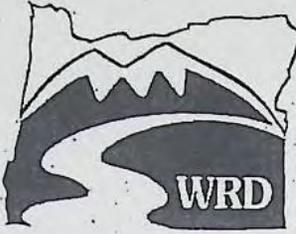


Completion Checklist for CWRE Claims of Beneficial Use

Application # 615785



Date Received 1/26/2011
 CWRE Name Greg Ruppilas Claim Logged yes
 File Marked yes
 Oversized Map # 0
 Read the file and attach a copy of the permit or transfer final order. _____

Map Review:

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

Report Review:

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

DEF = deficient
 N/A = Not Applicable

Certificate Issuance Processing Checklist

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

Staff Recommendations:

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

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed
_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

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



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

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

A separate form shall be completed for each permit.

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

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

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

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

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

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

SECTION 1

GENERAL INFORMATION

1. File Information

APPLICATION # (G, R, S OR T) G-15785	PERMIT # (IF APPLICABLE) G-15676	PERMIT AMENDMENT # (IF APPLICABLE)
--	--	------------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Fessler Nursery Company		PHONE No. (503) 634-2448	ADDITIONAL CONTACT No.	
ADDRESS 12666 Monitor-McKee Road NE				
CITY Woodburn	STATE OR	ZIP 97071	E-MAIL dale@fesslernursery.com	

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

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

If "YES" the remainder of this item may be deleted.

Permit or transfer holder of record (this may, or may not, be the current property owner)

PERMIT OR TRANSFER HOLDER OF RECORD Fessler Nusery Company		
ADDRESS 12666 Monitor-McKee Road NE		
CITY Woodburn	STATE OR	ZIP 97071

Are there additional permit or transfer holders of record?

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4. Date of Site Inspection: **December 6, 2010**

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

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NAME	DATE	ASSOCIATION WITH THE PROJECT
Dale Fessler	December 6, 2010	Owner

6. County: **Marion**

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

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

OWNER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

Are there additional Owners of Record? NO

SECTION 2 SYSTEM DESCRIPTION

A. Points of Diversion/Appropriation

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
Well 1	MARI 2172	None
Well 2	MARI 54098	L10514
Well 6	MARI 58521	L67465

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

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

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
Well 1	Alluvial Aquifer	Zollner Creek Basin
Well 2	Alluvial Aquifer	Zollner Creek Basin
Well 6	Alluvial Aquifer	Zollner Creek Basin

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

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
Well 1	Nursery	Nursery Stock	Year Round	0.13 cfs
Well 2	Nursery	Nursery Stock	Year Round	0.24 cfs
Well 6	Nursery	Nursery Stock	Year Round	0.048 cfs
Total Quantity of Water Used				0.42 cfs

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

Water is pumped from Wells 2 and 6 (7.5 Hp and 1.5 Hp submersible pumps, respectively) and conveyed to the storage pond. Water is pumped from Well 1 (7.5 Hp submersible pump) and conveyed directly to greenhouses. Water is pumped from the storage pond to the places of use using three centrifugal pumps (7.5 Hp, 10 Hp, and 25 Hp) which can be used either individually or in any combination. Water is applied at the places of use using high-pressure sprinklers.

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SECTION 2

SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

NO

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

Well 1

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B. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	Q-Q	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
5S	1W	WM	33	NE NE			NU	14.3	0.0
5S	1W	WM	33	SE NE			NU	0.1	0.0
5S	1W	WM	34	NW NW			NU	11.4	0.0
5S	1W	WM	34	SW NW			NU	0.3	0.0
Total Acres Irrigated								26.1	0.0

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

C. Diversion and Delivery System Information

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

1. Is a pump used?

YES

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

2. Pump Information

Well 1

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Unknown	Unknown	Unknown	Submersible	NA	2 inches

Pond Pump 1

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Jacuzzi	BE-12	6-357638-40	Centrifugal	2 inches	1 ½ inches

Pond Pump 2

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Baldor	JPM 3312T	F0611070150	Centrifugal	2 inches	1 ½ inches

Pond Pump 3

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Baldor	JMM 2516T	Z0406180115	Centrifugal	4 inches	2 ½ inches

3. Motor Information**Well 1**

MANUFACTURER	HORSEPOWER
Unknown	5

Pond Pump 1

MANUFACTURER	HORSEPOWER
Century	7.5

Pond Pump 2

MANUFACTURER	HORSEPOWER
Baldor	10

Pond Pump 3

MANUFACTURER	HORSEPOWER
Baldor	25

4. Theoretical Pump Capacity**Well 1**

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
5	45	73 feet	2 feet	0.19 cfs

Pond Pump 1

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
7.5	40	8 feet	0 feet	0.45 cfs

Pond Pump 2

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
10	40	8 feet	0 feet	0.60 cfs

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Pond Pump 3

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
25	40	8 feet	0 feet	1.51 cfs

5. Provide pump calculations:

$$Q_{\text{Well 1}} = \frac{(5 \text{ Hp})(7.04 \text{ ft}^4/\text{sec}/\text{Hp})}{(75 \text{ ft lift} + 114.3 \text{ feet pressure head})} = 0.19 \text{ cfs}$$

$$Q_{\text{Pond 1}} = \frac{(7.5 \text{ Hp})(6.61 \text{ ft}^4/\text{sec}/\text{Hp})}{(8 \text{ ft lift} + 101.6 \text{ feet pressure head})} = 0.45 \text{ cfs}$$

$$Q_{\text{Pond 2}} = \frac{(10 \text{ Hp})(6.61 \text{ ft}^4/\text{sec}/\text{Hp})}{(8 \text{ ft lift} + 101.6 \text{ feet pressure head})} = 0.60 \text{ cfs}$$

$$Q_{\text{Pond 3}} = \frac{(25 \text{ Hp})(6.61 \text{ ft}^4/\text{sec}/\text{Hp})}{(8 \text{ ft lift} + 101.6 \text{ feet pressure head})} = 1.51 \text{ cfs}$$

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not running at time of inspection			

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

7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
6 inches	40 feet	PVC	Buried
4 inches	2,500 feet	PVC	Buried
3 inches	120 feet	PVC	Buried
2 inches	450 feet	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
2 inches	6,600 feet	PVC	Buried
1 ¼ inches	6,600 feet	PVC	Buried

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
10 gpm	40-45	9-10	532	4	0.089 cfs (40 gpm)
6 gpm	40-45	5-6	165	10	0.133 cfs (60 gpm)

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

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
NA				

12. Additional notes or comments related to the system:

The sprinkler output figures listed above are likely to be more representative of the capacity of Well 1 than the pump calculations. Therefore, we assume that the capacity of Well 1 is about 60 gpm, or 0.13 cfs.

D. Groundwater Source Information (Well and Sump)

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

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YES

If "NO", items 2 through 8 relating to this section may be deleted.

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

3/4-inch vent port in sanitary seal, east side.

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

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

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

Well log is available. See MARI 2172.

5. Is the appropriation from a dug well (sump)?

NO

E. Storage

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir)

YES

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank

NO

Bulge in System / Reservoir

YES

Complete appropriate table(s) below, unused table may be deleted.

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Pond	None	0.4

F. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

G. Gravity Flow Canal or Ditch

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

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

H. Reservoir

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

NO

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

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SECTION 2

SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

NO

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

Well 2

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B. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	Q-Q	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
5S	1W	WM	33	NE NE			NU	14.3	0.0
5S	1W	WM	33	SE NE			NU	0.1	0.0
5S	1W	WM	34	NW NW			NU	11.4	0.0
5S	1W	WM	34	SW NW			NU	0.3	0.0
Total Acres Irrigated								26.1	0.0

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

C. Diversion and Delivery System Information

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

1. Is a pump used?

YES

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

2. Pump Information

Well 2

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Unknown	Unknown	Unknown	Submersible	NA	2 ½ inches

Pond Pump 1

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Jacuzzi	BE-12	6-357638-40	Centrifugal	2 inches	1 ½ inches

Pond Pump 2

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Baldor	JPM 3312T	F0611070150	Centrifugal	2 inches	1 ½ inches

Pond Pump 3

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Baldor	JMM 2516T	Z0406180115	Centrifugal	4 inches	2 ½ inches

3. Motor Information**Well 2**

MANUFACTURER	HORSEPOWER
Unknown	7.5

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Pond Pump 1

MANUFACTURER	HORSEPOWER
Century	7.5

Pond Pump 2

MANUFACTURER	HORSEPOWER
Baldor	10

Pond Pump 3

MANUFACTURER	HORSEPOWER
Baldor	25

4. Theoretical Pump Capacity

Well 2

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
7.5	0	215 feet	5	0.24 cfs

Pond Pump 1

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
7.5	40	8 feet	0 feet	0.45 cfs

Pond Pump 2

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
10	40	8 feet	0 feet	0.60 cfs

Pond Pump 3

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
25	40	8 feet	0 feet	1.51 cfs

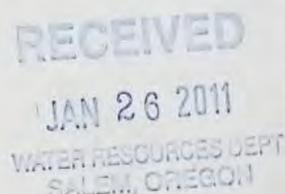
5. Provide pump calculations:

$$Q_{\text{Well 2}} = \frac{(7.5 \text{ Hp})(7.04 \text{ ft}^4/\text{sec}/\text{Hp})}{(220 \text{ ft lift} + 0 \text{ feet pressure head})} = 0.24 \text{ cfs}$$

$$Q_{\text{Pond 1}} = \frac{(7.5 \text{ Hp})(6.61 \text{ ft}^4/\text{sec}/\text{Hp})}{(8 \text{ ft lift} + 101.6 \text{ feet pressure head})} = 0.45 \text{ cfs}$$

$$Q_{\text{Pond 2}} = \frac{(10 \text{ Hp})(6.61 \text{ ft}^4/\text{sec}/\text{Hp})}{(8 \text{ ft lift} + 101.6 \text{ feet pressure head})} = 0.60 \text{ cfs}$$

$$Q_{\text{Pond 3}} = \frac{(25 \text{ Hp})(6.61 \text{ ft}^4/\text{sec}/\text{Hp})}{(8 \text{ ft lift} + 101.6 \text{ feet pressure head})} = 1.51 \text{ cfs}$$



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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not running at time of inspection			

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

7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
6 inches	40 feet	PVC	Buried
4 inches	2,500 feet	PVC	Buried
3 inches	120 feet	PVC	Buried
2 inches	450 feet	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
2 inches	6,600 feet	PVC	Buried
1 ¼ inches	6,600 feet	PVC	Buried

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
10 gpm	40-45	9-10	532	26	0.57 cfs (260 gpm)
6 gpm	40-45	5-6	165	24	0.32 cfs (144 gpm)

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

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
NA				

12. Additional notes or comments related to the system:

The rates given above for sprinkler output reflect available pond pump capacity and are not representative of the capacity of Well 2.

D. Groundwater Source Information (Well and Sump)

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

If "NO", items 2 through 8 relating to this section may be deleted.

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

¾-inch vent port in sanitary seal, west side.

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

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

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

Well log is available. See MARI 54098.

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

E. Storage

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir) YES

If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank NO

Bulge in System / Reservoir YES

Complete appropriate table(s) below, unused table may be deleted.

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Pond	None	0.4

F. Gravity Flow Pipe

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

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

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G. Gravity Flow Canal or Ditch

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

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

H. Reservoir

1. Does the claim involve a reservoir modified through a transfer? NO

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

SECTION 2

SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

NO

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

Well 6

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B. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	Q-Q	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
5S	1W	WM	33	NE NE			NU	14.3	0.0
5S	1W	WM	33	SE NE			NU	0.1	0.0
5S	1W	WM	34	NW NW			NU	11.4	0.0
5S	1W	WM	34	SW NW			NU	0.3	0.0
Total Acres Irrigated								26.1	0.0

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

C. Diversion and Delivery System Information

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

1. Is a pump used?

YES

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

2. Pump Information

Well 6

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Unknown	Unknown	Unknown	Submersible	NA	1 ¼ inches

Pond Pump 1

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Jacuzzi	BE-12	6-357638-40	Centrifugal	2 inches	1 ½ inches

Pond Pump 2

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Baldor	JPM 3312T	F0611070150	Centrifugal	2 inches	1 ½ inches

Pond Pump 3

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Baldor	JMM 2516T	Z0406180115	Centrifugal	4 inches	2 ½ inches

3. Motor Information**Well 6**

MANUFACTURER	HORSEPOWER
Unknown	1.5

Pond Pump 1

MANUFACTURER	HORSEPOWER
Century	7.5

Pond Pump 2

MANUFACTURER	HORSEPOWER
Baldor	10

Pond Pump 3

MANUFACTURER	HORSEPOWER
Baldor	25

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4. Theoretical Pump Capacity

Well 6

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
1.5	0	215 feet	5 feet	0.048 cfs

Pond Pump 1

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
7.5	40	8 feet	0 feet	0.45 cfs

Pond Pump 2

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
10	40	8 feet	0 feet	0.60 cfs

Pond Pump 3

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *IF A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
25	40	8 feet	0 feet	1.51 cfs

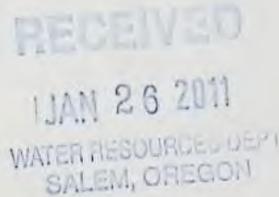
5. Provide pump calculations:

$$Q_{\text{Well 6}} = \frac{(1.5 \text{ Hp})(7.04 \text{ ft}^4/\text{sec}/\text{Hp})}{(220 \text{ ft lift} + 0 \text{ feet pressure head})} = 0.048 \text{ cfs}$$

$$Q_{\text{Pond 1}} = \frac{(7.5 \text{ Hp})(6.61 \text{ ft}^4/\text{sec}/\text{Hp})}{(8 \text{ ft lift} + 101.6 \text{ feet pressure head})} = 0.45 \text{ cfs}$$

$$Q_{\text{Pond 2}} = \frac{(10 \text{ Hp})(6.61 \text{ ft}^4/\text{sec}/\text{Hp})}{(8 \text{ ft lift} + 101.6 \text{ feet pressure head})} = 0.60 \text{ cfs}$$

$$Q_{\text{Pond 3}} = \frac{(25 \text{ Hp})(6.61 \text{ ft}^4/\text{sec}/\text{Hp})}{(8 \text{ ft lift} + 101.6 \text{ feet pressure head})} = 1.51 \text{ cfs}$$



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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not running at time of inspection			

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

7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
6 inches	40 feet	PVC	Buried
4 inches	2,500 feet	PVC	Buried
3 inches	120 feet	PVC	Buried
2 inches	450 feet	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
2 inches	6,600 feet	PVC	Buried
1 ¼ inches	6,600 feet	PVC	Buried

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
10 gpm	40-45	9-10	532	26	0.57 cfs (260 gpm)
6 gpm	40-45	5-6	165	24	0.32 cfs (144 gpm)

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

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
NA				

12. Additional notes or comments related to the system:

The rates given above for sprinkler output reflect available pond pump capacity and are not representative of the capacity of Well 6.

D. Groundwater Source Information (Well and Sump)

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

If "NO", items 2 through 8 relating to this section may be deleted.

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

Access is directly inside casing with removal of pitless adaptor cap.

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YES

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

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

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

Well log is available. See MARI 58521.

5. Is the appropriation from a dug well (sump)?

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E. Storage

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir) WATER RESOURCES DEPT
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If "NO", item 2 and 3 relating to this section may be deleted.

If "YES" is it a: Storage Tank NO

Bulge in System / Reservoir YES

Complete appropriate table(s) below, unused table may be deleted.

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Pond	None	0.4

F. Gravity Flow Pipe

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

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

G. Gravity Flow Canal or Ditch

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

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

H. Reservoir

1. Does the claim involve a reservoir modified through a transfer? NO

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

SECTION 3 CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	7/15/2004		
BEGIN CONSTRUCTION (A)	NA	NA	NA
COMPLETE CONSTRUCTION (B)	NA	NA	NA
COMPLETE APPLICATION OF WATER (C)	10/1/2008	8/30/2004	The newest well, Well 6, was completed on 7/30/2004. By 8/30/2004, Wells 1, 2, and 6 were all connected to the existing system and water was put to the use at the place of use for nursery operations.

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

2. Is there an extension final order(s)?

NO

4. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement?

YES

If "NO", items 4b through 4d relating to this section may be deleted.

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

March

c. Was the measurement submitted to the Department?

YES

d. If the initial measurement was not submitted, provide that measurement now, if available:

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT

5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements?

YES

If "NO", items 5b through 5e relating to this section may be deleted.

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b. Provide the month in which the static water level measurement was to be made:

March

- c. Were the static water level measurements taken in the month required? **YES**
- d. If "YES", were those measurements submitted to the Department? **YES**
- e. If the annual measurements were not submitted, provide the measurements now:

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT

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

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

If "NO", items 6b through 6d relating to this section may be deleted.

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

c. Is the pump test attached to this claim? **NO**

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

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7. Measurement Conditions:

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

If "NO", items 7b through 7f relating to this section may be deleted.

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

b. Has a meter been installed? **YES**

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well 1	Hersey	0403449	Working	15,360,250 gallons	September 2006
Well 2	McCrometer	99 3804 2	Working	42.982 AF	1999
Well 6	Hersey	0305924	Working	6,307,050 gallons	September 2006

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

If a meter has been installed, items 7e through 7g relating to this section may be deleted.

8. Recording and reporting conditions

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

If "NO", item 8b relating to this section may be deleted.

b. Have the reports been submitted?

NO

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

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

9. Fish Screening

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

10. By-pass Devices

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

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

- a. Were there special well construction standards? YES
- b. Was submittal of a ground water monitoring plan required? NO
- c. Was the water user required to restore the riparian area if it was disturbed? NO
- d. Was a fishway required? NO
- e. Was submittal of a letter from an engineer required prior to storage of water? NO
- f. Was submittal of a water management and conservation plan required? NO
- g. Other conditions? NO

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

Condition: The well(s) shall produce groundwater only from the alluvial groundwater reservoir between approximately 20 and 300 feet below land surface.

Compliance: The well logs for Wells 1, 2, and 6 (MARI 2172, 54098, and 58521, respectively), indicate that all three of the wells meet this condition.

SECTION 4
VARIATIONS

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

The permit allowed five wells. The water user only developed three of the wells (Wells 1, 2, and 6). The permit allowed 26.28 acres of nursery use. The water user developed 26.1 acres. The actual locations of Wells 2 and 6 are slightly different from the authorized locations: Well 2 is located about 30 feet east from the authorized location; Well 6 is located about 20 feet east of the authorized location.

**SECTION 5
ATTACHMENTS**

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

ATTACHMENT NAME	DESCRIPTION
Claim of Beneficial Use Map	Claim of Beneficial Use Map
Water Supply Well Report for MARI 2172	Driller's report and log for Well 1
Water Supply Well Report for MARI 54098	Driller's report and log for Well 2
Water Supply Well Report for MARI 58521	Driller's report and log for Well 6
Water Use Reports	Annual water use reports for water years 2006-2007, 2007-2008, 2008-2009, and 2009-2010

**SECTION 6
CLAIM SUMMARY**

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Wells 1, 2, and 6	0.36 cfs	0.42 cfs (Well 1: 0.13 Well 2: 0.24 Well 3: 0.048)	Not Measured	NU	26.28	26.1

**SECTION 7
CLAIM OF BENEFICIAL USE MAP**

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

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

The COBU map was prepared using tax assessor's maps 5 1W 33 and 5 1W 34, overlain by a summer 2005, orthographically corrected aerial photo obtained on line from Oregon State University's Oregon Imagery Explorer Natural Resources Library.



Map Checklist

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- Map on polyester film.
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens, fish by-pass devices, meters and measuring devices in relationship to point of diversion or appropriation.
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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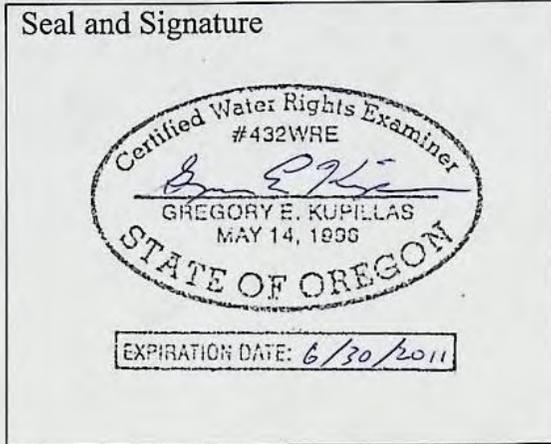
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**SECTION 8
SIGNATURES**

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CWRE Statement, Seal and Signature

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



CWRE NAME Gregory E. Kupillas		PHONE NO. (503) 632-5016	ADDITIONAL CONTACT NO.
ADDRESS 18487 S. Valley Vista Road			
CITY Mulino	STATE OR	ZIP 97042	E-MAIL phggek@bctonline.com

Permit or Transfer Holder's of Record Signature or Acknowledgement

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

SIGNATURE	PRINT OR TYPE NAME	DATE
<i>Dale Fessler</i>	Dale Fessler	12-6-10

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the

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WATER WELL REPORT
JUL 1 1971 STATE OF OREGON
STATE ENGINEER SALEM, OREGON
Do not write above this line

Well #1
2172
MARI...
State Well No. 51W-34b
State Permit No. 6-9587

(1) OWNER:

Name Kenneth Fessler
Address Rte. 2, Box , Woodburn, Oregon

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Driven
Cable Jetted
Dug Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other

CASING INSTALLED:

Threaded Welded
58" Diam. from 1' above surface ft. Gage
" Diam. from ft. to 103 ft. Gage .250
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? Yes No.
Type of perforator used Mills Knife Perforator
Size of perforations 1/4 in. by 3 in.
312 perforations from ft. to ft.
288 perforations from 70 ft. to 94 ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? Yes No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom?
Yield: 85 gal./min. with 26 ft. drawdown after 5 1/2 hrs.
" " " " " "
" " " " " "
Baller test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Bentonite & puddled clay
Well sealed from land surface to 29 ft.
Diameter of well bore to bottom of seal 11 in.
Diameter of well bore below seal 9 1/2 in.
Number of sacks of cement used in well seal _____ sacks
Number of sacks of bentonite used in well seal 2 sacks
Brand name of bentonite National
Number of pounds of bentonite per 100 gallons of water 100 lbs./100 gals.
Was a drive shoe used? Yes No Plug _____ Size: location _____ ft.
Did any strata contain unusable water? Yes No
Type of water? _____ depth, strata _____
Method of sealing strata off _____
Was well gravel packed? Yes No Size of gravel: 3/4" rd.
Gravel placed from 135 ft. 103 inside.

(10) LOCATION OF WELL:

County Marion Driller's well number _____
Bearing and distance from section or subdivision corner
Approx 700' E & 350' S. of N.W. cor. of Sec. 34, T. 5 S., R. 1 W.

(11) WATER LEVEL: Completed well.

Depth at which water was first found approx. 40 ft.
Static level 32 ft. below land surface. Date _____
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing none
Depth drilled 142 ft. Depth of completed well 103 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top soil-brn.	0	2	
Sandy loam-brn.-	2	8	
Clay sandy-brn.-	8	30	
Clay greyish brn., gritty-	30	40	
Med. conglom., brn., hard-	40	67 (W.B.)	
Sandy clay-brn., soft-	67	68 1/2	
Med. conglom.-grey-hard-	68 1/2	94 (W.B.)	
Sandy clay-dark grey-soft-	94	105	
Packed sand & wood-grey	105	106	
Sandy clay-dark grey-soft	106	135	
Clay-grey, sticky, & firm-	135	142	

Work started April 3, 19 Completed May 1, 1971
Date well drilling machine moved off of well May 1, 71 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Paul R. Stadel Date 5-28, 1971
(Drilling Machine Operator)
Drilling Machine Operator's License No. 16

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name R. Stadel & Sons, Inc.
(Person, firm or corporation) (Type or print)
Address Rte. 3, Box 169, Silverton, Oregon
[Signed] Paul R. Stadel
(Water Well Contractor)
Contractor's License No. 296 Date 5/28/71, 19

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Well #2

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MARI 54098

JUN 30 1999

IAN 26 2011

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

WATER RESOURCES DEPT. SALEM, OREGON

WELL I.D. # L-10514 START CARD # 104144

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

(1) OWNER: Dale Fessler, 12666 Monitor McKee Road NE, Woodburn, OR 97071

(2) TYPE OF WORK: [X] New Well

(3) DRILL METHOD: [X] Rotary Air

(4) PROPOSED USE: [X] Irrigation

(5) BORE HOLE CONSTRUCTION: Special Construction approval [X] No, Depth of Completed Well 245 ft.

Table with columns: HOLE Diameter, From, To, Material, SEAL From, To, Sacks or pounds. Includes data for Bent and cement.

How was seal placed: Method [X] C, Backfill placed from 245 ft. to 360 ft., Gravel placed from 230 ft. to 245 ft.

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge Steel, Plastic, Welded, Threaded. Includes data for 8 inch casing.

Final location of shoe(s)

(7) PERFORATIONS/SCREENS: Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Includes data for screens at 73, 132, and 215 ft.

(8) WELL TESTS: Minimum testing time is 1 hour. Table with columns: Yield gal/min, Drawdown, Drill stem at, Time. Includes data for 80 gal/min yield.

Temperature of water 56, Depth Artesian Flow Found, Was a water analysis done?, Did any strata contain water not suitable for intended use?

(9) LOCATION OF WELL by legal description: County Marion, Township 5S, Section 34, Tax Lot 00100, Street Address of Well 12666 Monitor McKee

(10) STATIC WATER LEVEL: 53' ft. below land surface, Date 1-14-99

(11) WATER BEARING ZONES: Depth at which water was first found 75'

Table with columns: From, To, Estimated Flow Rate, SWL. Includes data for zones at 75, 133, and 217 ft.

(12) WELL LOG: Ground Elevation

Table with columns: Material, From, To, SWL. Includes a large RECEIVED stamp and date OCT 11 1999.

Date started, Completed, (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.

(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.

MARI
54098

Sheet1

Material	From	To	SWL
Gravel & Soil	0	1	
Clay brown soft	1	4	
Hard pan brown	4	6	
Clay silty brown	6	20	
Clay blue gray	20	35.5	
Gravel silty grey	35.5	52	
Clay brown with gravel	52	60	
Tightly cemented gravel w/brown sand	60	75	
Gravel Looser	75	83	
Clay blue soft	83	93	
Claystone blue	93	97	
Clay blue sticky	97	120	
clay brown soft	120	133	
Sand grey med fine	133	135	
Siltstone grey	135	140	
Clay grey sticky	146	195	
Clay blue	195	217	
Sand grey & blue fine to coarse	217	224	
Silt stone packed	224	230	
Clay grey med-sticky	230	253	
Claystone grey soft	253	320	
Clay Brown Sticky	320	340	
Clay red Medium	340	360	

RECEIVED

JUN 30 1999

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

OCT 11 1999

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JAN 26 2011

WATER RESOURCES DEPT.
SALEM, OREGON

Well #6

MARI 58521

RECEIVED

NOV 26 2004

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

Westerberg Drilling, Inc.
36728 S. Kropf Rd.
Molalla, OR 97038

WELL I.D. # W/45
WATER RESOURCES DEPT
SALEM, OREGON
START CARD # 166710

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

(1) LAND OWNER Well Number _____
Name Dale Fessler
Address 12666 Monitor-McKee Rd.
City Woodburn State OR Zip 97071

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

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

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

(5) BORE HOLE CONSTRUCTION Special Construction: Yes No
Depth of Completed Well 255.5 ft
Explosives used: Yes No Type _____ Amount _____

BORE HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or Pounds
12"	0	75	Cement	7	75	71 sacks
			Bentonite	0	7	7 sacks
8"	75	338				

How was seal placed: Method A B C D E
 Other Bentonite placed dry

Backfill placed from 274 ft to 338 ft. Material Cement
Gravel placed from 209 ft to 261 ft. Size of gravel 8/12 & 6/9

(6) CASING/LINER Pea gravel from 261' to 274'

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 8"	+1	228	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: Riser 6"	209'2"	228'7"	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tail 5"	245'4"	255'6"	.258	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
Final location of shoe(s) 318.5' cut-off

(7) PERFORATIONS/SCREENS
 Perforations Method Continuous wrap
 Screens Type V-wire Material Stainless

From	To	Slot Size	Number	Diameter	Tele/pipe size	Casing	Liner
228'7"	233'10"	.050		5"	PS	<input type="checkbox"/>	<input type="checkbox"/>
233'10"	239'1"	.070		5"	PS	<input type="checkbox"/>	<input type="checkbox"/>
239'1"	245'4"	.050		5"	PS	<input type="checkbox"/>	<input type="checkbox"/>

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

Yield gal/min	Drawdown	Drill stem at	Time
18	158'		2 hr.

Temperature of water 56 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL (legal description)
County Marion
Tax Lot 500 Lot _____
Township 5 S Range 1 W WM
Section 34 NW 1/4 NW 1/4
Lat _____ or _____ (degrees or decimal)
Long _____ or _____ (degrees or decimal)

Street Address of Well (or nearest address) E. of 12706 Monitor-McKee Rd.

(10) STATIC WATER LEVEL
70 ft. below land surface. Date 7-30-04
_____ ft. below land surface. Date _____
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES
Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
80	109	N/A	N/A
153	159	7 gpm	70'
232	238	18 gpm	70'

(12) WELL LOG Ground Elevation _____

Material	From	To	SWL
Soil	0	1	
Clay brown	1	22	
Clay blue	22	31	
Clay brown w/ gravel	31	65	
Gravel slightly cemented	65		
med to large		109	
Clay grey	109	122	
Siltstone soft grey & green	122	140	
Silt brown	140	145	
Clay grey sticky	145	153	
Packed silt grey	153	159	
Clay blue sticky	159	167	
Claystone blue & brown	167	177	
Clay blue & brown sticky	177	232	

continued on page 2

Date Started 5-24-04 Completed 7-30-04

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

WWC Number _____ Date _____
Signed _____

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, 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.

