

FILE#: G 14780

VIESKO QUALITY CONCRETE; ERICKSON, SCO
PO BOX 20610
KEIZER, OR 97307

Application No. G 14780

Permit No. G 1386/G-15456

Certificate No. _____

Stream Index, Page No. _____

FEEES PAID

Date	Amount	Receipt No.
6-22-98	875.00	22139
11-6-00	150.00	41560
10-4-07	350.00	90029
9-6-17	670.00	124560
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

Date filed _____

Priority _____

Action suspended until C-21

Return to applicant _____

Date of approval _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

CONSTRUCTION

Date for beginning 11-30-01

Date for completion _____

Extended to _____

Date for application of water 10-1-05

Extended to 10-1-2011, 10-1-2021

REMARKS

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

Receipt for Request for Land Use Information

Application No. 614780

Permit No. _____

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: MARION COUNTY

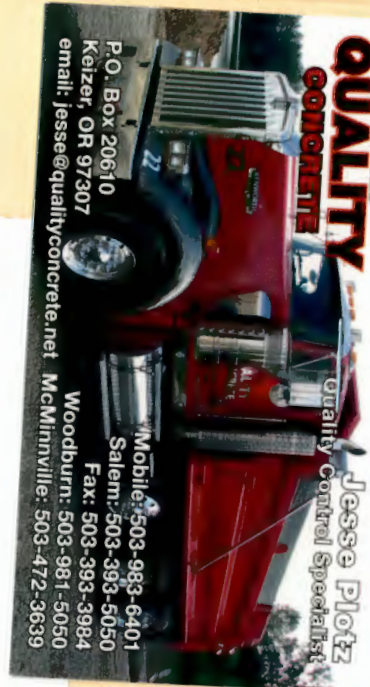
Staff contact: Norman Bickell

Phone: 588-5038

Signature: _____

Norman Bickell

Date: 6/11/98



QUALITY CONCRETE
Jesse Plotz
Quality Control Specialist
P.O. Box 20610
Keizer, OR 97307
email: jesse@qualityconcrete.net
Mobile: 503-983-6401
Salem: 503-393-5050
Fax: 503-393-3984
Woodburn: 503-981-5050
McMinnville: 503-472-3639

Refile -
or give to
Marc N.

Mailing List for Extension FO Copies

FO Date: March 23, 2018

Copies Mailed

Application: G-14780

By: JP

Permit: G-15456

On: 3.23.18

Original mailed to permit holder

Viesko Quality Concrete
PO Box 20610
Keizer, OR 97303

Copies sent to:

1. WRD - App. File G-14780/ Permit G-15456

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving notification via e-mail - FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 16, Joel Plahn

CASEWORKER: CAC

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated January 23, 2018.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

LIMITATIONS AND CONDITIONS

1. Water Use Condition

The use of any water under Permit G-15456 is subject to the condition requiring installation of a meter.

- No water may be appropriated under Permit G-15456 until a meter has been installed at each point of appropriation (POA). Use of any water under Permit G-15456 without installation of a meter is illegal use of water.
- The permittee shall install a meter or other suitable measuring device as approved by the Director on each POA, being MARI 51587 (Well 1), Sump Well 2 (Well 2), and Sump Well 3 (Well 3), and submit documentation to the Department by September 17, 2018.
- Failure to comply with the above condition by September 17, 2018, the Extension of Time to October 1, 2021 will be terminated. The Department shall begin cancellation of Permit G-15456.

CONCLUSION OF LAW

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

continued on following page

ORDER

The extension of time for Application G-14780, Permit G-15456, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2011, to October 1, 2021.

DATED: March 23, 2018



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0825.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension PFO Copies

PFO Date: January 23, 2018

Copies Mailed

Application: G-14780

By: SP

Permit: G-15456

On: 1-23-18

Original mailed to Applicant:

Viesko Quality Concrete
PO Box 20610
Keizer, OR 97303

Copies sent to:

1. WRD - App. File G-14780/ Permit G-15456

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 16, Joel Plahn

CASEWORKER: CAC

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
Application – Application for Extension of Time
PFO – Proposed Final Order
cfs – cubic feet per second
gpm – gallons per minute
Well 1 – MARI 51587
Well 2 – Sump Well 2
Well 3 – Sump Well 3
FOF – Finding of Fact
ODEQ - Oregon Department of Environmental Quality
NPDES – National Pollutant Discharge Elimination System
ODOT – Oregon Department of Transportation
POA – point of appropriation

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

FINDINGS OF FACT

1. On August 21, 2003, Permit G-15456 was issued by the Department. The permit authorizes the use of up to 6.91 cfs of water, being 1.34 cfs from Well 1 and 5.57 cfs from Wells 2 and 3 in the Willamette River Basin for industrial use and mining operations. The permit specified complete application of water was to be made on or before October 1, 2005.
2. One prior permit extension has been granted for Permit G-15456. The most recent extension request resulted in the completion date for full application of water being extended from October 1, 2005, to October 1, 2011.
3. On September 6, 2017, the permit holder, Viesko Quality Concrete, submitted an "Application for Extension of Time" (Application) to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-15456 be extended from October 1, 2011, to October 1, 2021.
4. On September 12, 2017, notification of the Application for Permit G-15456 was published in the Department's Public Notice. No public comments were received regarding the Application.
5. On January 11, 2018, the permit holder submitted additional information to supplement their Application. The additional information was to clarify the maximum instantaneous rate used from each of the wells.

Review Criteria [OAR 690-315-0040]

In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

6. On September 6, 2017, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

7. Construction of the well began prior to permit issuance.
8. According to the well log received by the Department on March 27, 1997, construction of MARI 51587 (Well 1) began July 2, 1993.
9. According to the Application for a Permit to Use Ground Water received by the Department on June 22, 1998, Sump Well 2 (Well 2) and Sump Well 3 (Well 3) are exposed groundwater ponds left behind from gravel operations conducted by previous

owners of the property.

Based on Finding of Fact (FOF) 7, 8, and 9, the Department has determined that the prosecution of the construction of the wells began prior to October 1, 2005.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

OAR 690-315-0040(3)(a)

Amount of Construction (The amount of construction completed within the time allowed in the previous extension.²)

10. During the most recent extension period, being from October 1, 2005, to October 1, 2011, the permit holder constructed a trench, and installed a pipe system for water use at the wet plant.
11. Since October 1, 2011, the applicant states the following was accomplished:
 - Installed a water pump, and float system with piping and connections to the current water delivery system; and
 - Installed a new wash plant.

Based on FOF 10, the Department has determined that work has been accomplished during the last extension period, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

² "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

OAR 690-315-0040(3)(c)

Compliance with Conditions

The water right permit holder's conformance with the previous extension conditions.

12. Department records show Oregon Department of Environmental Quality (ODEQ) has approved an NPDES (National Pollutant Discharge Elimination System) 1200A permit for the permit holder's industrial use and mining operations.

Well 1

13. Department records show annual water use reports have been submitted for water years 2001, 2003, 2006, 2014, 2015, and 2016.
14. Department records show a March static water level measurement was submitted for 2011.

Well 3

15. Department records show a March static water level measurement was submitted for 2011.

Based on FOF 12 through 15, the Department has determined that the permit holder has demonstrated compliance with permit conditions as required by Permit G-15456.

16. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that a meter or other suitable measuring device has been installed on Well 1, Well 2, and Well 3; (2) the required March static water level measurements for Well 2 have not been received by the Department; and (3) annual reports of the amount of water used each month from Well 2 and Well 3 have not been received by the Department.

Well 1

Based on FOF 16, the Department has determined that the permit holder has not demonstrated compliance with following permit conditions as required by Permit G-15456:

- "Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director."

Well 2

Based on FOF 16, the Department has determined that the permit holder has not demonstrated compliance with following permit conditions as required by Permit G-15456:

- "Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a

complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director”; and

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

Well 3

Based on FOF 16, the Department has determined that the permit holder has not demonstrated compliance with following permit conditions as required by Permit G-15456:

- “Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director.”

Failure to comply with permit conditions constitutes illegal use of water. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

OAR 690-315-0040(3)(b)

Beneficial Use of Water: *the amount of beneficial use made of the water during the previous extension conditions.*

17. The Application states a maximum combined rate of 6.97 cfs of water, being 1.7 cfs from Well 1, 3.65 cfs from Well 2, and 1.62 cfs from Well 3, has been appropriated for industrial use and mining operations. This exceeds the amount of water authorized for Well 1 under this permit. The authorized amount of water for Well 1 is 1.34 cfs.
18. According to the permit holder, delay of full beneficial use of water under Permit G-15456 was due, in part, to substantial damage done by previous owners of the property. When Viesko Quality Concrete purchased the property in 2011, they thought the existing plant was fully operational. After installing the waterway to the plant, the permit holder realized the existing plant was obsolete, and they had to develop a plan to incorporate a larger capacity rock washing operation. The permit holder needs more time in which to develop the remaining place of use allowed under the permit.

Based on FOF 16, the Department has determined that beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 2011.

OAR 690-315-0040(2)(b),(3)(d),(4)(d)

Financial Investments to Appropriate and Apply Water to a Beneficial Purpose

19. The Application states an approximate total of \$261,215 has been invested. The Application included costs associated with rental and maintenance costs of a system which are not "actual construction" under this permit and therefore are not counted towards development. After deducting these costs, the approximate total investment for "actual construction" to date is approximately \$254,000 which is about 37 percent of the total projected cost for complete development of this project. The Application states an additional \$425,000 investment is needed to complete this project, which includes installing a new float system for expansion of the water plant, and doubling the capacity of the wash plant.

Based on FOF 19, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Application provides evidence of progress towards completion of the water system; a financial investment has been made; the permit holder has not demonstrated compliance with all permit conditions, and; beneficial use has not been demonstrated. The Department has determined the applicant has demonstrated the minimum necessary for the Department to find reasonable diligence towards complete application of water to a beneficial use.

The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

OAR 690-315-0040(4)(a)

The amount of water available to satisfy other affected water rights and scenic waterway flows.

20. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-15456; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

OAR 690-315-0040(4)(b)

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

21. The points of appropriation for Permit G-15456, located within the Willamette River Basin, are not located within a limited or critical groundwater area.
22. Willamette River is not located within or above any state or federal scenic waterway.
23. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

OAR 690-315-0040(4)(c)

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

24. Willamette River is located within an area ranked “low” for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

OAR 690-315-0040(4)(d)

Economic interests dependent on completion of the project.

25. The Application states an approximate total of \$254,000 has been invested in the project.

OAR 690-315-0040(4)(e)

Other economic interests dependent on completion of the project.

26. The Application did identify economic interests other than those of the applicant’s that may be dependent on completion of the project. The Oregon Department of Transportation (ODOT) is dependent upon the production of concrete from the permit holder for ODOT projects, which can impact the development of the City of Salem and surrounding communities.

OAR 690-315-0040(4)(f)

Other factors relevant to the determination of the market and present demand for water and power.

27. The Application states the only reasonable alternatives for water use are artesian wells, which the permit holder will not pursue due to the high cost.

OAR 690-315-0040(2)(f)

Fair Return Upon Investment

28. The Application states the permit holder provides concrete for ODOT projects, which is vital to their business.

OAR 690-315-0040(2)(g)

Other Governmental Requirements

29. The Application identified when Viesko Quality Concrete took possession of the property in 2011, they had to develop a plan for the safety of personnel, the environment, and to fulfill the requirements set forth by the Mining Safety and Health Administration, which consumed a considerable amount of time.

OAR 690-315-0040(2)(h)

Unforeseen Events

30. The Application did not identify unforeseen events.

OAR 690-315-0040(2)(i)

Denial of the Extension Will Result in Undue Hardship

31. The Application stated a denial of the extension would result in undue hardship, preventing the permit holder from completing future mining expansion.

OAR 690-315-0040(2)(c)

Good Faith of the Appropriator

32. The Application provides evidence of good faith of the appropriator under Permit G-15456.

Based on FOF 7 through 15, 17, 19, and 25, the Department has determined that the applicant has shown good faith and reasonable diligence.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

33. As of September 6, 2017, the Application states the remaining work to be completed

consists of installing a new float system for expansion of the water plant, which includes pumps and piping for future production, and doubling the capacity of the wash plant; meeting all permit conditions, which includes installing meters on Wells 1, 2, and 3, submitting annual water use reports, and March static water level measurements; and applying water to full beneficial use.

34. The permit holder is requesting additional time since their mining season is very dependent on the weather. Water is concurrently lowering and rising over time which impacts the time that they have to mine and develop the property, while adhering to the safety of employees and sensitivity to the environment.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2021, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-15456 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

LIMITATIONS AND CONDITIONS

1. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. Based on Findings of Fact 16, the Department determined the need to place a "Water Use Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of water use permit. This condition, specified under Item 1 of the "Conditions" section of this PFO, was determined to be necessary because no beneficial use of water use under the terms and conditions of the permit has been made since permit issuance

CONCLUSIONS OF LAW

1. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The applicant has complied with the construction timeline requirements to begin construction as required by ORS 537.630, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 7 through 32, full application of water to beneficial use can be accomplished by October 1, 2021, as required by OAR 690-315-0040(1)(c).
4. The applicant can complete the project within the time period requested for the extension on the project, but the extension is conditioned to mitigate the effects of the subsequent development on competing demands on the resource and is granted only for the reasonable time necessary to complete water development and apply water to beneficial use. OAR 690-315-0050(5).
5. The applicant has demonstrated good cause for the extension, but the extension must be conditioned to ensure this is the last extension granted in order to ensure future diligence; OAR 690-315-0050(5).

Continued on the following page

PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit G-15456 from October 1, 2011, to October 1, 2021.

Subject to the following conditions:

LIMITATIONS AND CONDITIONS

1. Water Use Condition

The use of any water under Permit G-15456 is subject to the condition requiring installation of a meter.

- No water may be appropriated under Permit G-15456 until a meter has been installed at each point of appropriation (POA). Use of any water under Permit G-15456 without installation of a meter is illegal use of water.
- The permittee shall install a meter or other suitable measuring device as approved by the Director on each POA, being MARI 51587 (Well 1), Sump Well 2 (Well 2), and Sump Well 3 (Well 3), and submit documentation to the Department by September 17, 2018.
- Failure to comply with the above condition by September 17, 2018, the Extension of Time to October 1, 2021 will be terminated. The Department shall begin cancellation of Permit G-15456.

DATED: January 23, 2018


Dwight French, Administrator,
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100 and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **March 9, 2018**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

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- If you have questions about statements contained in this document, please contact Corey A Courchane at (503) 986-0825.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Fax: 503-986-0901 Salem, OR 97301-1266
-

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **124560**

INVOICE # _____

RECEIVED FROM: Viesko Redi Mix, Inc.

APPLICATION	
PERMIT	
TRANSFER	

BY: DBA Quality Concrete

CASH: _____ CHECK # 11703 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 670.00

95.00

11703

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
	OTHER: (IDENTIFY)		\$
0243	I/S Lease	0244	Muni Water Mgmt. Plan
		0245	Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$ <u>670.00</u>
WATER RIGHTS:			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	0202 \$
0205	TRANSFER	\$	0204 \$
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	EXAM FEE	LICENSE FEE
	LANDOWNER'S PERMIT	\$	0219 \$
	OTHER (IDENTIFY)		0220 \$

4614

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

**RECEIVED
OVER THE COUNTER**

TREASURY

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **124560**

DATED: 9-6-17

BY: V. Zilinski



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 7, 2017

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #:** [REDACTED] (Permit [REDACTED]). Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Corey Courchane at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrds.dcor.us.

Application: G-14780

Permit: G-15456

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit
Holder(s)

Viesko Quality Concrete ✓

WRIG...Money Received on: 9/6/17

Extension Specialist ...

Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

Stacy Phillips...

N/A Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of notice 9-12-17

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No: Return file to Extension Specialist after PN

Corey

NOTES:

Extension PFO Checklist for
Other than Muni or Quasi-Municipal
 Water Use Permits
 (OAR 690-315-0010 through OAR 690-315-0060)

Application: 6-14780 Permit: 6-15456 Permit Amendment? No Yes T- pending approved

Permit Holder's Name: Viesko Quality Concrete

Permit Holder's Mailing Address: PO Box 20610 Keizer OR 97303

email Don@qualityconcrete.net

Phone Number: 503-393-5050

Agent/CWRE none

Drainage Basin: 2B County: Marion Watermaster District: 16 Watermaster: J. Plahn *nwe*
M. McLeod
M. Willamette

Date Permit was issued: August 21, 2003 Priority Date: June 22, 1998 Date of PN: 9/12/17

Source: Three wells in the Willamette River Basin

Use: Industrial use and mining operations

"Q": 6.91 cfs, being 1.34 cfs from well 1 and 5.57 cfs from wells 2 and 3

Orig "A" Date: none Orig "B" Date: none Orig "C" Date: Oct. 1, 2005

Extension request received: 9/6/17 Last Authorized Date: 2011 Last Authorized "C" Date: 2011

Request Number (1, 2, 3...): 2 Proposed "B" Date: 2021 Proposed C Date: 2021

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
✓		Begin construction: <u>MARI 51587 7-2-93 / 7-2-93</u>
	✓	<u>Meter</u>
	✓	<u>Annual water use report (w1 2015-2016) none w2, w3</u>
✓		<u>DEQ</u>
	✓	<u>March SWL (w1/w3 only 3/2/1)</u>

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

- Yes No
- Work was accomplished within the time allowed in the permit or previous extension
 - Water right permit holder conformed with the permit or previous extension conditions
 - Beneficial use made of the water during the permit or previous extension time limits

GW REVIEW: Y CC
 MITIGATION REVIEW: Y

• Permit holder has beneficially used 10,000 cfs (gpm) / af of the total permitted quantity of water on 22.3 acres

- Financial investments were made toward developing the beneficial water use.

• Amount Invested to date: \$ 254,000 Estimated Remaining Cost: \$ 425,000

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

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

Identify the closest surface water or localized water basin. Willamette R.

Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

Yes No

- above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a critical or limited Ground Water Area? Name of area _____
- within a sensitive, threatened or endangered species area source: "/gisdata/dev/projects/salmon/div33map.aml"
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- within an area ranking low / moderate / high / Highest (circle one) for stream flow restoration needs Source: OWRD "Streamflow Restoration Maps (by region) Needs"

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

Yes... "Good Cause" can be found. Approval of Extension Request

No ... "Good Cause" cannot be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

- 5-year Progress Report Checkpoints (Years: _____)
- Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.620(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates
Mailing / Issuance Date: 10/17 Protest Deadline Date: 12/1 FO Issuance Date: 12/8
Reviewer's Name: Corey Date: 9/7/17

Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

- 1. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? yes
If the permit has been cancelled, the Extension Application **cannot** be accepted.
- 2. Is the extension applicant's name and mailing address the permit holder of record? yes
If an Assignment has **not** yet occurred, and is **not** submitted with the Extension of Time Application, the application **cannot** be accepted.
- 3. Did Construction begin on or before the "A" date (Actual Construction date), If no "A" date then did construction begin by the "C" date (Completion Date)? yes
IF NO, Return application, The Extension cannot be granted.
- 4. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
- 5. Is the appropriate Extension of Time Application used? yes
If the wrong application form is used, the Extension Application **cannot** be accepted.
 - If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
 - If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."
- 6. Are the requested date(s) for extension identified (Page 1)? yes
 - Check the permit to see if it includes a "B-Date" and/or a "C-Date."
 "B-Date" = date by which construction of the water delivery system for the permit is to be completed.
 "C-Date" = date by which full beneficial use of water under the permit is to be accomplished AND CONSTRUCTION MUST BEGIN by if no "A" DATE.
- 7. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? yes
(If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.)
If **not** signed by a permit holder of record or authorized agent, the Extension Application **cannot** be accepted.
- 8. Are all questions on the application answered? yes
(NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)
- 9. Has the \$670 fee been paid? yes
*If applicable, has the \$100 fee for the Assignment been paid? _____
(As of July 1, 2017, the Extension of Time fee is \$670, and Request for Assignment fee is \$100)
If the fee has **NOT** been paid, the application **cannot** be accepted.
**NOTE: If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within one week, hold the Extension Application, and explain to them that if it is not received the application will be returned (as we are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks.
- 10. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Non-Muni Extension Application to Machele Bamberger or Corey Courchane. For municipal application route to, Machele Bamberger. One will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter.

Reviewed by: Corey Date: 9/7/17

COURCHANE Corey A * WRD

From: Jesse Plotz <jesse@qualityconcrete.net>
Sent: Monday, September 11, 2017 12:34 PM
To: COURCHANE Corey A * WRD
Subject: RE: Permit G-15456

Corey-

Thank you for your email. I will need to connect with our plant manager to confirm you two emails. I will be back in touch shortly.

Thank you,

Jesse Plotz
Operations Manager
Viesko Quality Concrete
Cell 503-983-6401
Office 503-393-5050
Jesse@qualityconcrete.net

From: COURCHANE Corey A * WRD [<mailto:Corey.A.Courchane@oregon.gov>]
Sent: Friday, September 8, 2017 9:54 AM
To: Jesse Plotz <jesse@qualityconcrete.net>
Subject: Permit G-15456

Jesse,

More questions about the Application:

- The pump installed in 2015...is that for Well 1?; and
- Also the float system installed in 2015, is that for Well 2 or Well 3? The float system would suggest future use for Well 2 or 3 (sump well)?

Sorry about the confusion, sometimes it's not easy to understand the water delivery system with the information that's described on the Application (especially since it's been a few months since our visit). Once I receive the additional information, I can proceed with the Application.

Thank you,

Corey

COREY A COURCHANE | EXTENSION SPECIALIST

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503 986-0825 | Fax: 503 986-0901
Email: corey.a.courchane@oregon.gov | Web: <http://www.oregon.gov/OWRD>

COURCHANE Corey A * WRD

From: COURCHANE Corey A * WRD
Sent: Friday, September 08, 2017 8:21 AM
To: 'Jesse Plotz'
Cc: PLAHN Joel M * WRD
Subject: Viesko Quality Concrete, Permit G-15456

Good morning Jesse,

I'm working through the Application, and I had a question regarding the maximum instantaneous rate listed under Chart D on page 8. The rate used from Well 1 is identified as 10,000 gpm (22.3 cfs). Permit G-15456 only authorizes 6.91 cfs, being **1.34 cfs** from Well 1 and 5.57 cfs from Wells 2 and 3. Can you verify for me that the reported amount of 10,000 gpm is correct?

Thank you,

Corey

COREY A COURCHANE | EXTENSION SPECIALIST

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0825 | Fax: 503 986-0901

Email: corey.a.courchane@oregon.gov | Web: <http://www.oregon.gov/OWRD>

**Water Use Report from OWRD Water-Use Database (Some paper records may not have been entered)
Summarized by Water Year**

user_id	owner	water use report_id	pod_facility_name	Logid (wells only)	Water Year	Water Used (acre feet)	Nbr of Months in Summary
29050	SCOTT ERICKSON VIESKO QUALITY CONCRETE	49726	WELL 1 (PROPOSED)		2001	0.00	12
29050	SCOTT ERICKSON VIESKO QUALITY CONCRETE	49726	WELL 1 (PROPOSED)		2003	0.00	12
29050	SCOTT ERICKSON VIESKO QUALITY CONCRETE	49726	WELL 1 (PROPOSED)		2006	0.00	12
29050	SCOTT ERICKSON VIESKO QUALITY CONCRETE	49726	WELL 1 (PROPOSED)		2014	0.00	12
29050	SCOTT ERICKSON VIESKO QUALITY CONCRETE	49726	WELL 1 (PROPOSED)		2015	1045.88	12
29050	SCOTT ERICKSON VIESKO QUALITY CONCRETE	49726	WELL 1 (PROPOSED)		2016	1914.99	12

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

MAR 51587 W1

(START CARD) # 52464

(1) OWNER: Well Number 3056
 Name Viesko Redi-Mix, INC.
 Address 741 Matheny Rd. N.E.
 City Gervais, Oregon State 97026 Zip

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

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

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

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well 80 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Amount sacks or pounds
Diameter	From To	Material	From To	
14	0 19	Dry Bentonite	0 19	1200 lbs
8	0 80			

How was seal placed: Method A B C D E
 Other As per 690-210-340
 Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 8"	+1	80	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 80'

(7) PERFORATIONS/SCREENS: (5/16" X 1 1/4")
 Perforations Method Holte air Perf.
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
55	78		825			<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Pump Bailor Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
400+		80	1 hr.

Temperature of Water 53°F Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL by legal description:
 County Marion Latitude _____ Longitude _____
 Township 6S N or S. Range 3W E or W. WM.
 Section 33 SE ¼ SE ¼
 Tax Lot _____ Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) _____

Bowden Lane
 (10) STATIC WATER LEVEL:
26 ft. below land surface. Date 7/2/93
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
 Depth at which water was first found 54

From	To	Estimated Flow Rate	SWL
54	80	400+	26

(12) WELL LOG:
 Ground elevation _____

Material	From	To	SWL
Topsoil	0	2	
Brown Sandy clay	2	25	
Brown Cemented Sand and Gravel	25	54	
Loose Brown Sand and Gravel	54	80	

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**WATER RESOURCES DEPT.
 SALEM, OREGON**

Date started 7/2/93 Completed 7/2/93
 (unbonded) Water Well Constructor Certification:
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Material used and information reported above are true to my best knowledge and belief.

Signed Mark D. Bea WWC Number 753
 Date 7/6/93

(bonded) Water Well Constructor Certification:
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
 WILLAMETTE DRILLING CO. INC. WWC Number 753
 Signed Mark D. Bea Date 7/6/93

Application for Extension of Time for a Water Right Permit (NON-Municipal/NON Quasi-Municipal water Use)



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

Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to **(1) complete construction**, and/or to **(2) apply water to beneficial use**.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water**. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

Instructions are in Attachment A.

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TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT
A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).

I, Viesko Quality Concrete

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

PO Box 20610
ADDRESS

Keizer
CITY

OR
STATE

97303
ZIP

503-393-5050
PHONE

Dan@qualityconcrete.net
E-MAIL ADDRESS

the permit holder of: Application Number G-14780
Permit Number G-15456
[OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

- complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month: Day: Year:** _____, be extended to October 1, _____, [OAR 690-315-0020(3)(i)]
- N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

- X apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month:10 Day: 1 Year: 2011**, be extended to October 1, 2021.
[OAR 690-315-0020(3)(i)]

I am the permit holder, or have written authorization from the permit holder (attached to this Application for Extension of Time), to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.	
<u>Daniel R Wargnier</u> Signature	<u>9-6-17</u> Date
<u>Daniel R Wargnier</u> Printed Name	<u>President</u> Title

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$575.
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION
along with the Supporting documents and/ or evidence

\$575 STATUTORY FEE TO:

Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301

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GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:
http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these items.

1. Beginning Construction within required deadlines. OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

X Yes No

Date construction began Month: 7 Day: 2 Year: 1993

Details of construction and attach documentation: MARI 51587 see well log

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation: _____

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2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6/2018
<input checked="" type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6/2018
<input checked="" type="checkbox"/>	Submittal of initial static water level measurement	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6/2018
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Only Well 1 and Sump well 3 submitted 4/6/11
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify): Treatment facility meeting DEQ requirements	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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2b. If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

The economy turned for the worse and this site was not needed as the growth of the concrete industry declined. We are currently in the process of rebuilding our wash plant and plan to be fully operational by 2021.

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. Use *chronological order*. (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
	Date the permit was signed - find date above signature on last page of permit.	
	from previous ext. of time → time - constr. of wells	85,000
	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-B		85,000

* If exact cost is not known, you must provide your best estimate.

4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. Use chronological order.

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2005	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
1/2011	In January of 2011, Viesko Employees trenched and placed a pipe system for water for water use at wet plant.	\$5000
3/15/2011	S&W Electric Pump Rental and Maintenance	\$1182
6/14/2011	S&W Electric Pump Rental and Maintenance	\$1397
7/12/2011	S&W Electric Pump Rental and Maintenance	\$1500
10/17/2011	CESSCO Pump Rental number 2	\$3136.50
10/1/2011	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
3/2015	Trench was dug for water transfer to pond	34,000
2015	Installed water pump - Sump well 1 (Pond #1)	25,000
2015	Installed float/misc equipment (pipe, connections) Sump Well 1	30,000
2016	Installed new wash plant	75,000
Total Cost of Chart-C		176,215.50 169,000

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

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5. Cost of project to date: 249,000 ^{261,215} = includes \$85k from previous extension on previous page
(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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[OAR 690-315-0020(3)(e)(B)]

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = 10,000 gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

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7. For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
1		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	MARI 51587		Yes <input type="checkbox"/> No <input type="checkbox"/>	1.7 CFS	Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Sump well #2		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>	3.65 CFS	Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Sump well #3		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>	1.62 CFS	Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit						6.97 CFS		

8. Has a Permit Amendment Application been filed? Yes No

If yes, identify Transfer No. T-_____

Has the Permit Amendment been approved? Yes No

If yes, on what date was the Permit Amendment approved? _____

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = 10,000 gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

7. For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
1		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	MARI 51587		Yes <input type="checkbox"/> No <input type="checkbox"/>	10,000 GPM	Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Sump well #2		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Sump well #3		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit								

8. Has a Permit Amendment Application been filed? Yes No
If yes, identify Transfer No. T- _____

Has the Permit Amendment been approved? Yes No
If yes, on what date was the Permit Amendment approved? _____

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[OAR 690-315-0020(3)(e)(C)]

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: _____

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# _____ Acres _____ (POD/POA) # _____ Acres _____

(POD/POA) # _____ Acres _____ (POD/POA) # _____ Acres _____

[OAR 690-315-0020(3)(i)(j)]

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2021	Viesko will add a new float system for expansion of our water plant. The float system will encompass pumps and piping for future production.	100,000
2021	Double capacity of wash plant	400,000
Year:	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		425,000

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[OAR 690-315-0020(3)(g)]

11. Estimated remaining cost to complete the project: 425,000

(The total cost from CHART-E)

[OAR 690-315-0020(3)(j)]

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)* _____

In 2011, we added a wash plant and the need of water increased as the wash plant could accommodate more water and material, due to economic conditions we suspended this project until July of 2011. We continued to pump from this date going forward. (Receipts attached.) The price of the pump rental was approximately \$1500.

[OAR 690-315-0020(3)(k)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

At the moment we are adding a crushing plant and will require a full capacity of water usage. The rock crusher will be fully operational by 2018. After our meeting that was held at our Keizer site, the plans were discussed and witnessed by ODWR.

[OAR 690-315--0020(3)(l)]

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)* _____

A denial of extension will result in undue hardship to Viesko Quality Concrete as we were planning on using the existing water from this permit to sustain our rock crushing operation as we are planning on draining the main Keizer pond for future mining expansion.

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14b. Are there any other reasonable alternatives that exist for meeting your water use needs? (Explain in detail) _____

Yes, there other reasonable alternatives (artesian wells) that could be very costly to Viesko Quality Concrete that we will not pursue.

[OAR 690-315-0020(3)(h)]

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.) _____

When Viesko Quality Concrete took possession of the property in 2011, there was substantial damage done by previous ownership, that we had to go in and develop a plan for safety of personnel, environment, and to fulfill the requirements set forth by the Federal Government entity of Mining Safety Health Administration (MSHA) that took more time to satisfy the requirements from MSHA.

[OAR 690-315-0020(3)(h)]

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.) _____

Our mining season is very dependent on the weather. Water is concurrently lowering and rising over time which impacts the time that we have to mine and to develop the property to be safe to our employees and sensitive to the environment.

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[OAR 690-315-0020(3)(h)]

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

A reason why the construction was not completed was that when we purchased Keizer Sand & Gravel, we thought the existing plant was fully operational. Since we have been working on the water development plan, we realized after creating the waterway to the plant, we realized that the existing plant was obsolete. Then at that time, we abandoned the water project to develop a plan to incorporate a larger capacity rock washing operation.

[OAR 690-315-0020(3)(m)(n)]

18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

Viesko Quality Concrete has been in business for over 70+ years and has always tried to accommodate all responsibilities to the State to be in business. The water on our property is vital to our business and we are making every effort to be in compliance.

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) _____

Yes, as the water on our property is vital to our business.



[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?)

An area who is dependent on our operation are state funded projects by the Oregon Department of Transportation. If we cannot produce rock then we cannot supply concrete to many of the projects we service for ODOT. This is a small example of how rock production can impact the development of the City of Salem and surrounding cities and counties.

