

ASSIGNED

FILE#: S 84037

GLEN D WESTBROOK
WESTBROOK, MARY I
3022 UMATILLA PLACE
SEASIDE, OR 97321

Application No. S-84037
Permit No. 53603
Certificate No. 97499

Stream Index, Page No. _____

FEES PAID		
Date	Amount	Receipt No.
1/7/99	575.00	27027
7-27-99	195.00	31543
ext. of time 9-16-04	250.00	70145
9-29-04	12.50	70454
1-11-2021	3100.00 Cert. Fee	134305

Date filed _____
Priority _____
Action suspended until C-03 C 2021

Return to applicant _____
Date of approval _____

CONSTRUCTION

Date for beginning 7/30/00
Date for completion _____
Extended to _____
Date for application of water 10/1/03
Extended to 10-1-2021

PROSECUTION OF WORK

Form "A" filed _____
Form "B" filed _____
Form "C" filed _____

FINAL PROOF

Blank mailed _____
Proof received 12-20-2021
Date Certificate issued 12/8/2023

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
9-24-04	Krautmann Family Nursery LLC	4199 75 th Ave. SE Salem OR		97301
2/1/2021	Mark & Jolly Krautmann, and Heritage Seedlings, Inc.	4194 71st. Ave. SE., Salem, OR. 97317		

REMARKS

Also R-84036
FEES PAID
12-20-2021 230.00 137130

53603

speke with:

Mark Krautmann
Heritage Seedlings
503-585-9835

on 8-27-03. Will
purchasing prope
& had question
concerning an
Extension of Tim

Greg & Malia
Kupillas
503-632-5016

will contact
Krautmans to
come in &
take care of
Assignments.

Dwul
2917-

Mailing List for Certificate

Application: S-84037

Permit: S-53603

Certificate: 97499

Permit/Certificate Holder:

HERITAGE SEEDLINGS AND LINERS INC.
MARK KRAUTMANN
JOLLY KRAUTMANN
4194 71ST AVE SE
SALEM OR 97317

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **NO**

Copies of Certificate to be sent to:

1. Watermaster District #: 16
2. Vault
3. File

Other persons to receive copies: (include map):

1. NEW LANDOWNER
KALAPUYA FARM LLC
4194 71ST AVE SE
SALEM OR 97317
2. PACIFIC HYDRO-GEOLOGY INC.
DOANN HAMILTON
18487 S VALLEY VISTA RD
MULINO, OR 97042

Copies Mailed	
by:	<u>KMWF</u> (STAFF)
on:	<u>DEC 08 2023</u> (DATE)

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HERITAGE SEEDLINGS AND LINERS INC.
MARK KRAUTMANN
JOLLY KRAUTMANN
4194 71ST AVE SE
SALEM OR 97317

confirms the right to the use of water perfected under the terms of Permit S-53603. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: S-84037

SOURCE OF WATER: WESTBROOK RESERVOIR CONSTRUCTED UNDER PERMIT R-12733, AN UNNAMED STREAM, AND WEAVER GULCH, TRIBUTARIES OF MILLER CREEK

PURPOSE or USE: IRRIGATION OF 139.9 ACRES, AND SUPPLEMENTAL IRRIGATION OF 16.7 ACRES

MAXIMUM VOLUME/RATE: 105.0 ACRE-FEET OF STORED WATER ONLY AND 0.65 CUBIC FOOT PER SECOND (CFS), BEING 0.32 CFS FROM UNNAMED STREAM AND 0.33 CFS FROM WEAVER GULCH

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER, AND MARCH 1 THROUGH JUNE 30 AND SEPTEMBER 1 THROUGH OCTOBER 31 FROM LIVE FLOW

DATE OF PRIORITY: JANUARY 15, 1999

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
9 S	3 W	WM	14	NW SW	42	WEAVER GULCH - 1500 FEET NORTH AND 1355 FEET EAST FROM SW CORNER, SECTION 14
9 S	3 W	WM	14	NW SE	42	WESTBROOK RESERVOIR - 2395 FEET NORTH AND 1675 FEET WEST FROM SE CORNER, SECTION 14-
9 S	3 W	WM	14	NW SE	42	UNNAMED STREAM - 1460 FEET NORTH AND 1410 FEET WEST FROM SE CORNER, SECTION 14

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

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

A description of the place of use is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	3 W	WM	14	NE NW		42	3.6
9 S	3 W	WM	14	NW NW		42	3.1
9 S	3 W	WM	14	SW NW		42	39.8
9 S	3 W	WM	14	SE NW		42	18.2
9 S	3 W	WM	14	NE SW		42	17.6
9 S	3 W	WM	14	NW SW		42	24.9
9 S	3 W	WM	14	SW SW		42	6.1
9 S	3 W	WM	14	SE SW		42	0.7
9 S	3 W	WM	14	NE SE		42	4.6
9 S	3 W	WM	14	NE SE	1		2.7
9 S	3 W	WM	14	NW SE		42	2.4
9 S	3 W	WM	14	SW SE		42	2.2
9 S	3 W	WM	14	SE SE		42	1.0
9 S	3 W	WM	15	NE NE		42	1.5
9 S	3 W	WM	15	SE NE		42	8.1
9 S	3 W	WM	15	NE SE		42	3.1
9 S	3 W	WM	15	SE SE		42	0.3

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
9 S	3 W	WM	14	NE SW	42	1.5
9 S	3 W	WM	14	NW SW	42	1.2
9 S	3 W	WM	14	SW SW	42	1.9
9 S	3 W	WM	14	SE SW	42	3.0
9 S	3 W	WM	14	NW SE	42	7.3
9 S	3 W	WM	14	SW SE	42	1.8

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order. The water user 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 water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter; where a meter is located within a private structure, the watermaster shall request access upon reasonable notice.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The water user shall maintain and operate fish screening, as required by the Oregon Department of Fish and Wildlife, to prevent fish from entering the diversion.