WWC Number 688 Date 11-22-04
Signed Steve N. Stadh

2006

Oregon Water Resources Department October through September Water Use Recording and Reporting Form

2007

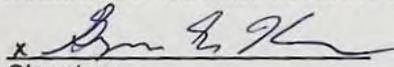
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Dale Fessler	Fessler Nursery Company	11608
Water Right Holder's Name	Water Right Holder's Business Name or Entity Name	USER ID#
dale@fesslernursery.com	12666 Monitor-McKee Rd., Woodburn, OR 97021	(503) 634-2448
Water Right Holder's Email	Water Right Holder's Complete Mailing Address	Phone Number

Facility Report ID	Fessler Nursery Co. Well 1 Application: G - 15785 Permit: G - 15676 Other:	Fessler Nursery Co. Well 2 Application: G - 15785 Permit: G - 15676 Other:	Fessler Nursery Co. Well 6 Application: G - 15785 Permit: G - 15676 Other:	Application: - Permit: - Other:
Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)				
October - 2006	105,683	0.1007	0	
November - 2006	130,237	0.1036	0	
December - 2006	110,796	0.1075	0	
January - 2007	125,871	0.1020	0	
February - 2007	145,123	0.1173	0	
March - 2007	160,994	0.1307	0	
April - 2007	276,576	0.4021	0	
May - 2007	284,107	0.4531	0	
June - 2007	258,161	0.6079	359,640	
July - 2007	185,671	0.8163	561,460	
August - 2007	140,157	1.0467	695,720	
September - 2007	100,924	0.8513	553,920	
TOTAL *	2,024,300.00	4.84	2,170,740.00	
Unit of Measurement	<input checked="" type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input checked="" type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input checked="" type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF

Describe the method of measurement used: Meters. If used for irrigation, total number of acres irrigated: _____

I certify this information is true and accurate to the best of my knowledge.

01/19/11		Greg Kupillas, CWRE	Pacific Hydro-Geology Inc.	(503) 632-5983
Date	Signature	Name and Title (print)	Company	Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program; 725 Summer Street NE, Suite A: Salem, OR 97301.

RECEIVED
OCT 20 2007
WATER RESOURCES DEPT
SALMON, OREGON

2007

Oregon Water Resources Department October through September Water Use Recording and Reporting Form

2008

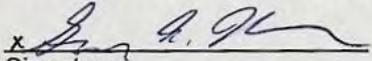
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Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)				
October - 2007	136,243	0.0574	0	
November - 2007	151,821	0.0898	0	
December - 2007	143,213	0.1131	0	
January - 2008	165,866	0.1010	0	
February - 2008	203,653	0.1109	0	
March - 2008	239,548	0.1231	0	
April - 2008	345,986	0.3978	0	
May - 2008	363,546	0.4351	0	
June - 2008	357,145	0.6001	377,060	
July - 2008	206,982	0.8013	533,660	
August - 2008	175,215	0.9376	679,640	
September - 2008	150,677	0.8491	580,000	
TOTAL *	2,639,895.00	4.32	2,170,360.00	
Unit of Measurement	<input checked="" type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input checked="" type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input checked="" type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF

Describe the method of measurement used: Meters. If used for irrigation, total number of acres irrigated: _____

I certify this information is true and accurate to the best of my knowledge.

01/19/11		Greg Kupillas, CWRE	Pacific Hydro-Geology Inc.	(503) 632-5983
Date	Signature	Name and Title (print)	Company	Phone Number

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RECEIVED
JAN 26 2011
WATER UTILITIES DIVISION
SALEM, OREGON

2008

Oregon Water Resources Department October through September Water Use Recording and Reporting Form

2009

Consult the water right (permit, certificate, order) to determine applicable reporting conditions; the measurement, recording, and reporting conditions identified in a permitted or certified water right typically follow the place of use description. Use the columns below to document measurements for each authorized point of diversion/appropriation or reservoir. We ask that zeros be reported for any given month when water is not being used. Keep a copy of all measurement reports for your records. We encourage you to submit your water use data via our online utility when available, and to use the Monthly Water Use Forms for record keeping purposes. To lookup water rights, access the water use reporting webpage/online utility, or to obtain additional forms visit our web site: <http://www.wrd.state.or.us>

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Water Right Holder's Name dale@fesslernursery.com	Water Right Holder's Business Name or Entity Name 12666 Monitor-McKee Rd., Woodburn, OR 97021	USER ID# (503) 634-2448
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Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)				
October - 2008	151,362	0.0847	0	
November - 2008	162,931	0.1092	0	
December - 2008	155,876	0.1307	0	
January - 2009	180,417	0.1498	0	
February - 2009	218,719	0.1521	0	
March - 2009	252,883	0.1793	0	
April - 2009	357,258	0.4372	0	
May - 2009	375,387	0.5696	0	
June - 2009	369,881	0.6318	354,240	
July - 2009	221,761	0.8245	564,980	
August - 2009	189,355	1.1652	630,460	
September - 2009	165,575	0.9273	483,960	
TOTAL *	2,801,405.00	5.36	2,033,640.00	
Unit of Measurement	<input checked="" type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input checked="" type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input checked="" type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF

Describe the method of measurement used: Meters. If used for irrigation, total number of acres irrigated: _____

I certify this information is true and accurate to the best of my knowledge.

01/19/11		Greg Kupillas, CWRE	Pacific Hydro-Geology Inc.	(503) 632-5983
Date	Signature	Name and Title (print)	Company	Phone Number

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RECEIVED
JAN 26 2011
WATER RESOURCES
SYSTEMS DIV.

2009

Oregon Water Resources Department October through September Water Use Recording and Reporting Form

2010

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Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)				
October - 2009	161,248	0.1002	0	
November - 2009	170,860	0.1025	0	
December - 2009	161,755	0.1412	0	
January - 2010	192,160	0.1563	0	
February - 2010	228,821	0.1679	0	
March - 2010	263,707	0.1983	0	
April - 2010	365,070	0.4431	0	
May - 2010	383,413	0.5967	0	
June - 2010	375,995	0.5994	0	
July - 2010	232,180	0.8523	544,660	
August - 2010	197,466	1.0079	653,480	
September - 2010	175,625	0.9132	512,000	
TOTAL *	2,908,300.00	5.28	1,710,140.00	
Unit of Measurement	<input checked="" type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input checked="" type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input checked="" type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF	<input checked="" type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> AF <input type="checkbox"/> CF <input type="checkbox"/> MCF

Describe the method of measurement used: Meters. If used for irrigation, total number of acres irrigated: _____

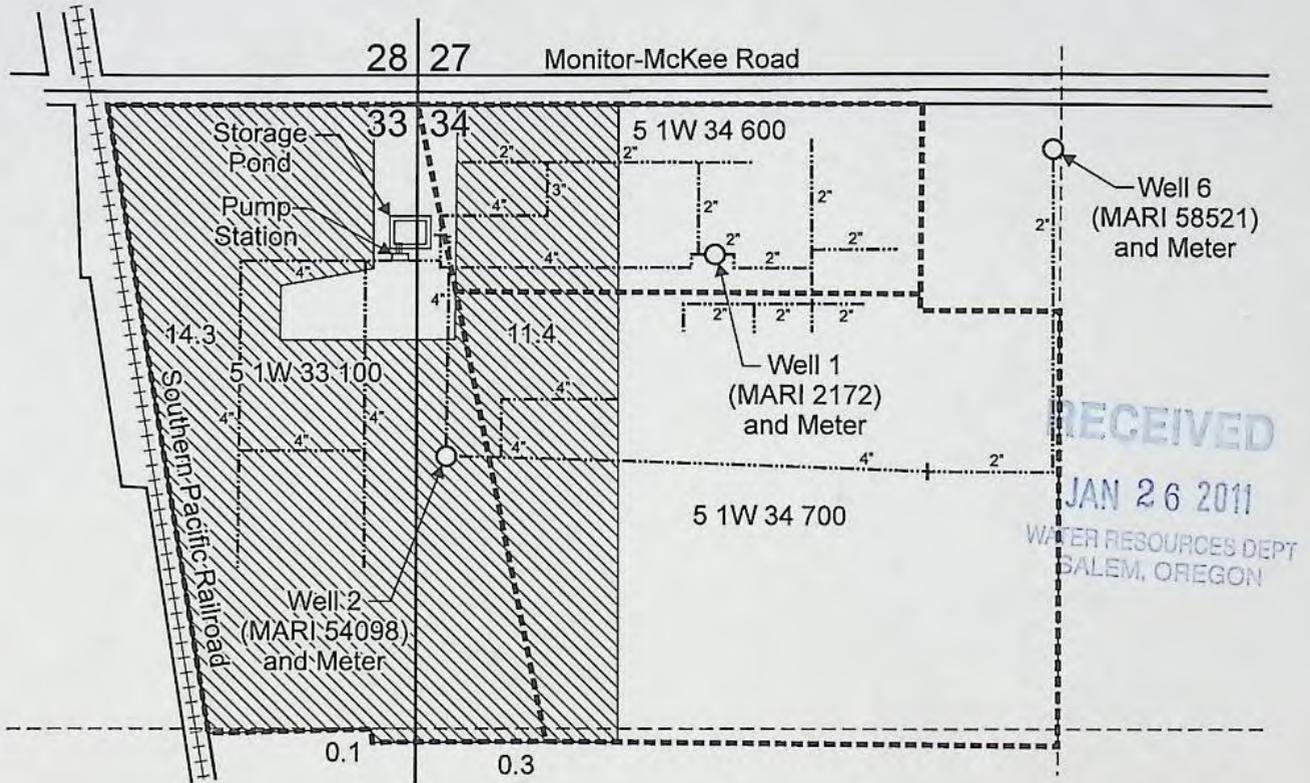
I certify this information is true and accurate to the best of my knowledge.

01/19/11		Greg Kupillas, CWRE	Pacific Hydro-Geology Inc.	(503) 632-5983
Date	Signature	Name and Title (print)	Company	Phone Number

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JAN 20 2011
WATER RESOURCES DEPARTMENT
SALEM, OREGON

T.5S. R.1W. Sec. 33 & 34, W.M.



RECEIVED
 JAN 26 2011
 WATER RESOURCES DEPT
 SALEM, OREGON

Well 1 (MARI 2172) is located 340 feet south and 610 feet east from the NW corner of Section 34.
 Well 2 (MARI 54098) is located 760 feet south and 60 feet east from the NW corner of Section 34.
 Well 6 (MARI 58521) is located 120 feet south and 1,300 feet east from the NW corner of Section 34.

- Area (26.1 acres) of nursery use under Application G-15785, Permit G-15676.
- Tax lot boundary
- 4" Irrigation main line

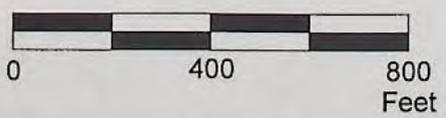
Certified Water Rights Examiner
 #432WRE

 GREGORY E. KUPILLAS
 MAY 14, 1996
 STATE OF OREGON

EXPIRATION DATE: 6/30/2011



Scale: 1" = 400'



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

Claim of Beneficial Use Map Application G-15785, Permit G-15676

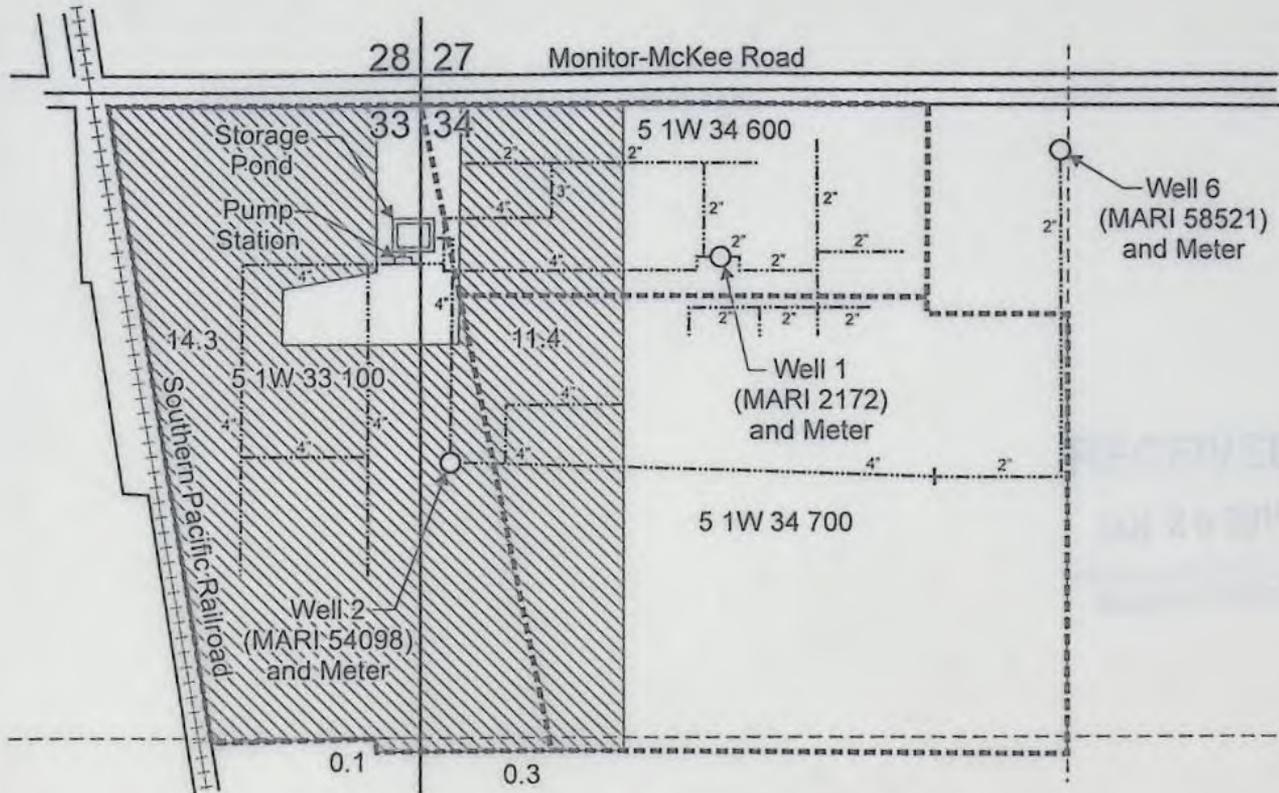
Fessler Nursery Company
 T.5S. R.1W. Sec. 33 & 34, W.M.

Pacific Hydro-Geology Inc.

7/2010

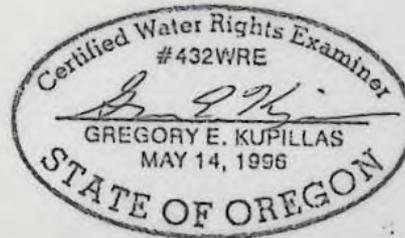
FesslerNUCOBUMap.cdr

T.5S. R.1W. Sec. 33 & 34, W.M.



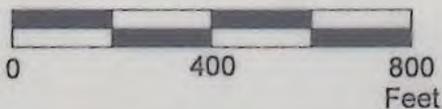
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-  Area (26.1 acres) of nursery use under Application G-15785, Permit G-15676.
-  Tax lot boundary
-  4" Irrigation main line



EXPIRATION DATE: 6/30/2011

Scale: 1" = 400'



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Claim of Beneficial Use Map
 Application G-15785, Permit G-15676

Fessler Nursery Company
 T.5S. R.1W. Sec. 33 & 34, W.M.

Pacific Hydro-Geology Inc.

7/2010



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

January 27, 2011

Fessler Nursery Company
12666 Monitor-McKee Rd NE
Woodburn OR 97071

On January 26, 2011, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application G-15785 Permit G-15676

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

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

Customer Service phone: (503) 986-0801

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

Your receipt was given to your agent, Greg Kupillas..



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

November 17, 2010

Fessler Nursery Company
Attn: Dale Fessler
12666 Monitor McKee Rd.
Woodburn, Oregon 97021

Reference: ASR Limited License, Permit G-15676, and Transfer T-6952

Dear Mr. Fessler:

The Department is in receipt of your application for ASR Limited License. We note that the water rights intended to be exercised under the ASR application have "C" dates that have passed. Therefore these rights are overdue for either a Claim of Beneficial Use or application for Extension of Time.

These steps in the water right perfection process will need to be undertaken prior to the Department authorizing the use of water under those rights for Aquifer Storage and Recovery.

You might wish to consider using the department's Reimbursement Authority program to expedite this process. The Department is open to working on all these issues concurrently.

Should you have any questions, please do not hesitate to contact Jen Woody at 503.986.0855, or Jerry Sauter at 503.986.0817.

Sincerely,

Jen Woody
Hydrogeologist

Cc: Malia Kupillas, Pacific Hydro-Geology

Jerry Sauter

From: Greg [phggek@bctonline.com]
Sent: Thursday, October 29, 2009 1:14 PM
To: Jerry Sauter
Subject: Pending Claims of Beneficial Use

Jerry:

The following is a list of applications/permits that I am currently working on to complete the COBUs that were due this October (2009):

Application T-10119, Freres Lumber
Application G-16080, Permit G-15681, Delbert Hupp
Application G-16079, Permit G-15680, Delbert Hupp
Application G-16090, Permit G-15682, Delbert and Barbara Hupp
Application G-15905, Permit G-15520, Dan Drescher
Application G-15785, Permit G-15676, Fessler Nursery
Application G-16157, Permit G-15673, Claremont Golf Club
Application G-16139, Permit G-15736, Halsey Resources

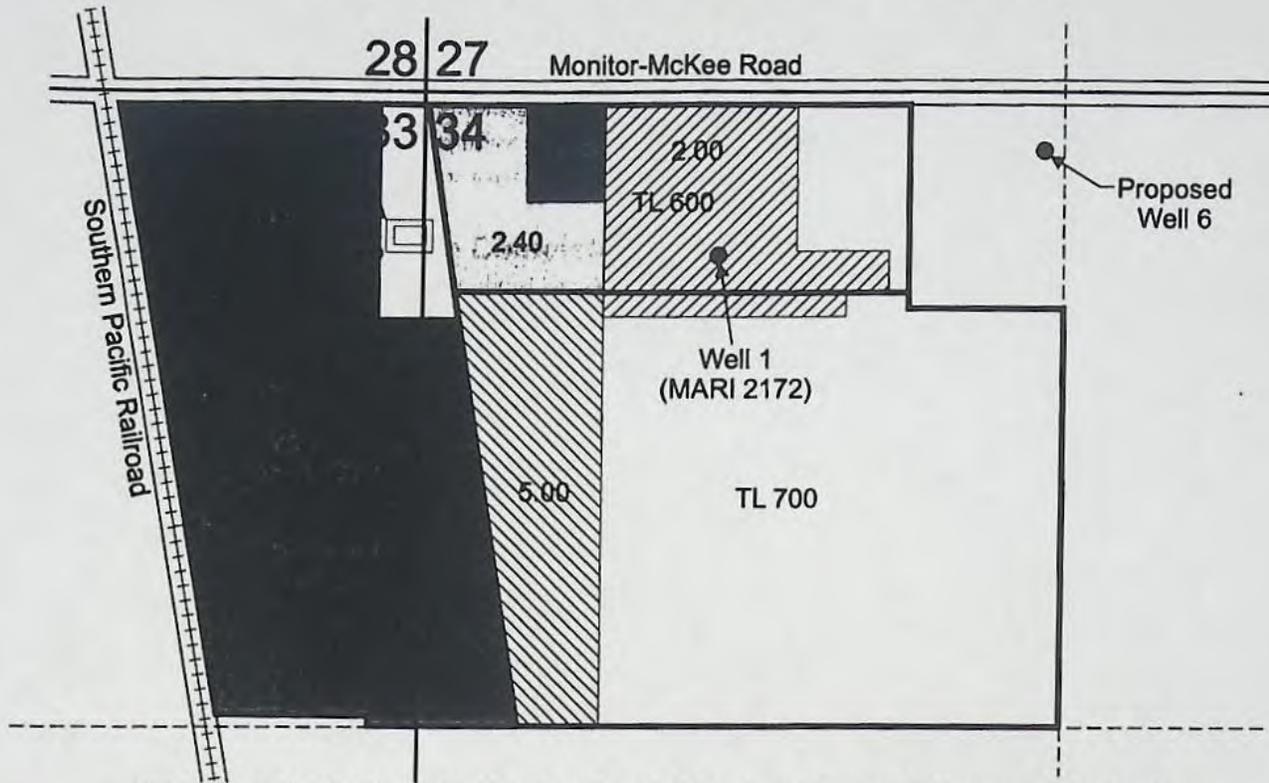
Regards,

Gregory E. Kupillas, R.G., C.W.R.E.

Pacific Hydro-Geology Inc.
18487 S. Valley Vista Road
Mulino, Oregon 97042-8741
(503) 632-5016

E-mail message checked by Spyware Doctor (6.1.0.447)
Database version: 6.13590
<http://www.pctools.com/spyware-doctor-antivirus/>

T.5S. R.1W. Sec. 33 & 34



Well 1 (MARI 2172) is located 340 feet south and 610 feet east from the NW corner of Section 34.
 Well 2 (MARI 54098) is located 762 feet south and 32 feet east from the NW corner of Section 34.
 Proposed well 4 is located 910 feet south and 460 feet west from the NW corner of Section 34.
 Proposed Well 5 is located 340 feet south and 100 feet west from the NW corner of Section 34.
 Proposed Well 6 is located 120 feet south and 1,280 feet east from the NW corner of Section 34.

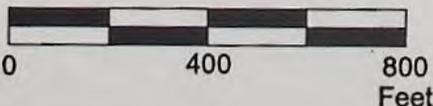
-  Desired Year-Round Nursery Right (18.88 acres); Existing Water Right for Irrigation under Application G-11087, Permit G-10930, Transfer T-8048.
-  Desired Year-Round Nursery Right (2.40 acres); Existing Water Right for Irrigation under Application G-8670, Permit G-9587, Certificate 62676.
-  Desired Year-Round Nursery Right (5.00 acres); Portion of Existing Water Right for Irrigation under Application G-8641, Permit G-7950, Certificate 65931.
-  Existing Water Right for Commercial Use in Greenhouses (2.00 acres) under Application G-8670, Permit G-9587, Certificate 62676.

RECEIVED

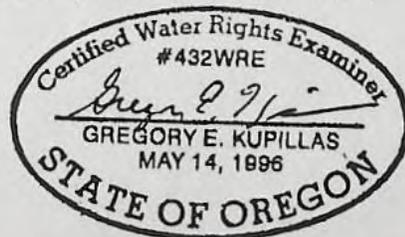
JAN 09 2004

WATER RESOURCES DEPT
 SALEM, OREGON

Scale: 1" = 400'



Appl # G-15785
 Permit # G-15676



EXPIRATION DATE: 6/30/05

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

Amended Water Right Application Map

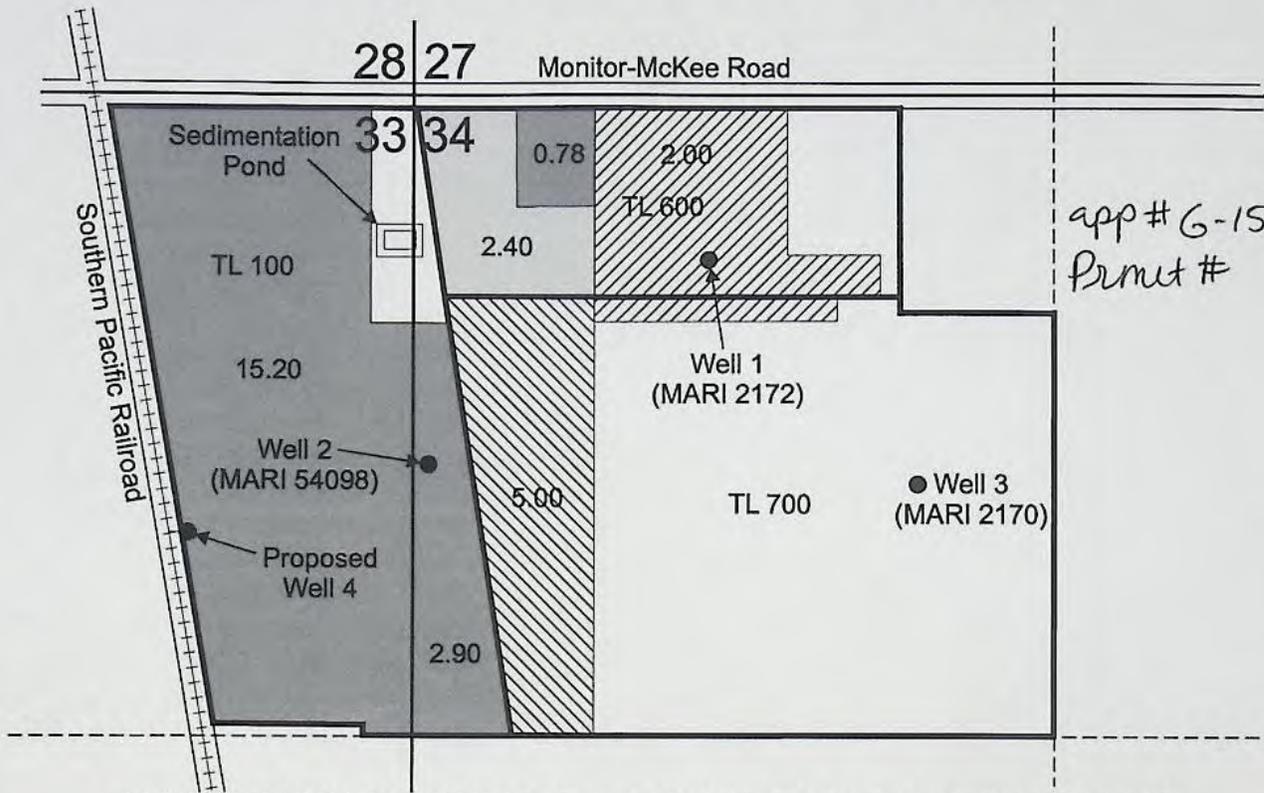
Fessler Nursery
 T.5S. R.1W. Sec. 33 and 34

Pacific Hydro-Geology Inc.

1/2004

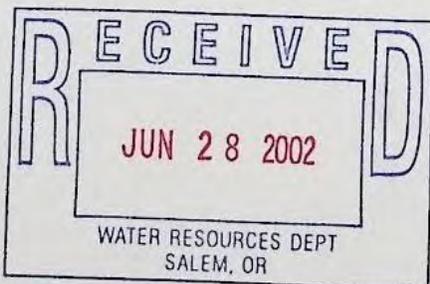
SUPERSEDED

T.5S. R.1W. Sec. 33 & 34



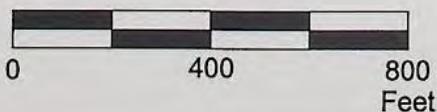
Well 1 (MARI 2172) is located 340 feet south and 610 feet east from the NW corner of Section 34.
Well 2 (MARI 54098) is located 762 feet south and 32 feet east from the NW corner of Section 34.
Well 3 (MARI 2170) is located 800 feet south and 1,040 feet east from the NW corner of Section 34.
Proposed well 4 is located 910 feet south and 460 feet west from the NW corner of Section 34.

- Desired Year-Round Nursery Right (18.88 acres); Existing Water Right for Irrigation under Application G-11087, Permit G-10930, Transfer T-8048.
- Desired Year-Round Nursery Right (2.40 acres); Existing Water Right for Irrigation under Application G-8670, Permit G-9587, Certificate 62676.
- Desired Year-Round Nursery Right (5.00 acres); Portion of Existing Water Right for Irrigation under Application G-8641, Permit G-7950, Certificate 65931.
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EXPIRATION DATE: _____

Scale: 1" = 400'



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



Water Right Application Map

Pacific Hydro-Geology Inc.

Fessler Nursery
T.5S. R.1W. Sec. 33 and 34

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15785

Final Order

Application History

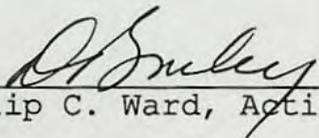
On JUNE 28, 2002, DALE FESSLER submitted an application for FESSLER NURSERY CO. to the Department for a water use permit. The Department issued a Proposed Final Order on May 4, 2004. The protest period closed June 18, 2004, and no protest was filed. On May 7, 2004, Greg Kupillas, the applicant's agent, clarified that the intent of the application is to appropriate the full rate from any well or combination of wells.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to remove the per-well rate limitation consistent with the applicant's clarified intent, and to correct the measurement, recording and reporting conditions consistent with OAR 690-320-0050.

Order

Application G-15785 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number G-15676 is issued as limited by the conditions set forth therein.

DATED July 15, 2004


Phillip C. Ward, Acting Director

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or 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.

ORS 536.075 allows for additional appeal rights for other than contested case. This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of this order must be filed within the 60 day time period specified by ORS 183.484(2).

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise

precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

This document was prepared by Cory Engel. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 503-986-0813.

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 Renee Moulun at 503-986-0824.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: 503-986-0901

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

FESSLER NURSERY CO.
12666 MONITOR-MCKEE RD
WOODBURN, OREGON 97021

503-634-2448

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

APPLICATION FILE NUMBER: G-15785

SOURCE OF WATER: WELLS 1, 2, 4, 5, AND 6 IN ZOLLNER CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 26.28 ACRES

MAXIMUM RATE: 0.36 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 28, 2002

WELL LOCATIONS, ALL FROM THE NW CORNER OF SECTION 34, T5S, R1W, W.M.:

WELL 1 (MARI2172): NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34; 340 FEET SOUTH & 610 FEET EAST
WELL 2 (MARI54098): NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34; 762 FEET SOUTH & 32 FEET EAST
WELL 4 (PROPOSED): NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33; 910 FEET SOUTH & 460 FEET WEST
WELL 5 (PROPOSED): NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33; 340 FEET SOUTH & 100 FEET WEST
WELL 6 (PROPOSED): NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34; 120 FEET SOUTH & 1280 FEET EAST

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.2 ACRES
SECTION 33

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 11.08 ACRES
SECTION 34
TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

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

The well(s) shall produce groundwater only from the alluvial groundwater reservoir between approximately 20 and 300 feet below land surface.

