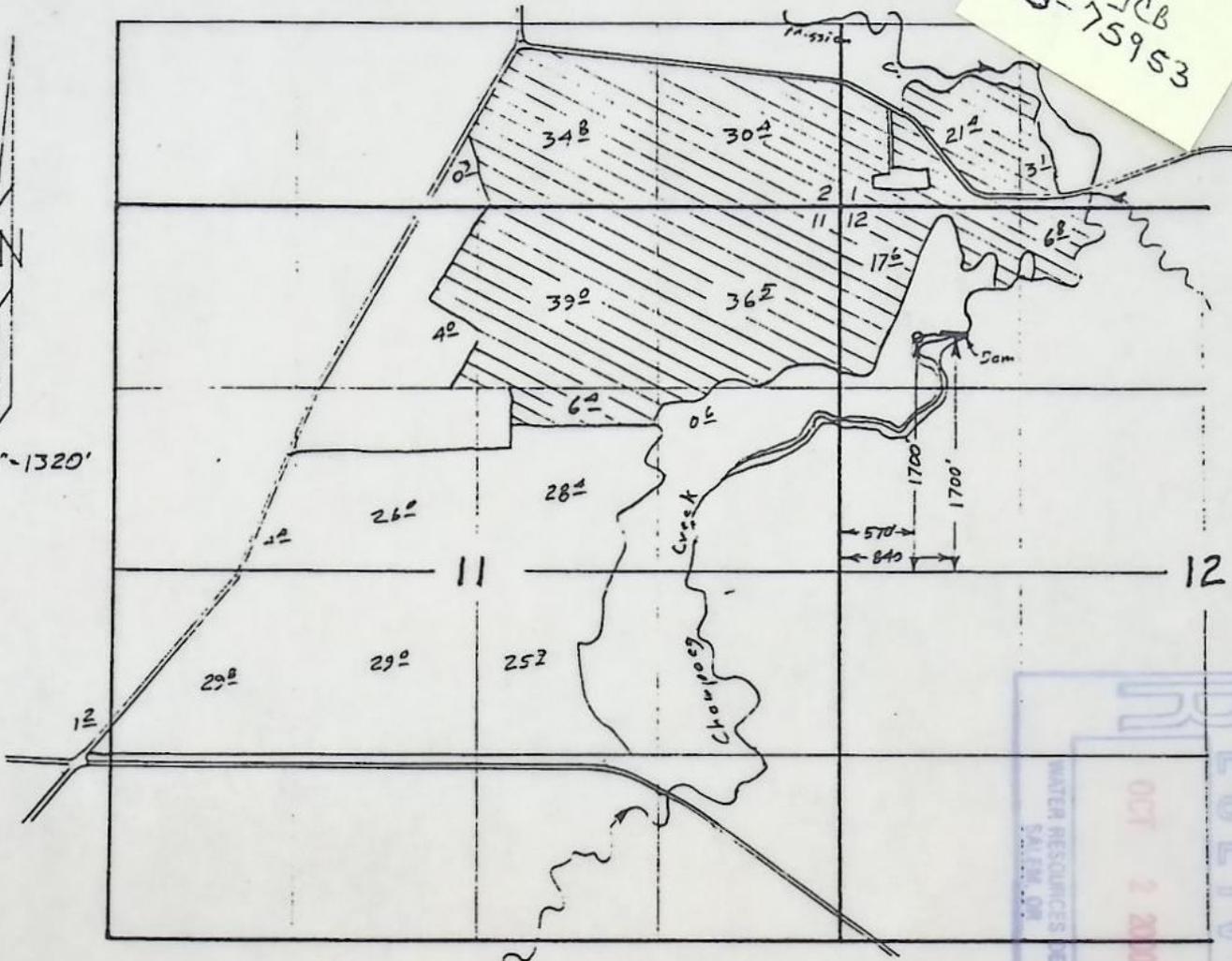


200.940

100 15x10
302 20x19
~~428~~ 2348

TOWNSHIP 4 SOUTH, RANGE 2 WEST, W.

4/19/01 As of this date no site report rec'd; only Mylar map rec'd on 10/2/00.
S-7CB
S-75953



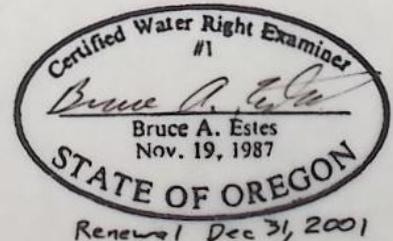
Scale 1"=1320'

Surveyed Sep 18, 2000



Claim of Beneficial Use Map
for
ZORN FARMS

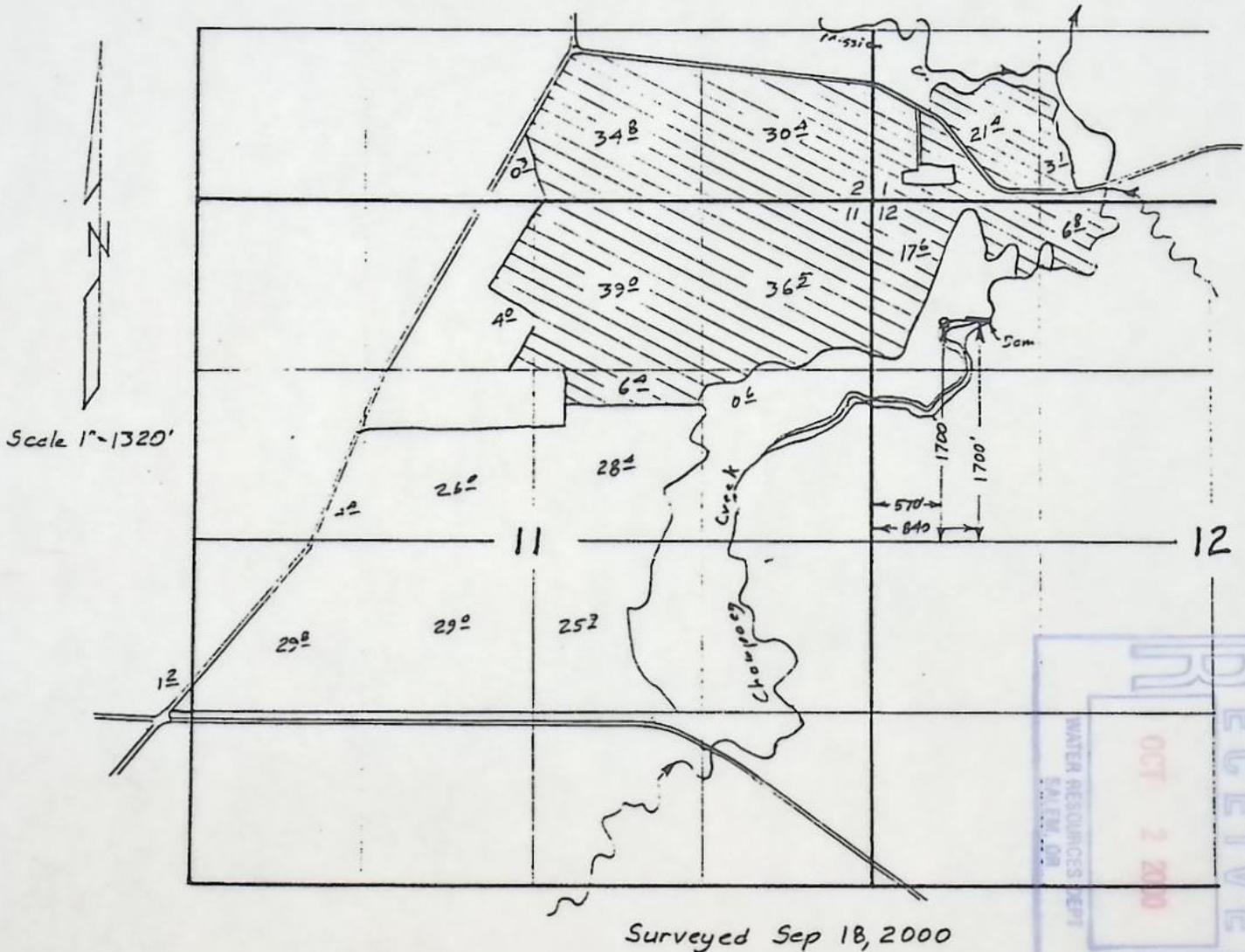
App. S-75953
Per 53012



This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

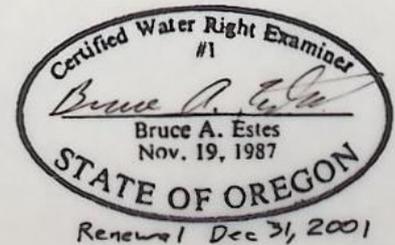
ESTES SURVEYS
PO Box 17519 60382 Arnold Rd
Salem, OR 97305-7519 Bend, OR 97702
(503) 585-7593 (541) 382-7391

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



Claim of Beneficial Use Map
for
ZORN FARMS

App. S-75953
Per 53012



This map is for the purpose of
locating a water right only
and has no intent to provide
legal dimensions or the location
of property lines.

ESTES SURVEYS

PO Box 17519 60382 Arnold Rd
Salem, OR 97305-7519 Bend, OR 97702
(503) 585-7593 (541) 382-7391



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 8, 1999

ZORN FARMS INC
2300 RIVER RD
ST PAUL OR 97137

REFERENCE: File G14158/75953
Permit G12837/53012

We have received your notice that complete application of water has been made under your permit .