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

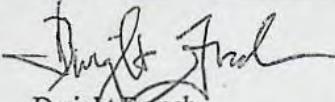
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

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

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

Issued DEC 08 2023



Dwight French
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department

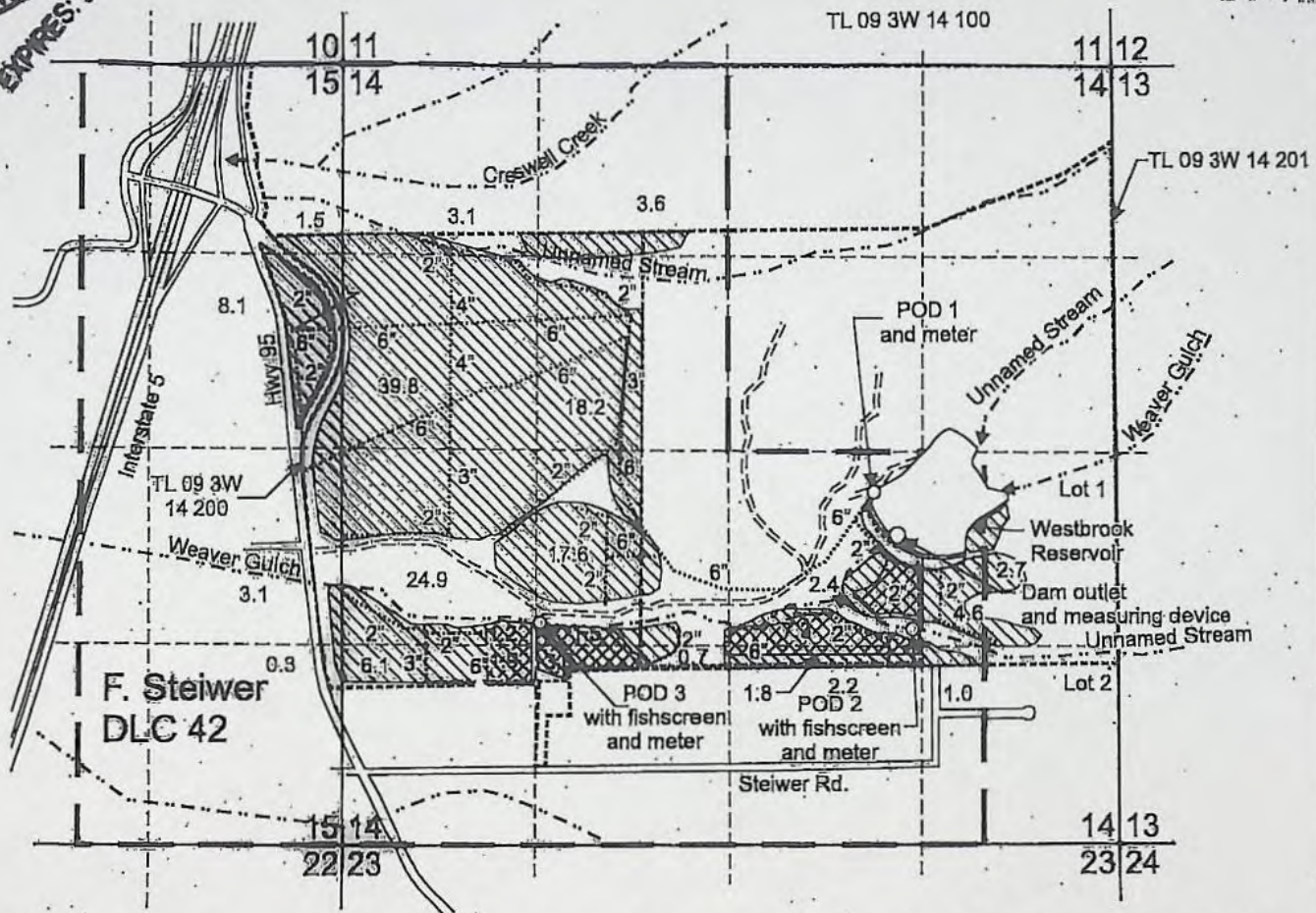
CERTIFIED WATER RIGHT EXAMINER
 85503
 DOANN HAMILTON
 MAY 10, 2012
 STATE OF OREGON
 EXPIRES: June 2022

T.9S. R.3W. Sec. 14 & 15, W.M.


RECEIVED


JEC 20 2021

OWRD



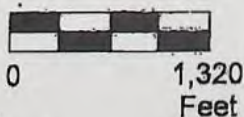
POD 1 (Westbrook Reservoir) is located 2,395 feet north and 1,675 feet west from the SE corner, Section 14.
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 POD 3 (Weaver Gulch) is located 1,500 feet north and 1,355 feet east from the SW corner, Section 14.

 Area (139.9 Acres) of primary irrigation under Application S-84037, Permit S-53603 irrigated by POD 1, 2, and 3.

 Area (16.7 Acres) of supplemental irrigation under Application S-84037, Permit S-53603 irrigated by POD 1 only, primary water right is Certificate 23305.

----- Tax lot boundary ——— Donation Land Claim boundary Water main line

Scale: 1" = 1,320'



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



Claim of Beneficial Use Map
Application S-84037, Permit S-53603

Pacific Hydro-Geology Inc.

Heritage Seedlings and Liners, Inc.
 T.9S. R.3W Section 14 & 15, W.M.

11/2021

Mailing List for Proposed Certificate

Application: S-84037

Permit: S-53603

Certificate:

Permit/Certificate Holder:

HERITAGE SEEDLINGS AND LINERS INC.
MARK KRAUTMANN
JOLLY KRAUTMANN
4194 71ST AVE SE
SALEM OR 97317

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **NO**

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2. File

Other persons to receive copies: (include map):

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4194 71ST AVE SE
SALEM OR 97317
2. DOANN HAMILTON, CWRE

Copies Mailed	
by:	<u>KMWF</u> (STAFF)
on:	<u>SEP 15 2023</u> (DATE)



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

Date Mailed: **SEP 15 2023**

Reference: Application S-84037 Permit S-53603

PROPOSED

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Mary Bjork at 503-979-9895.

If you have any questions please contact Codi Holmes at 503-979-3184.