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 BegunReference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

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

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

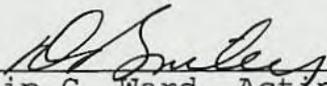
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

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

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

Issued July 15, 2004


Phillip C. Ward, Acting Director
Water Resources Department

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

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

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or

certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

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

Application G-15785
Basin 02
engelcc

Water Resources Department
Volume 15 ZOLLNER CR MISC

PERMIT G-15676
District 16

Mailing List for FO Copies

Application # G-15785

Mailing List Print Date: July 9, 2004

Original mailed to (when permit issued, include copy of permit map) :

Applicant:

DALE FESSLER FESSLER NURSERY CO., 12666 MONITOR-MCKEE RD, WOODBURN, OREGON 97021

Copies Mailed	
By: _____	(SUPPORT STAFF)
on: <u>7-16-04</u>	(DATE)

For FO w/Permit - Copies sent to:

- 1. WRD - File # G-15785 ✓
- 2. WRD - Ken Stahr ✓

For FO w/ Permit - FO and Map Copies sent to (Remember to reduce copy margins):

- 3. WRD - Data Center ✓
- 4. WRD - Watermaster District #: 16 ✓
- 5. WRD - Regional Manager: NWR ✓

For FO w/Draft Permit, w/Permit, or for Denial - Copies to Other Interested Persons

- 6. Greg Kupillas (CWRE #432) ✓
- 7. Clara Fessler, One Towers Lane, Box 2124, Mt. Angel, Oregon, 97362 ✓
- 8. Marvin Fessler, 12668 Monitor McKee Road NE, Woodburn, Oregon 97071 ✓

CASEWORKER: CCE

FO CHECKLIST

FILE # G-15785
 PFO WEEK # 458
 FO WEEK # 414

REVIEW DATE: July 9, 2004
 CASEWORKER: Cory Engel

1. Y / N Has applicant name and/or address changed; or has the file been assigned?
 If new: _____
2. Y / N Were comments received? If so, **from whom** and **when**? KUMELUAS, 5/7
 Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
3. On the PFO CC list, verify names and mailing addresses of **ALL** commenters (regardless of comment date, **affected landowners, and those who paid the \$10 fee.**
4. Y / N / NA Have affected land owners been notified? If not, refer to #8.
5. Y / N / NA Has ODFW asked for self certification of screening condition? If yes, include fish screening form.
6. Correct PFO errors (such as POD or POU location (verify from map)
7. Y / N / NA Are requested GW conditions included in permit? If no, add condition(s): _____
8. Verify payment of recording fees: Issue FO w/permit if fees are paid. Prepare refund request for excess fees, **including standing fees if no protest is filed and no modifications are being made to the PFO.** Issue FO w/o permit if fees are lacking.

Base Fee:	Water Amount:
Storage only: \$100 or	
Storage only: \$150	
Live flow: <u>\$250</u> or	1st ___ CFS/AF: <u>150</u>
Live flow: \$300	___ Addl @ ___: + _____
<u>250</u>	+ <u>150</u> = <u>400</u> (total exam fee)

EXAM FEE REQUIRED:	<u>400</u>	RECORDING FEE REQUIRED:	\$250
EXAM FEE PAID:	<u>400</u>	RECORDING FEE PAID:	<u>250</u>
STILL OWED:	<u>0</u>	STILL OWED:	<u>0</u>

9. Y / N Is further processing possible? If not state reason: _____

FO Type
 FO & PERMIT (Permit # G-15676)

Once FO document is completed

10. Save WordPerfect document in S:\GROUPS\WR\FO\WEEK414.
11. Print final draft of document and submit for peer review.

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.
 C:\WINDOWS\Desktop\Customized forms\FO checklist (Cory).wpd

PFO CHECKLIST

✓ 1. IR Date: 1/17/03 Public Notice Date 2/4/03 Comments Received: (Y) N AMENDMENT

✓ 2. Was additional information requested in the IR? Y / (N) If so, do we now have enough info to do the PFO? (Y) N

✓ 3. Was the application filed before October 23, 1999? Y / (N) (If so, add A date requirement.)

✓ 4. Changes from IR: APP AMENDMENT RE-REVIEWED BY GW SECTION
- NO PSI
- USE GW BASE PLAN
- NOT SUSPECT TO SW
- CONDITIONS 7F, 7B, SWL MEASUREMENT

DIVISION COMMENTS
 ARE NOW IRRELEVANT

✓ 5. Copy to: CWRG #432, GWRG KURUWAS
CLARA FESSLER
MARVEN FORLOR
NWR WELL INSPECTOR

✓ 6. Fees: Base Fee: Water Amount:
 Storage only: \$100 or
 Storage only: \$150
 Live flow: \$250 or 1st CFS/AF: 150
 Live flow: \$300 Addl @ : + 0

250 + 150 = 400 (total exam fee)

EXAM FEE REQUIRED: <u>400</u>	RECORDING FEE REQUIRED: \$250
EXAM FEE PAID: <u>400</u>	RECORDING FEE PAID: <u>0</u>
STILL OWED: <u>0</u>	STILL OWED: <u>250</u>

250
 TEST BOX

4/21/04 9:10 am

HAVE CALL IN TO EVAN TO CONFIRM THAT
 HE WANTS SWL MEASUREMENTS TAKEN,
 BUT NOT RECORDED, AND WITH NO OSCLES
 CONDITION.

PROBABLY SHOULD AT LEAST REQUIRE KEEPING
 A RECORD AND SUBMITTING IT TO WPD IF
REQUESTED

Name: Cory Engel

Date: 4/21/04

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

WATER RESOURCES DEPARTMENT

DIVISION 502

WILLAMETTE BASIN PROGRAM

690-502-0160

Groundwater Classifications and Conditions

- (1) Use of groundwater from the basalt aquifer within the Cooper-Bull Mountain Critical Groundwater Area shall be as described in the State Engineer's order designating the Cooper-Bull Mountain Critical Groundwater Area dated May 17, 1974.
- (2) Groundwater Classification: The groundwater resources of the Willamette Basin are classified for domestic, livestock, *irrigation*, municipal, industrial, *agricultural*, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and statutorily exempt groundwater uses except as described in OAR 690-502-0170 to 690-502-0210.

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date April 8, 2004

FROM: Ground Water/Hydrology Section Ivan Gall
Reviewer's Name

SUBJECT: Application G- 15785 (amended) Supersedes review of 12/04/2002 (by M. Norton)
Date of Review(s)

PUBLIC INTEREST PRESUMPTION: GROUNDWATER

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

A. GENERAL INFORMATION: Applicant's Name: Fessler Nursery Company County: Marion

A1. Applicant(s) seek(s) 0.359 cfs from 5 well(s) in the Willamette Basin,
Pudding River subbasin Quad Map: Silverton

A2. Proposed use: Nursery Seasonality: Year-round

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

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	MARI 2172	1	Alluvium	.069	05S/01W-34BB	340' S, 610' E fr NW cor S 34
2	MARI 54098	2	Alluvium	.089	05S/01W-34BB	762' S, 32' E fr NW cor S 34
4	NA	4	Alluvium	.067	05S/01W-35AA	910' S, 460' W fr NW cor S 34
5	NA	5	Alluvium	.067	05S/01W-35AA	340' S, 100' W fr NW cor S 34
6	NA	6	Alluvium	.067	05S/01W-34BB	120' S, 1,280' E fr NW cor S 34

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	190	40	32	5/1/71	142	0-29'	103?		70-94'	85	26	P
2	185	75	53	1/14/99	245	60	241		73-225'	80	na	A
4	180											
5	185											
6	195											

Use data from application for proposed wells.

A4. **Comments: Wells 4, 5, and 6 are proposed and not yet constructed. Estimated depth of 250 feet, sealed to 20 feet.**

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

A6. Well(s) # _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.
 Name of administrative area: _____
 Comments: **Note that the applicant's wells are approximately one mile north of the Mt. Angel groundwater limited area.**

B. GROUND WATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. Based upon available data, I have determined that ground water* for the proposed use:

- a. is over appropriated, is not over appropriated, or cannot be determined to be over appropriated during any period of the proposed use. * This finding is limited to the ground water portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b. will not or will likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the ground water portion of the injury determination as prescribed in OAR 690-310-130;
- c. will not or will likely to be available within the capacity of the ground water resource; or
- d. will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource:
 - i. The permit should contain condition #(s) 7B, 7F, *;
 - ii. The permit should be conditioned as indicated in item 2 below.
 - iii. The permit should contain special condition(s) as indicated in item 3 below;

- B2. a. Condition to allow ground water production from no deeper than _____ ft. below land surface;
- b. Condition to allow ground water production from no shallower than _____ ft. below land surface;
- c. Condition to allow ground water production only from the Alluvial ground water reservoir between approximately 20 ft. and 300 ft. below land surface;
- d. Well reconstruction is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): _____

B3. **Ground water availability remarks:***Require applicant to measure a static water level in each well in March of the year prior to any groundwater use under this permit.
The wells on this application produce water from the Willamette aquifer (Woodward and Gannett, 1998). In this area, the aquifer is about 40-60 feet thick; it is overlain by about 50-60 feet of fine-grained Willamette Silt Unit and underlain by about 400-500 feet of the predominantly fine-grained Willamette confining unit. The regional water table resides in the Willamette Silt, generally within 10 feet of land surface. The silt acts as a leaky confining unit in relation to the underlying aquifer. Recharge to the aquifer is primarily through the silt unit. Regional discharge is to the Willamette River which is incised completely through the silt unit into the underlying Willamette aquifer. Smaller streams, such as Zollner Creek, are entrenched in, but do not fully penetrate, the silt unit. Although these smaller streams are hydraulically connected to the Willamette aquifer, the connection is very weak because of the low vertical permeability of the silt that occurs between the streambed and the aquifer. Because the Willamette aquifer is confined (S = 0.0001), pumping impacts will propagate rapidly to aquifer boundaries. The principal boundaries are the Willamette River and the Willamette Silt (diffuse downward seepage over a large area). Smaller streams will be very weak boundaries (diffuse seepage over a small area). Pumping withdrawals will be offset by a decrease in stored water in the aquifer, reduced streamflow in the Willamette River, downward leakage of water from the overlying silt into the aquifer, and reduced streamflow to smaller streams. However, the geometry of the system and the low vertical permeability of the silt unit indicate that most pumping impacts will be to the Willamette River and the Willamette Silt with very little impact to the smaller streams. Long-term hydrographs in the area show no progressive long-term declines (MARI 1982, attached). Seasonal fluctuations are on the order of 6-8 feet. Seasonal fluctuations in the Willamette aquifer prior to extensive ground water development were on the order of 10-15 feet (Piper, 1942). Since seasonal fluctuations represent about 70-80% of the available hydraulic head in the aquifer in this area, (winter water table surface elevation (elevation ~140 feet from Woodward and Gannett) minus top of aquifer elevation (elevation ~130 feet)), additional ground water is available for development in the area. However, as seasonal

fluctuations increase due to increased use, hydraulic interference during the irrigation season will become more pronounced over time and shallow wells may need to be deepened to compensate for these impacts.

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040

C1. 690-09-040 (1): Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	Alluvial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Alluvial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Alluvial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Alluvial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Alluvial	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer confinement evaluation: See B3 above.

C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	Zollner Creek	158	125	1700	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	1	Zollner Creek	132	125	1550	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	1	Zollner Creek	130	125	1400	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	1	Zollner Creek	135	125	2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	1	Zollner Creek	135	125	2100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: Groundwater elevations are greater than stream stage. Although silt has low vertical permeability, there is still some degree of vertical groundwater movement through Willamette silt unit. Diffuse discharge occurs to streams from the Willamette Silt Unit.

Water Availability Basin the well(s) are located within: Pudding River (#151)

C3a. 690-09-040 (4): Evaluation of stream impacts for each well that has been determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% *natural* flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
1	1	<input type="checkbox"/>	<input type="checkbox"/>	73532B	36	<input type="checkbox"/>	67.3	<input type="checkbox"/>	*	<input type="checkbox"/>
2	1	<input type="checkbox"/>	<input type="checkbox"/>	73532B	36	<input type="checkbox"/>	67.3	<input type="checkbox"/>	*	<input type="checkbox"/>
4	1	<input type="checkbox"/>	<input type="checkbox"/>	73532B	36	<input type="checkbox"/>	67.3	<input type="checkbox"/>	*	<input type="checkbox"/>
5	1	<input type="checkbox"/>	<input type="checkbox"/>	73532B	36	<input type="checkbox"/>	67.3	<input type="checkbox"/>	*	<input type="checkbox"/>
6	1	<input type="checkbox"/>	<input type="checkbox"/>	73532B	36	<input type="checkbox"/>	67.3	<input type="checkbox"/>	*	<input type="checkbox"/>

C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Complete only if Q is distributed among wells. Otherwise same evaluation and limitations apply as in C3a above.

	SW #	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
	1	<input type="checkbox"/>	73532B	36	<input type="checkbox"/>	67.3	<input type="checkbox"/>	*	<input type="checkbox"/>
		<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Comments: * Interference at 30 days could be estimated using the Hunt analytical model. However, given the silt thickness below the streambed of Zollner Creek, the impact to streamflow following 30 days of pumping would not exceed 25% of the rate.

C4a. **690-09-040 (5):** Estimated impacts on hydraulically connected surface water sources greater than one mile as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)													
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

(A) = total interference as CFS; (B) = WAB calculated natural flow at 80% exceed. as CFS; (C) = 1% of calculated natural flow at 80% exceed. as CFS; (D) = highlight the checkmark for each month where (A) is greater than (C); (E) = total interference divided by 80% flow as percentage.

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

D2. **THE WELL does not meet current well construction standards based upon:**

- a. review of the well log;
- b. field inspection by _____;
- c. report of CWRE _____;
- d. other: (specify) _____

D3. **THE WELL construction deficiency:**

- a. constitutes a health threat under Division 200 rules;
- b. commingles water from more than one ground water reservoir;
- c. permits the loss of artesian head;
- d. permits the de-watering of one or more ground water reservoirs;
- e. other: (specify) _____

D4. **THE WELL construction deficiency is described as follows:** _____

- D5. **THE WELL** a. was, or was not constructed according to the standards in effect at the time of original construction or most recent modification.
- b. I don't know if it met standards at the time of construction.

D6. **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

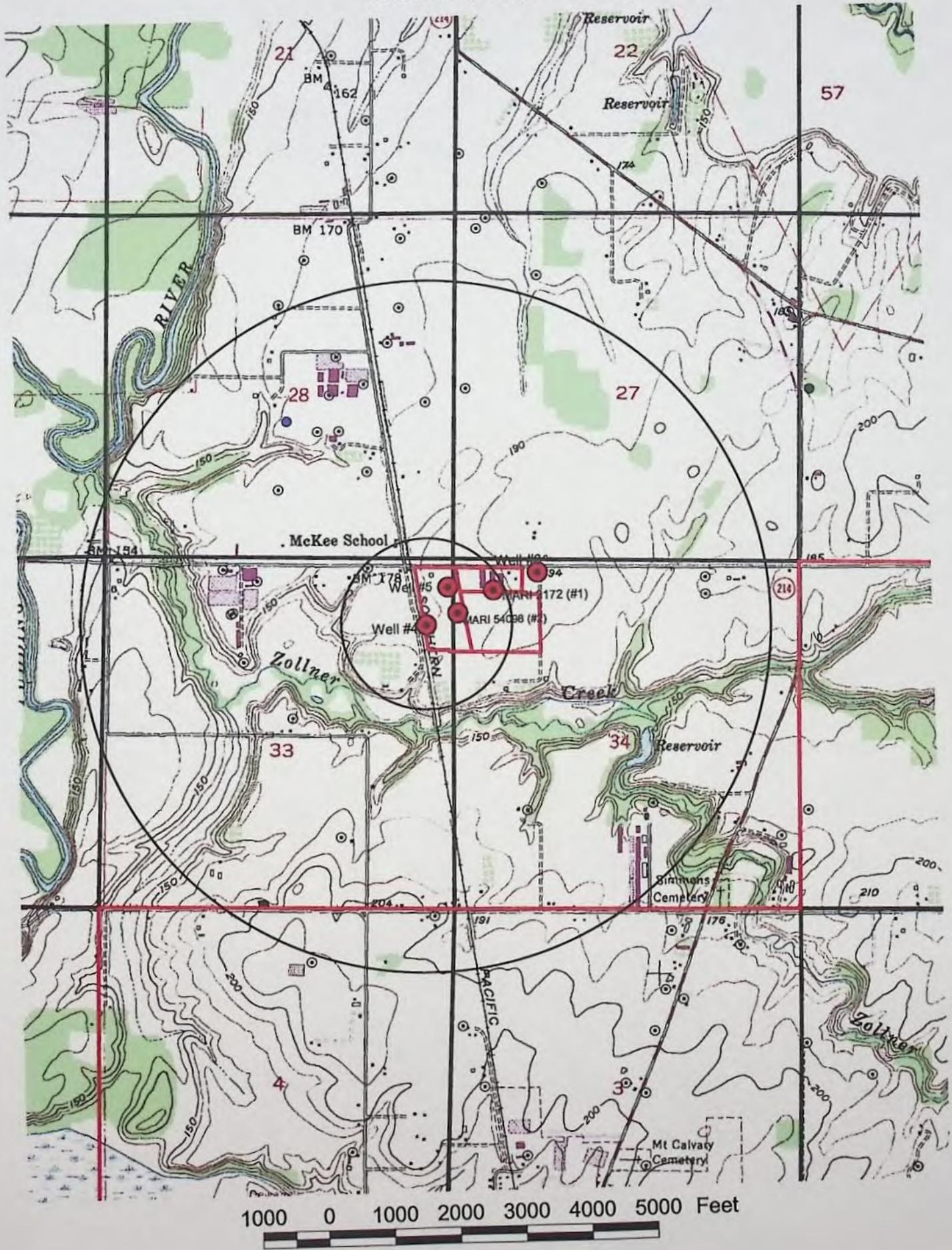
THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

D7. Well construction deficiency has been corrected by the following actions: _____

_____, 200_____
(Enforcement Section Signature)

D8. **Route to Water Rights Section (attach well reconstruction logs to this page).**

05S-01W-33 & 34
Application G-15785
Fessler Nursery Company, Marion County
Scale 1:24,000 (1" = 2000')



Well Location	5.00S1.00W26DAB
Oregon Water Resources Department Well Log ID	MARI 1982
Oregon Water Resources Department State Observation Well Number	----
Well depth, in feet below land surface	97
Land surface elevation, in feet above mean sea level	202
Primary use of well	DOMESTIC

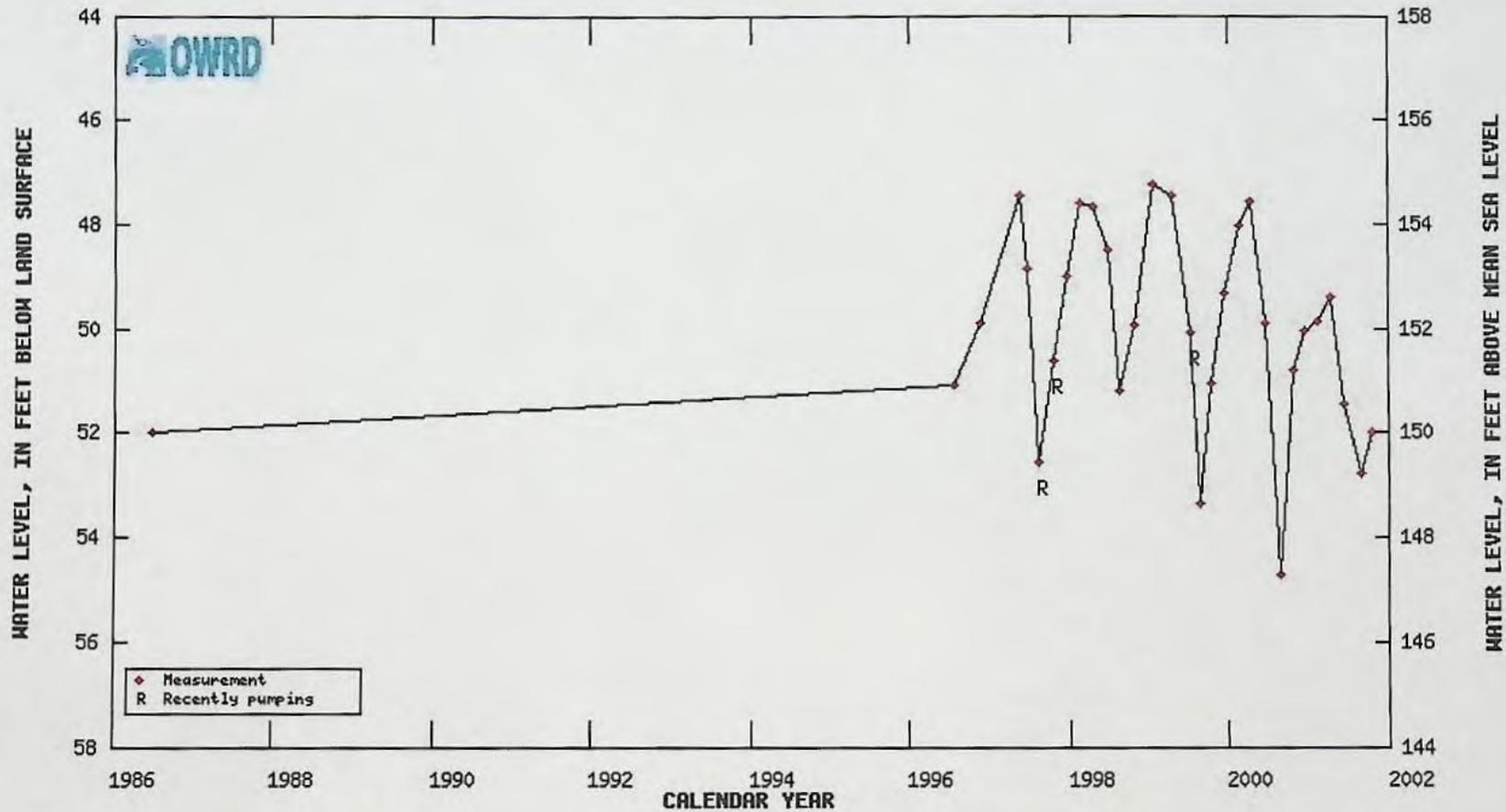


Table showing water-level data for State Well MARI 1982

RECEIVED

JUL 10 1986

MAR 19 1982 55/W-26ca

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

WATER RESOURCES DEPT SALEM, OREGON

(1) OWNER:

Name Leslie & Kathy Holt
Address 14164 Woodburn-Monitor Rd N.E
City Woodburn State OR Zip 97071

(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 97 ft.
Special Standards date of approval

Table with columns: HOLE Diameter, From, To, SEAL Material, From, To, Amount sacks or pounds. Includes entry for 0 to 18 ft with 2 sacks Bentonite.

How was seal placed? Method A B C D E
Other OAR 690-61-097

Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Includes entry for 6 inch casing from 0 to 97 ft.

Location of shoe(s) 97'

(7) PERFORATIONS/SCREENS:

Perforations Method Mills Knife
Screens Type Material

Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Includes entry for 0 to 92 ft with 3/8 slot size and 84 number.

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

Table with columns: Pump, Bailer, Air, Flowing, Yield gal/min, Pumping level, Drill stem at, Time. Includes entry for 40 gal/min at 70' depth for 1 hour.

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

(9) LOCATION OF WELL by legal description:

County Marion Latitude Longitude
Township 55 Nor S, Range 1W E or W, WM.
Section 26 SW 1/4 NE 1/4
Tax Lot Lot Block Subdivision
Street Address of Well (or nearest address) 14164 Woodburn-Monitor Rd N.E. Woodburn, OR 97071

(10) STATIC WATER LEVEL:

52 ft. below land surface. Date 6-30-86
Artesian pressure lb. per square inch. Date

(11) WELL LOG:

Table with columns: Material, From, To, WB?, SWL. Lists materials like Topsoil, Clay brown, Sandy brown clay, gravel clay, clay, sand-gravel, gravel cemented, clay blue with depths.

Date started 6-27-86 Completed 6-30-86

(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 Joan Gossen #763 Date 7-1-86

Company Gossen's Well Drilling Co. Job No. 600

12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
----	------	------	------	------	------	------	------	------	------

DETAILED REPORT OF INSTREAM REQUIREMENTS
 Water Availability as of 4/ 8/2004 for
 PUDDING R > MOLALLA R - AT MOUTH

Watershed ID #: 69998 Basin: WILLAMETTE Exceedance Level: 80
 Time: 14:31 Date: 04/08/2004

-----ISWRs-----									
APP #	69998A	73532A	0	0	0	0	0	0	MAXIMUM
Status	Cert.	Cert.							
1	80.00	36.00	0.00	0.00	0.00	0.00	0.00	0.00	80.00
2	80.00	36.00	0.00	0.00	0.00	0.00	0.00	0.00	80.00
3	80.00	36.00	0.00	0.00	0.00	0.00	0.00	0.00	80.00
4	80.00	36.00	0.00	0.00	0.00	0.00	0.00	0.00	80.00
5	80.00	36.00	0.00	0.00	0.00	0.00	0.00	0.00	80.00
6	60.00	36.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00
7	50.00	36.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00
8	40.00	36.00	0.00	0.00	0.00	0.00	0.00	0.00	40.00
9	40.00	36.00	0.00	0.00	0.00	0.00	0.00	0.00	40.00
10	60.00	36.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00
11	80.00	36.00	0.00	0.00	0.00	0.00	0.00	0.00	80.00
12	80.00	36.00	0.00	0.00	0.00	0.00	0.00	0.00	80.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION
 Water Availability as of 4/ 8/2004 for
 PUDDING R > MOLALLA R - AB MILL CR

Watershed ID #: 151 Basin: WILLAMETTE Exceedance Level: 80
 Time: 14:31 Date: 04/08/2004

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	1040.00	36.70	37.50	966.00	0.00	36.00	930.00
2	1180.00	35.70	36.00	1110.00	0.00	36.00	1070.00
3	1010.00	16.20	33.30	960.00	0.00	36.00	924.00
4	787.00	18.80	27.30	741.00	0.00	36.00	705.00
5	425.00	38.90	18.60	367.00	0.00	36.00	331.00
6	224.00	62.60	15.20	146.00	0.00	36.00	110.00
7	109.00	97.70	21.40	-10.20	0.00	36.00	-46.20
8	71.00	80.80	18.20	-28.10	0.00	36.00	-64.10

9	67.30	47.50	12.00	7.82	0.00	36.00	-28.20
10	91.60	18.00	6.32	67.30	0.00	36.00	31.30
11	363.00	24.40	17.00	322.00	0.00	36.00	286.00
12	957.00	35.60	36.40	885.00	0.00	36.00	849.00
Stor	706000	31100	16800	658000	0	26100	635000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 4/ 8/2004 for
 PUDDING R > MOLALLA R - AB MILL CR

Watershed ID #: 151 Basin: WILLAMETTE Exceedance Level: 80
 Time: 14:31 Date: 04/08/2004

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	51.10	0.00	15.00	0.33	0.04	0.27	5.51	2.00	74.20
2	48.60	0.00	15.00	0.33	0.04	0.27	5.51	2.00	71.70
3	22.70	0.66	15.00	0.33	0.03	0.27	5.51	5.00	49.50
4	15.90	4.06	15.00	0.33	0.03	0.27	5.51	5.00	46.10
5	8.07	27.80	15.00	0.33	0.03	0.27	1.98	4.00	57.50
6	0.18	56.10	15.00	0.33	0.03	0.27	1.98	4.00	77.90
7	0.00	97.50	15.00	0.33	0.03	0.27	1.98	4.00	119.00
8	0.00	77.40	15.00	0.33	0.03	0.27	1.98	4.00	99.00
9	0.00	37.90	15.00	0.33	0.03	0.27	1.98	4.00	59.50
10	0.00	2.70	15.00	0.33	0.03	0.27	1.98	4.00	24.30
11	20.80	0.00	15.00	0.33	0.03	0.27	2.90	2.00	41.30
12	49.30	0.00	15.00	0.33	0.04	0.27	5.11	2.00	72.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 4/ 8/2004 for
 PUDDING R > MOLALLA R - AB MILL CR

Watershed ID #: 151 Basin: WILLAMETTE Exceedance Level: 80
 Time: 14:31 Date: 04/08/2004

Reservations									
APP #	0	0	0	0	0	0	0	0	TOTAL
Status									
Use									
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS
 Water Availability as of 4/ 8/2004 for
 PUDDING R > MOLALLA R - AB MILL CR

Watershed ID #: 151 Basin: WILLAMETTE Exceedance Level: 80
 Time: 14:31 Date: 04/08/2004

-----ISWRs-----									
APP #	151A	73532B	73533A	73534A	0	0	0	MAXIMUM	
Status	Cert.	Cert.	Cert.	Cert.					
1	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00	
2	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00	
3	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00	
4	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00	
5	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00	
6	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00	
7	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00	
8	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00	
9	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00	
10	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00	
11	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00	
12	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00	

1

Paul R. Cleary, Director
 Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

INTEROFFICE MEMORANDUM

Water Rights Section

TO: Doug Woodcock

January 14, 2004

FROM: Cory Engel, x60813

RE: File Number G-15785

Pursuant to discussions Marc and I had with the applicant and his CWRE several weeks ago, the applicant recently amended the application to reduce the rate of water to avoid PSI, and added wells 5 and 6. Please have Marc take a look at this file to determine whether wells 5 and 6 produce water from the same aquifer as wells 1, 2, 3, and 4 to ensure the amendment does not constitute an expansion.

Please route to me when finished.

Thanks.

ODFW PUBLIC INTEREST REVIEW SHEET

G-15785

Fessler Nursery Co.

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

NO YES Species: native fish & wildlife
Other: _____

What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

2) Will the proposed use result in a loss of habitat? NO / YES

3) Can conditions be applied to mitigate the impact to the loss of habitat? NO / YES

Which conditions are recommended? _____

(Try to select conditions from the Menu of Conditions)

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species?
NO / YES

If YES, please explain: _____

ODFW RECOMMENDATION:

____ Approval with conditions.

____ Approval without conditions.

Denial. ODFW agrees with the determination of the WRD. Since water is not available from surface water June 1 through Oct 31 and the proposed ground-water use will have the potential for substantial interference with the nearest surface water source, this permit should be denied

ODFW Representative: Name: Dick Caldwell Date: 2/25/03

WRD Contact: Caseworker: Russell W. Klassen, Water Rights Division
503-378-8455 ext: 266 / Fax: 503-378-6203 / e-mail: Russell.W.KLASSEN@wrд.state.or.us

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Please return by: February 27, 2003

Application # G-15785

Name: Fessler Nursery Co.

SOURCE OF WATER: GROUNDWATER SURFACE WATER STORAGE

DESCRIPTION OF THE SOURCE: 4 wells in Zollerer Crk Basin
(A spring, well, sump, exempt pond, unnamed stream, etc.)

1) If from surface water, does the water at the proposed diversion location flow into another water body? N/A
 YES NO SOMETIMES
If sometimes, describe the time period, Between: _____ and _____.

2) Does the source ever go dry in the area of the proposed diversion?
 YES NO Don't know

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?
 YES NO
If YES, please explain: _____

4) Do you agree with the period water is found to be available?
 YES NO I DON'T KNOW
If NO, what period do you recommend and why: _____

5) Did you meet with staff from another agency to discuss this application?
 YES NO Emailed 2-25-2003 to:
Who: Wayne Hunt Agency: DDFW Date: _____
John Blanchard DEQ

6) Is mitigation an option?
 YES NO
If YES, please explain: Construct well to isolate from s/w connection.