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **October 1, 2000**. A list of Certified Examiners is available upon request by calling the above number, extension 320.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In addition, before the Water Right Certificate is issued, you are required to submit a well pump test. This test must be done according to the instructions in the brochure. Forms and brochures are available upon request.

In the meantime, the permit you hold is valid evidence of your right to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER
Natural Resource Specialist 2

DM:jh

cc: Watermaster
CWRE

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-75953

Superseding Final Order

Application History

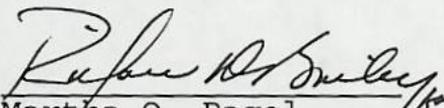
On December 28, 1994, ZORN FARMS, INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 28, 1995. The protest period closed January 12, 1996 and no protest was filed. A Final Order was done February 6, 1996 stating that a permit would be issued upon payment of outstanding permit recording fees. Fees were paid in full on November 19, 1996.

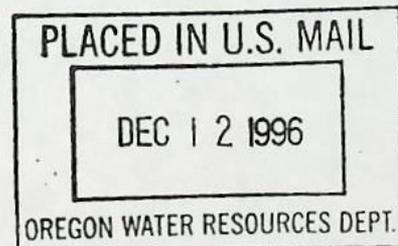
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Final Order dated February 6, 1996 requires modification to correctly describe the source of water (being a reservoir, a tributary of Champoeg Creek) as listed in the application.

Order

Application S-75953 therefore is approved with the above modifications to the Final Order dated February 6, 1996, and Permit Number 53012 is issued as limited by the conditions set forth therein.

DATED December 11, 1996


Martha O. Pagel
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.

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

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ZORN FARMS, INC.
23000 RIVER RD
ST PAUL, OREGON 97137

(503) 678-2816

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

APPLICATION FILE NUMBER: S-75953

SOURCE OF WATER: AN UNNAMED RESERVOIR, CONSTRUCTED UNDER CERTIFICATE 69943, TRIBUTARY OF CHAMPOEG CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 200.9 ACRES

VOLUME OF USE: 24.0 ACRE-FEET EACH YEAR, FROM STORED WATER ONLY

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 28, 1994

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 12, T4S, R2W, W.M.; 1700 FEET NORTH AND 570 FEET EAST FROM THE W 1/4 CORNER OF SECTION 12

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 21.4 ACRES

SE 1/4 SW 1/4 3.1 ACRES

SECTION 1

SE 1/4 SW 1/4 0.3 ACRE

SW 1/4 SE 1/4 34.8 ACRES

SE 1/4 SE 1/4 30.4 ACRES

SECTION 2

NE 1/4 NE 1/4 36.5 ACRES

NW 1/4 NE 1/4 39.0 ACRES

SW 1/4 NE 1/4 6.4 ACRES

SE 1/4 NE 1/4 0.6 ACRE

NE 1/4 NW 1/4 4.0 ACRES

SECTION 11

NE 1/4 NW 1/4 6.8 ACRES

NW 1/4 NW 1/4 17.6 ACRES

SECTION 12

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a 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.

The permittee may be required in the future to 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.

STANDARD CONDITIONS

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

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

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

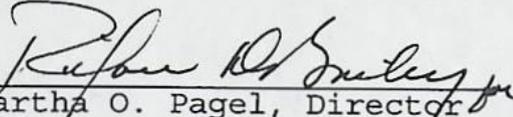
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

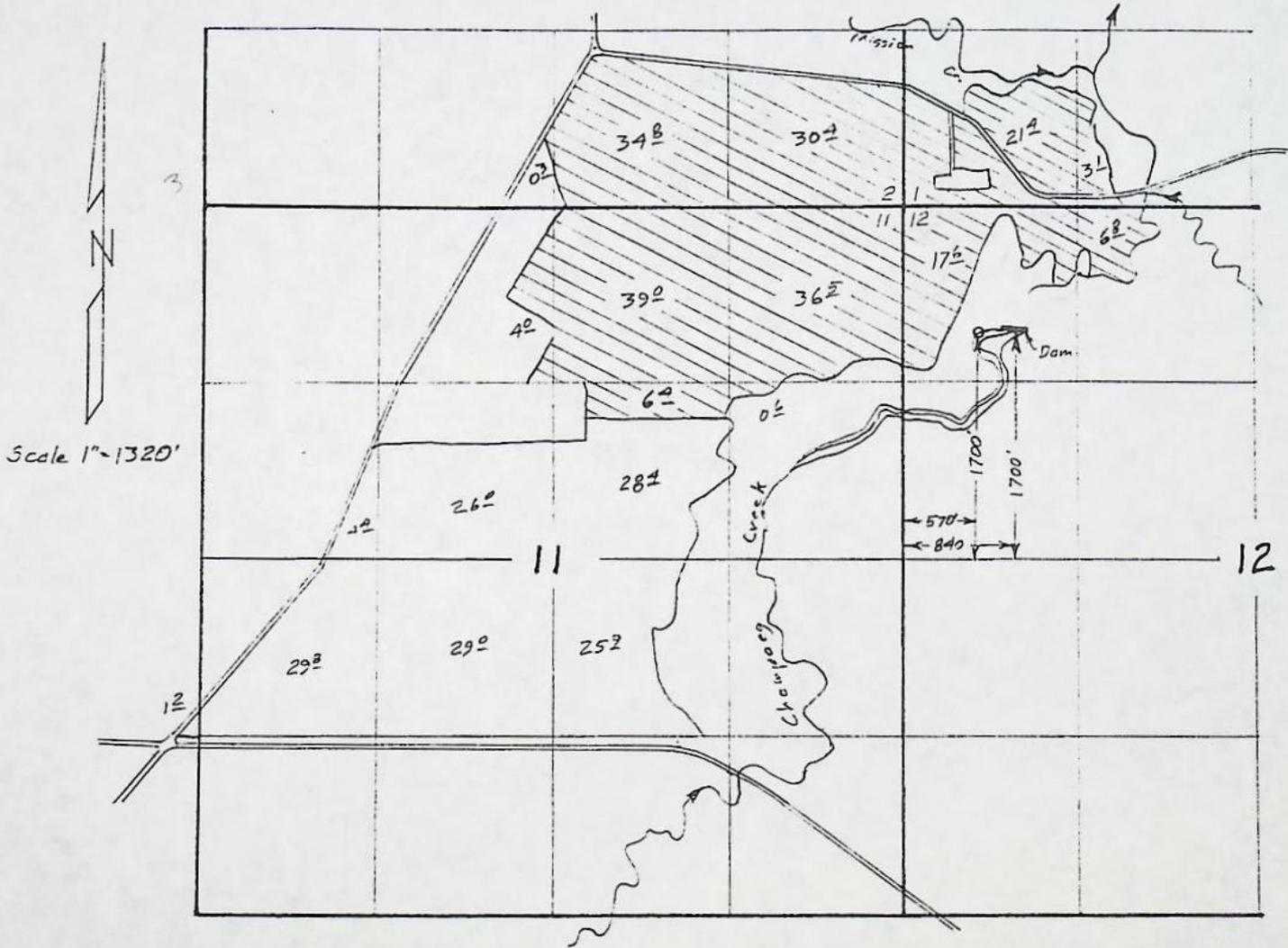
Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued December 11, 1996


Martha O. Pagel, Director
Water Resources Department

Application No. 5-75953
Permit No. 53012

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



Application Map
for

ZORN FARMS, INC.



RECEIVED

DEC 28 1994

WATER RESOURCES DEPT.
SALE OF OREGON

This map is for the purpose of locating a water right only and has no intent to provide the location of property lines or legal dimensions.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-75953

Superseding Final Order

Application History

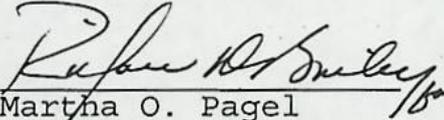
On December 28, 1994, ZORN FARMS, INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 28, 1995. The protest period closed January 12, 1996 and no protest was filed. A Final Order was done February 6, 1996 stating taht a permit would be issued upon payment of outstanding permit recording fees. Fees were paid in full on November 19, 1996.

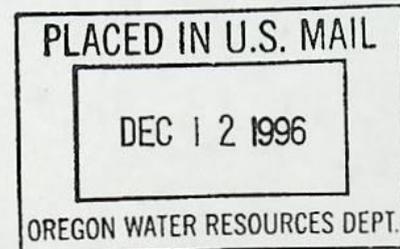
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Final Order dated February 6, 1996 requires modification to correctly describe the source of water (being a reservoir, a tributary of Champoeg Creek) as listed in the application.

Order

Application S-75953 therefore is approved with the above modifications to the Final Order dated February 6, 1996, and Permit Number 53012 is issued as limited by the conditions set forth therein.

DATED December 11, 1996


Martha O. Pagel
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.

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

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ZORN FARMS, INC.
23000 RIVER RD
ST PAUL, OREGON 97137

(503) 678-2816

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

APPLICATION FILE NUMBER: S-75953

SOURCE OF WATER: AN UNNAMED RESERVOIR, CONSTRUCTED UNDER CERTIFICATE 69943, TRIBUTARY OF CHAMPOEG CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 200.9 ACRES

VOLUME OF USE: 24.0 ACRE-FEET EACH YEAR, FROM STORED WATER ONLY

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 28, 1994

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 12, T4S, R2W, W.M.; 1700 FEET NORTH AND 570 FEET EAST FROM THE W 1/4 CORNER OF SECTION 12

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 21.4 ACRES

SE 1/4 SW 1/4 3.1 ACRES

SECTION 1

SE 1/4 SW 1/4 0.3 ACRE

SW 1/4 SE 1/4 34.8 ACRES

SE 1/4 SE 1/4 30.4 ACRES

SECTION 2

NE 1/4 NE 1/4 36.5 ACRES

NW 1/4 NE 1/4 39.0 ACRES

SW 1/4 NE 1/4 6.4 ACRES

SE 1/4 NE 1/4 0.6 ACRE

NE 1/4 NW 1/4 4.0 ACRES

SECTION 11

NE 1/4 NW 1/4 6.8 ACRES

NW 1/4 NW 1/4 17.6 ACRES

SECTION 12

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a 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.