Sincerely,

Dwight French
Administrator
Water Right Services

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HERITAGE SEEDLINGS AND LINERS INC.
MARK KRAUTMANN
JOLLY KRAUTMANN
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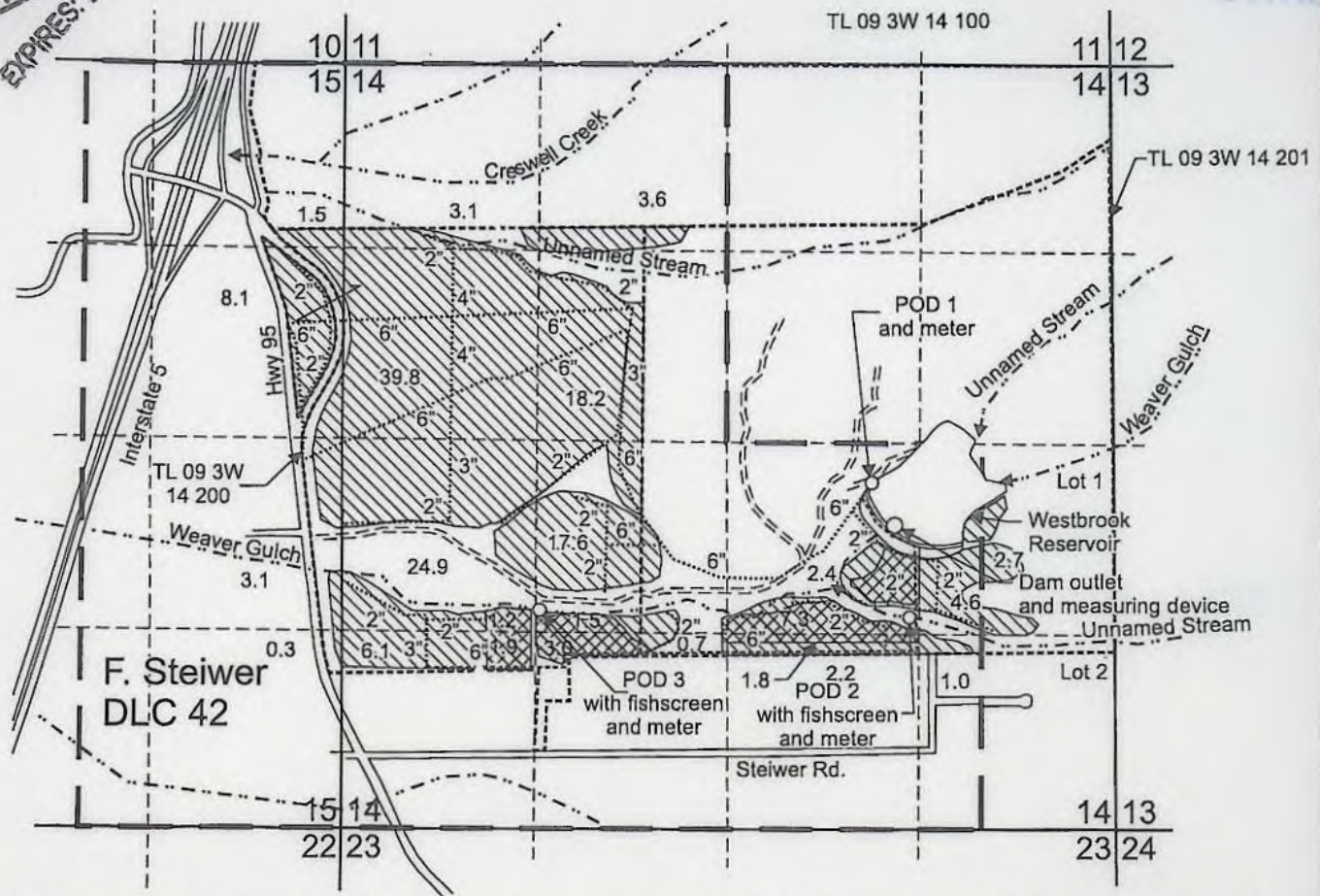
Issued _____

PROPOSED
Dwight H. ...
Water Right Services Division Administrator, for
Douglas E. Woodcock, Acting Director
Oregon Water Resources Department



CERTIFIED WATER RIGHT EXAMINER
 86503
 DOANN HAMILTON
 MAY 10, 2012
 STATE OF OREGON
 EXPIRES: June 30, 2012

T.9S. R.3W. Sec. 14 & 15, W.M.

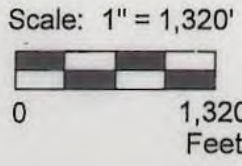
RECEIVED
 DEC 30 2021
 OWRD



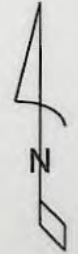
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Claim of Beneficial Use Map Application S-84037, Permit S-53603

Pacific Hydro-Geology Inc.

Heritage Seedlings and Liners, Inc.
 T.9S. R.3W Section 14 & 15, W.M.

11/2021

Heritage Jefferson S-84037 COBU Map.cdr

PERMIT

MEMO - Proof to Satisfaction

RED 1RR / RATE

Application # S84037	Permit #	Permit Amendment (T-FILE)#
WRD Reviewer (CW)	Date	
WRD Peer Reviewer (PR) <i>J. Shum</i>	Date Aug 2023	
Related Files: WB... S84702 R84036 C9211 C92112 105° AF / 1RR		

C9211
105° AF
S84037
RED
C92112
202 AF
S84702
RED

CW	PR	RESEARCH
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Organize: file in chronological Order; Pull following items from paper file:
		<input type="checkbox"/> CBU Report/Map <input type="checkbox"/> App (Permit) Map <input type="checkbox"/> Assignment <input type="checkbox"/> Extension <input type="checkbox"/> n/a <input type="checkbox"/> n/a <input type="checkbox"/> n/a <input type="checkbox"/> n/a
		<input type="checkbox"/> Fish Screen Doc <input type="checkbox"/> Pump Test <input type="checkbox"/> SWL (paper) <input type="checkbox"/> Water Use Charts <input type="checkbox"/> n/a <input type="checkbox"/> n/a
		<input type="checkbox"/> Permit Amendment <input type="checkbox"/> n/a
		Electronic Application Folder:
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Create CBU folder <input checked="" type="checkbox"/> Create Work Packet folder
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Scan: Above documents into "CBU Folder"
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Save other docs electronically: save these in the Work Packet folder per naming conventions
		<input checked="" type="checkbox"/> Permit <input type="checkbox"/> Transfer Order <input checked="" type="checkbox"/> POU Report (conflict) <input checked="" type="checkbox"/> Water Use Report <input type="checkbox"/> n/a <input type="checkbox"/> n/a <input type="checkbox"/> n/a <input type="checkbox"/> n/a
		<input type="checkbox"/> SWL (GW) <input checked="" type="checkbox"/> OrMap Tax Lot Map <input checked="" type="checkbox"/> Ownership Report <input checked="" type="checkbox"/> BLM Map <input checked="" type="checkbox"/> n/a
		<input type="checkbox"/> PT Approve/Deny <input type="checkbox"/> Dam Safety <input type="checkbox"/> Mitigation <input type="checkbox"/> Others <input checked="" type="checkbox"/> n/a <input checked="" type="checkbox"/> n/a <input checked="" type="checkbox"/> n/a
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Search:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Interactive Mapper <input type="checkbox"/> AOI <input type="checkbox"/> Map and TaxLot New Owner & Address: <input checked="" type="checkbox"/> n/a <input checked="" type="checkbox"/> n/a
		Research Comments: 1RR 356.9 SUPP 22.4 AC