Comments: This well is just outside the Mt Angel Ground water limited area.

Name: B. Fessler Date: 2-25-2003 Title: Watermaster 16

WRD Contact: Caseworker: Russell W. Klassen, Water Rights Division
503-378-8455 ext: 266 / Fax: 503-378-6203 / e-mail: Russell.W.KLASSEN@ wrd.state.or.us

MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND AG
(Developed 6/27/97 - revised 2/26/02)

- fish** The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screen is to be in place and functional prior to diversion of any water.
- odfw** The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.
- B54b** The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
- b54c** The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish. The applicant is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, Portland, Oregon, before beginning construction of any in-channel obstruction.
- b54m** The permittee may be required in the future to install, maintain, and operate fish screening devices to prevent fish from entering the proposed diversion.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to _____ through _____.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point. The totalizing flow meter must be installed and maintained as identified in OAR 690-507-645.
- b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level dead pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, before water use may begin under this permit, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. A written waiver may be obtained from the local Watermaster if in his judgement the installation of the weir(s) will provide no public benefit.
- no id yet** (futile call) The use of water allowed herein may be made only at times when waters from the (SPRING OR WHATEVER) would not otherwise flow into a tributary of the (WHATEVER) River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- 4a** This use of water shall be limited when it reduces the flow of water in (NAME OF STREAM).(name of stream).
- pispc** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.
- The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
- The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.
- no id yet** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- blv** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

IR CHECKLIST

Application #: G 15785

County MARION Basin: WILLAMETTE 2 WID: 151
Township 55 Range 1W Section 33874 1/4 1/4 NNNN

- 10. Groundwater Review A B C D River/Stream Name Fallmoor Cee
 - a. Groundwater Availability A B C
 - b. Is the well located in a GWLA or CGWA or T1N R3E? (If applicable, include map with POD) Y / N
- 25. Use Nursery 26.3 Ac Priority Date(s) 6/28/02
- 30. Allowed under Basin Program Y / N Limitations? Y / N No Use 5-10/31
- 40. Withdrawn? Y / N season allowed _____
- 45. Basin Maps have been checked. Y / N River Mile _____
- 50. SWW Y / N (if Y notify state parks)
- 60. Surface water Availability (80% live flow / 50% storage) NA None Avail 6-10/31
- 70. Divis 33: Y / N / NA Above Bonn Y / N If Y not allowed April 15 - September 30
Below Bonn Y / N If Y add PISPC
Statewide Y / N
- 80. Rate Nurs 28.28
Duty Macro Rate: Max 26.34.15 = 3.94 Req 0.81
Season: Normal YR RWA Req _____
- 90. B.O.R. or Doug Co. project Y / N contract # _____
- 100. 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) condition 7I and municipal require the Large conditions PISPC
- 110. Land use approval OK'd needs approval county notified NA
- 120. Watermaster Dist: (1 2 16 18 20 - NWR) (3 4 5 21 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (13 14 15 19 - SWR)
- 130. per interactive mapping DOA 1010 Y / N 303D Y / N / NA CTUIR Y / N
- 140. within Oregon Streamflow Restoration Area? Y / N / NA
- 150. Letter format: Good/Limited/Bad/Bad IRshort/Bad HC Opp
- 160. CWRE, representative, etc. to notify? Y / N

D NOT ALLOW: # 30
 # 60
 Acres are NOT correct SHOULD BE 28.28

GREG KUALLAS # 472 CNRE

Name: RWR Date: 01/02/03

c:\myfiles\forms\checkirnew 3/7/02

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

PFO CHECKLIST

__10. IR Date _____ Public Notice Date _____ Comment Rec'd _____

__20. Filed after 10/23/99? Y / N (if N A date should be included)

Changes from IR determinations: _____

Agencies and Additional People to Notify: _____

__30. Shortcomings preventing PFO, FO, or permit? Y / N Should process continue Y / N

__40.	Exam Fee	250.00
	Q fee	_____
1 st CFS/AF _____	Subtotal	_____
Addnl. _____	Recording Fee	_____
TOTAL Q _____	Total	_____
	Amount Paid	_____

owe

refund

Initials: _____ Date: _____

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-15785

ROUTED TO: Russ K

TOWNSHIP/

RANGE-SECTION: 55/1W-34

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

PFSI

Reviewer: Mana Koto

TO: Water Rights Section

12/4/2002

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

SUBJECT: Application G- 15785

GROUND WATER/SURFACE WATER CONSIDERATIONS

1. PER THE Willamette Basin rules, one or more of the proposed POA's is ~~is not~~ within 1/4 ~~feet~~/mile of a surface water source (Zollner) and taps a ground water source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed ground water use
 - a. will, or have the potential for substantial interference with the nearest
 - b. will not surface water source, namely Zollner Creek; or
 - c. will if properly conditioned, adequately protect the surface water from interference:
 - i. The permit should contain condition #(s) _____;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
 - d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUND WATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that ground water for the proposed use
 - a. will, or likely be available in the amounts requested without injury to prior rights
 - b. will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the ground water resource:
 - i. The permit should contain condition #(s) 7B;
 - 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
4.
 - a. THE PERMIT should allow ground water production from no deeper than _____ ft. below land surface;
 - b. The permit should allow ground water production from no shallower than _____ ft. below land surface;
 - c. The permit should allow ground water production only from the _____ ground water 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 Considerations on Reverse Side)

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

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ___ review of the well log;
 - b. ___ field inspection by _____;
 - c. ___ report of CWRE _____;
 - d. ___ other: (specify) _____
6. THE WELL construction deficiency:
- a. ___ constitutes a health threat under Division 200 rules;
 - b. ___ commingles water from more than one ground water reservoir;
 - c. ___ permits the loss of artesian head;
 - d. ___ permits the de-watering of one or more ground water reservoirs;
 - e. ___ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
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
_____, 199__.
(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: _____

_____, 199__.
(Signature)

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Ground Water/Hydrology
FROM: Marc Norton
SUBJECT: Ground Water Application G- 15785

Date 12/4/2002

Applicant(s) seek 365 gpm (0.81 cfs)

from 4 wells in the
Willamette basin
Pudding Ck sub basin
Zollner sub basin

Applicants Name: Fessler
Proposed Use: Nursery - Year Round Use

Pertinent 7 & 1/2 minute Quads Silverton

Well 1 WRD# 2172 T 5S R 1W S 34 QQ BBA County Marion

Legal Description
Well is 1600 ft from Zollner Ck. (river/stream)
Well is _____ ft from _____ (river/stream)
Well Elevation 190 ft River/Stream elevation 125 ft.
Well Elevation - River/Stream elevation 65 ft.
Well depth 142 ft SWL 32 ft on 5/1/71
Sealed to 29 ft Depth first water found 40 ft
Cased to 103? ft Perforations/screens 70-94 ft
Lined to _____ ft Perforations/screens _____ ft
Well test and types 85 GPM @ 26 ft of dd after 5 1/2 hrs
(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES YES / NO
Potential to cause substantial interference? YES

Well 2 WRD# 54898 T 5S R 1W S 34 QQ BBB County Marion

Drilled to 360'

Legal Description
Well is 1550 ft from Zollner Ck (river/stream)
Well is 7 ft from _____ (river/stream)
Well Elevation 185 ft River/Stream elevation 125 ft.
Well Elevation - River/Stream elevation 60 ft.
Well depth 245 ft SWL 53 ft on 1/14/99
Sealed to 60 ft Depth first water found 75 ft
Cased to 241 ft Perforations/screens 73-83 ft
Lined to _____ ft Perforations/screens 132-137 ft
Well test and types 80 GPM Air Test 215-225
(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES YES / NO
Potential to cause substantial interference? YES

Comments USGS Professional Paper 1424 A+B

References Used:

Well 3 WRD# MAR1 2170 T 55 R 1W S 34 QQ BBD County Marion

Legal Description _____
 Well is 1200 ft from Zollner Cr (river/stream)
 Well is _____ ft from _____ (river/stream)
 Well Elevation 195 ft River/Stream elevation 130 ft.
 Well Elevation - River/Stream elevation 65 ft.
 Well depth 300 ft SWL 51 ft on 3/3/77
 Sealed to 20 ft Depth first water found 70 ft
 Cased to 327 ft Perforations/screens 80-182 - 200-240 ft
 Lined to _____ ft Perforations/screens 240-315 ft
 Well test and types 120 GPM
 (Confined/Semi-confined/Unconfined) Direct hydraulic connection? (YES) NO
 Potential to cause substantial interference? YES

Well 4 WRD# Proposed T 55 R 1W S 33 QQ BBD County Marion

Legal Description _____
 Well is 1400 ft from Zollner (river/stream)
 Well is ~~1500~~ ft from _____ (river/stream)
 Well Elevation 180 ft River/Stream elevation 125 ft.
 Well Elevation - River/Stream elevation 55 ft.
 Well depth 250 ft SWL 50 ft on _____
 Sealed to 20 ft Depth first water found _____ ft
 Cased to 250 ft Perforations/screens 75-150 ft
 Lined to _____ ft Perforations/screens 200-250 ft
 Well test and types _____
 (Confined/Semi-confined/Unconfined) Direct hydraulic connection? (YES) NO
 Potential to cause substantial interference? YES

Well _____ WRD# _____ T _____ R _____ S _____ QQ _____ County _____

Legal Description _____
 Well is _____ ft from _____ (river/stream)
 Well is _____ ft from _____ (river/stream)
 Well Elevation _____ ft River/Stream elevation _____ ft.
 Well Elevation - River/Stream elevation _____ ft.
 Well depth _____ ft SWL _____ ft on _____
 Sealed to _____ ft Depth first water found _____ ft
 Cased to _____ ft Perforations/screens _____ ft
 Lined to _____ ft Perforations/screens _____ ft
 Well test and types _____
 (Confined/Semi-confined/Unconfined) Direct hydraulic connection? _____ YES / NO
 Potential to cause substantial interference? _____

Comments _____

RECEIVED

Well #2

MARI 54098

JUN 30 1999

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

WATER RESOURCES DEPT. SALEM, OREGON

WELL I.D. # L 10514

START CARD # 104144

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

(1) OWNER: Dale Fessler, Well Number, Address 12666 Monitor McKee Road NE, City Woodburn, State OR, Zip 97071

(2) TYPE OF WORK: [X] New Well, [] Deepening, [] Alteration, [] Abandonment

(3) DRILL METHOD: [X] Rotary Air, [] Rotary Mud, [] Cable, [] Auger, [] Other

(4) PROPOSED USE: [] Domestic, [] Community, [] Industrial, [X] Irrigation, [] Thermal, [] Injection, [] Livestock, [] Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval [] Yes [X] No, Depth of Completed Well 245 ft., Explosives used [] Yes [X] No

Table with columns: HOLE Diameter, From, To, Material, SEAL From, To, Sacks or pounds. Rows include Bent. and cement.

How was seal placed: Method [] A [] B [X] C [] D [] E, Backfill placed from 245 ft. to 360 ft., Material 3/8 round, Gravel placed from 230 ft. to 245 ft., Size of gravel 3/8 round

(6) CASING/LINER: 60-230 6-9 colorado. Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded.

(7) PERFORATIONS/SCREENS: Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner.

(8) WELL TESTS: Minimum testing time is 1 hour. Pump, Bailer, [X] Air, Flowing Artesian. Yield 80 gal/min, Drawdown N/A, Drill stem at 200, Time 2 hr.

Temperature of water 56, Depth Artesian Flow Found, Was a water analysis done? [] Yes By whom, Did any strata contain water not suitable for intended use? [] Too little, [] Salty, [] Muddy, [] Odor, [] Colored, [] Other, Depth of strata:

(9) LOCATION OF WELL by legal description: County Marion, Latitude, Longitude, Township 5S, N or S Range 1W, E or W. WM., Section 84-34, NW 1/4, NW 1/4, Tax Lot 00100, Lot, Block, Subdivision, Street Address of Well (or nearest address) 12666 Monitor McKee

(10) STATIC WATER LEVEL: 53' ft. below land surface, Date 1-14-99, Artesian pressure lb. per square inch., Date

(11) WATER BEARING ZONES: Depth at which water was first found 75'

Table with columns: From, To, Estimated Flow Rate, SWL. Rows include 75-83 (10 G.P.M.), 133-135 (15 G.P.M.), 217-224 (60 G.P.M.).

(12) WELL LOG: Ground Elevation

Table with columns: Material, From, To, SWL. Includes a large 'RECEIVED' stamp and date 'OCT 11 1999'.

Date started, Completed

(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. WWC Number 723, Date 1/26/99

(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. WWC Number 1358, Date 1-15-99

MARI
54098

Sheet1

Material	From	To	SWL
Gravel & Soil	0	1	
Clay brown soft	1	4	
Hard pan brown	4	6	
Clay silty brown	6	20	
Clay blue gray	20	35.5	
Gravel silty grey	35.5	52	
Clay brown with gravel	52	60	
Tightly cemented gravel w/brown sand	60	75	
Gravel Looser	75	83	
Clay blue soft	83	93	
Claystone blue	93	97	
Clay blue sticky	97	120	
clay brown soft	120	133	
Sand grey med fine	133	135	
Siltstone grey	135	140	
Clay grey sticky	146	195	
Clay blue	195	217	
Sand grey & blue fine to coarse	217	224	
Silt stone packed	224	230	
Clay grey med-sticky	230	253	
Claystone grey soft	253	320	
Clay Brown Sticky	320	340	
Clay red Medium	340	360	

RECEIVED

JUN 30 1999

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

OCT 11 1999

WATER RESOURCES DEPT.
SALEM, OREGON

ORIGINAL
Duplicate with the
STATE ENGINEER,
SALEM, OREGON

RECEIVED
JUL 9 1956

WATER WELL DRILLERS REPORT
STATE OF OREGON

Do Not State Well No. 5710-34 M (1)
Fill In State Permit No. _____

(1) OWNER: STATE ENGINEER
Name: George Rothermel
Address: Rte 1 Box 190 A
Hubbard, Oregon

MAR 14 1956

(10) WELL TESTS:
Was a pump test made? Yes No If yes, by whom? driller
Yield: 90 ~~110~~ gal./min. with 2500 ~~2500~~ ft. draw down after 4 hrs.
" " " " " "
" " " " " "
Artesian flow _____ g.p.m.
Shut-in pressure _____ lbs. per square inch.
Ball test _____ g.p.m. with _____ ft. drawdown
Temperature of water _____ Was a chemical analysis made? Yes No
Was electric log made of well? Yes No

(2) LOCATION OF WELL:
County Marion Owner's number, if any _____
R. F. D. or Street No. _____
Bearing and distance from section or subdivision corner
Req. at SE corner of S₂ - 254 Ft. West Thence 150 ft. North,
At S₂ of NW₄ of SW₄ of section 34, T5S, R1W.

(3) TYPE OF WORK (check):
New well Deepening Reconditioning Abandon
Abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):
Domestic Industrial Municipal
Irrigation Test Well Other

(5) EQUIPMENT:
Rotary
Cable
Dug Well

(6) CASING INSTALLED:
Threaded Welded
FROM _____ ft. Diam. _____ Gage of Wall _____
Diameter of Bore _____ from _____ to _____ ft.
Type and size of _____ well ring _____
Describe joint _____

If gravel packed
Size of gravel: _____

(7) PERFORATIONS:
Type of perforator used _____
SIZE of perforation _____ in. length, by _____ in.
FROM _____ ft. perf per foot _____ No. of rows _____

SCREENS:
Give Manufacturer's Name, Model No. and Size _____

(8) CONSTRUCTION:
Was a surface sanitary seal provided? Yes No To what depth _____ ft.
Were any strata sealed against pollution? Yes No
If yes, note depth of strata _____ ft.
FROM _____ ft. to _____ ft.

METHOD OF SEALING _____

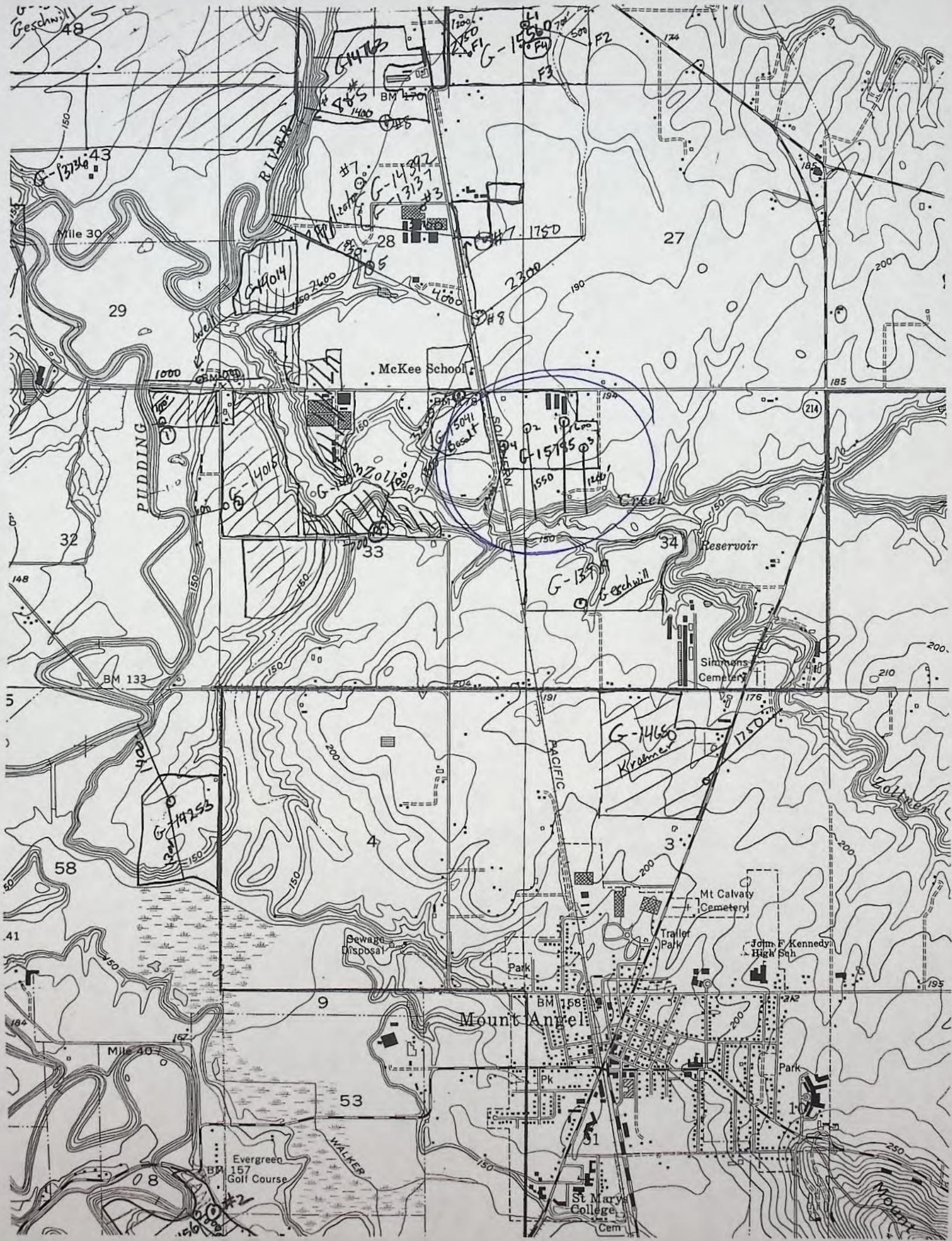
(9) WATER LEVELS:
Depth at which water was first found _____ 54 ft.
Standing level before perforating _____ ft.
Standing level after perforating _____ ft.
Log Accepted by: _____
[Signed] G.R. Rothermel dated Mar 14, 1956
Owner

(11) WELL LOG:
Diameter of well, _____ 6 inches.
Total depth _____ 306 ft. Depth of completed well _____ 306 ft.
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.
ft. to _____ 2 ft. Surface
2 " 24 " Sandy
24 " 44 " Gray Clay
44 " 54 " Cement Gravel
54 " 61 " Good Gravel
61 " 95 " Sandy clay
95 " 109 " Blue clay
109 " 112 " Sand
112 " 117 " Blue clay
117 " 126 " Sand
126 " 168 " Gray sandy clay
168 " 176 " Blue sandy clay
176 " 193 " Blue clay
193 " 241 " Blue sandy clay
241 " 264 " Gray sticky clay
264 " 306 " Black rock
306 " Crevice with water

Ground elevation at well site _____ feet above mean sea level.
Work started Jan 28 1956, Completed MARCH 14 1956

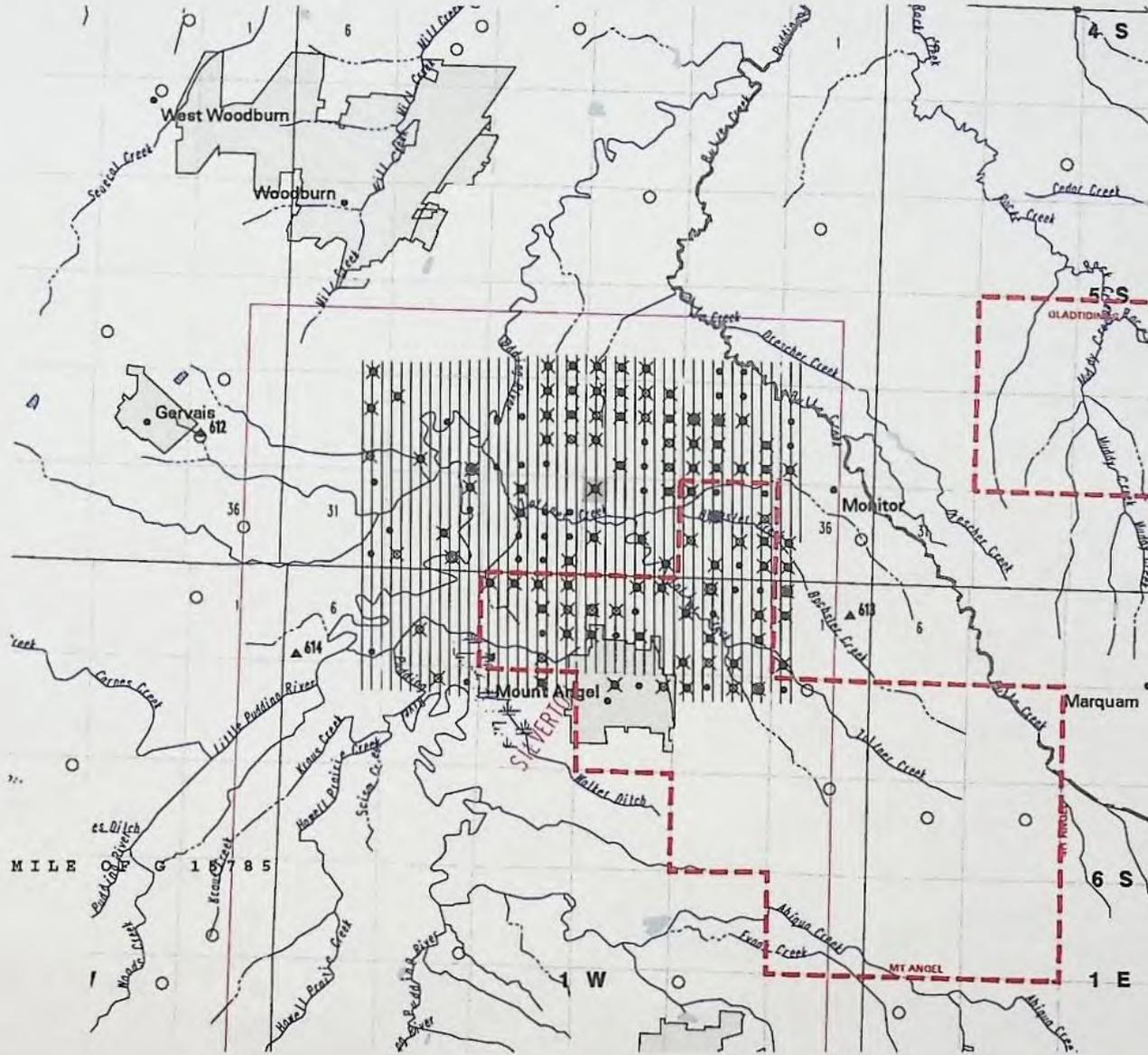
Well Driller's Statement:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
NAME John Truman Miller
(Person, firm, or corporation) (Typed or printed)
Address Rte 1 Box 259 Hubbard, Oregon
Driller's well number _____
[Signed] John Truman Miller
License No. 39 (Well Driller) Dated March 14, 1956

Located south of Zollner Creek - note shallow gravel
USGS Control Point



Wells in the vicinity of application G 15785

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ✕ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- Conditioned, permitted well(s) in this 1/4-1/4 section within 5 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- - - Regulated GW Area



WELLS WITHIN 1 MILE

DO	125
ID	30
IM	2
IR	253
MU	1

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 15785

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	GR 3050	GR 2856	5.00S 1.00W21SWSE	IR	60.0000	G
2	T 5889	CG 6337	5.00S 1.00W21SESE	IR	0.4600	C
2	G 11601	G 10713	5.00S 1.00W21SESE	NU	600.0000	G
2	GR 2716	GR 2569	5.00S 1.00W21SESE	IR	60.0000	G
3	T 5889	CG 6337	5.00S 1.00W22SWSW	IR	0.4600	C
3	G 5977	G 5214	5.00S 1.00W22SWSW	IR	0.4900	C
3	G 6992	G 6337	5.00S 1.00W22SWSW	IR	0.4600	C
3	G 11601	G 10713	5.00S 1.00W22SWSW	NU	600.0000	G
3	G 12004	G 11807	5.00S 1.00W22SWSW	IR	0.7000	C
3	G 12004	G 11807	5.00S 1.00W22SWSW	NU	3.7000	C
4	GR 9	GR 8	5.00S 1.00W22SESW	IR	60.0000	G
5	G 2664	G 2470	5.00S 1.00W22SWSE	IR	0.2100	C
6	G 2348	G 2199	5.00S 1.00W19SESE	IR	0.9400	C
6	G 13303	G 11982	5.00S 1.00W19SESE	IR	0.1300	C
7	G 13137	G 12487	5.00S 1.00W28NWNE	IC	0.8500	C
8	G 12004	G 11807	5.00S 1.00W28NENE	IR	0.7000	C
8	G 12004	G 11807	5.00S 1.00W28NENE	NU	3.7000	C
9	G 12004	G 11807	5.00S 1.00W27NWNW	IR	0.7000	C
9	G 12004	G 11807	5.00S 1.00W27NWNW	NU	3.7000	C
9	GR 354	GR 340	5.00S 1.00W27NWNW	IR	260.0000	G
10	G 1926	G 1770	5.00S 1.00W27NENW	IR	0.1600	C
10	G 13084	G 12913	5.00S 1.00W27NENW	IR	0.5570	C
10	G 13084	G 12913	5.00S 1.00W27NENW	IS	0.2440	C
11	G 11463	G 10568	5.00S 1.00W27NWNE	IR	0.4100	C
12	GR 855	GR 828	5.00S 1.00W27NENE	IR	80.0000	G
13	G 555	G 436	5.00S 1.00W29NWNW	IR	0.8500	C
14	G 240	G 147	5.00S 1.00W30SENE	IR	0.5700	C
14	G 923	G 785	5.00S 1.00W30SENE	IR	0.6900	C
14	G 9355	G 8856	5.00S 1.00W30SENE	IR	1.4700	C
14	G 9355	G 8856	5.00S 1.00W30SENE	IR	2.0300	C
14	GR 1371	GR 1329	5.00S 1.00W30SENE	IR	125.0000	G
15	G 2472	G 2285	5.00S 1.00W28SWNE	IS	0.3600	C
15	G 11603	G 10715	5.00S 1.00W28SWNE	NU	450.0000	G
15	G 13137	G 12487	5.00S 1.00W28SWNE	IC	0.8500	C
16	G 7837	G 7273	5.00S 1.00W28SENE	IR	1.0500	C
16	G 12004	G 11807	5.00S 1.00W28SENE	IR	0.7000	C
16	G 12004	G 11807	5.00S 1.00W28SENE	NU	3.7000	C
16	GR 1569	GR 1511	5.00S 1.00W28SENE	IR	210.0000	G
17	G 12004	G 11807	5.00S 1.00W27SWNW	IR	0.7000	C
17	G 12004	G 11807	5.00S 1.00W27SWNW	NU	3.7000	C
18	G 13084	G 12913	5.00S 1.00W27SENW	IR	0.5570	C
18	G 13084	G 12913	5.00S 1.00W27SENW	IS	0.2440	C
19	G 6341	G 5946	5.00S 1.00W27SWNE	IR	0.2500	C
20	G 877	G 774	5.00S 1.00W27SENE	IR	0.1200	C
21	G 13260	G 11705	5.00S 1.00W26SWNW	IR	0.9600	C
22	G 13260	G 11705	5.00S 1.00W26SENW	IR	0.9600	C
23	G 3580	G 3371	5.00S 1.00W26SWNE	IR	0.1700	C
23	GR 1109	GR 1069	5.00S 1.00W26SWNE	IR	8.5000	G
24	G 174	G 86	5.00S 1.00W28NWSE	IR	0.2000	C
24	G 1458	G 1341	5.00S 1.00W28NWSE	IR	0.2500	C
24	G 11603	G 10715	5.00S 1.00W28NWSE	NU	450.0000	G
24	G 11603	G 10715	5.00S 1.00W28NWSE	NU	700.0000	G
24	G 13137	G 12487	5.00S 1.00W28NWSE	IC	0.8500	C
25	G 348	G 227	5.00S 1.00W28NESE	IR	0.1600	C
26	GR 3665	GR 3361	5.00S 1.00W27NWSW	IR	110.0000	G
27	G 12513	G 11893	5.00S 1.00W27NESE	IR	800.0000	G
27	G 12548	G 11929	5.00S 1.00W27NESE	IR	0.3750	C
28	G 4858	G 4574	5.00S 1.00W26NWSW	IR	0.2300	C
29	G 12408	G 11637	5.00S 1.00W26NESW	IR	0.8700	C
29	G 13707	G 12501	5.00S 1.00W26NESW	IR	1.0000	C
30	G 981	G 868	5.00S 1.00W26NESE	IR	0.1500	C
31	G 1587	G 1458	5.00S 1.00W30SESE	IR	0.5100	C
32	G 9355	G 8856	5.00S 1.00W29SESW	CM	0.0900	C
32	G 9355	G 8856	5.00S 1.00W29SESW	IR	1.4700	C
32	G 9355	G 8856	5.00S 1.00W29SESW	IR	2.0300	C
32	G 9355	G 8856	5.00S 1.00W29SESW	IS	0.6900	C
32	GR 3045	GR 2851	5.00S 1.00W29SESW	IR	200.0000	G
33	G 3080	G 2867	5.00S 1.00W27SESW	IR	0.4400	C