The permittee may be required in the future to 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.

STANDARD CONDITIONS

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

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

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

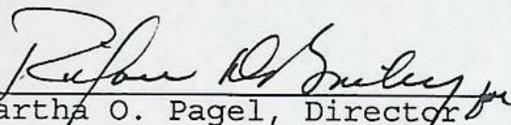
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued December 11, 1996


Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-75953

Superseding Final Order

Application History

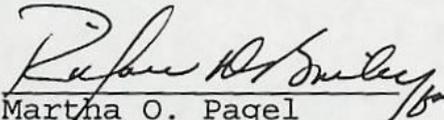
On December 28, 1994, ZORN FARMS, INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 28, 1995. The protest period closed January 12, 1996 and no protest was filed. A Final Order was done February 6, 1996 stating taht a permit would be issued upon payment of outstanding permit recording fees. Fees were paid in full on November 19, 1996.

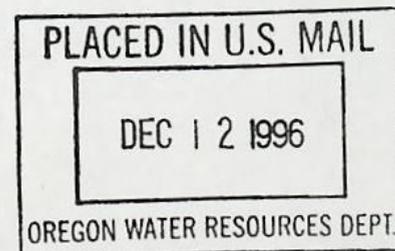
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Final Order dated February 6, 1996 requires modification to correctly describe the source of water (being a reservoir, a tributary of Champoeg Creek) as listed in the application.

Order

Application S-75953 therefore is approved with the above modifications to the Final Order dated February 6, 1996, and Permit Number 53012 is issued as limited by the conditions set forth therein.

DATED December // , 1996


Martha O. Pagel
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.

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

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ZORN FARMS, INC.
23000 RIVER RD
ST PAUL, OREGON 97137

(503) 678-2816

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

APPLICATION FILE NUMBER: S-75953

SOURCE OF WATER: AN UNNAMED RESERVOIR, CONSTRUCTED UNDER CERTIFICATE 69943, TRIBUTARY OF CHAMPOEG CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 200.9 ACRES

VOLUME OF USE: 24.0 ACRE-FEET EACH YEAR, FROM STORED WATER ONLY

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 28, 1994

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 12, T4S, R2W, W.M.; 1700 FEET NORTH AND 570 FEET EAST FROM THE W 1/4 CORNER OF SECTION 12

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4 21.4 ACRES

SE 1/4 SW 1/4 3.1 ACRES

SECTION 1

SE 1/4 SW 1/4 0.3 ACRE

SW 1/4 SE 1/4 34.8 ACRES

SE 1/4 SE 1/4 30.4 ACRES

SECTION 2

NE 1/4 NE 1/4 36.5 ACRES

NW 1/4 NE 1/4 39.0 ACRES

SW 1/4 NE 1/4 6.4 ACRES

SE 1/4 NE 1/4 0.6 ACRE

NE 1/4 NW 1/4 4.0 ACRES

SECTION 11

NE 1/4 NW 1/4 6.8 ACRES

NW 1/4 NW 1/4 17.6 ACRES

SECTION 12

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a 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.

The permittee may be required in the future to 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.

STANDARD CONDITIONS

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

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

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

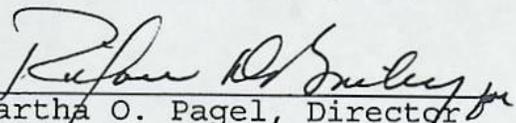
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued December 11, 1996


Martha O. Pagel, Director
Water Resources Department

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-75953

WATERMASTER # 16

REGIONAL MANAGER: Northwest

ODF&W - Marion County:

CWRE (if agent): Bruce A Estes #1

DEQ

OTHER STATE AGENCY IF NECESSARY:

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

POWER BUILDER UPDATER; FRONT COUNTER

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

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

CASEWORKER : GH

- d. The use would not injure existing water rights.
4. The report of Initial Review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.
5. The applicant did not notify the Department to stop processing this application within 14 days after the report was mailed as provided in ORS 537.150(5).
6. The Department proceeded with processing the application and on OCTOBER 10, 1995 published notice of the application in its weekly Public Notice of Water Rights.
7. At the close of the 30 day comment period provided in ORS 537.150(7), the Department had not received comments on the application.
8. A Proposed Final Order for this application was completed and a copy of that review was mailed to the applicant on November 28, 1995.

Assessment

1. In proceeding with evaluation of Application S-75953, the following criteria were found to be relevant by the Department.
 - a. The Willamette Basin Program (OAR Chapter 690, Division 502) OAR 690-502-040 (6).
 - b. The Marion County Comprehensive Plan and Zoning Ordinance
 - c. The amount of water available in CHAMPOEG CREEK AND AN UNNAMED RESERVOIR, TRIBUTARIES OF WILLAMETTE RIVER
 - d. The established rate and duty for the proposed use
 - e. Pending, senior applications and existing water rights of record
 - f. Comments received

CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the Proposed Final Order require modification to correctly identify the amount of water necessary for irrigation and to request submission of recording fees.
2. Permit recording fees for the proposed use(s) equal \$482.00. Prior to issuance of the attached draft permit, additional permit recording fees in the amount of \$482.00 are required.
3. The period of allowed use is MARCH 1 THROUGH OCTOBER 31.
4. The Department finds that no more than 502.25 ACRE-FEET would be necessary for the proposed use. The amount of water requested, 24.0 ACRE-FEET, is allowable.

5. Marion County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Marion County Comprehensive Land Use Plan.
6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
7. The proposed use complies with all other rules of the Commission.
8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
9. No protests were timely filed in response to the Proposed Final Order of November 28, 1995, and no significant issues or disputes are known to the Department at this time.
10. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

ORDER

IT IS HEREBY ORDERED that, upon payment of outstanding permit recording fees, Application S-75953 in the name of ZORN FARMS, INC. be approved for SUPPLEMENTAL IRRIGATION OF 200.9 ACRES as provided on the attached draft permit.

IT IS FURTHER ORDERED that permit recording fees are required in the amount of \$482.00, and that said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application S-75953.

DATED February 6, 1996



Martha O. Page
Director
Water Resources Department

NOTICE:

This Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

If this Final Order has modified the Department's prior findings or conditions, the applicant may request a contested case hearing within 14 days from the date of this order.

Issues on which a contested case hearing may be requested and conducted are limited to issues based on modifications to the Proposed Final Order.

Requests for a contested case hearing must be made in proper form, submitting the information required under Section 11(6), Chapter 416, Oregon Laws, 1995.

Requests for a contested case hearing must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on February 20, 1996.

Only the applicant and any persons who timely filed a protest may appeal the provisions of this final order.

3. The Initial Review determined:
 - a. SUPPLEMENTAL IRRIGATION OF 200.9 ACRES is allowed under the Willamette Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water is available for further appropriation (at an 80 percent exceedance probability) for the period **March 1 through October 31 from stored water only.**
 - d. The use would not injure existing water rights.
4. The report of Initial Review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.
5. The applicant did not notify the Department to stop processing this application within 14 days after the report was mailed as provided in ORS 537.150(5).
6. The Department proceeded with processing the application and on OCTOBER 10, 1995 published notice of the application in its weekly Public Notice of Water Rights.
7. At the close of the 30 day comment period provided in ORS 537.150(7), the Department had not received comments on the application.

Assessment

1. In proceeding with evaluation of Application S-75953, the following criteria were found to be relevant by the Department.
 - a. The Willamette Basin Program (OAR Chapter 690, Division 502) OAR 690-502-040 (6).
 - b. The Marion County Comprehensive Plan and Zoning Ordinance
 - c. The amount of water available in CHAMPOEG CREEK AND AN UNNAMED RESERVOIR, TRIBUTARIES OF WILLAMETTE RIVER
 - d. The established rate and duty for the proposed use
 - e. Pending, senior applications and existing water rights of record
 - f. Comments received

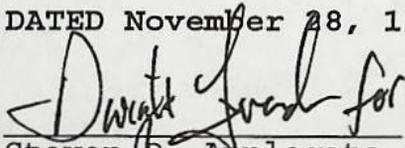
CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the Initial Review remain valid.
2. The period of allowed use is MARCH 1 THROUGH OCTOBER 31.
3. The Department finds that no more than 24.0 ACRE-FEET would be necessary for the proposed use. The amount of water requested, 24.0 ACRE-FEET, is allowable.
4. Marion County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Marion County Comprehensive Land Use Plan.
5. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
6. The proposed use complies with all other rules of the Commission.
7. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
8. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application S-75953 in the name of ZORN FARMS, INC. be approved for SUPPLEMENTAL IRRIGATION OF 200.9 ACRES as provided in the attached draft permit.