REVIEW OF CLAIM: Comments on Second Page

Required By Permit/Order	Complied Y/N	CONDITIONS	NOTES:
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Fish Condition	GULCH: NO
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Meter/Measuring Device	Replaced 4/21 ; 6/21
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Water Use Reporting	2000 2001 2009-2022
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<input type="checkbox"/> Y <input type="checkbox"/> N	Pump Test	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<input type="checkbox"/> Y <input type="checkbox"/> N	SWL (Month)	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<input type="checkbox"/> Y <input type="checkbox"/> N	Dam Safety	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<input type="checkbox"/> Y <input type="checkbox"/> N	Well Id	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<input type="checkbox"/> Y <input type="checkbox"/> N	Other:	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	C-date 10-1-2003 Ext C-date 10-1-21 9-21	

REVIEW OF MAP: Yes No is a REVISED Map required?

CW	PR	Notes:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Verify POA/POD Location
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Verify POU
<input type="checkbox"/>	<input checked="" type="checkbox"/>	POU clearly identified use type
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DLC/GOV'T LOT

RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER: **DEV. 139.9 AC / 16.7 AC**

POD/POA PERMIT	POD/POA CLAIM	PERMITTED RATE	CLAIM RATE	CALCULATED RATE	NOTES:
Unnamed		0.45	0.32 CFS		
WEAVER GULCH		0.55	0.33 CFS		

DETERMINATION:

CW	PR	DOCUMENT	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	LETTER FOR CLARIFICATION	
<input type="checkbox"/>	<input type="checkbox"/>	DRAFT (PLEASE EXPLAIN)	
<input type="checkbox"/>	<input type="checkbox"/>	PROPOSED	
<input type="checkbox"/>	<input type="checkbox"/>	FINAL	
<input type="checkbox"/>	<input type="checkbox"/>	PROPOSED ORDER TO CANCEL	

FINAL CHECKS: Review your document; BEFORE printing proposed for Support

CW	PR	DID YOU CHECK?	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	DATA REVIEW	
		<input type="checkbox"/> POA/POD/DAM TABLES/DESCRIPTIONS	<input type="checkbox"/> PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
<input type="checkbox"/>	<input type="checkbox"/>	SPELL CHECKED DOC	
<input type="checkbox"/>		CERT NUMBER ISSUED	CERT #

EXTRAS: BEFORE Printing your Final Certificate

CW	PR	DID YOU CHECK?	NOTES:
<input type="checkbox"/>	<input type="checkbox"/>	DATA REVIEW COMMENTS	
<input type="checkbox"/>	<input type="checkbox"/>	SPELL CHECKED DOC BEFORE FINAL CERTIFICATE PRINTED	

CASEWORKER REVIEW COMMENTS:

PEER REVIEWER COMMENTS:

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GLEN D. & MARY L. WESTBROOK
3022 UMATILLA PLACE
ALBANY, OREGON 97321

(541) 928-8293

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

APPLICATION FILE NUMBER: S-84037

SOURCE OF WATER: WESTBROOK RESERVOIR CONSTRUCTED UNDER PERMIT R-12733,
AN UNNAMED STREAM, AND WEAVER GULCH, TRIBUTARIES OF MILLER CREEK

PURPOSE OR USE: IRRIGATION OF 356.9 ACRES AND SUPPLEMENTAL IRRIGATION OF
22.4 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 105 ACRE-FEET OF STORED WATER ONLY AND 1.0
CUBIC FOOT PER SECOND, BEING 0.45 CFS FROM UNNAMED STREAM AND 0.55 CFS
FROM WEAVER GULCH

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER, AND MARCH
1 THROUGH JUNE 30 AND SEPTEMBER 1 THROUGH OCTOBER 31 FROM LIVE FLOW

DATE OF PRIORITY: JANUARY 15, 1999

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 14, T9S, R3W, W.M.;
RESERVOIR - 2030 FEET NORTH & 1725 FEET WEST FROM SE CORNER, SECTION 14

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NE 1/4	14.5 ACRES	
NW 1/4 NE 1/4	7.2 ACRES	
SW 1/4 NE 1/4	40.0 ACRES	
SE 1/4 NE 1/4	40.0 ACRES	
NE 1/4 NW 1/4	7.4 ACRES	
NW 1/4 NW 1/4	7.6 ACRES	
SW 1/4 NW 1/4	40.0 ACRES	
SE 1/4 NW 1/4	40.0 ACRES	
NE 1/4 SW 1/4	37.0 ACRES	2.9 ACRES
NW 1/4 SW 1/4	37.1 ACRES	2.9 ACRES
SW 1/4 SW 1/4	4.0 ACRES	1.2 ACRES
SE 1/4 SW 1/4	2.0 ACRES	2.7 ACRES
NE 1/4 SE 1/4	31.8 ACRES	2.5 ACRES
NW 1/4 SE 1/4	25.7 ACRES	6.8 ACRES
SW 1/4 SE 1/4		2.6 ACRES
SE 1/4 SE 1/4	2.7 ACRES	0.8 ACRE
SECTION 14		
NE 1/4 NE 1/4	3.3 ACRES	
SE 1/4 NE 1/4	10.8 ACRES	
NE 1/4 SE 1/4	5.5 ACRES	
SE 1/4 SE 1/4	0.3 ACRE	

SECTION 15

TOWNSHIP 9 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

STANDARD CONDITIONS

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

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

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

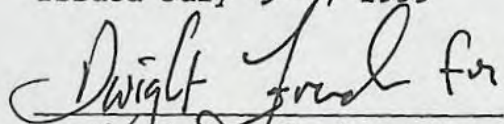
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin by July 30, 1999. 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 July 30, 1999