33	G	7114	G	6691	5.00S	1.00W27SESW	IR	0.4900	C
34	G	12513	G	11893	5.00S	1.00W27SESE	IR	800.0000	G
34	G	12548	G	11929	5.00S	1.00W27SESE	IR	0.3750	C
35	G	12636	G	11811	5.00S	1.00W26SWSW	IR	0.5200	C
36	G	10021	G	9181	5.00S	1.00W26SESW	IR	0.4300	C
37	G	7451	G	6943	5.00S	1.00W26SWSE	IS	0.9900	C
37	GR	2281	GR	3820	5.00S	1.00W26SWSE	IR	290.0000	G
38	G	13382	G	11758	5.00S	1.00W29SESE	IC	1.5800	C
39	G	5924	G	5631	5.00S	1.00W26SESE	IR	0.2600	C
39	G	6596	G	6182	5.00S	1.00W26SESE	IR	0.2800	C
40	G	610	G	508	5.00S	1.00W25SWSW	IR	0.1800	C
41	G	8126	G	7501	5.00S	1.00W32NENE	IR	0.5500	C
42	G	8641	G	7950	5.00S	1.00W34NWNW	IC	0.6300	C
42	G	8670	G	9587	5.00S	1.00W34NWNW	GH	0.0500	C
42	G	8670	G	9587	5.00S	1.00W34NWNW	IR	0.0300	C
42	G	11807	G	10930	5.00S	1.00W34NWNW	IR	106.0000	G
43	G	11604	G	10716	5.00S	1.00W33NENW	GH	336.0000	G
44	G	2675	G	2479	5.00S	1.00W34NENE	IR	0.6000	C
45	G	4463	G	4206	5.00S	1.00W35NWNW	IR	0.4600	C
45	G	12636	G	11811	5.00S	1.00W35NWNW	IR	0.5200	C
46	G	11604	G	10716	5.00S	1.00W33SENW	GH	336.0000	G
47	G	12129	G	11454	5.00S	1.00W35SENW	IS	0.3600	C
48	G	6410	G	5471	5.00S	1.00W35SENE	IR	0.2900	C
49	G	6115	G	5789	5.00S	1.00W32NWSE	IR	0.6700	C
50	G	13919	G	12574	5.00S	1.00W34NWSW	IR	0.9300	C
51	G	3799	G	3585	5.00S	1.00W34NWSE	IM	0.1100	C
52	T	6518	CG	3730	5.00S	1.00W35NWSW	IR	0.5500	C
52	G	3973	G	3730	5.00S	1.00W35NWSW	IR	0.5500	C
53	G	8448	G	7662	5.00S	1.00W35NESE	IR	0.5200	C
54	G	4898	G	4617	5.00S	1.00W36NWSW	IR	0.5300	C
55	G	8448	G	7662	5.00S	1.00W35NWSE	IR	0.3900	C
56	G	4501	G	4243	5.00S	1.00W32SWSW	IR	0.5400	C
56	G	4501	G	4243	5.00S	1.00W32SWSW	IS	0.7400	C
56	G	7583	G	7140	5.00S	1.00W32SWSW	IR	0.1400	C
57	G	12130	G	11439	5.00S	1.00W32SWSE	IS	0.6700	C
58	G	10668	G	9709	5.00S	1.00W33SESE	IR	0.3900	C
59	T	6518	CG	3730	5.00S	1.00W34SESE	IR	0.5500	C
59	G	12459	G	12133	5.00S	1.00W34SESE	IS	0.5100	C
60	GR	86	GR	73	5.00S	1.00W35SESW	IR	100.0000	G
61	G	7006	G	6508	5.00S	1.00W35SESE	IR	0.6400	C
61	G	12002	G	11153	5.00S	1.00W35SESE	IC	0.7680	C
62	G	7250	G	6706	5.00S	1.00W36SWSW	IR	0.5300	C
62	G	13070	G	11838	5.00S	1.00W36SWSW	IS	0.6600	S
62	G	12879	G	12201	5.00S	1.00W36SWSW	IR	0.3500	C
63	GR	550	GR	525	6.00S	1.00W 4NWNW	IR	150.0000	G
64	G	6927	G	6445	6.00S	1.00W 4NENW	IR	0.4000	C
64	G	8881	G	8279	6.00S	1.00W 4NENW	IR	0.5000	C
65	G	4041	G	3788	6.00S	1.00W 4NWNE	IR	0.0700	C
65	G	10824	G	9910	6.00S	1.00W 4NWNE	IR	1.1700	C
65	GR	1706	GR	1655	6.00S	1.00W 4NWNE	IR	170.0000	G
66	G	7231	G	7125	6.00S	1.00W 4NENE	IR	1.7000	C
66	G	12090	G	11832	6.00S	1.00W 4NENE	IS	0.5200	C
66	G	12090	G	11832	6.00S	1.00W 4NENE	IS	1.2200	C
66	GR	931	GR	903	6.00S	1.00W 4NENE	IR	100.0000	G
67	G	6967	G	6478	6.00S	1.00W 3NWNE	IR	0.1800	C
67	G	12090	G	11832	6.00S	1.00W 3NWNE	IS	0.5200	C
67	G	12090	G	11832	6.00S	1.00W 3NWNE	IS	1.2200	C
68	G	6664	G	6669	6.00S	1.00W 3NENE	IR	0.1600	C
68	G	6664	G	6669	6.00S	1.00W 3NENE	IS	0.8400	C
68	G	7232	G	7126	6.00S	1.00W 3NENE	IR	0.7800	C
68	G	9732	G	8955	6.00S	1.00W 3NENE	IR	0.3600	C
68	G	9732	G	8955	6.00S	1.00W 3NENE	IS	0.1300	C
68	G	12090	G	11832	6.00S	1.00W 3NENE	IS	0.5200	C
68	G	12090	G	11832	6.00S	1.00W 3NENE	IS	1.2200	C
69	G	12137	G	12179	6.00S	1.00W 2NENW	IR	1.5000	C
70	G	13306	G	12087	6.00S	1.00W 1NWNW	IR	0.4700	C
71	G	6157	G	5843	6.00S	1.00W 4SWNE	IS	1.1700	C
72	G	3458	G	3096	6.00S	1.00W 4SENE	IR	0.1100	C
73	G	12090	G	11832	6.00S	1.00W 3SWNW	IS	0.5200	C
73	G	12090	G	11832	6.00S	1.00W 3SWNW	IS	1.2200	C
74	G	4595	G	4320	6.00S	1.00W 3SENW	IR	0.7100	C
74	G	12411	G	11562	6.00S	1.00W 3SENW	NU	1.0000	C

75	G	11731	G	10858	6.00S	1.00W	2SWNW	NU	1.0000	C
75	G	12090	G	11832	6.00S	1.00W	2SWNW	IS	0.5200	C
75	G	12090	G	11832	6.00S	1.00W	2SWNW	IS	1.2200	C
76	T	6441	CG	1100	6.00S	1.00W	2SENE	IR	0.1100	C
77	G	6491	G	6109	6.00S	1.00W	1SWNW	IR	0.4300	C
78	G	7349	G	6808	6.00S	1.00W	5NESW	IS	1.3400	C
79	GR	3878	GR	4060	6.00S	1.00W	4NESE	IR	20.0000	G
80	GR	421	GR	407	6.00S	1.00W	3NWSW	IR	60.0000	G
81	G	7048	G	6535	6.00S	1.00W	3NWSE	IR	0.1900	C
81	G	12167	G	11108	6.00S	1.00W	3NWSE	IR	0.7400	C
82	T	6441	CG	1100	6.00S	1.00W	2NESW	IR	0.1100	C
82	G	1148	G	1100	6.00S	1.00W	2NESW	IR	0.1000	C
82	G	7883	G	7296	6.00S	1.00W	2NESW	IC	0.1900	C
82	G	12527	G	11975	6.00S	1.00W	2NESW	NU	0.6700	C
82	G	12276	G	12183	6.00S	1.00W	2NESW	NU	2.2300	C
83	GR	1079	GR	1041	6.00S	1.00W	2NESE	IR	200.0000	G
84	G	10557	G	9445	6.00S	1.00W	4SWSE	IR	0.1100	C
85	G	7062	G	6801	6.00S	1.00W	2SWSW	IR	0.2500	C
85	G	7062	G	6801	6.00S	1.00W	2SWSW	IS	0.2500	C
85	G	10845	G	9996	6.00S	1.00W	2SWSW	IR	0.8600	C
85	G	11527	G	10622	6.00S	1.00W	2SWSW	GH	250.0000	G
85	G	11527	G	10622	6.00S	1.00W	2SWSW	NU	250.0000	G
86	T	6441	CG	1100	6.00S	1.00W	2SESW	IR	0.1100	C
86	G	1148	G	1100	6.00S	1.00W	2SESW	IR	0.1000	C
86	G	1148	G	1100	6.00S	1.00W	2SESW	IR	0.1100	C
86	G	12276	G	12183	6.00S	1.00W	2SESW	NU	2.2300	C
87	G	1705	G	1566	6.00S	1.00W	2SWSE	IR	0.3300	C
87	G	9012	G	8417	6.00S	1.00W	2SWSE	IR	0.0800	C
87	GR	352	GR	338	6.00S	1.00W	2SWSE	IR	120.0000	G
88	GR	353	GR	339	6.00S	1.00W	1SWSW	IR	240.0000	G
89	G	7710	G	7363	6.00S	1.00W	8NWNE	IR	0.7000	C
90	G	4041	G	3788	6.00S	1.00W	9NWNE	IR	0.0700	C
90	G	9405	G	8751	6.00S	1.00W	9NWNE	IR	0.4100	C
90	GR	1050	GR	1012	6.00S	1.00W	9NWNE	IR	200.0000	G
91	G	2380	G	2190	6.00S	1.00W	10NENW	MU	1.3300	C
92	G	11510	G	10619	6.00S	1.00W	10NENE	GH	250.0000	G
92	G	11510	G	10619	6.00S	1.00W	10NENE	IR	10.0000	G
92	G	11510	G	10619	6.00S	1.00W	10NENE	NU	250.0000	G
93	T	6559	CG	5372	6.00S	1.00W	11NWNW	IR	1.5600	C
94	G	7883	G	7296	6.00S	1.00W	11NWNE	IC	0.4500	C
94	G	7883	G	7296	6.00S	1.00W	11NWNE	IR	0.2700	C
94	G	7883	G	7296	6.00S	1.00W	11NWNE	IR	0.6600	C
94	G	11235	G	10358	6.00S	1.00W	11NWNE	IR	0.1800	C
95	G	12003	G	11154	6.00S	1.00W	11NENE	IC	1.1700	C
95	GR	181	GR	168	6.00S	1.00W	11NENE	IR	250.0000	G

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 15785

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G	13388	G 11708	5.00S 2.00W 2SENE 4GG
1	GR	2171	GR 2080	5.00S 2.00W 2SENE
2	G	13083	G 11840	5.00S 2.00W11NWNE 4KG
3	G	12921	G 11618	5.00S 2.00W23NWSW 4GG
4	G	11501	G 10599	5.00S 2.00W25NENW 3C
4	G	11501	G 10599	5.00S 2.00W25NENW 3C
5	G	12794	G 11613	5.00S 2.00W25NWSW 4GG
5	GR	2553	GR 2412	5.00S 2.00W25NWSW
6	G	12725	G 11428	5.00S 2.00W36NWSE
6	GR	1073	GR 1035	5.00S 2.00W36NWSE
7	G	12203	G 11643	5.00S 1.00W 5SENE 3CW
8	G	14072	G 12874	5.00S 1.00W 4SENE 7BG
8	G	14072	G 12874	5.00S 1.00W 4SENE 7BR
9	G	12813	G 11678	5.00S 1.00W 5NWSE 4GG
10	G	12799	G 11614	5.00S 1.00W15NWNE 4GG
10	GR	771	GR 746	5.00S 1.00W15NWNE
11	G	13661	G 12034	5.00S 1.00W13SENW 4KG
11	G	13661	G 12034	5.00S 1.00W13SENW 4KG
12	G	13260	G 11705	5.00S 1.00W26SWNW 4IG
13	G	13260	G 11705	5.00S 1.00W26SENW 4IG
14	G	13382	G 11758	5.00S 1.00W29SESE 4IG

14	G	13382	G	11758	5.00S	1.00W29SESE	4IR
14	G	13382	G	11758	5.00S	1.00W29SESE	4KG
15	G	12129	G	11454	5.00S	1.00W35SENE	4B
16	G	12719	G	11772	5.00S	1.00W36NESE	3BW
16	G	12719	G	11772	5.00S	1.00W36NESE	4DG
16	G	12719	G	11772	5.00S	1.00W36NESE	4LG
16	G	12719	G	11772	5.00S	1.00W36NESE	4LW
16	G	12409	G	12327	5.00S	1.00W36NESE	
17	G	12130	G	11439	5.00S	1.00W32SWSE	4E
18	G	12985	G	11958	5.00S	1.00E 8NESE	4K
18	G	12985	G	11958	5.00S	1.00E 8NESE	4K
19	G	12725	G	11428	6.00S	2.00W 1SWNW	
19	GR	1080	GR	1042	6.00S	2.00W 1SWNW	
20	G	12606	G	12181	6.00S	2.00W15NENE	4AW
21	G	13285	G	12468	6.00S	2.00W15SESW	7DG
21	G	13285	G	12468	6.00S	2.00W15SESW	7DR
22	G	13285	G	12468	6.00S	2.00W22NWNE	7DG
22	G	13285	G	12468	6.00S	2.00W22NWNE	7DR
23	G	13161	G	12083	6.00S	2.00W24NENW	4IG
23	G	13161	G	12083	6.00S	2.00W24NENW	4IR
24	G	12703	G	11655	6.00S	2.00W24SESW	4GG
24	GR	217	GR	273	6.00S	2.00W24SESW	
25	G	12240	G	11644	6.00S	2.00W26SENE	4IG
25	G	12240	G	11644	6.00S	2.00W26SENE	4IR
26	G	12137	G	12179	6.00S	1.00W 2NENW	5YR
26	G	12137	G	12179	6.00S	1.00W 2NENW	7I
27	G	13306	G	12087	6.00S	1.00W 1NWNW	7BG
27	G	13306	G	12087	6.00S	1.00W 1NWNW	7BR
27	G	13306	G	12087	6.00S	1.00W 1NWNW	7DG
27	G	13306	G	12087	6.00S	1.00W 1NWNW	7DR
28	G	12090	G	11832	6.00S	1.00W 3SWNW	5YR
28	G	12090	G	11832	6.00S	1.00W 3SWNW	7BG
28	G	12090	G	11832	6.00S	1.00W 3SWNW	7BR
28	G	12090	G	11832	6.00S	1.00W 3SWNW	7IG
28	G	12090	G	11832	6.00S	1.00W 3SWNW	7IR
28	G	12090	G	11832	6.00S	1.00W 3SWNW	5YR
28	G	12090	G	11832	6.00S	1.00W 3SWNW	7BG
28	G	12090	G	11832	6.00S	1.00W 3SWNW	7BR
28	G	12090	G	11832	6.00S	1.00W 3SWNW	7IG
28	G	12090	G	11832	6.00S	1.00W 3SWNW	7IR
29	G	12003	G	11154	6.00S	1.00W11NENE	4E
29	GR	181	GR	168	6.00S	1.00W11NENE	
30	G	12407	G	11783	6.00S	1.00W12NENW	4DG
30	G	12407	G	12475	6.00S	1.00W12NENW	
31	G	12091	G	12209	6.00S	1.00W13NWNE	7BG
31	G	12091	G	12209	6.00S	1.00W13NWNE	7BR
31	G	12091	G	12209	6.00S	1.00W13NWNE	7IG
31	G	12091	G	12209	6.00S	1.00W13NWNE	7IR
32	G	12962	G	12049	6.00S	1.00W20SESE	4KG
33	G	13147	G	11844	6.00S	1.00W26NWNW	4IG
33	G	13147	G	11844	6.00S	1.00W26NWNW	4LG
34	G	13008	G	12110	6.00S	1.00W25SWSW	7DG
34	G	13008	G	12110	6.00S	1.00W25SWSW	7DR
35	G	12141	G	12009	6.00S	1.00E18SWNE	5YF
35	G	12141	G	12009	6.00S	1.00E18SWNE	7IG
35	G	12141	G	12009	6.00S	1.00E18SWNE	7IR
35	GR	2251	GR	2150	6.00S	1.00E18SWNE	
36	G	12141	G	12009	6.00S	1.00E17SWNE	5YF
36	G	12141	G	12009	6.00S	1.00E17SWNE	7IG
36	G	12141	G	12009	6.00S	1.00E17SWNE	7IR
37	G	12909	G	11997	6.00S	1.00E30SENE	7EG
37	G	12909	G	11997	6.00S	1.00E30SENE	7ER

APPLICATION G 15785 FALLS WITHIN THESE QUAD(S)

SILVERTON

The following OWRD Groundwater Management Areas are within the map extent:

\$REQNO	NAME1	NAME2	SUB-AREA	STATUS
1	GLADTIDINGS			LIMI
2	MT ANGEL			LIMI

natural flows of the Middle Fork Santiam River or its tributaries below 110 cubic feet per second plus waters released from storage of up to 260 cubic feet per second measured at the aforementioned gage;

(b) The South Santiam River or its tributaries above USGS — Corps of Engineers — State Engineer Gage 14187500 (SW 1/4 NW1/4 Section 28, Township 12 South, Range 1 West) at Waterloo, Oregon, for natural flows of the South Santiam River below 170 cubic feet per second plus waters released from storage of up to 930 cubic feet per second measured at the aforementioned gage;

(c) The North Santiam River or its tributaries above USGS Gage 14181500 (NE 1/4 NE 1/4 Section 34, Township 9 South, Range 4 East) at Niagara, Oregon, for natural flows of the North Santiam River below 500 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(d) The North Santiam River or its tributaries above USGS Gage 14183000 (NW 1/4 Section 18, Township 9 South, Range 2 East) at Mehama, Oregon, for natural flows of the North Santiam River below 580 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(e) The North Santiam River or its tributaries above USGS Gage 14184100 (Section 7, Township 10 South, Range 2 West) near Jefferson, Oregon, for natural flows of the North Santiam River below 430 cubic feet per second plus waters released from storage of up to 640 cubic feet per second measured at the aforementioned gage;

(f) The Santiam River or its tributaries above USGS Gage 14189000 (SE 1/4 Section 11, Township 10 South, Range 3 West) at Jefferson, Oregon, for natural flows of the Santiam River below 330 cubic feet per second plus waters released from storage of up to 1,570 cubic feet per second measured at the aforementioned gage;

(g) The Santiam River or its tributaries above the Santiam River — Willamette River confluence for natural flows of the Santiam River below 320 cubic feet per second plus waters released from storage of up to 1,570 cubic feet per second measured at a point between the said confluence and 1.0 miles above said confluence;

(h) The Calapooia River or its tributaries above USGS Gage 14172000 (SE 1/4 Section 15, Township 14 South, Range 1 West) at Holley, Oregon, for natural flows of the Calapooia River below 30 cubic feet per second plus waters released from storage or up to 340 cubic feet per second measured at the aforementioned gage;

(i) The Calapooia River or its tributaries above USGS Gage 14173500 (NW 1/4 Section 13, Township 11 South, Range 4 West) at Albany, Oregon, for natural flows of the Calapooia River below 20 cubic feet per second plus waters released from storage of up to 340 cubic feet per second measured at the aforementioned gage.

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

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

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

Molalla River — Pudding River Subbasin

690-502-120 The Molalla — Pudding Subbasin includes the drainage area of the Molalla and Pudding Rivers upstream from the confluence with the Willamette River near Canby. Surface water classification:

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

(a) The North and South Forks of Silver Creek above their confluence are withdrawn from further appropriation for any purpose except use in state parks by act of the Legislature, ORS 538.120;

(b) Drift Creek, a tributary of the Pudding River near river mile 51, is withdrawn from further appropriation by order of the State Engineer dated August 8, 1951;

(c) The unnamed stream flowing through Section 25, Township 5 South, Range 2 West, Willamette Meridian and Sections 29, 30 and 32, Township 5 South, Range 1 West, Willamette Meridian, tributary to the Pudding River near river mile 31, is withdrawn from further appropriation by order of the State Engineer dated July 25, 1951;

(d) The unnamed stream flowing through Sections 4, 9 and 10, Township 7 South, Range 1 West, Willamette Meridian, a tributary to Brush Creek near Silverton, is withdrawn from further appropriation by order of the State Engineer dated September 22, 1950;

(e) Rock Creek, tributary to the Pudding River near river mile 12, is withdrawn from further appropriation by order of the State Engineer dated August 13, 1951.

(2) The Molalla River and tributaries, except the Pudding River and tributaries, are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 through May 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from June 1 through October 31.

(3) The following streams and tributaries are classified year-round for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses only:

(a) Molalla River and Table Rock Fork above their confluence near river mile 40;

(b) Gawley Creek tributary to Molalla River;

(c) Pine Creek tributary to Molalla River;

(d) Trout Creek tributary to Molalla River;

(e) North Fork Molalla River tributary to Molalla River;

(f) Cedar Creek tributary to the Molalla River near river mile 24;

(g) Dickey Creek tributary to Molalla River;

(h) Milk Creek, and Cedar Creek above their confluence near Union Mills tributary to Molalla River;

(i) Gribble Creek tributary to Molalla River;

(j) Ogle Creek tributary to Molalla River.

(4) The Pudding River main stem is classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from October 1 through April 30 and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through September 30.

(5) Except as specified in this section, the tributaries of the Pudding River are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from November 1 through April 30 and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through October 31.

(6) The following streams and tributaries are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from December 1 through April 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from May 1 through November 30:

Analysis for Application: G15785

Location: 5S-1W-33-NENE

Uses: NU 15.2 P

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY	ZIP	PHONE
16	NW	2559727	3999	Bill Ferber	158 12th St. NE	Salem	97301-4172	503-378-8

Records Found: 1

WAB

BASIN	WID	LINK1	LINK2
2	151	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

County

COUNTY	FIPS
Marion	41047

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

Location: 5S-1W-34-NWNW

Uses: NU 11.08 P

Basins

BASIN_NUM	BASIN_NAME
2	Willamette

Records Found: 1

WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY	ZIP	PHONE
16	NW	2559727	3999	Bill Ferber	158 12th St. NE	Salem	97301-4172	503-378-8

Records Found: 1

WAB

BASIN	WID	LINK1	LINK2
2	151	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 1

County

COUNTY	FIPS
Marion	41047

Records Found: 1

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D

RULE4D
In a Rule4D Area

Records Found: 1

303D Streams Records Found: 0

303D Lakes Records Found: 0

Water Availability for WID 151

WATER AVAILABILITY TABLE

Water Availability as of 1/ 2/2003 for
 PUDDING R > MOLALLA R - AB MILL CR

Watershed ID #: 151 Basin: WILLAMETTE Exceedance Level: 80
 Time: 10:57 Date: 01/02/2003

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	181	YES												
2	69796	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES	YES
3	69998	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES	YES
4	151	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO	YES	YES	YES

STREAM NAMES

Item	Watershed ID	Stream Name
1	181	WILLAMETTE R > COLUMBIA R - AT MOUTH
2	69796	MOLALLA R > WILLAMETTE R - AT MOUTH
3	69998	PUDDING R > MOLALLA R - AT MOUTH
4	151	PUDDING R > MOLALLA R - AB MILL CR

LIMITING WATERSHEDS

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	151	PUDDING R > MOLALLA R - AB MILL CR	YES	933.0
2	151	PUDDING R > MOLALLA R - AB MILL CR	YES	1070.0
3	151	PUDDING R > MOLALLA R - AB MILL CR	YES	927.0
4	151	PUDDING R > MOLALLA R - AB MILL CR	YES	707.0
5	69998	PUDDING R > MOLALLA R - AT MOUTH	YES	320.0
6	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	NO	-169.0
7	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	NO	-160.0
8	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	NO	-96.1
9	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	NO	-80.0
10	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	NO	-281.0
11	69796	MOLALLA R > WILLAMETTE R - AT MOUTH	YES	102.0
12	151	PUDDING R > MOLALLA R - AB MILL CR	YES	852.0
Stor	151	PUDDING R > MOLALLA R - AB MILL CR	YES	624000.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 1/ 2/2003 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:57

Date: 01/02/2003

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	27500.00	1960.00	337.00	25200.00	0.00	1500.00	23700.00
2	30000.00	7250.00	334.00	22400.00	0.00	1500.00	20900.00
3	28500.00	6880.00	324.00	21300.00	0.00	1500.00	19800.00
4	25400.00	6590.00	312.00	18500.00	0.00	1500.00	17000.00
5	20700.00	3940.00	274.00	16500.00	0.00	1500.00	15000.00
6	11000.00	1690.00	475.00	8830.00	0.00	1500.00	7330.00
7	6280.00	1660.00	446.00	4180.00	0.00	1500.00	2680.00
8	4890.00	1460.00	415.00	3020.00	0.00	1500.00	1520.00
9	4930.00	1090.00	409.00	3430.00	0.00	1500.00	1930.00
10	5990.00	355.00	226.00	5410.00	0.00	1500.00	3910.00
11	12700.00	502.00	277.00	11900.00	0.00	1500.00	10400.00
12	24800.00	640.00	335.00	23800.00	0.00	1500.00	22300.00
Stor	19700000	2030000	251000	17400000	0	1090000	16400000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 1/ 2/2003 for

WILLAMETTE R > COLUMBIA R - AT MOUTH

Watershed ID #: 181

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:57

Date: 01/02/2003

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	1698.77	0.00	339.61	99.31	7.20	23.72	91.63	37.47	2300.00
2	6985.59	0.00	339.61	99.31	7.20	23.72	91.63	37.47	7580.00
3	6592.86	6.39	339.62	99.31	7.20	23.73	94.02	40.45	7200.00
4	6261.04	42.38	339.62	99.31	7.20	23.73	90.58	40.45	6900.00
5	3373.40	290.43	335.77	99.30	7.05	23.72	67.94	19.92	4220.00
6	442.03	581.35	925.81	99.30	6.90	23.73	67.60	19.85	2170.00
7	13.91	994.42	906.47	94.02	4.23	23.72	45.75	19.57	2100.00
8	2.01	779.95	906.47	94.02	4.23	22.32	44.36	19.57	1870.00
9	0.71	385.13	905.22	99.25	6.90	22.32	57.81	19.83	1500.00
10	0.30	27.52	332.65	99.30	6.90	22.32	58.45	33.58	581.00
11	194.07	0.00	339.61	99.30	7.20	23.72	79.27	36.56	780.00
12	376.21	0.00	339.61	99.31	7.20	23.72	91.24	37.47	975.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 1/ 2/2003 for

MOLALLA R > WILLAMETTE R - AT MOUTH

Watershed ID #:

69796

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:57

Date: 01/02/2003

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	1870.00	22.20	42.10	1810.00	0.00	500.00	1310.00
2	2010.00	21.10	40.60	1950.00	0.00	500.00	1450.00
3	1830.00	8.36	37.90	1780.00	0.00	500.00	1280.00
4	1530.00	11.30	32.00	1490.00	0.00	500.00	987.00
5	927.00	46.80	21.80	858.00	0.00	500.00	358.00
6	431.00	79.30	21.00	331.00	0.00	500.00	-169.00
7	204.00	136.00	27.80	40.20	0.00	200.00	-160.00
8	139.00	111.00	23.70	3.87	0.00	100.00	-96.10
9	134.00	48.40	15.70	70.00	0.00	150.00	-80.00
10	188.00	11.20	7.99	169.00	0.00	450.00	-281.00
11	637.00	14.00	21.10	602.00	0.00	500.00	102.00
12	1700.00	22.40	40.30	1640.00	0.00	500.00	1140.00
Stor	1320000	32300	20000	1270000	0	295000	994000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 1/ 2/2003 for

MOLALLA R > WILLAMETTE R - AT MOUTH

Watershed ID #:

69796

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:57

Date: 01/02/2003

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	45.00	0.00	4.55	1.79	0.49	0.95	7.01	4.46	64.20
2	42.51	0.00	4.55	1.79	0.49	0.95	7.01	4.46	61.80
3	22.76	1.25	4.55	1.79	0.48	0.95	7.01	7.46	46.30
4	15.92	5.19	4.55	1.79	0.48	0.95	7.01	7.46	43.40
5	8.02	45.54	4.55	1.79	0.33	0.95	4.40	3.07	68.70
6	1.47	74.98	13.66	1.79	0.18	0.95	4.24	3.00	100.00
7	0.00	139.99	13.66	1.79	0.18	0.95	4.24	3.00	164.00
8	0.00	111.30	13.66	1.79	0.18	0.95	4.24	3.00	135.00
9	0.00	40.20	13.66	1.79	0.18	0.95	4.24	3.00	64.00
10	0.00	4.48	4.55	1.79	0.18	0.95	4.24	3.00	19.20
11	18.49	0.00	4.55	1.79	0.48	0.95	4.41	4.46	35.10
12	43.80	0.00	4.55	1.79	0.49	0.95	6.62	4.46	62.70

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 1/ 2/2003 for

PUDDING R > MOLALLA R - AB MILL CR

Watershed ID #: 151

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:57

Date: 01/02/2003

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	1040.00	36.70	34.80	969.00	0.00	36.00	933.00
2	1180.00	35.70	33.30	1110.00	0.00	36.00	1070.00
3	1010.00	16.20	30.80	963.00	0.00	36.00	927.00
4	787.00	18.80	25.00	743.00	0.00	36.00	707.00
5	425.00	38.90	17.40	369.00	0.00	36.00	333.00
6	224.00	62.60	15.30	146.00	0.00	36.00	110.00
7	109.00	97.70	20.00	-8.72	0.00	36.00	-44.70
8	71.00	80.80	16.90	-26.70	0.00	36.00	-62.70
9	67.30	47.50	10.90	8.90	0.00	36.00	-27.10
10	91.60	18.00	5.30	68.30	0.00	36.00	32.30
11	363.00	24.40	14.40	324.00	0.00	36.00	288.00
12	957.00	35.60	33.00	888.00	0.00	36.00	852.00
Stor	706000	31100	15500	660000	0	26100	636000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 1/ 2/2003 for

PUDDING R > MOLALLA R - AB MILL CR

Watershed ID #: 151

Basin: WILLAMETTE

Exceedance Level: 80

Time: 10:57

Date: 01/02/2003

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	50.30	0.00	15.00	0.33	0.04	0.27	4.57	1.00	71.50
2	47.88	0.00	15.00	0.33	0.04	0.27	4.57	1.00	69.10
3	22.15	0.66	15.00	0.33	0.03	0.27	4.57	4.00	47.00
4	15.53	4.07	15.00	0.33	0.03	0.27	4.57	4.00	43.80
5	7.90	27.79	15.00	0.33	0.03	0.27	1.95	3.00	56.30
6	1.45	55.86	15.01	0.33	0.03	0.27	1.95	3.00	77.90
7	0.00	97.13	15.01	0.33	0.03	0.27	1.95	3.00	118.00
8	0.00	77.11	15.01	0.33	0.03	0.27	1.95	3.00	97.70
9	0.00	37.80	15.01	0.33	0.03	0.27	1.95	3.00	58.40
10	0.00	2.70	15.00	0.33	0.03	0.27	1.95	3.00	23.30
11	20.20	0.00	15.00	0.33	0.03	0.27	1.97	1.00	38.80
12	47.86	0.00	15.00	0.33	0.04	0.27	4.18	1.00	68.70

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 1/ 2/2003 for

PUDDING R > MOLALLA R - AB MILL CR

Watershed ID #: 151
Time: 10:57

Basin: WILLAMETTE

Exceedance Level: 80
Date: 01/02/2003

Reservations								
APP #	0	0	0	0	0	0	0	TOTAL
Status Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 1/ 2/2003 for

PUDDING R > MOLALLA R - AB MILL CR

Watershed ID #: 151
Time: 10:57

Basin: WILLAMETTE

Exceedance Level: 80
Date: 01/02/2003

ISWRs								
APP #	151A	73532B	73533A	73534A	0	0	0	MAXIMUM
Status	Cert.	Cert.	Cert.	Cert.				
1	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00
2	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00
3	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00
4	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00
5	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00
6	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00
7	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00
8	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00
9	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00
10	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00
11	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00
12	35.00	36.00	16.00	11.00	0.00	0.00	0.00	36.00



State of Oregon
 Water Resources Department
 158 12th Street NE, Salem, OR 97310
 (503)378-8455 • (800)624-3199
 www.wrd.state.or.us

Amended
**Application for a Permit to Use
 Ground Water**

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last

Co-applicant: _____
First Last

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: Fessler Nursery Company

Name and title of person applying: Dale Fessler, President

Mailing address of organization: 12666 Monitor - McKee Rd
Woodburn OR 97021
City State Zip

Phone: (503) 634-2448
Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

RECEIVED

JAN 09 2004

For Department Use	
App. No. _____	Permit No. _____
	Date _____
WATER RESOURCES DEPT SALEM, OREGON	

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

- Yes (Skip to section 3 "Ground water Development.")
- No Please check the appropriate box below.
- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.

