON 97009

(503) 668-5948

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

APPLICATION FILE NUMBER: G-13483

SOURCE OF WATER: WELL #2 IN NORTH FORK DEEP CREEK BASIN

PURPOSE OR USE: GROUP DOMESTIC USE

MAXIMUM RATE: 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 9, 1993

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 3, T2S, R4E, W.M.; 260 FEET NORTH & 1610 FEET EAST FROM THE SW CORNER OF SECTION 3

THE PLACE OF USE IS LOCATED WITHIN:

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 3

NW 1/4 NE 1/4
SECTION 10

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

Limited Water Level Decline/Interference Condition

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

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

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

If at any time the well or its use acts as a conduit for groundwater contamination, allows loss of artesian pressure, allows waste of groundwater, interferes with senior groundwater users, or interferes with nearby surface water sources, the Department may require that the well be repaired in accordance with current well construction standards.

STANDARD CONDITIONS

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

PFO CHECKLIST

Application #: _____

Basin: _____ WAB: _____

Township _____ Range _____ Section _____ 1/4 1/4 _____

NA A1. Public Interest Screen Criteria

1. Is the file complete by the Completeness Checklist?

NA 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued)

NA 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)

4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)

NA a. Is second groundwater review necessary? (objection)

b. Is HB 1033 review complete?

5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.

Sandy Boring Limited Area

6. Is the Proposed Use located in or above a Scenic Waterway? *check maps*

NA 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)

8. Is the use allowed or limited by the Basin Program?

9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD)

NA 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)

NA 11. Rate _____ Duty _____ Irrigation Season _____

NA 12. Period of Allowed Use *none*

NA 13. Is use from a B.O.R. project and if so, is a signed contract in the file?

NA 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994) *not needed use not allowed*

NA 15. Have conflicts been identified, verified and/or addressed?

M 16. Is the use Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)? _____

NA 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO

18. Fill out Accuracy Checklist

19. Spell Check

NA 20. Documents used in determination are attached and highlighted

NA 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
 ___ a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)

22. Final PFO report hard copy check (format, margins, etc.)

NA 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: W R O Date: 4/22 WHF

MEMORANDUM

October 8, 1993

TO: Steve Brown
FROM: Marc Norton *MAN*
SUBJECT: Groundwater Application G-13483

This Applicant has a pending transfer that should cover the water needs at both subdivisions. The transfer should be processed first. It will probably eliminate the need to process this application.

If it is determined that Groundwater Application G-13483 does need to be processed, the applicant's second well should be added as an additional point of appropriation. The amount of groundwater requested seems very high considering that the existing permit exceeds their current use by ten-fold. Route the application back to me if further work is needed.

MEMORANDUM

Date: November 1, 1993

To: Marc Norton

From: Steve Brown

Subject: Review of File G-13483 - Kelso Water Association Inc.

Please expedite a review of the above referenced application.

The Application is within the Sandy Boring Groundwater Limited Area, Willamette River Basin.

Notwithstanding the issues surrounding the basin classification withdrawal, a permit may be issued if the use is necessary to insure public health, welfare and safety or is necessary to avoid extreme hardship.

1103

Is it?
Probably not if
Transfer is allowed.
Classed for exempt
uses only.
160 (2) (a).

G 13483

**State of Oregon
Water Resources Department**

INTEROFFICE MEMORANDUM

Date: 11-30-93

TO: Steve Brown
FROM: Rob Carter, Steve Applegate
SUBJECT: Permit Condition; Water Right Review

Below is proposed permit condition language for those wells which do not meet current rules at time of water right review, but did conform at the time of construction:

According to the well report, the well does not conform with current construction standards. However, it appears that the well was constructed in accordance with the standards in effect at the time. If at any time, however, the well or its use:

- a) acts as a conduit for groundwater contamination,
- b) allows loss of artesian pressure,
- c) allows waste of groundwater,
- d) interferes with senior groundwater users, or
- e) interferes with nearby surface water sources,

the Department may require that the well be repaired in accordance with current well construction standards.

Our section's reviews of well construction is attached.

1. The current batch of water rights forwarded to the Enforcement Section from Groundwater include several wells that met the standards (if any) in effect at the time. Those files are listed below. The Enforcement Section recommends conditioning these permits with the attached (or similar) language.

<u>Application #</u>	<u>Applicant</u>	<u>Year</u>	<u>Concern</u>
G-13210	Scharer	1954	Commingling
G-13352	Laney	1957	No Surface Seal
G-13374	3-D Ranches	1957	No Surface Seal
G-13390	Blue Sky Farm	1956	Puddled Clay Seal
G-13215	Rice	1951	No Known Seal

2. I concur with Groundwater's assessment concerning the construction of the following wells and recommend well repair. The Enforcement Section will contact the constructor or landowner to effect repairs. We recommend issuance of the permit with the condition that the wells be repaired prior to use of water:

<u>Application #</u>	<u>Applicant</u>	<u>Concern</u>
G-13132	USFS	Commingling
G-13189	Hendry	No Seal into Clay
G-13081	Lindsey	No Access Port
G-13415	Dillard	Commingling
G-13320	Ofelt	Commingling
G-13265	Lee	Commingling
G-12323	Wurdinger	Commingling
G-13375	McGhehey	Health Hazard, Sanitary Seal
G-13354	Eggleston	Commingling
G-12446	Farr	Commingling
G-12917	Farr	Commingling

3. The Enforcement Section disagrees with Groundwater's assessment concerning the construction of the following wells and feel the current construction is adequate. We recommend issuance of the permit with no well construction conditions:

<u>Application #</u>	<u>Applicant</u>	<u>GW's Concern</u>
G-13416	Arranmore	Insufficient Seal
G-13297	Hostetler	Loss of Artesian Head
G-13324	Carlton Plants	Improper Abandonment
G-12249	Eyman	Commingling (Poss Interference)
G-13483	Kelso Water	Commingling

By copy of this memo, we are alerting the Groundwater Section of our decisions concerning the above. If there are questions or concerns, contact Rob Carter.

cc: Fred Lissner

July 14, 1994

WATER
RESOURCES
DEPARTMENT

KELSO WATER ASSOCIATION INC.
PO BOX 835
BORING, OR 97009

Reference: File G 13483

Hello:

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, 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.



Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(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 22, 1994, 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, 158 12th Street 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,



Michael J. Mattick
Water Rights Specialist

Enclosures

Report Date: July 14, 1994

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, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: September 22, 1994.

1. APPLICATION FILE NUMBER -G 13483
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

KELSO WATER ASSOCIATION INC.
PO BOX 835 503-668-5948
BORING, OR 97009
COUNTY OF CLACKAMAS

Date application received for filing and/or tentative date of priority: 8/ 9/1993

SOURCE: A WELL IN NORTH FORK DEEP CREEK BASIN

Purpose and/or use: GROUP DOMESTIC.

Flow: 0.446 CUBIC FOOT PER SECOND

Point of Diversion Location:

SE 1/4 SW 1/4, SECTION 3, T 2 S, R 4 E, W.M.;
260 FEET NORTH & 1610 FEET EAST FROM SW CORNER, SECTION 3.

Place of use:

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 3
NW 1/4 NE 1/4
SECTION 10
TOWNSHIP 2 SOUTH, RANGE 4 WEST, W.M.

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The

Groundwater/Hydrology Section report indicates that:

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 proposed use can, if properly conditioned, avoid injury to existing rights or the groundwater resource.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

The source of water is within the Sandy-Boring groundwater limited area. Water from the Deep Troutdale Aquifer in this area is classified for exempt uses only (group domestic not to exceed 15,000 gallons per day).

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 15,000 gallons per day or 0.023 cfs likely available year round for group domestic 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 13483

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

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: year round
3. Rate of use: 0.023 cfs or 15,000 gallons per day.
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. 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.
 - 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.

6. 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.
7. 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. 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. The use of water shall be limited when it interferes with any prior surface or ground water rights.
10. 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.
11. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
12. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
13. 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, or professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference

level, then the permittee shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the permittee's or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The reference level for water-level declines shall be the second annual measurement taken after water use begins under the terms of this permit. The permittee shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

MEMORANDUM

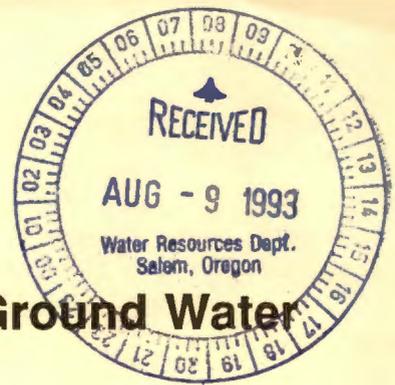
October 8, 1993

TO: Steve Brown
FROM: Marc Norton *MAN*
SUBJECT: Groundwater Application G-13483

This Applicant has a pending transfer that should cover the water needs at both subdivisions. The transfer should be processed first. It will probably eliminate the need to process this application.

If it is determined that Groundwater Application G-13483 does need to be processed, the applicant's second well should be added as an additional point of appropriation. The amount of groundwater requested seems very high considering that the existing permit exceeds their current use by ten-fold. Route the application back to me if further work is needed.

Application No. G 13483



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

Applicant(s) Kelso Water Association, Inc.

(Please print or type - use dark ink)

Mailing Address: P.O. Box 835

Boring City Oregon State 97009 Zip (503) 668-5948 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: 1,300 ft. ±

Elevation difference between streambed and development: 40 ft. ±

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 Exhibit "A"

Diameter of well: N/A Depth in feet: _____

Type and size of well casing: _____ No. of feet: _____

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: _____

N/A

- 2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.446 cubic feet per second, OR 200 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:** Group Domestic

If for more than one use, give the quantity of water from each source for each use; N/A

If for **DOMESTIC** use, state the number of households to be supplied; 99

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.)

N/A

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; N/A

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

Irrigation N/A

Other (describe) N/A

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).

System consists of four, six, and eight inch water transmission pipes in the properties of Mountain Shadow Estates and Alpine Meadows. See Exhibit "B".

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

Proposed date construction work will begin N/A
Proposed date construction work will be completed N/A
Proposed date water use will be completed N/A

"IN USE"
SEE 8/5/93 LETTER

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. Figure 2 and Exhibit "C".

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? NO . 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: Kelso Water Association, Inc. encompasses all properties bounded by the Mountain Shadow Estates and Alpine Meadows. See Exhibit "D" for list of names and addresses of legal owners of all property included in the Kelso Water Association.

NOTE: The associated with acknowledge keeping with the land-use

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

without waste. By law, the land use e land-use goals and any local use may not be allowed if it is not in ty planning agency can advise you about

 J. Duane Lee, P.E., WRE.
Signature of Applicant
 for Kelso Water Assoc. Inc.

 August 5, 1993
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 9 day of August, 1993, at 8 o'clock, A M.

APPLICATION NO: G 13483

EXHIBIT "D"

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AUG - 9 1993

WATER RESOURCES DEPT.
SALEM, OREGON

d#	BLK	LOT	AREA	LNAME	STORBOX	PHONO
18	1	12	MSE	Carlson	13918 SE Eklund Av	503 668-8425
38	1	26	MSE	Chatterton	13585 SE Le Ann Ct	503 668-9088
8	1	07	MSE	Derr	14183 SE Nicholas St	503 668-3851
42	1	30	MSE	Erickson	13525 SE Le Ann Ct	503 668-9105
44	1	24	MSE	Ford	13645 SE Le Ann Ct	503 668-5233
50	1	33	MSE	Galloway	13521 SE Le Ann Ct	503 668-7195
39	1	27	MSE	Garrett	13545 SE Le Ann Ct	503 668-5304
40	1	10	MSE	Giltz	14003 SE Nicholas St	NL
57	1	35	MSE	Hufendick	13507 SE Le Ann Ct	503 668-6173
22	1	25	MSE	Hutchinson	13615 SE Le Ann Ct	503 668-8786
23	1	28	MSE	Karl	13535 SE Le Ann Ct	503 668-9336
25	1	13	MSE	Krick	13948 SE Eklund Av	503 668-7231
16	1	20	MSE	Langley	13725 SE Ann Ct	503 668-8730
27	1	21	MSE	Maiden	13705 SE Le Ann Ct	503 668-5374
41	1	04	MSE	Marjama	14323 SE Nicholas St	503 668-8710
49	1	32	MSE	McPhail	13515 SE Le Ann Ct	503 668-8606
86	1	32	MSE	McPhail	13515 SE Le Ann Ct	503 668-8606
55	1	06	MSE	Metzger	14243 SE Nicholas St	NL
92	1	15	MSE	Mills	14008 SE Eklund Av	503 668-7832
82	1	01	MSE	Montgomery	34751 SE Kelso Rd	503 668-5830
85	1	34	MSE	Odbert	13511 SE Le Ann Ct	503 668-5936
91	1	11	MSE	Pickwick	200 SW Florence F-10	503 667-0532
36	1	22	MSE	Regan	13685 SE Le Ann Ct	503 668-8971
8	1	02	MSE	Rodgers	34793 SE Kelso Rd	503 668-5948
26	1	29	MSE	Schmidt III	13529 SE Le Ann Ct	503 668-9001
35	1	23	MSE	Smith	13665 SE Le Ann Ct	503 668-9126
24	1	08	MSE	Sosnovske	14123 SE Nicholas St	503 668-9217
4	1	09	MSE	Sturges	14063 SE Nicholas St	503 668-5459
47	1	05	MSE	Thomas	14313 SE Nicholas St	503 668-6973
52	1	16	MSE	Vavra	14028 SE Eklund Av	503 668-3462
90	1	16	MSE	Vavra	14028 SE Eklund Av	503 668-3462
48	1	31	MSE	Walsleben	13513 SE Le Ann Ct	503 668-6874

NOTE:

- 1) For all addresses, use Boring, OR 97009 as city and zip.
- 2) MSE under AREA heading = Mountain Shadow Estates
- 3) AM under AREA heading = Alpine Meadows

Application No. C-13483
Permit No.