Martha O. Pagel, Director
Water Resources Department

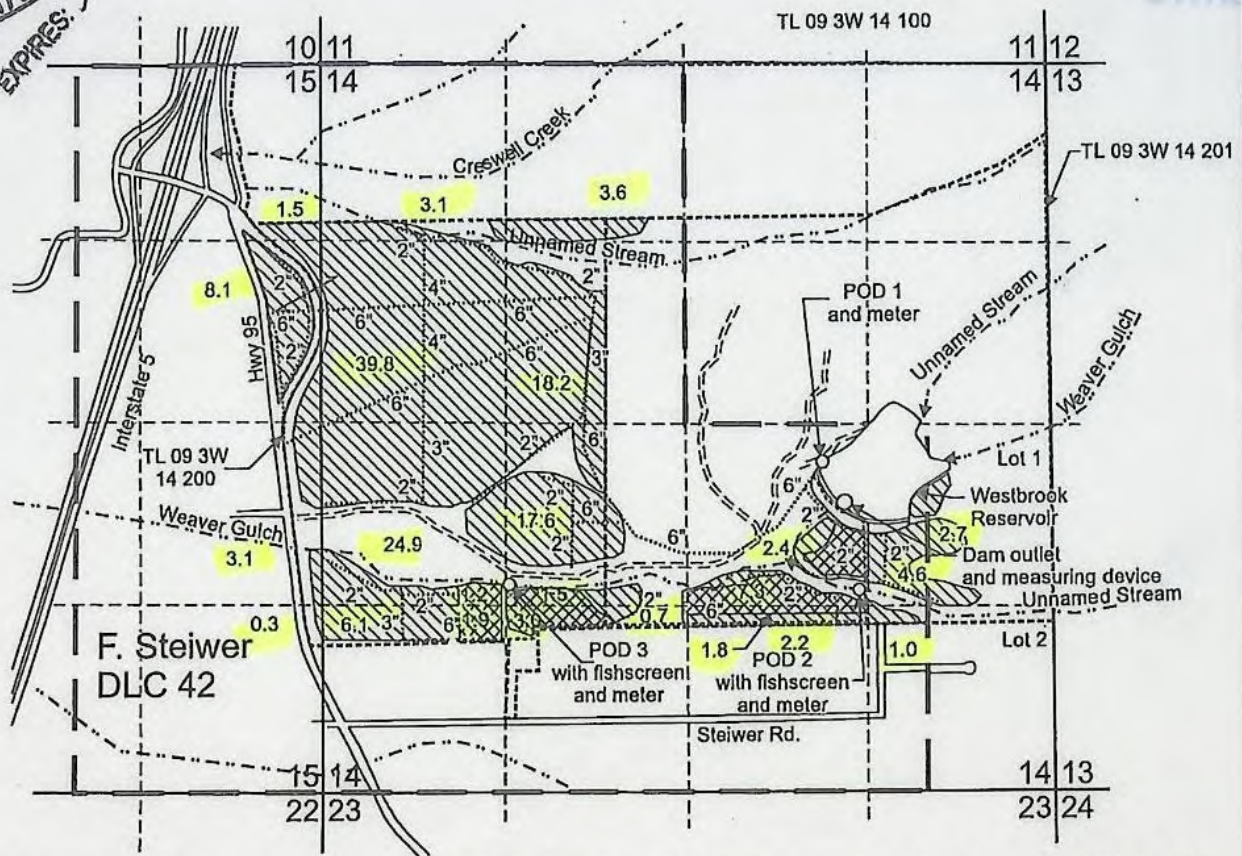
Application S-84037 Water Resources Department
Basin 2 Volume 10A MILLER CR & MISC
RWK

PERMIT 53603
District 16

CERTIFIED WATER RIGHT EXAMINER
 85503
 DOANN HAMILTON
 MAY 10, 2012
 STATE OF OREGON
 EXPIRES: June 30 2022

T.9S. R.3W. Sec. 14 & 15, W.M.

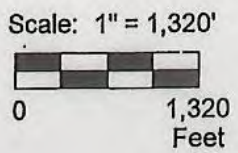
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POD 1 (Westbrook Reservoir) is located 2,395 feet north and 1,675 feet west from the SE corner, Section 14.
 POD 2 (Unnamed Stream) is located 1,460 feet north and 1,410 feet west from the SE corner, Section 14.
 POD 3 (Weaver Gulch) is located 1,500 feet north and 1,355 feet east from the SW corner, Section 14.

- Area (139.9 Acres) of primary irrigation under Application S-84037, Permit S-53603 irrigated by POD 1, 2, and 3.
- Area (16.7 Acres) of supplemental irrigation under Application S-84037, Permit S-53603 irrigated by POD 1 only, primary water right is Certificate 23305.

----- Tax lot boundary — . — Donation Land Claim boundary Water main line



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



Claim of Beneficial Use Map
Application S-84037, Permit S-53603

Heritage Seedlings and Liners, Inc.
 T.9S. R.3W Section 14 & 15, W.M.

Pacific Hydro-Geology Inc.

11/2021

Heritage-Jeferson-S-84037COBUMap.cdr

**CLAIM OF
BENEFICIAL USE
for Surface Water Permits
claiming more than 0.1 cfs**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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A fee of \$230 must accompany this form for permits
with priority dates of July 9, 1987, or later.

**SECTION 1
GENERAL INFORMATION**

1. File Information:

APPLICATION # S-84037	PERMIT # S-53603	PERMIT AMENDMENT # T-NA
---------------------------------	----------------------------	-----------------------------------

2a. Property Owner (current owner information): TL 09 3W 14 Lot 200

APPLICANT/BUSINESS NAME West Jefferson LC		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 4194 71st Ave SE			
CITY Salem	STATE OR	ZIP 97317	E-MAIL

2b. Property Owner (current owner information): TL 09 3W 14 Lot 201

APPLICANT/BUSINESS NAME Kalapuya Farm LLC		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 4194 71st Ave SE			
CITY Salem	STATE OR	ZIP 97317	E-MAIL

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. ***Each permit holder of record must sign this form.***

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

PERMIT HOLDER OF RECORD Heritage Seedling and Liners Inc., Mark and Jolly Krautmann			
ADDRESS 4194 71st Ave SE			
CITY Salem	STATE OR	ZIP 97317	

ADDITIONAL PERMIT HOLDER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

May 17, 2021 September 23, 2021

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Lynda Boyer	May 17, 2021, June 14, 2021 September 23, 2021	Native Plant Manager
Skip Gray	May 24, 2021	Lessor

6. County

Marion

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD NA		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