Attach permit, and documentation to the application





Water Availability Analysis

WILLAMETTE R > COLUMBIA R - AB MOLALLA R
WILLAMETTE BASIN

Water Availability as of 5/15/2017

Watershed ID #: 182 ([Map](#))

Date: 5/15/2017

Exceedance Level:

Time: 9:21 AM

[Water Availability](#)

[Limiting Watersheds](#)

[Complete Water Availability Analysis](#)

Water Availability

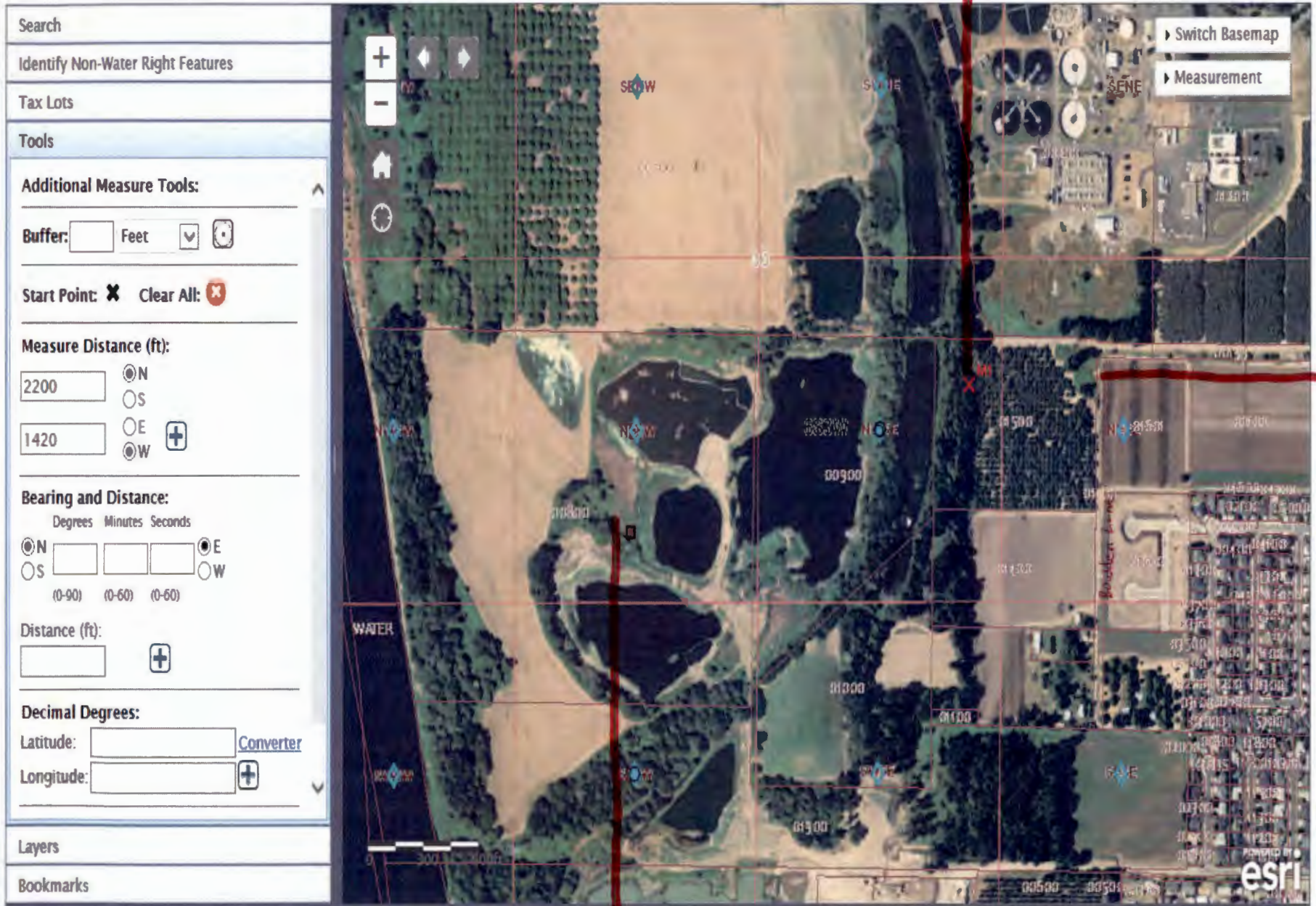
Select any Watershed for Details

	Nesting Watershed Order	Stream Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	181 WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	2	182 WILLAMETTE R> COLUMBIA R- AB MOLALLA R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Download Data ([Text - Formatted](#), [Text - Tab Delimited](#), [Excel](#))

Proposed location of Well 1

Actual (or possible) location of Well 1 (MARI 51587)



location of MARI 55325 (NE SW) identified as Well 1 on water level report form received 4/21/03

COURCHANE Corey A * WRD

From: BALZER Vaughn * DGMI
Sent: Monday, March 27, 2017 9:16 AM
To: COURCHANE Corey A * WRD
Subject: RE: Viesko Quality Concrete

Hi Corey,

The NPDES 1200A Permit also covers the disposal of process water via evaporation and seepage so this activity is covered under their existing permit coverage. Let me know if you need more information.

Thanks,
Vaughn Balzer
DOGAMI-MLRR
Lead Reclamationist
vaughn.balzer@oregon.gov
Office (541) 967-2082
Cell (541) 231-8368

From: COURCHANE Corey A * WRD
Sent: Monday, March 27, 2017 7:40 AM
To: BALZER Vaughn * DGMI <Vaughn.BALZER@oregon.gov>
Subject: Viesko Quality Concrete

Good morning Vaughn,

You were recommended to me by Nancy Gramlich at DEQ, as a contact who might be able to answer my question concerning Viesko Quality Concrete. Viesko Quality Concrete, located in Keizer, has submitted an Application for Extension of Time to complete development of their water delivery system. One of the conditions, as you'll see on the attached permit, is:

- "The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream."

Nancy informed me that Viesko currently has a 1200A permit in place. However I would assume based on their operations that they would also need a WPCF 1000? I just wanted to inquire what the status of this condition is. I greatly appreciate any information that you may have. If you have any further questions or comments, feel free to contact me.

Thank you,

Corey A Courchane

COREY A COURCHANE | EXTENSION SPECIALIST
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503 986-0825 | Fax: 503 986-0901
Email: corey.a.courchane@oregon.gov | Web: <http://www.oregon.gov/OWRD>

COURCHANE Corey A * WRD

From: GRAMLICH Nancy <nancy.h.gramlich@state.or.us>
Sent: Friday, March 24, 2017 3:49 PM
To: COURCHANE Corey A * WRD
Cc: MEHTA Smita
Subject: FW: Viesko Quality Concrete
Attachments: Flow_Chart_of_Water_Permit_Req_for_Mine_Sites.pdf

Hope this one makes it your way! Got undeliverable message. Thanks, Nancy

From: GRAMLICH Nancy
Sent: Friday, March 24, 2017 3:47 PM
To: COURCHANE Corey A * WRD
Cc: MEHTA Smita; TUGAW Heather; 'PEERMAN Wade'
Subject: RE: Viesko Quality Concrete

Hi Corey, Just left you a voicemail. I hope I can catch you today. I will be out all next week returning on April 3.

I would call Vaughn Balzer, the Lead Reclamationist expert with DOGAMI(541-967-2082) for more precise and accurate answers about Viesko operations and what permits they have.

Without talking to you, I can only speculate the condition was included as a catchall for obtaining the proper water quality permits overtime. Groundwater is being used for the mining process, and process water cannot be discharged to surface water or impact groundwater unless it has the proper permits. Additionally, mine dewatering has to meet certain permit benchmarks if discharged to surface waters.

It appears in the DEQ database Viesko currently has a 1200A with DOGAMI for general stormwater, not process water, leaving the site (see enclosure for permitting). DOGAMI administers two water quality permits at mine sites, as an authorized agent, on behalf of DEQ.

- WPCF 1000 - disposal of process wastewater by recirculation, evaporation, and/or controlled seepage, with no discharge of process water or storm water to surface waters need a permit.
- NPDES 1200A – stormwater discharge

I understand the 1200A permit requires facilities to implement best management practices to reduce pollutants in stormwater and mine dewatering water and to meet the pollutant benchmarks that measure the success of these management practices. It appears having a 1200A would capture “The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream” for mine dewatering. For the discharge of process wastewater, they would need to obtain other permits to meet this condition.

Regards, Nancy

From: MEHTA Smita
Sent: Friday, March 24, 2017 2:08 PM
To: GRAMLICH Nancy

Cc: PEERMAN Wade; TUGAW Heather; 'COURCHANE Corey A'
Subject: FW: Viesko Quality Concrete

Hi Nancy,

Is this one of your Division 33 reviews? If so, can you respond to Corey's question. I'm am out of the office next week. If you need help with this please contact Wade so we can get a timely response to OWRD.

Thanks!
Smita

Smita Mehta
Integrated Water Resources Strategy
Oregon Department of Environmental Quality
Eastern Region - Pendleton Office
800 SE Emigrant Ave, Suite 330
Pendleton, Oregon 97801
541-278-4609
Mehta.Smita@deq.state.or.us

From: COURCHANE Corey A * WRD [<mailto:Corey.A.Courchane@oregon.gov>]
Sent: Friday, March 24, 2017 1:30 PM
To: MEHTA Smita
Subject: Viesko Quality Concrete

Good afternoon Smita,

It's been awhile, but I have another permit condition question for you. Viesko Quality Concrete, located in Keizer, has submitted an Application for Extension of Time to complete development of their water delivery system. One of the conditions, as you'll see on the attached permit, is:

- "The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream."

I just wanted to inquire what the status of this condition is. I greatly appreciate any information that you may have. If you have any further questions or comments, feel free to contact me.

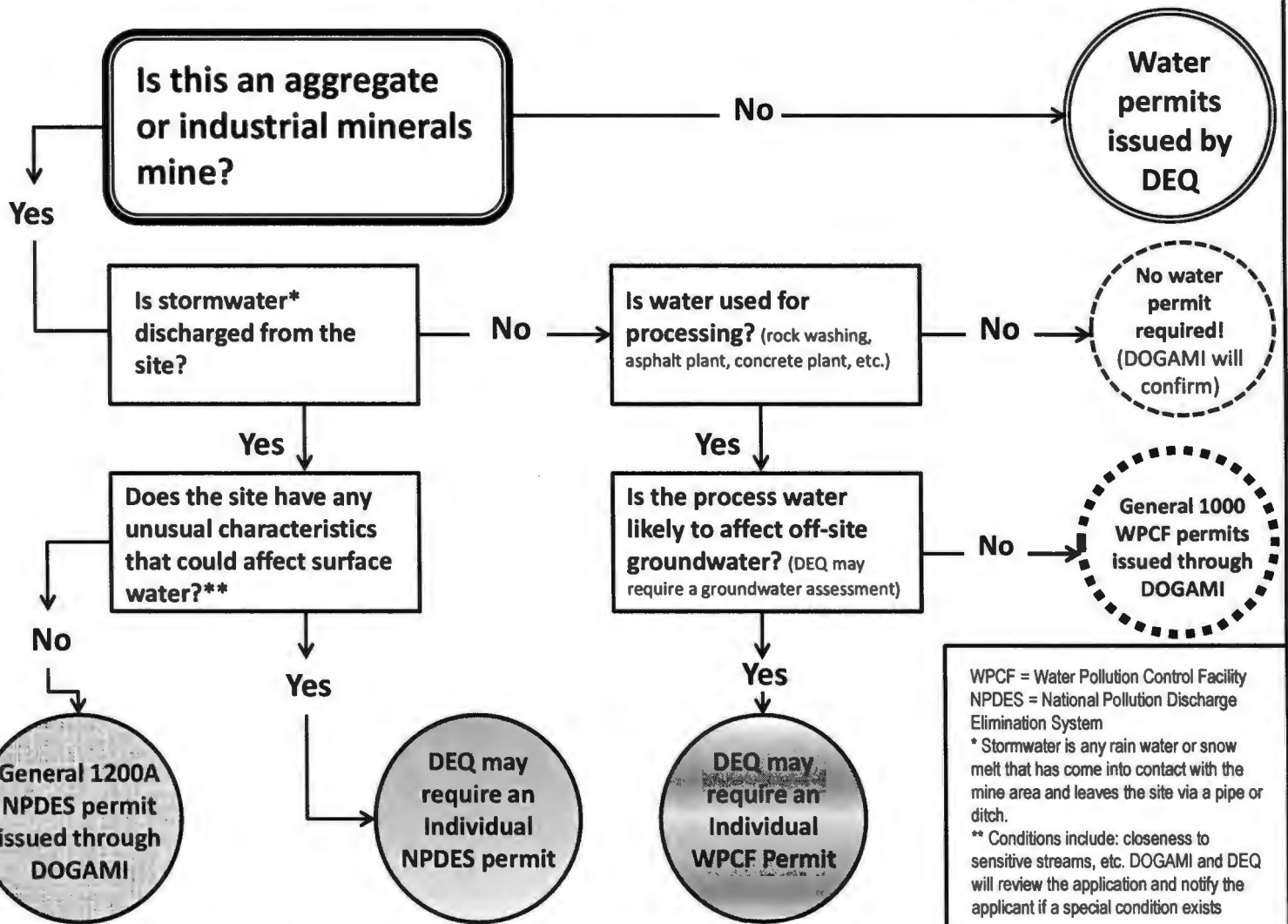
Thank you,

Corey A Courchane

COREY A COURCHANE | EXTENSION SPECIALIST

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503 986-0825 | Fax: 503 986-0901
Email: corey.a.courchane@oregon.gov | Web: <http://www.oregon.gov/OWRD>

Flow Chart of Water Permit Requirements for Mine Sites



WPCF = Water Pollution Control Facility
 NPDES = National Pollution Discharge Elimination System
 * Stormwater is any rain water or snow melt that has come into contact with the mine area and leaves the site via a pipe or ditch.
 ** Conditions include: closeness to sensitive streams, etc. DOGAMI and DEQ will review the application and notify the applicant if a special condition exists



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

**Extension of Time
 Progress Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: **VIESKO QUALITY CONCRETE**

Application **G-14780**
 Permit **G-15456**

Report Due no later than **October 1, 2010**

Progress Report Form for 2010

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2005 and October 1, 2010	FINANCIAL INVESTEMENT
2005-2010	Administrative costs (Dan Clem)	\$850
March 2011	Well location, water level monitoring	\$1,000
		RECEIVED
		JUN 30 2011
		WATER RESOURCES DEPT SALEM, OREGON

2. Compliance with terms and conditions of the permit and/or previous extension.

The first water level monitoring report in February 2005 indicated that the system was not yet constructed. The second permit condition water level monitoring was completed and submitted in March 2011. So far only one of the three wells indicated in the permit has been constructed, this was formerly an irrigation well used by a previous owner of the land. Construction of the water system has not yet begun. This is due to the additional property acquisition, DEQ permitting uncertainty for the new facility, a depressed economic situation, evaluation of additional nearby sites for mining, and associated unavoidable delays in the investment plans and development of the facility. The best estimate of the time of completion for system construction is 2015 for the newly acquired Keizer Sand and Gravel operations. A more detailed listing of these extenuating circumstances follows: (1) Purchased Keizer Sand and Gravel to ensure long-term supply of aggregate in December 2010. This has been \$1.5M+ investment, with approximately another \$0.5M required within next 12 months for equipment and earthwork. (2) Since mid-2008 through 2010, volume of sales has decreased over 25%, only allowing for critical investments at constant level of operations. (3) Expenses for completing DEQ regulatory requirements for air quality and for mining operations delayed other investment plans at Wheatland and Keizer sites. (4) Exploratory studies conducted at nearby sites for mining (alternatives to Keizer site) also cost investment funds and consequently also delayed other investment plans. A separate extension request will be filed.

3. Total number of acres irrigated to date = 0 *(if applicable)*

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = 0 cfs (cubic feet per second)

Maximum rate used to date = 0 gpm (gallons per minute)

Acre-feet stored to date = 0 AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature

[Handwritten Signature] Viesko Quality Concrete

Date 6-28-11

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report Received: 6/30/2011

Report Complete: YES

NO – Send letter requesting missing information.
 letter mailed on: _____

2. Jonnine: Publish on the Department's Public Notice

315 320 OAR Division under which Progress Report was required

Publish on Public Notice Date: 7/5/11

Update workflow in WRIS (Fill in Extension Checkpoint 'Completed Date' in appropriate workflow record)

Return to Extension Specialist

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

(Jerry G)

Date Confirmation Letter Needed: 8/17/2011

Update Progress Report Worksheet.xls

Send to permit holder + anyone who made comments after 30 day public notice
CC: Watermaster _____

File _____

4. Return file to cabinet

PUBLIC NOTICE INFORMATION

Permit Holder's Name: VIESKO QUALITY CONCRETE Attn: SCOTT ERICKSON

Application: G- 14780

Permit: G- 15456

County: MARION

Source: Three wells in the Willamette River Basin

Use: Industrial Use and Mining Operations

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

Well owner:

Name	Viesko Quality Concrete/Attn: Scott Erickson		
Address	P.O. Box 20610		
City/State/Zip	Keizer	OR	97307
Phone/Fax/Cell	(503) 393-5050		
Email			

Application:	G-14780
Permit:	G-15456
Certificate:	
Userid:	
Transfer:	

Your water right requires periodic static water-level measurements in your wells. **Consult your permit or certificate to determine when measurements should be made, when reports are due, and who is allowed to make the measurements.** Keep a copy of all measurement reports for your records. **All wells that have been constructed must be measured regardless of whether they are being used.** Please contact the Department if you are no longer the holder of this right or no longer have an interest in it.

Complete one form for each well.

Other water rights that list this well:

Application number(s):					RECEIVED APR 16 2011
Permit number(s):					
Certificate number(s):					

WATER RESOURCES DEPT
SALEM OREGON

Identification of measured well (Provide as much information as possible.)

Water Resources Well Log ID:	Not available	Owner's well name:	Well 1		
Well ID (Well Tag) on Well: L-	None present				
Well ID (Well Tag) on Well Log:L-	Not available	Well drilled by:	Unknown		
Start Card # on Well Log:	Not Available	Total depth:	Unknown	Casing diameter (inches):	6
Date drilled:	Unknown	Owner on well log:	City of Salem		

Water-Level Measurement

Date of measurement: 03/02/2011 Measurements should be made to at least the nearest tenth of a foot (10.2"), the nearest inch (10' 3") or the nearest pound, if using a gage.

Depth to water below measuring point:	26.76 feet	Airline length or transducer depth:		feet
Measuring point height above/below land surface:	~1.5 feet	Airline pressure:		psi x 2.31= feet
Depth to water below land surface:	~25.26 feet	Shut-in pressure:		psi x 2.31= feet

Measurement Status: Static Pumping Rising Flowing Other

Measurement Method: E-tape Airline Other

Length of time well was idle prior to measurement: >12 months

Measuring point description: Adjacent to saw cut notch on east side of casing

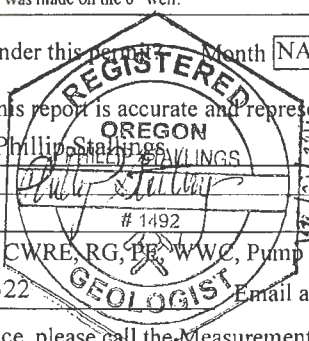
The measuring point is the reference point from which the measurement is made. Examples are: 1/2" access port in well cap; 1-1/2" port pipe on N side; pressure gage.

Comments: **Water use for this well has not yet begun.** The only well log listed for this location is MARI 5361 originally completed for the City of Salem as a test production well. However, the well log indicates a 12" casing and the well on the site has a 6" casing. **The applicant has indicated that the well for this location (Well 1 on the water right) has not yet been drilled.** The measurement was made on the 6" well.

When did water use begin for this well under this permit? Month Year

I hereby certify that the information on this report is accurate and represents the static water level in the well at the time of measurement.

Person making measurement (print): Phillip Stallings
 Signature of measurer: *Phillip Stallings*
 Company: EGR & Associates, Inc.
 Licensed number (circle license type: CWRE, RG, PR, WWC, Pump Installer): RG 1492
 Daytime phone number: 541-688-8322 Email address: philstallings@egrassoc.com



If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0822 or 503-986-0843. **Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1266.**

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

OWRD GW/KCW 1/13/2009

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

Well owner:

Name	Viesko Quality Concrete/Attn: Scott Erickson		
Address	P.O. Box 20610		
City/State/Zip	Keizer	OR	97307
Phone/Fax/Cell	(503) 393-5050		
Email			

Application:	G-14780
Permit:	G-15456
Certificate:	
Userid:	
Transfer	

Your water right requires periodic static water-level measurements in your wells. Consult your permit or certificate to determine when measurements should be made, when reports are due, and who is allowed to make the measurements. Keep a copy of all measurement reports for your records. All wells that have been constructed must be measured regardless of whether they are being used. Please contact the Department if you are no longer the holder of this right or no longer have an interest in it.

Complete one form for each well.

Other water rights that list this well:

Application number(s):				
Permit number(s):				
Certificate number(s):				

RECEIVED

APR 06 2011
WATER RESOURCES DEPT
SALEM, OREGON

Identification of measured well (Provide as much information as possible.)

Water Resources Well Log ID:	No well present	Owner's well name:	Listed as Well 2 on permit-See comments below
Well ID (Well Tag) on Well: L-		Well drilled by:	
Well ID (Well Tag) on Well Log: L-		Total depth:	Casing diameter (inches):
Start Card # on Well Log:		Owner on well log:	
Date drilled:			

Water-Level Measurement

Date of measurement: 03/02/2011 Measurements should be made to at least the nearest tenth of a foot (10.2"), the nearest inch (10' 3") or the nearest pound, if using a gage.

Depth to water below measuring point:		Airline length or transducer depth:		feet
Measuring point height above/below land surface:		Airline pressure:	psi x 2.31 =	feet
Depth to water below land surface:		Shut-in pressure:	psi x 2.31 =	feet

Measurement Status: Static Pumping Rising Flowing Other

Measurement Method: E-tape Airline Other

Length of time well was idle prior to measurement:

Measuring point description:

The measuring point is the reference point from which the measurement is made. Examples are: 1/2" access port in well cap; 1-1/2" port pipe on N side; pressure gage.

Comments: **There is no Well #2. This should be a surface water POD. It is mistakenly listed as Well 2 on the Permit. Water use has not yet begun under permit.**

When did water use begin for this well under this permit? Month Year

I hereby certify that the information on this report is accurate and represents the static water level in the well at the time of measurement.

Person making measurement (print): Phillip Stallings

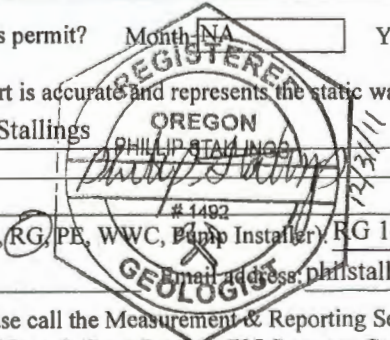
Signature of measurer: *Phillip Stallings*

Company: EGR & Associates, Inc.

Licensed number (circle license type: CWRE, RG, PE, WWC, Pump Installer): RG 1492

Daytime phone number: 541-688-8322

Email address: phinstallings@egrassoc.com



If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0822 or 503-986-0843. Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1266.
Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD GW/KCW 1/13/2009

Steve Reuca
 EGR ASSOC.
 541-688-8322
 11-2-2011 - called Steve -
 he will remain his person to follow
 thru with this -

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

Well owner:

Name	Viesko Quality Concrete/Attn: Scott Erickson		
Address	P.O. Box 20610		
City/State/Zip	Keizer	OR	97307
Phone/Fax/Cell	(503) 393-5050		
Email			

Application:	G-14780
Permit:	G-15456
Certificate:	
Userid:	
Transfer:	

Your water right requires periodic static water-level measurements in your wells. Consult your permit or certificate to determine when measurements should be made, when reports are due, and who is allowed to make the measurements. Keep a copy of all measurement reports for your records. All wells that have been constructed must be measured regardless of whether they are being used. Please contact the Department if you are no longer the holder of this right or no longer have an interest in it.

Complete one form for each well.

Other water rights that list this well:

Application number(s):					
Permit number(s):					
Certificate number(s):					

RECEIVED
 APR 4 2011

Identification of measured well (Provide as much information as possible.)

Water Resources Well Log ID:	Not available	Owner's well name:	Well 3
Well ID (Well Tag) on Well: L-	None present		
Well ID (Well Tag) on Well Log: L-	Not available	Well drilled by:	Unknown
Start Card # on Well Log:	Not Available	Total depth:	Unknown
Date drilled:	Unknown	Casing diameter (inches):	8
		Owner on well log:	Unknown

WATER RESOURCES DEPT
 SALEM, OREGON

Water-Level Measurement

Date of measurement: 03/02/2011 Measurements should be made to at least the nearest tenth of a foot (10.2), the nearest inch (10' 3") or the nearest pound, if using a gage.

Depth to water below measuring point:	18.93 feet	Airline length or transducer depth:		feet
Measuring point height (above/below) land surface:	2.88 feet	Airline pressure:		psi x 2.31 =
Depth to water below land surface:	16.05 feet	Shut-in pressure:		psi x 2.31 =

Measurement Status: Static Pumping Rising Flowing Other

Measurement Method: E-tape Airline Other

Length of time well was idle prior to measurement: >12 months

Measuring point description: Slight notch on north side of casing

The measuring point is the reference point from which the measurement is made. Examples are: 1/2" access port in well cap; 1-1/2" port pipe on N side; pressure gage.

Comments: Water use for this well has not yet begun.

When did water use begin for this well under this permit? Month: NA Year: NA

I hereby certify that the information on this report is accurate and represents the static water level in the well at the time of measurement.

Person making measurement (print): Phillip Stallings

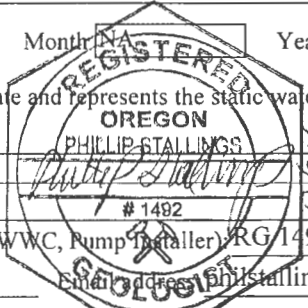
Signature of measurer: *Phillip Stallings*

Company: EGR & Associates, Inc.

Licensed number (circle license type: CWRE, RG, PE, WWC, Pump Installer): RG 1492

Daytime phone number: 541-688-8322

Email address: phillstallings@egrassoc.com



If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0822 or 503-986-0843. Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1266.
 Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD GW/KCW 1/13/2009

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14780

Final Order
Extension of Time for Permit Number G-15456

Appeal Rights

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

The Department issued Permit G-15456 on August 21, 2003. The permit called for complete application of water to beneficial use by October 1, 2005. On October 4, 2007, Viesko Quality Concrete submitted to the Department an Application for Extension of Time for Permit G-15456. In accordance with OAR 690-315-0050(2), on November 13, 2007, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2011. The protest period closed December 28, 2007, in accordance with OAR 690-315-0060(1). No protest was filed.

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

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2010**. *A form is enclosed for your use.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If,

after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

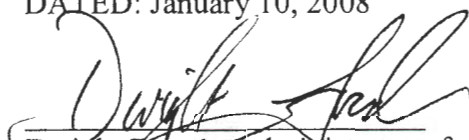
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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

Order

The extension of time for Application G-14780, Permit G-15456, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2011.

DATED: January 10, 2008


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

-
- If you have any questions about statements contained in this document, please contact Kim French at (503) 986-0813.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-



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

Extension of Time Diligence Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Viesko Quality Concrete; Scott Erickson

Application G-14780
 Permit G-15456

Report Due no later than October 1, 2010

Diligence Progress Report for 2010

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit G-15456

DATE WORK WAS DONE	WORK ACCOMPLISHED and FINANCIAL INVESTMENT SINCE OCTOBER 1, 2005 <i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Reporting Form</i>	FINANCIAL INVESTMENT

2. Compliance with terms and conditions of the permit and/or previous extension.

3. Total number of acres irrigated to date= _____ (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = _____ cfs (cubic feet per second), or

Maximum rate used to date = _____ gpm (gallons per minute), or

Acre Feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

Mailing List for Extension FO Copies

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

FO Date: January 10, 2008

Copies Mailed

**Application G-14780
Permit G-15456**

By: MS
On: 1/10/08

Original mailed to permit holder

Viesko Quality Concrete
Attn: Scott Erickson
PO Box 20610
Keizer, OR 97307

Copies sent to:

1. WRD - App. File G-14780/ Permit G-15456
2. Ralph Christensen, EGR & Associates, Inc., 2535B Prairie Rd., Eugene, OR 97402
3. WRD - Support Staff, Salem...*Permit record update*

Fee paid as specified under ORS 536.050 to receive copy:

4. None

Receiving via e-mail (10 AM day of signature date)

5. None
6. WRD - Water Master District 16 - Mike McCord, Salem
Done by MS Date 1/10/08

CASEWORKER: KRF

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-15456, Water Right Application G-14780) PROPOSED FINAL ORDER
in the name of Viesko Quality Concrete; Scott Erickson)

Permit Information

Application File G-14780 Permit G-15456

Basin: 2 – Willamette / Watermaster District 16
Date of Priority: June 22, 1998

Authorized Use of Water

Source of Water: Three Wells in the Willamette River Basin
Purpose of Use: Industrial Use and Mining Operations
Maximum Rate: 6.91 Cubic Feet per Second (cfs), Being 1.34 cfs from Well
1 and 5.57 cfs from Wells 2 and 3

**This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315**

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

This Proposed Final Order applies only to Permit G-15456, water right Application G-14780.
A copy of Permit G-15456 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant an extension of time to apply water to full beneficial use from October 1, 2005 to October 1, 2011.
- make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

Generally, see **ORS 537.630 and OAR Chapter 690 Division 315.**

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit G-13861 was granted by the Department on November 30, 2000. On August 21, 2003, superseding Permit G-15456 was issued to correctly identify the location of the points of appropriation. The permit authorizes the use of up to 6.91 cfs of water from three wells, being 1.34 cfs from Well 1 and 5.57 cfs from Wells 2 and 3, for industrial use and mining operations. The permit specified complete application of water was to be made on or before October 1, 2005.
2. The permit holder submitted an "Application for Extension of Time" to the Department on October 4, 2007 requesting the time to apply water to full beneficial use under the terms of Permit G-15456 be extended from October 1, 2005 to October 1, 2011. This is the first permit extension requested for Permit G-15456.
3. Notification of the Application for Extension of Time for Permit G-15456 was published in the Department's Public Notice dated October 9, 2007. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

4. On October 4, 2007, the Department received a completed Application for Extension of Time and the fee required by ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

5. Senate Bill 300 (1999 legislation) eliminates the requirement that holders of new surface water and ground water permits start construction on water projects within one year after the Department issues the permit. Senate Bill 300 applies to any application for a permit filed after October 23, 1999.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

6. As of October 4, 2007, the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.
7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2011, to accomplish the application of water to beneficial use under the terms of Permit G-15456 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

8. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Prior to October 1, 2005, construction of the wells had been completed.
 - b. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame under Permit G-15456.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

9. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-15456 on August 21, 2003, no water has been appropriated from the wells.
 - b. Delay of full beneficial use of water under Permit G-15456 was due, in part, to the permit holder not yet obtaining all the proper permits for construction of the new plant site. Water use will begin after obtaining permits and installing all water use equipment.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

10. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that a meter or other suitable measuring device has been installed, (2) initial and annual

water level measurements have not been received by the Department, and (3) adequate treatment facilities meeting DEQ requirements have not been installed and maintained.

- b. Failure to comply with permit conditions constitutes illegal use of water. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Financial Investments [OAR 690-315-0040(3)(d)]

11. Financial investments made toward developing the beneficial water use.

- a. As of October 4, 2007, the permit holder has invested approximately \$85,000, which is 90 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$9,500 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

12. As of October 4, 2007, the permit holder has invested approximately \$85,000 which is 90 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$9,500 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

13. The Department has found good faith of the appropriator under Permit G-15456.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-15456; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-15456, located within the Willamette River Basin, are not located

within a limited or critical ground water area. Willamette River is not located within or above any state or federal scenic waterway, however it is located within an area ranked “low” for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Willamette River is listed by the Department of Environmental Quality as a water quality limited stream.

15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of October 4, 2007, the permit holder has invested approximately \$85,000.
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
18. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time to ensure diligence is exercised in the development and perfection of the water use permit. A “Checkpoint Condition” is specified under Item 1 of the “Conditions” section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

19. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

20. Delay in the development of this project was caused, in part, by the delay of obtaining the proper permits for construction of the new plant site.

Unforeseen Events [OAR 690-315-0040(2)(h)]

21. None have been identified.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).

3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Full application of water to beneficial use can be accomplished by October 1, 2011⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 18 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-15456.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

extend the time to apply water to beneficial use under Permit G-15456 from October 1, 2005 to October 1, 2011.

Subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2010**. *A form will be enclosed with your Final Order.*

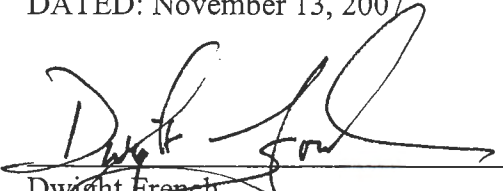
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the

⁵Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: November 13, 2007


Dwight French
Administrator
Water Rights & Adjudications Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may protest and request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than **December 28, 2007** being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050, if petitioner is other than the water right permit holder.

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$350.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$350 STATUTORY FEE TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301**

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SALEM OREGON**



GENERAL TIPS:

- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

- [OAR 690-315-0020(3)(d)]
1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? [yes/no] Yes _____



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: 10/2000

Details of construction: Three wells were installed

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2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? [yes/no] No

A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
1	10/2008	Water meter has not yet been installed. No water is being used at this point.
2	10/2008	Initial water level measurements will be taken when water meter has been installed.
3	2011-	Annual water level measurements will be taken when water meter has been installed, current reports submitted to the Water Resource Department all state "No water used yet."
4	10/2011	Pump test has not been completed because no equipment has been installed and water is not being used at this point.

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

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3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

INSERT DATES	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
INSERT DATES	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
08/21/03	The permit was signed - find date above signature on last page of permit.	
	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
10/2000	Three wells installed	\$25,000.00
2000-	Purchased floating pumps	\$60,000.00
10/1/2005	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
INSERT DATES	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost to Date		\$85,000.00

* If exact cost is not known, you must provide your best estimate.

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- B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use chronological order.

CHART-D

INSERT DATES	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/____	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
10/1/____	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
Total Cost to Date		

* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. Cost of project to date: \$85,000.00
(The total cost from CHART-C and CHART-D)

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[OAR 690-315-0020(3)(e)(B)]

- 5. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit and/or prior extensions of time, if any, made to date.



TIP: Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Maximum rate = _____ cfs (cubic feet per second) or,

Maximum rate = _____ gpm (gallons per minute) or,

Acre Feet Stored = _____ AF

[OAR 690-315-0020(3)(e)(C)]

- 6. Provide the total number of acres irrigated to date under this permit.

Total acres irrigated to date: N/A: Water for manufacturing use.

[OAR 690-315-0020(3)(j)]

- 7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
10/2008	Install water meter	\$1000
10/2008	Initial water level measurements	\$500
10/2009	Complete pump test	\$1000-\$1500
10/2010	Complete application of beneficial use	\$1000-\$1500
10/2011	Proof of beneficial use by a CWRE	\$3000-\$5000
Year: 2011	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$9500.00

[OAR 690-315-0020(3)(g)]

- 8. Estimated remaining cost to complete the project: \$9500.00
(The total cost from CHART-E)

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9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances.

A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

Proper permits for construction of new plant site have not all been obtained. Water use will begin after obtaining permits and installing all water use equipment.



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WATER RESOURCES DEPT.

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D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

[OAR 690-315-0020(3)(k)]

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2, 3-A, 3-B, 7 and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

When all proper permits are obtained for construction of the new plant, the water meter and pumps will be installed for water use. Initial water levels are scheduled to be taken soon after water and pump installation.


11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.

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


Signature

10/2/07
Date

Instructions for Filling Out Extension of Time Application For Water Right Permits

The following instructions are numbered to correspond with the APPLICATION FOR EXTENSION OF TIME. Each question is shown in italics, followed by guidance that may help you respond to the question. When reviewing these instructions, it will be helpful to have a copy of your water right permit at hand.

If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).

1. *Did the actual construction of the water system /well drilling begin within the time specified in the permit? [yes/no]*

Actual Construction - any physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying. OAR 690-315-0020(3)(d)(A)and(B).

Each water right permit contains specific dates by which permit holders are to have completed a certain level of development of the right. Generally, these dates appear toward the end of a permit. Among the dates that may be cited are the following:

- A. **A-date:** Actual construction work shall begin on or before [date certain];
- B. **B-date:** Construction shall be completed on or before [date certain];
- C. **C-date:** Complete application of the water shall be made on or before [date certain]

For convenience, these are often referred to as the "A-date", "B-date", and "C-date", respectively. Not all permits will include all three dates. Some newer permits may not include a "B-date," and even more recent permits may not include an "A-date". However, all permits should include a "C-date". By statute, if the "A-date" is specified in a permit, a permit extension cannot be granted when there is no evidence of actions taken to begin **actual construction** by that date" with a few exceptions (permits for municipal use or projects requiring federal hydropower licenses). Permit extensions may be granted for both the B-date and C-date.