Ord#	BLK	LOT	AREA	LNAME	STORBOX	PHONO
10	2	21	MSE	Aubin	14100 SE Marsha Ct	503 668-8585
37	2	14	MSE	Breivogel	14074 SE Nicholas St	503 668-7806
39	2	14	MSE	Breivogel	14074 SE Nicholas St	503 668-7806
3	2	20	MSE	Brown	14051 SE Marsha Ct	503 668-7379
61	2	13	MSE	Bullard	14004 SE Nicholas St	503 668-3678
15	2	22	MSE	Davey	14160 SE Marsha Ct	503 668-8323
3	2	04	MSE	Davis	35081 SE Kelso Rd	503 668-9082
54	2	11	MSE	Haskins	14027 SE Eklund Av	NL
93	2	12	MSE	Hendershot	14007 Eklund Av	503 666 7998
20	2	09	MSE	Hobson	14067 SE Eklund Av	503 668-9155
29	2	15	MSE	Hornsby	14154 SE Nicholas St	503 668-7108
5	2	01	MSE	Jordan	34851 SE Kelso Rd	503 668-9267
19	2	23	MSE	Miller	14190 SE Marsha Ct	503 668-9172
56	2	06	MSE	Murray	14317 SE Eklund Av	NL
62	2	10	MSE	Nickila	14047 SE Eklund Av	503 668-6688
28	2	16	MSE	Pearson	14214 SE Nicholas St	503 668-9839
4	2	02	MSE	Polk	34981 SE Kelso Rd	503 668-7552
7	2	03	MSE	Scribner	35011 SE Kelso Rd	503 668-7393
12	2	18	MSE	Tranetzke	14151 SE Marsha Ct	503 668-8276
11	2	08	MSE	Webb	14167 SE Eklund Av	503 668-9819
46	2	07	MSE	Youngberg	14257 SE Eklund Av	503 668-7948
60	2	24	MSE	Yungeberg	14214 SE Marsha Ct	503 668-3277

WATER RESOURCES
SALEM, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON

ord#	BLK	LOT	AREA	LNAME	STORBOX	PHONO
31	3	12	MSE	Berver	13712 SE Le Ann Ct	503 668-9296
6	3	01	MSE	Campbell	35161 SE Kelso Rd	503 668-8240
73	3	08	MSE	Claggett	14088 SE Eklund Av	503 668-7441
53	3	20	MSE	Damron	13524 SE Le Ann Ct	503 668-8643
87	3	20	MSE	Damron	13524 SE Le Ann Ct	503 668-8643
51	3	04	MSE	Fitzpatrick	14308 SE Eklund Av	503 668-8863
43	3	11	MSE	Franklin	13732 SE Le Ann Ct	503 668-3766
97	3	14	MSE	Grace		
32	3	07	MSE	Herman	14128 SE Eklund Av	503 668-5192
96	3	13	MSE	Hill		
2	3	05	MSE	Holmlund	14248 SE Eklund Av	503 668-7612
17	3	21	MSE	Hopper	13520 SE Le Ann Ct	503 668-8686
21	3	24	MSE	MacGavin	13508 SE Le Ann Ct	503 668-8319
34	3	23	MSE	Painter	13512 SE Le Ann Ct	503 668-3828
9	3	02	MSE	Parks	35131 SE Kelso Rd	503 668-6851
94	3	15	MSE	Payne	13662 SE Le Ann Ct	503-668-8300
59	3	03	MSE	Sieversson	14348 SE Eklund Av	503 668-0916
45	3	09	MSE	Stolz	14002 SE Le Ann Ct	503 668-5825
95	3	06	MSE	Topf	14178 SE Ekund Av	
30	3	22	MSE	Woods	13516 SE Le Ann Ct	503 668-3120

ord#	BLK	LOT	LNAME	AREA	STORBOX	SE	Edelweiss	PHONO
65	1	05	Crampton	AM	14673 ¹⁴⁷⁶³	SE	Edelweiss	503 668-7514
70	1	03	Jackson	AM	14695	SE	Edelweiss	503 668-5110
1	1	06	Johnson	AM	14805	SE	Edelweiss	503 668-9762
3	1	01	Lucero	AM	14551	SE	Edelweiss	503 668-9635
75	1	07	O'Hara	AM	14855	SE	Edelweiss	NL
76	1	09	Peterson	AM	14941	SE	Edelweiss	NL
66	1	04	Potts - <i>John</i>	AM	14733	SE	Edelweiss	NL
78	1	08	Stanley	AM	14901	SE	Edelweiss	NL
90	1	02	Trieschman	AM	14641	SE	Edelweiss	503 668-3786

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 SALEM, OREGON

RECEIVED

AUG - 9 1993

WATER RESOURCES DEPT.
SALEM, OREGON

Ord#	BLK	LOT	AREA	LNAME	STORBOX	PHONO
63	2	05	AM	Baker	14700 SE Edelweiss	503 668-5005
64	2	08	AM	Becker	14844 SE Edelweiss	503 668-7620
67	2	06	AM	Graybeal	14748 SE Edelweiss	503 668-5538
78	2	03	AM	Greene Sr.	14644 SE Edelweiss	503 668-3853
79	2	04	AM	Hunt	14682 SE Edelweiss	503 668-7208
72	2	01	AM	Kaiser	35496 SE Kelso Rd	503 668-7049
74	2	07	AM	Mulligan	14772 SE Edelweiss	503 668-9355
88	2	07	AM	Mulligan	14772 SE Edelweiss	503 668-9355
77	2	09	AM	Smith	14884 SE Edelweiss	503 668-9550
79	2	10	AM	Struck	14940 SE Edelweiss	503 668-3758
81	2	02	AM	Werner	35530 SE Kelso Rd	503 668-7390

COMPLETENESS DETERMINATION CHECKLIST ²⁰⁰

Application #	Review Date	Reviewer
G-13483	10/19/95	CORY

A checkmark (✓) indicates that the item is incomplete or defective.

1772
need \$125 rec.

*to regard
customer
status, etc.*

- 1. Examination fees (and recording fees, if for PFO/FO). *need \$125 rec.*
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Description of delivery system.
- 7. A statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others.
- 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for **municipal use**, the present population to be served and expected future water requirements.
- 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- 12. If for a **reservoir**:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
- 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under **HB 2107**:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU. *[Signature]*
- 18. A Land Use Information Form or receipt.
- 19. A legal description of the property where water will be used.

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NOV - 2 1995

WATER RESOURCES DEPT.
SALEM, OREGON

OWNERSHIP/EASEMENT FORM

1. Do you own all property related to this application?

YES / NO
(circle your answer)

If you answered "NO," please submit the names and addresses of the legal owners of all property related to this application that you do not own.

2. If you answered "NO" to question #1 above, do you have written authorization or an easement permitting access to the lands you do not own?

YES / NO / NOT APPLICABLE (I answered "YES" to #1.)
(circle your answer)

I understand that if I do not own all property associated with this application, I may be required to submit a copy of my written authorization or easement for access before a permit can be issued.

SIGNATURE: [Signature] TITLE: President DATE: 10/31/95

October 20, 1995

WATER
RESOURCES
DEPARTMENT

KELSO WATER ASSOCIATION INC.
PO BOX 835
BORING OREGON 97009

RE: Application File # G-13483

The Water Resources Department is currently reviewing your application for water use. Preliminary review indicates the following items were not included with your application:

- ▶ Your application indicates you may not own all lands crossed by your proposed water works. Please complete and return the enclosed OWNERSHIP/EASEMENT FORM. (Note that we are only interested in those lands that require easements; i.e. not including service laterals or public utility easements.)

Please also note that before a permit can be issued, permit recording fees in the amount of \$125.00 must be submitted.

In order to expedite the processing of your application, we request that you submit these items by **November 8, 1995**. I have enclosed a stamped envelope for your use.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199 extension 306.

Sincerely,



Mr. Cory Engel
Completeness Team

Enclosures



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

WaterWatch

By Fax and Regular Mail

September 19, 1994

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

Re: Objection to Technical Report for:
G13483, Kelso Water Association Inc., Domestic, NF Deep Creek
(Clackamas)
Sandy-Boring Groundwater Limited Area

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Report is Defective**

The technical report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

◆ **The Use As Proposed is Not in the Public Interest**

The proposed use fails to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9) and (10). See also, OAR 690-11-195(3)(d), (4)(a), 4(c)(A), 4(d)(A), (4)(f). The proposed use would deplete flows needed to meet existing water rights for surface waters and for numerous public instream uses of the Willamette River Basin.

1. **The proposed use is likely to impair the public interest because it will interfere with surface waters in the Basin and will deplete groundwater resources in a groundwater limited area.**

The proposed use lies within the Sandy-Boring groundwater limited area. Further withdrawals will only exacerbate the existing groundwater problems. Moreover, the Clackamas system, which this proposed use has the potential of interfering with is overappropriated during the summer months. And, there are already huge municipal rights depleting flows in the Clackamas River System.

The Department has determined that the groundwater resource is hydraulically connected to surface waters in the area. The Department has also concluded that these application has the potential to substantially interfere with surface waters but proposes well construction and other requirements will "adequately protect the surface waters". However, these conditions do little to protect surface waters:

Water Resources Department
G13483
Page 2

- The applications contain conditions that only require the applicant to limit or discontinue use if the use harms prior water rights. This condition places the burden on the resource which is unacceptable given the presence of weak fish stocks.

- Proposed permit conditions in the technical reports require a pump test prior to receiving a certificate. This condition makes no sense. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and it is determined that casing and sealing to that depth will in fact prevent interference, and the use is found to be in the public interest, this condition should be added to require periodic pump tests. The condition should not, however, limit the Director's ability to require pump tests. We suggest language that would require pump tests annually or more frequently as determined by the Director.

- The proposed conditions do not take into account whether there is water available from the surface water source because there was no analysis of water availability for the effected surface waters. Any analysis must take into account water rights of record and the senior pending instream water right applications. In addition, the analysis must differentiate between stored water and natural flows in the Willamette River system.

3. Measurement and Reporting

Any measurement and reporting conditions should allow the Director to require measurement and reporting of both rate and duty of water use. The proposed permit conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure that water use is within the terms of the permits. There should also be measurement and reporting of the water quality impacts of this proposed use.

4. The use violates Oregon's Statewide Policies.

Oregon's Groundwater Management Policy requires that groundwater over draft be prevented. In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). Proposed Condition 10 does little

Water Resources Department
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Page 3

to further these policies. Given the critical status of ground water resource, it is critical that any water use under any new permit be as efficient as possible. It is especially important that a conservation plan be in place prior to any permit issuance.

Allowing this use to go forward violates these and other statewide policies. The Department's failure to protect this groundwater resource by allowing yet another use in an already critical area only exacerbates existing recognized overallocation problems and will, particularly in the long run, further impair public's interest in the ground water resource. It is bad public policy to continue issuing groundwater rights in this critical area.

5. **The use is likely to impair the public interest because the proposed condition 13 relating to static water level declines does not appear to be specifically geared to protect this resource.**

We support the concept that if this application were to be issued the use must cease if wells levels drop over a period of years. However, condition #13 requires the permit holder to stop use only if the well "displays a total static water-level decline of 25 or more feet." What is the aquifer depth in this situation? This condition will not protect the resource if the aquifer depth is, for example, 20 feet. If this is the case, this condition would allow the permittee to pump the aquifer dry before they would be required to stop. The aquifer depth must be determined in order to determine the level of "tolerable" static water level decline. If the aquifer depth is unknown at this time - then the applicant should be required to conduct tests to determine the aquifer depth - prior to beginning use so that this proposed condition can be modified to ensure resource protection. In addition, the plan to monitor and report on the aquifer should be approved by the Department and in place prior to issuance of any permit

Sincerely,



Kimberley Priestley
Legal/Policy Analyst

WaterWatch

By Fax and Regular Mail

September 19, 1994

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

Re: Objection to Technical Report for:
G13483, Kelso Water Association Inc., Domestic, NF Deep Creek
(Clackamas)
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Water Resources Department

G13483

Page 2

-
- The applications contain conditions that only require the applicant to limit or discontinue use if the use harms prior water rights. This condition places the burden on the resource which is unacceptable given the presence of weak fish stocks.
 - Proposed permit conditions in the technical reports require a pump test prior to receiving a certificate. This condition makes no sense. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and it is determined that casing and sealing to that depth will in fact prevent interference, and the use is found to be in the public interest, this condition should be added to require periodic pump tests. The condition should not, however, limit the Director's ability to require pump tests. We suggest language that would require pump tests annually or more frequently as determined by the Director.
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Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). Proposed Condition 10 does little

Water Resources Department
G13483
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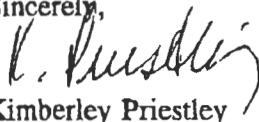
to further these policies. Given the critical status of ground water resource, it is critical that any water use under any new permit be as efficient as possible. It is especially important that a conservation plan be **in place prior** to any permit issuance.

Allowing this use to go forward violates these and other statewide policies. The Department's failure to protect this groundwater resource by allowing yet another use in an already critical area only exacerbates existing **recognized** overallocation problems and will, particularly in the long run, further impair public's interest in the ground water resource. It is bad public policy to continue issuing groundwater rights in this critical area.