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



CWRE NAME Doann Hamilton		PHONE NO. (503) 632-5016	ADDITIONAL CONTACT NO. (503) 349-6946
ADDRESS 18487 S. Valley Vista Road			
CITY Mulino	STATE OR	ZIP 97042	E-MAIL phgdmh@gmail.com

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Permit Holder of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>Heritage Seedlings & Liners, Inc.</i>	Heritage Seedlings & Liners, Inc.	—	Nov 29'21
<i>Mark Kraut</i>	Mark Krautmann	Co-owner	Nov 29'21
<i>Jolly Kraut</i>	Jolly Krautmann	Co-owner	Nov 29'21

SECTION 3

CLAIM DESCRIPTION

1. Point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
POD 1
POD 2
POD 3

2. Point of diversion source and tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
POD 1	Westbrook Reservoir constructed under Permit R-12733	Miller Creek
POD 2	Unnamed Stream	Miller Creek
POD 3	Weaver Gulch	Miller Creek

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**SECTION 2
SIGNATURES**

CWRE Statement, Seal and Signature

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

Seal and Signature

CWRE NAME Doann Hamilton		PHONE NO. (503) 632-5016	ADDITIONAL CONTACT NO. (503) 349-6946
ADDRESS 18487 S. Valley Vista Road			
CITY Mulino	STATE OR	ZIP 97042	E-MAIL phgdmh@gmail.com

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

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
POD 1	IR and IS	Hazelnut trees	March 1 through October 21	1.05 cfs
POD 2	IR		March 1 through June 30, and September 1 through October 31	0.32 cfs
POD 3	IR			0.33 cfs
Total Quantity of Water Used				

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

Water is pumped from POD 1 using 40Hp centrifugal pump. The intake pipe is submerged approximately 10 feet and 5 feet below the pump. A fish screen, Clearwater screen Model CW 800 GPM Rating 950 mesh size 12 maximum operating Pressure 40/65 PSI, is voluntarily installed at the intake. The water is then conveyed through 6 inch line into 3 sand filters then through the meter before discharging into the 6 inch PVC buried mainline. The 6 inch buried mainline reduces to 4, 3, and 2 inches as it covers the place of use. At the end of these mainline, drip tape is attached stretching one line per row of trees. All of the trees and place of use can be irrigated at the same time.

POD 2 and 3 are the same POD's for Certificate 23305. The set up for both POD's to primary irrigate the place of use south of the creek, is the same set up used to primary irrigate the place of use north of the creek. A 5.5Hp trash pump is used with 2 inch rubberized semi-ridged hose installed in the creek with ODFW approved fish screen (4.5 inch diameter by 19 inch long rated up to 0.37 cfs, screen). The water is pump up from the creek about 11 feet for POD 2 and 7 feet POD 3 through 2 inch rubberized semi-ridged hose connected to 2 inch poly vinyl lay flat hose with a meter, that discharges the water into 1,600 gallon poly tank mounted on a flatbed trailer about foot off the ground. The trailer is then taken to the place of use. At the place of use, the water is discharged from the poly using the same trash pump, through the 2 inch flat hose into portable 2 inch aluminum pipe with Nelson impact sprinklers every 40 feet. A total of 12 sprinkler heads can be irrigated at one time. These overhead sprinklers are used in addition to the drip in areas that need additional water.

Note the meter for POD 2 and 3 is the same meter. Meter readings are taken and recorded after each POD is used. (The permit does not specify a separate meter for each POD.)

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

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5. Variations:

Was the use developed differently from what was authorized by the permit, or permit amendment final order? If yes, describe below.

YES

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

1. After field verifying the location of crops being irrigated, the place of use was reduced from the originally authorized acreage.

Original authorized place of use:

				Primary	Supplemental
9S	3W	14	NENE	14.5	
9S	3W	14	NWNE	7.2	
9S	3W	14	SWNE	40.0	
9S	3W	14	SENE	40.0	
9S	3W	14	NENW	7.4	
9S	3W	14	NWNW	7.6	
9S	3W	14	SWNW	40.0	
9S	3W	14	SENW	40.0	
9S	3W	14	NESW	37.0	2.9
9S	3W	14	NWSW	37.1	2.9
9S	3W	14	SWSW	4.0	1.2
9S	3W	14	SESW	2.0	2.7
9S	3W	14	NESE	31.8	2.5
9S	3W	14	NWSE	25.7	6.8
9S	3W	14	SWSE		2.6
9S	3W	14	SESE	2.7	0.8
9S	3W	15	NENE	3.3	
9S	3W	15	SENE	10.8	
9S	3W	15	NESE	5.5	
9S	3W	15	SESE	<u>0.3</u>	
Total:				356.9	22.4

Revised place of use with the addition of DLC:

					Primary	Supplemental
99S	3W	14	NENW	DLC 42	3.6	
9S	3W	14	NWNW	DLC 42	3.1	
9S	3W	14	SWNW	DLC 42	39.8	
9S	3W	14	SENW	DLC 42	18.2	
9S	3W	14	NESW	DLC 42	17.6	1.5
9S	3W	14	NWSW	DLC 42	24.9	1.2
9S	3W	14	SWSW	DLC 42	6.1	1.9
9S	3W	14	SESW	DLC 42	0.7	3.0
9S	3W	14	NESE	Lot 1	2.7	
9S	3W	14	NESE	DLC 42	4.6	
9S	3W	14	NWSE	DLC 42	2.4	7.3
9S	3W	14	SWSE	DLC 42	2.2	1.8
9S	3W	14	SESE	DLC 42	1.0	

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9S	3W	15	NENE	DLC 42	1.5
9S	3W	15	SENE	DLC 42	8.1
9S	3W	15	NESE	DLC 42	3.1
9S	3W	15	SESE	DLC 42	0.3
				Total:	139.9
					16.7

Note: Primary water right is Certificate 23305. The place of use per the certificate and the map conflict. More acres were mapped than are allowed per the certificate. Locations for these acres were determined by best judgement.

2. Listed:

POD 1 (Westbrook Reservoir) located: NW SE, Section 14, T. 9S., R.3W., 2,030 feet north and 1,725 feet west from SE corner, Section 14.

POD 2 (unnamed stream) located is not described.

POD 3 (Weaver Gulch) located is not described.

Revised:

POD 1 (Westbrook Reservoir) located: NW SE, Section 14, T. 9S., R.3W., 2,395 feet north and 1,725 feet west from SE corner, Section 14.