If the permit specifies an "A-date" it is very important to have written confirmation in the OWRD's official water right file that **actual construction** began on or before that "A-date". In submitting such confirmation, give dated details of all **actual construction** work completed prior to the "A-date" stipulated in the permit.

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2. ***Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? [yes/no]***

A) ***Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.***

Depending on the vintage of the water right permit issued by OWRD, the location of the conditions on the permit may vary. Most, but not all, permits issued before 1990, did not include conditions. If these permits contained conditions they would generally appear on the permit just above the State Engineer's or Water Resources Director's signature. In the early 1990's conditions became more common. Conditions associated with the point of diversion or point of appropriation might be listed immediately following the description of the point of diversion or appropriation. Conditions associated with the place of use, might be listed immediately following the description of the place of use. From the mid-1990's to present, conditions may be listed under separate subtitles in the permit such as "Measurement, Recording, and Reporting Conditions" or "Standard Conditions."

Conditions requiring a written response in the extension of time application include those which:

- Stipulate a specific date by which the permit holder was to have accomplished a specific action, such as a condition that requires plans and specifications for a reservoir, a groundwater monitoring plan or some other document which "...shall be submitted...within (for example) *two* years of permit issuance."
- Are triggered by the use of water, but do not stipulate a specific date. These conditions represent a milestone in development of the project and use of water, such as the permit holder "shall install...a water meter or other suitable measuring device approved by the Director...before any use of water begins." Another common condition triggered by the use of water is that "fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications."



TIP: Any supporting documentation submitted to demonstrate compliance with time-sensitive permit conditions or any conditions from prior permit extension(s) must be clearly referenced and may include, but is not limited to: well construction logs; static water level measurement reports, annual water use reports; and/or a plan to monitor the effect of water use on ground water aquifers utilized under the permit.

If needed, you may contact the OWRD for assistance in identifying and/or interpreting which conditions in the water permit are pertinent to the extension application.

SYSTEM OBJECTS
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In responding to question 2 A) on the application:

Step (1) Hand-number each condition on a copy of your permit. Refer to each condition in Chart-A by this number (place the number in the column “**Condition No.**”). Submit the hand-numbered copy of the permit along with the application.

Step (2) List all pertinent permit conditions in Chart-A, and explain how you have complied with them (“**Describe How Permit Condition Has Been Satisfied**”).

Step (3) Indicate the date the condition was met (“**Date Satisfied**”).

Step (4) Repeat steps (1), (2), and (3) for any conditions contained in any order approving a permit amendment and/or prior final order for an approved extension of time.

B) *If you have NOT complied with all applicable conditions, explain the reasons why and indicate a date certain, when, in the near future, you will be in compliance.*

If a permit holder is not in compliance with time-sensitive conditions, OWRD may take one of three actions:

1. Suspend processing of the application until the permit holder complies with them;
or
2. Establish time certain performance deadlines by which the conditions must be complied with and include them as conditions on the extension order; or
3. Deny the permit extension.

If you are considering applying for a permit extension and you are not in compliance with time-sensitive conditions, you may want to hold off filing the extension application until you have complied with the conditions. If you are not in compliance, but wish to proceed with the extension application, you should explain how, and the dates by which, you will comply with the conditions in Chart-B. If the extension is allowed, OWRD will likely not grant much time (less than one year) for the permit holder to comply with time-sensitive conditions.

In responding to question 2 B) on the application:

Step (1) Hand-number each condition on a copy of your permit. Refer to each condition in Chart-B by this number (place the number in the column “**Condition No.**”). Submit the hand-numbered copy of the permit along with the application.

Step (2) List all pertinent permit conditions in Chart-A, and explain why you have not complied with them (“**Explain Why Each Permit Condition Has NOT Been Satisfied**”).

Step (3) Indicate the date the condition will be met (“**Date Will Comply**”).

Step (4) Repeat steps (1), (2), and (3) for any conditions contained in any order approving a permit amendment and/or prior final order for an approved extension of time.

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**WATER RESOURCES DEPT
SALEM OREGON**

3. ***Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).***

Permitted Time Period - period of time between the date when the permit was signed and the date specified in the permit for complete application of water

Time Period of the Previous Extension

For 2nd Application for Extension of Time - period of time between the date specified in the permit for complete application of water and the new "extended to date" for complete application of water specified in the 1st approved extension.

For 3rd or Application for Extension of Time - period of time between the "extended from date" for complete application of water and the "extended to date" for complete application of water specified in the most recently approved extension.

- A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.**

Chart-C must be filled out by all applicants regardless of how many extensions have been granted in the past. List all materials and equipment purchases made within the applicable time period, the system components installed and components brought into use within the time period. Identify costs by each line item to assist in responding to Question 4 on the application for extension.

- B) If this is not your 1st Application for Extension of Time request, fill out CHART -D below (in addition to CHART-C above). Use chronological order.**

Chart-D must be filled out by all applicants who have been granted an extension in the past (that is, this is your 2nd, 3rd, or 4th, etc. request) List all materials and equipment purchases made within the applicable time period, the system components installed and components brought into use within the time period. Identify costs by each line item to assist in responding to Question 4 on the application for extension.

4. ***Cost of project to date _____.***

Indicate the amount invested in developing the water use system to date. This will be a total of the costs indicated on Chart-C and Chart-D from Question 3. If exact cost is not known, you must provide your best estimate.

5. ***What is the maximum rate, or duty if applicable, of diversion, if any, made to date?***

Indicate the rate (not the volume) of water you are beneficially using under this permit in **cubic feet per second** or **gallons per minute** for surface water and ground water permits. If you are using stored water, indicate the amount in acre-feet.

6. ***What is the total number of acres irrigated to date under this permit?***

If your permit authorizes the irrigation of land, indicate the maximum number of acres to which you have applied water under this permit.



7. ***Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.***

Fill out Chart-E, making your best estimate of the future time line and costs for work necessary to complete construction and/or apply water to full beneficial use under the terms and conditions of the permit.

8. ***Estimated remaining cost to complete the project _____.***

Indicate your estimate of the remaining investment necessary to fully construct the system and put water to beneficial use. This will be a total of the costs indicated in Chart-E from Question 7.

9. ***List the reasons why the project was not constructed, and/or water was not beneficially used within the permitted time limits. Provide supporting information for the reason(s) that best fits your circumstances.***

It may be appropriate to respond in more than one category. Respond in category D) if the reasons for delay do not fit in any other category.

- A) *The project is of a size and scope that was originally planned to be phased it in over a time frame longer than the one allowed in the permit.***

Useful supporting information might include an excerpt from a business plan or a phasing schedule showing how the project is to be fully developed and water applied in increments. The supporting information can be simple and straightforward. This information would also be useful in evaluating the time needed to complete the project and beneficially use water.

For group domestic permits, historic population and employment information, growth forecasts and/or build-out status, including total number of residential units and other uses built, the number remaining to be built and absorption rates should be identified.

- B) *The financial resources needed to develop the project precluded completion of the project within authorized time frames.***

If financing was critical to development of the project, indicate the contract number, financing entity, date when you originally applied for financing and date the financing agreement was executed. It is not necessary to submit a copy of the agreement nor to disclose the terms of the agreement. If cash flow is a constraint to developing the project, develop a phasing plan indicating the investments made annually to date and estimated annual investments anticipated until the project is completed and water applied.

STEWART SYSTEMS
AVIATION ELECTRONICS DEPT.

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- C) *Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.***

If it was necessary to obtain specific permits (land use approvals, wetland fill and removal permits, individual waste disposal system, or other water quality permits, etc.) to proceed with work under the water right permit, indicate the permits, date permit applications were filed, and date permits were issued by the appropriate authorities. If delays were caused by a general need to comply with government requirements, including specific conditions of the water right permit or other permits, provide a brief explanation of the requirements and, the good faith effort and general timeframes involved in complying with those requirements that delayed development of the water project under the permit.

- D) *Acts of God or other unforeseen events delayed full development of the water system and use of water.***

Natural disasters, severe weather, grave illnesses or death suffered by permit holders, family members, and business partners may be among the legitimate reasons that permit holders have not fully developed water systems and made beneficial use of water within permit timeframes. Supporting documentation to submit may include a list of the specific system or site damage caused by natural disasters or severe weather and the amount of delay and financial impact resulting from necessary repairs. For family illnesses and the like, a simple statement should be made indicating whether or not illness/accidents may have resulted in death or hospitalization and if resulting legal or ongoing health care/rehabilitation programs have affected the ability to complete the project authorized by the permit.

If there are other reasons for the delay that are not “Acts of God” and don’t fit in categories A, B, and C, list them in this subsection and provide supporting information and estimates of the delay caused by the unforeseen events.

- 10. *Justify the time requested to complete the project and/or apply the water to full beneficial use.***

A justification should integrate information from Items 2, 3-A, 3-B, 7 and 9 of this Application for Extension of Time, but may include any other information or evidence to establish that the requested amount of time is reasonable. This can be a summary of why you need the amount of time you have requested.

- 11. *Provide any other information you wish the OWRD to consider while evaluating the extension of time application.***

This is your opportunity to include any other information you want the OWRD to have when considering your extension request.

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Extension PFO Checklist for
Other than Muni or Quasi-Municipal
 Water Use Permits
 (OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 14780 Permit: G- 15456 Permit Amendment? No Yes T- _____

Permit Holder's Name: Viesko Quality Concrete; Scott Erickson

Permit Holder's Mailing Address: PO Box 20610, Keizer, OR 97307

Phone Number: _____

POD Location: Township 6S Range 3W Section 33 $\frac{1}{4}$ SESW; NWSE

Drainage Basin: 2 County: Marion Watermaster: 16 District Region: _____

Date Permit was issued: 8/21/2003 **Priority Date:** 6/22/1998 **Date of PN:** 10/9/2007

Source: Three Wells in the Willamette River Basin

Use: Industrial Use and Mining Operations

"Q": 6.91 cfs, being 1.34 cfs from well 1 and 5.57 cfs from wells 2 and 3

Orig "A" Date: _____ **Orig "B" Date:** 10/1/ _____ **Orig "C" Date:** 10/1/2005

Extension request rec'd: 10/4/2007 **Last Authorized "B" Date:** 10/1/ _____ **Last Authorized "C" Date:** 10/1/ _____

Request Number (1, 2, 3...): 1 **Proposed "B" Date:** 10/1/2011 **Proposed C Date:** 10/1/2011

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Install Meter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Submit annual WU reports
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Install and maintain adequate treatment facilities meeting DEQ requirements
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Initial and annual WL measurements before water use begins
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7 consecutive WL measurements after water use begins

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

- Yes No
- Work was accomplished within the time allowed in the permit or previous extension
 - Water right permit holder conformed with the permit or previous extension conditions
 - Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used _____ cfs/gpm/af of the total permitted quantity of water on _____ acres
 - Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$ 85,000 Estimated Remaining Cost: \$ 9,500

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

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

Identify the closest surface water or localized water basin. Willamette River
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

Yes No

- above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a critical or limited Ground Water Area? Name of area
- within a sensitive, threatened or endangered species area source: "/>

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

Yes... "Good Cause" can be found. Approval of Extension Request
No ... "Good Cause" cannot be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

- 5-year Progress Report Checkpoints (Years: 2010)
- Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:
CC: EGR and Associates, Inc.
Attn: Ralph Christensen, P.G.
2535B Prairie Road
Eugene, OR 97402

Extension "PFO" Dates
Mailing / Issuance Date: _____ Protest Deadline Date: _____
Reviewer's Name: _____ Date: _____

Application # G-14780 Permit # G-15456

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**

Money Received on: 10/4/07

◆ **Kim French...**

Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

◆ **Jonnine Skaug...**

Publish on Public Notice (initial 30-day comment): Date of notice 10/9/07 JIS

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **90029**

INVOICE # _____

RECEIVED FROM: Engineering + Geologic Resources
BY: _____

APPLICATION	G14780
PERMIT	
TRANSFER	

CASH: CHECK:# **13939** OTHER: (IDENTIFY) _____

TOTAL REC'D \$ **350.00**

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES		\$
OTHER: (IDENTIFY)		\$
0243 I/S Lease	0244 Muni Water Mgmt. Plan	0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC162 DEPOSIT LIAB. (IDENTIFY)		\$
0240 EXTENSION OF TIME		\$ 350.00
WATER RIGHTS:		
0201 SURFACE WATER	EXAM FEE	0202 RECORD FEE
0203 GROUND WATER	\$	\$
0205 TRANSFER	\$	\$
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219 LICENSE FEE
LANDOWNER'S PERMIT	\$	\$
		0220 \$
OTHER (IDENTIFY)		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **90029**

DATED: 10/4/07 BY: J. Pauline



Oregon

Theodore R. Kulongoski, Governor

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

October 9, 2007

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE # G-14780 (PERMIT # G-15456)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Kim French at (503) 986-0813. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "**www.wrd.state.or.us**".

Division 315 - Other Than Muni or Quasi-Muni
Extension of Time Application - Completeness Checklist
OAR 690-315-0020

✓	The appropriate extension of time fee (as specified in ORS 536.050). \$350 – applications received on or after July 1, 2007	[OAR 690-315-0020(3)]
✓	The name and mailing address of the water right permit holder(s);	[OAR 690-315-0020(3)(a)]
✓	The application number and the permit number for which an extension is requested;	[OAR 690-315-0020(3)(b)]
✓	If the water right permit holder receives delivery of the subject water right permit from a municipality, municipal corporation, or other special district, the applicant shall provide the name of the entity and evidence that a copy of the application for extension of time has been provided to the entity responsible for delivering the water;	[OAR 690-315-0020(3)(c)]
✓	Evidence of the actions taken to begin actual construction within the time period in the permit or previous extension: <ul style="list-style-type: none"> • "Actual construction" means physical work performed towards completion of the water system, which demonstrates both the present good faith of the water right permit holder and the water right permit holder's intention to complete the project with reasonable diligence ("Actual construction" does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying. 	[OAR 690-315-0020(3)(d)]
	Evidence of progress made toward completion of the water development and application to full beneficial use, which includes but is not limited to: <ul style="list-style-type: none"> • The annual accomplishments toward perfecting the water right under the terms and conditions of the permit, including the dates on which each condition contained in the relevant permit and any previous extension(s) was satisfied or the reason the condition was not satisfied; • The maximum rate of diversion, if any, made to date; and • If for irrigation, a listing by year of the number of acres irrigated each year since permit issuance, the total number of acres irrigated to date under the permit or previous extension, and a copy of the application map showing the acres irrigated. 	[OAR 690-315-0020(3)(e)]
✓	A description of financial expenditures made toward completion of the water development;	[OAR 690-315-0020(3)(f)]
✓	An estimate of the cost to complete the water development;	[OAR 690-315-0020(3)(g)]
✓	A summary of any additional unforeseen events which delayed completion of the water development or application of water to full beneficial use, including other governmental requirements, if any, relating to the project which have significantly delayed completion of construction or perfection of the right;	[OAR 690-315-0020(3)(h)]
✓	The date by which the water development will be completed and water put to full beneficial use;	[OAR 690-315-0020(3)(i)]
✓	A summary of the applicant's plan and schedule to complete construction and/or perfect the water right;	[OAR 690-315-0020(3)(j)]
✓	Justification of why the requested time is needed to complete the project and/or apply the water to full beneficial use;	[OAR 690-315-0020(3)(k)]
	A description of any undue hardship to the applicant which will result from denial of the extension, and that there are no other reasonable alternatives for meeting water use needs; <i>(NOTE: The permit holder is not asked to answer this specific question when filling out the Extension of Time Application. The Department decided this was a finding that should be determined by staff. In order to make this determination, review the Extension of Time Application and documentation in the file record. Generally, a denied extension of time may result in possible loss of investments made in the project, loss of future property value, and/or loss of future income.</i>	[OAR 690-315-0020(3)(l)]
	Any other information the applicant determines is relevant to evaluate the application in accordance with applicable statutes and these rules;	[OAR 690-315-0020(3)(m)]
	Any other information required in the application form that is necessary to evaluate the application in accordance with applicable statutory requirements; and	[OAR 690-315-0020(3)(n)]
✓	Signature(s) of the water right permit holder(s).	

Name of Reviewer: Kim French

Date: 10/8/07



September 27, 2007

Oregon Water Resources Department
Attn: Water Right Permit Extension
725 Summer Street NE, Suite A
Salem, Oregon 97301

RE: Request Water Permit Extension for G-14780

In accordance with ORS 537.230(3), this letter (and attached application) is a request for an extension of time for Water Right Application G-14780.

Name and Address: Scott Erickson
P.O. Box 20610
Keizer, Oregon 97307

Phone: (503) 393-5050.

Interest: President of Viesko Quality Concrete, Inc. and listed applicant on the water right application.

Application of water for this permit has not been completed at this time. The purposed use of this water is to manufacture ready mixed concrete and washing of aggregate after mining and processing. However, necessary permits are working their way through the permitting process and all proper permits for the excavation and construction to begin on the site have not been obtained at this time. Water for this permit will not be used until construction can begin. Currently, all water level reports that have been sent to the Water Resource department have stated, "No water used yet."

We are requesting a four year extension for application of beneficial use by October of 2011. Initial water levels are scheduled to be measured and submitted to the Water Resource Department within the next year. Thank you.

Respectfully submitted,
EGR and Associates, Inc.

Ralph Christensen, P.G.
Senior Geologist

Project# 5769-06-0058



STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

VIESKO QUALITY CONCRETE
SCOTT ERICKSON
P.O. BOX 20610
KEIZER, OREGON 97307

PHONE: (503) 393-5050

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

APPLICATION FILE NUMBER: G-14780

SOURCE OF WATER: THREE WELLS IN THE WILLAMETTE RIVER BASIN

PURPOSE OR USE: INDUSTRIAL USE AND MINING OPERATIONS

MAXIMUM RATE: 6.91 CUBIC FEET PER SECOND (CFS), BEING 1.34 CFS FROM
WELL 1 AND 5.57 CFS FROM WELLS 2 AND 3

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 22, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, NW 1/4 SE 1/4, SECTION 33,
T6S, R3W, W.M.; WELL 3 - 1020 FEET NORTH & 3080 FEET WEST, WELL 1 -
2200 FEET NORTH AND 1420 FEET WEST, AND WELL 2 - 1390 FEET NORTH AND
2180 FEET WEST ALL FROM SE CORNER, SECTION 33

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 33

TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.

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**WATER RESOURCES DEPT
SALEM OREGON**

Measurement, recording and reporting conditions:

- ① A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

This permit does not allow for water to be used for heap leach mining operations.

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

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

Measurements must be made according to the following schedule:

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**WATER RESOURCES DEPT
SALEM OREGON**

Before Use of Water Takes Place

② Initial and Annual Measurements

The Department requires the permittee to submit an initial water level

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OCT 04 2007

WATER RESOURCES DEPT
SALEM, OREGON

PAGE 3

measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

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

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

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

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

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

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary

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**WATER RESOURCES DEPT
SALEM OREGON**

PAGE 4

because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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

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

④ Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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

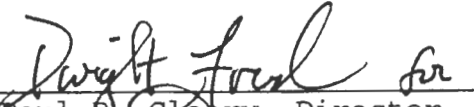
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

This permit is issued to correctly identify the location of the wells. Permit G-13861, dated November 30, 2000, is superseded by this instrument and is of no further force or effect.

Complete application of water to the use shall be made on or before October 1, 2005. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued August 21, 2003


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

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OCT 04 2007
WATER RESOURCES DEPT
SALEM OREGON

Application G-14780 Water Resources Department
Basin 02 Volume 26 WILLAMETTE R & TRIBS
AMH MGMT.CODE 5BW

PERMIT G-15456
District 16



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

November 8, 2016

Certified mail number 7016 1370 0000 0680 8122
Return receipt requested

SCOTT ERICKSON
PO BOX 20610
KEIZER, OR 97307

IN OFFICE, Fee RECEIVED
TOTAL 11/21/2017
"HOW ACTION"
filing
EXTENSION APP. 6/21/17

Reference: Application G-14780, Permit G-15456

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2011.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2011. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (January 6, 2017) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact Corey Courchane by telephone at 503-986-0825, Jeffrey Pierceall by telephone at 503-986-0802, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File G-14780
OWRD Watermaster District 16

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

RE: Required Water Level Report for a Well on Permit **G 13861** Certificate **0** Pod **3** Application **G 14780**
 Listed on water right as: **WELL 3** Well log ID (if any, in our records): _____ Priority date: **6/22/1998**
Well location: In the SE quarter of the SW quarter of Section 33, Township 6S, Range 3W
 1020 FEET NORTH & 3080 FEET WEST FROM SE CORNER, SECTION 33

RECEIVED

APR 21 2003

WATER RESOURCES DEPT.
SALEM, OREGON

**SCOTT ERICKSON
VIESKO QUALITY CONCRETE
PO BOX 20610
KEIZER OR 97307**

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

MEASUREMENT REPORT
(Complete one form for each well.)

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

Well not yet drilled as of date: _____
 Original owner on well log: _____
 Well ID # (on tag attached to casing): L _____ Startcard number (if listed on well log): _____
 Well depth: _____ (ft) Casing diameter: _____ (in) Date drilled: _____
 Owner's well name: _____ Drilled by: _____

When did water use begin under this permit from this well? Date: Month/Yr NO WATER USED YET

Show all water rights listing this well:

Application number(s): _____
 Permit number(s): _____
 Certificate number(s): _____

Measurement Details:

Date of measurement: _____

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

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

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

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

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

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

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

Length of time well was idle before measurement: _____

Comments (use back or extra sheet if necessary): _____

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

Person making measurement (print): _____

Signature of measurer: _____

Company: _____

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

Daytime phone number: _____ Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 245.
Return this Form to: OWRD, Ground Water/Hydrology Section, 158 12th St. NE, Salem, OR 97310-4172.

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 2/19/2003 GW/KCW

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

DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED_BY	COMMENTS

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

RE: Required Water Level Report for a Well on Permit **G 13861** Certificate **0** Pod **2** Application **G 14780**
 Listed on water right as: WELL 2 Well log ID (if any, in our records): Priority date: 6/22/1998
Well location: In the quarter of the quarter of Section 33, Township 6S, Range 3W
 1080 FEET NORTH & 2380 FEET WEST FROM SE CORNER, SECTION 33

RECEIVED

APR 21 2003

WATER RESOURCES DEPT.
SALEM, OREGON

**SCOTT ERICKSON
VIESKO QUALITY CONCRETE
PO BOX 20610
KEIZER OR 97307**

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

MEASUREMENT REPORT

(Complete one form for each well.)

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

Well not yet drilled as of date: _____
 Original owner on well log: _____
 Well ID # (on tag attached to casing): L Startcard number (if listed on well log): _____
 Well depth: _____ (ft) Casing diameter: _____ (in) Date drilled: _____
 Owner's well name: _____ Drilled by: _____

When did water use begin under this permit from this well? Date: Month/Yr NO WATER USED YET

Show all water rights listing this well:

Application number(s): _____
 Permit number(s): _____
 Certificate number(s): _____

Measurement Details:

Date of measurement: _____

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

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

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

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

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

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

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

Length of time well was idle before measurement: _____

Comments (use back or extra sheet if necessary): _____

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

Person making measurement (print): _____

Signature of measurer: _____

Company: _____

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

Daytime phone number: _____ Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 245.

Return this Form to: OWRD, Ground Water/Hydrology Section, 158 12th St. NE, Salem, OR 97310-4172.

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

OWRD 2/19/2003

GW/KCW

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

DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED_BY	COMMENTS

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

RE: Required Water Level Report for a Well on Permit **G 13861** Certificate **0** Pod **1** Application **G 14780**
 Listed on water right as: **WELL 1** Well log ID (if any, in our records): **MARI 55325** Priority date: **6/22/1998**
Well location: In the NW quarter of the SE quarter of Section 33, Township 6S, Range 3W
 2200 FEET NORTH & 1420 FEET WEST FROM SE CORNER, SECTION 33

RECEIVED
APR 21 2003
WATER RESOURCES DEPT.
SALEM, OREGON

**SCOTT ERICKSON
VIESKO QUALITY CONCRETE
PO BOX 20610
KEIZER OR 97307**

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

MEASUREMENT REPORT
(Complete one form for each well.)

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

Well not yet drilled as of date: _____
 Original owner on well log: VIESKO QUALITY CONCRETE
 Well ID # (on tag attached to casing): L Startcard number (if listed on well log): _____
 Well depth: 80.00 (ft) Casing diameter: _____ (in) Date drilled: 10/17/2000
 Owner's well name: _____ Drilled by: _____

When did water use begin under this permit from this well? Date: Month/Yr NO WATER USED Yet

Show all water rights listing this well:

Application number(s): _____
 Permit number(s): _____
 Certificate number(s): _____

Measurement Details:

Date of measurement: _____

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

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

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

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

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

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

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

Length of time well was idle before measurement: _____

Comments (use back or extra sheet if necessary): _____

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

Person making measurement (print): _____

Signature of measurer: _____

Company: _____

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

Daytime phone number: _____ Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 245.
Return this Form to: OWRD, Ground Water/Hydrology Section, 158 12th St. NE, Salem, OR 97310-4172.

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 2/19/2003 GW/KCW

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

DATE	STATUS	METHOD	MP Height	WL BLS	MEASURED BY	COMMENTS
03/22/2001	STATIC	ETAPE	.	20.30	STEVE BRUCE	WELL IS FOR MONITORING
10/17/2000	STATIC	ETAPE	.	11.00	GEO-TECH EXPLORATIONS	

Water Use Reporting Entry

[Logout](#)

VIESKO QUALITY CONCRETE
SCOTT ERICKSON
PO BOX 20610; 3322 BELVEDERE NW
KEIZER, OR 97307

Now reporting for water year: 2011. The deadline for this is 4/30/2012.

Records per Page: 5

<u>Report ID</u>	<u>Facility</u>	<u>Associated Water Rights & Description</u>
Select 49726		<u>Permit: G 15456</u> * WELL 1; 6S-3W-33-NW SE; 2200 FEET NORTH & 1420 FEET WEST FROM SE CORNER, SECTION 33
Select 49727		<u>Permit: G 15456</u> * WELL 2; 6S-3W-33-NW SE; 1390 FEET NORTH & 2180 FEET WEST FROM SE CORNER, SECTION 33
Select 49728		<u>Permit: G 15456</u> * WELL 3; 6S-3W-33-SE SW; 1020 FEET NORTH & 3080 FEET WEST FROM SE CORNER, SECTION 33

APP 14780

APP 14780

USER-ID 29050

2002

Oregon Water Resources Department
October 2002 through September 2003
Annual Water Use - Monthly Quantities Form

2003



Facility					
POD-ID	49726	49727	49728		
October - 2002					
November - 2002					
December - 2002					
January - 2003					
February - 2003	Zero				
March - 2003					
April - 2003	None				
May - 2003					
June - 2003					
July - 2003					
August - 2003					
September - 2003					
TOTAL *					

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: _____ . If use is irrigation, total number acres irrigated _____

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

_____ Signature PRES Title VIESKO QUALITY CONCRETE Reporting Entity 2-16-04 Date

SCOTT FRICKSON
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1271

E-MAIL - MG

From: "Scott Erickson" <Scott@qualityconcrete.net>
To: <Mary.S.GRAINEY@wrd.state.or.us>
Subject: Water use
Date: Mon, 16 Feb 2004 12:42:14 -0800
X-Mailer: Microsoft Outlook Express 6.00.2800.1158
X-Loop-Detect: 1

Report for Viesko Redi Mix DBA Quality Concrete at the following Ipod ID's:
49726, 49727, 49728 Permits G 13861 Appl G 14780

There was no water used from any of these water sources during the permit period. Scott Erickson President, Quality Concrete.

29050

STATE OF OREGON
 GEOTECHNICAL HOLE REPORT WATER RESOURCES DEPT.
 (as required by OAR 690-240-035) SALEM, OREGON

MAR 29 1999

MARI
53904

(1) OWNER/PROJECT: Hole Number 3207
 Name Vesko Quality Concrete
 Address 741 Marthens Rd NE
 City Gervais State OR Zip 97026

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

(3) CONSTRUCTION:
 Rotary Air Hand Auger Hollow Stem Auger
 Rotary Mud Cable Tool Push Probe Other

(4) TYPE OF HOLE:
 Uncased Temporary Cased Permanent Cased Temporary
 Uncased Permanent Slope Stability Other

(5) USE OF HOLE: Size and Depth of Gravel

(6) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Hole 0 ft.

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
6"	0	97	1/4" + 3/8" #8 Bent			8 sacks 350 lbs.

Backfill placed from See above ft. to See above ft. Material See above
 Filter Pack placed from See above ft. to See above ft. Size of pack See above

(7) CASING/SCREEN:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
6" Casing				<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Removed				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 Screen: _____
 Slot size _____

(8) WELL TEST:
 Pump Bailer Air Flowing Artesian
 Permeability Not taken GPM _____
 Conductivity _____ PH _____
 Temperature of water 53 °F/C Depth artesian flow found _____ ft.
 Was water analysis done? Yes No
 By whom? RECEIVED
 Depth of strata analyzed. From _____ ft. to _____ ft.

Remarks: _____
APR 20 1999
 WATER RESOURCES DEPT.
 SALEM, OREGON

(9) LOCATION OF HOLE by legal description:
 County Mariott Latitude _____ Longitude _____
 Township 65 N or S Range 3W E or W. WM.
 Section 33 NW 1/4 SE 1/4
 Tax Lot _____ Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) _____

Map with location identified must be attached

(10) STATIC WATER LEVEL:
17 ft. below land surface. Date 6/10/97
 Artesian pressure _____ lb. per square inch. Date _____

(11) SUBSURFACE LOG:
 Ground Elevation _____

Material Description	From	To	SWI.
Top Soil	0	9	
Loose Brown Sand + Gravel	9	89	17
Hard Black Basalt	89	97	

Willamette Drilling Company

Date Started 6/10/97 Date Completed 6/10/97

(12) ABANDONMENT LOG:

Material Description	From	To	Sacks or Pounds
All casing removed			
Hole filled with <u>gravel mixed with #8 bent</u>			
at the rate of approx 350 lbs per ft			350 lbs #8 Bent

Willamette Drilling Company

Date started 6/10/97 Date Completed 6/10/97

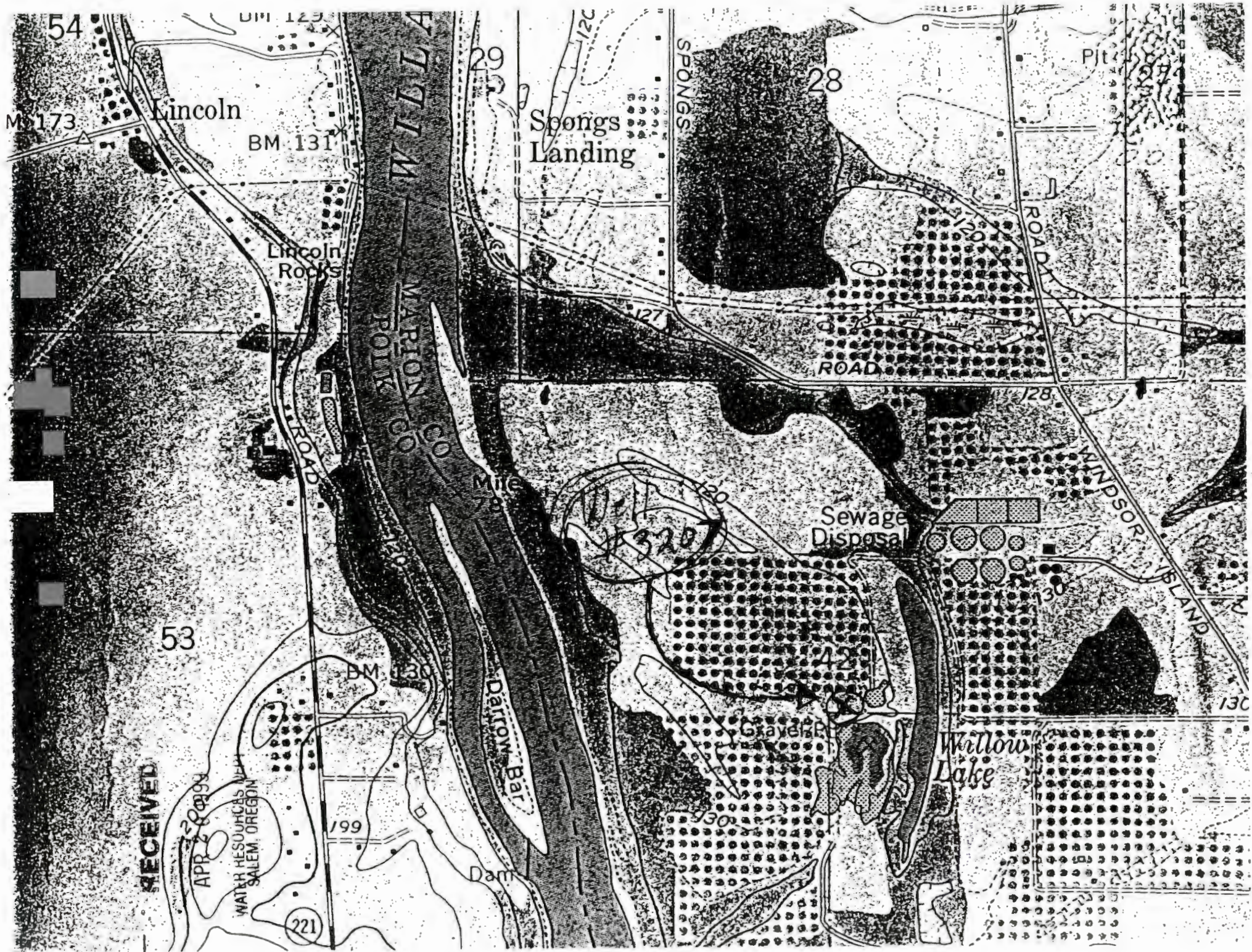
Professional Certification
 (to be signed by a licensed water supply or monitoring well constructor, or registered geologist or civil engineer).

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

Willamette License or Registration Number 753
 Signed Dolan & Bair Date 3/2/99
 Co- Mark & Bair
 Affiliation Owner Willamette Drilling Co. Inc.