- 5. The use is likely to impair the public interest because the proposed condition 13 relating to static water level declines does not appear to be specifically geared to protect this resource.**

We support the concept that if this application were to be issued the use must cease if wells levels drop over a period of years. However, condition #13 requires the permit holder to stop use only if the well "displays a total static water-level decline of 25 or more feet." What is the aquifer depth in this situation? This condition will not protect the resource if the aquifer depth is, for example, 20 feet. If this is the case, this condition would allow the permittee to pump the aquifer dry before they would be required to stop. The aquifer depth must be determined in order to determine the level of "tolerable" static water level decline. If the aquifer depth is unknown at this time - then the applicant should be required to conduct tests to determine the aquifer depth - **prior** to beginning use so that this proposed condition can be modified to ensure resource protection. In addition, the plan to monitor and report on the aquifer should be approved by the Department and in place prior to issuance of any permit

Sincerely,


Kimberley Priestley
Legal/Policy Analyst

WaterWatch

RECEIVED

SEP 20 1994

By Fax and Regular Mail

September 19, 1994

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

Re: Objection to Technical Report for:
G13483, Kelso Water Association Inc., Domestic, NF Deep Creek
(Clackamas)
Sandy-Boring Groundwater Limited Area

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Report is Defective**

The technical report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

◆ **The Use As Proposed is Not in the Public Interest**

The proposed use fails to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9) and (10). See also, OAR 690-11-195(3)(d), (4)(a), 4(c)(A), 4(d)(A), (4)(f). The proposed use would deplete flows needed to meet existing water rights for surface waters and for numerous public instream uses of the Willamette River Basin.

1. **The proposed use is likely to impair the public interest because it will interfere with surface waters in the Basin and will deplete groundwater resources in a groundwater limited area.**

The proposed use lies within the Sandy-Boring groundwater limited area. Further withdrawals will only exacerbate the existing groundwater problems. Moreover, the Clackamas system, which this proposed use has the potential of interfering with is overappropriated during the summer months. And, there are already huge municipal rights depleting flows in the Clackamas River System.

The Department has determined that the groundwater resource is hydraulically connected to surface waters in the area. The Department has also concluded that these application has the potential to substantially interfere with surface waters but proposes well construction and other requirements will "adequately protect the surface waters". However, these conditions do little to protect surface waters:

- The applications contain conditions that only require the applicant to limit or discontinue use if the use harms **prior** water rights. This condition places the burden on the resource which is unacceptable given the presence of weak fish stocks.
- Proposed permit conditions in the technical reports require a pump test prior to receiving a certificate. This condition makes no sense. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and it is determined that casing and sealing to that depth will in fact prevent interference, and the use is found to be in the public interest, this condition should be added to require periodic pump tests. The condition should not, however, limit the Director's ability to require pump tests. We suggest language that would require pump tests annually or more frequently as determined by the Director.
- The proposed conditions do not take into account whether there is water available from the surface water source because there was no analysis of water availability for the effected surface waters. Any analysis must take into account water rights of record and the senior pending instream water right applications. In addition, the analysis must differentiate between stored water and natural flows in the Willamette River system.

3. Measurement and Reporting

Any measurement and reporting conditions should allow the Director to require measurement and reporting of both **rate and duty** of water use. The proposed permit conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure that water use is within the terms of the permits. There should also be measurement and reporting of the water quality impacts of this proposed use.

4. The use violates Oregon's Statewide Policies.

Oregon's Groundwater Management Policy requires that groundwater overdraft be prevented. In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). Proposed Condition 10 does little

Water Resources Department

G13483

Page 3

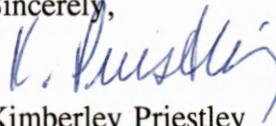
to further these policies. Given the critical status of ground water resource, it is critical that any water use under any new permit be as efficient as possible. It is especially important that a conservation plan be **in place prior** to any permit issuance.

Allowing this use to go forward violates these and other statewide policies. The Department's failure to protect this groundwater resource by allowing yet another use in an already critical area only exacerbates existing **recognized** overallocation problems and will, particularly in the long run, further impair public's interest in the ground water resource. It is bad public policy to continue issuing groundwater rights in this critical area.

- 5. The use is likely to impair the public interest because the proposed condition 13 relating to static water level declines does not appear to be specifically geared to protect this resource.**

We support the concept that if this application were to be issued the use must cease if wells levels drop over a period of years. However, condition #13 requires the permit holder to stop use only if the well "displays a total static water-level decline of 25 or more feet." What is the aquifer depth in this situation? This condition will not protect the resource if the aquifer depth is, for example, 20 feet. If this is the case, this condition would allow the permittee to pump the aquifer dry before they would be required to stop. The aquifer depth must be determined in order to determine the level of "tolerable" static water level decline. If the aquifer depth is unknown at this time - then the applicant should be required to conduct tests to determine the aquifer depth - **prior** to beginning use so that this proposed condition can be modified to ensure resource protection. In addition, the plan to monitor and report on the aquifer should be approved by the Department and in place prior to issuance of any permit

Sincerely,



Kimberley Priestley
Legal/Policy Analyst



TECHNICAL REVIEW CHECKLIST

FORM-71393

- (1) Application: G-13483
- (2) Review Date: 6/30 87/1 94 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>FEES, DATES of PROJECT</i>
<u>S</u>	Land Use
<u>U</u>	GW Interference (if potential interference with surface water, see results of water availability analysis) <i>REFER TO ENFORCEMENT SECTION</i>
<u>U</u>	Conflicts <i>CONFLICT w/ CERT</i>
<u>S</u>	Water Availability <i>at conditions</i>

(3) S 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.

(4) N/A No oath is required because application was filed before June 5, 1992.

(5) U Application fees:

Examination fee:	\$ 200.00
Recording fee:	\$ 125.00
TOTAL REQUIRED	\$ 325.00
TOTAL SUBMITTED	\$ 200.00
AMOUNT DUE prior to issuance of permit	\$ 125.00
AMOUNT OVERPAID	
refund due applicant	\$ 0

(6) U Proposed dates of beginning and completion of construction, and complete application of water.

(7) S MAP: Prepared by a CWRE
 Exempt under OAR 690-14-150(3)
 A map or drawing included (non-CWRE)
 No map or drawing in file

- (8) N/A A CWRE map is not required for applications filed before November 9, 1987.
- (9) S A written copy of the legal description of the property on which the water is to be used. *ENOUGH INFORMATION ON PLATS AND CONSULTING ENGINEER'S WATER SYSTEM PLANS.*
- (10) S A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- (11) S The proposed use is not restricted or prohibited by statute.
- (12) 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.
- (13) U^{mm} GROUP DOMESTIC use(s) is/are classified uses(s) under the WICAMETTE Basin Program, OAR 690 - 502-160(2)(g) *for exempt uses only*
- (14) U The application, map and supporting data are complete and free of defects. *in an amount not to exceed 15,000 g/d*

Land Use Compatibility:

- (15) As expressed by the Planning Department of CLATSOP COUNTY
- (16) 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 _____).
- (17) N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- (18) 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:

- (20) S A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- (21) S The report from groundwater section has been received. *REFER TO ENFORCEMENT SECTION*

For reservoir applications:

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

Application No. G-13483
Permit No.
LEE ENGINEERING, INC.

F. DUANE LEE, P.E.
DAVID A. LEE, P.E., P.L.S.
JAMES G. SMITH, P.E.

August 5, 1993

Project No. 1317.10

Mr. Thomas J. Paul
Regional Manager, N.W. Region
Oregon Water Resources Department
Field Operations Division
3850 Portland Road N.E.
Salem, OR 97310

RECEIVED

AUG - 9 1993

**WATER RESOURCES DEPT.
SALEM, OREGON**

RE: KELSO WATER ASSOCIATION, INC. (MOUNTAIN SHADOW ESTATES)

Dear Tom:

This packet includes permit applications for the Kelso Water Association, Inc. (Mountain Shadows Estates) well water issue. The applications request transfer of all the existing 0.72 cfs irrigation water rights to group domestic. The packet also includes a request for water rights for a second production well currently in use on the Mountain Shadow Estates. The permits will be briefly described below.

Brief History

In 1966, the original owner of Mountain Shadow Estates, Don Eklund, established priority water rights for the irrigation of 64.6 acres of his 80 acre farm. The farmland was later converted to the Mountain Shadow Estates Subdivision in the late seventies; the water was no longer used solely for irrigational purposes. An additional well was drilled in 1986 on the Subdivision to augment water supplies for domestic use. No permits were filed with the Oregon Water Resource Department for this well. In addition, a new subdivision called Alpine Meadows was built just southeast of the Mountain Shadow Estates and uses water from the two wells on the Mountain Shadow Estates properties. The Kelso Water Association currently oversees the water policies for both subdivisions and water use from the two wells.

Historical Water Use

As mentioned above, Don Eklund established water rights for the irrigation of 64.6 acres of his property in 1966. The allotted water was not to exceed 0.72 cfs and was further limited to 2½ acre feet per each acre irrigated during the irrigation season of each year.

Mr. Thomas J. Paul
August 5, 1993
Page 2

Using the records provided by the Kelso Water Association, the average annual water demand for the subdivisions is approximately 0.02 cfs. The total water use allowed for irrigation was (64.6 acres) \times (43,560 square feet per acre) \times (2.5 feet deep) or 7,034,940 cubic feet. Current water use per year is estimated at 630,720 cubic feet, much less than that allowed for irrigation. The existing water rights are quite sufficient to support the demand of the subdivisions for domestic use.

Applications

The enclosed documents include one "Change in Type/Place of Use" application for the existing water rights and one "Application for a Permit to Appropriate Ground Water" for the second well. The "Change in Type/Place of Use" application requests that the allotted water in the 1966 permit be transferred to group domestic use for the whole 80 acres included in the Mountain Shadow Estates Subdivision in addition for use in the 16 acres of Alpine Meadows Subdivision (Figure 1). The second well drilled in 1986 has the potential for 0.45 cfs (200 gpm); it is the desire of the Kelso Water Association to be allotted this water for group domestic use in both aforementioned subdivisions (Figure 2). In summary, the permits apply for a total of 1.17 cfs for group domestic use in both the Mountain Shadow Estates and Alpine Meadows subdivisions.

It is the intent of this letter to summarize and simplify the current situation of the Mountain Shadow Estates well water issue. We appreciate your time and consideration in this matter. If you have any questions or comments about the applications, please call.

Sincerely,

LEE ENGINEERING, INC.



F. Duane Lee, P.E., WRE

FDL/mdn

cc: Thomas J. Rastetter, Attorney
Dick Rogers, Kelso Water Association, Inc.

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

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

RECEIVED
AUG - 9 1993
WATER RESOURCES L
SALEM, OREGON

Applicant's Name: Kelso Water Association, Inc.
 Address: P.O. Box 835
 City: Boring State: OR Zip: 97009 Day Phone: (503) 668-5948

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 Number	Plan Designation/Zoning	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
Mountain	Shadows Estates			X
Alpine	Meadows			X
2-4E-10AB	Rural			
2-4E-3CA/3CD	Rural			

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

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): _____ . Go to section b) on reverse side.

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

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

Description of Water Use

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

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

RECEIVED

AUG - 9 1993

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant Name: Kelso Water Association, Inc.
 Address: P.O. Box 835
Boring, OR 97009
 Phone: (503) 668-5948

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): _____

Livestock (type of livestock, feedlot, slaughterhouse): _____

Residential (# units, single or multi-family, # lots if partition or subdivision): 99 lots

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>1.17</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

Application No. C-13483
Permit No.

RECEIVED

AUG - 9 - 1993

WATER RESOURCES DEPT
SALEM, OREGON

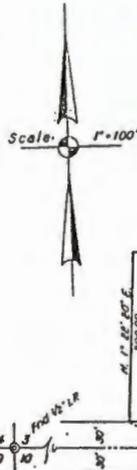
Application No. 6-13483 Permit No.

MT. SHADOWS ESTATES SITUATED IN THE S. W. 1/4 SECTION 3, T. 2 S., R. 4 E., W. M. CLACKAMAS COUNTY, OREGON

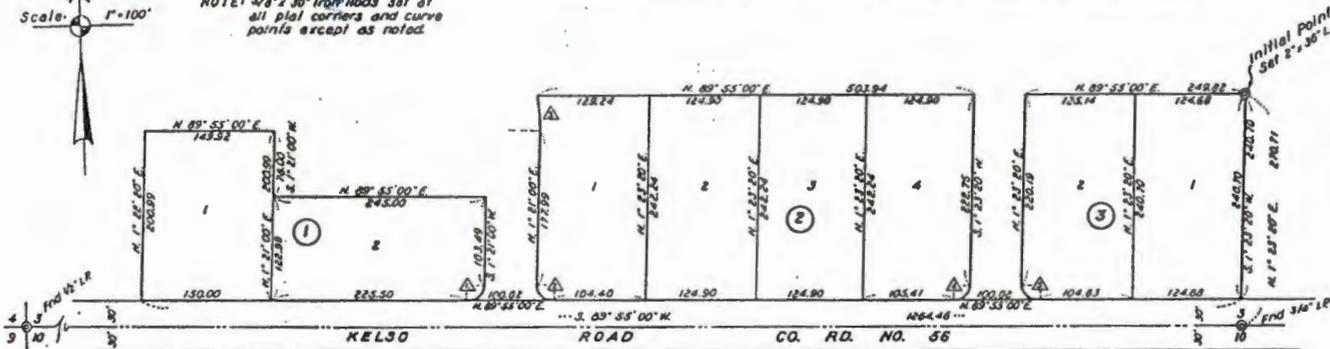
SURVEYED DECEMBER, 1973 BY MARX & CHASE, SURVEYORS INC.

65721

APPROVALS



NOTE: 1/4" x 30" iron rods set at all plat corners and curve points except as noted.