POD 2 (Unnamed Stream) located: NW SE, Section 14, T. 9S., R.3W., 1,430 feet north and 1,410 feet west from SE corner, Section 14.

POD 3 (Weaver Gulch) located: NW SE, Section 14, T. 9S., R.3W., 1,500 feet north and 1,355 feet east from SW corner, Section 14.

3. Note:

POD 2 and 3 are the same POD for primary Certificate 23305 and therefore cannot be used as supplemental on the POU for this water right.

6. Claim Summary:

POD NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD 1	105 AF from Reservoir,	1.05 cfs	Not measured	IR & IS	IR - 356.9 IS - 22.4	IR - 139.9 IS - 16.7
POD 2	0.45 cfs from unnamed stream,	0.32 cfs	Not measured	IR		IR - 139.9
POD 3	0.55 cfs from Weaver gulch	0.33 cfs	Not measured			

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SECTION 4a of 4c
SYSTEM DESCRIPTION

Are there multiple PODs?

YES

If "YES" you will need to copy and complete a separate Section 4 for each POD.

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

POD 1 – Westbrook Reservoir

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
9S	3W	WM	14	NENW	NA	42	Irrigation	3.6	
9S	3W	WM	14	NWNW	NA	42	Irrigation	3.1	
9S	3W	WM	14	SWNW	NA	42	Irrigation	39.8	
9S	3W	WM	14	SENW	NA	42	Irrigation	18.2	
9S	3W	WM	14	NESW	NA	42	Irrigation	17.6	1.5
9S	3W	WM	14	NWSW	NA	42	Irrigation	24.9	1.2
9S	3W	WM	14	SWSW	NA	42	Irrigation	6.1	1.9
9S	3W	WM	14	SESW	NA	42	Irrigation	0.7	3.0
9S	3W	WM	14	NESE	Lot 1	NA	Irrigation	2.7	
9S	3W	WM	14	NESE	NA	42	Irrigation	4.6	
9S	3W	WM	14	NWSE	NA	42	Irrigation	2.4	7.3
9S	3W	WM	14	SWSE	NA	42	Irrigation	2.2	1.8
9S	3W	WM	14	SESE	NA	42	Irrigation	1.0	
9S	3W	WM	15	NENE	NA	42	Irrigation	1.5	
9S	3W	WM	15	SENE	NA	42	Irrigation	8.1	
9S	3W	WM	15	NESE	NA	42	Irrigation	3.1	
9S	3W	WM	15	SESE	NA	42	Irrigation	0.3	
Total Acres Irrigated								139.9	16.7

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

B. Diversion and Delivery System Information

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

1. Is a pump used?

YES

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

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2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Tsurumi Pump	EPT3-150YD	T0603201	Centrifugal	6 inch	6 inch

3. Motor Information:

MANUFACTURER	HORSEPOWER
Yanmar Co LTD (3TNV88-D)	40 Hp

4. Theoretical Pump Capacity:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
40 Hp	32 psi	15 feet	0 feet	2.75 cfs

5. Provide pump calculations:

$$Q \text{ Pump} = \frac{(40 \text{ Hp}) \times (6.61 \text{ ft}^4/\text{sec Hp})}{(15 \text{ ft lift} + 81.3 \text{ ft pressure head})} = 2.75 \text{ cfs}$$

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not running during site visit			

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

7. Is the distribution system piped?

YES

If "NO" items 8 through item 13 may be deleted.

8. Mainline Information:

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
6 inch – connect intake to surface	20 feet	Aluminum	Above ground and below water line
6 inch – connect the aluminum intake to the pump and sand filter	20 feet	Vinyl hose	Above ground
6 inch – from sand filter to below ground PVC	15 feet	Steel	Above ground
6 inch	14,500 feet	PVC	Buried
4 inch	630 feet	PVC	Buried
3 inch	1,275 feet	PVC	Buried
2 inch	10,030 feet	PVC	Buried

9. Lateral or Handline Information:

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
NA			

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10. Sprinkler Information:

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
NA					

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

11. Drip Emitter Information:

SIZE	OPERATING PSI	EMITTER OUTPUT (GPM)	TOTAL NUMBER OF EMITTERS	MAXIMUM NUMBER USED	TOTAL EMITTER OUTPUT (CFS)
NA					

12. Drip Tape Information:

DRIPPER SPACING IN INCHES	GPM PER 100 FEET	TOTAL LENGTH OF TAPE	MAXIMUM LENGTH OF TAPE USED	TOTAL TAPE OUTPUT (CFS)	ADDITIONAL INFORMATION
30 inch	0.0016 gpm/ft = 0.16 gpm/100 feet	294,740 feet	294,740 feet	471.6 gpm = 1.05 cfs	None

13. Pivot Information:

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

C. Storage

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

YES

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

If "YES" is it a: Storage Tank
 Bulge in System / Reservoir

NO
YES

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

3. Bulge in System / Reservoir:

RESERVOIR NAME OR NUMBER (CORRESPOND TO MAP)	APPROXIMATE DAM HEIGHT	APPROXIMATE CAPACITY (IN ACRE FEET)
Westbrook Reservoir constructed under Permit R-12733, Certificate 92111	25.0 feet	105.0 AF for irrigation

D. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

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E. Gravity Flow Canal or Ditch

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

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

NO

If "NO", items 2 through 4 relating to this section may be deleted.

F. Additional notes or comments related to the system:

A fish screen voluntary installed: Clearwater screen Model CW 800 GPM Rating 950 mesh size 12 max operating Pressure 40/65 PSI.

This pump also supplies Permit S-53817

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SECTION 4b of 4c
SYSTEM DESCRIPTION

Are there multiple PODs?

YES

If "YES" you will need to copy and complete a separate Section 4 for each POD.