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

ORIGINAL & FIRST COPY-WATER RESOURCES DEPARTMENT SECOND COPY-CONSTRUCTOR THIRD COPY-CUSTOMER



RECEIVED

APR 28 1980
WATER RESOURCES UNIT
SALEM, OREGON

1320

Willow Lake

Graves

Sewage Disposal

Darrow Bar

Dam

Mile

BM 131

BM 130

Lincoln Rocks

Spongs Landing

Lincoln

54

53

28

Pt

M 173

UM 129

129

SPONGS

ROAD

ROAD

WINDSOR ISLAND

131

221

199

130

150

130

128

127

122

129

NOV 14 2000

STATE OF OREGON
GEOTECHNICAL HOLE REPORT
(as required by OAR 690-240-035)

MARI
55325

WATER RESOURCES
SALEM, OREGON

(1) OWNER/PROJECT: Viesco Quality Concrete Hole Number B-2
Name Viesco Quality Concrete
Address PO Box 20610
City Keizer State OR Zip 97130

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

(3) CONSTRUCTION:
 Rotary Air Hand Auger Hollow Stem Auger
 Rotary Mud Cable Tool Push Probe Other

(4) TYPE OF HOLE:
 Uncased Temporary Cased Permanent
 Uncased Permanent Slope Stability Other

(5) USE OF HOLE:
Gravel Search

(6) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Hole _____ ft.

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
8"	0	80	chips	28	80	19

Backfill placed from 28 ft. to 80 ft. Material Bent chip
Filter Pack placed from 5 ft. to 28 ft. Size of pack 10x20

(7) CASING/SCREEN:
Diameter From To Gauge Steel Plastic Welded Threaded
Casing: 2" 0 7
Screen: 2' 7 27
Slot size .010

(8) WELL TEST:
 Pump Bailer Air Flowing Artesian
Permeability _____ Yield _____ GPM _____
Conductivity _____ PH _____
Temperature of water 51 °F/C Depth artesian flow found _____ ft.
Was water analysis done? Yes No
By whom? _____
Depth of strata analyzed. From _____ ft. to _____ ft.

Remarks: _____
RECEIVED
APR 09 2001

(9) LOCATION OF HOLE by legal description:
County Marion Latitude _____ Longitude _____
Township 6 N or S Range 3 E or W. (W)
Section 33 NE 1/4 SW 1/4
Tax Lot 700 Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address)
5055 Windsor Island Rd
Map with location identified must be attached

(10) STATIC WATER LEVEL:
11 ft. below land surface. Date 10/11
Artesian pressure _____ lb. per square inch. Date _____

(11) SUBSURFACE LOG:
Ground Elevation _____

Material Description	From	To	SW
Brown silty sand	0	7 1/2	
med gravels brown sand	7 1/2	25	
med/large 3" gravels, brown sand	25	45	
brown sand	45	68	
sm/med gravels, sand	68	79	
Red clay	79	80	

Date Started 10/16/00 Date Completed 10/17/00

(12) ABANDONMENT LOG:

Material Description	From	To	Sacks or Pounds

Date started _____ Date Completed _____

Professional Certification
(to be signed by a licensed water supply or monitoring well constructor, or regist geologist or civil engineer).

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

Licenser or Registration Number 1047
Signed Joseph R. Duh Date 10/17
Affiliation Geo-Tech Explorations

WATER RESOURCES DEPT.

SALEM, OREGON
THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

August 22, 2003

VIESKO QUALITY CONCRETE
SCOTT ERICKSON
PO BOX 20610
KEIZER, OR 97307

REFERENCE FILE NUMBER: G-14780

Dear Permittee:

On November 30, 2000, permit G-13861 was issued to the above referenced application file. However, the Department recently discovered a scrivners error describing the locations of the points of appropriation for this permit.

Please find along with this letter a superseding permit. The superseding permit has been issued to correctly identify the location of the points of diversion appurtenant to your use. Permit G-13861 is of no further force or effect, and Permit G-15456 represents the actual permit number of record for this file.

If you have any questions, please call the Water Rights Information Group at (503)378-8455 extension 201.

Sincerely,

Anita M. Huffman
Senior Water Rights Technician

cc: Watermaster District 16
WRD Data Center

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

VIESKO QUALITY CONCRETE
SCOTT ERICKSON
P.O. BOX 20610
KEIZER, OREGON 97307

PHONE: (503) 393-5050

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

APPLICATION FILE NUMBER: G-14780

SOURCE OF WATER: THREE WELLS IN THE WILLAMETTE RIVER BASIN

PURPOSE OR USE: INDUSTRIAL USE AND MINING OPERATIONS

MAXIMUM RATE: 6.91 CUBIC FEET PER SECOND (CFS), BEING 1.34 CFS FROM WELL 1 AND 5.57 CFS FROM WELLS 2 AND 3

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 22, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, NW 1/4 SE 1/4, SECTION 33, T6S, R3W, W.M.; WELL 3 - 1020 FEET NORTH & 3080 FEET WEST, WELL 1 - 2200 FEET NORTH AND 1420 FEET WEST, AND WELL 2 - 1390 FEET NORTH AND 2180 FEET WEST ALL FROM SE CORNER, SECTION 33

THE PLACE OF USE IS LOCATED AS FOLLOWS:

~~SW 1/4 NE 1/4~~
~~SW 1/4 NW 1/4~~
~~SE 1/4 NW 1/4~~
~~NE 1/4 SW 1/4~~
~~NW 1/4 SW 1/4~~
~~SW 1/4 SW 1/4~~
~~SE 1/4 SW 1/4~~
~~NE 1/4 SE 1/4~~
~~NW 1/4 SE 1/4~~
~~SW 1/4 SE 1/4~~
~~SE 1/4 SE 1/4~~

SECTION 33

TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.

Measurement, recording and reporting conditions:

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

The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

This permit does not allow for water to be used for heap leach mining operations.

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

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

Measurements must be made according to the following schedule:

Before Use of Water Takes PlaceInitial and Annual Measurements

The Department requires the permittee to submit an initial water level

measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

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

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

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

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

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

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary

because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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

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

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

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

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

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

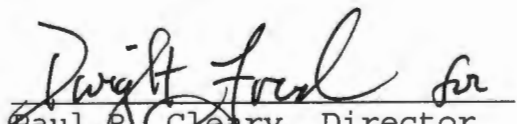
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

This permit is issued to correctly identify the location of the wells. Permit G-13861, dated November 30, 2000, is superseded by this instrument and is of no further force or effect.

Complete application of water to the use shall be made on or before October 1, 2005. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued August 21, 2003


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application G-14780
Basin 02
AMH

Water Resources Department
Volume 26 WILLAMETTE R & TRIBS
MGMT.CODE 5BW

PERMIT G-15456
District 16



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

August 19, 2011

VIESKO QUALITY CONCRETE
ATTN: SCOTT ERICKSON
PO BOX 20610
KEIZER, OR 97307

REFERENCE: Application G-14780 / Permit G-15456

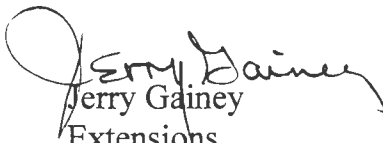
Dear Permit Holder:

The Water Right Services Division received your written progress report for Permit G-15456. Receipt of the progress report was published on the Department's weekly Public Notice, dated July 5, 2011. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

If you have any questions, please feel free to contact me by telephone at (503) 986-0812.

Sincerely,



Jerry Gainey

Extensions
Water Right Services Division

cc: Application G-14780
Watermaster District 16 – Mike McCord

Ann Reece

From: Ann Reece
Sent: Friday, October 07, 2011 1:38 PM
To: 'Marc Norton'
Subject: Viesko Quality Concrete Permit G-15456

Marc,

I spoke with Steve Recca (541-688-8322) about locations and status the company's three wells. He will sort out the well sites with you before they re-submit their extension application. I have the file on my desk. Do you need it, or should I re-file it?

Ann

PERMIT STATUS REVIEW B : Machelle Bamberger DATE 10-26-14 FILE # G-14780

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if: update appropriate db

- Extension pending _____
- Assignment is pending _____
- Cancellation has been requested _____
- Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)
 - Was 60 days notice allowed? Y N If No, How Much Time? _____
 - Was mail deliverable as addressed? Y N date _____
 - If mail returned, online/www check? Y N date _____ successful? Y N
 - Re-send Cert. Letter? Y N date _____
 - Send cancellation order Y N
- Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received _____

None

Send letter

2. IF NONE OF THE ABOVE APPLY

Send **certified** "C" date notice packet to permit holder.
"C" DATE 10-1-2011 **BASIN NUMBER** 2 **WM #** 16

CWRE or AGENT None

3. AOI Yes _____ NO X If Yes, name of AOI _____



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

June 22, 2011

VIESKO QUALITY CONCRETE
ATTN: SCOTT ERICKSON
PO BOX 20610
KEIZER, OR 97307

REFERENCE: Application G-14780 / Permit G-15456

Dear Permit Holder:

On January 10, 2008, the Department issued a Final Order approving an Extension of Time for Permit G-15456. This Final Order included a condition that required the permit holder to submit a written progress report to the Department by October 1, 2010.

This letter is being sent to you because the Department has not yet received the progress report that was due on October 1, 2010.

For your convenience, I have enclosed a **Progress Report Form** for you to fill out and submit. In order to maintain the ability to continue developing water under this permit, you should submit your overdue progress report immediately.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2011. ***Failure to submit a written progress report may jeopardize continued development of your permit beyond October 1, 2005. Furthermore, future extensions are evaluated on past due diligence, and consequently may not be granted.***

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0827.

Sincerely,

Ann Reece

Extensions

Water Rights Services Division

Enclosure

cc: Application G-14780
Watermaster District 16 – Mike McCord



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

**Extension of Time
 Progress Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: VIESKO QUALITY CONCRETE

Application G-14780
 Permit G-15456

Report Due no later than October 1, 2010

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2010

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit G-15456

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2005 and October 1, 2010.	FINANCIAL INVESTMENT

2. Compliance with terms and conditions of the permit and/or previous extension.

3. Total number of acres irrigated to date= _____ (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = _____ cfs (cubic feet per second)

Maximum rate used to date = _____ gpm (gallons per minute)

Acre-feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature _____ Date _____

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-15456, Water Right Application G-14780) PROPOSED FINAL ORDER
in the name of Viesko Quality Concrete; Scott Erickson)

Permit Information

Application File G-14780 Permit G-15456

Basin: 2 – Willamette / Watermaster District 16
Date of Priority: June 22, 1998

Authorized Use of Water

Source of Water: Three Wells in the Willamette River Basin
Purpose of Use: Industrial Use and Mining Operations
Maximum Rate: 6.91 Cubic Feet per Second (cfs), Being 1.34 cfs from Well
1 and 5.57 cfs from Wells 2 and 3

**This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315**

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

This Proposed Final Order applies only to Permit G-15456, water right Application G-14780.
A copy of Permit G-15456 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant an extension of time to apply water to full beneficial use from October 1, 2005 to October 1, 2011.
- make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit G-13861 was granted by the Department on November 30, 2000. On August 21, 2003, superseding Permit G-15456 was issued to correctly identify the location of the points of appropriation. The permit authorizes the use of up to 6.91 cfs of water from three wells, being 1.34 cfs from Well 1 and 5.57 cfs from Wells 2 and 3, for industrial use and mining operations. The permit specified complete application of water was to be made on or before October 1, 2005.
2. The permit holder submitted an "Application for Extension of Time" to the Department on October 4, 2007 requesting the time to apply water to full beneficial use under the terms of Permit G-15456 be extended from October 1, 2005 to October 1, 2011. This is the first permit extension requested for Permit G-15456.
3. Notification of the Application for Extension of Time for Permit G-15456 was published in the Department's Public Notice dated October 9, 2007. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

4. On October 4, 2007, the Department received a completed Application for Extension of Time and the fee required by ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

5. Senate Bill 300 (1999 legislation) eliminates the requirement that holders of new surface water and ground water permits start construction on water projects within one year after the Department issues the permit. Senate Bill 300 applies to any application for a permit filed after October 23, 1999.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.248 applies to reservoir permits only.

³ ORS 537.630 applies to ground water permits only.

⁴ ORS 539.010(5) applies to surface water and ground water permits.

6. As of October 4, 2007, the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.
7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2011, to accomplish the application of water to beneficial use under the terms of Permit G-15456 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

8. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Prior to October 1, 2005, construction of the wells had been completed.
 - b. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame under Permit G-15456.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

9. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-15456 on August 21, 2003, no water has been appropriated from the wells.
 - b. Delay of full beneficial use of water under Permit G-15456 was due, in part, to the permit holder not yet obtaining all the proper permits for construction of the new plant site. Water use will begin after obtaining permits and installing all water use equipment.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

10. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that a meter or other suitable measuring device has been installed, (2) initial and annual

water level measurements have not been received by the Department, and (3) adequate treatment facilities meeting DEQ requirements have not been installed and maintained.

- b. Failure to comply with permit conditions constitutes illegal use of water. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Financial Investments [OAR 690-315-0040(3)(d)]

11. Financial investments made toward developing the beneficial water use.
 - a. As of October 4, 2007, the permit holder has invested approximately \$85,000, which is 90 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$9,500 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

12. As of October 4, 2007, the permit holder has invested approximately \$85,000 which is 90 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$9,500 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

13. The Department has found good faith of the appropriator under Permit G-15456.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-15456; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-15456, located within the Willamette River Basin, are not located

within a limited or critical ground water area. Willamette River is not located within or above any state or federal scenic waterway, however it is located within an area ranked “low” for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Willamette River is listed by the Department of Environmental Quality as a water quality limited stream.

15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of October 4, 2007, the permit holder has invested approximately \$85,000.
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
18. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time to ensure diligence is exercised in the development and perfection of the water use permit. A “Checkpoint Condition” is specified under Item 1 of the “Conditions” section of this PFO to meet this condition.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

19. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

20. Delay in the development of this project was caused, in part, by the delay of obtaining the proper permits for construction of the new plant site.

Unforeseen Events [OAR 690-315-0040(2)(h)]

21. None have been identified.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).

3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Full application of water to beneficial use can be accomplished by October 1, 2011⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 18 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-15456.

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

extend the time to apply water to beneficial use under Permit G-15456 from October 1, 2005 to October 1, 2011.

Subject to the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2010**. *A form will be enclosed with your Final Order.*

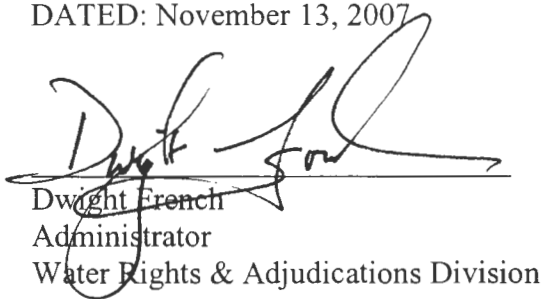
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the

⁵Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: November 13, 2007


Dwight French
Administrator
Water Rights & Adjudications Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may protest and request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than **December 28, 2007** being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050, if petitioner is other than the water right permit holder.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have any questions about statements contained in this document, please contact Kim French at 503-986-0813.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Dwight French at 503-986-0819.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Rights and Adjudications Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901
-

Mailing List for Extension PFO Copies

PFO Date: November 13, 2007

Copies Mailed

**Application G-14780
Permit G-15456**

By: MS
On: 11/13/07

Original mailed to Applicant:

Viesko Quality Concrete
Attn: Scott Erickson
PO Box 20610
Keizer, OR 97307

Copies sent to:

1. WRD - App. File G-14780/ Permit G-15456
2. Ralph Christensen, EGR & Associates, Inc., 2535B Prairie Rd., Eugene, OR 97402

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)

4. None
5. PFO: WRD – Watermaster District 16 – Mike McCord, Salem
Done by [Signature] Date 11/13/07

CASEWORKER: KRF

Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$350.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$350 STATUTORY FEE TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301**

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GENERAL TIPS:

- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

- [OAR 690-315-0020(3)(d)]
1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? [yes/no] Yes _____



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: 10/2000

Details of construction: Three wells were installed

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2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? [yes/no] No

A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
1	10/2008	Water meter has not yet been installed. No water is being used at this point.
2	10/2008	Initial water level measurements will be taken when water meter has been installed.
3	2011-	Annual water level measurements will be taken when water meter has been installed, current reports submitted to the Water Resource Department all state "No water used yet."
4	10/2011	Pump test has not been completed because no equipment has been installed and water is not being used at this point.

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

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3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

INSERT DATES	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
INSERT DATES	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
08/21/03	The permit was signed - find date above signature on last page of permit.	
	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
10/2000	Three wells installed	\$25,000.00
2000-	Purchased floating pumps	\$60,000.00
10/1/2005	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
INSERT DATES	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost to Date		\$85,000.00

* If exact cost is not known, you must provide your best estimate.

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B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use chronological order.

CHART-D

INSERT DATES	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/____	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
10/1/____	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

INSERT DATES	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost to Date		

* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. Cost of project to date: \$85,000.00
(The total cost from CHART-C and CHART-D)

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[OAR 690-315-0020(3)(e)(B)]

- 5. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit and/or prior extensions of time, if any, made to date.



TIP: Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Maximum rate = _____ cfs (cubic feet per second) or,

Maximum rate = _____ gpm (gallons per minute) or,

Acre Feet Stored = _____ AF

[OAR 690-315-0020(3)(e)(C)]

- 6. Provide the total number of acres irrigated to date under this permit.

Total acres irrigated to date: N/A: Water for manufacturing use.

[OAR 690-315-0020(3)(J)]

- 7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
10/2008	Install water meter	\$1000
10/2008	Initial water level measurements	\$500
10/2009	Complete pump test	\$1000-\$1500
10/2010	Complete application of beneficial use	\$1000-\$1500
10/2011	Proof of beneficial use by a CWRE	\$3000-\$5000
Year: 2011	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$9500.00

[OAR 690-315-0020(3)(g)]

- 8. Estimated remaining cost to complete the project: \$9500.00
(The total cost from CHART-E)

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9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances.

A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

Proper permits for construction of new plant site have not all been obtained. Water use will

begin after obtaining permits and installing all water use equipment.

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D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

[OAR 690-315-0020(3)(k)]

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2, 3-A, 3-B, 7 and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

When all proper permits are obtained for construction of the new plant, the water meter and pumps will be installed for water use. Initial water levels are scheduled to be taken soon after water and pump installation.


11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.

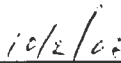
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I am the permit holder, or have authorization from the permit holder, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of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


Signature


Date

Instructions for Filling Out Extension of Time Application For Water Right Permits

The following instructions are numbered to correspond with the APPLICATION FOR EXTENSION OF TIME. Each question is shown in italics, followed by guidance that may help you respond to the question. When reviewing these instructions, it will be helpful to have a copy of your water right permit at hand.

If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).

1. *Did the actual construction of the water system /well drilling begin within the time specified in the permit? [yes/no]*

Actual Construction - any physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying. OAR 690-315-0020(3)(d)(A)and(B).

Each water right permit contains specific dates by which permit holders are to have completed a certain level of development of the right. Generally, these dates appear toward the end of a permit. Among the dates that may be cited are the following:

- A. **A-date:** Actual construction work shall begin on or before [date certain];
- B. **B-date:** Construction shall be completed on or before [date certain];
- C. **C-date:** Complete application of the water shall be made on or before [date certain]

For convenience, these are often referred to as the "A-date", "B-date", and "C-date", respectively. Not all permits will include all three dates. Some newer permits may not include a "B-date," and even more recent permits may not include an "A-date". However, all permits should include a "C-date". By statute, if the "A-date" is specified in a permit, a permit extension cannot be granted when there is no evidence of actions taken to begin **actual construction** by that date" with a few exceptions (permits for municipal use or projects requiring federal hydropower licenses). Permit extensions may be granted for both the B-date and C-date.

If the permit specifies an "A-date" it is very important to have written confirmation in the OWRD's official water right file that **actual construction** began on or before that "A-date". In submitting such confirmation, give dated details of all **actual construction** work completed prior to the "A-date" stipulated in the permit.

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2. *Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? [yes/no]*

A) *Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.*

Depending on the vintage of the water right permit issued by OWRD, the location of the conditions on the permit may vary. Most, but not all, permits issued before 1990, did not include conditions. If these permits contained conditions they would generally appear on the permit just above the State Engineer's or Water Resources Director's signature. In the early 1990's conditions became more common. Conditions associated with the point of diversion or point of appropriation might be listed immediately following the description of the point of diversion or appropriation. Conditions associated with the place of use, might be listed immediately following the description of the place of use. From the mid-1990's to present, conditions may be listed under separate subtitles in the permit such as "Measurement, Recording, and Reporting Conditions" or "Standard Conditions."

Conditions requiring a written response in the extension of time application include those which:

- Stipulate a specific date by which the permit holder was to have accomplished a specific action, such as a condition that requires plans and specifications for a reservoir, a groundwater monitoring plan or some other document which "...shall be submitted...within (for example) two years of permit issuance."
- Are triggered by the use of water, but do not stipulate a specific date. These conditions represent a milestone in development of the project and use of water, such as the permit holder "shall install...a water meter or other suitable measuring device approved by the Director...before any use of water begins." Another common condition triggered by the use of water is that "fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications."



TIP: Any supporting documentation submitted to demonstrate compliance with time-sensitive permit conditions or any conditions from prior permit extension(s) must be clearly referenced and may include, but is not limited to: well construction logs; static water level measurement reports, annual water use reports; and/or a plan to monitor the effect of water use on ground water aquifers utilized under the permit.

If needed, you may contact the OWRD for assistance in identifying and/or interpreting which conditions in the water permit are pertinent to the extension application.

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In responding to question 2 A) on the application:

Step (1) Hand-number each condition on a copy of your permit. Refer to each condition in Chart-A by this number (place the number in the column "**Condition No.**"). Submit the hand-numbered copy of the permit along with the application.

Step (2) List all pertinent permit conditions in Chart-A, and explain how you have complied with them ("**Describe How Permit Condition Has Been Satisfied**").

Step (3) Indicate the date the condition was met ("**Date Satisfied**").

Step (4) Repeat steps (1), (2), and (3) for any conditions contained in any order approving a permit amendment and/or prior final order for an approved extension of time.

B) *If you have NOT complied with all applicable conditions, explain the reasons why and indicate a date certain, when, in the near future, you will be in compliance.*

If a permit holder is not in compliance with time-sensitive conditions, OWRD may take one of three actions:

1. Suspend processing of the application until the permit holder complies with them;
or
2. Establish time certain performance deadlines by which the conditions must be complied with and include them as conditions on the extension order; or
3. Deny the permit extension.

If you are considering applying for a permit extension and you are not in compliance with time-sensitive conditions, you may want to hold off filing the extension application until you have complied with the conditions. If you are not in compliance, but wish to proceed with the extension application, you should explain how, and the dates by which, you will comply with the conditions in Chart-B. If the extension is allowed, OWRD will likely not grant much time (less than one year) for the permit holder to comply with time-sensitive conditions.

In responding to question 2 B) on the application:

Step (1) Hand-number each condition on a copy of your permit. Refer to each condition in Chart-B by this number (place the number in the column "**Condition No.**"). Submit the hand-numbered copy of the permit along with the application.

Step (2) List all pertinent permit conditions in Chart-A, and explain why you have not complied with them ("**Explain Why Each Permit Condition Has NOT Been Satisfied**").

Step (3) Indicate the date the condition will be met ("**Date Will Comply**").

Step (4) Repeat steps (1), (2), and (3) for any conditions contained in any order approving a permit amendment and/or prior final order for an approved extension of time.

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3. ***Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).***

Permitted Time Period - period of time between the date when the permit was signed *and* the date specified in the permit for complete application of water

Time Period of the Previous Extension

For 2nd Application for Extension of Time - period of time between the date specified in the permit for complete application of water and the new "extended to date" for complete application of water specified in the 1st approved extension.

For 3rd or Application for Extension of Time - period of time between the "extended from date" for complete application of water and the "extended to date" for complete application of water specified in the most recently approved extension.

- A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.**

Chart-C must be filled out by all applicants regardless of how many extensions have been granted in the past. List all materials and equipment purchases made within the applicable time period, the system components installed and components brought into use within the time period. Identify costs by each line item to assist in responding to Question 4 on the application for extension.

- B) If this is not your 1st Application for Extension of Time request, fill out CHART -D below (in addition to CHART-C above). Use chronological order.**

Chart-D must be filled out by all applicants who have been granted an extension in the past (that is, this is your 2nd, 3rd, or 4th, etc. request) List all materials and equipment purchases made within the applicable time period, the system components installed and components brought into use within the time period. Identify costs by each line item to assist in responding to Question 4 on the application for extension.

4. ***Cost of project to date _____.***

Indicate the amount invested in developing the water use system to date. This will be a total of the costs indicated on Chart-C and Chart-D from Question 3. If exact cost is not known, you must provide your best estimate.

5. ***What is the maximum rate, or duty if applicable, of diversion, if any, made to date?***

Indicate the rate (not the volume) of water you are beneficially using under this permit in **cubic feet per second** or **gallons per minute** for surface water and ground water permits. If you are using stored water, indicate the amount in acre-feet.

6. ***What is the total number of acres irrigated to date under this permit?***

If your permit authorizes the irrigation of land, indicate the maximum number of acres to which you have applied water under this permit.

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7. ***Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.***

Fill out Chart-E, making your best estimate of the future time line and costs for work necessary to complete construction and/or apply water to full beneficial use under the terms and conditions of the permit.

8. ***Estimated remaining cost to complete the project _____.***

Indicate your estimate of the remaining investment necessary to fully construct the system and put water to beneficial use. This will be a total of the costs indicated in Chart-E from Question 7.

9. ***List the reasons why the project was not constructed, and/or water was not beneficially used within the permitted time limits. Provide supporting information for the reason(s) that best fits your circumstances.***

It may be appropriate to respond in more than one category. Respond in category D) if the reasons for delay do not fit in any other category.

- A) *The project is of a size and scope that was originally planned to be phased it in over a time frame longer than the one allowed in the permit.***

Useful supporting information might include an excerpt from a business plan or a phasing schedule showing how the project is to be fully developed and water applied in increments. The supporting information can be simple and straightforward. This information would also be useful in evaluating the time needed to complete the project and beneficially use water.

For group domestic permits, historic population and employment information, growth forecasts and/or build-out status, including total number of residential units and other uses built, the number remaining to be built and absorption rates should be identified.

- B) *The financial resources needed to develop the project precluded completion of the project within authorized time frames.***

If financing was critical to development of the project, indicate the contract number, financing entity, date when you originally applied for financing and date the financing agreement was executed. It is not necessary to submit a copy of the agreement nor to disclose the terms of the agreement. If cash flow is a constraint to developing the project, develop a phasing plan indicating the investments made annually to date and estimated annual investments anticipated until the project is completed and water applied.

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- C) *Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.***

If it was necessary to obtain specific permits (land use approvals, wetland fill and removal permits, individual waste disposal system, or other water quality permits, etc.) to proceed with work under the water right permit, indicate the permits, date permit applications were filed, and date permits were issued by the appropriate authorities. If delays were caused by a general need to comply with government requirements, including specific conditions of the water right permit or other permits, provide a brief explanation of the requirements and, the good faith effort and general timeframes involved in complying with those requirements that delayed development of the water project under the permit.

- D) *Acts of God or other unforeseen events delayed full development of the water system and use of water.***

Natural disasters, severe weather, grave illnesses or death suffered by permit holders, family members, and business partners may be among the legitimate reasons that permit holders have not fully developed water systems and made beneficial use of water within permit timeframes. Supporting documentation to submit may include a list of the specific system or site damage caused by natural disasters or severe weather and the amount of delay and financial impact resulting from necessary repairs. For family illnesses and the like, a simple statement should be made indicating whether or not illness/accidents may have resulted in death or hospitalization and if resulting legal or ongoing health care/rehabilitation programs have affected the ability to complete the project authorized by the permit.

If there are other reasons for the delay that are not "Acts of God" and don't fit in categories A, B, and C, list them in this subsection and provide supporting information and estimates of the delay caused by the unforeseen events.

- 10. *Justify the time requested to complete the project and/or apply the water to full beneficial use.***

A justification should integrate information from Items 2, 3-A, 3-B, 7 and 9 of this Application for Extension of Time, but may include any other information or evidence to establish that the requested amount of time is reasonable. This can be a summary of why you need the amount of time you have requested.

- 11. *Provide any other information you wish the OWRD to consider while evaluating the extension of time application.***

This is your opportunity to include any other information you want the OWRD to have when considering your extension request.

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TO: Water Rights Section

7/13, 1998

FROM: Groundwater/Hydrology Section

Man A Norton

Reviewer's Name

SUBJECT: Application G-14780

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7B, 7C;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

9-14780

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

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ___ review of the well log;
 - b. ___ field inspection by _____;
 - c. ___ report of CWRE _____;
 - d. ___ other: (specify) _____
6. THE WELL construction deficiency:
- a. ___ constitutes a health threat under Division 200 rules;
 - b. ___ commingles water from more than one groundwater reservoir;
 - c. ___ permits the loss of artesian head;
 - d. ___ permits the de-watering of one or more groundwater reservoirs;
 - e. ___ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ___ was, or constructed according to the standards in effect at the time of
 - b. ___ was not original construction or most recent modification.
 - c. ___ I don't know if it met standards at the time of construction.

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

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

_____, 199____
(Signature)

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

_____, 199____
(Signature)

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE # 14780

ROUTED TO: W.R.

TOWNSHIP/

RANGE-SECTION: 15/3w-33

CONDITIONS ATTACHED? Yes No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Man A Noto

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Ground Water/Hydrology
 FROM: Marc Norton
 SUBJECT: Groundwater Application G- 14780

Date 7/13/98

Applicant(s) seek 3100 gpm (2500 from pits + 600 from well) from 2 gravel pits one well in the Willamette basin
 Applicants Name: Viesko Quality Concrete sub basin
 Proposed Use: _____ sub basin

Pertinent 7 & 1/2 minute Quads Mission Bottom
Salem West

Well 1 ^{Proposed} WRD# _____ T 6S R 3W S 33 QQ _____ County Marion

Legal Description _____
 Well is 3400 ft from Willamette (river/stream)
 Well is 200 ft from pond (river/stream)
 Well Elevation 125 ft River/Stream elevation 105 ft.
 Well Elevation - River/Stream elevation ±20 ft.
 Well depth 100 ft SWL 30 ft on _____
 Sealed to 20 ft Depth first water found _____ ft
 Cased to 100 ft Perforations/screens _____ ft
 Lined to _____ ft Perforations/screens _____ ft

Proposed

Well test and types _____
 (Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES / NO
 Potential to cause substantial interference? Minimal

Well 243 - Gravel Pits WRD# _____ T 6S R 3W S 33 QQ _____ County Marion

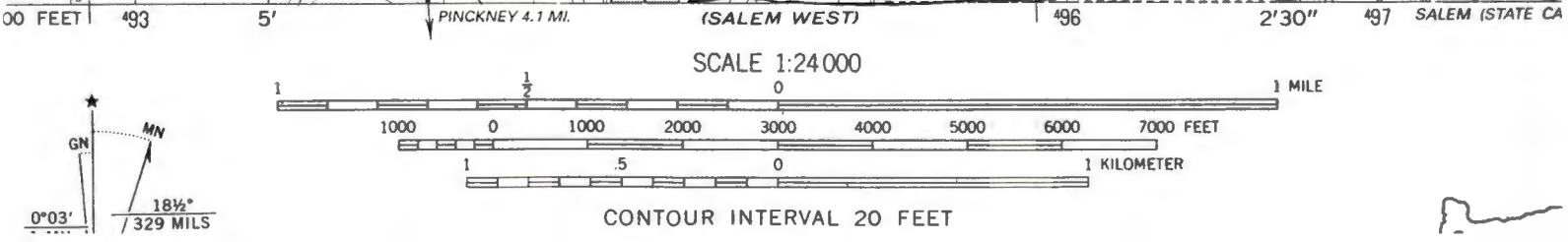
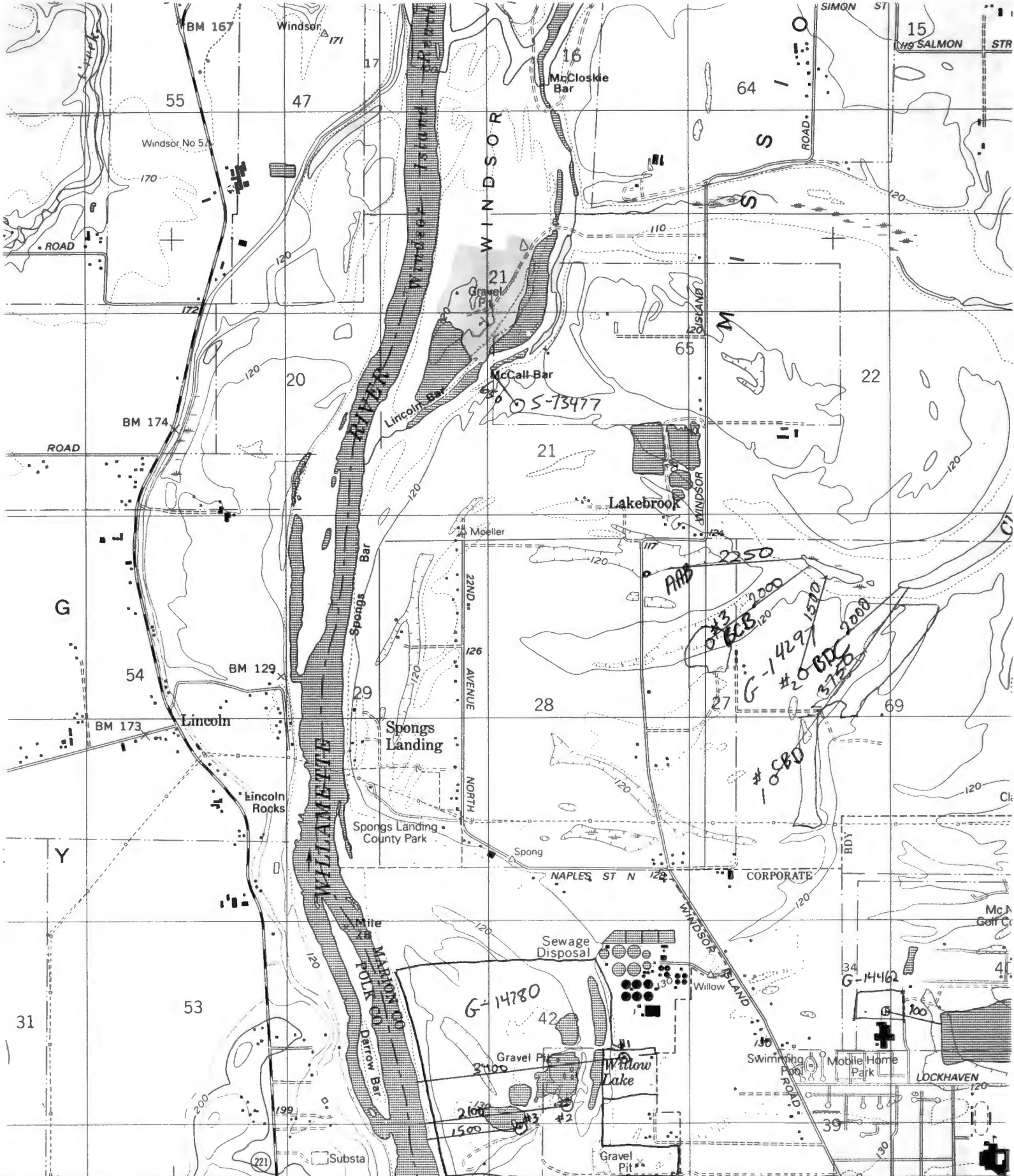
Legal Description _____
 Well is 1500 ft from Willamette (river/stream)
 Well is 2100 ft from willamette (river/stream)
 Well Elevation 120-15 ft River/Stream elevation 105 ft.
 Well Elevation - River/Stream elevation ±10-15 ft.
 Well depth 10-80 ft SWL 15 ft on _____
 Sealed to Pits ft Depth first water found _____ ft
 Cased to _____ ft Perforations/screens _____ ft
 Lined to _____ ft Perforations/screens _____ ft

Well test and types _____
 (Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES / NO
 Potential to cause substantial interference? Minimal

Comments: See Mari 51587

Actual consumptive use is considerably less than 3100 GPM. Most of the water is recycled. The percentage of consumptive use is being determined.