DATED November 28, 1995



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on January 12, 1996.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON

COUNTY OF Marion

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ZORN FAMILY, INC.
23000 RIVER RD
ST PAUL, OREGON 97137

(503) 678-2816

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

APPLICATION FILE NUMBER: S-75953

SOURCE OF WATER: CHAMPOEG CREEK AND AN UNNAMED RESERVOIR,
TRIBUTARIES OF WILLAMETTE RIVER, CONSTRUCTED UNDER
APPLICATION R-75952

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 200.9 ACRES

VOLUME OF USE: 24.0 ACRE-FEET EACH YEAR

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: December 28, 1994

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 12, T 4 S, R 2 W,
W.M.; 1700 FEET NORTH AND 570 FEET EAST
FROM W 1/4 CORNER, SECTION 12

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4	21.4 ACRES
SE 1/4 SW 1/4	3.1 ACRES
SECTION 1	
SE 1/4 SW 1/4	0.3 ACRES
SW 1/4 SE 1/4	34.8 ACRES
SE 1/4 SE 1/4	30.4 ACRES
SECTION 2	

NE 1/4 NE 1/4	36.5 ACRES
NW 1/4 NE 1/4	39.0 ACRES
SE 1/4 NE 1/4	6.4 ACRES
NE 1/4 NW 1/4	4.0 ACRES
SE 1/4 NW 1/4	0.6 ACRES

SECTION 11

NE 1/4 NW 1/4	6.8 ACRES
NW 1/4 NW 1/4	17.6 ACRES

SECTION 12

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a 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.

The permittee may be required in the future to 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.

STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 1998.

Issued _____, 199_

DRAFT

Water Resources Department
Martha O. Pagel
Director

Application S-75953
Basin 02
GH

Water Resources Department
Volume 18A
CHAMPOEG CREEK & MISC.

PERMIT DRAFT
District 16

Application No. 75953

RECEIVED

DEC 28 1994

State of Oregon
WATER RESOURCES DEPARTMENT WATER RESOURCES DEPT
SAINT JAMES OREGON

Application for a Permit to Appropriate Surface Water

Applicant(s) Zorn Farms, Inc
(Please print or type - use dark ink)

Mailing Address: 23000 River Rd.
St. Paul OR 97137 678-2816
City State Zip Daytime Phone No.

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

1. SOURCE OF WATER for the proposed use: A reservoir,
a tributary of Champoeg Creek

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 24 ac. ft cubic feet per
second, OR _____ gallons per minute. If water is to be used from more than one source,
give the quantity of water from each: _____

3. INTENDED USE(S) OF WATER: supplemental irrigation

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

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

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

NA

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

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

Irrigation 200⁰ acres supplemental

Other (describe) _____

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

Pumps set in reservoir 50 HP into 6" main line already installed for primary rights to the land. Main line, wheel lines and hand lines have been in use for many years.

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

Proposed date construction work will begin complete

Proposed date construction work will be completed complete

Proposed date water use will be completed Oct 1, 1995

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

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

Applicant CWRE Other (Identify in REMARKS section)

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

Applicant CWRE Other (Identify in REMARKS section)

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

REMARKS: _____

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

Christina Owen Vice Pres.
Signature of Applicant

12/27/94
Date

Signature of Co-Applicant

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

APPLICATION NO: 5-75953

PERMIT NO: _____

STATE OF OREGON

COUNTY OF MARION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ZORN FARMS, INC.
23000 RIVER RD
ST PAUL, OREGON 97137

(503) 678-2816

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

APPLICATION FILE NUMBER: S-75953

SOURCE OF WATER: CHAMPOEG CREEK AND AN UNNAMED RESERVOIR, CONSTRUCTED UNDER APPLICATION R-75952 (HB 2153), TRIBUTARIES OF WILLAMETTE RIVER

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 200.9 ACRES

VOLUME OF USE: 24.0 ACRE-FEET EACH YEAR

THE PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 28, 1994

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 12, T4S, R2W, W.M.; 1700 FEET NORTH AND 570 FEET EAST FROM THE W 1/4 CORNER OF SECTION 12

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4	21.4 ACRES
SE 1/4 SW 1/4	3.1 ACRES
SECTION 1	
SE 1/4 SW 1/4	0.3 ACRE
SW 1/4 SE 1/4	34.8 ACRES
SE 1/4 SE 1/4	30.4 ACRES
SECTION 2	
NE 1/4 NE 1/4	36.5 ACRES
NW 1/4 NE 1/4	39.0 ACRES
SW 1/4 NE 1/4	6.4 ACRES
SE 1/4 NE 1/4	0.6 ACRE
NE 1/4 NW 1/4	4.0 ACRES
SECTION 11	

NE 1/4 NW 1/4 6.8 ACRES
NW 1/4 NW 1/4 17.6 ACRES

SECTION 12

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a 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.

The permittee may be required in the future to 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.

STANDARD CONDITIONS

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

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

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

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

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

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

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

Issued February , 1996

----DRAFT----

Water Resources Department

Director

Application S-75953 Water Resources Department
Basin 02 Volume 18A, Champoeg Creek & Misc.
JWG

DRAFT PERMIT
District 16

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

8571

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

INVOICE # _____

RECEIVED FROM: Zorn Farms Inc.
BY: _____

APPLICATION	75953
PERMIT	
TRANSFER	

CASH: CHECK: # 24-20 OTHER: (IDENTIFY)

TOTAL REC'D \$ 482.-

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) _____
TC165 DEPOSIT LIAB. (IDENTIFY) _____

\$
\$
\$
\$

WATER RIGHTS:

0201 SURFACE WATER
0203 GROUND WATER
0205 TRANSFER
WELL CONSTRUCTION
0218 WELL DRILL CONSTRUCTOR
LANDOWNER'S PERMIT

EXAM FEE
\$
\$
\$
EXAM FEE
\$

0202
0204
0206
0219
0220

RECORD FEE
\$ <u>482.-</u>
\$
\$
LICENSE FEE
\$
\$

____ OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE
0210 MONITORING WELLS
____ OTHER (IDENTIFY) _____

\$
\$

CARD #
CARD #

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

0233 POWER LICENSE FEE (FW/WRD)
0231 HYDRO LICENSE FEE (FW/WRD)
____ HRDRO APPLICATION

LIC NUMBER

\$
\$
\$

RECEIPT #

8571

DATED:

11-19-96

BY:

D. Bushnell

October 23, 1996

ZORN FARMS, INC.
23000 RIVER RD
ST PAUL, OREGON 97137

(503) 678-2816

RE: APPLICATION FILE NUMBER: S-75953

Dear Applicant,

On **February 6, 1996**, a Final Order, with a draft permit, was sent from the Department requesting additional information necessary to complete your application for water use. As of today, these items have not been received:

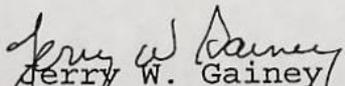
Permit recording fees are required in the amount of \$482.00.

Please submit these items by November 20, 1996. If we do not receive the items requested above by this date, we may reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

For our convenience, I have enclosed a self addressed metered envelope for your use.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 458.

Sincerely,


Jerry W. Gainey
Final Order Team

Enclosures

cc: Watermaster



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

FO CHECKLIST

PFO TO FO CONVERSION

FILE # S 75953

REVIEW DATE: / /

INITIALS: JG

In preparing the FO, you check the following:

1. Y / (N) Were comments or protests received in response to the PFO?
2. / List names and addresses of ALL commentors (regardless of comment date) on the PFO CC list.
3. / Verify payment of recording fees (circle the appropriate option)
 - (1) Issue FO w/permit if fees are paid
 - (2) Issue FO w/o permit if fees are lacking
 - (3) Prepare refund request for excess fees
4. (Y) / N Has the applicant signed an oath of accuracy for the application?
5. (Y) / N Is further processing possible? If not state reason: _____

ACTION SUSPENSE DATE: _____

6. _____ Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

Modify FO as needed to:

7. / Respond to significant comments, issues, or disputes related to the proposed use of water
8. / Include or exclude permit conditions and management codes
9. / Notify applicant of additional information or fees required prior to permit issuance
10. / Correct PFO errors (such as POD or POU location (verify from map), Permit format

Once FO document is completed:

11. / Move WordPerfect document to M:\T\FO\SIGN
12. _____ Print final draft of document and submit to team leader for review
13. (Y) / N Team leader review completed

*Need conf / lab OK
1/30/07
DUB*

September 26, 1995

Zorn Farms, Inc.
23000 River Road
St. Paul, OR 97137

Reference: File S-75953

Dear Applicant:

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

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for IRRIGATION is allowed under OAR 502, the Willamette Basin Program.
4. The use of 24.0 ACRE-FEET for SUPPLEMENTAL IRRIGATION OF 200.9 ACRES from water legally stored under Application R-75952 only is available January 1 through December 31.
5. The Willamette Basin program limits the irrigation season to March 1 through October 31.

Summary of Allowable Water Use

The use of 24.0 acre-feet for Supplemental Irrigation of 200.9 acres from stored water only may be allowed from March 1 through October 31.



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

Zorn Farms, Inc.
September 26, 1995
File S-75953
Page 2

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due #4 and #5 above your application will likely be limited as summarized above.

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by October 10, 1995. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

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

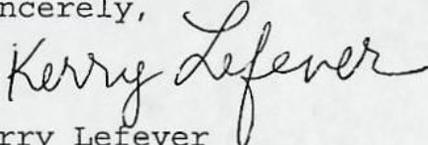
1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. You will be required to comply with state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

Zorn Farms, Inc.
September 26, 1995 .
File S-75953
Page 3

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 455 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Kerry Lefever
Initial Review

cc: Regional Manager, Watermaster, Water Availability
Section

enclosures: Flow Chart of Water Right Process
Stop Processing Form

September 26, 1995

Zorn Farms, Inc.
23000 River Road
St. Paul, OR 97137

Reference: File S-75953

Dear Applicant:

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

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for IRRIGATION is allowed under OAR 502, the Willamette Basin Program.
4. The use of 24.0 ACRE-FEET for SUPPLEMENTAL IRRIGATION OF 200.9 ACRES from water legally stored under Application R-75952 only is available January 1 through December 31.
5. The Willamette Basin program limits the irrigation season to March 1 through October 31.