List the names and mailing addresses of all affected landowners.*

Clara Fessler, One Towers Lane, Box 2124, Mt. Angel,
Oregon 97362

Marvin Fessler, 12668 Monitor McKee Rd. NE, Woodburn,
Oregon 97071

*If more than 25 landowners are involved, a list is not required. See instructions.

3. GROUND WATER DEVELOPMENT

A. Number of well(s): 5 B. Name of nearest surface water body: Zollner Creek

C. Distance from well(s) to nearest stream or lake: 1) Well 1: 1,800 ft.

2) Well 2: 1,500 ft. 3) Well 4: 1,400 ft. 4) Well 5: 1,900 ft.
5) Well 6: 1,900 ft.

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) Well 1: ~55 ft.

2) Well 2: ~60 ft. 3) Well 4: ~50 ft. 4) Well 5: ~55 ft.
5) Well 6: ~60 ft.

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: Well 1 (MARI 2172): R. Stadel + Sons; Well 2
(MARI 54098): Staco; Proposed Wells 4, 5, and 6, To be determined.
Address: _____

Completion date: Well 1: 5/1/71; Well 2: 1/15/99; Well 3: 3/3/77;
Proposed Wells 4, 5, and 6: to be determined.

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Ground Water/2

2. Please provide a description of your well development. (Attach additional sheets if needed.)

See attached logs for 2 existing wells.

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1		MARI 2172							
2		MARI 54098							
4	10"	8" Steel	250'	75'-150' 200'-250'	20'	50'	75'	Std. 1/2" Port in San. Seal	250'
5	10"	8" Steel	250'	75'-150' 200'-250'	20'	50'	75'	"	250'
6	10"	8" Steel	260	85'-160' 240'-260'	20'	60'	85'	"	260'

F. Artesian Flows

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

None

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I *Nursery*
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

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Ground Water/3

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B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	Alluvium	Year-Round Nursery	31 ⁰⁰⁷		60
2	Alluvium	Year-Round Nursery	40 ⁰⁰⁹		80
4	Alluvium	Year-Round Nursery	30 ⁰⁰⁸		Estimate 60
5	Alluvium	Year-Round Nursery	30 ⁰⁰⁷		11
6	Alluvium	11	30 ⁰⁰⁷		11
Combined Total			161		21,425,000*

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 0.359 cfs (161 gpm)
 (The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: Year-round nursery
 (For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 26.3 acres
 (This number should be consistent with you application map.)

5. WATER MANAGEMENT

A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type) _____
- Other means (describe) _____

Well 1: 5 Hp submersible
 Well 2: 7.5 Hp Submersible
 Proposed Wells 4, 5, and 6:
 Estimate 7.5-10 Hp Submersibles.

B. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth)
 Width _____ Depth _____
 Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length)
 Diameter 2 to 4 in. Length Estimate about 3,000 ft.
- Other (describe) _____

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 SALEM, OREGON

* Based on 2 1/2 Ac-Ft/Acre

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? Sprinklers and drip irrigation.

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Apply water only when plants require it. Water at night when possible. Use drip irrigation as much as possible.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin Existing wells and Irr. system are constructed

Proposed date construction will be completed Proposed wells may be phased in, as necessary, through spring 2009

Proposed date beneficial water use will begin April 2004.

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7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

This application is for year-round use at a rate of 0.359 cfs for nursery operations. This new use is proposed, in addition to existing irrigation rights on the same land, to allow for higher rates of application during the irrigation season and continuous irrigation during the non-irrigation season.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Dale M. Jensen

Signature of Applicant

1-8-04

Date

Signature of Co-applicant

Date

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Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.



Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: _____ Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: No. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Year-round Nursery Full season Partial season (from: _____ to _____)
2. _____ Full season Partial season (from: _____ to _____)
3. _____ Full season Partial season (from: _____ to _____)
4. _____ Full season Partial season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

65.75 acre-feet*

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours Daily during nighttime hours
 Two or three times weekly during daytime Two or three times weekly during nighttime
 Weekly, during daytime hours Weekly, during nighttime hours
 Other, explain: _____

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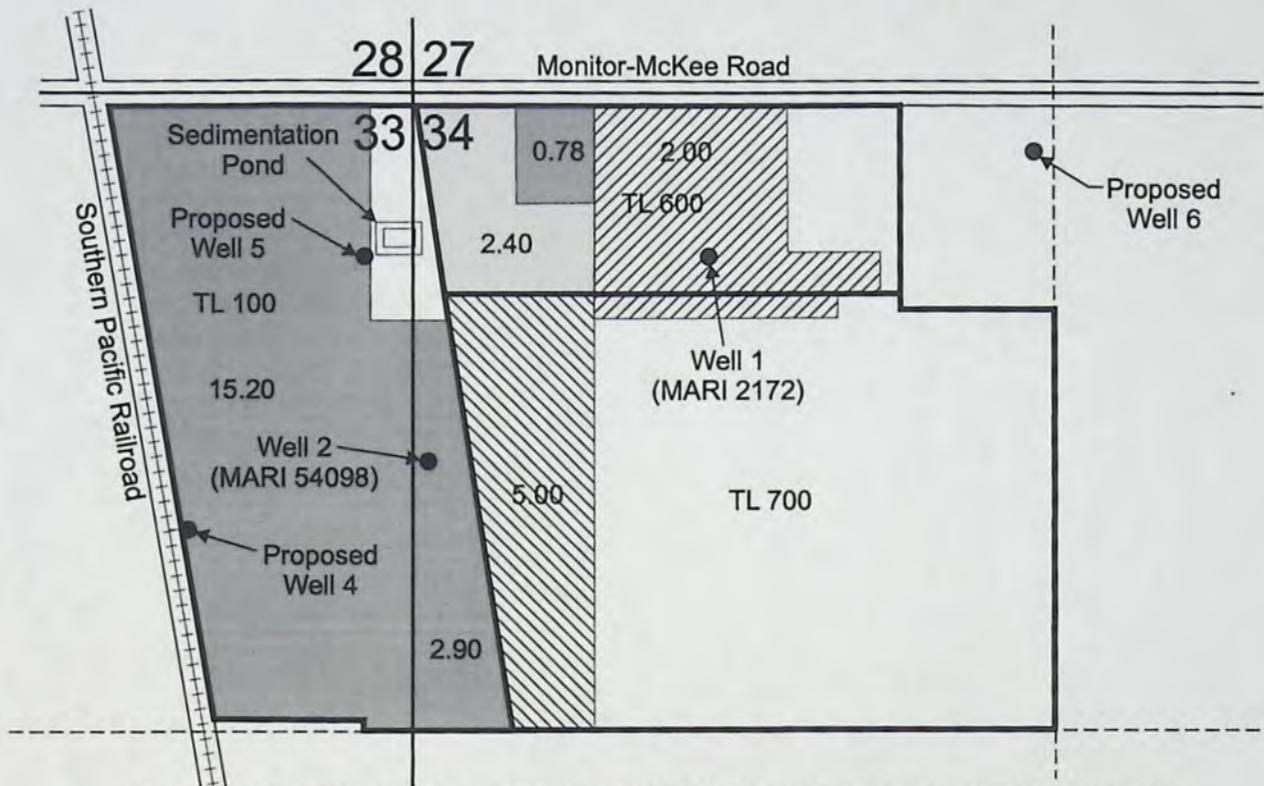
JAN 09 2004

WATER RESOURCES DEPT SALEM, OREGON

* Based on 2 1/2 Ac-Ft/Acre.

Last revision: October 31, 1996

T.5S. R.1W. Sec. 33 & 34



Well 1 (MARI 2172) is located 340 feet south and 610 feet east from the NW corner of Section 34.
 Well 2 (MARI 54098) is located 762 feet south and 32 feet east from the NW corner of Section 34.
 Proposed well 4 is located 910 feet south and 460 feet west from the NW corner of Section 34.
 Proposed Well 5 is located 340 feet south and 100 feet west from the NW corner of Section 34.
 Proposed Well 6 is located 120 feet south and 1,280 feet east from the NW corner of Section 34.

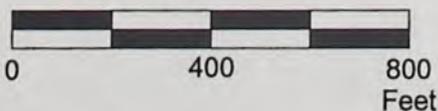
-  Desired Year-Round Nursery Right (18.88 acres); Existing Water Right for Irrigation under Application G-11087, Permit G-10930, Transfer T-8048.
-  Desired Year-Round Nursery Right (2.40 acres); Existing Water Right for Irrigation under Application G-8670, Permit G-9587, Certificate 62676.
-  Desired Year-Round Nursery Right (5.00 acres); Portion of Existing Water Right for Irrigation under Application G-8641, Permit G-7950, Certificate 65931.
-  Existing Water Right for Commercial Use in Greenhouses (2.00 acres) under Application G-8670, Permit G-9587, Certificate 62676.

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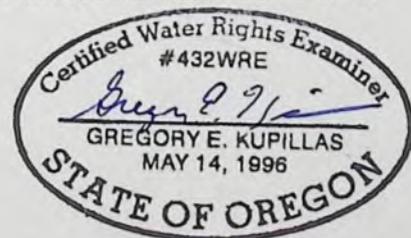
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 SALEM, OREGON

Scale: 1" = 400'



Appl # G-15785
 Permit # G-15676



EXPIRATION DATE: 6/30/05

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

Amended Water Right Application Map

Fessler Nursery
 T.5S. R.1W. Sec. 33 and 34

Pacific Hydro-Geology Inc.

1/2004



Oregon Water Resources Department Land Use Information Form

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, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Fessler Nursery

Address: 12666 Monitor-McKee Rd.

City: Woodburn State: OR Zip: 97021 Day Phone: (503)634-2448

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (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 I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>51W33 TL 100</u>		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
<u>51W34 TL 600</u>		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
<u>51W34 TL 700</u>		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Marion

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Irrigation of nursery stock.

Briefly describe: Water will be used for irrigation of plants in greenhouses, container stock, and in-ground stock. Water will also be used for other nursery needs (i.e., temperature control).

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D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

131.5

CFS GPM Acre Feet

For Local Government Use Only

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

A. Allowed Use

Check the appropriate box below and provide requested information.

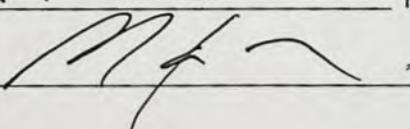
- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 136.020(a) Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p style="font-size: 2em; margin: 0;">RECEIVED</p> <p style="font-size: 1.5em; margin: 0;">JUN 28 2002</p> <p style="font-size: 0.8em; margin: 0;">WATER RESOURCES DEPT SALEM, OR</p> </div>		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
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		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Brandon Reich Date: 6-28-02
 Title: Assoc. Planner Phone: 503-588-5038
 Signature: 

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

none

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SALEM, OREGON

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

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Well 2

MARI 54098

JUN 30 1999

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

WATER RESOURCES DEPT. SALEM, OREGON

WELL I.D. # L-10514 START CARD # 104144

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

(1) OWNER: Dale Fessler, 12666 Monitor McKee Road NE, Woodburn, OR 97071

(2) TYPE OF WORK: [X] New Well [] Deepening [] Alteration [] Abandonment

(3) DRILL METHOD: [X] Rotary Air [] Rotary Mud [] Cable [] Auger [] Other

(4) PROPOSED USE: [] Domestic [] Community [] Industrial [X] Irrigation [] Thermal [] Injection [] Livestock [] Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval [] Yes [X] No Depth of Completed Well 245 ft. Explosives used [] Yes [X] No Type Amount

Table with columns: HOLE Diameter, From, To, Material, SEAL From, To, Sacks or pounds. Rows include Bent. and cement.

How was seal placed: Method [] A [] B [X] C [] D [] E Backfill placed from 245 ft. to 360 ft. Material 3/8 round Gravel placed from 230 ft. to 245 ft. Size of gravel 3/8 round

(6) CASING/LINER: 60-230 6-9 colorado. Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded.

Final location of shoe(s)

(7) PERFORATIONS/SCREENS: Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Castng, Liner.

(8) WELL TESTS: Minimum testing time is 1 hour. [] Pump [] Bailer [X] Air [] Artesian. Yield 80 gal/min, Drawdown N/A, Drill stem at 200, Time 2 hr.

Temperature of water 56° Depth Artesian Flow Found Was a water analysis done? [] Yes [] No By whom Did any strata contain water not suitable for intended use? [] Too little [] Salty [] Muddy [] Odor [] Colored [] Other Depth of strata:

(9) LOCATION OF WELL by legal description: County Marion Latitude Longitude Township 5S N or S Range 1W E or W. WM. Section 84 34 NW 1/4 NW 1/4 Tax Lot 00100 Lot Block Subdivision Street Address of Well (or nearest address) 12666 Monitor McKee

(10) STATIC WATER LEVEL: 53' ft. below land surface. Date 1-14-99 Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES: Depth at which water was first found 75'

Table with columns: From, To, Estimated Flow Rate, SWL. Rows include 75-83, 133-135, 217-224.

(12) WELL LOG: Ground Elevation

Table with columns: Material, From, To, SWL. Includes 'RECEIVED' and 'OCT 11 1999' stamps.

Date started Completed (unbonded) Water Well Constructor Certification:

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

Signed [Signature] WWC Number 723 Date 1/26/99

(bonded) Water Well Constructor Certification:

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

Signed [Signature] WWC Number 1358 Date 1-15-99

MAR1
54098

Sheet1

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JUN 30 1999

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SALEM, OREGON

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OCT 11 1999

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SALEM, OREGON

Material	From	To	SWL
Gravel & Soil	0	1	
Clay brown soft	1	4	
Hard pan brown	4	6	
Clay silty brown	6	20	
Clay blue gray	20	35.5	
Gravel silty grey	35.5	52	
Clay brown with gravel	52	60	
Tightly cemented gravel w/brown sand	60	75	
Gravel Looser	75	83	
Clay blue soft	83	93	
Claystone blue	93	97	
Clay blue sticky	97	120	
clay brown soft	120	133	
Sand grey med fine	133	135	
Sitstone grey	135	140	
Clay grey sticky	146	195	
Clay blue	195	217	
Sand grey & blue fine to coarse	217	224	
Silt stone packed	224	230	
Clay grey med-sticky	230	253	
Claystone grey soft	253	320	
Clay Brown Sticky	320	340	
Clay red Medium	340	360	

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WATER RESOURCES DEPT.
SALEM, OREGON

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:

AFTER RECORDING, RETURN TO:

DALE and SAN JUANITA FESSLER
12506 MONITOR-MCKEE RD, NE
WOODBURN, OR 97071

DALE and SAN JUANITA FESSLER
12506 MONITOR-MCKEE RD, NE
WOODBURN, OR 97071

The true consideration for the conveyance is \$50,000. **

BARGAIN AND SALE DEED

KENNETH FESSLER and MARIE FESSLER convey all right,
interest and title to DALE M. FESSLER and SAN JUANITA FESSLER all
that real property situated in Marion County, State of Oregon,
described as:

SEE EXHIBIT "A" ATTACHED HERETO AND
BY THIS REFERENCE MADE A PART HEREOF.

**paid to an accommodator pursuant to an IRC 1031 Exchange

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY
DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE
LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS
INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD
CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO
VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS
AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 1ST day of September, 1995.

Kenneth Fessler
KENNETH FESSLER

Marie Fessler
MARIE FESSLER

STATE OF OREGON

County of Marion)
SS. : ^O^C

This instrument was acknowledged before me this 1
day of Sept ^O^C, 1995 ^O^C by
^O^C.

Theresa G. Westerlund
Notary Public for Oregon
My commission expires: 6/16/99

SEP-01-1995 09:24

503 656 0125

P.02

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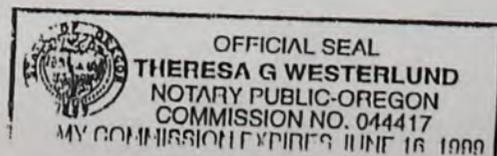


EXHIBIT "A"

Beginning on the East boundary of the Right of Way of the Oregonian Railroad Company and on the North boundary of Section 33 in Township 5 South of Range 1 West of the Willamette Meridian in Marion County, Oregon, said point of beginning being 664 feet West of the Northeast corner of said Section and from thence running South 9° 35' East, along the East boundary of said right of way 20.00 chains; thence East, parallel with the North boundary of said Section, 5.00 chains; thence South 9° 35' East, parallel with the East boundary of said right of way, 28 links; thence East, parallel with the North boundary of said Section, 5.00 chains; thence North 9° 35' West, parallel with the East boundary of said Right of Way, 10.28 chains to the North boundary of said Section; thence West on said North boundary of Section 33 to the place of beginning.

K.F.
M.F.

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JAN 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"

WHEN RECORDED MAIL THIS TO:

Marvin Fessler
12668 Monitor-McKee Road NE
Woodburn, Oregon 97071

SEND TAX STATEMENTS TO:

Marvin Fessler
12668 Monitor-McKee Road NE
Woodburn, Oregon 97071

MEMORANDUM OF CONTRACT OF SALE

DATED: 6-27, 2001

BETWEEN: Marie Fessler and Kenneth Fessler, Co-Trustees of the Marie Fessler Family Trust uad 01-20-92, and Kenneth Fessler and Marie Fessler, Co-Trustees of the Kenneth Fessler Family Trust uad 01-20-92, ("Seller")

AND: Marvin Fessler and Mary K. Fessler ("Purchaser")

Pursuant to a Contract of Sale dated 6-27, 2001, Seller sold to Purchaser, Seller's interest in that certain real and personal property in Marion County, Oregon, more particularly described as follows. If not earlier paid, all amounts owed under the Contract of Sale shall be due and payable on thirtieth (30) annual anniversary of the Closing Date. The true and actual consideration for this conveyance is \$450,000.00.

Beginning at a point on the north boundary line of Section 34, Township 5 South, Range 1 West of the Willamette Meridian, which point is 305 feet West of the northeast corner of the Northwest quarter of the Northwest quarter of Section 34; thence South on a line parallel with the east line of said Northwest quarter of the Northwest quarter of Section 34, 415 feet; thence West on a line parallel with the north boundary line of Section 34 to the west line of that certain tract of land conveyed from Frank J. Fessler and Mary M. Fessler to Raymond T. Fessler and Clara Fessler, by deed dated December 7, 1944, and recorded December 8, 1944, at Volume 313, Page 228, Deed Records for Marion County, Oregon; thence North 9 35' West along the west line of said Fessler tract to the north boundary line of Section 34; thence East on the north boundary line to Section 34 to the point of beginning, in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

TOGETHER WITH all buildings, outbuildings and greenhouses and

Memorandum of Contract of Sale
Kenneth Fessler Family Trust and Marie Fessler Family Trust (Sellers)
Marvin Fessler (Purchaser)

R14369 51W34 600

980-083
980-078
980-0179

ADD
CONTRACT

JUL 27 2001

A.T.S.

00
1814
0305

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WATER RESOURCES DEPT
SALEM OREGON

43803-001
513-245
34 67w 1001340 49581311

ALL 02981 REEL 155 PAGE 392

WARRANTY DEED

RAYMOND T. FESSLER and CLARA FESSLER, Husband and Wife, herein-
after called grantors, convey to KENNETH F. FESSLER, DEAN FESSLER,
SHERI FESSLER, DEBRA FESSLER, DALE FESSLER and MARVIN FESSLER, all
that real property situated in Marion County, State of Oregon, des-
cribed as:

Beginning at a point Twenty-five (25) feet West of the
Northeast corner of the Northwest quarter of the Northwest
quarter of Section Thirty-four (34) Township Five (5) South
of Range One (1) West of the Willamette Meridian; running
thence South on a line parallel with the East line of said
Northwest quarter of the Northwest quarter of Section Thirty-
four (34), twenty (20) chains to the South line of said North-
west quarter of the Northwest quarter of said Section Thirty-
four (34); thence West on the legal subdivision line sixteen
(16) chains more or less, to the Southeast corner of a ten
(10) acre tract of land deeded by former owners to Francis
Chamberlain on March 1, 1893; thence North 9°35' West on the
East boundary line of said ten (10) acre tract of land
twenty (20) chains and twenty-eight (28) links to the North
boundary line of said Section Thirty-four (34); thence East
on said North boundary line nineteen (19) chains and thirty-
three (33) links more or less to the place of beginning.
Except therefrom the North 415 feet, measured at right angles
to the North boundary line of said land.

Grantors covenant that they are the owners of the above described prop-
erty free of all encumbrances except those of record and will warrant
and defend the same against all persons who may lawfully claim the
same, except as shown above. ONE DESC. 415' FROM CENTER Rd.

The true and actual consideration for this transfer is love and
affection. The foregoing recital of consideration is true as we verily
believe. ONE DESC. 415' SOUTH LINE Rd

Mail future tax statements to KENNETH F. FESSLER ET AL, RFD 2, Box
272-B, Woodburn, OR 97071.

DATED this 29th day of JANUARY, 1979.

Raymond T. Fessler
RAYMOND T. FESSLER

Clara Fessler
CLARA FESSLER

STATE OF OREGON)
) ss.

Personally appeared the above named RAYMOND T. FESSLER and CLARA
FESSLER and acknowledged the foregoing instrument to be their voluntary
act before me:



P. L. Peterson
Notary Public for Oregon
My Commission Expires: Feb. 15, 1979

155
0392

43803-001

JAN 30 1979

RECEIVED
JAN 09 2004
WATER RESOURCES DEPT
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **67241**

INVOICE # _____

RECEIVED FROM: Smelter Nursery Co.
BY: _____

APPLICATION	G15785
PERMIT	
TRANSFER	

CASH: CHECK:# 24910 OTHER: (IDENTIFY)

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203 GROUND WATER	EXAM FEE \$	0204	\$ 250.00
0205 TRANSFER	EXAM FEE \$		

WELL CONSTRUCTION

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **67241**

DATED: 5/12/04 BY: Albin

FESSLER NURSERY CO.

Oregon Water Resources Department

water rights application

5/10/04

28910

250.00

RECEIVED

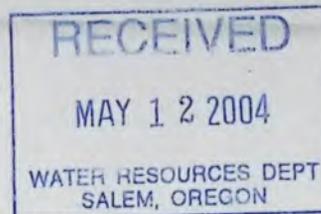
MAY 12 2004

WATER RESOURCES DEPT
SALEM, OREGON

Washington Mutual B G-15785

250.00

Oregon Water Resources Department
Water Rights Division



PALD

05-10-04 # 28911

Water Rights Application
Number G-15785

Prior to issuance of a permit, recording fees in the amount of \$250.00 must be submitted to the Department. In order to increase Department efficiency and expedite the processing of your application, please submit the necessary fees prior to the protest deadline of **June 18, 2004**. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to **June 18, 2004**, issuance of a permit may be delayed.

Proposed Final Order

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

Application History

On JUNE 28, 2002, DALE FESSLER submitted an application to the Department for FESSLER NURSERY CO. for the following water use permit:

- Source and Amount of Water: 0.81 CUBIC FOOT PER SECOND (CFS) FROM FOUR WELLS IN ZOLLNER CREEK BASIN, BEING 0.13 CFS FROM WELL 1, 0.18 CFS FROM WELL 2, 0.27 CFS FROM WELL 3 AND 0.23 CFS FROM WELL 4
- Use of Water: NURSERY USE ON 26.28 ACRES
- Area of Proposed Use: MARION County within SECTIONS 33 AND 34, TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

On January 17, 2003, the Department mailed the applicant notice of its Initial Review, determining that due to surface water limitations applied as a result of the potential for substantial interference with surface water, "the use of 0.81 cubic foot per second of water from four wells in Zollner Creek basin for nursery use on 28.28 acres is not allowable, and it appears unlikely that you will be issued a permit." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On February 4, 2003, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

interoffice
MEMORANDUM

To: File G-15785
From: Cory Engel
Date: May 7, 2004
Subject: clarification forthcoming

Greg Kupillas called today to provide clarification that the intent of the application was to propose a total of 0.36 CFS from all of the wells, potentially to be diverted from any one or more in combination.

It appears that this change will not cause any change in our review under OAR 690-009.

He said he will be providing clarification to that effect in writing.

Reply-To: <phggek@bctonline.com>
From: "Greg Kupillas" <phggek@bctonline.com>
To: <Cory.C.ENGEL@wrд.state.or.us>
Cc: <fesslerfam@web-ster.com>
Subject: G-15785
Date: Fri, 7 May 2004 14:30:15 -0700
Organization: Pacific Hydro-Geology Inc.
X-Security: MIME headers sanitized on kettle.wrд.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07
X-Mailer: Microsoft Outlook, Build 10.0.2627
Importance: Normal

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Cory,

To follow up with our telephone conversation today, I wish to provide some clarification, on behalf of the applicant, on the rate of water use for the subject application. The draft permit lists specific rates for each of the two existing wells and three proposed wells, which all add up to the maximum rate of 0.36 cfs. While not clearly indicated in the application, the applicant's intent is to use one or any combination of wells to pump up to the maximum rate of 0.36 cfs. This change will not result in an enlargement of the permit. Furthermore, based on your review of the file, it appears that the change should not affect the results of the Division 9 review. Therefore, we request that the Final Order and Permit contain the necessary revisions to reflect that the maximum rate of 0.36 will be from one or any combination of the wells.

Please reply via e-mail or call me at (503) 632-5016 if you have any questions or need additional information.

Sincerely,

Greg Kupillas, R.G., C.W.R.E.

Pacific Hydro Geology Inc.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-15785

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Proposed Final Order

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On February 4, 2003, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

On January 31, 2003, the application was placed on administrative hold at the applicant's request. The extended administrative hold expired on January 11, 2004.

On January 9, 2004, the applicant amended the application to remove Well 3, add Wells 5 and 6, and reduce the requested rate to 0.359 CFS (161 GPM), being 31 GPM from Well 1, 40 GPM from Well 2, and 30 GPM each from Wells 4, 5, and 6.

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

As a result of standard procedures in rounding and units of measurement, the proposed rate will be considered to be 0.36 CFS, being no more than 0.07 CFS from Well 1, 0.09 CFS from Well 2, and 0.07 CFS each from Wells 4, 5, and 6.

Uses included in NURSERY USE are fully included in irrigation and agriculture uses, both of which are allowed by OAR 690-502, the Willamette Basin Program. Therefore, the use of ground water for NURSERY USE ON 26.28 ACRES is classified the Willamette Basin Program.

WELLS 1, 2, 4, 5, AND 6 IN ZOLLNER CREEK BASIN are not within or above a State Scenic Waterway.

The Groundwater Section finds, per OAR 390.835(9), there is not a preponderance of evidence that the proposed use of groundwater 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.

Groundwater Findings Under OAR 690-09

In response to the applicant's January 9, 2004 amendment, the Groundwater Section re-reviewed the application to determine whether the proposed use would have the potential for substantial interference with nearby surface water sources. The Department determined, consistent with OAR 690-09-0040(4), that the proposed ground water use will not have the potential for substantial interference with the nearby surface water sources.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology section. A copy of this assessment is in the file. The proposed use of groundwater will, if properly conditioned, avoid injury to existing rights and the resource.

The Department finds that the amount of water requested, 0.36 CFS, is an acceptable amount.

The proposed wells are not within a designated critical ground water area.

Conclusions of Law

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

The proposed use requested in this application is allowed in the Willamette Basin Plan, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

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

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

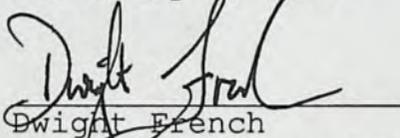
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED May 4, 2004


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.*

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest 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 protest fee of \$250 required by ORS 536.050 and proof of service of the protest upon the applicant.

- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$200.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **June 18, 2004**.

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.