References Used: _____



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

MAR 1 51587

(START CARD) # 52464

(1) OWNER: Well Number 3056
 Name Viesko Redi-Mix, INC.
 Address 741 Matheny Rd. N.E.
 City Gervais, Oregon State 97026 Zip

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

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

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

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well 80 ft.
 Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
14	0	19	Dry Bentonite	0	19	1200 lbs
8	0	80				

How was seal placed: Method A B C D E
 Other As per 690-210-340
 Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 8"	+1	80	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 80'
 (7) PERFORATIONS/SCREENS: (5/16" X 1 1/4")
 Perforations Method Holte air Perf.
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
55	78		825			<input checked="" type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
 Yield gal/min 400+ Drawdown _____ Drill stem at 80 Time 1 hr.

Temperature of Water 53°F Depth Artesian Flow Found _____
 Was a water analysis done? Yes No By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL by legal description:
 County Marion Latitude _____ Longitude _____
 Township 6S N or S. Range 3W E or W. WM.
 Section 33 SE 1/4 SE 1/4
 Tax Lot _____ Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) _____

Bowden Lane
 (10) STATIC WATER LEVEL:
26 ft. below land surface. Date 7/2/93
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
 Depth at which water was first found 54

From	To	Estimated Flow Rate	SWL
54	80	400+	26

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
Topsoil	0	2	
Brown Sandy clay	2	25	
Brown Cemented Sand and Gravel	25	54	
Loose Brown Sand and Gravel	54	80	

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**WATER RESOURCES DEPT.
 SALEM, OREGON**

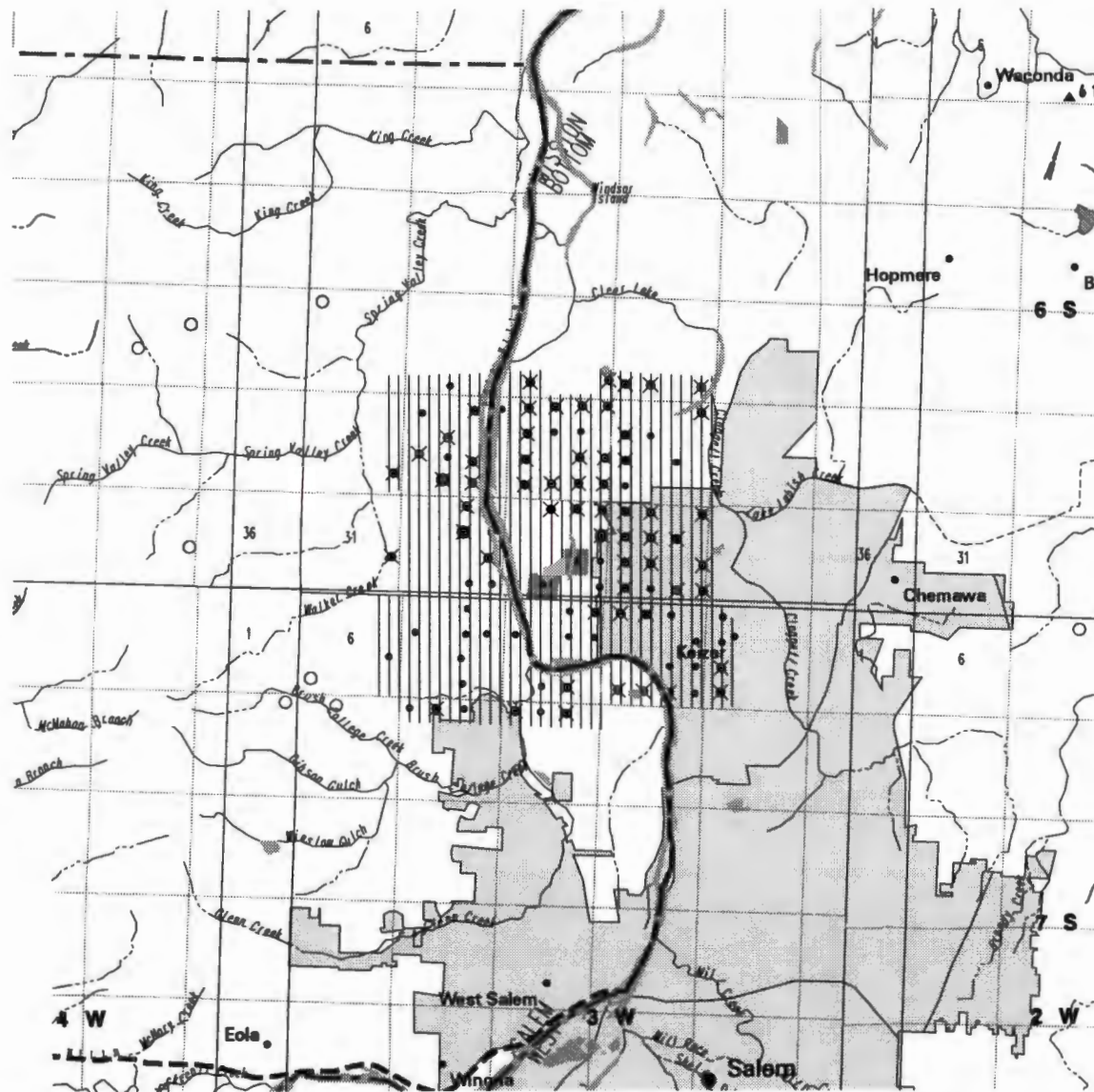
Date started 7/2/93 Completed 7/2/93

(unbonded) Water Well Constructor Certification:
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Material used and information reported above are true to my best knowledge and belief.
 Signed Mal D. Ben WWC Number 753
 Date 7/6/93

(bonded) Water Well Constructor Certification:
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
 WILLAMETTE DRILLING COL INC. WWC Number 753
 Signed Mal D. Ben Date 7/6/93

Wells in the vicinity of application G 14780

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



WELLS WITHIN 1 MILE OF G 14780

DO	128
DS	2
ID	10
IM	4
IR	153
MO	22
MU	28

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14780

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G	2486	G 2330	6.00S 3.00W21SESE IM	0.7700	C
2	G	9158	G 8685	6.00S 3.00W21SWSW IR	0.0300	C
2	GR	1245	GR 1202	6.00S 3.00W21SWSW IR	120.0000	G
3	GR	1527	GR 1474	6.00S 3.00W22SWSW IR	350.0000	G
4	G	7807	G 7376	6.00S 3.00W22SESW IR	4.1100	C
5	G	7808	G 7377	6.00S 3.00W22SESE IR	2.2700	C
6	G	5656	G 4982	6.00S 3.00W28NWNW IR	0.9000	C
7	GR	368	GR 354	6.00S 3.00W28NENE IR	500.0000	G
8	GR	1517	GR 1465	6.00S 3.00W28NENW IR	750.0000	G
9	G	9158	G 8685	6.00S 3.00W28NWNW IR	0.3800	C
10	G	5537	G 5421	6.00S 3.00W29NWNW IR	0.4700	C
10	GR	1621	GR 1579	6.00S 3.00W29NWNW IR	200.0000	G
11	GR	2943	GR 2767	6.00S 3.00W27NENE IR	200.0000	G
12	GR	1114	GR 1074	6.00S 3.00W28SWNW IR	300.0000	G
12	GR	1519	GR 1467	6.00S 3.00W28SWNW IR	550.0000	G
12	GR	2629	GR 2494	6.00S 3.00W28SWNW IR	84.0000	G
13	G	2271	G 2083	6.00S 3.00W27SWNW IR	0.8200	C
14	G	8100	G 7485	6.00S 3.00W29SESW IR	0.4100	C
15	G	6717	G 6352	6.00S 3.00W29NWSW QM	0.2000	C
15	G	9048	G 8392	6.00S 3.00W29NWSW IR	0.2300	C
16	GR	2429	GR 2304	6.00S 3.00W28NWSE IR	420.0000	G
17	G	2058	G 1887	6.00S 3.00W28NESE IR	0.3600	C
17	GR	368	GR 354	6.00S 3.00W28NESE IR	500.0000	G
18	G	650	G 544	6.00S 3.00W28NWSW IR	0.4500	C
18	GR	489	GR 470	6.00S 3.00W28NWSW IR	350.0000	G
19	G	7902	G 7306	6.00S 3.00W27NWSW IS	0.3300	C
19	GR	3278	GR 3047	6.00S 3.00W27NWSW IR	700.0000	G
20	G	11825	G 10908	6.00S 3.00W29NWSE QM	300.0000	G
20	G	12019	G 10980	6.00S 3.00W29NWSE NU	0.3500	C
20	G	12020	G 10981	6.00S 3.00W29NWSE NU	0.0700	C
21	GR	288	GR 261	6.00S 3.00W30SESE IR	300.0000	G
22	G	11935	G 10987	6.00S 3.00W29SESW QM	60.0000	G
23	G	12197	G 11190	6.00S 3.00W29SWSE IR	0.0600	C
24	GR	655	GR 623	6.00S 3.00W28SWSE IR	250.0000	G
25	GR	368	GR 354	6.00S 3.00W28SESE IR	500.0000	G
26	G	1692	G 1552	6.00S 3.00W28SESW IR	0.8100	C
27	G	4802	G 4527	6.00S 3.00W28SWSW DO	0.0500	C
28	G	5308	G 4824	6.00S 3.00W32NWNW RC	0.1000	C
29	G	10432	G 9607	6.00S 3.00W33NENW IR	0.0100	C
29	GR	221	GR 205	6.00S 3.00W33NENW IR	400.0000	G
30	G	505	G 400	6.00S 3.00W33NWNW IR	0.0600	C
31	GR	1726	GR 1675	6.00S 3.00W33NENE IR	500.0000	G
32	G	1628	G 1511	6.00S 3.00W34NWNW IR	0.4800	C
32	GR	1566	GR 1508	6.00S 3.00W34NWNW IR	300.0000	G
33	GR	1053	GR 1015	6.00S 3.00W34NENW IR	300.0000	G
34	GR	1509	GR 1457	6.00S 3.00W34NENE IR	200.0000	G
35	G	11913	G 10986	6.00S 3.00W32SWNE QM	150.0000	G
36	G	13282	G 12165	6.00S 3.00W33SENE IM	0.3010	C
36	GR	1727	GR 1676	6.00S 3.00W33SENE IR	450.0000	G
37	G	5136	G 4871	6.00S 3.00W34SWNW IR	0.3200	C
37	G	13282	G 12165	6.00S 3.00W34SWNW IM	0.3010	C
37	GR	1728	GR 1677	6.00S 3.00W34SWNW IR	268.0000	G
38	G	1451	G 1336	6.00S 3.00W34SESW IR	0.1300	C
38	G	2830	G 2646	6.00S 3.00W34SESW IR	0.4300	C
38	GR	1307	GR 1264	6.00S 3.00W34SESW IR	160.0000	G
39	G	13677	G 12041	6.00S 3.00W34SWNE RC	1.0000	C

39	GR	548	GR	523	6.00S	3.00W34SWNE	IR	125.0000	G
40	GR	2080	GR	1999	6.00S	3.00W31NESE	IR	192.0000	G
41	GR	3982	GR	3596	6.00S	3.00W32NESE	IR	20.0000	G
42	GR	91	GR	87	6.00S	3.00W33NWSE	IR	175.0000	G
43	G	7859	G	7285	6.00S	3.00W34NWSW	IC	0.2500	C
44	G	2135	G	1972	6.00S	3.00W34NESW	IR	0.3200	C
44	GR	81	GR	69	6.00S	3.00W34NESW	IR	500.0000	G
44	GR	3684	GR	3376	6.00S	3.00W34NESW	AG	200.0000	G
44	GR	3684	GR	3376	6.00S	3.00W34NESW	IR	200.0000	G
45	G	10446	G	9771	6.00S	3.00W34NESE	MU	3.2200	C
46	G	1464	G	1345	6.00S	3.00W34SWSW	IR	0.1600	C
47	G	6273	G	5906	6.00S	3.00W34SWSE	IR	0.0900	C
48	GR	2273	GR	2166	6.00S	3.00W34SESE	IR	200.0000	G
48	GR	3374	GR	4001	6.00S	3.00W34SESE	IR	250.0000	G
49	GR	2378	GR	2260	7.00S	3.00W 4NENE	IR	85.0000	G
50	GR	656	GR	624	7.00S	3.00W 3NWNW	IR	100.0000	G
50	GR	1049	GR	1011	7.00S	3.00W 3NWNW	IR	150.0000	G
50	GR	3662	GR	3358	7.00S	3.00W 3NWNW	IR	54.0000	G
51	G	1602	G	1474	7.00S	3.00W 3NENW	IR	1.0900	C
52	G	936	G	834	7.00S	3.00W 2NWSW	AH	0.0700	C
53	G	6481	G	6103	7.00S	3.00W 4SWSE	IR	0.0800	C
53	G	9054	G	8393	7.00S	3.00W 4SWSE	IR	0.0400	C
53	GR	1790	GR	1732	7.00S	3.00W 4SWSE	IR	260.0000	G
54	G	1019	G	900	7.00S	3.00W 3SWSW	IR	0.7500	C
54	G	6481	G	6103	7.00S	3.00W 3SWSW	IR	0.0800	C
54	G	9054	G	8393	7.00S	3.00W 3SWSW	IR	0.0900	C
55	G	1019	G	900	7.00S	3.00W 3SESW	IR	0.7500	C
56	GR	24	GR	20	7.00S	3.00W 3SWSE	MU	385.0000	G
56	GR	3065	GR	2868	7.00S	3.00W 3SWSE	MU	700.0000	G
57	G	1602	G	1474	7.00S	3.00W 2SWSW	IR	0.3400	C
57	G	1602	G	1474	7.00S	3.00W 2SWSW	IR	0.4500	C
57	GR	24	GR	20	7.00S	3.00W 2SWSW	MU	390.0000	G
57	GR	3069	GR	2872	7.00S	3.00W 2SWSW	MU	450.0000	G
57	GR	3412	GR	3160	7.00S	3.00W 2SWSW	MU	150.0000	G
58	G	9912	G	8929	7.00S	3.00W 8NENW	IR	0.3100	C
59	GR	3258	GR	3031	7.00S	3.00W 9NWNW	IR	500.0000	G
60	GR	3257	GR	3030	7.00S	3.00W 9NWNE	IR	700.0000	G

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 14780

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G	13820	G 12037 6.00S 4.00W23SENE	4IG
1	G	13820	G 12037 6.00S 4.00W23SENE	4IR
1	G	13820	G 12037 6.00S 4.00W23SENE	4LG
1	G	13820	G 12037 6.00S 4.00W23SENE	4LW
2	G	12665	G 11769 6.00S 4.00W23NESW	4LG
2	G	12665	G 11769 6.00S 4.00W23NESW	4LW
2	G	12665	G 11769 6.00S 4.00W23NESW	5YR
3	G	12214	G 11384 6.00S 4.00W35NESE	4E
3	G	12214	G 11384 6.00S 4.00W35NESE	4E
4	G	13075	G 12160 6.00S 3.00W19NWNW	5YF
4	G	13075	G 12160 6.00S 3.00W19NWNW	7HG
4	G	13075	G 12160 6.00S 3.00W19NWNW	7HR
5	G	11935	G 10987 6.00S 3.00W29SESW	12E
5	G	11935	G 10987 6.00S 3.00W29SESW	4D
5	G	11935	G 10987 6.00S 3.00W29SESW	SS10
5	G	11935	G 10987 6.00S 3.00W29SESW	SS11
6	G	11913	G 10986 6.00S 3.00W32SWNE	4D

6	G	11913	G	10986	6.00S	3.00W32SWNE	4E
6	G	11913	G	10986	6.00S	3.00W32SWNE	SS10
6	G	11913	G	10986	6.00S	3.00W32SWNE	SS11
7	G	13282	G	12165	6.00S	3.00W33SENE	7BG
7	G	13282	G	12165	6.00S	3.00W33SENE	7BR
7	GR	1727	GR	1676	6.00S	3.00W33SENE	
8	G	12584	G	11976	7.00S	4.00W12NENE	4IG
8	G	12584	G	11976	7.00S	4.00W12NENE	4IR
8	G	12584	G	11976	7.00S	4.00W12NENE	4IG
8	G	12584	G	11976	7.00S	4.00W12NENE	4IR
9	G	12584	G	11976	7.00S	3.00W 6SWSW	4IG
9	G	12584	G	11976	7.00S	3.00W 6SWSW	4IR
10	G	12166	G	11107	7.00S	3.00W 7NENW	4E
11	G	12999	G	11742	7.00S	2.00W 5NWNE	4GG
11	G	12999	G	11742	7.00S	2.00W 5NWNE	4GG

APPLICATION G 14780 FALLS WITHIN THESE QUAD(S)

MISSION BOTTOM

SALEM WEST

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

\$RECNO	NAME1	NAME2	SUB-AREA	STATUS
1	EOLA HILLS			LIMI

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT #

27885

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

INVOICE # _____

RECEIVED FROM: City of Keizer

BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: CHECK: # 96-8 OTHER: (IDENTIFY)

TOTAL REC'D \$ 10.00

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT. \$ _____

PCA AND OBJECT CLASS _____ VOUCHER # _____

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) <u>PFO</u>	\$ 10.00
(w) TC165 DEPOSIT LIAB. (IDENTIFY) _____	\$

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219	LICENSE FEE \$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT #

27885

DATED: 2-22-99

BY: Roger Wright

OREGON WATER RESOURCES DEPARTMENT



RECEIVED

FEB 22 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Commerce Building
158 12th Street NE
Salem OR 97310-0210

NOTICE OF PROPOSED FINAL ORDER

This is to notify you that the Water Resources Department has issued a Proposed Final Order (PFO) on an application which may interest you. Attached is an excerpt from our weekly public notice, identifying the application we believe you may be interested in.

A PFO is the Department's preliminary decision on a water use request. It documents the agency's decision through specific findings. If appropriate, it includes a draft permit specifying any conditions or restrictions on the use.

Persons interested in receiving a mailed copy of a PFO must pay statutorily-required fee of \$10. (Any person paying \$10 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem office or at watermasters' offices; you may make your own copies for the standard copy charge.

If you do not request a copy of the PFO, you may not be notified of subsequent action on the referenced application.

Opportunities for Further Public Involvement

Those disagreeing with the Department's decision as expressed in the PFO have 45 days from the date the PFO was issued to file a protest.

The protest filing fee is \$200 for everyone but the applicant. Detailed requirements for filing a protest will be sent with copies of the PFO. Persons who support the PFO may file a "standing" fee of \$50 to retain the ability to participate in future proceedings relating to an application. To participate, an additional \$150 is required at the time of the proceeding, if a contested case hearing is held.

For additional information, call the Water Rights Information Group, extension 499 at either 503-378-8455 or 800-624-3199. Please have the application file number ready.

How To Read the Listing

Applications are organized by Oregon's major river basins, as listed below:

- | | | |
|---------------|-----------------|--------------|
| 1-North Coast | 8-Grande Ronde | 15-Rogue |
| 2-Willamette | 9-Powder | 16-Umpqua |
| 3-Sandy | 10-Malheur | 17-S. Coast |
| 4-Hood | 11-Owyhee | 18-Mid Coast |
| 5-Deschutes | 12-Malheur L. | 19-Columbia |
| 6-John Day | 13-Goose/Summer | 20-Snake |
| 7-Umatilla | 14-Klamath | |



G-12345	1	Dry Cr. > Rowe R.	0.50	C	IR	40.00	Coos 1/1/1995	SENE, SECTION 9, T16S, R4W	W. Clinton...	PFO	2
Basin number		What it flows into	Amount	Unit of measure: C - cubic feet per second G - gallons per minute A - acre-feet	Type of use (e.g.: IR - Irrigation; see codes below)	Irrigated acres	County of use; Priority date	Legal description of general area of use: "Southeast quarter of the Northeast quarter of Section 9, Township 16 South, Range 4 West."	Applicant name & address	Stage of Review: IR initial review PFO proposed final order	Decision codes: 1 permit may be issued as requested by applicant 2 permit may be issued w/ appropriate conditions 3 perm. unlikely to be iss

Some commonly-used Type of Use abbreviations (for definitions, please consult Oregon Administrative Rules Chapter 690, Division 11):

- | | | |
|-----------------------------------|---|------------------------|
| AG-agriculture | GD-group domestic | MU-municipal |
| CF,CH,CI,CR-cranberry uses | GR-groundwater recharge | NU-nursery use |
| CM-commercial | GT-geothermal | PA-pollution abatement |
| CS-campground | IC-irrigation, primary & supplemental | PW-power |
| DI-domestic, incl. lawn & garden | ID,IL-irrigation with Domestic or Livestock use, respectively | QM-quasi-municipal |
| DN-domestic, incl. non-commercial | IM-Industrial, manufacturing | RC-recreation |
| DO-domestic | IR-irrigation | RW-road construction |
| DS-domestic/stock | IS-supplemental irrigation | ST-storage |
| FI-fish | LV,LW-livestock/wildlife | SW-swimming |
| FP-fire protection | MI-mining | TC-temperature control |
| FW-fish & wildlife | | WI-wildlife |

PROPOSED FINAL ORDER REQUEST FORM

Your Name, Address, and Phone Number:

CITY OF KEIZER
 P.O. Box 21000
 KEIZER, OR 97307-1000
 ATTN: ROB KISSER DPW Phone: 390-3700 X 149

Please send me the Proposed Final Order for Water Right Application:

5-14780
 # _____
 # _____

Return this form and \$10 per PFO to:

PFO Requests
 Proposed Final Order Team
 Oregon Water Resources Department
 158 12th St. NE
 Salem OR 97310

Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued.



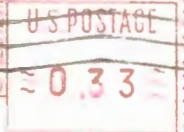
City of Keizer

P.O. Box 21000

Keizer, Oregon 97307-1000

1982

ADDRESS SERVICE REQUESTED



SALEM OR 97301 2107 02/13/99

97310-0700



Date: 1-8-01

To: Dwight
From: Amy x210

#8

Application: g-14780
Permit: g-13861
Certificate: —

Special Order Volume _____ Page _____
Related Water Rights: _____

Perceived Problem/Issue/Question:

A legal description given does not have a quarter quarter match. Would you like it on the permit? The database has the q/q blank.

Your Solution:

Is it necessary to list $\frac{1}{4}$ $\frac{1}{4}$ section if coordinates are listed w/ reference to a section corner?

Well #2 should be 2360' W NOT 2380' W.
Affirm w/ applicant as to location $\frac{1}{4}$ $\frac{1}{4}$.

Your Name: [Signature]
Today's Date: 8/13/03
Proposed Date of Completion: 8/13/03

fix permit -
well # 2 is 1390' N
2180' W from SE cor
Sec 33

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

VIESKO QUALITY CONCRETE
SCOTT ERICKSON
P.O. BOX 20610
KEIZER, OREGON 97307

PHONE: (503) 393-5050

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

APPLICATION FILE NUMBER: G-14780

SOURCE OF WATER: THREE WELLS IN THE WILLAMETTE RIVER BASIN

PURPOSE OR USE: INDUSTRIAL USE AND MINING OPERATIONS

MAXIMUM RATE: 6.91 CUBIC FEET PER SECOND (CFS), BEING 1.34 CFS FROM WELL 1 AND 5.57 CFS FROM WELLS 2 AND 3

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 22, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, NW 1/4 SE 1/4, SECTION 33, T6S, R3W, W.M.; WELL 3 - 1020 FEET NORTH & 3080 FEET WEST, WELL 1 - 2200 FEET NORTH AND 1420 FEET WEST, AND WELL 2 - 1080 FEET NORTH AND 2380 FEET WEST ALL FORM SE CORNER, SECTION 33

WELL #3

WELL 1 AND 2

per map - should be 2360' FEET WEST
THE PLACE OF USE IS LOCATED AS FOLLOWS:

This legal put this well in the SW 1/4 - SE 1/4. It is not listed on the permit. It has been left blank in data.

- SW 1/4 NE 1/4
- SW 1/4 NW 1/4
- SE 1/4 NW 1/4
- NE 1/4 SW 1/4
- NW 1/4 SW 1/4
- SW 1/4 SW 1/4
- SE 1/4 SW 1/4
- NE 1/4 SE 1/4
- NW 1/4 SE 1/4
- SW 1/4 SE 1/4
- SE 1/4 SE 1/4

SECTION 33

TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.

G-15452

Mailing List for Permit Copies

Application#G-14780

Mailing List Print Date November 9, 2000

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

Applicant: VIESKO QUALITY CONCRETE, SCOTT ERICKSON, PO BOX 20610, KEIZER, OR 97307

For Permit only - Permit Copies sent to (Remember to reduce copy margins):

1. WRD - File # G-14780
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - Watermaster District #:16 (w/copy of permit map)

Copies Mailed By: <i>Cap</i> (SUPPORT STAFF) on: <i>12-1-00</i> (DATE)
--

COPIES TO Other Interested Persons

5. _____
6. _____
7. _____

Caseworker:AMH

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

VIESKO QUALITY CONCRETE
SCOTT ERICKSON
P.O. BOX 20610
KEIZER, OREGON 97307

PHONE: (503) 393-5050

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WELL 1 AND 5.57 CFS FROM WELLS 2 AND 3

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 22, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, NW 1/4 SE 1/4, SECTION 33,
T6S, R3W, W.M.; WELL 3 - 1020 FEET NORTH & 3080 FEET WEST, WELL 1 -
2200 FEET NORTH AND 1420 FEET WEST, AND WELL 2 - 1080 FEET NORTH AND
2380 FEET WEST ALL FORM SE CORNER, SECTION 33

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4
SE 1/4 SE 1/4

SECTION 33

TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.

Measurement, recording and reporting conditions:

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

The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

This permit does not allow for water to be used for heap leach mining operations.

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

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

Measurements must be made according to the following schedule:

Before Use of Water Takes PlaceInitial and Annual Measurements

The Department requires the permittee to submit an initial water level

measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

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

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

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

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

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

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary

because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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

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

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

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

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

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

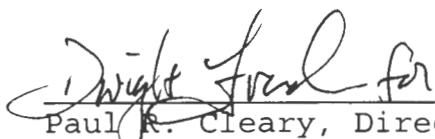
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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

Actual construction of the well shall begin by November 30, 2001. Complete application of water to the use shall be made on or before October 1, 2005. Within one year after complete application of water

to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued November 30 , 2000


Paul R. Cleary, Director
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application G-14780 Water Resources Department
Basin 02 Volume 26 WILLAMETTE R & TRIBS
AMH MGMT.CODE 5BW

PERMIT G-13861
District 16

RECEIVED

JUN 22 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Willamette Island Rd.




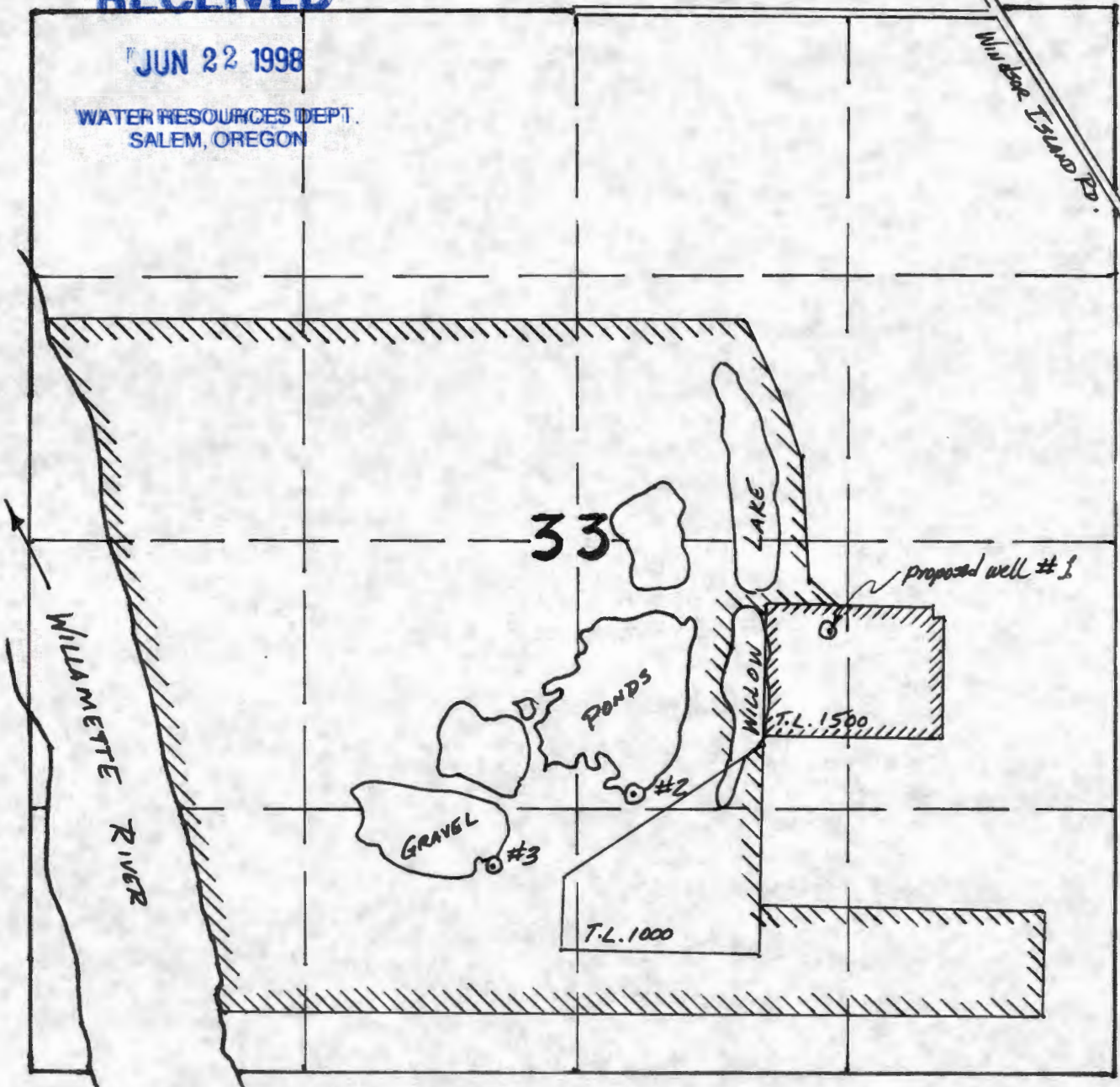
SCALE 1" = 800'

Well locations:

- #1 - 2200' N. & 1420' W;
- #2 - 1080' N. & 2380' W;
- #3 - 1020' N. & 3080' W;
- all from SE Cor. Sec. 33.

 - Concrete Batching

 - Industrial



T. 6 S., R. 3 W., W.M. - Section 33
 Map to Accompany Application # _____, for
 Vesko Quality Concrete

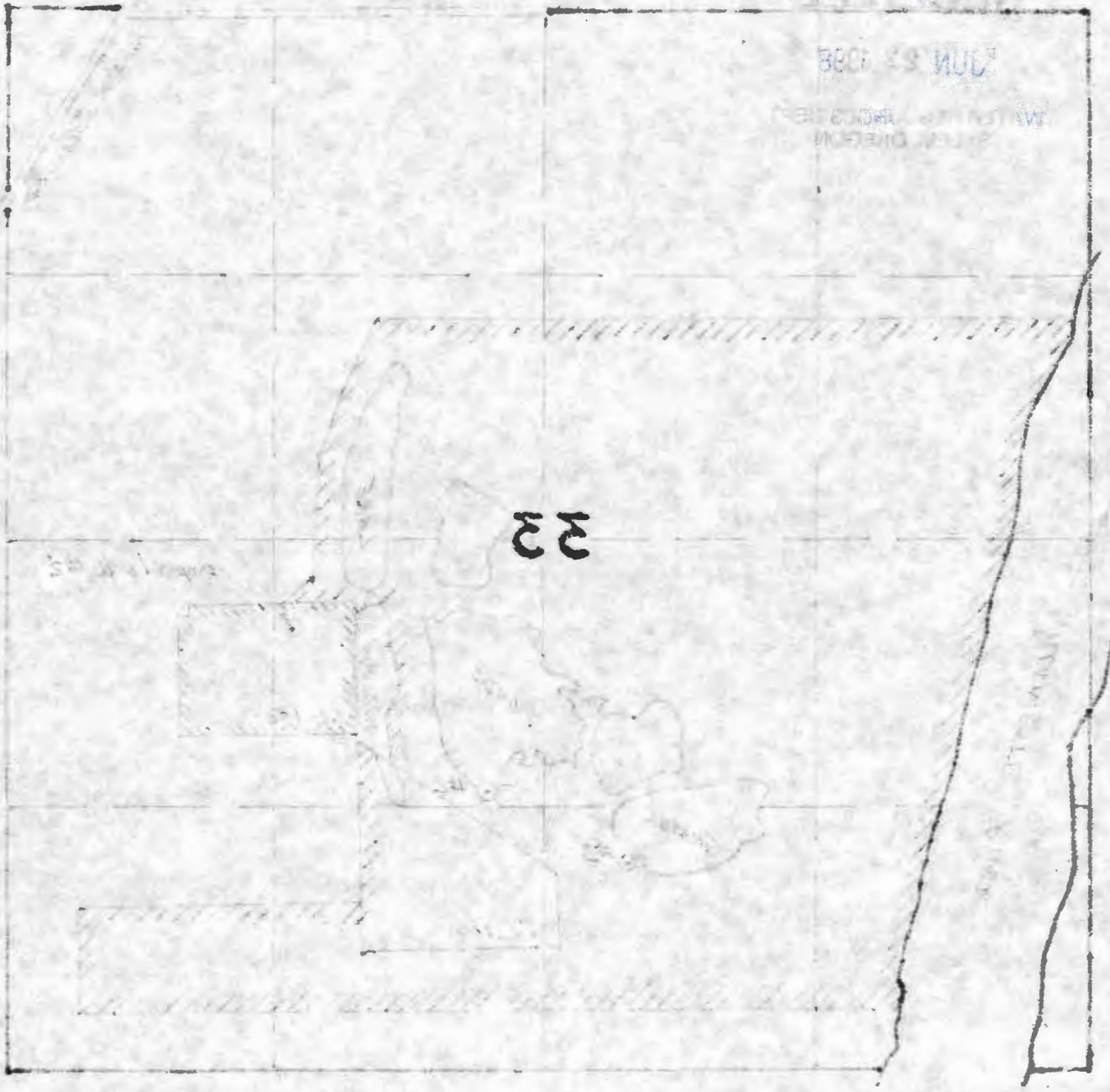
Application No. G 14780

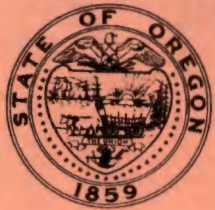
Permit No. G 13861 In all 3
in U6B - shown
outside

Nearby Quartzite Conglomerate.