- △ A=88°34'00"
R=20.00
T=18.50
L=30.92
CH=22.93
S. 45°38'00"W
- △ A=91°26'00"
R=20.00
T=20.50
L=31.92
CH=28.63
N. 44°28'00"W
- △ A=10°56'23"
R=230.00
T=22.02
L=43.91
CH=43.64
N. 4°07'11"W
- △ A=89°31'40"
R=20.00
T=18.49
L=30.90
CH=22.92
S. 45°38'10"W
- △ A=91°28'20"
R=20.00
T=20.51
L=31.92
CH=28.64
N. 44°28'30"W

APPROVED April 9 1974
John C. McInerney
COUNTY ROADMASTER

APPROVED Apr. 29 1974
Dexter E. Miles
COUNTY SURVEYOR

APPROVED April 30 1974
Fred Stepan
Thomas D. Telford
COUNTY COMMISSIONERS

APPROVED FEB 5 1974
COUNTY PLANNING COMMISSION
Thomas W. Hanson
DIRECTOR

Planned to D.R.S. 92.00%, I hereby certify that all 1974-75 taxes are paid.
APPROVED July 15 1974
Jugate Orr
COUNTY ASSESSOR
by Pat Grod Deputy

ALL TAXES 1973-74 & PRIOR
ARE PAID AS OF 8-5-74

Joe Shale by Edith Pappas
COUNTY SHERIFF

ATTEST: 8-5-74
George D. Pappas by Jugate Orr
COUNTY CLERK

EXHIBIT "C"

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that we, Don B. Eklund and Marie R. Eklund, husband and wife, do hereby make, establish and declare the annexed map of "MT. SHADOWS ESTATES," as described in the accompanying Surveyors Certificate, to be a trust and correct map and plat thereof, all lots being of the dimensions shown and all streets of the widths therein set forth and we do hereby dedicate to the use of the public as public ways forever all streets shown on said map.

Don B. Eklund
Don B. Eklund
Marie R. Eklund
Marie R. Eklund

ACKNOWLEDGEMENTS

STATE OF OREGON
COUNTY OF CLACKAMAS

BE IT REMEMBERED that on this 7th day of JANUARY 1974, before me, a Notary Public in and for said State and County personally appeared Don B. Eklund and Marie R. Eklund, who being first duly sworn, did say that they are the identical persons named and described in the foregoing instrument and that their signatures affixed to said instrument are of their own free act and deed.

Ray B. Mull
Notary Public for the State of Oregon
My commission expires: AUGUST 25, 1974

NOTE FIVE (5) FOOT UTILITY
EASEMENT ON ALL EXTERIOR &
INTERIOR LOT LINES

SURVEYORS CERTIFICATE

I, James W. Chase, being first duly sworn, depose and say that I have correctly surveyed and marked with proper monuments the lands represented on the annexed map of "MT. SHADOWS ESTATES"; that for the initial Point of said survey I set a galvanized iron pipe, two inches in diameter, thirty-six inches long, six inches below the ground at a point in the north-south centerline of Section 3, T. 2 S., R. 4 E., W. M., which bears N. 1° 25' 20" E., a distance of 270.71 feet from the south one-quarter corner of said Section 3; thence from said initial Point I ran S. 1° 25' 20" W. along the north-south centerline of said Section 3, a distance of 240.70 feet to a point in the north line of Kelso Road, County Road No. 56; thence S. 89° 55' 00" W. along said north line a distance of 1264.46 feet to a point that bears N. 1° 22' 20" E. 30.01 feet and N. 89° 55' 00" E. 33.00 feet from the southwest corner of the East one-half of the Southwest one-quarter of said Section 3; thence N. 1° 22' 20" E. parallel with the east line of said legal subdivision, a distance of 200.89 feet to a point; thence N. 89° 55' 00" E. a distance of 142.92 feet to a point; thence S. 1° 21' 00" W. a distance of 78.50 feet to a point; thence N. 89° 55' 00" E. a distance of 245.00 feet to a point; thence S. 1° 21' 00" W. a distance of 103.43 feet to a point of tangency; thence southwesterly on the arc of a 2000 foot radius curve to the right, through a central angle of 60° 34' 00"; an arc distance of 30.92 feet; the chord bears S. 45° 38' 00" W. 22.93 feet to a point in the north line of said Kelso Road; thence N. 89° 55' 00" E. along said north line, a distance of 100.02 feet to a point of curvature; thence northwesterly on the arc of a 2000 foot radius curve to the right, through a central angle of 81° 26' 00"; an arc distance of 31.92 feet (the chord bears N. 44° 22' 00" W. 26.63 feet) to a point of tangency; thence N. 1° 20' 00" E. a distance of 171.99 feet to a point of tangency; thence S. 1° 22' 20" E. parallel with the east line of said legal subdivision, a distance of 43.91 feet (the chord bears N. 44° 22' 00" W. 26.63 feet) to a point of non-tangency; thence N. 89° 55' 00" E. a distance of 302.93 feet to a point; thence S. 1° 25' 20" W. a distance of 30.30 feet (the chord bears S. 45° 38' 10" W. 22.92 feet) to a point in the north line of said Kelso Road; thence N. 89° 55' 00" E. a distance of 100.02 feet to a point of curvature; thence northwesterly on the arc of a 2000 foot radius curve to the right, through a central angle of 91° 28' 20"; an arc distance of 31.93 feet (the chord bears N. 44° 20' 30" W. 26.64 feet) to a point of tangency; thence a point; thence N. 89° 55' 00" E. a distance of 249.62 feet to the point of beginning, and that the accompanying tracing is an exact plat.

POU-T2S,R4E
Sec 3 NE SW, SE SW
Sec 10 NW NE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAMES W. CHASE
519

James W. Chase
Registered Professional Land Surveyor of Oregon No. 519.
Subscribed and sworn before me this 22nd day of January 1974.
Ray B. Mull
Notary Public for the State of Oregon
My commission expires: August 25th 1974

3 sites
102 sites suggested

CUL

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AUG - 9 1993

WATER RESOURCES DEPT.
SALEM, OREGON



SCALE: 1" = 100'

MT. SHADOWS ESTATES No. 2

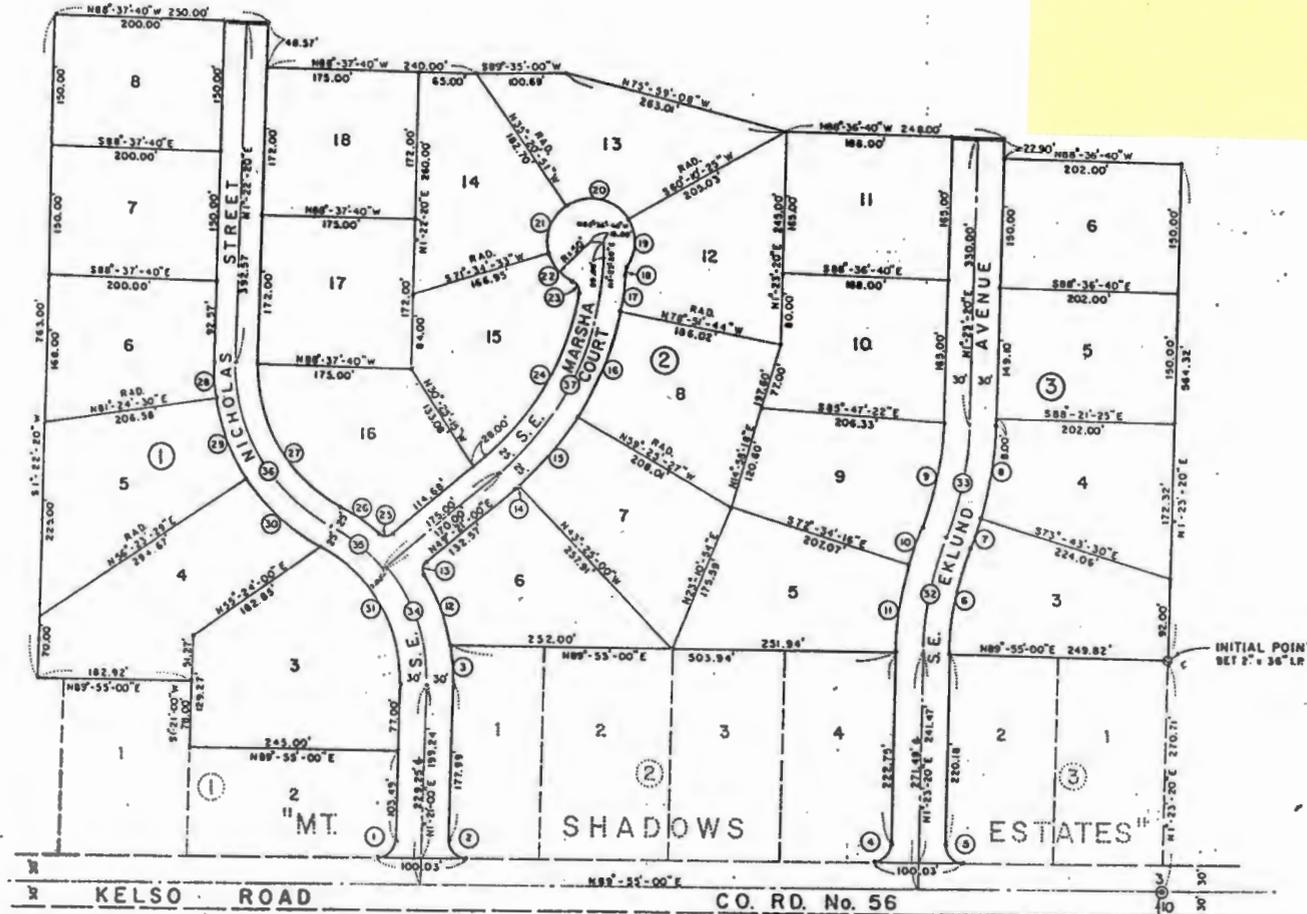
SITUATED IN THE S.W. 1/4 SECTION 3, T.2S, R.4E, W.M.
CLACKAMAS COUNTY • OREGON

SURVEYED MAY, 1979

BY: BRUCE W. ERICKSON, CONSULTING ENGINEER

78/23

24 + 8 = 32



- NOTES:
1. 5/8" x 30" IRON ROD SET AT ALL PLAT CORNERS, EXCEPT AS NOTED.
 2. ALL LOTS SHALL BE SUBJECT TO A 10-FT. WIDE UTILITY EASEMENT ON ALL FRONT, SIDE, AND REAR LOT LINES.

FO. 3/4" I.P.
SOUTH 1/4 COR. SEC. 3
T.2S, R.4E, W.M.

LOT AND TRACT CURVE DATA				
No.	DELTA	RADIUS	LENGTH	CHORD BEARING
1	88°-34'-00"	20.00'	30.92'	27.93' S45°-38'-00"W
2	91°-26'-00"	20.00'	31.92'	28.64' N44°-22'-00"W
3	10°-56'-12"	230.00'	43.90'	43.84' N4°-07'-06"W
4	88°-31'-40"	20.00'	30.90'	27.92' S45°-39'-10"W
5	91°-28'-20"	20.00'	31.93'	28.65' N44°-20'-50"W
6	20°-31'-38"	345.92'	123.93'	123.27' S11°-39'-09"W
7	5°-08'-51"	405.92'	36.47'	36.46' S19°-20'-33"W
8	15°-22'-47"	405.92'	108.96'	108.63' S9°-04'-44"W
9	20°-31'-38"	345.92'	123.93'	123.27' S11°-39'-09"W
10	6°-21'-35"	405.92'	45.06'	45.03' S18°-44'-11"W
11	14°-10'-03"	405.92'	100.37'	100.12' S6°-28'-22"W
12	22°-40'-40"	230.00'	91.03'	90.44' S20°-55'-32"E
13	81°-36'-52"	10.00'	14.24'	13.07' S8°-32'-34"W
14	0°-57'-00"	362.21'	6.01'	6.01' S48°-52'-30"W
15	16°-34'-46"	362.21'	104.81'	104.45' S40°-06'-37"W
16	20°-40'-58"	362.21'	130.75'	130.04' S21°-28'-45"W
17	7°-39'-54"	362.21'	48.46'	48.42' S7°-18'-19"W
18	31°-53'-47"	10.00'	5.57'	5.49' S19°-25'-15"W
19	65°-11'-43"	50.00'	56.89'	53.87' S2°-46'-17"W
20	95°-31'-16"	50.00'	83.36'	74.03' S77°-35'-13"E
21	73°-04'-36"	50.00'	63.77'	59.54' N18°-06'-51"E
22	48°-32'-56"	50.00'	42.37'	41.11' N42°-41'-55"W
23	75°-09'-35"	10.00'	13.12'	12.20' N29°-23'-35"W
24	41°-09'-48"	312.21'	224.30'	219.51' N28°-46'-06"E
25	81°-14'-50"	10.00'	14.18'	13.02' N99°-58'-25"E
26	13°-46'-49"	220.00'	83.36'	52.79' N56°-17'-35"W
27	64°-33'-20"	179.36'	202.09'	191.57' N30°-54'-22"W
28	9°-57'-50"	229.36'	39.89'	39.84' N3°-36'-33"W
29	25°-01'-01"	229.36'	100.15'	99.35' N21°-06'-03"W
30	29°-34'-29"	229.36'	118.33'	117.08' N48°-23'-47"W
31	64°-32'-00"	170.00'	191.47'	181.51' N33°-55'-00"W

ROAD CURVE DATA				
No.	DELTA	RADIUS	LENGTH	CHORD BEARING
32	20°-31'-38"	375.92'	134.68'	133.96' N11°-39'-09"E
33	20°-31'-38"	375.92'	134.68'	133.96' N11°-39'-09"E
34	42°-00'-00"	200.00'	146.61'	143.35' N19°-39'-00"W
35	22°-32'-00"	195.00'	76.69'	76.20' N5°-55'-00"W
36	64°-33'-20"	204.36'	230.25'	218.27' N30°-54'-21"W
37	47°-57'-40"	337.21'	282.27'	274.10' N25°-22'-10"E

2471

RECEIVED

AUG - 9 1993

WATER RESOURCES DEPT
SALEM, OREGON

80/30

MT. SHADOWS ESTATES No. 3

SITUATED IN THE S.W. 1/4 SECTION 3, T.2S., R.4E., W.M., CLACKAMAS COUNTY, OREGON

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT E.T.M., AN OREGON CORPORATION, DOES HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED MAP OF "MT. SHADOWS ESTATES No. 3," AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, TO BE A TRUE AND CORRECT MAP AND PLAT THEREOF, ALL LOTS BEING OF THE DIMENSIONS SHOWN AND ALL STREETS OF THE WIDTHS THEREIN SET FORTH AND SAID E.T.M. DOES HEREBY DEDICATE TO THE USE OF THE PUBLIC AS PUBLIC WAYS FOREVER ALL STREETS SHOWN ON SAID MAP. THE PUBLIC IS HEREBY GRANTED THE RIGHT TO MAINTAIN, REPLACE, OR ENLARGE STORM DRAINAGE FACILITIES ALONG THESE EASEMENTS AND WILL NOT BE IN ANY WAY RESPONSIBLE FOR REPLACING LANDSCAPING, FENCING OR OTHER STRUCTURES, SHRUBS OR TREES THAT MAY EXIST OR BE PLACED WITHIN THESE STORM DRAINAGE EASEMENTS. THE PUBLIC IS REQUIRED TO GIVE ADEQUATE NOTICE BEFORE ANY ACTIVITIES ARE COMMENCED AND SHALL LIMIT ACTIVITIES TO THOSE NECESSARY TO ACHIEVE THE PURPOSE OF MAINTAINING THE STORM DRAINAGE EASEMENTS.