This document was prepared by Cory Engel. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0813. 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 Renee Moulun at 503-986-0824.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF MARION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

FESSLER NURSERY CO.
12666 MONITOR-MCKEE RD
WOODBURN, OREGON 97021

503-634-2448

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

APPLICATION FILE NUMBER: G-15785

SOURCE OF WATER: WELLS 1, 2, 4, 5, AND 6 IN ZOLLNER CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 26.28 ACRES

MAXIMUM RATE: 0.36 CUBIC FOOT PER SECOND, BEING NO MORE THAN 0.07 CFS FROM WELL 1, 0.09 CFS FROM WELL 2, AND 0.07 CFS EACH FROM WELLS 4, 5, AND 6

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 28, 2002

WELL LOCATIONS, ALL FROM THE NW CORNER OF SECTION 34, T5S, R1W, W.M.:

WELL 1 (MARI2172): NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34; 340 FEET SOUTH & 610 FEET EAST
WELL 2 (MARI54098): NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34; 762 FEET SOUTH & 32 FEET EAST
WELL 4 (PROPOSED): NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33; 910 FEET SOUTH & 460 FEET WEST
WELL 5 (PROPOSED): NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33; 340 FEET SOUTH & 100 FEET WEST
WELL 6 (PROPOSED): NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34; 120 FEET SOUTH & 1280 FEET EAST

The amount of water used for nursery use is limited to a maximum of 5.0 acre feet per acre and a diversion of 0.15 cubic foot per second per acre. For irrigation of containerized nursery plants, the amount of water diverted is limited to one fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation
Application G-15785 Water Resources Department PERMIT DRAFT

of any other crop, the amount of water diverted is limited to one eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.2 ACRES
SECTION 33

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 11.08 ACRES
SECTION 34
TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- 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.

The well(s) shall produce groundwater only from the alluvial groundwater reservoir between approximately 20 and 300 feet below land surface.

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

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

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

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

Issued _____, 2004

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

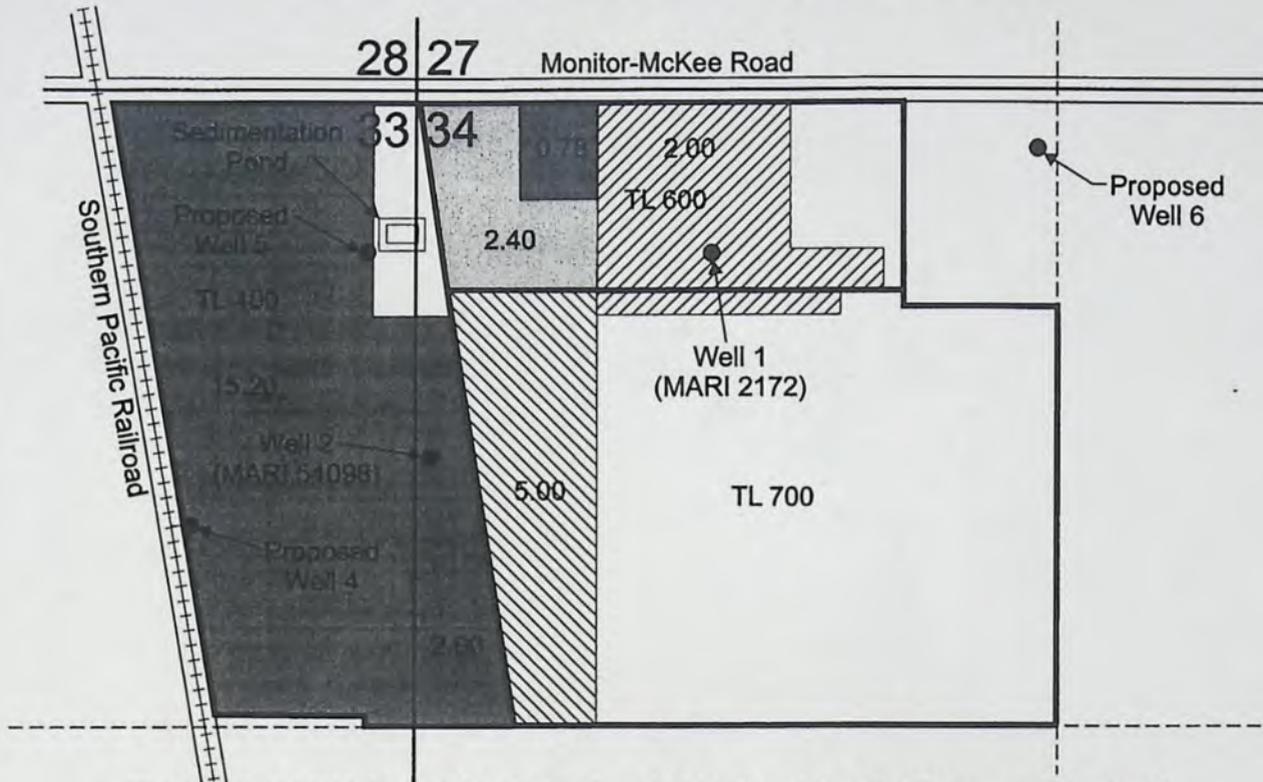
ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms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

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

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

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

T.5S. R.1W. Sec. 33 & 34



Well 1 (MARI 2172) is located 340 feet south and 610 feet east from the NW corner of Section 34.
 Well 2 (MARI 54098) is located 762 feet south and 32 feet east from the NW corner of Section 34.
 Proposed well 4 is located 910 feet south and 460 feet west from the NW corner of Section 34.
 Proposed Well 5 is located 340 feet south and 100 feet west from the NW corner of Section 34.
 Proposed Well 6 is located 120 feet south and 1,280 feet east from the NW corner of Section 34.

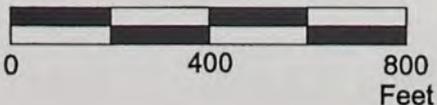
-  Desired Year-Round Nursery Right (18.88 acres); Existing Water Right for Irrigation under Application G-11087, Permit G-10930, Transfer T-8048.
-  Desired Year-Round Nursery Right (2.40 acres); Existing Water Right for Irrigation under Application G-8670, Permit G-9587, Certificate 62676.
-  Desired Year-Round Nursery Right (5.00 acres); Portion of Existing Water Right for Irrigation under Application G-8641, Permit G-7950, Certificate 65931.
-  Existing Water Right for Commercial Use in Greenhouses (2.00 acres) under Application G-8670, Permit G-9587, Certificate 62676.

RECEIVED

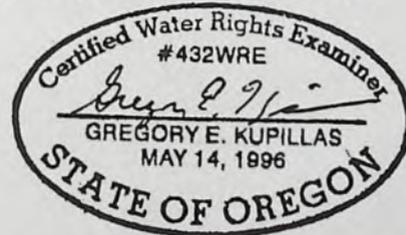
JAN 09 2004

WATER RESOURCES DEPT
 SALEM, OREGON

Scale: 1" = 400'



Appl # G-15785
Permit #



EXPIRATION DATE: 6/30/05

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



Amended Water Right Application Map

Fessler Nursery
 T.5S. R.1W. Sec. 33 and 34

Pacific Hydro-Geology Inc.

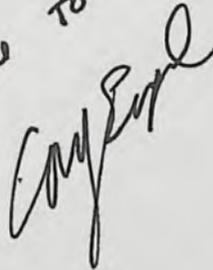
1/2004

interoffice
MEMORANDUM

To: File G-15785
From: Cory Engel
Date: April 22, 2004
Subject: clarification of SWL condition from Ivan Gall

I spoke with Ivan Gall to get clarification of the static water level measurement condition he recommended. He clarified that:

- a. the measurement is to be taken one time only, not each year
- b. the measurement must be taken in March prior to water use under the permit
- c. the condition should specify a list of qualified people to take the measurement
- d. the condition should require immediate submittal of the results of the measurement to the Department.

4/22/04 UPDATE:
AFTER CONFERRING WITH
MARC NORTON, IVAN REVERSED
THIS RECOMMENDATION TO SIMPLY TE.


Pacific Hydro-Geology Inc.

18477 S. Valley Vista Rd.
Mulino, OR 97042
(503) 632-5016

January 5, 2004

Cory Engel
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-4172

Re: Amended Application G-15785, Fessler Nursery Company

Dear Mr. Engel:

The enclosed Application for a Permit to Use Ground Water is submitted as an amendment to Application G-15785. This amended application is intended to supercede the original application submitted to the Department on June 28, 2002.

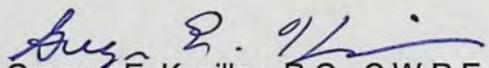
The primary differences between the amended and original applications are summarized below:

- Well 3 has been eliminated;
- Proposed Wells 5 and 6 have been added;
- The requested rate has been reduced to 0.359 cfs; and
- The proposed use is for the entire year, instead of the period from November 1, through February 29, as described in Section 7 (Remarks) of the original application.

As we have discussed during our meeting on November 24, 2003 and in subsequent e-mail messages, Dale Fessler believes he can meet his nursery irrigation requirements during the irrigation season (March 1 through October 31) using the requested 0.359 cfs in addition to his existing irrigation water rights. Furthermore, a rate of 0.359 cfs will be sufficient to meet Mr. Fessler's requirements during the non-irrigation season.

Please re-process the amended application to supercede the original application dated June 28, 2002. I can be reached at (503) 632-5016 if there are any questions, or additional information is required.

Sincerely,


Gregory E. Kupillas R.G., C.W.R.E.

Enclosure: Amended Application G-15785

RECEIVED

JAN 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.2.1
Date: Thu, 04 Dec 2003 07:26:48 -0800
To: <phggek@bctonline.com>
From: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
Subject: RE: G-15785, Fessler
Cc: Cory.C.ENGEL@wrd.state.or.us
X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08

At 06:09 PM 12/3/03 -0800, you wrote:

Since we are adding POAs along with changing the requested rate, perhaps it would be easiest to re-submit those pages of the application that are changed. Please let me know if you think that would be the best approach.

Usually the best approach is to submit a whole new application form, including pages that are not modified, along with a cover letter indicating the changes (or otherwise highlighting them on the form for clarity). This enables us to mark the old form "superseded" and disregard it entirely, rather than refer back and forth to different parts of two different forms in the file.

Be sure the revised form (or a cover letter) is signed by either you or Mr. Fessler and includes the application number.

Cory Engel
Water Right Application Caseworker
503-986-0813

Reply-To: <phggekbctonline.com>
From: "Greg Kupillas" <phggekbctonline.com>
To: "'Cory Engel'" <Cory.C.ENGEL@wrд.state.or.us>
Subject: RE: G-15785, Fessler
Date: Wed, 3 Dec 2003 18:09:04 -0800
X-Security: MIME headers sanitized on kettle.wrд.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08
X-Mailer: Microsoft Outlook, Build 10.0.2627
Importance: Normal

-->

Cory,

Since we are adding POAs along with changing the requested rate, perhaps it would be easiest to re-submit those pages of the application that are changed. Please let me know if you think that would be the best approach.

Greg

-----Original Message-----

From: Cory Engel [mailto:Cory.C.ENGEL@wrд.state.or.us]
Sent: Wednesday, December 03, 2003 8:13 AM
To: phggekbctonline.com
Subject: RE: G-15785, Fessler

Greg,

Thanks for the update. The only other possible items we would need are issues that might be caused by the adding of a new point of appropriation. For example, if the new well is on property Mr. Fessler does not own, then he would have to state the name and owner of the property and whether or not he has an easement. The amended application will also need to provide all well construction information requested on the application form. In short, the amended application and map would have to include all information as if the new well had been included with the original application.

Because the application is still on hold until January 11, 2004, if Mr. Fessler wishes us to continue processing the application before then, you or he should specify that.

Cory Engel

At 02:44 PM 12/2/03 -0800, you wrote:

Cory,

Dale Fessler has decided to go with rate of 0.36 cfs for the whole year. He believes that he can put that rate to beneficial use. It would simplify the process if we did not have to submit an amendment to the application to move on to the next step. However, we must at least submit an amended application map showing the locations of the existing

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.2.1
Date: Wed, 03 Dec 2003 08:12:43 -0800
To: <phggek@bctonline.com>
From: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
Subject: RE: G-15785, Fessler
X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08

Greg,

Thanks for the update. The only other possible items we would need are issues that might be caused by the adding of a new point of appropriation. For example, if the new well is on property Mr. Fessler does not own, then he would have to state the name and owner of the property and whether or not he has an easement. The amended application will also need to provide all well construction information requested on the application form. In short, the amended application and map would have to include all information as if the new well had been included with the original application.

Because the application is still on hold until January 11, 2004, if Mr. Fessler wishes us to continue processing the application before then, you or he should specify that.

Cory Engel

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Cory,

Dale Fessler has decided to go with rate of 0.36 cfs for the whole year. He believes that he can put that rate to beneficial use. It would simplify the process if we did not have to submit an amendment to the application to move on to the next step. However, we must at least submit an amended application map showing the locations of the existing and proposed wells for the application. I am currently working with Mr. Fessler to come up with one additional proposed well location. As soon as we have nailed that down, I can quickly revise the application map and submit it to you. Please let me know if you will need anything else.

Regards,

Greg

Reply-To: <phggekbctonline.com>
From: "Greg Kupillas" <phggekbctonline.com>
To: "'Cory Engel'" <Cory.C.ENGEL@wrд.state.or.us>
Subject: RE: G-15785, Fessler
Date: Tue, 2 Dec 2003 14:44:27 -0800
X-Security: MIME headers sanitized on kettle.wrд.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08
X-Mailer: Microsoft Outlook, Build 10.0.2627
Importance: Normal

-->

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Regards,

Greg

-----Original Message-----

From: Cory Engel [mailto:Cory.C.ENGEL@wrд.state.or.us]
Sent: Wednesday, November 26, 2003 9:37 AM
To: Greg Kupillas
Cc: Cory.C.ENGEL@wrд.state.or.us; Marc.A.NORTON@wrд.state.or.us
Subject: G-15785, Fessler

Greg,

This is a follow-up to our meeting on Monday regarding this application, in which we discussed the possibility of avoiding the potential for substantial interference with surface water by limiting the rate of appropriation to not greater than 0.36 cfs, which is 1% of 36 cfs, the flow specified by instream water right certificate 72953. (See OAR 690-009-0040(4)(c).)

I have confirmed that such a limit is possible (and not wholly unprecedented), and that a formal amendment is not necessary to accomplish it. However, we do ask that applicants confirm that they can make beneficial of the reduced rate, because we want to avoid allocating water to applicants in rates that are insufficient for beneficial use. (If a hypothetical applicant in such a situation indicates that a proposed rate limitation would result in too little water to

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.2.1
Date: Wed, 26 Nov 2003 09:36:52 -0800
To: "Greg Kupillas" <phggek@bctonline.com>
From: Cory Engel <Cory.C.ENGEL@wrđ.state.or.us>
Subject: G-15785 Fessler
Cc: Cory.C.ENGEL@wrđ.state.or.us, Marc.A.NORTON@wrđ.state.or.us
X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08

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I have confirmed that such a limit is possible (and not wholly unprecedented), and that a formal amendment is not necessary to accomplish it. However, we do ask that applicants confirm that they can make beneficial use of the reduced rate, because we want to avoid allocating water to applicants in rates that are insufficient for beneficial use. (If a hypothetical applicant in such a situation indicates that a proposed rate limitation would result in too little water to beneficially use, then the proposed use at the rate originally proposed will be deemed to have the potential for substantial interference with surface water, which would typically result in limitation or denial.)

We are still discussing internally the question of how delayed effects on surface water relate to this question.

At the conclusion of our meeting Monday, you and Mr. Fessler were contemplating whether it would be more appropriate to limit the use to 0.36 cfs year round, or to limit the rate to 0.36 cfs during the period when surface water availability is a problem (or to the period when the pumping would affect surface water when water availability is a problem, depending on where we land on that issue). If you decide to go with a rate of 0.36 cfs year round, then the application will be deemed to not have the potential for substantial interference, and seasonal surface water limitations will become irrelevant.

After you determine which course of action you will pursue, please reply to confirm for documentation purposes that beneficial use of such a rate can be made.

If you have any questions, please feel free to ask.

Mr. Cory C. Engel
Water Right Application Caseworker
Oregon Water Resources Department
725 Summer St NE
Salem OR 97301-1271

Reply-To: <phggekbctonline.com>
From: "Greg Kupillas" <phggekbctonline.com>
To: "'Cory Engel'" <Cory.C.ENGEL@wrд.state.or.us>
Cc: <Dwight.W.FRENCH@wrд.state.or.us>
Subject: RE: FW: Application G-15785, Fessler Nursery
Date: Wed, 12 Nov 2003 10:23:49 -0800
X-Security: MIME headers sanitized on kettle.wrд.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08
X-Mailer: Microsoft Outlook, Build 10.0.2627
Importance: Normal

-->

Cory,

Thanks for approving our request. It looks like we can schedule a meeting with Marc sometime from November 24-26 to discuss options and hopefully come up with amendments that can be approved. Therefore, we should have enough time to get the application amendment submitted before the new deadline.

Greg Kupillas

Pacific Hydro-Geology Inc.

-----Original Message-----

From: Cory Engel [mailto:Cory.C.ENGEL@wrд.state.or.us]
Sent: Wednesday, November 12, 2003 8:23 AM
To: phggekbctonline.com
Cc: Cory.C.ENGEL@wrд.state.or.us; Dwight.W.FRENCH@wrд.state.or.us
Subject: Re: FW: Application G-15785, Fessler Nursery

Greg,

Your request for an administrative hold extension is approved. The Department will not take further action on application G-15785 until January 11, 2004, unless you instruct us to proceed sooner.

Cory Engel
Water Right Application Caseworker

At 03:25 PM 11/10/03 -0800, Dwight French wrote:

Cory,
Greg is acting as the agent for Fessler. Please make sure we get the results of Marc's new review before we make another major processing move.

Greg,

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.2.1
Date: Wed, 12 Nov 2003 08:22:56 -0800
To: phggek@bctonline.com
From: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
Subject: Re: FW: Application G-15785, Fessler Nursery
Cc: Cory.C.ENGEL@wrd.state.or.us, Dwight.W.FRENCH@wrd.state.or.us
X-Security: MIME headers sanitized on kettle.wrd.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08

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Your request for an administrative hold extension is approved. The Department will not take further action on application G-15785 until January 11, 2004, unless you instruct us to proceed sooner.

Cory Engel
Water Right Application Caseworker

At 03:25 PM 11/10/03 -0800, Dwight French wrote:

Cory,
Greg is acting as the agent for Fessler. Please make sure we get the results of Marc's new review before we make another major processing move.

Greg,
As you take on additional application clients, have them designate you as their agent in writing and then forward that designation to us for the file. This will greatly decrease the potential for questions or problems with regards to who can speak on behalf of the applicant.

Dwight

At 04:14 PM 11/7/2003, you wrote:

-->

Dwight,

I have requested an additional 60-day extension on the administrative hold for this application to allow some more time for Marc Norton to review our proposed application amendment. Corys response is provided below. Based on discussions with Marc Norton today, I get the impression that he will make an effort to review our proposed amendment next week. Regardless of whether 60 or 180 days should be requested, do we really have to have the applicant make this request? In the past, I simply explained the situation to Russ (in an e-mail message) and he would allow the additional requested extension. I am willing to provide you with whatever you need if there is a formal policy you have to follow. Please let me know what needs to be done.

Regards,

Greg Kupillas

Pacific Hydro-Geology Inc.

-----Original Message-----

From: Cory Engel [mailto:Cory.C.ENGEL@wrд.state.or.us]

Sent: Friday, November 07, 2003 3:07 PM

To: phggek@bctonline.com

Cc: Dwight.W.FRENCH@wrд.state.or.us; Marc.A.NORTON@wrд.state.or.us

Subject: Re: Application G-15785, Fessler Nursery

Greg,

Thanks for your message.

Requests for administrative holds should be made by the applicant or parties whom they have identified as their agent for purposes of processing their application. (The file is currently in Marc's possession; the applicant may have already designated you as their agent, but I haven't checked.)

By rule, administrative hold extensions are granted upon a finding that they are reasonable and necessary. Dwight French, Application Section manager, has instructed that such requests should be made in writing to him, and that he will make the decision as to whether the hold extension will be granted.

If you have reason to think that you may need more than 60 days, you may ask for more time than that. If you find during the duration of an administrative hold that we can proceed with processing, you simply need to request that we proceed and the administrative hold will end.

If you have any questions feel free to ask.

Cory Engel
Water Right Application Caseworker

At 02:29 PM 11/7/03 -0800, you wrote:

-->

Cory,

Application G-15785 was originally assigned to Russ Klassen, but I understand it has been reassigned to you. After getting an unfavorable initial review, we put the application on administrative hold and have been trying to work with Marc Norton to come up with changes to the application that may pass his review. We have gotten a number of extensions on the original 180-day Admin. hold to allow Marc Norton more time to catch up with his work load so he can review our proposed application amendment. Marc said he might get to it before November 2 (the most recent Admin. hold end date), but I still have not heard from him. Today I sent him another e-mail requesting his attention to this application. It looks like we will need to extend the administrative hold again. Can you allow us to extend hold for an additional 60 days? That would put the next deadline on January 1, 2004.

Please let me know if you will allow the additional administrative hold time. I will continue to correspond with Marc on this issue.

Regards,

Greg Kupillas

Pacific Hydro-Geology Inc.

=====
Dwight French, Water Rights Section Manager
725 NE Summer Street, Suite A, Salem, OR 97301-1271
Phone: 503 986 0819
Fax: 503.986.0901

Oregon Water Resources web page: <http://www.wrd.state.or.us/>

Short cut to weekly public notice: [http://www.wrd.state.or.us/cgi-bin/notices.pl?water rights](http://www.wrd.state.or.us/cgi-bin/notices.pl?water%20rights)

Short cut to water right application forms:
<http://www.wrd.state.or.us/publication/forms/index.shtml>

Reply-To: <phggek@bctonline.com>
From: "Greg Kupillas" <phggek@bctonline.com>
To: "'Russ Klassen'" <Russell.W.KLASSEN@wrд.state.or.us>
Subject: RE: G-15785, Fessler Nursery
Date: Wed, 27 Aug 2003 09:43:01 -0700
X-Security: MIME headers sanitized on kettle.wrд.state.or.us
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08
X-Mailer: Microsoft Outlook, Build 10.0.2627
Importance: Normal

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Russ:

I just spoke with Marc Norton yesterday to find out if he would be able to review and discuss possible amendments to this application. He told me he was still grinding away at his backlog, but probably wouldn't be able to turn his attention to this file until after September 3, 2003. On top of that, there is the impending move to contend with. In light of Marc's schedule, I am requesting an additional 60-day extension on the administrative hold. That would extend the deadline to November 2, 2003. Please let me know if that is acceptable.

Thanks,

Greg

-----Original Message-----

From: Russ Klassen [mailto:Russell.W.KLASSEN@wrд.state.or.us]
Sent: Monday, July 28, 2003 1:33 PM
To: phggek@bctonline.com
Subject: RE: G-15785, Fessler Nursery

That should not be a problem. I have plenty of other files to keep me busy.

Russ

At 12:20 PM 7/28/2003 -0700, you wrote:

-->

Russ:

I have been trying to continue with our dialogue with Marc Norton regarding proposed amendments to G-15785. Marc is currently focused on meeting a deadline to get all new applications processed by the end of this week, and he has not had a chance to review our latest proposal. He will not be able to take it up again until next week at the earliest. Since the deadline for the 180-day Admin. hold is approaching, I would like to request, on behalf of Fessler Nursery, a 30-day extension. That would extend the deadline to September 3, 2003. Please let me know if you can allow this extension.

Thanks,

Greg

On 7/21/03, I wrote:

Russ:

I am currently working with Marc on this to come up with amendments that have a chance of being accepted. I just want to have the chance to negotiate before the PFO is issued if the amended application receives an unfavorable review. This is so that we can avoid being forced into a protest situation. I have discussed this with Dwight French and have been told that this is an acceptable procedure. We do intend to submit our amended application before the August 4th deadline.

Thanks,

Greg

-----Original Message-----

From: Russ Klassen [mailto:Russell.W.KLASSEN@wrd.state.or.us]

Sent: Monday, July 21, 2003 1:30 PM

To: phggek@bctonline.com

Subject: Re: G-15785, Fessler Nursery

The groundwater review in the file has not changed. The Department still finds that the well has the potential for substantial interference. However, your e-mail said that an amendment was to be submitted, and there is not an amendment in the file. I intend to hold off processing the file until you can have a meeting with the Department. As you know the section of the

Department that will likely determine the outcome of the file is the Groundwater Section, specifically Marc Norton.

Actually, there was a request to withhold processing for 180 days, which expires on August 4th.

If you have any more questions let me know.

Russ

At 11:58 AM 7/21/2003 -0700, you wrote:

-->

Russ:

On July 7, 2003, I sent you an e-mail requesting that you place a note in the subject file indicating we would like to have the opportunity for a pre-PFO meeting. I have not heard back from you yet so I am following up to make sure you got the message. Please let me know.

Thanks,

Greg

Phone: (503)378-8455 x266

Oregon Water Resources Department
158 12th Street
Salem, OR 97301-4172

Oregon Water Resources web page: <http://www.wrd.state.or.us/>

Phone: (503)378-8455 x266

Oregon Water Resources Department
158 12th Street
Salem, OR 97301-4172

Oregon Water Resources web page: <http://www.wrd.state.or.us/>

To: <phggek@bctonline.com>
From: Russ Klassen <Russell.W.KLASSEN@wrд.state.or.us>
Subject: RE: G-15785, Fessler Nursery
Cc:
Bcc:
Attached:

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-->

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Greg

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Russ:

I am currently working with Marc on this to come up with amendments that have a chance of being accepted. I just want to have the chance to negotiate before the PFO is issued if the amended application receives an unfavorable review. This is so that we can avoid being forced into a protest situation. I have discussed this with Dwight French and have been told that this is an acceptable procedure. We do intend to

submit our amended application before the August 4th deadline.

Thanks,

Greg

-----Original Message-----

From: Russ Klassen [mailto:Russell.W.KLASSEN@wrdd.state.or.us]

Sent: Monday, July 21, 2003 1:30 PM

To: phggekbctonline.com

Subject: Re: G-15785, Fessler Nursery

The groundwater review in the file has not changed. The Department still finds that the well has the potential for substantial interference. However, your e-mail said that an amendment was to be submitted, and there is not an amendment in the file. I intend to hold off processing the file until you can have a meeting with the Department. As you know the section of the Department that will likely determine the outcome of the file is the Groundwater Section, specifically Marc Norton.

Actually, there was a request to withhold processing for 180 days, which expires on August 4th.

If you have any more questions let me know.

Russ

At 11:58 AM 7/21/2003 -0700, you wrote:

-->

Russ:

On July 7, 2003, I sent you an e-mail requesting that you place a note in the subject file indicating we would like to have the opportunity for a pre-PFO meeting. I have not heard back from you yet so I am following up to make sure you got the message. Please let me know.

Thanks,

From: "phggek@bctonline" <phggek@bctonline.com>
To: <Russell.W.KLASSEN@wrd.state.or.us>
Subject: Application G-15785
Date: Mon, 7 Jul 2003 09:07:40 -0700
X-Security: MIME headers sanitized on funnel
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08
X-Mailer: Microsoft Outlook Express 4.72.3110.1

Russ:

Application G-15785 has been placed on administrative hold pending submittal of an amendment. I will soon be submitting the amendment, but the applicant and I would like to have the opportunity to discuss the status of the re-review of this application prior to issuance of the Proposed Final Order. Therefore, on behalf of the applicant, I am requesting that you put a note in the file indicating that the applicant wishes to have a meeting with the Department on this application prior to issuance of the Proposed Final Order.

Please call me at (503) 632-5016 or send me an e-mail if you have any questions.

Greg Kupillas, R.G., C.W.R.E.
Pacific Hydro-Geology Inc.

Fessler Nursery Company

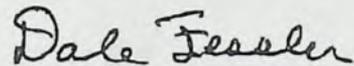
12666 Monitor-McKee Road N.E.
Woodburn, Oregon 97071
Phone (503) 634-2448 • FAX (503) 634-2866

January 31st, 2003

To Mr. Russell Klassen,

I am requesting that you put a 180 day administrative hold on my application for water rights, application #G-15785.

Dale Fessler.



Fessler Nursery Company



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

January 17, 2003

DALE FESSLER, FOR FESSLER NURSERY CO.
12666 MONITOR-MCKEE ROAD
WOODBURN, OREGON 97021

(503) 634-2448

Reference: File G-15785

Dear Applicant:

THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will have the potential for substantial interference with the nearest surface water source. Therefore limitations to the surface water source must be applied to this application also.
3. The use of water from four wells in Zollner Creek basin with the potential for substantial interference for nursery use **is not a classified use** under OAR 690-502-120(5), the Willamette Basin Program.
4. Water **is not available** from surface water June 1 through October 31.

Summary of Allowable Water Use

Because items #3 and 4 above are unfavorable, the use of 0.81 cubic foot per second of water from four wells in Zollner Creek basin for nursery use on 28.28 acres is not allowable, and it appears unlikely that you will be issued a permit. At this time, you must decide whether to proceed or to withdraw your application as described below.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, January 31, 2003**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

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

1. 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.
2. The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.
3. The tentative priority date for this application is JUNE 28, 2002.

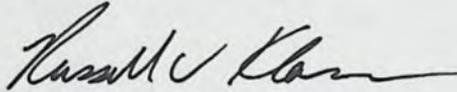
WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the

Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at 503-378-8455 extension 201. Feel free to call me at 503-378-8455 extension 266 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: 503-378-6203.

Sincerely,



Russell W. Klassen
Initial Reviewer

enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-15785
wab 02-151
pou 02-151
gw A

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-15785

Applicant: DALE FESSLER, FOR FESSLER NURSERY CO.