Summary of Allowable Water Use

The use of 24.0 acre-feet for Supplemental Irrigation of 200.9 acres from stored water only may be allowed from March 1 through October 31.



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

Zorn Farms, Inc.
September 26, 1995
File S-75953
Page 2

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due #4 and #5 above your application will likely be limited as summarized above.

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **October 10, 1995**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

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

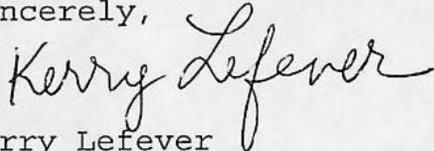
1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. You will be required to comply with state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

Zorn Farms, Inc.
September 26, 1995
File S-75953
Page 3

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 455 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Kerry Lefever
Initial Review

cc: Regional Manager, Watermaster, Water Availability
Section

enclosures: Flow Chart of Water Right Process
Stop Processing Form

75953

BEGINNING at the most Westerly corner of the Peter Papin Donation Land Claim #85, Township 4, South, Range 2, West of the Willamette Meridian in Marion County, State of Oregon; thence South $72^{\circ} 55'$ West 6.195 chains to a stone corner; thence North $2^{\circ} 28'$ East 18.82 chains to a corner on the Western boundary of the John Gearin Donation Land Claim #70, in said Township and Range; thence North $51^{\circ} 02'$ West 18.755 chains along the Northern boundary of the George Aplin Donation Land Claim to the center of the County Road leading from St. Paul to Champoeg; thence North $73^{\circ} 46'$ East along the middle of said County Road 31.34 chains; thence South 8.05 chains; thence East 9.847 chains; thence North $1^{\circ} 13'$ East 10.03 chains to the middle of the County Road; thence North $81^{\circ} 02'$ East 8.347 chains to the terminus of Marion County Road Survey No. 496; thence Southerly and Easterly along the center line of

said County Road survey a distance of 42.60 chains, more or less, to the Easterly boundary line of said John Gearin Donation Land Claim; thence South $1^{\circ} 13'$ West along said East line and along the West line of the Joseph Despard Donation Land Claim No. 41, a distance of 10.54 chains, more or less, to the most Northerly corner of the Peter Papin Donation Land Claim; thence South $86^{\circ} 57'$ West 51.967 chains to the place of beginning, being situated in Section 9, 10, in the John Gearin and George Aplin and Peter Waggener Donation Land Claim, in Township 4 South, Range 2 West of the Willamette Meridian in Marion County, State of Oregon.

ALSO: Beginning at a point 18.50 chains East and 2.10 chains North of the quarter section corner between Sections 10 and 15 in Township 4 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; and from thence running North 55° West 42.50 chains to an iron pipe; thence North 65° 12' West 47.76 chains to the North boundary of the Donation Land Claim of Peter Papin and wife, being Claim No. 85 in said Township and Range at a point 19.75 chains North 86° East from the Northwest corner of said Claim No. 85; thence North 86° East 32.20 chains along the North boundary of said Claim No. 85 to an iron pipe set at the most Northerly Northeast corner of said Claim No. 85; thence North 1° East along the West boundary of the Donation Land Claim of Joseph Despard and wife, 72.39 chains to a point 93.63 chains South 1° West from the Northwest corner of said Despard Donation Land Claim, said point being the Northwest corner of the South one-half of said Despard Donation Land Claim; thence East 38.70 chains to the Northeast corner of the South half of said Despard Donation Land Claim; thence South 0° 45' West 83.64 chains to the Southeast corner of said Joseph Despard Donation Land Claim; thence East 21.75 chains to the most Easterly Northeast corner of said Claim No. 85; thence South 47.75 chains to an iron pipe set at the most Easterly Southeast corner of said Claim No. 85; thence South 3.52 chains to an iron pipe; thence West 9.04 chains to an iron pipe, set on the East boundary of said Claim No. 85 at a point 11.345 chains North 22° East from the most Southerly Southeast corner of said Claim No. 85; thence South 22° West 11.345 chains to an iron pipe at the most Southerly Southeast corner of said Claim No. 85; thence North 55° West 18.70 chains along the southerly boundary of said Claim No. 85; thence North 43° East 22.00 chains to the place of beginning.

EXCEPT rights of the public in and to all roads and roadways.

EXCEPT perpetual right of way for road purposes given to

Stanley J. McKay dated July 19, 1934, and recorded July 27, 1934, in Volume 219, Page 189, Deed Records, Marion County, Oregon.

September 8, 1995

CHRISTINE OWEN, VICE PRESIDENT
ZORN FARMS, INC.
23000 RIVER RD
ST PAUL, OR 97137

RE: Application #R-75952 and S-75953

Dear Christine:

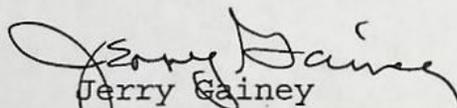
The Water Resources Department is currently reviewing your application for water use. Preliminary review indicates the following items were not included with your application:

- ▶ A legal (metes and bounds) description of the property where water is to be used, such as that found on your deed or title insurance contract.

In order to expedite the processing of your application, we request that you submit these items by **SEPTEMBER 25, 1995**. I have enclosed a stamped envelope for your use.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199 extension 458.

Sincerely,


Jerry Gainey
Completeness Team

enclosure

cc: general correspondence



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

Contacted 9/18/95 rd

COMPLETENESS DETERMINATION CHECKLIST

FEES

Application #	Review Date	Reviewer
S - 75953	9/16/95	JG

200-EXAM
482-200% IR AC

682

482-Due

A checkmark (✓) indicates that the item is Incomplete or defective.

COMPLETED

- 1. Examination fees.
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Description of delivery system.
- 7. A statement of whether the applicant has written authorization or easements permitting access to lands owned by others.
- 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for municipal use, the present population to be served and expected future water requirements.
- 11. If for mining use, the type of mines and methods of supplying & utilizing the water.
- 12. If for a reservoir:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
- 13. If for groundwater, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under HB 2107:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU.
- 18. A Land Use Information Form or receipt.
- 19. A legal description of the property where water will be used.

OK →

INITIAL REVIEW CHECKLIST

APPLICATION # S 75953
BASIN 2
WAB # 010500
POU-WAB 010500

POD NWNW Sect 12, T45R2W
POU
Sections 1, 2, 11, 12

1. ITEMS HAVE BEEN VERIFIED ON COMPLETENESS CHECKLIST
2. GW - A, B, OR C (IF B OR C THEN 3b,d;4;5;6;8 DO NOT APPLY)
3. DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...
 - a. BASIN PLAN 2 - Main Stem Willamette (Subbasin I)
 - b. LEGISLATIVE WITHDRAWAL (ORS 538)
 - c. RULES
 - d. SCENIC WATERWAY (OTHER THAN WA ORS 390.826) NOT
 - e. OTHER
4. WATER AVAILABILITY (WA) CFS AF 24 MONTHS Nov 1 - June 30
50 % BEFORE JULY 17, 1992; 80 % LIVE FLOW 50 % STORAGE AFTER
JULY 17, 1992 Priority 12/28/94 {Wab # 010500
Nov 1 - June 30 per WM}
5. INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER
AVAILABILITY SHEETS converted Min Flows
6. USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN
THE FILE
7. GROUND WATER REVIEW HAS BEEN EVALUATED FOR HYDRAULIC CONNECTION
(USE WA DATABASE IF GW A) REQUIRED CONDITIONS (GENERIC 7B)
8. DIVISION 33 HAS BEEN ADDRESSED...
 - a. SEASON FOR DIRECT FLOW (ABOVE BONN ONLY)
 - b. WATER QUALITY PARAGRAPH
 - c. EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS) → 24 AC-FT
9. PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP IS ATTACHED
SHOWING THE CONFLICT WITH NCR → supplemental IRRIG
STORAGE Willamette
10. IRRIGATION SEASON March - Oct 31 (DECREE, Willamette BASIN PLAN, PERMIT,
GENERIC)
11. STORAGE SEASON Nov 1 - June 30
RATE & DUTY 180, 2.5 (DECREE, BASIN PLAN, PERMIT, Any Will. Basin GENERIC)
GROUND WATER ALWAYS GENERIC FOR RATE AND DUTY
OF ACRES PRI 200.9 SUPP 200.9 NOT SURE
12. ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND HIGHLIGHTED
AND PACKET IS STAPLED TOGETHER
13. WATERMASTER # 16
14. REGNL MANGER - SEND COPY (SW, SC, E) DO NOT SEND COPY TO (NW, NC)
15. BASIN # AND WAB # ARE ADDED & SPELL ✓ HAS BEEN COMPLETED
16. LETTER WAS SAVED FROM M:\T\IR\WORK TO M:\T\IR\SENT
Suppl IRRIG of 200.9 acres from 24.0 acre-ft stored water

NAME

Kerry Lefever

DATE

9/21/95

S-75953

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

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

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

General Provisions

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

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

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

(4) Storage:

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

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

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

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

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

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

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

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

Main Stem Willamette River Subbasin

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

(1) Surface water classification:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Stat. Auth.: ORS 536.300 & 536.340

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

Middle Fork Willamette River Subbasin

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

(1) Surface water classification:

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

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

STATE OF OREGON

INTEROFFICE MEMO

WATER RESOURCES DEPARTMENT
WRAD SECTION

September 12, 1995

TO: SEEKERS OF WATER AVAILABILITY
FROM: DAVE JARRETT via RUSS KLASSEN
SUBJECT: SPECIAL WATER AVAILABILITY AREA (BASIN 2 #0105)

DAVE JARRETT (WATERMASTER DIST 16) DURING A CONVERSATION ON SEPTEMBER 12, 1995, STATED THAT THERE IS NO WATER AVAILABLE DURING THE IRRIGATION SEASON AFTER JUNE 30 IN:

CHEHALEM CREEK
CHAMPOEG CREEK
MISSION CREEK
CASE CREEK

THE WILLAMETTE BASIN WATER AVAILABILITY THAT INCOMPASSES THESE STREAMS IS NOT ACCURATE. USE THE PERIOD OF NOVEMBER 1 THROUGH JUNE 30 FOR THE SEASON WHEN WATER IS AVAILABLE.