Map to Accompany Description # _____ of

T. 62° N. 52° W. R. 11 W. - Section 22





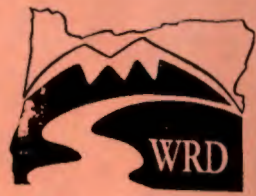
G14780

USER-ID 29050

2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

2001



lm/ml

lm/ml

lm/ml

Facility							
POD-ID	49726	49727	49728				
October - 2000							
November - 2000							
December - 2000							
January - 2001							
February - 2001							
March - 2001							
April - 2001							
May - 2001							
June - 2001							
July - 2001							
August - 2001							
September - 2001							
TOTAL *	0	0	0				

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JAN 30 2002
WATER RESOURCES DEPT.
SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: NA. If use is irrigation, total number acres irrigated NA

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

[Signature]
Signature

President
Title

Vesko Quality Concrete
Reporting Entity

1-28-02
Date

Viesko
Quality

Concrete

PO Box 20610

Keizer, Oregon 97307

503-393-5050 or 981-5050 FAX 393-3984

Water Resources Department
Laura K. Snedaker

November 2, 2000

Application G-14780 for Viesko Quality Concrete

Dear Laura,
Please proceed with our water right application.

During the last year we obtained an access easement for property at our site and now wish to proceed with the permitting process. Please find a check for the \$150 fee and a copy of the access easement with the City of Salem. If you have further questions call Scott Erickson at 503 939 5050 or Steve Applegate at 503-362-4040.



Scott Erickson, President Quality Concrete Inc
cc Steve Applegate

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SALEM, OREGON

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NOV 06 2000

WATER RESOURCES DEPT.
SALEM, OREGON

AFTER RECORDING, RETURN TO:

Clark B. Williams
Heltzel, Upjohn, Williams, Yandell & Roth, P.C.
PO Box 1048
Salem, OR 97308-1048

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is entered into this 13th day of April, 2000, by and between

CITY OF SALEM, an Oregon municipal corporation ("Grantor"), and

VIESKO REDI-MIX, INC., an Oregon corporation ("Grantee").

RECITALS:

A. Grantor owns the real property described on Exhibit A hereto, on which Grantor has underground forced mains.

B. Grantee has purchased the real property described on Exhibit B attached hereto, which is immediately adjacent and to the west of Grantor's property. Grantee intends to develop its property for mining sand and gravel aggregate materials for its concrete business, and needs access across Grantor's property for such purpose.

AGREEMENT:

The parties agree as follows:

1. **EASEMENT.**

a. **Grant of Easement.** For the sum of \$6,589 true and actual consideration, receipt of which is acknowledged, Grantor hereby grants and conveys to Grantee a permanent non-exclusive easement across the northerly 60 feet of the property described as Exhibit A hereto. This easement shall be appurtenant to the property described on Exhibit B hereto and shall run with the land.

b. **Purposes of Easement.** The purposes of the easement shall be for ingress and egress to the property described on Exhibit B, and to build and construct conveyors over the easement to transport concrete and aggregate materials. Except as provided in paragraph 3, Grantee shall be allowed to construct an all-weather surface roadway and/or pavement at Grantee's option and to install fill material as needed to construct the roadway, all at Grantee's expense. Grantee shall also be allowed to install, maintain and repair underground utilities to service the property described on Exhibit B.

2. **MAINTENANCE OF ROADWAY.** The cost of reasonable maintenance of and repairs to any roadway constructed by Grantee shall be borne by Grantee.

3. **LIMITATION.** This easement is not intended to restrict the use by Grantor of this land in any way, as long as that use does not materially interfere with Grantee's use and enjoyment of this easement. Grantor has underground force mains on the property described on Exhibit A and intends to add more force mains in the future. Grantor may require Grantee to remove its equipment from that portion of the property described on Exhibit A for as long as reasonably necessary to construct and/or provide maintenance to these force mains. If Grantor's construction or maintenance restricts Grantee's access to Grantee's property described on Exhibit B, Grantor shall allow Grantee temporary alternate access over Grantor's other property at Grantee's expense.

4. **INDEMNITY.** Grantee shall indemnify and hold harmless Grantor, its successors and assigns, from claims of injury to person or property as a result of the negligence of Grantee, its agents or employees in the construction, operation or maintenance of any improvements under this easement.

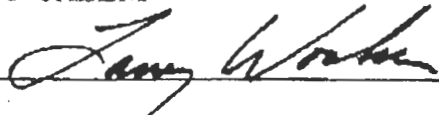
5. **BREACH OF OBLIGATIONS.** In the event any party shall fail to perform that party's obligations under this agreement, the other party (or parties) shall be entitled to require such performance by suit for specific performance, or, where appropriate, through injunctive relief. Such remedies shall be in addition to any other remedies afforded under Oregon law.

6. **ATTORNEY FEES.** In case of any dispute concerning the interpretation of this agreement, or in case of any default in the performance of any of the terms hereof, the parties not prevailing shall pay all costs of interpreting this agreement or enforcing the terms or provisions hereof, whether incurred in or out of any trial or appellate court, including reasonable attorney's fees and costs and disbursements.

7. **SUCCESSOR INTERESTS.** The rights, covenants and obligations of this agreement shall bind, burden and benefit each party's successors and assigns.

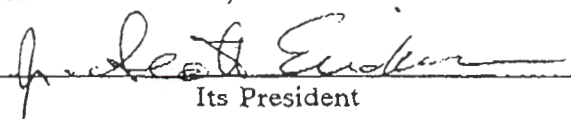
Duly executed in duplicate.

CITY OF SALEM

By 

GRANTOR

VIESKO REDI-MIX, INC.

By 
Its President

GRANTEE

RECEIVED

NOV 06 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Marion County, Oregon - ss.

On this 19th day of April, 2000, personally appeared Larry Wacker who, being duly sworn, did say that he is the City Manager of CITY OF SALEM, an Oregon municipal corporation, and that he executed the foregoing instrument for and on behalf of said municipal corporation by authority of its City Council and acknowledged said instrument to be its voluntary act and deed.

Before me:



Margaret Blaine

My commission expires: 9-27-2000

Marion County, Oregon - ss.

On this 13th day of April, 2000, personally appeared J. SCOTT ERICKSON who, being duly sworn, did say that he is the President of VIESKO REDI-MIX, INC., an Oregon corporation, and that he executed the foregoing instrument for and on behalf of said corporation by authority of its board of directors and acknowledged said instrument to be its voluntary act and deed.

Before me:



Ann Thomas

My commission expires: 1/23/2001

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NOV 06 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Beginning at a point South 89°59' East, 8.25 feet from the northeast corner of a parcel deeded to T. Maddock recorded in Volume 159, Page 347, said point being North 89°30' West, 3,635.95 feet; thence North 26°16' West, 1,682.34 feet; thence North 89°59' West, 2,783.53 feet; thence North 0°16' East, 834.21 feet from the southeast corner of the John Ford Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian; thence South 89°59' East, 8.25 feet; thence North 0°16' East, along the East line of the tract of land conveyed to Olive M. Jorgensen by deed recorded in Volume 773, Page 444, Deed Records for Marion County, Oregon 604.07 feet to the most Easterly Northeast corner of said tract; thence North 89°59' West, along a northerly line of said Jorgensen tract 85.14 feet to an inner angle in said Jorgensen tract; thence North 0°16' East, along an Easterly line of said Jorgensen tract 60.06 feet to the North line of said Jorgensen tract; thence North 89°59' West, 797.28 feet along the North line of said Jorgensen tract, to the Northwest corner of said Jorgensen tract; thence South 0°16' West, along the West line of said Jorgensen tract 664.13 feet to the Southwest corner of said Jorgensen tract thence South 89°59' East along the South line of said Jorgensen tract 874.17 feet along the North line of said Maddock parcel to the point of beginning.

ALSO an easement for a right of way over the following described premises.

Beginning at a point on the South line of a tract of land deeded by Susie Jones to August Olson, said beginning point being more particularly described as being West 42.41 chains from an iron pipe in the center of county road, the said iron pipe being situated 55.22 chains West and 24.12 chains North 26°45' West from the Southeast corner of the John Ford Donation Land Claim, Township 6 South, Range 3 West; running thence North 12.56 chains; thence South 80°45' West .25 chains; thence South 12.56 chains; thence East .25 chains to the place of beginning.

Also an easement for right of way to pass and re-pass over the following described real premises, to-wit: Beginning at an iron pipe in the center of the County Road 55.22 chains West and 24.12 chains North 26°45' West of the Southeast corner of the John Ford Donation Land Claim, Township 6 South, Range 3 West; running thence West 42.41 chains; thence North .227 chains; thence East 42.29 chains; thence South 26°45' East .25 chains to the place of beginning.

RECEIVED

NOV 06 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Exhibit A Page 1 Of 1

Received Time Nov. 3. 2:42PM

Beginning at the intesection of the center line of the Salem-Spong's Landing Road and the South line of the James Smart Donation Land Claim No. 42, in Township 6 South, Range 3 West, Willamette Meridian, Marion County, Oregon; thence South $89^{\circ}42'$ West along the South line of said Smart Claim, 31.04 chains to a stone 3.00 feet long with a top 8 x 10 inches, marked C.S.; thence North 21.25 chains to the re-entrant corner in the Southerly boundary line of the tract of land conveyed to Minnie B. Frogley by Deed recorded January 9, 1909, in Volume 101, Page 252, Deed Records; thence West 17.23 chains; thence North $07^{\circ}15'$ East 17.00 feet; thence West to the Willamette River; thence upstream following the meandering of said river to a point which is South $89^{\circ}42'$ West from the above-described stone; thence South, 60 feet; thence North $89^{\circ}42'$ East and parallel with the South line of said Smart Claim to the center line of the Salem-Spong's Landing Road; thence Northerly along the center line of said road to the place of beginning, being situated in Section 33 and 34, Township 6 South, Range 3 West, Willamette Meridian.

EXCEPT: Beginning at a point on the North line of a tract of land conveyed to Phillip J. Blake and Phyllis D. Blake as recorded in Volume 383, Page 25, Deed Records for Marion County, Oregon, said point being South $89^{\circ}47'$ West 981.30 feet from the re-entrant corner in a Southerly line of a tract of land conveyed to Minnie B. Frogley as recorded in Volume 101, Page 252, Deed Records of Marion County, Oregon, said corner also being angle point in said Blake tract; thence North $89^{\circ}47'$ East 981.30 feet to the said re-entrant corner; thence South along the East line of said Blake tract, 550.00 feet; thence South $89^{\circ}47'$ West and parallel with the North line of said Blake tract, 761.01 feet; thence North $18^{\circ}26'$ West 197.93 feet; thence North $23^{\circ}34'$ West 394.30 feet to the point of beginning.

ALSO EXCEPT: Beginning at a point which is 2720.16 feet North $89^{\circ}40'$ West from the Southeast corner of the James Smart Donation Land Claim No. 42, in Township 6 South, Range 3 West, Willamette Meridian, Marion County, Oregon; thence North 698.83 feet; thence North $89^{\circ}40'$ west 300.00 feet; thence North 156.96 feet; thence South $89^{\circ}47'$ West 761.01 feet; thence South $18^{\circ}26'$ East 183.16 feet; thence South $04^{\circ}04'$ East 529.55 feet; thence South $39^{\circ}32'$ East 173.55 feet; thence South $89^{\circ}37'$ East 555.00 feet; thence South 14.00 feet; thence South $89^{\circ}40'$ East 300.00 feet to the point of beginning. Being a part of said James Smart Donation Land Claim.

ALSO EXCEPT: That portion of the property first described which lies East of a line which runs due South from the Southeastern corner of the excepted property described immediately above.

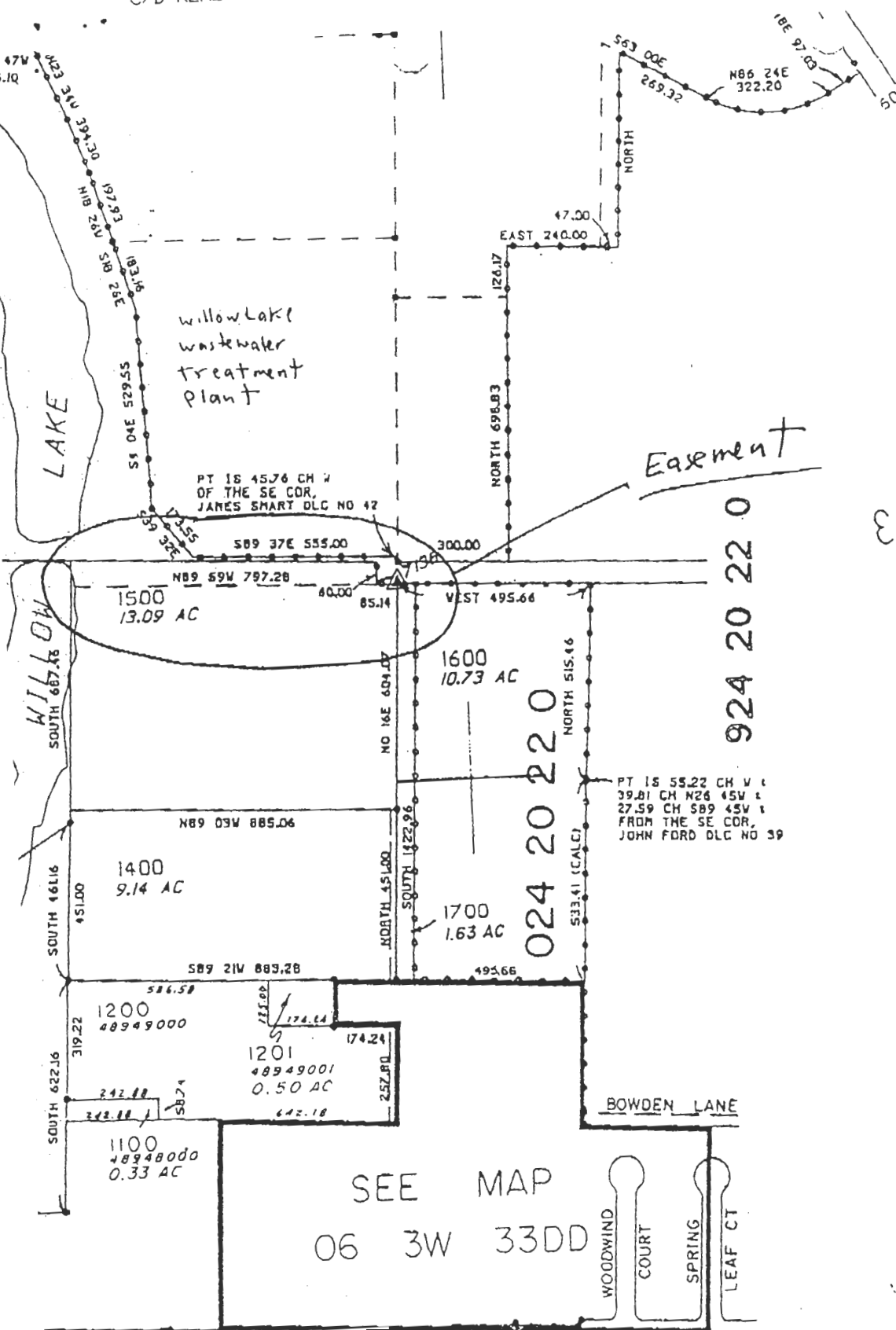
RECEIVED

NOV 06 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Exhibit B Page 1 Of 1

Received Time Nov. 3. 2:42PM



1" = 400'
28-DEC-87

SEE MAP 06 3W 34

Easement

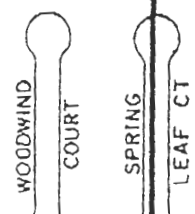
Exhibit

924 20 22 0

024 20 22 0

SEE MAP 06 03W 34C

SEE MAP
06 3W 33DD



WILLOW LAKE ROAD

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NOV 06 2000

WATER RESOURCES DEPT.
SALEM, OREGON

Keizer Quality Concrete
PO BOX 20610
Keizer, OREGON

KEIZER

Received Time Nov. 3. 2:42PM



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 25, 2000

Steve Applegate
3224 Indian Wells Loop S.
Salem, OR 97302

RE: Application G-14780 for Viesko Quality Concrete

Dear Steve:

On October 29, 1999, the Department granted the applicant an additional administrative hold on the above referenced application. The administrative hold on this application expired on October 4, 2000.

Please contact the Department and indicate whether the applicant is ready to proceed **by November 8, 2000**. If a response is not received by this date, the Department may continue processing the application based upon the information available in the file. This may negatively affect the application.

If additional time is still necessary, a new written request will need to be submitted. Your new request must demonstrate justification for why additional time is reasonable and necessary. The request must also demonstrate that substantial progress has been and is being made towards resolving the issues that led to the request for administrative hold. Additional administrative hold may not be allowed unless the request demonstrates that substantial progress has been made. A detailed time-line, which describes what actions have been, are being, and will be taken in order for the application process to proceed and identifies when the applicant anticipates being ready to continue with the application process, must also be included with your request. The time-line must include dates identifying when each action is anticipated to take place.

If you have any questions, please give me a call at (503) 378-8455 or toll free within Oregon at 1 (800) 624-3199, extension 331.

Sincerely,

Laura K. Snedaker
Senior Water Rights Specialist

cc: Bill Ferber, Watermaster District 16
Scott Erickson, Viesko Quality Concrete



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

October 29, 1999

Steve Applegate
3224 Indian Wells Loop S.
Salem, OR 97302

RE: Application G-14780 for Viesko Quality Concrete

Dear Steve:

On October 4, 1999, the Department received your request for an administrative hold on further processing of the above referenced application in order for the applicant to obtain an easement from the City of Salem or to purchase property from the City. You have requested a one year administrative hold.

On April 16, 1999, the Department issued a Final Order approving the application, contingent upon submission \$150.00 in permit recording fees and easements to property not owned by the applicant. The Final Order identified that this information would need to be submitted within 60 days from the date the Final Order was issued. However, under OAR 690-310-270, the Department may grant an administrative hold on an application for up to 180 days. Also under OAR 690-310-270, the Department may grant a longer administrative hold if the Director finds that a longer period is reasonable and necessary.

Based upon the information provided in your letter, I have determined, on the behalf of the Director, that a longer administrative hold on the processing of this application is reasonable and necessary. The Department has approved your request for an additional administrative hold. The Department will not take any action on this application until **October 4, 2000**. Please let us know if you are ready to proceed sooner.

If additional time is necessary, a new written request will need to be submitted showing justification for why additional time is reasonable and necessary. The request must also show that substantial progress is being made towards resolving the issues that led to the request for administrative hold, including what actions have been, are being, and will be taken in order for the application process to proceed. You must also include a general time-line, which identifies when you anticipate being ready to continue with the application process.

Please keep in mind the last condition in the draft permit which requires actual construction work to begin by April 16, 2000, and complete application of the water to the use by October 1, 2003. These dates may not be changed when/if the permit is finally issued. The date the administrative hold ends is after the begin construction date expires. Issuance of the permit after the begin construction date has expired may jeopardize any permit issued. At time of proof the applicant will be required to demonstrate that they have met all permit conditions.

If you have any questions, please give me a call. I can be reached at (503) 378-8455, extension 268, or toll free within Oregon at 1-800-624-3199.

Sincerely,

A handwritten signature in black ink that reads "Dwight French". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Dwight French
Water Rights Division Acting Administrator

cc: Bill Ferber, Watermaster District 16
Scott Erickson, Viesko Quality Concrete

STEVEN P. APPLGATE CONSULTING
3224 Indian Wells Loop South
Salem, OR 97302
Phone (503) 362-4040

RECEIVED

OCT 06 1999

WATER RESOURCES DEPT.
SALEM, OREGON

October 4, 1999

Laura Snedaker
Oregon Water Resources Department
158 - 12th Street NE
Salem, OR 97310

REFERENCE: File G-14780, Viesko Quality Concrete

Dear Ms. Snedaker:

By this letter, Viesko Quality Concrete respectfully requests that further processing of the above referenced application be suspended for a period of one year, pursuant to OAR 690-310-270(2). It is our understanding that, if we are able to complete our necessary tasks prior to that time, we may then request that processing resume.

As per your letter of August 6, 1999, we have been working with the City of Salem regarding the question of access to or through their property (tax lot 1500). The attached letter will provide you with their perspective and time line for the purchase of the subject property. As you can see from their letter, it may be nearly two years before the property will be available for purchase.

Our alternative to purchase is to secure an easement across this parcel, and locate the concrete plant elsewhere on property Viesko already owns. Within the next year, it should be determined as to which direction this will go. It may be possible to secure the easement by next October.

Thank you for your considerations of this matter. If any questions arise, please contact Scott Erickson, or me.

Sincerely,



Steve Applegate

cc: Scott Erickson, Viesko

RECEIVED

OCT 06 1999

WATER RESOURCES DEPT.
SALEM, OREGON

September 30, 1999

Mr. Scott Erickson
Viesko Quality Concrete
PO Box 20610
Keizer OR 97307

SUBJECT: ACKNOWLEDGEMENT OF REQUEST

Dear Mr. Erickson:

This is to acknowledge the receipt of your request to either purchase or acquire an easement thru Tax Lot 6 3W 33 Lot 1500. The subject parcel is a lot the City currently owns located adjacent to the Willow Lake Wastewater Treatment Plant which is currently a filbert orchard.

It is our understanding that you intend to mine gravel from the property you currently own adjacent to the treatment facility within the next five years and are currently in the process of obtaining necessary permits to proceed with your project. As part of this permit process, you must demonstrate access to your property. Therefore, you need to either purchase the subject lot or acquire the necessary easements to construct an access road to your property.

A detailed preliminary design of the treatment plant expansion is planned to be completed in June 2001. This preliminary design will determine the location and sizing of the future treatment plant facilities. Upon completion of this preliminary design, the land requirements for the expansion will be well-defined. Therefore, any decision to sell the subject lot could only be made after the preliminary design is completed. At that time, should the City choose to sell the parcel, an open formal bid process in conformance with the City's Purchasing requirement would need to be executed to sell the land.

Absent the decision to sell the subject parcel, you request to acquire an easement approximately 60 feet wide thru the subject property to construct an access road to your property. As you are aware, the City will need to acquire an easement from your property for the construction of the Outfall Bank Improvements for the treatment facility. The City may consider addressing your need to acquire an access easement through the subject property as part of this process.

Should you have any questions, please feel free to call me at (503) 588-6380.

Sincerely,



Diane Taniguchi-Dennis, P.E.
Assistant Public Works Director

LN:\PACOR99\ERICKSON.WPD

cc: Frank Mauldin, Public Works Director
Steve Applegate, 3224 Indian Wells Loop S, Salem, OR 97302

STEVEN P. APPLGATE CONSULTING
3224 Indian Wells Loop South
Salem, OR 97302
(503) 362-4040



Laura Snelaker
Water Resources Dept.
158-12th St. NE
Salem, OR 97310

573109700



FOR ~~11-2-99~~ LKS

DATE 11-2-99 TIME 9:03 A.M.
P.M.

FROM Steve Applegate

FIRM _____

PHONE 362-4040

FAX AREA CODE _____ NUMBER _____ EXTENSION _____

MOBILE AREA CODE _____ NUMBER _____ TIME TO CALL _____

TELEPHONED		PLEASE CALL	
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE _____	

MESSAGE _____

G-14780

Viesko T.O. 1st

SIGNED _____

 FORM 4007
MADE IN U.S.A.

MESSAGE

STEVEN P. APPLGATE CONSULTING
3224 Indian Wells Loop South
Salem, OR 97302
Phone (503) 362-4040

October 4, 1999

Laura Snedaker
Oregon Water Resources Department
158 - 12th Street NE
Salem, OR 97310

REFERENCE: File G-14780, Viesko Quality Concrete

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Our alternative to purchase is to secure an easement across this parcel, and locate the concrete plant elsewhere on property Viesko already owns. Within the next year, it should be determined as to which direction this will go. It may be possible to secure the easement by next October.

Thank you for your considerations of this matter. If any questions arise please contact Scott Erickson, or me.

Sincerely,



Steve Applegate

cc: Scott Erickson, Viesko



September 30, 1999

RG: G-14780

Post-It® brand fax transmission 2871 of pages 1

To: LARSENEDAKER	From: Steve Applegate
Dept: WRD	Phone: 302 4040
Fax: 378-6203	Ext:

Mr. Scott Erickson
Viesko Quality Concrete
PO Box 20610
Keizer OR 97307

SUBJECT: ACKNOWLEDGEMENT OF REQUEST

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Absent the decision to sell the subject parcel, you request to acquire an easement approximately 60 feet wide thru the subject property to construct an access road to your property. As you are aware, the City will need to acquire an easement from your property for the construction of the Outfall Bank Improvements for the treatment facility. The City may consider addressing your need to acquire an access easement through the subject property as part of this process.

Should you have any questions, please feel free to call me at (503) 588-6380.

Sincerely,

Diane Taniguchi-Dennis, P.E.
Assistant Public Works Director

LN P COR99ERICKSON WPD

cc: Frank Mauldin, Public Works Director
Steve Applegate, 3224 Indian Wells Loop S, Salem, OR 97307



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

CERTIFIED MAIL Return Receipt Requested

August 4, 1999

Viesko Quality Concrete
Scott Erickson
P.O. Box 20610
Keizer, Oregon 97307

RE: Application File # G-14780

Dear Mr. Erickson:

On **April 16, 1999**, a Final Order was issued by the Department requesting additional items necessary to complete your application for water use. The following items must still be received:

- ▶ Permit recording fees in the amount of \$150.00.
- ▶ Easements to access the property not owned by the applicant.

Please submit these items by **October 4, 1999**. If we do not - requested above by this date, your application ...
rejected, any fees submitted in ...
however, the examinati
the priority date associa

If you need to request ad easements, the request n deadline above. The Depa or not the request may be

Should you have any quest listed above please call me at 1-800-624-3199.

Sincerely,


Laura K. Snedaker
Senior Water Rights Specialist

cc: Bill Ferber, Watermaster District #16
Tom Paul, NW Region Manager
Steve Applegate, Consultant
City of Keizer

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to:
**VIESKO-QUALITY CONCRETE
 SCOTT ERICKSON
 PO BOX 20610
 KEIZER, OR 97307
 G-14780**

4a. Article Number
056424

4b. Service Type
 Registered
 Express Mail
 Return Receipt for Merchandise

5. Received By: (Print Name)
JOANNE SWINEHART

6. Signature (Addressee or Agent)


7. Date of Delivery
8-6-99

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

I also wish to receive the following services (for an extra fee):
 1. Addressee's Address
 2. Restricted Delivery

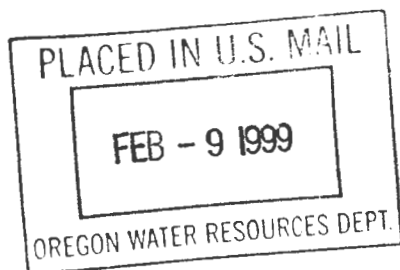
Certified
 Insured
 COD

102595-99-B-0223 Domestic Return Receipt
 PS-Form 3811, December 1994

Thank you for using Return Receipt Service.



**Oregon Water Resources Department
Water Rights Division**



Water Rights Application
Number G-14780

Proposed Final Order

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

Application History

On June 22, 1998, VIESKO QUALITY CONCRETE, SCOTT ERICKSON, submitted an application to the Department for the following water use permit:

- Amount of Water: 3100.0 GALLONS PER MINUTE (GPM), BEING 600.0 GPM FROM WELL 1 AND 2500.0 GPM FROM WELLS 2 AND 3
- Use of Water: INDUSTRIAL USE AND MINING OPERATIONS
- Source of Water: THREE WELLS IN WILLAMETTE RIVER BASIN
- Area of Proposed Use: MARION County within SECTION 33, TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.

On 10/23/98, the Department mailed the applicant notice of its Initial Review, determining that "the use of 6.9 Cubic Feet per Second (3100.0 Gallons per Minute), being 600.0 GPM from Well 1 and 2500.0 GPM from Wells 2 and 3, from three wells in Willamette River Basin for Industrial Use is allowable year-round, contingent upon land use approval from the local City Planning." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 11/10/98, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

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

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance

- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Willamette Basin Program allows the following uses: INDUSTRIAL USE AND MINING OPERATIONS.

THREE WELLS, IN THE WILLAMETTE RIVER BASIN, are not within or above a State Scenic Waterway.

An assessment of water availability has been completed by the Department's Groundwater/Hydrology Section. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation. Water may, therefore, be appropriated year round.

The Department finds that no more than 6.91 Cubic Feet per Second (CFS) (3,100.0 GPM) would be necessary for the proposed use. The amount of water requested, 3100.0 GPM (6.91 CFS), BEING 600.0 GPM (1.34 CFS) FROM WELL 1 AND 2500.0 GPM (5.57 CFS) FROM WELLS 2 AND 3, is allowable.

The wells are not located within a designated critical ground water area or groundwater limited area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source.

The Groundwater Section finds that there **is NOT** a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

On December 11, 1998, the Department received comments from the City of Keizer. These comments expressed concerns about the potential affect of the proposed groundwater use upon the City's municipal wells. On January 28, 1998, the Department's Groundwater/Hydrology Section reviewed the comments submitted by the City and determined that no additional groundwater conditions are necessary. The conditions already placed on the proposed use address the City's concerns.

Conclusions of Law

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

The proposed use requested in this application is allowed in the Willamette Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

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

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

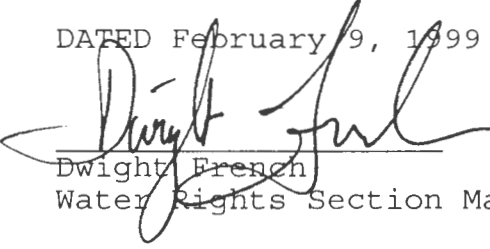
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in

injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

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

DATED February 9, 1999


Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing

shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **March 26, 1999**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

This document was prepared by Laura Snedaker. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 331. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF MARION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

VIESKO QUALITY CONCRETE
SCOTT ERICKSON
P.O. BOX 20610
KEIZER, OREGON 97307

PHONE: (503) 393-5050

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

APPLICATION FILE NUMBER: G-14780

SOURCE OF WATER: THREE WELLS IN THE WILLAMETTE RIVER BASIN

PURPOSE OR USE: INDUSTRIAL USE AND MINING OPERATIONS

MAXIMUM RATE: 6.91 CUBIC FEET PER SECOND (CFS), BEING 1.34 CFS FROM WELL 1 AND 5.57 CFS FROM WELLS 2 AND 3

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 22, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, NW 1/4 SE 1/4, SECTION 33, T6S, R3W, W.M.; WELL 3 - 1020 FEET NORTH & 3080 FEET WEST, WELL 1 - 2200 FEET NORTH AND 1420 FEET WEST, AND WELL 2 - 1080 FEET NORTH AND 2380 FEET WEST ALL FORM SE CORNER, SECTION 33

THE PLACE OF USE IS LOCATED AS FOLLOWS:

- SW 1/4 NE 1/4
- SW 1/4 NW 1/4
- SE 1/4 NW 1/4
- NE 1/4 SW 1/4
- NW 1/4 SW 1/4
- SW 1/4 SW 1/4
- SE 1/4 SW 1/4
- NE 1/4 SE 1/4
- NW 1/4 SE 1/4
- SW 1/4 SE 1/4
- SE 1/4 SE 1/4

SECTION 33

TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as

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

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

This permit does not allow for water to be used for heap leach mining operations.

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

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements

beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

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

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

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

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

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

Actual construction of the well shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

FO CHECKLIST

FILE # G 14780
 PFO WEEK # 18

PFO TO FO CONVERSION

REVIEW DATE: 4/1/99
 INITIALS: RJK

In preparing to create the OF, you should check the following:

1. Y/N Were comments or protests received? If so, **from whom and when?**
2. ✓ On the PFO CC list, verify names and mailing addresses of **ALL** commentors (regardless of comment date, **affected landowners**, and **those who paid the \$10 feet**.)
3. NA / NA Have affected land owners been notified?
4. Y/N Is the file lacking a signed oath of accuracy for the application?
5. Y/N/NA Has ODFW asked for self certification of screening condition?
 If so, write "ODFW CERT" in the permit block on the front of the file.
6. Y/N Is water use prohibited for one or more months of the normal use period?
7. Y/N If #6 = "Y", is short season letter on file? Note: If short season letter is lacking, see item #10 below.
 Give applicant 60 days to submit required information.
8. OLE 150 Verify Payment of recording fees (*circle the appropriate option*)

(1)	Issue FO w/permit if fees are paid — Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO.	250 CASE	OLE 150
		150 /CES	
		450 /CES	
		175 REC	
		1025	
		PO 875	
9. Y/N Is further processing possible? If not state reason: _____
10. ✓ Notify applicant of additional information or fees required prior to permit issuance. (**SEND CERTIFIED LETTER** & use standard wording from M:\...\FOTOOLS if possible)
11. ✓ Assign permit numbers to files with oaths, fees, and no protests or other issues. *FEES EASEMENT*
12. Y/N Do the PFO conclusions require modification? Why? _____
 (If YES, circle FOMOD and one other type below)

FO Type: (circle types)	DENIAL	FO w/o PERMIT	FO & PERMIT	FOMOD
				MGMT CODES <u>7B, 7C</u>

Once created, modify FO as needed to:

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

Once FO document is completed:

16. ✓ Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 184 & delete duplicates.
17. ✓ Print final draft of document and submit to team leader for review
18. Y/N Team leader review completed m:\groups\wr\fo\forms\FO Check List.wpd

INTEROFFICE MEMORANDUM

Water Rights Section

TO: Fred Lissner

FROM: Dwight French, x268

DWF

6-19, 1998/9

RE: GW File Number G-14780

Please have someone on your staff review the Memo & file attached.