Don B. Eklund
PRESIDENT: DON B. EKLUND

William W. Taylor
VICE-PRES./SEC: WILLIAM W. TAYLOR

Donald W. Marjama
TREASURER: DONALD W. MARJAMA

APPROVALS

APPROVED *Egg T* 1980
Jerry C. McPherson
COUNTY ROADMASTER

APPROVED *Feb 11* 1980
Debra E. Milne
COUNTY SURVEYOR

APPROVED *Jan* 1980
Alan Shook
COUNTY COMMISSIONERS

APPROVED *February 5* 1980
COUNTY PLANNING COMMISSION
Paul J. Suran
DIRECTOR

APPROVED *2-14-* 1980
Juanita Orr
COUNTY ASSESSOR Deputy

ALL TAXES *1980-81* AND PRIOR
ARE PAID AS OF *2-14-80*

John R. Pico by *Colleen Poppen*
COUNTY SHERIFF
ATTEST: 2-14-80
George D. Poppen
by *Swann Bennett*
COUNTY CLERK

ROAD CURVE DATA					
No.	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
1	64°-01'-00"	170.37'	190.35'	180.60'	N30°-37'-10"W
2	26°-00'-00"	473.21'	214.74'	212.90'	N14°-22'-20"E
3	90°-00'-00"	200.00'	314.16'	282.84'	N17°-37'-40"W
4	24°-45'-50"	491.95'	212.63'	210.98'	N75°-00'-35"W
5	180°-00'-00"	178.00'	359.20'	356.00'	N2°-36'-30"E

LOT AND TRACT CURVE DATA					
No.	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
6	22°-39'-43"	200.36'	79.25'	78.73'	N9°-56'-32"W
7	30°-40'-34"	200.36'	107.27'	106.00'	N36°-36'-40"W
8	10°-40'-43"	200.36'	37.34'	37.29'	N57°-17'-19"W
9	90°-00'-00"	10.00'	15.71'	14.14'	N17°-37'-40"W
10	90°-00'-00"	10.00'	15.71'	14.14'	S72°-22'-20"E
11	64°-01'-00"	140.36'	156.83'	148.80'	S30°-37'-10"E
12	94°-34'-52"	10.00'	16.51'	14.70'	N70°-04'-54"E
13	21°-25'-08"	448.21'	167.56'	166.58'	N12°-04'-53"E
14	11°-34'-51"	498.21'	100.70'	100.53'	S7°-09'-45"W
15	10°-28'-13"	498.21'	91.04'	90.92'	N18°-11'-16"E
16	86°-03'-04"	10.00'	15.02'	13.65'	S19°-36'-08"E
17	54°-18'-53"	10.00'	9.48'	9.13'	S89°-47'-06"E
18	144°-18'-53"	50.00'	125.94'	95.19'	S44°-47'-07"E
19	77°-57'-35"	50.00'	68.03'	62.91'	S66°-21'-08"W
20	66°-21'-18"	50.00'	57.91'	54.72'	N41°-29'-26"W
21	54°-18'-53"	10.00'	9.48'	9.13'	N35°-28'-14"W
22	11°-00'-00"	175.00'	33.60'	33.55'	S21°-52'-20"W
23	79°-00'-00"	175.00'	241.29'	222.63'	N23°-07'-40"W
24	30°-02'-12"	225.00'	117.95'	116.61'	S12°-21'-14"W
25	30°-29'-52"	225.00'	119.76'	118.36'	N17°-54'-48"W
26	7°-39'-43"	225.00'	30.09'	30.07'	N36°-59'-36"W
27	21°-48'-13"	225.00'	85.62'	85.11'	N51°-43'-34"W
28	13°-55'-40"	516.95'	125.66'	125.35'	S69°-35'-30"E
29	10°-50'-10"	516.95'	97.77'	97.62'	N81°-58'-25"W
30	24°-45'-50"	466.95'	201.82'	200.25'	S75°-00'-35"E
31	20°-50'-41"	203.00'	73.85'	73.45'	S76°-58'-10"E
32	28°-17'-35"	203.00'	100.24'	99.23'	S52°-24'-02"E
33	29°-30'-23"	203.00'	104.54'	103.39'	S23°-30'-02"E
34	37°-56'-03"	203.00'	134.40'	131.96'	S10°-13'-11"W
35	24°-29'-05"	203.00'	86.75'	86.09'	S41°-25'-45"W
36	25°-56'-02"	203.00'	91.88'	91.10'	S66°-38'-18"W
37	13°-00'-11"	203.00'	46.07'	45.97'	S86°-06'-25"W
38	150°-29'-54"	153.00'	401.80'	295.92'	N17°-21'-33"E
39	29°-30'-06"	153.00'	78.78'	77.91'	N72°-38'-27"W
40	54°-18'-53"	10.00'	9.48'	9.13'	S60°-44'-04"E
41	72°-37'-58"	50.00'	63.30'	59.22'	N69°-23'-36"W
42	71°-40'-55"	50.00'	62.55'	58.55'	S38°-26'-57"W
43	92°-00'-01"	50.00'	80.29'	71.93'	N43°-23'-31"W
44	52°-18'-52"	50.00'	45.65'	44.08'	S64°-27'-03"W
45	54°-18'-53"	10.00'	9.48'	9.13'	S65°-27'-04"W

ACKNOWLEDGEMENTS

STATE OF OREGON S.S.
COUNTY OF CLACKAMAS

BE IT REMEMBERED: THAT ON THIS *5th* DAY OF *December*, 1979, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY PERSONALLY APPEARED DON B. EKLUND, WILLIAM W. TAYLOR AND DONALD W. MARJAMA, WHO BEING FIRST DULY SWORN, DID SAY THAT HE DON B. EKLUND IS THE PRESIDENT, HE WILLIAM W. TAYLOR IS THE VICE-PRESIDENT AND SECRETARY, AND HE DONALD W. MARJAMA IS THE TREASURER OF E.T.M., AND THAT THEY ARE THE IDENTICAL PERSONS NAMED AND DESCRIBED IN THE FOREGOING INSTRUMENT AND THAT THEIR SIGNATURES AFFIXED TO SAID INSTRUMENT IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS AND SAID DON B. EKLUND, WILLIAM W. TAYLOR AND DONALD W. MARJAMA DO ACKNOWLEDGE SAID INSTRUMENT TO BE A FREE ACT AND DEED OF SAID CORPORATION.

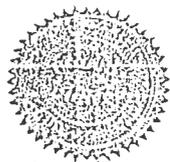
Don B. Eklund
NOTARY PUBLIC FOR THE STATE OF OREGON
MY COMMISSION EXPIRES *5-12-81*



SURVEYOR'S CERTIFICATE

I, BRUCE W. ERICKSON, BEING DULY SWORN, DEPOSE AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS THAT ARE REPRESENTED ON THE ANNEXED MAP OF "MT. SHADOWS ESTATES No. 3," AND THAT FOR THE INITIAL POINT OF SAID SURVEY I SET A GALVANIZED IRON PIPE TWO INCHES IN DIAMETER, THIRTY-SIX INCHES LONG, SIX INCHES BELOW THE GROUND SURFACE AT A POINT IN THE NORTH-SOUTH CENTERLINE OF SECTION 3, T.2S., R.4E., W.M., WHICH BEARS N1°-23'-20"E A DISTANCE OF 835.03 FEET FROM THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 3; THENCE FROM SAID INITIAL POINT I RAN N1°-23'-20"E ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 3 A DISTANCE OF 1,755.90 FEET TO THE CENTER OF SAID SECTION 3; THENCE N89°-23'-30"W ALONG THE EAST-WEST CENTERLINE OF SECTION 3 A DISTANCE OF 1,297.69 FEET TO THE NORTHWEST CORNER OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 3; THENCE S1°-22'-20"W ALONG THE WEST LINE THEREOF A DISTANCE OF 1,612.58 FEET; THENCE S88°-37'-40"E A DISTANCE OF 250.00 FEET; THENCE S1°-22'-20"W A DISTANCE OF 48.57 FEET; THENCE S88°-37'-40"E A DISTANCE OF 240.00 FEET; THENCE N89°-35'-00"E A DISTANCE OF 100.69 FEET; THENCE S75°-59'-08"E A DISTANCE OF 263.01 FEET; THENCE S88°-36'-40"E A DISTANCE OF 248.00 FEET; THENCE S1°-23'-20"W A DISTANCE OF 22.90 FEET; THENCE S88°-36'-40"E A DISTANCE OF 202.00 FEET TO THE INITIAL POINT. THE ACCOMPANYING TRACING IS AN EXACT COPY OF THE ORIGINAL PLAT.

SUBSCRIBED AND SWORN TO BEFORE ME
THIS *5th* DAY OF *December*, 1979
Don B. Eklund
NOTARY PUBLIC FOR THE STATE OF OREGON
MY COMMISSION EXPIRES *5-12-81*



REGISTERED PROFESSIONAL LAND SURVEYOR

BRUCE W. ERICKSON 1983

RECORD

AUG - 9 1993

WATER RESOURCES DE
SALEM, OREGON

18
19
14
31

32 + 51
= 83

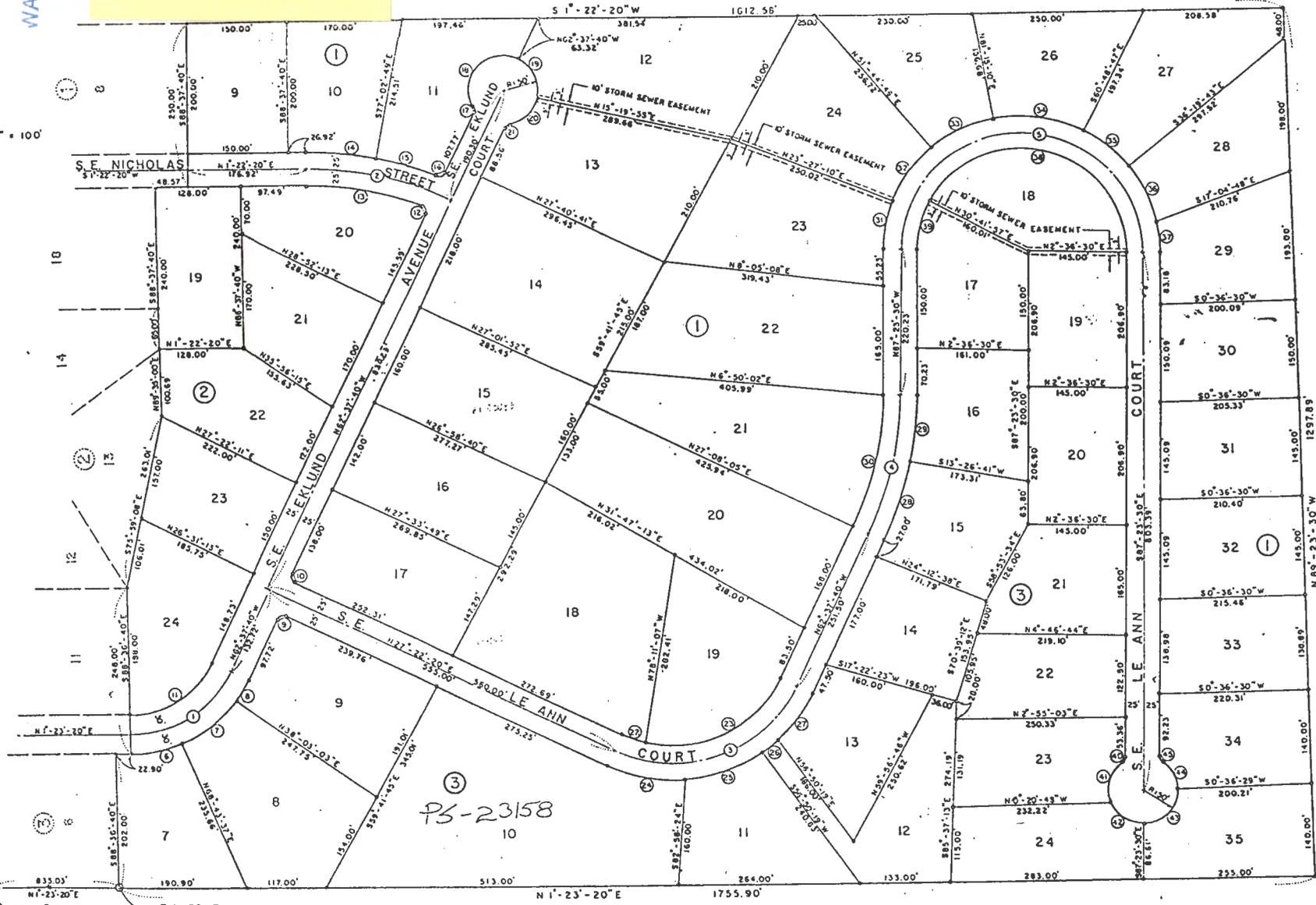
T. SHADOWS ESTATES No. 3

THE S.W. 1/4 SECTION 3, T.2S., R.4E., WM., CLACKAMAS COUNTY, OREGON
MEMBER, 1979
BY: BRUCE W. ERICKSON, CONSULTING ENGINEER

NE 1/4 SW 1/4

SCALE: 1" = 100'

MT. SHADOWS ESTATES No. 2



PS-23158

LEGEND

- - DENOTES 5/8" x 30" IRON ROD SET AT ALL PLAT CORNERS, EXCEPT AS NOTED
- - DENOTES 5/8" IRON ROD FOUND

NOTE

ALL LOTS SHALL BE SUBJECT TO A 10-FT. WIDE UTILITY EASEMENT ON ALL FRONT, SIDE AND REAR LOT LINES.