WATER AVAILABILITY TABLE

Basin: WILLAMETTE Exceedance Level: 80
 Water Availability Subbasin: 0105000000000000 (and Nested Subbasins)
 Time: 15:49 Date: 09/21/1995

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

STREAM NAMES

Basin: WILLAMETTE
 Water Availability Subbasin: 0105000000000000 (and Nested Subbasins)
 Time: 15:49 Date: 09/21/1995

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

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0105000000000000
 Basin: WILLAMETTE
 Exceedance Level: 80
 Time: 15:49 Date: 09/21/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0105000000000000	WILLAMETTE R	YES	19500.0
2	0105000000000000	WILLAMETTE R	YES	18300.0
3	0105000000000000	WILLAMETTE R	YES	16300.0
4	0105000000000000	WILLAMETTE R	YES	14000.0
5	0105000000000000	WILLAMETTE R	YES	12900.0
6	0105000000000000	WILLAMETTE R	YES	6160.0
7	0105000000000000	WILLAMETTE R	YES	2160.0
8	0105000000000000	WILLAMETTE R	YES	1150.0
9	0105000000000000	WILLAMETTE R	YES	1460.0
10	0105000000000000	WILLAMETTE R	YES	2960.0
11	0105000000000000	WILLAMETTE R	YES	8300.0
12	0105000000000000	WILLAMETTE R	YES	17400.0
Stor	0105000000000000	WILLAMETTE R	YES	*****

WATER AVAIL Jan-Dec

{ But per Dave Jarrett - Watermaster }
use Nov 1 - June 30

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE
 Stream: WILLAMETTE R > COLUMBIA R
 Water Availability Subbasin: 0100000000000000
 Exceedance Level: 80
 Time: 15:49 Date: 09/21/1995

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

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE
 Stream: WILLAMETTE R > COLUMBIA R
 Water Availability Subbasin: 0100000000000000
 Time: 15:49 Date: 09/21/1995

-----ISWRs-----

APP # : MF181A 0
 STATUS: Cert. 4/20/71 0 0 0 RESULTANT

1	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
2	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
3	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
4	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
5	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
6	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
7	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
8	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
9	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
10	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
11	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C
12	1500.0	0.0	0.0	0.0	0.0	0.0	1500.0 C

Cert # 0 - MF 181 In Willamette R & trbs above
 Will. Falls at Oregon City at or near
 Falls & maintained to mouth (RMO-26)

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE
 Stream: WILLAMETTE R > COLUMBIA R
 Water Availability Subbasin: 0105000000000000
 Exceedance Level: 80
 Time: 15:49 Date: 09/21/1995

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

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE
 Stream: WILLAMETTE R > COLUMBIA R
 Water Availability Subbasin: 0105000000000000
 Time: 15:49 Date: 09/21/1995

-----ISWRs-----

APP # : MF-182A 0 0 0 RESULTANT

STATUS: Cert.#0 6/22/64

1	1500.0	0.0	0.0	0.0	0.0	1500.0 C
2	1500.0	0.0	0.0	0.0	0.0	1500.0 C
3	1500.0	0.0	0.0	0.0	0.0	1500.0 C
4	1500.0	0.0	0.0	0.0	0.0	1500.0 C
5	1500.0	0.0	0.0	0.0	0.0	1500.0 C
6	1500.0	0.0	0.0	0.0	0.0	1500.0 C
7	1500.0	0.0	0.0	0.0	0.0	1500.0 C
8	1500.0	0.0	0.0	0.0	0.0	1500.0 C
9	1500.0	0.0	0.0	0.0	0.0	1500.0 C
10	1500.0	0.0	0.0	0.0	0.0	1500.0 C
11	1500.0	0.0	0.0	0.0	0.0	1500.0 C
12	1500.0	0.0	0.0	0.0	0.0	1500.0 C

Cert #0 - MF 182

In Willamette R @ Tribs above USGS
 Gage No 14-1980 @ Wilsonville
 (SE 1/4 Sec. 23, T3S, R1W nm (RMO-38.4)

S-75953

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE																			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE																
G 6999	47848	V DLC 43	NCR																(CS)															
G 6689		DLC 43																					(CS)										(CS)	
		DLC 43																																
		DLC 43																																
R 69278	66684	V DLC 76																	(RC)															
R 10896																																		
S 16600	14389	V DLC 43																	0.80															
S 12384		DLC 43																	(IR)															
																				1.30														
																				(IR)														
S 17661	14450	V DLC 43	NCR → Supplemental for App No. 75953																10.00															
S 13355		DLC 43																					(IR)											
		DLC 43																																
		DLC 43																																
		DLC 43																																
		DLC 43																																
																			0.40															
																			(IR)															
																				1.20														
																			(IR)															
																				5.00														
																			(IR)															
																				4.20														
																			(IR)															
																				8.70														
																			(IR)															
T 7066	68539	V DLC 76																	2.30															
S 14193																			(IR)															
S 24599	26406	V DLC 43	NCR → Supplemental for App No. 75953																0.80															
S 19380		DLC 43																															(IR)	
		DLC 43																															(S)	
		DLC 43																															3.40	
		DLC 43																															(IR)	
		DLC 43																															(S)	
		DLC 43																															4.60	
		DLC 43																															(IR)	
		DLC 43																															2.40	
		DLC 43															(IR)																	
		DLC 43															(S)																	
		DLC 43															0.30																	
		DLC 43															(IR)																	
		DLC 43															(S)																	
		DLC 43															7.60																	
		DLC 43															(IR)																	
		DLC 43															(S)																	
		DLC 43															3.60																	
		DLC 43															(IR)																	
		DLC 43															20.80																	
		DLC 43															(IR)																	
		DLC 43															3.00																	
		DLC 43															(IR)																	
S 34572	32692	V DLC 44																	1.00															
S 27152																			(IR)															

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE												

OREGON WATER RESOURCES PLAT CARD: Township 4.00 S Range 2.00 W SECTION 11

9/21/1995

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 11117 G 10254	62343	V DLC 93					0.80 (IR)											
S 17973 S 13648	14644	V DLC 91															2.00 (TR)	
		DLC 91														21.10 (TR)		
		DLC 91													13.50 (TR)			
S 20206 S 15757	19739	V DLC 45					7.60 (IR)										4.60 (TR)	
		DLC 45																
S 24599 S 19380	26408	V DLC 93											4.80 (IR)					

NCR

NCR

S 16600 14389 V DLC 43 10.30 (IR)

S 12384 DLC 43 NCR 6.40 (IR)

S 20206 19739 V DLC 45 10.40 (IR)

S 15757 DLC 45 14.50 (IR)

DLC 45 2.00 (IR)

DLC 45 0.60 (IR)

DLC 46 1.60 (IR)

DLC 46 3.90 (IR)

S 20452 23401 V LOT 3 2.00 (IR)

S 16067 0.30 14.80 (IR) (IR)

DLC 46 8.00 (IR)

DLC 46 2.40 (IR)

LOT 5 2.50 (IR)

S 24599 26406 V DLC 43 1.20 (IR)

S 19380 NCR

Continuing with Township 4.00 S Range 2.00 W SECTION 12

9/21/1995

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
S 24599 S 19380	26406	V DLC 43																
S 32264 S 25450	30722	V LOT 1	38.20 (IR)															
		LOT 2		24.80 (IR)			8.40 (IR)	25.40 (IR)										

S-75953

APPLICATIONS

OREGON WATER RESOURCES PLAT CARD: Township 4.00 S Range 2.00 W SECTION 1

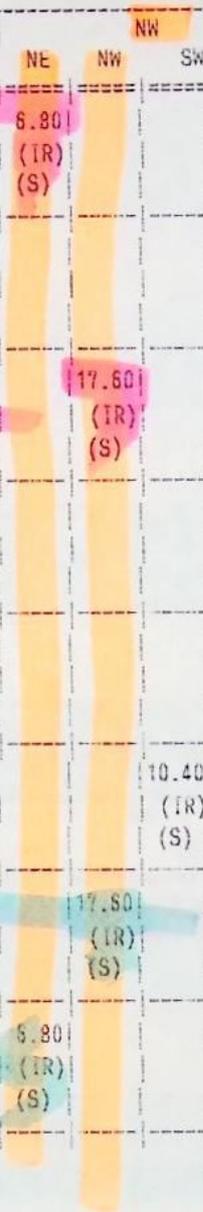
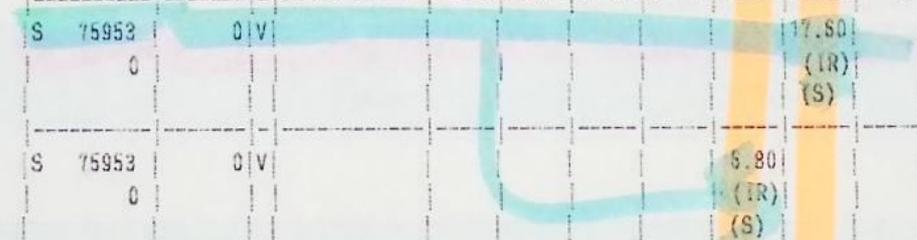
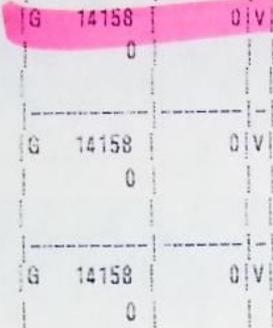
9/21/1995