Marc Norton of your staff appears to be the most recent GW person to look at this file.

Please route to Laura S. when finished.

Thanks.

MEMO

DATE: January 19, 1999
TO: DWIGHT FRENCH
FROM: LAURA SNEDAKER
SUBJECT: G-14780 for Veisko Quality Concrete

Please route the attached file up to the Groundwater Section for some additional review. I received comments from the City of Keizer expressing concerns about the applicants wells potential for interference with the cities wells. A determination needs to be made of whether the Div 9 findings need to be modified based upon these comments.

Thank you.

To: Laura,

RE: G-14780

The concerns of the City of Keizer are addressed by the recommended conditions (7C^{7B}). The ~~majority~~ majority of the water pumped for this operation will be for gravel washing. The water is reused with very little consumption. It has been estimated that 90-95% of the water pumped is returned to the groundwater system. My review and recommendation stand

Marc A Norton

1/28/99

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE # 14780

ROUTED TO: W.R.

TOWNSHIP/

RANGE-SECTION: 6S/3W-33

CONDITIONS ATTACHED? Yes No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Man. A. Norton

TO: Water Rights Section

7/13, 1998

FROM: Groundwater/Hydrology Section Man A Norton
Reviewer's Name

SUBJECT: Application G- 14780

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. ___ will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7B, 7C;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

RECEIVED

DEC 11 1998

WATER RESOURCES DEPT.
SALEM, OREGON



City of Keizer

Phone: 390-3700 • Fax: 393-9347

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

December 10, 1998

Mr. Bill Ferber Water Master
Oregon State Water Resources
158 12th St NE
Salem, Oregon 97310

Dear Mr. Ferber:

The City of Keizer has major concerns, regarding the proposed well construction by Viesko Quality Concrete's new location near Lockhaven and Windsor Island Road. If your applicant needs the 3100 gpm as indicated on the application, we recommend a hydro geological study be done to protect the existing municipal wells located up gradient. Single point withdrawal at this location, may interfere with several of our municipal wells. As you know, over draft of an aquifer can create potential water quantity and quality issues, specifically nitrates. I respectfully request a hold be placed on this application until a determination has been made that this proposed water use will not interfere with the City's drinking water.

Sincerely:

A handwritten signature in blue ink that reads 'Rob Kissler'.

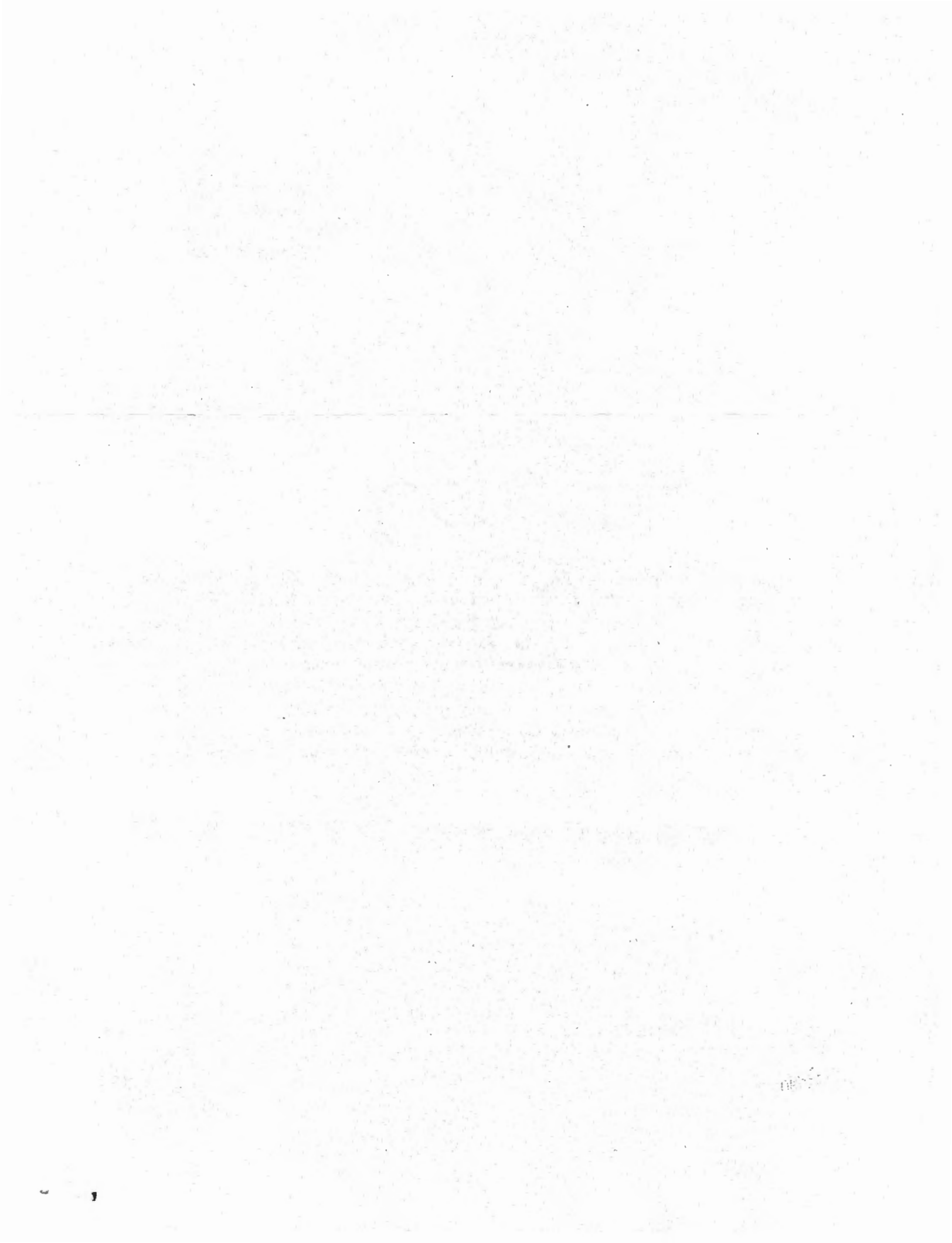
Rob Kissler
Director of Public Works

cc: Stettler Supply
Peterson Engineering
City Manager
City Senior Planner

“Pride, Spirit and Volunteerism”

Incorporated 1982

 Recycled Paper



GA 14780

RECEIVED

DEC 11 1998

WATER RESOURCES DEPT.
SALEM, OREGON



Oregon Water Resources Department Land Use Information Form

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

To Be Completed By Applicant

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

A. Applicant

Name: VIESKO QUALITY CONCRETE, SCOTTERICKSON, PRESIDENT

Address: P.O. Box 20610

City: KEIZER State: OR Zip: 97307 Day Phone: (503) 393-3984

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
400 800		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
900 1900		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
1500		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. MARION COUNTY, CITY OF KEIZER (UGB)

C. Description of Water Use

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

Beneficial Use(s): INDUSTRIAL - CONCRETE BATCHING; GRAVEL MINING; TRUCK WASHING; ROAD WATERING

Briefly describe: OPERATION OF GRAVEL MINING & CONCRETE BATCHING PLANT & ASSOCIATED USES

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

3100 11



City of Keizer

P.O. Box 21000
Keizer, OR 97307-1000

FORWARDING AND ADDRESS CORRECTION REQUESTED



BILL FERBER
WATER MASTER
OR STATE WATER RESOURCES
158 12TH ST NE
SALEM OR 97310

97310+0703



PFO CHECKLIST

Application #: 614780

Basin: Willamette

WAB: _____

County Marian

Township 65

Range 3W

Section 33 1/4 1/4

- 1. Is the file complete by the Minimum Requirements Checklist? Y/N
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y/N
Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other) Eden ~~think~~ Done
- 3. Groundwater Review A B C D River/Stream Name _____ Conditions 7B, 7C
 - a. Groundwater Availability A B C
 - b. Is second groundwater review necessary? (comments) Y/N
 - c. Is HB 1033 review complete? Y/N
 - d. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y/N
- 4. Is use from a B.O.R. or Douglas County project? Y/N Contract in file? Y/N Contract # _____
- 5. Is the use allowed by the Basin Program? Y/N Limited? Y/N
- 6. Water Availability Data OK / REDONE / NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 7. Is the source withdrawn or limited by statute or Department withdrawal order? Y/N
- 8. Is the Proposed Use located in or above a Scenic Waterway? Y/N
- 9. Division 33: Above Bonn (after July 17, 1992) Y/N/NA
Below Bonn (after April 8, 1994; June 3, 1994) Y/N/NA
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y/N/NA
- 10. Per the IR, is the Proposed Source on the DEQ 303d List? Y/N If so, any comments received? Y/N
Is the Proposed Use in a Dept of Ag. Water Quality Management Plan Area? Y/N Bear Creek or Tualatin River
- 11. Have conflicts been addressed? Y/N none identified by I.R.
- 12. Rate _____ Duty _____ Irrigation Season _____
- 13. Period of Allowed Use ir Round
- 14. Allowed Rate of Use 6.91 cfs
request 3100 gpm (6.91 cfs)
- 15. Is the use **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF)?
If the use is Municipal and ≤ 0.1 CFS, use **Large** condition.
- 16. Conditions 7B, 7C
Is the proposed use within the New River Basin? Y/N If yes, include New River Agreement Conditions.
- 17. IR Public Notice Date 11-10-98 Comments Received? Y/N City of Keizer
- 18. Final Report Checklist
 - Documents used in determination are attached to this checklist and highlighted
 - Fill out PFO CC List (don't forget to check for other property owners)
 - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y/N
 - b. Check Watermaster Dist. on the CC list and draft permit.
 - Spell Check and Accuracy Check
 - Final PFO report hard copy check (format, margins, etc.)
 - Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #

Name: LKS

Date: 12-31-98



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

October 23, 1998

VIESKO QUALITY CONCRETE
SCOTT ERICKSON
PO BOX 20610
KEIZER, OREGON 97307

Reference: File G-14780

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from THREE WELLS IN WILLAMETTE RIVER BASIN for INDUSTRIAL USE is **allowable** under OAR 690-502-160(2), the Willamette Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely the Willamette River.
4. The Department has also determined, based upon available data, that the use of groundwater in the amount of 6.9 CUBIC FEET PER SECOND (3100.0 GALLONS PER MINUTE), BEING 600.0 GPM FROM WELL 1 AND 2500.0 GPM FROM WELLS 2 AND 3 for INDUSTRIAL USE if properly conditioned, will not injure existing rights or the groundwater resource.

5. The proposed place of use is located within the City of Salem and/or the City of Keizer Urban Growth Boundary. Land use approval has not been submitted to the Department from the appropriate City Planning official. The findings of this Initial Review are contingent upon land-use approval from the City of Salem and/or the City of Keizer.

Summary of Initial Determinations

The use of 6.9 CUBIC FEET PER SECOND (3100.0 GALLONS PER MINUTE), BEING 600.0 GPM FROM WELL 1 AND 2500.0 GPM FROM WELLS 2 AND 3 from THREE WELLS IN WILLAMETTE RIVER BASIN for INDUSTRIAL USE is allowable year-round, contingent upon land-use approval from the local City Planning.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

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.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, November 6, 1998**. For your convenience you may use the enclosed "STOP PROCESSING" form.

Additional Information Required:

Please submit a completed land use form signed by the City of Salem or the City of Keizer. You will need to determine which city has jurisdiction over the land use for this property. This information must be submitted no later than December 10, 1998 or the Department may propose to reject your application at the next phase of processing.

If you are unable to submit the above listed information, you may request a "time out from processing" for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If a time out

is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

NOTE:

Before a permit can be issued, it will be necessary for you to submit to the Department easements or written authorizations for the lands not under your ownership.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
2. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
3. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

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

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

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

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

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

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

4. The priority date for this application is June 22, 1998.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anita M. Huffman', written in a cursive style.

Anita M. Huffman
Water Rights Specialist

cc: Regional Manager, Watermaster District 2, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-14780
wab 02-
pou 02-
gw 8

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14780

Final Order

Application History

On June 22, 1998, SCOTT ERICKSON, for VIESKO QUALITY CONCRETE, submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 9, 1999. The protest period closed March 26, 1999, and no protest was filed.

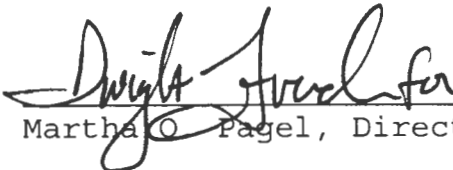
The proposed use would not impair or be detrimental to the public interest.

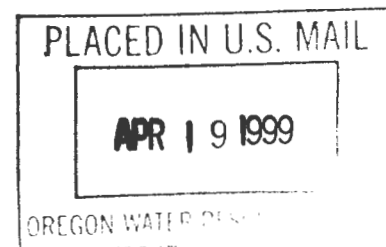
Order

Upon payment of outstanding permit recording fees and submittal of easements for property not owned by the applicant, Application G-14780 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$150.00. Said fees and are due and payable and easements for property not owned by the applicant must be submitted 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 G-14780.

DATED April 16, 1999


Martha O. Pagel, Director



Appeal Rights

No changes have been made to the findings of the Proposed Final Order and no protests were filed during the protest period following the Proposed Final Order, therefore, there is no opportunity for appeal or judicial review of this final order (690-310-160(5)).

This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499.

STATE OF OREGON

COUNTY OF MARION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

VIESKO QUALITY CONCRETE
SCOTT ERICKSON
P.O. BOX 20610
KEIZER, OREGON 97307

PHONE: (503)393-5050

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

APPLICATION FILE NUMBER: G-14780

SOURCE OF WATER: THREE WELLS IN THE WILLAMETTE RIVER BASIN

PURPOSE OR USE: INDUSTRIAL USE AND MINING OPERATIONS

MAXIMUM RATE: 6.91 CUBIC FEET PER SECOND (CFS), BEING 1.34 CFS FROM WELL 1 AND 5.57 CFS FROM WELLS 2 AND 3

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: JUNE 22, 1998

POINT OF DIVERSION LOCATION: SE 1/4 SW 1/4, NW 1/4 SE 1/4, SECTION 33, T6S, R3W, W.M.; WELL 3 - 1020 FEET NORTH & 3080 FEET WEST; WELL 1 - 2200 FEET NORTH AND 1420 FEET WEST; WELL 2 - 1080 FEET NORTH AND 2380 FEET WEST ALL FORM SE CORNER, SECTION 33

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 NE 1/4
SW 1/4 NW 1/4
SE 1/4 NW 1/4
NE 1/4 SW 1/4
NW 1/4 SW 1/4
SW 1/4 SW 1/4
SE 1/4 SW 1/4
NE 1/4 SE 1/4
NW 1/4 SE 1/4
SW 1/4 SE 1/4

SE 1/4 SE 1/4
SECTION 33
TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.

Measurement, recording and reporting conditions:

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

The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

This permit does not allow for water to be used for heap leach mining operations.

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

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

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

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

After Use of Water has Begun

Seven Consecutive Annual Measurements

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

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

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

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

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or

- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

Actual construction of the well shall begin by April 16, 2000. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

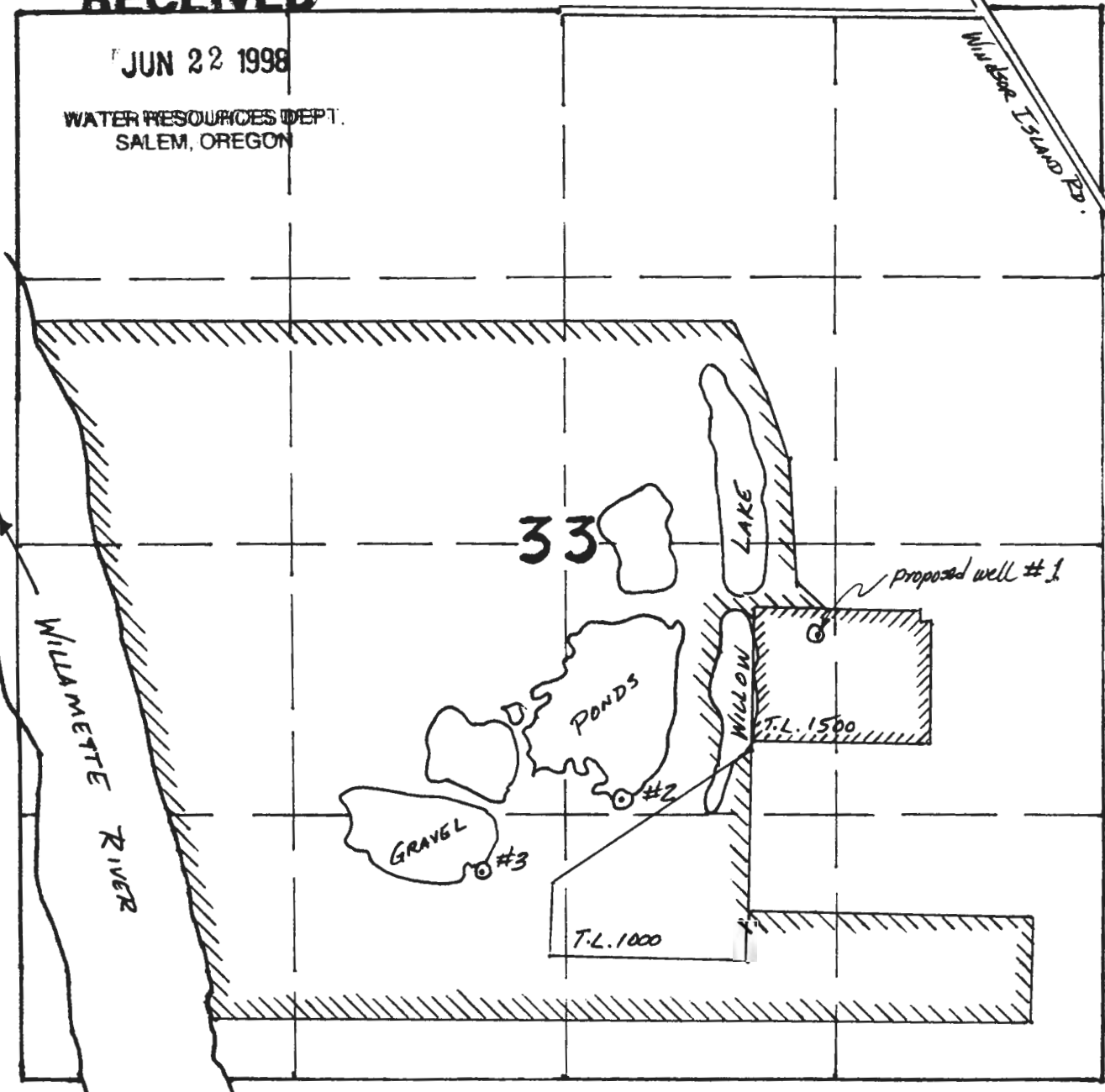
Martha O. Pagel, Director
Water Resources Department

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WATER RESOURCES DEPT.
SALEM, OREGON

Willamette Island Rd.



SCALE 1" = 800'

- Well locations:
- #1 - 2200' N. & 1420' W;
 - #2 - 1080' N. & 2380' W;
 - #3 - 1020' N. & 3080' W;
 - all from SE Cor. Sec. 33

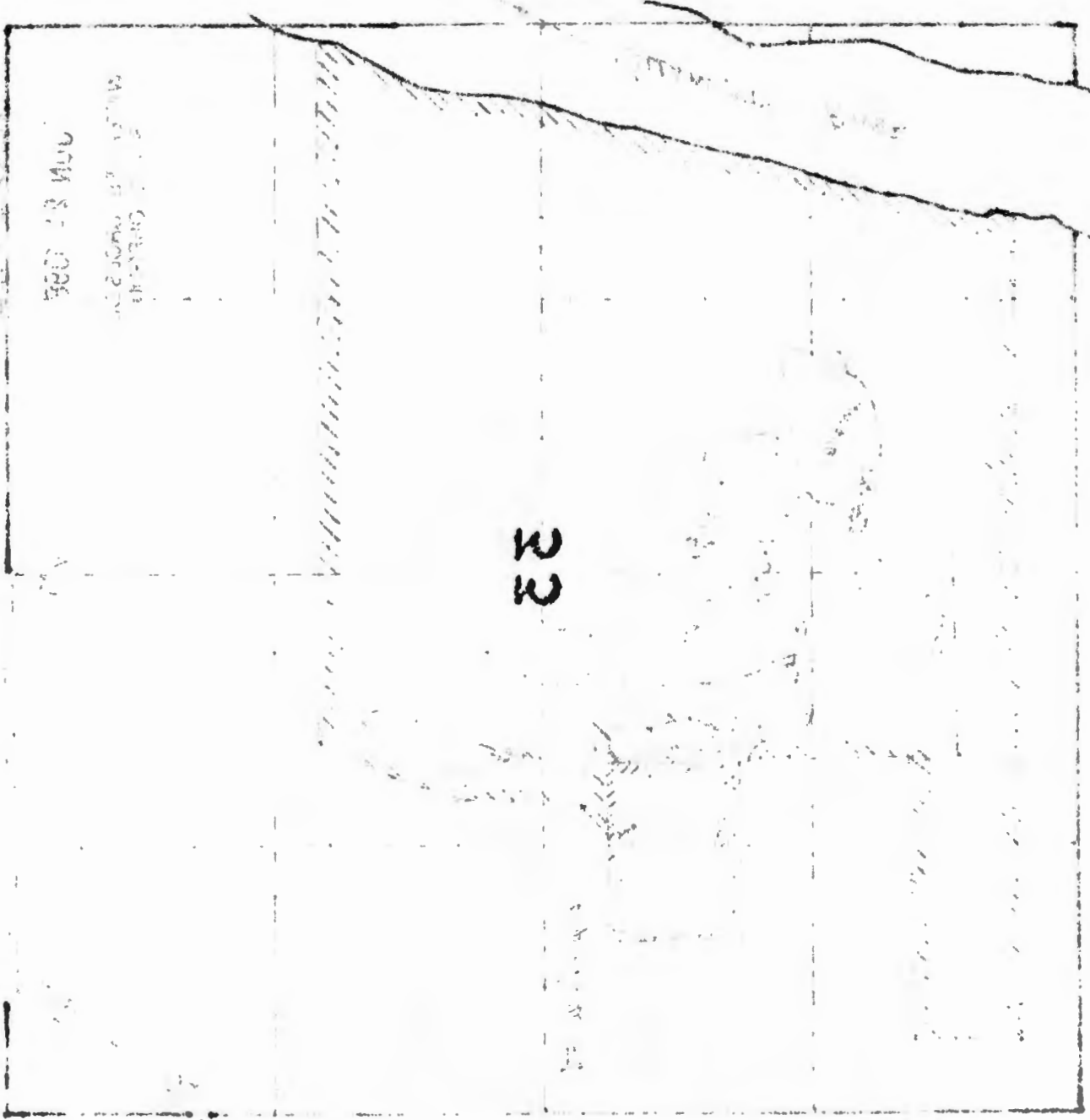
- Concrete Batching
- Industrial

T. 6 S., R. 3 W., W. M. - Section 33
 Map to Accompany Application # _____, for
 Vesko Quality Concrete

Application No. G 14780
 Permit No.

[Handwritten notes]

NORTHWARD DIRECTION
 TO NEARBY MOUNTAIN OF 80M
 STATIONED TRIANGULAR POINT
 1927 - M.M. W.S. 207



33

33

N

1927
 M.M. W.S. 207

Mailing List for FO Copies

Application#G-14780

Mailing List Printed April 1, 1999

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

Applicant: VIESKO QUALITY CONCRETE, SCOTT ERICKSON, P.O. BOX 20610, KEIZER, OREGON 97307

For FO w/Draft Permit - Copies sent to:

1. WRD - File #G-14780

For FO w/ Draft Permit - FO and Map Copies sent to:

2. WRD - Watermaster District #: 16
3. WRD - Regional Manager: NWR

COPIES TO Other Interested Persons

4. Steve Applegate, 3224 Indian Wells Loop S, Salem, OR 97302
5. City of Keizer, PO Box 21000, Keizer, OR 97307-1000

"\$10 LETTER"

1. George Baldwin, 645 Bowden Lane, Keizer, OR 97303
2. City of Salem, 555 Liberty Rd. SE, Salem, OR 97301

CASEWORKER: RWK

Copies Mailed
By: <u>WW</u>
(SUPPORT STAFF)
on: <u>4/19/99</u>
(DATE)



Oregon Water Resources Department

Application for a Permit to Use Ground Water

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

1. Applicant Information

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: _____
Last **RECEIVED** First MI

Mailing address: _____
JUN 22 1998

_____ City **WATER RESOURCES DEPT. SALEM, OREGON** State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

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

Name of organization: VIESKO QUALITY CONCRETE

Name and title of person applying: SCOTT ERICKSON, PRESIDENT

Mailing address of organization: P.O. Box 20610

KEIZER OR 97307
City State Zip

Phone: (503) 393-5050
Day Evening

*Fax: (503) 393-3984 *E-Mail address: _____

*Optional information

For Department Use		
App. No. <u>614780</u>	Permit No. _____	Date <u>6-22-98</u>

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2. Location and Source

**WATER RESOURCES DEPT.
SALEM, OREGON**

The Department will not process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

A. County

In what county is the use proposed? MARION

In what county is the appropriation point proposed? MARION

B. River Basin

(See instruction booklet pg.3 for list):

WILLAMETTE

C. Property Ownership

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

- Yes (Skip to section 3 "Groundwater Development.")
- No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.** (SEE "REMARKS")
 - I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.

**If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

3. Groundwater Development

A. Number of wells: 5 B. Name of nearest surface water body WILLAMETTE RIVER

C. Distance from well(s) to nearest stream or lake: 1) 3400'

2) 2300' 3) 1500' 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 30'

2) 15' 3) 15' 4) _____

E. Well Characteristics

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

1. Wells will be constructed by: (UNKNOWN)

Address: _____

Completion date: (UNKNOWN)

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

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth (est.)	Estimated depth to water	Est. depth to water-bearing stratum	Type of access port or measuring device	Total well depth
<i>Proposed #1</i>	<i>14"</i>	<i>10" STEEL</i>	<i><100'</i>		<i>20'</i>	<i>30'</i>	<i>30'</i>	<i>Access Port</i>	<i>100'</i>
<i>#2</i>	<i>700'</i>	<i>none</i>				<i>15'</i>	<i>15'</i>	<i>N/A</i>	<i>10'</i>
<i>#3</i>	<i>700'</i>	<i>none</i>				<i>15'</i>	<i>15'</i>	<i>N/A</i>	<i>80'</i>
<i>Note: "Wells" 2 & 3 are exposed groundwater "ponds" left behind from previous gravel operations by others on the property</i>									

F. Artesian Flows

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

N/A

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**WATER RESOURCES DEPT.
SALEM, OREGON**

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6. Project Schedule

**WATER RESOURCES DEPT.
SALEM, OREGON**

Proposed date construction will begin WITHIN ONE YEAR OF APPROVAL

Proposed date construction will be completed WITHIN FIVE YEARS

Proposed date beneficial water use will begin (" " ")

7. Remarks

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

Z-C: T.L. 1500 Owned by City of Salem; 555 LIBERTY SE, SALEM 97301

T.L. 1000 Owned by George Baldwin; 645 Bowden Ln.; Keizer 97303

DISCUSSIONS WITH BOTH OWNERS ONGOING AT THIS TIME.

COPIES OF ALL CORRESPONDENCE RELATIVE TO THIS APPLICATION ARE TO BE
SENT TO OUR REPRESENTATIVE STEVEN P. ADREGATE CONSULTING; 3224
INDIAN WELLS LOOP S., SALEM 97302 PH. 362 4040

Signature

By my signature below I confirm that I understand:

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

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

X Scott Evers
Signature of Applicant

6-22-98
Date

Signature of Co-applicant

Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

JUN 22 1998

4. Water Use

WATER RESOURCES DEPT.
SALEM, OREGON

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

A. Type(s) of Use(s)

(see list of beneficial uses in the instruction booklet):

Including, but not limited to:
INDUSTRIAL - Concrete batching; gravel mining; truck washing; road watering; etc.

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

B. Amount of Water

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

Well No.	Source or Aquifer	Type of Use	Total Annual Amount	Production Rate of the Well in gpm
1	ALLUVIAL	Concrete Batching	300 AF	600 GPM
2	ALLUVIAL	Industrial	} *1,000 }	} 2500 GPM
3	ALLUVIAL	Industrial		

* - Note: OCAPA is currently in the process of a study to determine the % of actual consumption for gravel mining operations, but it is believed to be negligible - water is almost entirely returned or reused.

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses like irrigation give dates when water use would begin and end):

YEAR AROUND

D. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used:

N/A

5. Water Management

A. Diversion

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

- Pump (give horsepower and pump type) #1 - 30 Hp Submers.; #2 & 3 - 100 Hp Centrifugal
- Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- Ditch, canal (give average width and depth):
Width _____ Depth _____
Is the ditch or canal to be lined? Yes No

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JUN 22 1998

**WATER RESOURCES DEPT.
SALEM, OREGON**

- Pipe (give diameter and total length)
Diameter(s) 8" & 10" PVC Length 4000 ft.
- Other (describe) _____

C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

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

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

Distribution method

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

D. Conservation

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

Extensive recycling of waters; careful measurement by weirs on gravel
classifiers; efficient distribution system (PVC lines/minimal leakage);
compliance with DEQ requirements



Oregon Water Resources Department

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JUN 22 1998

FORM Q
FOR COMMERCIAL, INDUSTRIAL,
AND QUASI-MUNICIPAL WATER USES

WATER RESOURCES DEPT.
SALEM, OREGON

Application No G 14780
Permit #

1. Describe the goods and services you plan to provide:

To be a total gravel & concrete production Industrial
operation

2. What is the maximum amount of water that will be used on any given day:

3100 cfs gpm

(Maximum of 1 acre-foot for concrete plant & 40 acre-feet for gravel operations
use per day)

3. Are there periods of the day, week, month, or year that the water will not be used?
(e.g. weekends the plant is closed)

No Yes If so, when? Currently operate only during daylight hours;
closed Sundays/holidays.

4. Is there a particular time or period of day, week, month, or year when the use of water is
absolutely essential for the project to continue? (e.g. vegetable processing, Oct. 15-Nov. 15)

No Yes If so, when? during operating hours

5. Are there periods of the day week, month, or year where the amount of water used will be
less than at peak times?

No Yes If so, when? totally variable



RECEIVED

Oregon Water Resources Department

JAN 19 1999

FORM R

Viesko Quality Concrete
503-393-5050

WATER RESOURCES DIVISION
SALEM, OREGON

FOR WATER USED FOR MINING PURPOSES

File G 14780

1. What type of mining operation is planned?

- Aggregate
- Industrial Minerals
- Placer
- Metal (flotation processing)
- Metal (chemical processing - heap leach)
- Other (Specify) _____

2. What are the proposed uses of water?

- Gravel washing
- Dewatering
- Make-up for milling operation
- Heap leach
- Dust control
- Domestic
- Other (Specify) _____

3. Does the mine operation require dewatering?

- No (Skip to question no. 4)
- Yes

At what rate will the water be produced? 10-20,000 gpm cfs

How will the water be discharged? Recirculated Off-site (Some of both)

4. Will ponds or dams be constructed?

- No (Skip to question no. 5)
- Yes

Approximate pond depth: 89' Depth to ground water: 13' Amount stored: _____

5. Will a pond (or ponds) be left after reclamation has been completed?

- No (Skip to question no. 6)
- Yes List information for each pond.

Source: Groundwater Use: After reclamation the pond will be used for wildlife & recreation Size: ~120 ACR Depth: 89'

Use the reverse side of this form for additional ponds.

6. Will monitoring or observation wells be constructed on site?

- No (Skip to question no. 7)
- Yes How many? _____

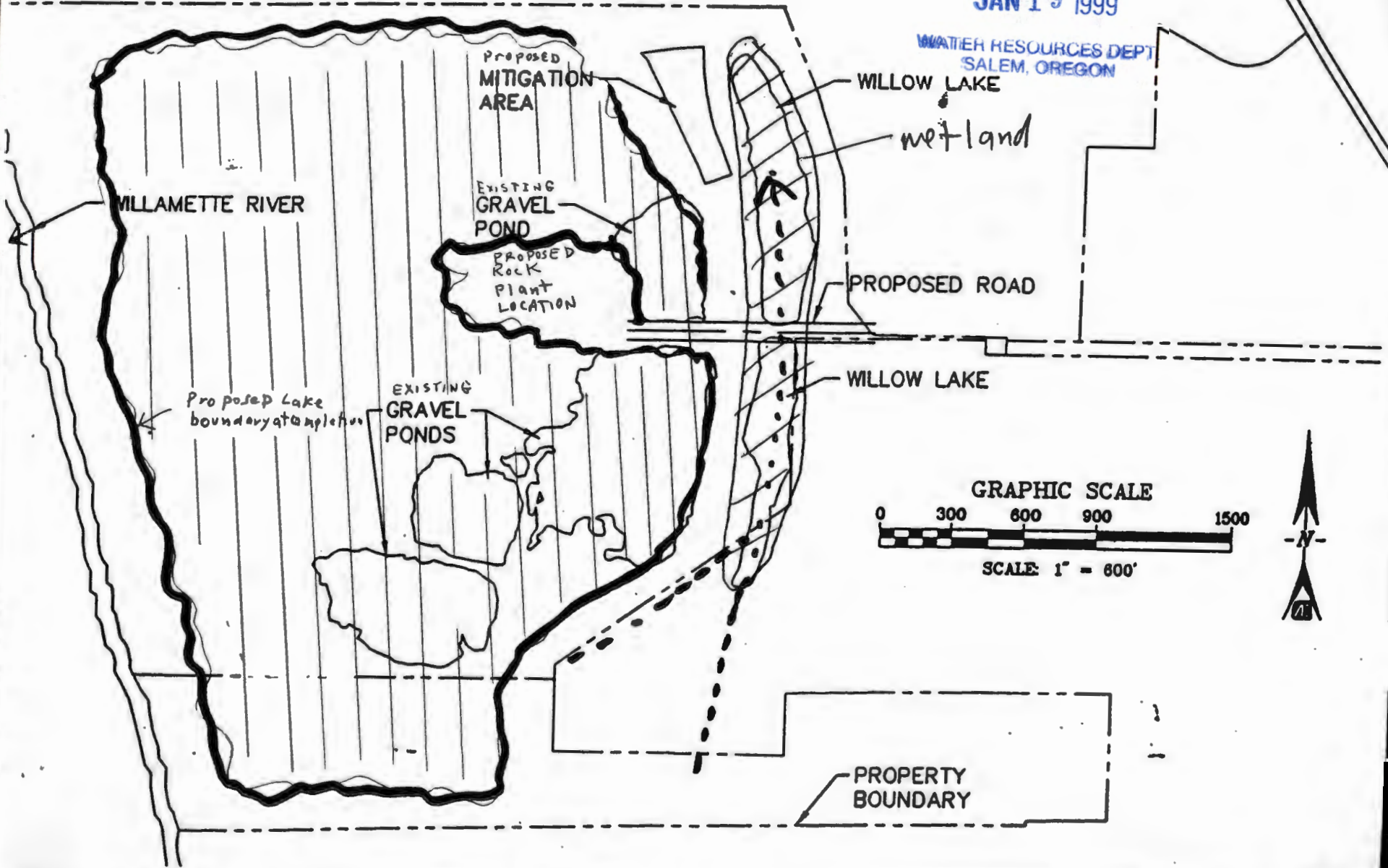
Label these well locations on your permit application map.