County: MARION

Watermaster: District 16

Priority Date: JUNE 28, 2002

Source: FOUR WELLS IN ZOLLNER CREEK BASIN

Use: NURSERY USE ON 28.28 ACRES

Quantity: 0.81 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #02

Stream Index Reference: Volume 15 ZOLLNER CR MISC

Well Locations: NENE, SECTION 33, NWNW, SECTION 34, T5S, R1W, W.M.; 910 FEET
SOUTH & 460 FEET WEST FROM NE CORNER, SECTION 33

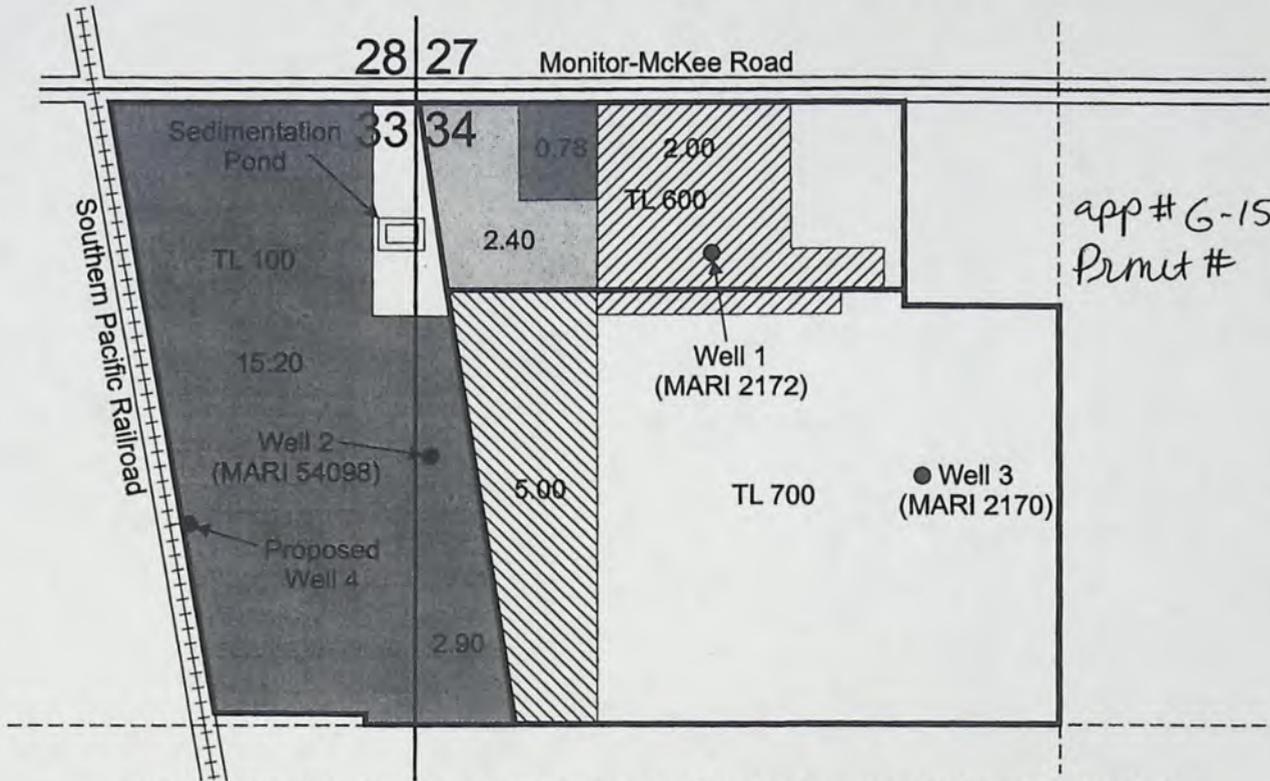
Place of Use: NENE 15.2 ACRES, SECTION 33, NWNW 13.08 ACRES, SECTION 34,
TOWNSHIP 5 SOUTH, RANGE 1 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 31, 2003

PUBLIC NOTICE DATE: Tuesday, February 4, 2003

30 DAY COMMENT DEADLINE DATE: Thursday, March 6, 2003

T.5S. R.1W. Sec. 33 & 34



Well 1 (MARI 2172) is located 340 feet south and 610 feet east from the NW corner of Section 34.
 Well 2 (MARI 54098) is located 762 feet south and 32 feet east from the NW corner of Section 34.
 Well 3 (MARI 2170) is located 800 feet south and 1,040 feet east from the NW corner of Section 34.
 Proposed well 4 is located 910 feet south and 460 feet west from the NW corner of Section 34.

- Desired Year-Round Nursery Right (18.88 acres); Existing Water Right for Irrigation under Application ~~G-11087~~, Permit G-10930, Transfer T-8048.
- Desired Year-Round Nursery Right (2.40 acres); Existing Water Right for Irrigation under Application G-8670, Permit G-9587, Certificate 62676.
- Desired Year-Round Nursery Right (5.00 acres); Portion of Existing Water Right for Irrigation under Application G-8641, Permit G-7950, Certificate 65931.
- Existing Water Right for Commercial Use in Greenhouses (2.00 acres) under Application G-8670, Permit G-9587, Certificate 62676.

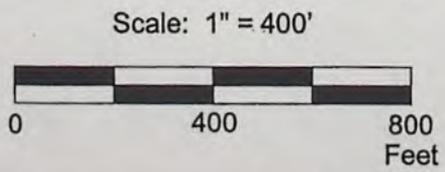
RECEIVED

JUN 28 2002

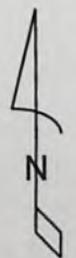
WATER RESOURCES DEPT
SALEM, OR

Certified Water Rights Examiner
#432WRE
Gregory E. Kupillas
GREGORY E. KUPILLAS
MAY 14, 1996
STATE OF OREGON

EXPIRATION DATE: _____



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



Water Right Application Map

Pacific Hydro-Geology Inc.

Fessler Nursery
T.5S. R.1W. Sec. 33 and 34

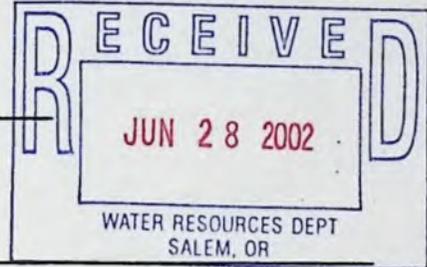
SUPERSEDED



State of Oregon
Water Resources Department
158 12th Street NE, Salem, OR 97310
(503)378-8455 • (800)624-3199
www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.



1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last

Co-applicant: _____
First Last

Mailing address: _____
City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: Fessler Nursery Company

Name and title of person applying: Dale Fessler, President

Mailing address of organization: 12666 Monitor - McKee Rd
Woodburn OR 97021
City State Zip

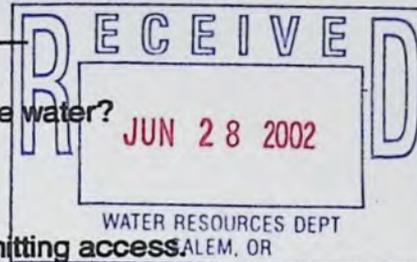
Phone: (503) 634-2448
Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

For Department Use		
App. No. <u>6-15785</u>	Permit No. _____	Date _____

2. PROPERTY OWNERSHIP



Do you own all the land where you propose to divert, transport, and use water?

- Yes (Skip to section 3 "Ground water Development.")
- No Please check the appropriate box below.
- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.

List the names and mailing addresses of all affected landowners.*

Clara Fessler, One Towers Lane, Box 2124, Mt. Angel,
Oregon 97362

Marvin Fessler, 12668 Monitor McKee Rd. NE, Woodburn,
Oregon 97071

*If more than 25 landowners are involved, a list is not required. See instructions.

3. GROUND WATER DEVELOPMENT

A. Number of well(s): 3 B. Name of nearest surface water body: Zollner Creek

C. Distance from well(s) to nearest stream or lake: 1) Well 1: 1,800 ft.

2) Well 2: 1,500 ft. 3) Well 3: 1,250 ft. 4) Well 4: 2,000 ft.

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) Well 1: ~55 ft.

2) Well 2: ~60 ft. 3) Well 3: ~60 ft. 4) Well 4: ~50 ft.

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: Well 1 (MARI 2172), R. Stadeli & Sons; Well 2 (MARI 54098) (MARI 54098), Staco; Well 3 (MARI 2170), Stadeli Drilling Co.;
Address: Well 4, Westerberg Drilling.

Completion date: Well 1: 5/1/71; Well 2: 1/15/99; Well 3: 3/3/77;
Proposed Well 4: Estimate 8/31/02

app# 6-15785

2. Please provide a description of your well development. (Attach additional sheets if needed.)

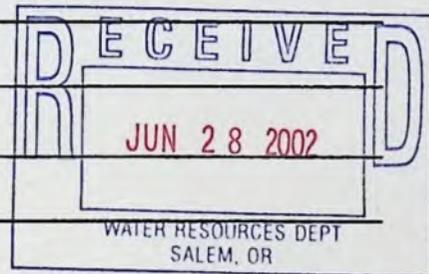
See attached logs for 3 existing wells.

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1		MARI 2172							
2		MARI 54098							
3		MARI 2170							
4	10"	8" Steel	250'	75'-150' 200'-250'	20'	50'	75'	Standard Casing Port	250'

F. Artesian Flows

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

None



4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach Form I *Nursery*
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

app # 6-15785

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	Alluvium	Year-Round Nursery	60	↓	60
2	Alluvium	Year-Round Nursery	80		80
3	Alluvium	Year-Round Nursery	120		120
4	Alluvium	Year-Round Nursery	105		105

Combined Total: 42,869,000

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 0.81 cfs (365 gpm)
 (The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: Year-round nursery
 (For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 26.3 acres
 (This number should be consistent with your application map.)

26.28 per map
 26.3 acres

5. WATER MANAGEMENT

A. Diversion

What equipment will you use to pump water from your well(s)?

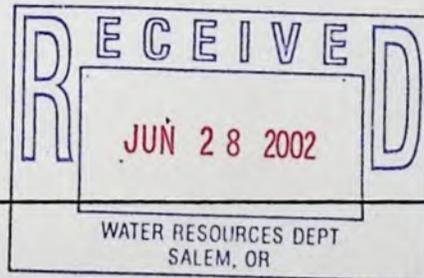
- Pump (give horsepower and pump type) _____
- Other means (describe) _____

Well 1: 5 Hp submersible
 Well 2: 7.5 Hp Submersible
 Well 3: 10 Hp Submersible
 Well 4: Estimate 10 Hp Submersible

B. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth)
 Width _____ Depth _____
 Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length)
 Diameter 2 to 4 in. Length Estimate about 1,200 ft.
- Other (describe) _____



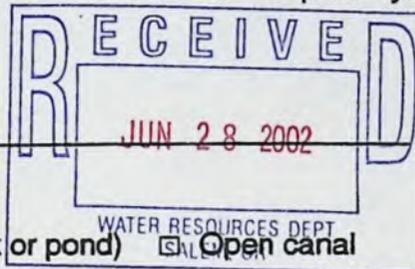
app # G-15785

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? Sprinklers and drip irrigation.

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____



Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Apply water only when plants require it. Water at night when possible. Use drip irrigation as much as possible.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin Wells and Irrigation system already constructed.

Proposed date construction will be completed see above

Proposed date beneficial water use will begin November 1, 2002.

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

This application is for additional water rights for the period November 1 through February 29 on land with existing irrigation rights covering the normal irrigation season (March 1 - October 31) to allow for year-round watering of nursery stock.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Dale M. Fessler

Signature of Applicant

6-17-02

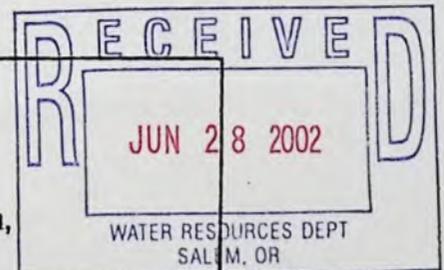
Date

Signature of Co-applicant

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

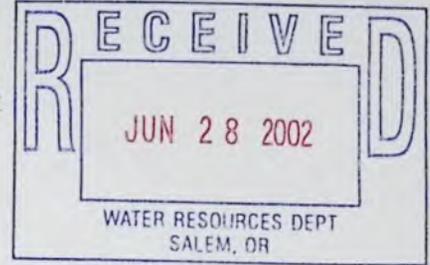




Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE



1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 26.3 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: No. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Year-round Nursery Full season Partial season (from: _____ to _____)
- 2. _____ Full season Partial season (from: _____ to _____)
- 3. _____ Full season Partial season (from: _____ to _____)
- 4. _____ Full season Partial season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

131.5 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

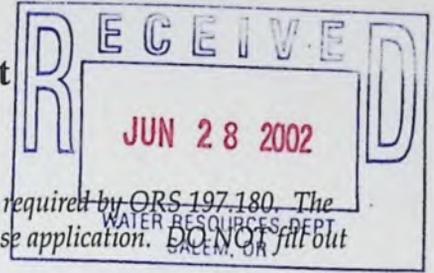
4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours Daily during nighttime hours
- Two or three times weekly during daytime Two or three times weekly during nighttime
- Weekly, during daytime hours Weekly, during nighttime hours
- Other, explain: _____

app # 6-15785



Oregon Water Resources Department Land Use Information Form



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, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Fessler Nursery
Address: 12666 Monitor-McKee Rd.
City: Woodburn State: OR Zip: 97021 Day Phone: (503)634-2448

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (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 I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
5 1 W 33 TL 100	Primary Ag, e fu	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
5 1 W 34 TL 600	"	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
5 1 W 34 TL 700	"	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Marion

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Irrigation of nursery stock.

Briefly describe: Water will be used for irrigation of plants in greenhouses, container stock, and in-ground stock. Water will also be used for other nursery needs (i.e., temperature control).

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

131.5 CFS GPM Acre-Feet app # 6-15785

For Local Government Use Only

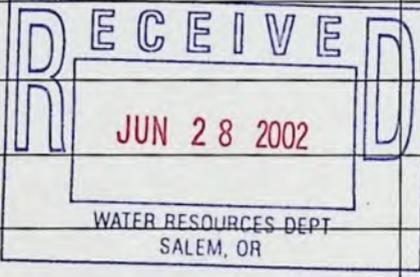
The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

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); 136.020 G Go to section B "Approval" below

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

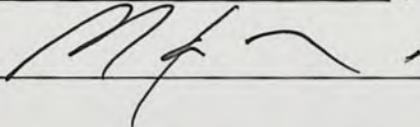
Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Brandon Reich Date: 6-28-02

Title: Assoc. Planner Phone: 503-588-5038

Signature: 

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

None

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

RECEIVED

Well 2

MARI 54098

JUN 30 1999

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

WATER RESOURCES DEPT. SALEM, OREGON

WELL I.D. # L 10514 START CARD # 104144

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

(1) OWNER: Dale Fessler, Well Number, Address 12666 Monitor McKee Road NE, City Woodburn, State OR, Zip 97071

(2) TYPE OF WORK: [X] New Well [] Deepening [] Alteration (repair/recondition) [] Abandonment

(3) DRILL METHOD: [X] Rotary Air [] Rotary Mud [] Cable [] Auger [] Other

(4) PROPOSED USE: [] Domestic [] Community [] Industrial [X] Irrigation [] Thermal [] Injection [] Livestock [] Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval [] Yes [X] No Depth of Completed Well 245 ft. Explosives used [] Yes [X] No Type Amount

Table with columns: HOLE Diameter, From, To, Material, SEAL From, To, Sacks or pounds. Rows include Bent. and cement.

How was seal placed: Method [] A [] B [X] C [] D [] E. Backfill placed from 245 ft. to 360 ft. Material 3/8 round. Gravel placed from 230 ft. to 245 ft. Size of gravel 3/8 round.

(6) CASING/LINER: 60-230 6-9 colorado. Casing: 8" +1 241 .250X. Liner: [] [] [] [] [] [] [] [] [] []

(7) PERFORATIONS/SCREENS: Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Rows include 73-83, 132-137, 215-225.

(8) WELL TESTS: Minimum testing time is 1 hour. [] Pump [] Bailer [X] Air [] Artesian. Yield gal/min 80, Drawdown N/A, Drill stem at 200, Time 2 hr.

Temperature of water 56° Depth Artesian Flow Found. Was a water analysis done? [] Yes By whom. Did any strata contain water not suitable for intended use? [] Too little [] Salty [] Muddy [] Odor [] Colored [] Other. Depth of strata:

(9) LOCATION OF WELL by legal description: County Marion, Latitude, Longitude, Township 5S, N or S Range 1W, E or W. WM, Section 84 34, NW 1/4 NW 1/4, Tax Lot 00100, Lot, Block, Subdivision, Street Address of Well (or nearest address) 12666 Monitor McKee

(10) STATIC WATER LEVEL: 53' ft. below land surface. Date 1-14-99. Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES: Depth at which water was first found 75'

Table with columns: From, To, Estimated Flow Rate, SWL. Rows include 75-83 (10G.P.M), 133-135 (15 G.P.M), 217-224 (60 G.P.M).

(12) WELL LOG: Ground Elevation

Table with columns: Material, From, To, SWL. Includes RECEIVED stamp dated OCT 11 1999 and RECEIVED stamp dated JUN 28 2002.

Date started Completed. (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. Signed [Signature] WWC Number 723 Date 1/26/99

(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. Signed [Signature] WWC Number 1358 Date 1-15-99

MARI
54098

Sheet1

RECEIVED

JUN 30 1999

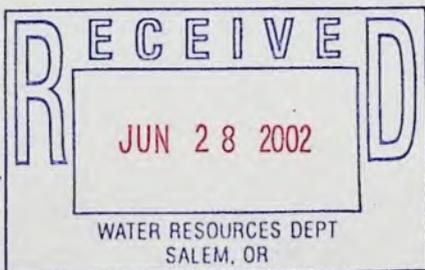
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

OCT 11 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Material	From	To	SWL
Gravel & Soil	0	1	
Clay brown soft	1	4	
Hard pan brown	4	6	
Clay silty brown	6	20	
Clay blue gray	20	35.5	
Gravel silty grey	35.5	52	
Clay brown with gravel	52	60	
Tightly cemented gravel w/brown sand	60	75	
Gravel Looser	75	83	
Clay blue soft	83	93	
Claystone blue	93	97	
Clay blue sticky	97	120	
clay brown soft	120	133	
Sand grey med fine	133	135	
Siltstone grey	135	140	
Clay grey sticky	146	195	
Clay blue	195	217	
Sand grey & blue fine to coarse	217	224	
Silt stone packed	224	230	
Clay grey med-sticky	230	253	
Claystone grey soft	253	320	
Clay Brown Sticky	320	340	
Clay red Medium	340	360	



43803-001
34 5 TW 1281240 495212100

ALL

02981

REEL 155 PAGE 392

WARRANTY DEED

RAYMOND T. FESSLER and CLARA FESSLER, Husband and Wife, herein-
after called grantors, convey to KENNETH F. FESSLER, DEAN FESSLER,
SHERI FESSLER, DEBRA FESSLER, DALE FESSLER and MARVIN FESSLER, all
that real property situated in Marion County, State of Oregon, des-
cribed as:

Beginning at a point Twenty-five (25) feet West of the
Northeast corner of the Northwest quarter of the Northwest
quarter of Section Thirty-four (34) Township Five (5) South
of Range One (1) West of the Willamette Meridian; running
thence South on a line parallel with the East line of said
Northwest quarter of the Northwest quarter of Section Thirty-
four (34), twenty (20) chains to the South line of said North-
west quarter of the Northwest quarter of said Section Thirty-
four (34); thence West on the legal subdivision line sixteen
(16) chains more or less, to the Southeast corner of a ten
(10) acre tract of land deeded by former owners to Francis
Chamberlain on March 1, 1893; thence North 9°35' West on the
East boundary line of said ten (10) acre tract of land
twenty (20) chains and twenty-eight (28) links to the North
boundary line of said Section Thirty-four (34); thence East
on said North boundary line nineteen (19) chains and thirty-
three (33) links more or less to the place of beginning.
Except therefrom the North 415 feet, measured at right angles
to the North boundary line of said land.

Grantors covenant that they are the owners of the above described prop-
erty free of all encumbrances except those of record and will warrant
and defend the same against all persons who may lawfully claim the
same, except as shown above. *ONE DESC. 415' FROM CENTER Rd.*

The true and actual consideration for this transfer is love and
affection. The foregoing recital of consideration is true as we verily
believe. *ONE DESC. 415' SOUTH LINE Rd. @ Rd.*

Mail future tax statements to KENNETH F. FESSLER ET AL, RFD 2, Box
272-B, Woodburn, OR 97071.

DATED this 29th day of JANUARY, 1979.

Raymond T. Fessler
RAYMOND T. FESSLER

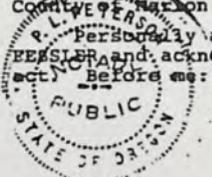
Clara Fessler
CLARA FESSLER

STATE OF OREGON)
County of Marion) ss.

January 29, 1979

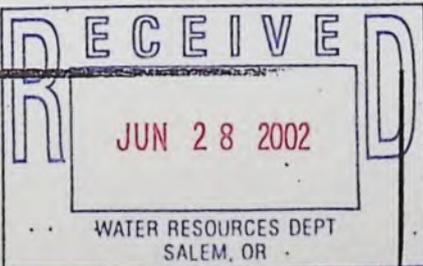
Personally appeared the above named RAYMOND T. FESSLER and CLARA
FESSLER and acknowledged the foregoing instrument to be their voluntary
act before me:

S. L. Peterson
Notary Public for Oregon
My Commission Expires: Feb. 15, 1979



155
0392

43803-001



APP#
G-15785

JAN 30 1979

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:

AFTER RECORDING, RETURN TO:
DALE and SAN JUANITA FESSLER
12506 MONITOR-MCKEE RD, NE
WOODBURN, OR 97071

DALE and SAN JUANITA FESSLER
12506 MONITOR-MCKEE RD, NE
WOODBURN, OR 97071

The true consideration for the conveyance is \$50,000. **

BARGAIN AND SALE DEED

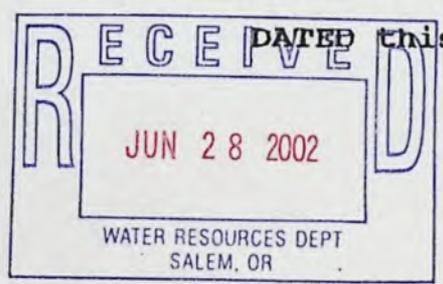
KENNETH FESSLER and MARIE FESSLER convey all right,
interest and title to DALE M. FESSLER and SAN JUANITA FESSLER all
that real property situated in Marion County, State of Oregon,
described as:

SEE EXHIBIT "A" ATTACHED HERETO AND
BY THIS REFERENCE MADE A PART HEREOF.

**paid to an accommodator pursuant to an IRC 1031 Exchange

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY
DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE
LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS
INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD
CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO
VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS
AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Handwritten vertical text: *Ken...*



DATED this 1ST day of September, 1995.

Kenneth Fessler
KENNETH FESSLER
Marie Fessler
MARIE FESSLER

STATE OF OREGON

County of Marion ss. : ^O^C

This instrument was acknowledged before me this 1
day of Sept ^O^C, 1995 ^O^C by
^O^C.

Theresa G Westerlund
Notary Public for Oregon
My commission expires: 6/16/99

SEP-01-1995 09:24

503 656 0125

P.02

app#
6-15785

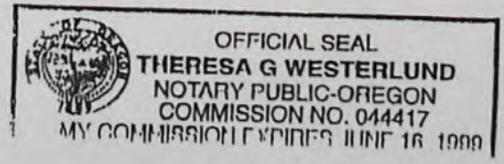
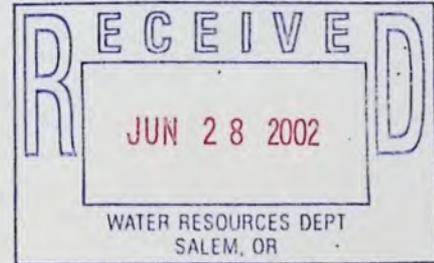


EXHIBIT "A"

Beginning on the East boundary of the Right of Way of the Oregonian Railroad Company and on the North boundary of Section 33 in Township 5 South of Range 1 West of the Willamette Meridian in Marion County, Oregon, said point of beginning being 664 feet West of the Northeast corner of said Section and from thence running South 9° 35' East, along the East boundary of said right of way 20.00 chains; thence East, parallel with the North boundary of said Section, 5.00 chains; thence South 9° 35' East, parallel with the East boundary of said right of way, 28 links; thence East, parallel with the North boundary of said Section, 5.00 chains; thence North 9° 35' West, parallel with the East boundary of said Right of Way, 10.28 chains to the North boundary of said Section; thence West on said North boundary of Section to the place of beginning.

K.F.
M.F.



app# 6-15785

EXHIBIT "A"

WHEN RECORDED MAIL THIS TO:

Marvin Fessler
12668 Monitor-McKee Road NE
Woodburn, Oregon 97071

SEND TAX STATEMENTS TO:

Marvin Fessler
12668 Monitor-McKee Road NE
Woodburn, Oregon 97071

MEMORANDUM OF CONTRACT OF SALE

DATED: 6-27, 2001

BETWEEN: Marie Fessler and Kenneth Fessler, Co-Trustees of the Marie Fessler Family Trust and 01-20-92, and Kenneth Fessler and Marie Fessler, Co-Trustees of the Kenneth Fessler Family Trust and 01-20-92. ("Seller")

AND: Marvin Fessler and Mary K. Fessler ("Purchaser")

Pursuant to a Contract of Sale dated 6-27, 2001, Seller sold to Purchaser, Seller's interest in that certain real and personal property in Marion County, Oregon, more particularly described as follows. If not earlier paid, all amounts owed under the Contract of Sale shall be due and payable on thirtieth (30) annual anniversary of the Closing Date. The true and actual consideration for this conveyance is \$450,000.00.

Beginning at a point on the north boundary line of Section 34, Township 5 South, Range 1 West of the Willamette Meridian, which point is 305 feet West of the northeast corner of the Northwest quarter of the Northwest quarter of Section 34; thence South on a line parallel with the east line of said Northwest quarter of the Northwest quarter of Section 34, 415 feet; thence West on a line parallel with the north boundary line of Section 34 to the west line of that certain tract of land conveyed from Frank J. Fessler and Mary M. Fessler to Raymond T. Fessler and Clara Fessler, by deed dated December 7, 1944, and recorded December 8, 1944, at Volume 313, Page 228, Deed Records for Marion County, Oregon; thence North 9 35' West along the west line of said Fessler tract to the north boundary line of Section 34; thence East on the north boundary line to Section 34 to the point of beginning, in Township 5 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

TOGETHER WITH all buildings, outbuildings and greenhouses and

Memorandum of Contract of Sale
Kenneth Fessler Family Trust and Marie Fessler Family Trust (Sellers)
Marvin Fessler (Purchaser)

R14369 51W34 600

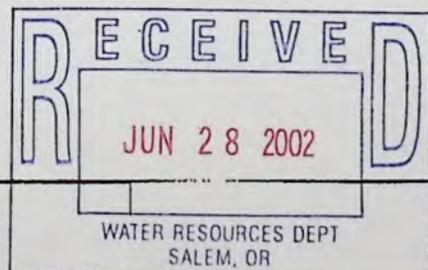
980-983
980-978
980-0179

ADD
CONTRACT

JUL 27 2001

A.T.S.

00
1814
0305



app # 6-15785

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **53753**

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

INVOICE # _____

RECEIVED FROM: Fessler Nursery Co
BY: _____

APPLICATION	G15785
PERMIT	"
TRANSFER	

CASH: CHECK: # 19-226 OTHER: (IDENTIFY)

TOTAL REC'D \$ 400.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS
PUBLICATIONS / MAPS
____ OTHER: (IDENTIFY)
____ OTHER: (IDENTIFY)

\$
\$
\$
\$

**RECEIVED
OVER THE COUNTER**

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

PCA # 66111

MISCELLANEOUS
0407 COPY & TAPE FEES
0410 RESEARCH FEES
0408 MISC REVENUE: (IDENTIFY)
(New) TC162 DEPOSIT LIAB. (IDENTIFY)

\$
\$
\$
\$

WATER RIGHTS:

0201 SURFACE WATER
0203 GROUND WATER
0205 TRANSFER
WELL CONSTRUCTION
0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT

EXAM FEE
\$
\$ <u>400.00</u>
\$
EXAM FEE
\$

0202
0204
0206

0219
0220

RECORD FEE
\$
\$
\$
LICENSE FEE
\$
\$

____ OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE
0210 MONITORING WELLS

\$
\$

CARD #
CARD #

____ OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)
0231 HYDRO LICENSE FEE (FW/WRD)

\$
\$

____ HRDRO APPLICATION _____

\$

RECEIPT # **53753**

DATED: 6/28/02 BY: KJ Hall

FILE#: G 15785
FESSLER NURSERY CO.;
FESSLER, DALE
12666 MONITOR-MCKEE RD
WOODBURN, OR 97021

FILE#: G 15785
FESSLER NURSERY CO.;
FESSLER, DALE
12666 MONITOR-MCKEE RD
WOODBURN, OR 97021

FILE#: G 15785
FESSLER NURSERY CO.;
FESSLER, DALE
12666 MONITOR-MCKEE RD
WOODBURN, OR 97021

FILE#: G 15785
FESSLER NURSERY CO.;
FESSLER, DALE
12666 MONITOR-MCKEE RD
WOODBURN, OR 97021

FESSLER NURSERY CO.

26784

Oregon Dept. of Water Resources

6/7/02

water rights

400.00

Washington Mutual B

400.00

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **67241**

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

INVOICE # _____

RECEIVED FROM: Jessler Nursery Co.
BY: _____

APPLICATION	G15785
PERMIT	
TRANSFER	

CASH: CHECK:# 28910 OTHER: (IDENTIFY)

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC162 DEPOSIT LIAB. (IDENTIFY)		\$
0240 EXTENSION OF TIME		\$
WATER RIGHTS:		
0201 SURFACE WATER	EXAM FEE	0202
0203 GROUND WATER	\$	0204
0205 TRANSFER	\$	
	EXAM FEE	
0218 WELL DRILL CONSTRUCTOR	\$	0219
LANDOWNER'S PERMIT		0220
OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **67241**

DATED: 5/12/04 BY: L. Albin

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **102108**

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

INVOICE # _____

RECEIVED FROM: Pacific-Hydro-Geology
BY: _____

APPLICATION	15785
PERMIT	
TRANSFER	

CASH: CHECK:# 3777 OTHER: (IDENTIFY)

TOTAL REC'D \$ 150.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

**RECEIVED
OVER THE COUNTER**

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC162 DEPOSIT LIAB. (IDENTIFY)		\$
0240 EXTENSION OF TIME		\$
WATER RIGHTS:		
0201 SURFACE WATER	EXAM FEE	0202
0203 GROUND WATER	\$	0204
0205 TRANSFER	\$	
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219
LANDOWNER'S PERMIT	\$	0220
0200 OTHER (IDENTIFY)		\$

46111

EXAM FEE	
\$	
EXAM FEE	
\$	

RECORD FEE
\$
\$

LICENSE FEE
\$
\$

9150.00

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **102108**

DATED: 1-26-11 BY: AK