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 14158 0	0 V	Nc											21.40 (IR) (S)					
G 14158 0	0 V												3.10 (IR) (S)					
S 75953 0	0 V												21.40 (IR) (S)					
S 75953 0	0 V												3.10 (IR) (S)					

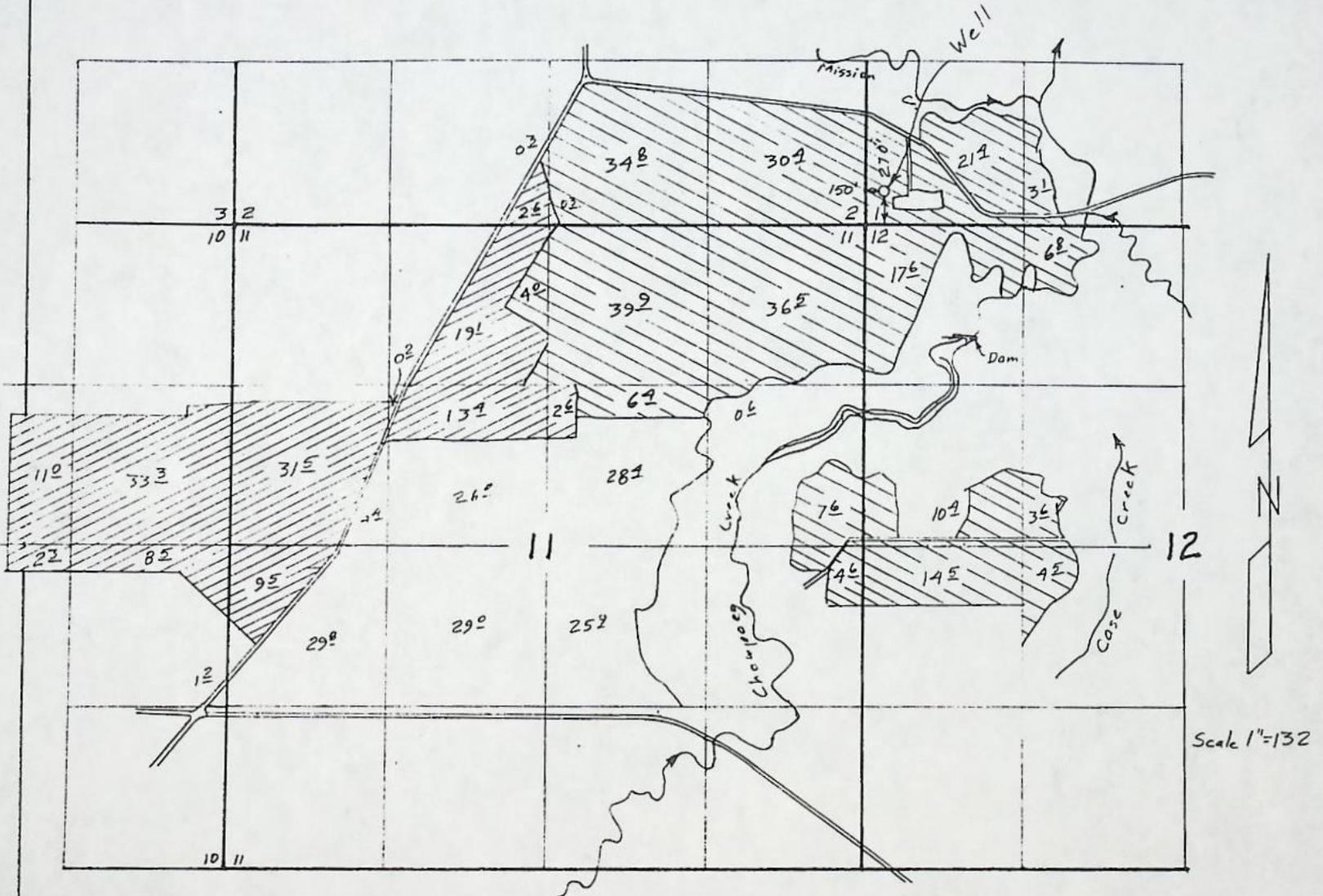
APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 14158 0	0 V		<i>NC</i>															
G 14158 0	0 V																	0.30 (IR)
G 14158 0	0 V																	34.80 (IR) (S)
G 14158 0	0 V																	0.30 (IR) (S)
G 14158 0	0 V																	30.40 (IR) (S)
S 75953 0	0 V																	30.40 (IR) (S)
S 75953 0	0 V																	34.80 (IR) (S)
S 75953 0	0 V																	0.30 (IR) (S)

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
G 14158 0	0 V									6.80 (IR) (S)									
G 14158 0	0 V																		3.60 (IR) (S)
G 14158 0	0 V									17.60 (IR) (S)									
G 14158 0	0 V																		4.50 (IR) (S)
G 14158 0	0 V																		14.50 (IR) (S)
G 14158 0	0 V																		10.40 (IR) (S)
S 75953 0	0 V									17.60 (IR) (S)									
S 75953 0	0 V									6.80 (IR) (S)									

NC



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



Primary
 Supplemental

Application Map
for

ZORN FARMS, INC.

RECEIVED

AUG 18 1995

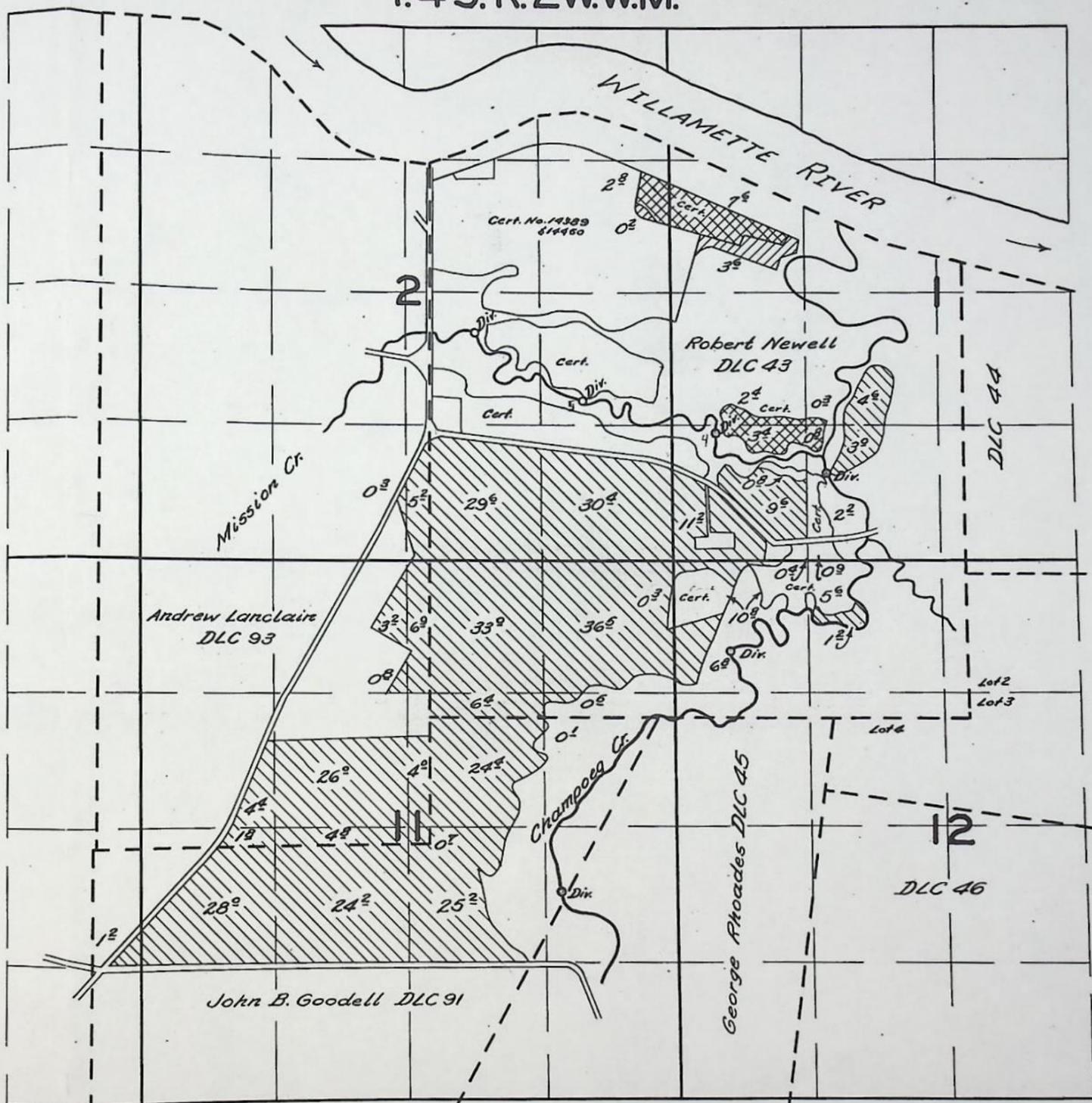
WA1. SALEM, OREGON



Application G-14158
 requested 1100 gpm
 to IRRIGATE 134.3 ac
 & Suppl IR # 2472
 w/ priority date 8/18/95

This map is for the purpose of locating a water right only and has no intent to provide the location of property lines or legal dimensions.