7. Attach a copy of the map submitted to the Department of Geology and Mineral Industries (DOGAMI) showing locations of all intermittent water courses, perennial streams, springs, wetlands, and wells.

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JAN 19 1999

WATER RESOURCES DEPT
SALEM, OREGON



--- Flood overflow channels

File G 14780

Figure 3
Site Map



City of Keizer

Keizer City Hall, P.O. Box 21000, Keizer, OR 97307-1000

Fax Cover Sheet

Date: 12-10-98

12-10-1998 4:09

FROM CITY OF KEIZER 5033939437

To: Mike McCord/Bill Funder Fax: 378-8455 ⁸¹³⁰

At: Oregon State Water Resources

From: Rob Hsieh

At: **Keizer City Hall**
Phone: (503) 390-3700
Fax: (503) 393-9437

Number of pages including cover sheet: 2

RE: Mike: Thank You for passing this
letter on.

To: Rob
Mike McCord/Bill Funder Fax: 378-8455

At: Oregon State Water Resources

From: Rob Hsieh

At: _____

Phone: _____

Fax: _____

Address: _____



City of Keizer

Phone: 390-3700 • Fax: 393-9347

930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295.

December 10, 1998

Mr. Bill Ferber Water Master
Oregon State Water Resources
158 12th St NE
Salem, Oregon 97310

Dear Mr. Ferber:

12-10-1998 4:10 PM FROM CITY OF KEIZER 5033939437

The City of Keizer has major concerns, regarding the proposed well construction by Viesko Quality Concrete's new location near Lockhaven and Windsor Island Road. If your applicant needs the 3100 gpm as indicated on the application, we recommend a hydro geological study be done to protect the existing municipal wells located up gradient. Single point withdrawal at this location, may interfere with several of our municipal wells. As you know, over draft of an aquifer can create potential water quantity and quality issues, specifically nitrates. I respectfully request a hold be placed on this application until a determination has been made that this proposed water use will not interfere with the City's drinking water.

Sincerely:

Rob Kissler
Director of Public Works

cc: Stettler Supply
Peterson Engineering
City Manager
City Senior Planner

"Pride, Spirit and Volunteerism"

Incorporated 1982





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

CERTIFIED MAIL
Return Receipt Requested

January 6, 1999

Viesko Quality Concrete
Scott Erickson, President
P.O. Box 20610
Keizer, Oregon 97307

RE: Application File # G-14780

Dear Mr. Erickson:

The Department is currently in the process of preparing a Proposed Final Order for the above referenced application. However, based upon continued review, the Department has determined that additional information is necessary in order to complete your application. The following information must be received:

- ▶ Please fill out and return the enclosed additional information form, Form R. The Department requests all applicants who intend to use water for mining purposes fill out Form R as part of the application. The application submitted to the Department indicates that part of the water will be used for gravel mining.

Please submit this information by **January 20, 1999**. If we do not receive the information requested above by this date, we **may** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503) 378-8455, extension 331, or toll free within Oregon at 1-800-624-3199.

Sincerely,

Laura K. Snedaker
Senior Water Rights Examiner

Enclosure: Form R

cc: Bill Ferber (Watermaster District 16), Steve Applegate

Mailing List for IR Copies

Application #G-14780

IR Date: October 23, 1998

Original mailed to:

Applicant: VIESKO QUALITY CONCRETE: ERICKSON, SCOTT, PO BOX 20610, KEIZER, OREGON 97307

Copies sent to:

1. WRD - File # G-14780
2. WRD - Water Availability: Ken Stahl

Copies Mailed
By: <u>HJW</u>
(SUPPORT STAFF)
on: <u>10/23/98</u>
(DATE)

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 16
4. WRD - Regional Manager (not Bob Main):NWR
5. ODFW District Biologist: (MARION County)Nancy Leibowitz

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

6. Stephen P. Applegate Consulting 3224 Indian Wells Loop S. Salem 97302

7. City of Salem 555 Liberty St SE Salem 97301 _____

8. George Baldwin 645 Bowden Rd Keizer, OR 97303 _____

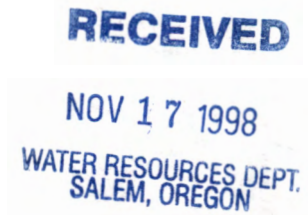
9. _____

10. _____

11. _____

12. _____

Viesko
Quality
Concrete
PO Box 20610
Keizer, Oregon 97307
503-393-5050 or 981-5050 FAX 393-3984



11-16-98

Oregon Water Resources Department

Application file # G-14780

Land Use Compatibility Statement

Enclosed you should find the Land Use Compatibility Statement from the City of Keizer as you requested.

We have been meeting with Keizer and Marion County officials about this project. Some confusion has arisen because one parcel is inside the Urban Growth Boundary of Keizer but not in the city limits. At this time it looks like we will be making all the land use applications through Marion County with Keizer being kept informed as a stakeholder.

Remove tax lot 1000 from our application.

I request you remove tax lot 1000 from the application for water rights. We will not need water rights on that parcel. If you have further questions please call me at 393-5050.

Thanks,

A handwritten signature in black ink that reads "Scott Erickson". The signature is written in a cursive, flowing style.

Scott Erickson, President

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)

If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-14780

Applicant: VIESKO QUALITY CONCRETE: ERICKSON, SCOTT

County: MARION

Watermaster: District 2

Priority Date: June 22, 1998

Source: THREE WELLS IN WILLAMETTE RIVER BASIN

Use: INDUSTRIAL USE

Quantity: 3100.0 GALLONS PER MINUTE, BEING 600.0 GPM FROM WELL 1 AND 2500.0

GPM FROM WELLS 2 AND 3

Basin Name & Number: Willamette, #02

Stream Index Reference: Volume 26 WILLAMETTE R & TRIBS

Point of Diversion Location: SESW, SECTION 33, T 6S, R3W, W.M.: 1020 FEET NORTH & 3080

FEET WEST FROM SE CORNER, SECTION 33

Place of Use: SWNE SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE,

SECTION 33, TOWNSHIP 6 SOUTH, RANGE 3 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, November 6, 1998

PUBLIC NOTICE DATE: Tuesday, November 10, 1998

30 DAY COMMENT DEADLINE DATE: Thursday, December 10, 1998

Application #: 314780

Basin: 02-Willamette

WAB: _____ POU-WAB _____

County Nation Township 05 Range 3W Section 33 1/4 1/4 _____

- 1. Complete by Minimum Requirements checklist. Y/N Items still required: needs city W
- 2. Indicators that the process should not continue (ie - items missing, letter to file indicating hold, or other) Y/N if W/M UGB
- 3. Groundwater review A B C D River/Stream Name Willamette E Conditions 7B, 7C
- Water Availability A B C
- a. Is the well located in a groundwater limited area? Y/N Name outside maybe near
- 4. Within or Above a Scenic Waterway Y/N conditions/restrictions Y/N 2014/11
- 5. Allowed under Basin Program Y/N Limitations? Y/N 690-502-160(2) in alluvials
- 6. Withdrawn? Y/N season allowed _____
- 7. Basin Maps have been checked Y/N _____
- 8. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) NA _____
- 9. Use Industrial Period of Allowed Use 4 R.
- 10. For Irrigation: Rate N/A Duty _____ Season _____
- 11. Allowable Rate of Use: 31006PM (6.9 cfs)
- 12. Priority Date(s) 6-22-98
- 13. E.O.R. project Y/N contract # _____
- 14. Subject to Division 33 (Above Bonn after July 17, 1992; Below Bonn after April 8, 1994 or June 3, 1994; or Statewide - in shaded as on t-T, E, & S Map - After June 3, 1994) Y/N/NA
- 15. Conflicts Y/N _____
- 6. Conditions? (BOR, GW, other) Y/N _____
- 7. Land use approval OK'd needs approval county notified NA
- 8. Watermaster Dist: (1 2 16) 18 - NWR (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 - SWR)
- 9. Letter will be Good Limited Bad Bad w/IRshort because _____

cc. Stephen P. Applegate Consulting
 3224 Indian Wells loops, Salem 97302
 40 - City of Salem 555 Liberty St SE 97301
 George Baidwin 645 Bowden Ln, Keizer, OR 97303

e: [Signature] Date: 9-24-98

Plat Card Report for 6S 3W 33

9/24/98

Page 1 of 3

Application	Permit	Certificate	DLC/ Status	Lot	NE				NW				SW				SE			
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
GR 81	GR 69																4.000 ID			
7/15/54																				
GR 91	GR 87																8.000 IR	5.000 IR		
5/26/46																				
GR 221	GR 205					10.600 IR	0.200 IR			29.000 IR	38.800 IR	7.900 IR	8.400 IR							
12/31/47																				
G 505	G 400	24589				5.000 IR														
11/7/56																				
G 834	G 734				0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU
1/2/58																				
GR 1566	GR 1508				9.000 IR															
4/18/49																				
G 1628	G 1511	32126		42	6.500 IR															
12/1/59																				
GR 1726	GR 1675				8.500 IR															
12/31/53																				
GR 1727	GR 1676		PartCncl		8.000 IR		1.000 IR	15.300 IR												
6/9/53																				
GR 1728	GR 1677		PartCncl					2.000 IR												
1/11/55																				
G 5136	G 4871	46471		42				4.500 IR									3.100 IR			
3-20-70																				

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use

Acres	
Status	

< Supplemental indicator

Application	Permit	Certificate	DLC/ Status Lot	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 5136	G 4871	46471	39													0.700 IR			
3/20/70																			
T 5476	CD 14901A			0 MU	0 MU	0 MU	0 MU									0 MU			0 MU
12/31/56																			
G 10432	G 9607	55132	42					0.700 IR											
7/7/81																			
G 10446	G 9771	56362		0 MU	0 MU	0 MU	0 MU									0 MU	0 MU		0 MU
7/13/81																			
G 11976																			
10/20/89																			
G 12793	G 11899			0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU	0 M	0 M	0 MU	0 MU	0 MU	0 MU	0 MU	0 MU
2/28/92																			
G 13282	G 12165			0 IM	0 IM	0 IM	0 IM												
2/5/93																			
G 14764																			1.000 NU
6/1/98																			
G 14780						0 IM				0 IM	0 IM	0 IM	0 IM	0 IM	0 IM	0 IM	0 IM	0 IM	0 IM
6/22/98																			
S 17187	S 15567	26198	65												12.400 IR			6.500 IR	15.200 IR
9/10/40																			
			60												11.800 IR			7.400 IR	11.600 IR
9/10/40																			

non

Subject

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use >

Acres	
Status	

< Supplemental indicator

Plat Card Report for 6S 3W 33

9/24/98

Page 3 of 3

Application	Permit	Certificate	DLC Status	Lot	NE				NW				SW				SE			
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
S 34237	S 26958	32134		53											0.700 IR					
8/15/60				53											0.500 IR					
S 52940	S 39969	46486		42			1.600 IR (s)													
7/7/75				42		9.300 IR (s)			32.700 IR (s)	33.200 IR (s)	3.100 IR (s)									
4/7/75				42								6.600 IR (s)								
4/7/74																				

Notes: Primary is to be assumed. (s) indicates supplemental Rights assumed non-canceled.

Type of Use

Acres	
<input type="checkbox"/>	<input type="checkbox"/>
Status	

Supplemental indicator

fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses.

(3) Multnomah Channel and drainage waters originating within drainage districts are classified for domestic, livestock, municipal, industrial, irrigation, commercial, agricultural, mining, power, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses.

(4) Except as specified in subsections (1)(a), (b) and (c) of this rule, all stream systems in the Columbia Subbasin and Columbia Slough are classified year-round only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses.

Stat. Auth.: ORS 536.300 & 536.340

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

Groundwater Classifications and Conditions

690-502-160 (1) Use of groundwater from the basalt aquifer within the Cooper-Bull Mountain Critical Groundwater Area shall be as described in the State Engineer's order designating the Cooper-Bull Mountain Critical Groundwater Area dated May 17, 1974.

(2) Groundwater Classification: The ground-water resources of the Willamette Basin are classified for domestic, livestock, irrigation, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and statutorily exempt groundwater uses with the following exceptions:

(a) Groundwater from the *shallow* Troutdale aquifer and the specially designated portion of the *deep* Troutdale aquifer in the Sandy-Boring area is classified for exempt uses only. The Sandy-Boring Groundwater Limited Area is as described and shown in Exhibit 1. Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed and shall contain the Special Permit Conditions specified in section (4) of this rule. Applications may be rejected if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications;

(b) Groundwater from the basalt aquifers in the Damascus, Glad Tidings, Kingston, Mt. Angel, Parrett Mountain, and Stayton-Sublimity areas, and the Troutdale aquifer in the Damascus area is classified for exempt uses only:

(A) The Damascus Groundwater Limited Area is as described and shown in Exhibit 2. The Glad Tidings Groundwater Limited Area is as described and shown in Exhibit 3. The Kingston Groundwater Limited Area is as described and shown in Exhibit 4. The Mt. Angel Groundwater Limited Area is as described and shown in Exhibit 5. The Parrett Mountain Groundwater Limited Area is as described and shown in Exhibit 9. The Stayton-Sublimity Groundwater Limited Area is as described and shown in Exhibit 7;

(B) Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in section (3) of this rule. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of permit issuance, the applicant shall prepare a plan for the Water

Resources Commission which shall indicate the steps for obtaining an alternate long-term water supply.

(c)(A) Except as provided in paragraph (B) of this subsection, groundwater from the basalt aquifers in the Sherwood-Dammasch-Wilsonville Groundwater Limited Area as described and shown in Exhibit 6 is classified for exempt uses only;

(B) Groundwater applications G-12155 (City of Sherwood) and G-13353 (Manke Lumber Co.) shall be processed according to the classifications in effect on the date the application was filed. Permits shall contain the Special Permit Conditions specified in Section (3) of this rule.

(d) Groundwater in the basalt aquifers in the Chehalem Mountain, Eola Hills and South Salem Hills Groundwater Limited Areas is classified for exempt uses, irrigation and rural residential fire protection systems only. Permits may be issued, for a period not to exceed five years, for fire protection and for drip or equally efficient irrigation provided the Director finds the proposed use and amount do not pose a threat to the groundwater resource or existing permit holders. The amount of water used for irrigation shall be further limited to one acre-foot per acre per year. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications may be rejected or permit or certificate extensions may be denied if the aquifer displays any of the adverse impacts defined in OAR 690-08:

(A) The Chehalem Mountain Groundwater Limited Area is as described and shown in Exhibit 8. The Eola Hills Groundwater Limited Area is as described and shown in Exhibit 10. The South Salem Hills Groundwater Limited Area is as described and shown in Exhibit 11;

(B) Groundwater applications pending on October 4, 1991 shall be processed according to the classifications in effect on the date the application was filed. Permits may be issued for a period not to exceed five years and shall contain the Special Permit Conditions specified in section (3) of this rule. Permits may be extended for additional five-year periods if the Director finds that the groundwater resource can probably support the extended use. Applications submitted after October 4, 1991 shall be processed according to the requirements of these rules and classifications. Within two years of permit issuance, the applicant shall prepare a plan for the Water Resources Commission which shall indicate the steps for obtaining an alternate long-term water supply;

(e) Groundwater — Surface water hydraulic connection: These rules are in addition to the requirements of OAR 690-09. Groundwater in unconfined alluvium within 1/4 mile of the banks of a stream or surface water source is presumed to be in hydraulic connection with the surface water source, unless the applicant or appropriator provides satisfactory information or demonstration to the contrary. This hydraulically connected groundwater shall be classified the same as the surface source. This section shall not apply to those groundwater uses exempted by ORS 537.545. Notwithstanding such classification, permits may be issued for the use of water from a well in an unconfined aquifer that is hydraulically connected to groundwater, within a quarter mile of a stream, provided that surface water impacts are mitigated through storage releases.

(3) Special Columbia River Basalt Group Aquifer Permit Conditions: New permits issued to appropriate groundwater from Columbia River Basalt Group aquifers shall be specially conditioned. The conditions shall specify:

(a) A static water level measurement be made and submitted before any use of water may commence at the well;

(b) The permittee/appropriator install a meter or other suitable measuring device approved by the Director and submit an annual report of water used to the Department;

(c) Limits on acceptable amounts of depletion and interference with other users;

(d) Use of water from the well be controlled or shut off if limits specified in the permit to protect the resource from depletion, and prior appropriators from interference, are exceeded;

(e) The Department shall determine, from measurements submitted by the permittee/ appropriator, or other data on file in the department, the initial and subsequent water levels from which the previously cited declines are referenced;

(f) Following the issuance of a permit, the permittee/appropriator shall measure the water levels in the permitted well each year between March 1 and March 31 (spring high-water level) and submit the data to the Department within 90 days of measurement. Water level measurements shall be made by a certified water rights examiner, licensed water well driller, licensed pump installer, registered geologist, licensed land surveyor, registered professional engineer or the permittee/ appropriator;

(g) Any other conditions derived from OAR 690-08 as deemed necessary to protect the groundwater resource.

(4) Special Permit Conditions: New permits issued to appropriate groundwater from aquifers within the Sandy-Boring Groundwater Limited Area and the Troutdale aquifer in the Damascus Groundwater Limited Area shall be specially conditioned. The conditions shall specify:

(a) A static water level measurement be made and submitted before any use of water may commence at the well;

(b) Limits on acceptable amounts of depletion and interference with other users;

(c) Use of water from the well be controlled or shut off if limits specified in the permit to protect the resource from depletion, and prior appropriators from interference, are exceeded;

(d) The Department shall determine, from measurements submitted by the permittee/ appropriator, or other data on file in the department, the initial and subsequent water levels from which the previously cited declines are referenced;

(e) Following the issuance of a permit, the permittee/appropriator shall measure the water levels in the permitted well each year between March 1 and March 31 (spring high-water level) and submit the data to the Department within 90 days of measurement. Water level measurements shall be made by a certified water rights examiner, licensed water well driller, licensed pump installer, registered geologist, licensed land surveyor, registered professional engineer or the permittee/ appropriator;

(f) Any other conditions as specified in OAR 690-08 as deemed necessary to protect the groundwater resource.

[ED. NOTE: The Exhibit(s) referenced in this rule is not printed in the OAR Compilation. Copies are available from the Water Resources Department.]

Stat. Auth.: ORS Ch. 536 & 537

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1993, f. & cert. ef. 9-9-92; WRD 3-1994, f. & cert. ef. 3-10-94, WRD _ - 1994, f. & cert. ef. 11-7-94

Receipt for Request for Land Use Information

Name of water right applicant: Viesko Quality Concrete

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: City of Keizer
Staff contact: Billy C. Drought, Senior Planner Phone: (503) 340-3700

Signature: Billy C. Drought Date: 11/13/98

WATER RESOURCES DEPT.
SALEM, OREGON

NOV 17 1998

RECEIVED

Receipt for Request for Land Use Information

State of Oregon

Water Resources Department

Commerce Bldg.

158 12th St. NE

Salem, OR 97310-0210

(503)378-8455

No. 657446

VQC property
(Blake Farm)

LO - 700

RECEIVED

JUN 22 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Exhibit 'A'

Beginning at the intesection of the center line of the Salem-Spong's Landing Road and the South line of the James Smart Donation Land Claim No. 42, in Township 6 South, Range 3 West, Willamette Meridian, Marion County, Oregon; thence South 89°42' West along the South line of said Smart Claim, 31.04 chains to a stone 3.00 feet long with a top 8 x 10 inches, marked C.S.; thence North 21.25 chains to the re-entrant corner in the Southerly boundary line of the tract of land conveyed to Minnie B. Frogley by Deed recorded January 9, 1909, in Volume 101, Page 252, Deed Records; thence West 17.23 chains; thence North 07°15' East 17.00 feet; thence West to the Willamette River; thence upstream following the meandering of said river to a point which is South 89°42' West from the above-described stone; thence North 89°42' East to a point 60.00 feet South 89°42' West of the above described South line of said Smart Claim to the center line of the Salem-Spong's Landing Road; thence Northerly along the center line of said road to the place of beginning, being situated in Section 33 and 34, Township 6 South, Range 3 West, Willamette Meridian.

EXCEPT: Beginning at a point on the North line of a tract of land conveyed to Phillip J. Blake and Phyllis D. Blake as recorded in Volume 383, Page 25, Deed Records for Marion County, Oregon, said point being South 89°47' West 981.30 feet from the re-entrant corner in a Southerly line of a tract of land conveyed to Minnie B. Frogley as recorded in Volume 101, Page 252, Deed Records of Marion County, Oregon, said corner also being angle point in said Blake tract; thence North 89°47' East 981.30 feet to the said re-entrant corner; thence South along the East line of said Blake tract, 550.00 feet; thence South 89°47' West and parallel with the North line of said Blake tract, 761.01 feet; thence North 18°26' West 197.93 feet; thence North 23°34' West 394.30 feet to the point of beginning.

ALSO EXCEPT: Beginning at a point which is 2720.16 feet North 89°40' West from the Southeast corner of the James Smart Donation Land Claim No. 42, in Township 6 South, Range 3 West, Willamette Meridian, Marion County, Oregon; thence North 698.83 feet; thence North 89°40' West 300.00 feet; thence North 156.96 feet; thence South 89°47' West 761.01 feet; thence South 18°26' East 183.16 feet; thence South 04°04' East 529.55 feet; thence South 39°32' East 173.55 feet; thence South 89°37' East 555.00 feet; thence South 14.00 feet; thence South 89°40' East 300.00 feet to the point of beginning. Being a part of said James Smart Donation Land Claim.

ALSO EXCEPT: That portion of the property first described which lies East of a line which runs due South from the Southeastern corner of the excepted property described immediately above.

Application No. G14780
Permit No.

RECEIVED

5

JUN 22 1998

WATER RESOURCES DEPT.
SALEM, OREGON

PARCEL II

Beginning at the Northwest corner of the Donation Land Claim of John Ford and wife, in Township 6 South, Range 3 West of the Willamette Meridian, Marion County Oregon, and from thence running South 89° 51' East along the North Boundary line of said Donation Land Claim 14.85 chains more or less, to the Northwest corner of land conveyed to J. W. Evans and Elsa T. Evans, his wife by deed recorded in Volume 199, Page 274, Deed Records Marion County, Oregon; thence South along the West side of said Evans property 10.416 chains; thence South 55° 30' West 18.024 chains to the West boundary line of said Donation Land Claim; thence North 20.67 chains to the place of beginning.

PARCEL III

Beginning at a point on the East bank of the Willamette River at the Southwest corner of land deeded to Wm. Blake and Ida Russ Blake, October 29, 1916, recorded in Volume 94 Page 539, Deed Records, Marion County, Oregon; thence South 18° 30' East along said River 24 chains, more or less, to the South line of land conveyed to J. P. Jones by deed recorded in Volume 87, Page 108, Deed Records for Marion County, Oregon; thence East 28 chains, more or less, on the South line of said J. P. Jones land to the West line of John Ford Donation Land Claim; thence North 23 chains, more or less, to the South line of Wm. and Ida Russ Blake's Land; thence West on the Blakes South line to the place of beginning.

Real Property Tax Account Nos. 48944-000; 48950-000; 48952-000

VOC Property

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EXHIBIT A

**WATER RESOURCES DEPT.
SALEM, OREGON**

PARCEL I

Beginning at a point in the center of the County Road leading from Salem to Lincoln which point is the Southeast corner of the land conveyed to John P. Jones as shown by deed recorded in Volume 87, Page 108, Deed Records for Marion County, Oregon, in the Donation Land Claim of John Ford in Township 6 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; thence South 26° 45' East along the center of said Road 8.61 chains to the Northeast corner of the tract of land deeded to M. C. Davis in Volume 103, Page 618, Deed Records for Marion County, Oregon; thence West following the North line of said Davis Land to the Willamette River; thence down said stream to the South line of the said John P. Jones land above referred to; thence East along said South line to the West line of the John Ford Donation Land Claim; thence South 15' East along said West line 4.59 chains to the Southwest corner of land conveyed to Thomas Maddock and wife, by deed recorded in Volume 102, Page 514, Deed Records for Marion County, Oregon; thence East 14.85 chains, more or less, to the Southeast corner of said Maddock Tract; thence North 15' West 4.59 chains to said John P. Jones land; thence East 3.89 chains to angle in the South line of said John P. Jones land; thence South 89 links to the Southwest corner of said John P. Jones land; thence East 51.50 chains to the place of beginning.

SAVE AND EXCEPT: That portion conveyed to John N. Baldwin and Sarah J. Baldwin, husband and wife, recorded March 25, 1965, in Volume 598, Page 687, Deed Records for Marion County, Oregon, as follows: Beginning at a point which is 568.26 feet North 25° 18' West 2782.60 feet North 89° 03' West 382.80 feet North 883.28 feet South 89° 21' West and 319.22 feet South from the Northeast corner of the Keiser Fruit Tract in Township 6 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; thence South 58.74 feet;

VIESKO REDI-MIX, INC. • P.O. BOX 20610 • KEIZER, OREGON 97307-0610 • (503) 393-5050

IN

02

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NOV 06 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

Application

G-14780





OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT



Dear Water User: It is a new water year! All water use reports for October 2001 to September 2002 are requested to be submitted by January 1, 2003. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary Grainey

SCOTT ERICKSON USER-ID 29050
VIESKO QUALITY CONCRETE
PO BOX 20610, *3322 Belvedere NW*
KEIZER OR 97307

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO
49726		0	G 13861	G 14780	6/22/1998	IM	L	6 S	3 W	33	NWSE	1.34 C	P WELL 1	WILLAMETTE R
49726		0	G 13861	G 14780	6/22/1998	MI	L	6 S	3 W	33	NWSE	1.34 C	A WELL 1	WILLAMETTE R
49727		0	G 13861	G 14780	6/22/1998	IM	L	6 S	3 W	33		5.57 C	P WELL 2	WILLAMETTE R
49727		0	G 13861	G 14780	6/22/1998	MI	L	6 S	3 W	33		5.57 C	A WELL 2	WILLAMETTE R
49728		0	G 13861	G 14780	6/22/1998	MI	L	6 S	3 W	33	SESW	5.57 C	A WELL 3	WILLAMETTE R
49728		0	G 13861	G 14780	6/22/1998	IM	L	6 S	3 W	33	SESW	5.57 C	A WELL 3	WILLAMETTE R

2001

Oregon Water Resources Department
October 2001 through September 2002
Annual Water Use - Monthly Quantities Form

USER-ID 29050

2002



Facility <input type="checkbox"/>	Not currently in use				
POD-ID <input type="checkbox"/>					
October - 2001					
November - 2001					
December - 2001					
January - 2002					
February - 2002					
March - 2002					
April - 2002					
May - 2002					
June - 2002					
July - 2002					
August - 2002					
September - 2002					
TOTAL *	0				

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 NOV 01 2002
 WATER RESOURCES DEPT
 SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: NA. If use is irrigation, total number acres irrigated 0
I certify this information is true and accurate to the best of my knowledge.

Scott Erickson
Signature

President
Title

owner
Reporting Entity

10-31-02
Date

Scott Erickson
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

October 30, 2006

SCOTT ERICKSON,
VIESKO QUALITY CONCRETE
PO BOX 20610; 3322 BELVEDERE NW
KEIZER, OR 97307

REFERENCE: USER_ID 29050

Dear Water User:

We appreciate your continued cooperation with the Water Use Reporting program. We again request that you report your water use online. If you need to report on a new water right not in the reporting database, you will need to submit a hard copy form. A 2006 monthly quantities form is printed on the reverse.

To report monthly quantities data online, go to our web page at www.wrd.state.or.us and click on the link 'Water Use Reporting' under 'current topics'. Then, click on 'Submit your water use report data' on the Water Use Reporting page. Your USER_ID number is both your Username and your Password to log in. To submit data for a point of diversion, scroll down to the point of diversion and click on 'Insert' to add data for that diversion. Enter the data for one point of diversion at a time. Be sure to be careful to choose the correct units, enter the monthly amounts diverted, and then click the 'Update' button. You will then be given the opportunity to review the data for that diversion to make sure it is correct. Please do so, as once data has been submitted by clicking the 'Submit' button, you cannot edit it. Also, please remember to enter a zero if you did not use a diversion during a month. At present, the system can receive data only for the 2006 water year (October 2005 – September 2006). If you wish to submit data for another year, you will need to submit a hard copy.

Finally, if you use small water right (less than 0.1 CFS or 9.2 AF) and do not measure monthly quantities, you may report the maximum volume allowed under the right. For rates in CFS,

$$\text{AF} = 1.98 * \text{CFS} * (\# \text{ of days in the month})$$

Thank you in advance. The data you provide is valuable for water management in Oregon.

Yours truly,

Gary L. Ball, PE, PLS
Hydrographics/Measurement & Reporting Manager
Voice: 503-986-0831, Fax: 503-986-0902
Gary.L.BALL@ wrd.state.or.us

2005

Oregon Water Resources Department
 October 2005 through September 2006
 Annual Water Use - Monthly Quantities Form

USER-ID 29050

2006



Facility <small>USE</small> POD-ID <small>OR</small>	No water used at this site in this period				
October - 2005	↓				
November - 2005					
December - 2005					
January - 2006					
February - 2006					
March - 2006					
April - 2006					
May - 2006					
June - 2006					
July - 2006					
August - 2006					
September - 2006					
TOTAL *					

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 NOV 16 2006
 WATER RESOURCES DEPT
 SALEM, OREGON

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: _____ If use is irrigation, total number acres irrigated _____

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

 Signature Title Reporting Entity Date

 Name - Please Print

Please complete and mail to: Water Resources Department, Water Use Reporting Program,
 725 Summer Street NE, Suite A, Salem, OR 97301-1266.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **22129**

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

INVOICE # _____

RECEIVED FROM: Viesko Redi-mix Inc
BY: _____

APPLICATION	G-19780
PERMIT	
TRANSFER	

CASH: CHECK: # 96-8 OTHER: (IDENTIFY)

TOTAL REC'D \$ 875.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY)

OTHER: (IDENTIFY)

**RECEIVED
OVER THE COUNTER**

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY)

New) TC165 DEPOSIT LIAB. (IDENTIFY)

Existing) TC168

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY)

pc# 66111

EXAM FEE
\$
\$
\$
EXAM FEE
\$ 2500

0202

0204

0206

0219

0220

RECORD FEE

\$ 850.00

\$

\$

LICENSE FEE

\$ 450.00

\$

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

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HRDRO APPLICATION

\$
\$

\$

RECEIPT # **22129**

DATED: 6-22-98

BY: M. Murray

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **41566**

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

INVOICE # _____

RECEIVED FROM: Diesko Redi-mix
BY: _____

APPLICATION	G-14780
PERMIT	
TRANSFER	

CASH: CHECK: # 968 OTHER: (IDENTIFY)

TOTAL REC'D \$ 150⁰⁰

0417 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

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

PCA # 66011

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$ <u>150⁰⁰</u>
0205 TRANSFER	\$	0206	\$
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

0437 WELL CONST. START FEE

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

0539 LOTTERY PROCEEDS


1302 LOTTERY PROCEEDS	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **41566**

DATED: 11-6-80 BY: Meg Bo

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>SCOTT ERICKSON G-14780 PO BOX 20610 KEIZER, OR 97307</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No YES, enter return address below: <input type="checkbox"/> No</p> <p>NOV 18 2016 NOV 16 2016 OVRD 97303</p>
 9590 9402 1623 6053 0242 91	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>2. Article Number (Transfer from service label) 7016 1370 0000 0680 8122</p>	<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 WR/SP JKS Domestic Return Receipt</p>

<p>SENDER:</p> <ul style="list-style-type: none"> Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b. Print your name and address on the reverse of this form so that we can return this card to you. Attach this form to the front of the mailpiece, or on the back if space does not permit. Write "Return Receipt Requested" on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date delivered. 	<p>I also wish to receive the following services (for an extra fee):</p> <p>1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.</p>
	<p>Thank you for using Return Receipt Service.</p>
<p>3. Article Addressed to: Viesko Quality Concrete Scott Erickson (President) PO Box 20610 Keizer OR 97307 G-14780</p>	<p>4a. Article Number P-56287</p> <p>4b. Service Type</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD</p> <p>7. Date of Delivery 03 JAN 1994</p>
<p>5. Received By: (Print Name)</p>	<p>8. Addressee's Address (Only if requested and fee is paid)</p>
<p>6. Signature: (Addressee or Agent) <input checked="" type="checkbox"/></p>	<p>102595-98-B-0229 Domestic Return Receipt</p>
<p>PS Form 3811, December 1994</p>	<p>Thank you for using Return Receipt Service.</p>

<p>SENDER:</p> <ul style="list-style-type: none"> Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b. Print your name and address on the reverse of this form so that we can return this card to you. Attach this form to the front of the mailpiece, or on the back if space does not permit. Write "Return Receipt Requested" on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date delivered. 	<p>I also wish to receive the following services (for an extra fee):</p> <p>1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.</p>
	<p>Thank you for using Return Receipt Service.</p>
<p>3. Article Addressed to: VIESKO QUALITY CONCRETE SCOTT ERICKSON PO BOX 20610 KEIZER OR 97307</p>	<p>4a. Article Number P-56681</p> <p>4b. Service Type</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD</p> <p>7. Date of Delivery 29 OCT 1994</p>
<p>5. Received By: (Print Name)</p>	<p>8. Addressee's Address (Only if requested and fee is paid) SALEM OR 97307</p>
<p>6. Signature: (Addressee or Agent) <input checked="" type="checkbox"/></p>	<p>102595-98-B-0229 Domestic Return Receipt</p>
<p>PS Form 3811, December 1994 Hannah - WR</p>	<p>Thank you for using Return Receipt Service.</p>