D. E. M. C.S.
2-11-88

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that we, Don B. Eklund and Marie P. Eklund, husband and wife, do hereby make, establish and declare the annexed map of "ALPINE MEADOWS" as described in the accompanying Surveyors Certificate to be a true and correct map and plat thereof, all lots being of the dimensions shown and all streets of the widths therein set forth and we do hereby dedicate to the use of public as public ways forever all streets shown on said map.

Don B. Eklund
Don B. Eklund

Marie P. Eklund
Marie P. Eklund

RECEIVED

AUG - 9 1993

WATER RESOURCES DEPT.
SLEA OREGON

ALPINE MEADOWS

SITUATED IN THE N.E. 1/4 SECTION 10, T. 2 S., R. 4 E., W. M.
CLACKAMAS COUNTY, OREGON
SURVEYED FEBRUARY, 1972 BY: MARX & CHASE, SURVEYORS INC.

APPROVALS

APPROVED January 10 1973
John R. McIntyre
By *John R. McIntyre*
COUNTY ROADMASTER

APPROVED Jan 16 1973
Walter E. Mihal
COUNTY SURVEYOR

BY _____
DEPUTY

APPROVED January 16th 1973
Thomas D. Telford

Fred Stefania
COUNTY COMMISSIONERS

APPROVED Dec 6 1972
COUNTY PLANNING COMMISSION

James S. Hall
DIRECTOR

APPROVED January 26 1973

Juanita Orr
COUNTY ASSESSOR

BY *Pat Brook*
DEPUTY

ALL TAXES 6-30-73 & PRIOR
ARE PAID AS OF 1-26-73

Joe Shobe
COUNTY SHERIFF

BY *Eileen Pappas*
DEPUTY

ATTEST: Jan 27, 1973

George D. Pappas
COUNTY CLERK

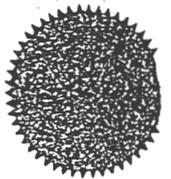
BY *Jessamine Tomlin*
DEPUTY

ACKNOWLEDGEMENTS

STATE OF OREGON
COUNTY OF CLACKAMAS SS.

BE IT REMEMBERED that on this 22nd day of February 1972, before me a notary public in and for said State and County personally appeared Don B. Eklund and Marie P. Eklund who after being first duly sworn did say that they are the identical persons named and described in the foregoing instrument and that their signatures affixed to said instrument are of their own free act and deed.

Ray B. Null
Notary Public for the State of Oregon
My commission expires August 25, 1974



SURVEYORS CERTIFICATE

I, James W. Chase, being first duly sworn, depose and say that I have correctly surveyed and marked with proper monuments the lands represented on the annexed map of ALPINE MEADOWS; that for the initial point of said survey I set a galvanized iron pipe two inches in diameter, thirty-six inches long, six inches below the ground surface at a point which bears East along the north line of Section 10 a distance of 434.00 feet and S 0° 12' 40" E a distance of 300.00 feet from the north one-quarter corner of Section 10, T. 2 S., R. 4 E., W. M.; thence from said initial point I ran N 0° 12' 40" W a distance of 300.00 feet to a point in the north line of said Section 10; thence East along said north line a distance of 330.9 feet; thence S 0° 04' 35" parallel with the east line of Section 10, a distance of 615.32 feet; thence S 69° 47' 20" W a distance of 222.11 feet; thence S 0° 12' 40" E a distance of 64.17 feet; thence S 69° 47' 20" W a distance of 305.00 feet to a point in the east line of that certain tract conveyed to Roy T. Adams et ux, by deed recorded October 1, 1954, in Book 436, page 703 Deed Records; thence N 0° 12' 40" W along said east line a distance of 651.43 feet to the point of beginning, and that the accompanying tracing is an exact copy of the original plat.

James W. Chase
Registered Professional Land Surveyor of Oregon No. 510

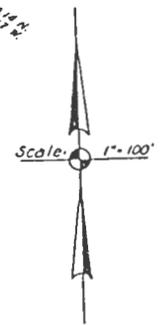
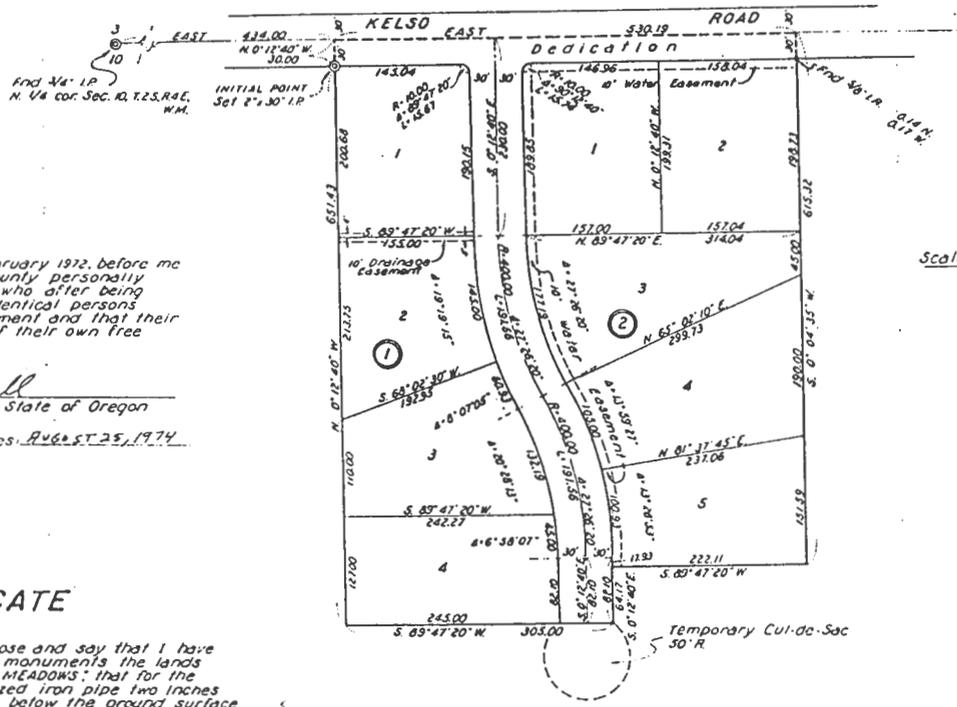
James W. Chase Subscribed and sworn before me this 22nd day of February 1972

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JAMES W. CHASE
510

Ray B. Null
Notary Public for the State of Oregon

My commission expires August 25, 1974



NOTE: 1/8" x 30" Iron Rods set at all plat corners except as noted.

9 + 83 = 92

APPROVALS

ALPINE MEADOWS NO. 2

SITUATED IN THE N. E. 1/4 SECTION 10, T. 2 S., R. 4 E., W.M.
CLACKAMAS COUNTY, OREGON
SURVEYED JULY, 1973 BY: MARX & CHASE, SURVEYORS INC.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: that we, Don B. Eklund and Marie P. Eklund, husband and wife, do hereby make, establish and declare the annexed map of "ALPINE MEADOWS NO. 2," as described in the accompanying Surveyors Certificate, to be a true and correct map and plat thereof, all lots being of the dimensions shown and all streets of the widths therein set forth, and we do hereby dedicate to the use of the public as public ways forever all streets shown on said map.

Don B. Eklund
Don B. Eklund
Marie P. Eklund
Marie P. Eklund

RECEIVED
AUG - 9 1993
WATER RESOURCES DEPT
SALEM, OREGON

APPROVED DECEMBER 10 1973
John C. McTigue
COUNTY ROADMASTER

APPROVED Dec 16 1973
Walter E. Milne
COUNTY SURVEYOR

APPROVED Dec 14 1973
Thomas D. Wolford

Fred Stefani
COUNTY COMMISSIONERS

APPROVED Dec 3 1973
COUNTY PLANNING COMMISSION
James J. Hall
DIRECTOR

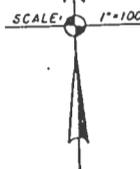
APPROVED December 14 1973
Janita Orr by Pat Brock
COUNTY ASSESSOR

ALL TAXES 1973-74 & PRIOR
ARE PAID AS OF 12-14-73

Joe Shabe
by Edwin Pappas
COUNTY SHERIFF

ATTEST: Dec. 14, 1973

George D. Pappas by Susan Bennett
COUNTY CLERK deputy



ACKNOWLEDGEMENTS

STATE OF OREGON } s.s.
COUNTY OF CLACKAMAS



BE IT REMEMBERED: that on this 27th day of July, 1973, before me, a Notary Public in and for said State and County, personally appeared Don B. Eklund and Marie P. Eklund, who being first duly sworn under oath, did say that they are the identical persons named and described in the foregoing instrument and that their signatures affixed to said instrument are of their own free act and deed.

Ray B. Null
Notary Public for the State of Oregon
My commission expires August 25, 1974.



SURVEYORS CERTIFICATE

I, James W. Chase, being first duly sworn, depose and say that I have correctly surveyed and marked with proper monuments the lands represented on the annexed map of "ALPINE MEADOWS NO. 2," that for the initial point of said survey I set a galvanized iron pipe, two inches in diameter, thirty-six inches long, six inches below the ground surface at the southwest corner of lot 4, Block 1, of "ALPINE MEADOWS," a duly recorded plat, situated in the Northeast one-quarter of Section 10, T. 2 S., R. 4 E., W.M., which bears EAST along the north line of said Section 10, a distance of 434.00 feet, and S. 0° 12' 40" E. parallel with the North-South centerline of said Section 10, a distance of 681.43 feet from the north one-quarter corner of said Section 10, thence from said initial point, I ran S. 0° 12' 40" E. parallel with said North-South centerline, a distance of 635.00 feet to a point in the north line of the south one-half of the Northeast one-quarter of said Section 10; thence N. 89° 42' 55" E. along said north line a distance of 323.61 feet to a point; thence N. 0° 04' 35" E. parallel with the east line of said Section 10, a distance of 632.50 feet to the southeast corner of lot 5, Block 2 of said "ALPINE MEADOWS"; thence S. 89° 47' 20" W. along the south line of said "ALPINE MEADOWS," a distance of 222.11 feet to an angle point; in said south line; thence S. 0° 12' 40" E. along said south line a distance of 64.17 feet to an angle point in said south line; thence S. 89° 47' 20" W. along said south line a distance of 305.00 feet to the point of beginning, and that the accompanying tracing is an exact copy of the original plat.

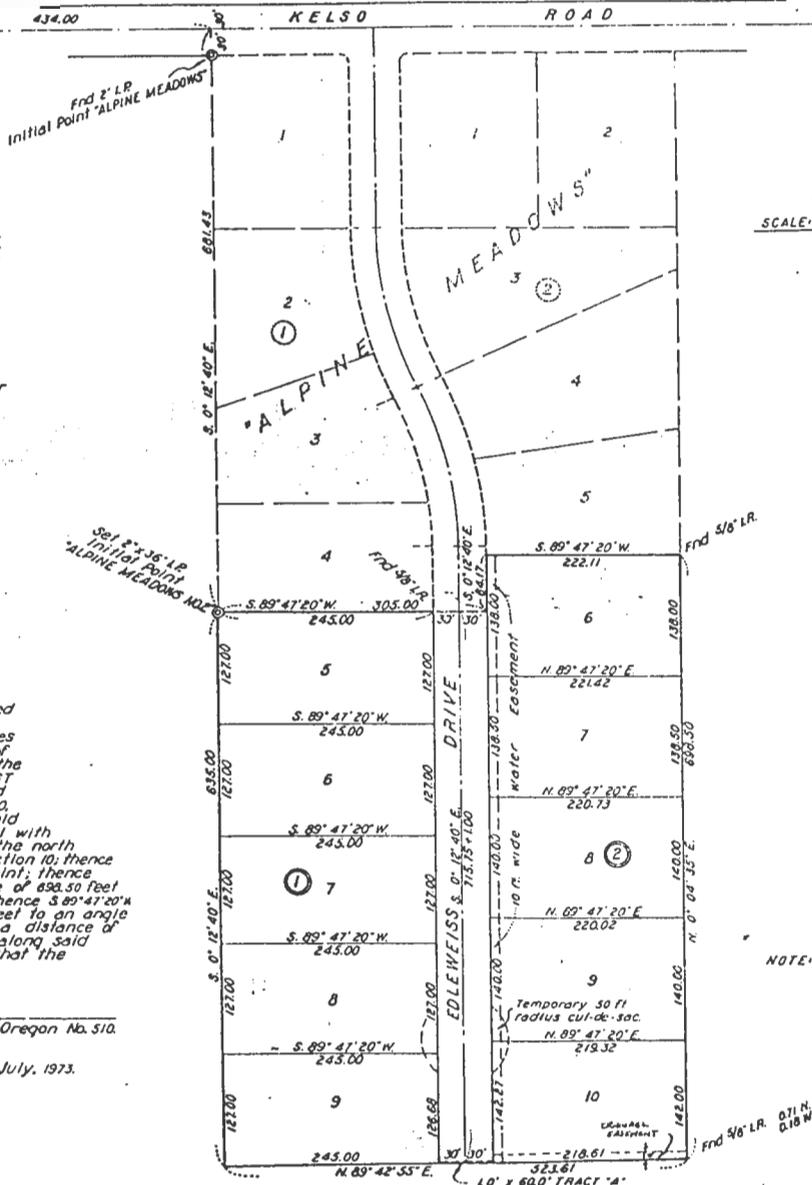
James W. Chase
Registered Professional Land Surveyor of Oregon No. 510.