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



FINAL PROOF SURVEY

APPLICATION NO. 24599 PERMIT NO. 19380

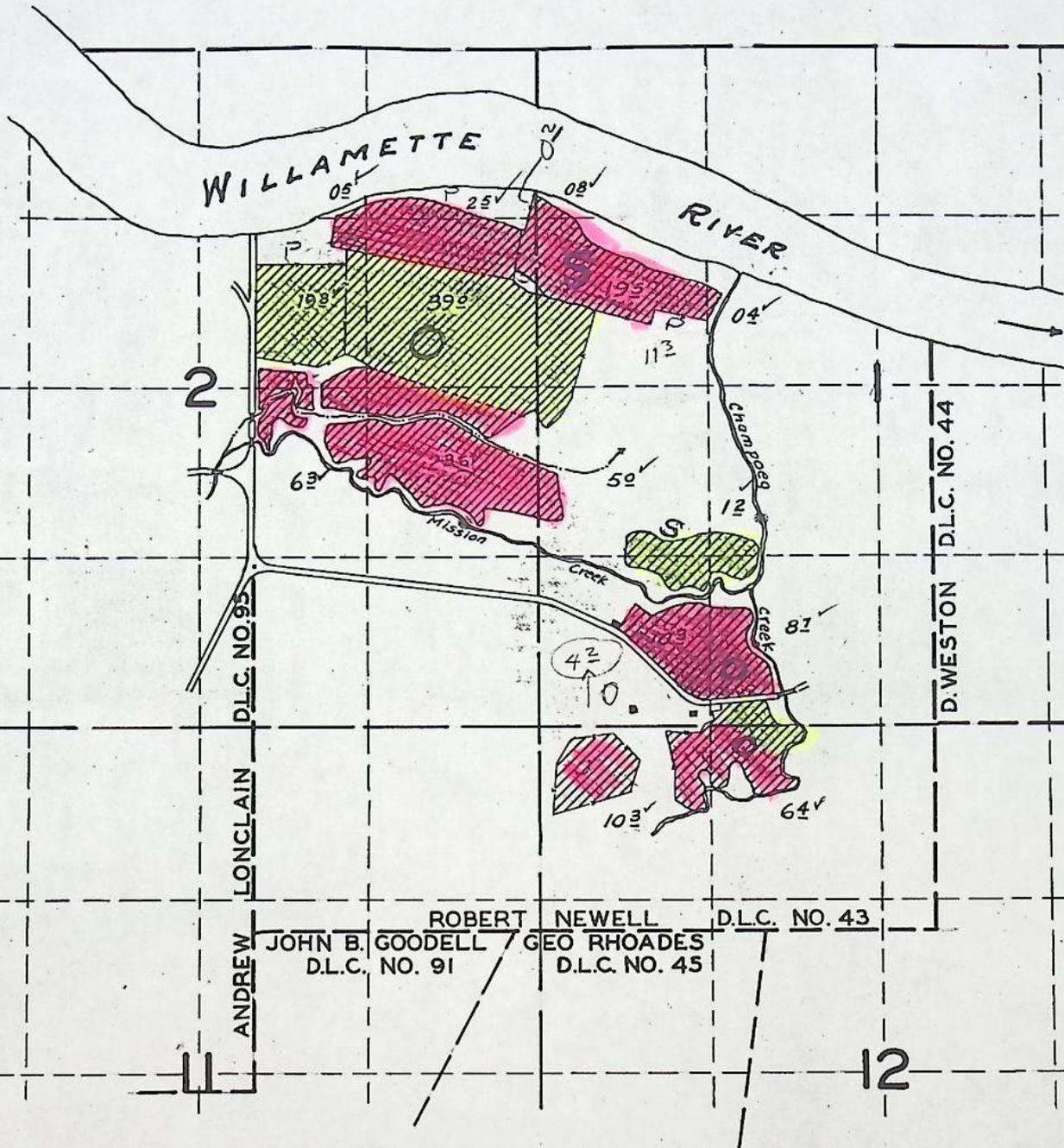
Henry Zorn

Surveyed Aug. 19th 20, 1958 By Myron Bish

5.18 cfs from Mission Cr,
 Champoea Cr. and unnamed Cr.
 (Willamette R.) being 1.54 cfs from
 Mission Cr., 3.47 cfs from
 Champoea Cr. and 0.17 cfs from
 unnamed creek for 12R1G
 of 414.1 ac

DFN-20-83496 CB

TOWNSHIP 4 SOUTH. RANGE 2 WEST W.M.



17661
16600

FINAL PROOF SURVEY

UNDER

Application No. 17661 Permit No. 12384
16600 13355

IN NAME OF

Henry Zorn

Surveyed June 22, 1942, by Geo Maderman

January 26, 1995

ZORN FARMS INC.
23000 RIVER RD
ST PAUL, OR 97137

REFERENCE: File(s) S-75953

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used until a water right permit has been issued by the Department.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, applications are processed in the order in which they are received. However, Department staff work through Oregon's 18 river basins on a rotation basis often completing work on all applications within a single basin, then proceeding to the next basin.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



REFERENCE: File(s) - S-75953

The proposed rules, if adopted, could limit the issuance of new water right permits in certain areas of the state. If and when the Commission adopts these rules, new criteria or restrictions may be imposed on water use applications received after:

July 17, 1992, for use of water in the Upper Columbia/Snake Basin (above Bonneville Dam), including the mainstem Columbia and Snake Rivers and the Hood, Deschutes, John Day, Umatilla, Grande Ronde, Powder, Malheur and Owyhee Basins;

April 8, 1994, for use of water in the North Coast, Mid Coast, South Coast, Rogue and Umpqua Basins and the Clackamas Subbasin of the Willamette Basin; and

June 3, 1994, for use of water in all Oregon basins.

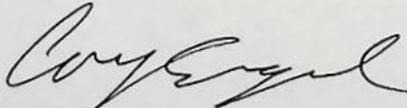
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, the demands of prior right holders and other conditions to conform the water use to particular standards.

Please contact a Water Rights Research Assistant of the Water Resources Department if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,



Cory C. Engel
Water Rights Research Assistant
Water Rights/Adjudication Division

cc: CWRE

Application No. R-75952/S-75953

Permit No. Church St.
across from Statesman-Journal

Oregon

NOTE TO LOCAL GOVERNMENTS

WATER
RESOURCES
DEPARTMENT

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed land use form or the signed, dated receipt stub detached from the bottom of the land use information form.

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by both the applicant and WRD. If you have questions concerning the form, please contact WRD at 378-3739.

RECEIVED

DEC 28 1994

WATER RESOURCES DEPT
SALEM, OREGON



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

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

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

Applicant's Name: Zorn Farms, Inc.
 Address: 23000 River Rd.
 City: St. Paul State: OR Zip: 97137 Day Phone: 678-2816

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING (e.g. Rural Residential/RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
15, R24, Sec 1, 2, 11, & 12 TL 100	PRIMARY AG/EFU	✓	✓	✓

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

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

=====

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan.
Cite applicable ordinance section(s); 136.020. Go to section b) on reverse side.
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)**

=====

Receipt for Request for Land Use Information

WRD Applicant Name: Zorn Farms, Inc.

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

City or County: Marion Co. Phone: _____
 Staff Contact: _____ Date of Information Request: _____
 Signature: _____

Description of Water Use

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

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

Applicant Name: Zora Farms, Inc.
Address: 23000 River Rd.
St. Paul, OR 97137
Phone: 678-2816

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

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

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>Champage Creek</u>	_____ Cubic feet per second. _____ Gallons per minute. <u>24</u> Acre-Feet <u>stored water</u>
<input type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter if prior to April 8, 1994).

Appropriate map (see item 1 on form).

Evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation).

Items 2, 3, 4, 5, and 6 are completed.

Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date to 1/1/1993. Also, confirm the following:

Receipt of evidence that reservoir existed before January 1, 1993 (one or more of the following: dated aerial photo, NOTARIZED affidavit, dated map from agency, construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

Name/address of adjacent property owner within 1/4 mile

Map with scale not less than 2 in.=1 mi.

CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed

Resulting benefits

Public notices (circle) #1 #2

19309

24-201

CUSTOMER'S ORDER NO. K 75953	DEPARTMENT	DATE 12/28/94
NAME Zorn Farms, Inc		
ADDRESS		
CITY, STATE, ZIP		

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RETD	PAID OUT
---------	------	--------	--------	----------	--------------	----------

QUAN.	DESCRIPTION	PRICE	AMOUNT
1			
2			
3	Exam		200
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

RECEIVED BY *B. Muck*

KEEP THIS SLIP FOR REFERENCE

FPD 97

Application No.

75953

Permit No.

53012

Name

ZORN FARMS INC.

Address

23000 RIVER RD
ST PAUL, OR

97137

Assigned

Address

Beginning construction

12/11/97

Completion of construction

10/1/98

Extended to

Complete application of water

10/1/99

Extended to

FILE#: S 75953

ZORN FARMS INC.
23000 RIVER RD
ST PAUL, OR

97137

FILE#: S 75953

ZORN FARMS INC.
23000 RIVER RD
ST PAUL, OR

97137