Subscribed and sworn before me this 27th day of July, 1973.

REGISTERED PROFESSIONAL LAND SURVEYOR

DALE CO
JULY 5, 1968
JAMES W. CHASE
310

Ray B. Null
Notary Public for the State of Oregon
My commission expires August 25, 1974.



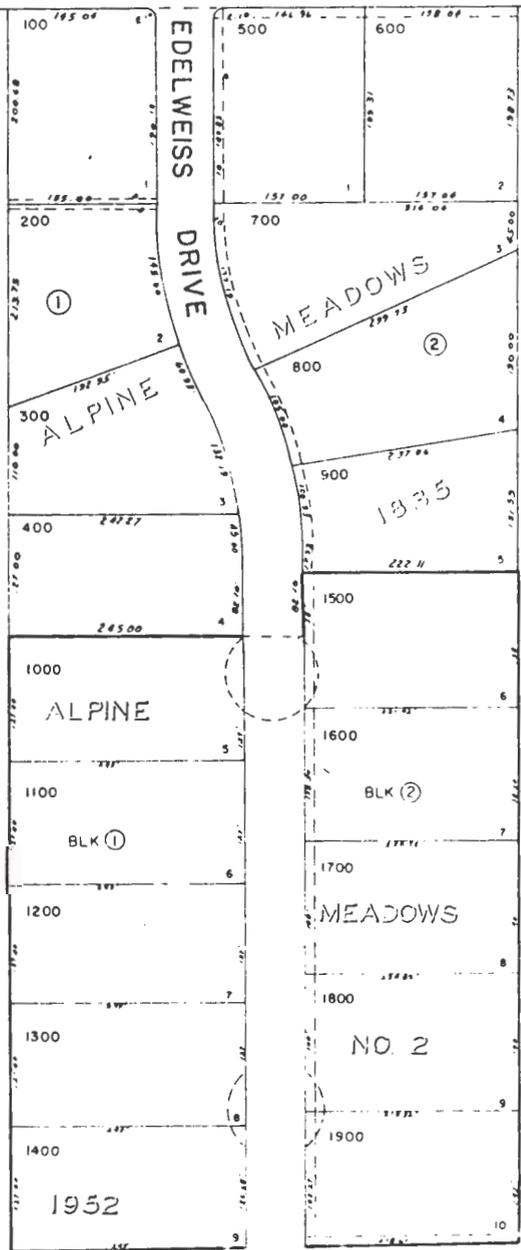
NOTE: 4/8 x 30" iron plat corner
Temporary abandoned extended
There are on all lots.

10 + 92 = 102

SEE MAP 2 4E 3



KELSO ROAD



46-09

SEE MAP 2 4E 10

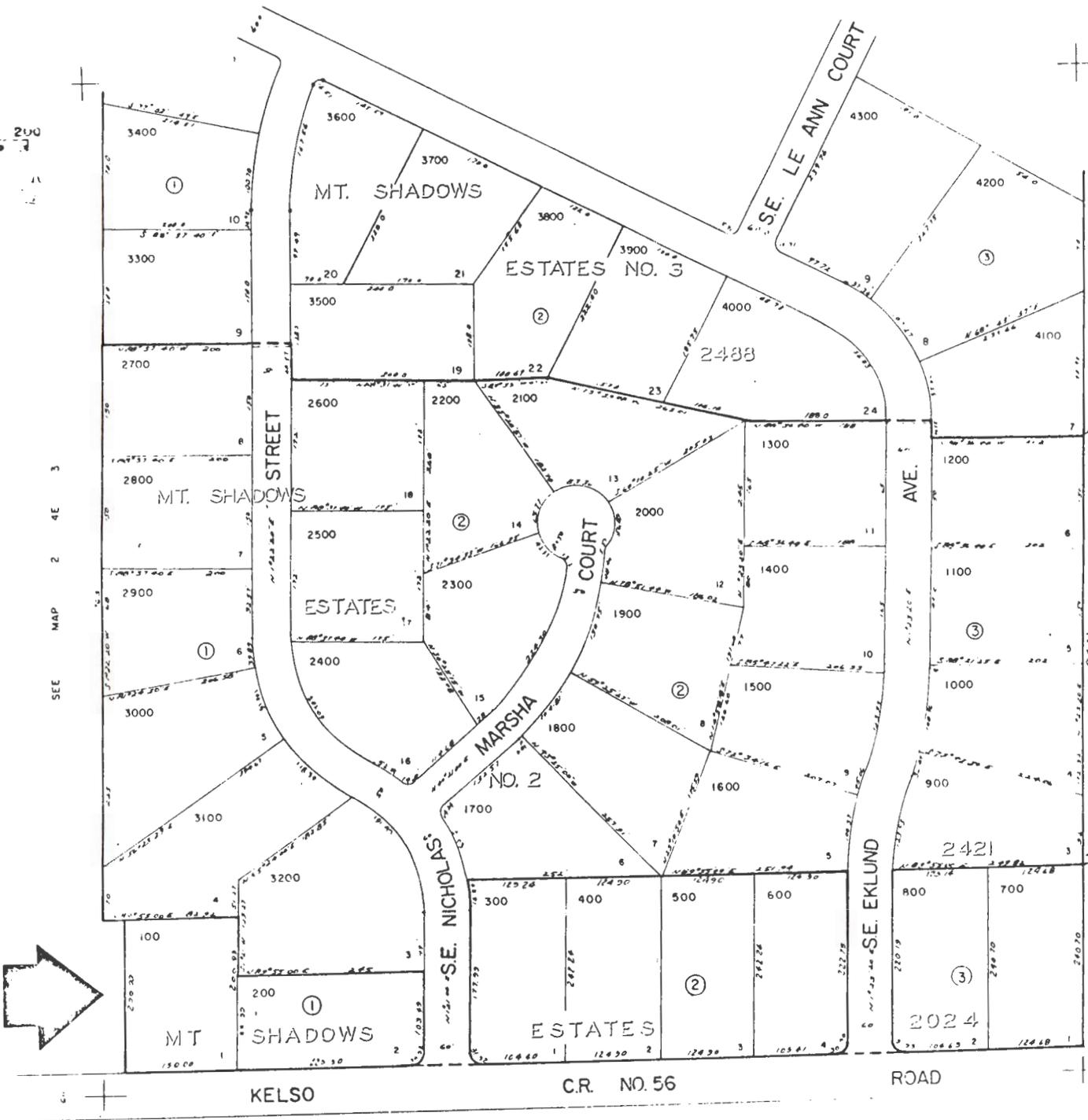
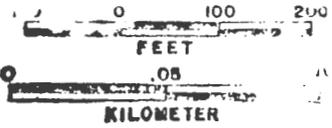
SEE MAP 2 4E 10

1/16 Cor

CLACKAMAS COUNTY

1" = 100'

2 4E 3CD
43



46-08

SEE MAP 2 4E 3

SEE MAP 2 4E 3

CLACKAMAS

2 4E 3CA

3470

35200

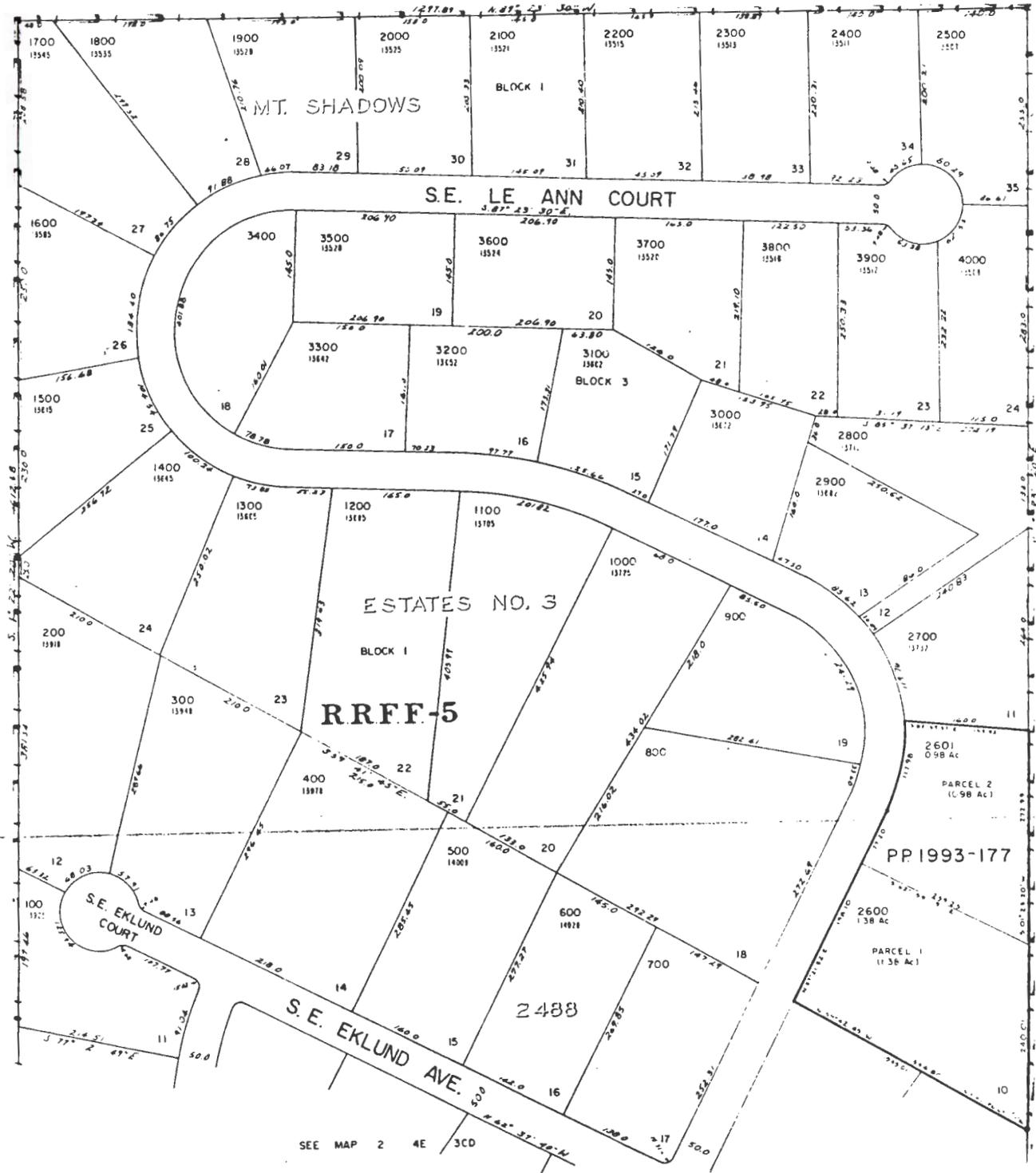
13500

41

SCALE 1:2400



SEE MAP 2 4E 3



SEE MAP 2 4E 3

46-08

13800

14000

RECEIVED
FEB 08 1994
DEPT. OF REVENUE STATE OF OREGON
ASSESSMENT & APPRAISAL DIV.

CLACKAMAS

SEE MAP 2 4E 3

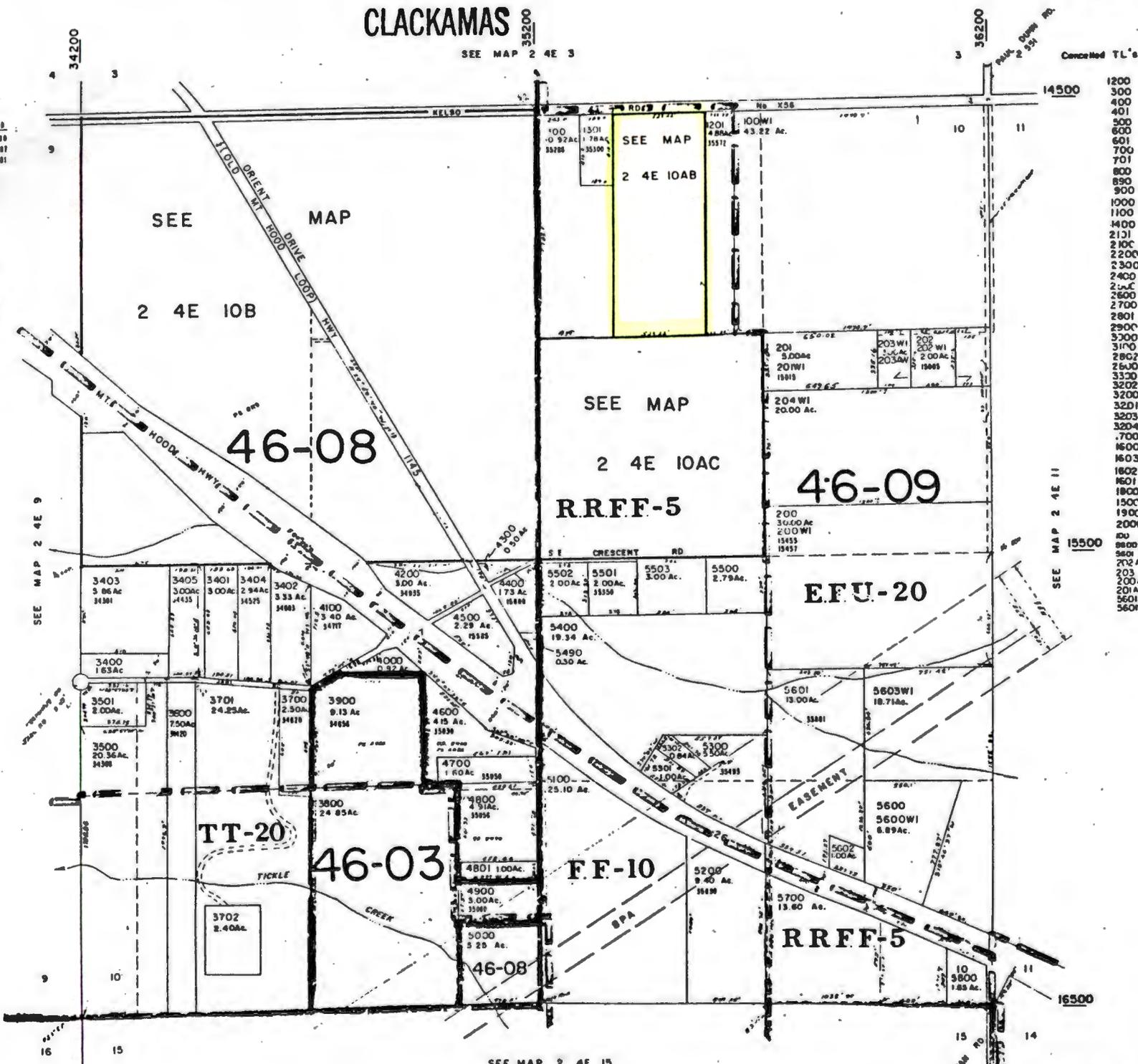
SCALE 1" = 600'



KILOMETER

0 400 800
0 400 800

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY



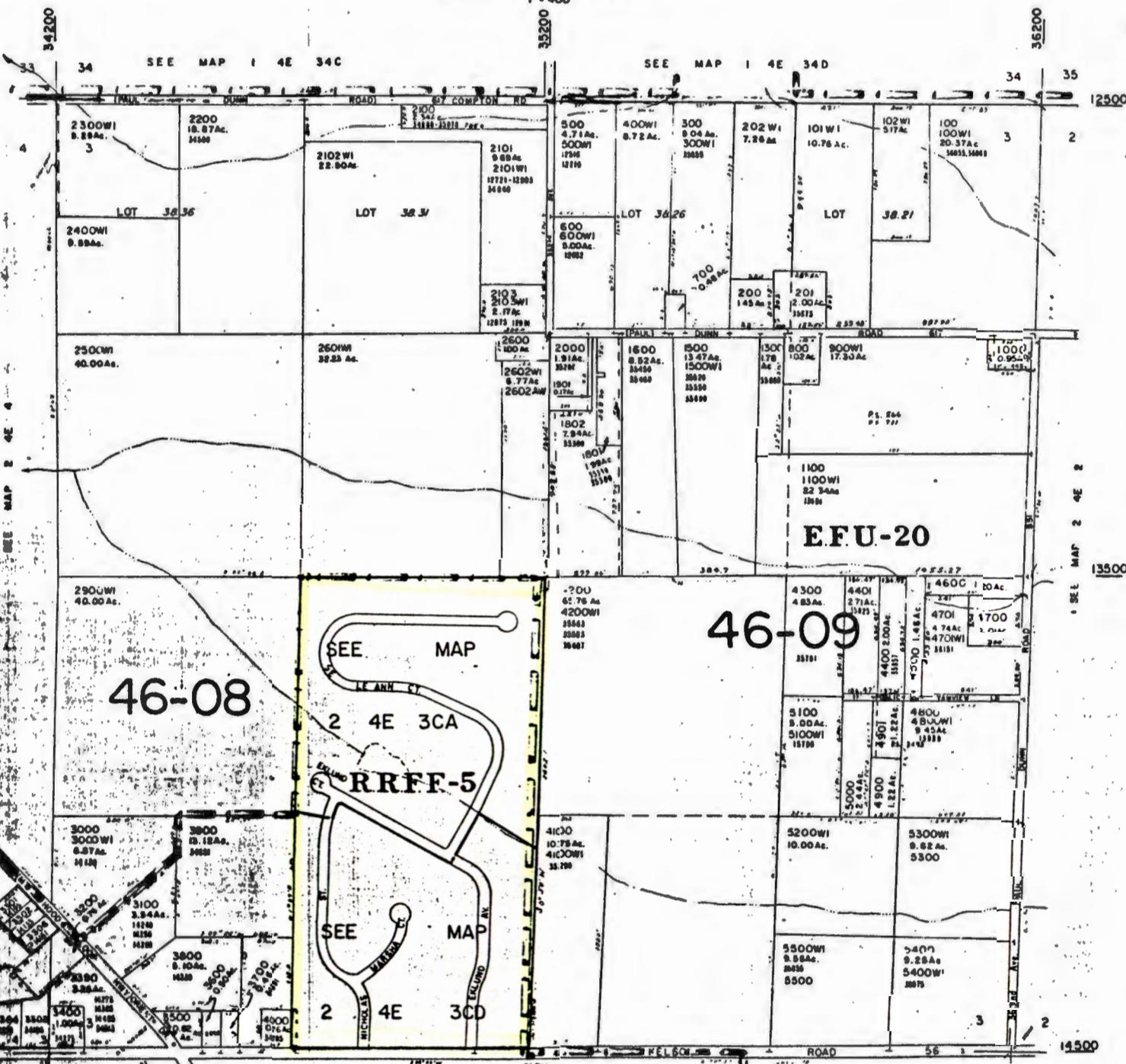
Application No. 6-13483
Permit No.

RECEIVED
MAR 26 1992
DEPT. OF REVENUE, TAX
ASSESSMENT & APPROVAL DIV.

SEE MAP 2 4E 15

SECTION 3 T.2S. R.4E. W.M.
CLACKAMAS COUNTY

2 4E 3



- CANCELLED T.L'S
- 1700
 - 1400
 - 1200
 - 750
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DEPT. OF LAND AND FORESTRY
LAND MANAGEMENT & ACQUISITION DIV.

KELSO ACRES

Application No. 273483
Permit No.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **129961**

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

INVOICE # _____

RECEIVED FROM: Kelso Water Users APPLICATION: G/3483
BY: _____ PERMIT: _____
TRANSFER: _____

CASH: CHECK: # 96-218 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 125.00

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 FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$	842.004	\$ <u>125.00</u>
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION:

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
_____	LANDOWNER'S PERMIT	\$	842.024	\$
_____	OTHER (IDENTIFY)			

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #	
_____	MONITORING WELLS	\$	CARD #	
_____	OTHER (IDENTIFY)			

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # **129961**

DATED: 11-2-95 BY: Glo Lissner

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **103275**

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

RECEIVED FROM: LL Engineering APPLICATION: 513453
BY: _____ PERMIT: _____
TRANSFER: _____

CASH: CHECK: # 9452 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 200.00

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 FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$ <u>200.00</u>	842.004	\$
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION:

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
_____	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	\$
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07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # **103275**

DATED: 5/1/95 BY: _____

NUMBER 90684

Check 200⁰⁰ NO _____ Cash _____

- Surface Application
- Reservoir Application
- Ground Water Application *200 EXAM*
- Transfer Application
- Power Claim
- Hydroelectric Examination
- Hydroelectric License
- Copying
- Assignment
- Extension of Time
- Other
- P-6
- Quadrangle
- Basin
- Protest
- Constructors Examination
- Constructors License
- Adjudication

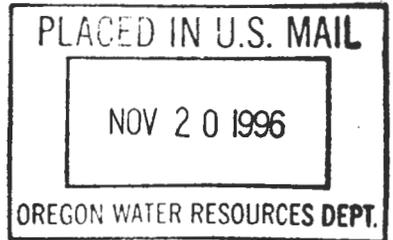
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Application No. G13183
Permit No. G12763

Name ... KELSO WATER ASSOCIATION INC.
 Address PO BOX 835
BORING, OR 97009
 Assign. Address _____
 Address _____
 Beginning construction 10-30-97
 Completion of construction 10-1-98
 Extended to _____
 Complete application of water 10-1-99
 Extended to _____

Oregon Water Resources Department
Water Rights Division



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Water Rights Application
Number G-13483

Final Order

Application History

On August 9, 1993, KELSO WATER ASSOCIATION INC. submitted an application to the Department for the following water use permit:

- Amount of Water: 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY
- Use of Water: GROUP DOMESTIC USE
- Source of Water: A WELL IN NORTH FORK DEEP CREEK BASIN
- Area of Proposed Use: Clackamas County within NE 1/4 SW 1/4, SE 1/4 SW 1/4, SECTION 3; NW 1/4 NE 1/4, SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.
- Water Delivery System: CONSISTS OF 4", 6", AND 8" WATER TRANSMISSION PIPES

The Department mailed the applicant notice of its Proposed Final Order on April 30, 1996. The protest period closed on June 14, 1996; on June 12, 1996, the applicant protested the Proposed Final Order and requested a contested case hearing. On October 4, 1996, the applicant withdrew its protest and request for a contested case hearing.

Assessment

1. In proceeding with the evaluation of Application G-13483 the Department finds that the findings of the Proposed Final Order require modification.
2. The following sources of information were relevant in the Department's continued evaluation of Application G-13483:
 - a. Comments by and consultation with other agencies
 - b. The Willamette Basin Program
 - c. The Clackamas County Comprehensive Plan and Zoning Ordinance
 - d. The amount of water available

- e. The rate and duty for the proposed use
- f. Pending senior applications and existing water rights of record
- g. Applicable statutes, administrative rules, and case law
- h. The Scenic Waterway requirements of ORS 390.835
- i. Any comments received
- j. Objections and protests received

3. As a result of the Department's continued evaluation of the application and evaluation of the protest and comments submitted the Department has made the following findings:

a. Classified Use

The protestant asserts that the Proposed Final Order is in error, because it states that the Willamette Basin Program (Damascus Groundwater Limited Area) does not allow Group Domestic uses, but rather exempt uses only. They assert that Group Domestic use, up to 15,000 gallons per day, is an exempt use, and is therefore a classified use.

ORS 537.545 (1) states that "...no registration, application for a permit, permit, certificate of completion or ground water right certificate under ORS 537.505 to 537.795 and 537.992 is required for the use of ground water for (a) Stockwatering purposes; (b) Watering any lawn or noncommercial garden not exceeding one-half acre in area; (c) Watering the lawns, grounds and fields not exceeding 10 acres in area of schools located within a critical ground water area established pursuant to ORS 537.730 to 537.740; (d) **Single or group domestic purposes in an amount not exceeding 15,000 gallons a day;** (e) Down-hole heat exchange purposes; or (f) Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day."

OAR 690-502-160 (1) ^{2a} indicates that the proposed source is classified for exempt uses. Therefore, the Director finds that the Willamette Basin Program allows the proposed use, and that a permit may be issued for group domestic use as requested in the application submitted August 9, 1993.

b. Preference of Use

The protestant asserts that the Proposed Final Order is in error, in that it states that the use is granted no preference under ORS 536.310 (12).

ORS 536.310 (12) states: "When proposed uses of water are in mutually exclusive conflict or when available supplies of water are insufficient for all who desire to use them, preference shall be given to human consumption purposes over all other uses...."

The findings of the Proposed Final Order shall be modified to indicate that human consumption use is granted preference under ORS 536.310 (12).

5. WELL #2 IN NORTH FORK DEEP CREEK BASIN is within or above a State Scenic Waterway.
6. The Department finds that no more than 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY would be necessary for the proposed use. The amount of water requested, 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY, is allowable.
7. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
8. The proposed use complies with all other rules of the Commission.

Conclusions of Law

Under the provisions of ORS 537.621(2), the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

1. The proposed use requested in this application is allowed in the Willamette Basin Plan.
2. Water is available for the proposed use.
3. The proposed use will not injure other water rights.
4. The proposed use complies with rules of the Water Resources Commission.
5. The proposed use complies with the State Agency Agreement for land use.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The Director therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will ensure the preservation of the public welfare, safety and health as provided in ORS 537.525.

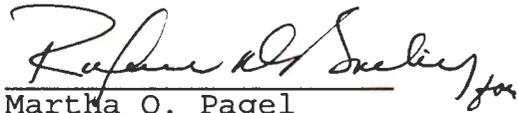
Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, the Proposed Final Order did not establish the presumption that the proposed use would ensure the preservation of the public welfare, safety and health. However, upon the Director's review of the protest, it has been determined that the proposed use, as conditioned herein, would ensure the preservation of the public welfare, safety and health.

Therefore, the proposed use, as conditioned and described in the attached permit, would ensure the preservation of the public welfare, safety and health.

Order

Application G-13483 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number G-12763 is issued as limited by the conditions set forth in the permit.

DATED October 30, 1996



Martha O. Pagel
Director

Hearing and Appeal Rights

Under the provisions of ORS 537.625(2), the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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

STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KELSO WATER ASSOCIATION INC.
PO BOX 835
BORING, OREGON 97009

(503) 668-5948

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

APPLICATION FILE NUMBER: G-13483

SOURCE OF WATER: WELL #2 IN NORTH FORK DEEP CREEK BASIN

PURPOSE OR USE: GROUP DOMESTIC USE

MAXIMUM RATE: 0.446 CUBIC FEET PER SECOND (CFS) FURTHER LIMITED TO 15,000 GALLONS PER DAY

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: AUGUST 9, 1993

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, SECTION 3, T2S, R4E, W.M.; 260 FEET NORTH & 1610 FEET EAST FROM THE SW CORNER OF SECTION 3

THE PLACE OF USE IS LOCATED WITHIN:

NE 1/4 SW 1/4
SE 1/4 SW 1/4
SECTION 3

NW 1/4 NE 1/4
SECTION 10

TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

Limited Water Level Decline/Interference Condition

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

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

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

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

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

- (A) An average water level decline of 3 or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

If at any time the well or its use acts as a conduit for groundwater contamination, allows loss of artesian pressure, allows waste of groundwater, interferes with senior groundwater users, or interferes with nearby surface water sources, the Department may require that the well be repaired in accordance with current well construction standards.

STANDARD CONDITIONS

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

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

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

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

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

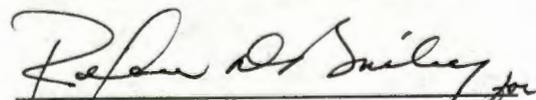
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will ensure the preservation of the public welfare, safety and health.

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

Issued October 30, 1996



Water Resources Department
Director