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

POD 2 – Unnamed Stream

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
9S	3W	WM	14	NENW	NA	42	Irrigation	3.6	
9S	3W	WM	14	NWNW	NA	42	Irrigation	3.1	
9S	3W	WM	14	SWNW	NA	42	Irrigation	39.8	
9S	3W	WM	14	SESW	NA	42	Irrigation	18.2	
9S	3W	WM	14	NESW	NA	42	Irrigation	17.6	
9S	3W	WM	14	NWSW	NA	42	Irrigation	24.9	
9S	3W	WM	14	SWSW	NA	42	Irrigation	6.1	
9S	3W	WM	14	SESW	NA	42	Irrigation	0.7	
9S	3W	WM	14	NESE	Lot 1	NA	Irrigation	2.7	
9S	3W	WM	14	NESE	NA	42	Irrigation	4.6	
9S	3W	WM	14	NWSE	NA	42	Irrigation	2.4	
9S	3W	WM	14	SWSE	NA	42	Irrigation	2.2	
9S	3W	WM	14	SESE	NA	42	Irrigation	1.0	
9S	3W	WM	15	NENE	NA	42	Irrigation	1.5	
9S	3W	WM	15	SENE	NA	42	Irrigation	8.1	
9S	3W	WM	15	NESE	NA	42	Irrigation	3.1	
9S	3W	WM	15	SESE	NA	42	Irrigation	0.3	
Total Acres Irrigated								139.9	0.0

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

B. Diversion and Delivery System Information

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

1. Is a pump used?

YES

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

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2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Banjo self-priming	Tag unreadable	Tag unreadable	Centrifugal	2 inch	2 inch

3. Motor Information:

MANUFACTURER	HORSEPOWER
Briggs Stratton Intex 206	5.5 Hp

4. Theoretical Pump Capacity:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
5.5 Hp	40 psi	11 feet	1 feet	0.32 cfs

5. Provide pump calculations:

$$Q \text{ Pump} = \frac{(5.5 \text{ Hp}) \times (6.61 \text{ ft}^4/\text{sec Hp})}{(12 \text{ ft lift} + 101.6 \text{ ft pressure head})} = 0.32 \text{ cfs}$$

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not running during site visit			

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

7. Is the distribution system piped?

YES

If "NO" items 8 through item 13 may be deleted.

8. Mainline Information:

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
2 inch	50 feet	Rubberized semi-ridge	Above
2 inch – Lay flat hose	500 feet	Vinyl hose	Above

9. Lateral or Handline Information:

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
2 inch	480 feet	Aluminum	Above ground

10. Sprinkler Information:

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
Nelson Purple 3/32"	50 psi	1.8 gpm	12	12	0.048 cfs

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

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11. Drip Emitter Information:

SIZE	OPERATING PSI	EMITTER OUTPUT (GPM)	TOTAL NUMBER OF EMITTERS	MAXIMUM NUMBER USED	TOTAL EMITTER OUTPUT (CFS)
NA					

12. Drip Tape Information:

DRIPPER SPACING IN INCHES	GPM PER 100 FEET	TOTAL LENGTH OF TAPE	MAXIMUM LENGTH OF TAPE USED	TOTAL TAPE OUTPUT (CFS)	ADDITIONAL INFORMATION
NA					

13. Pivot Information:

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

C. Storage

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

YES

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

If "YES" is it a: Storage Tank
 Bulge in System / Reservoir

YES

NO

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

2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
Poly tank	1,600 gallons	Above ground

D. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

E. Gravity Flow Canal or Ditch

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

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

NO

If "NO", items 2 through 4 relating to this section may be deleted.

F. Additional notes or comments related to the system:

- With ODFW approved fish screen 4.5" diameter by 19" inch long rated up to 0.37 cfs, screen.
- This pump is the same setup: pump, meter and fish screen are used on POD 3. The meter reading is recorded separately for each POD.
- Both POD 2 and POD 3 are also used as primary for Certificate 23305

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SECTION 4c of 4c

SYSTEM DESCRIPTION

Are there multiple PODs?

YES

If "YES" you will need to copy and complete a separate Section 4 for each POD.

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

POD 3 – Weaver Gulch

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
9S	3W	WM	14	NENW	NA	42	Irrigation	3.6	
9S	3W	WM	14	NWNW	NA	42	Irrigation	3.1	
9S	3W	WM	14	SWNW	NA	42	Irrigation	39.8	
9S	3W	WM	14	SENW	NA	42	Irrigation	18.2	
9S	3W	WM	14	NESW	NA	42	Irrigation	17.6	
9S	3W	WM	14	NWSW	NA	42	Irrigation	24.9	
9S	3W	WM	14	SWSW	NA	42	Irrigation	6.1	
9S	3W	WM	14	SESW	NA	42	Irrigation	0.7	
9S	3W	WM	14	NESE	Lot 1	NA	Irrigation	2.7	
9S	3W	WM	14	NESE	NA	42	Irrigation	4.6	
9S	3W	WM	14	NWSE	NA	42	Irrigation	2.4	
9S	3W	WM	14	SWSE	NA	42	Irrigation	2.2	
9S	3W	WM	14	SESE	NA	42	Irrigation	1.0	
9S	3W	WM	15	NENE	NA	42	Irrigation	1.5	
9S	3W	WM	15	SENE	NA	42	Irrigation	8.1	
9S	3W	WM	15	NESE	NA	42	Irrigation	3.1	
9S	3W	WM	15	SESE	NA	42	Irrigation	0.3	
Total Acres Irrigated								139.9	0.0

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

B. Diversion and Delivery System Information

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

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1. Is a pump used?

YES

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

2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Banjo self-priming	Tag unreadable	Tag unreadable	Centrifugal	2 inch	2 inch

3. Motor Information:

MANUFACTURER	HORSEPOWER
Briggs Stratton Intex 206	5.5 Hp

4. Theoretical Pump Capacity:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
5.5 Hp	40 psi	7 feet	1 feet	0.33 cfs

5. Provide pump calculations:

$$Q \text{ Pump} = \frac{(5.5 \text{ Hp}) \times (6.61 \text{ ft}^4/\text{sec Hp})}{(8 \text{ ft lift} + 101.6 \text{ ft pressure head})} = 0.33 \text{ cfs}$$

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

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)
Not running during site visit			

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

7. Is the distribution system piped?

YES

If "NO" items 8 through item 13 may be deleted.

8. Mainline Information:

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
2 inch	50 feet	Rubberized semi-ridge	Above
2 inch – Lay flat hose	500 feet	Vinyl hose	Above

9. Lateral or Handline Information:

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
2 inch	480 feet	Aluminum	Above ground

10. Sprinkler Information:

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
Nelson Purple 3/32"	50 psi	1.8 gpm	12	12	0.048 cfs

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

11. Drip Emitter Information:

SIZE	OPERATING PSI	EMITTER OUTPUT (GPM)	TOTAL NUMBER OF EMITTERS	MAXIMUM NUMBER USED	TOTAL EMITTER OUTPUT (CFS)
NA					

12. Drip Tape Information:

DRIPPER SPACING IN INCHES	GPM PER 100 FEET	TOTAL LENGTH OF TAPE	MAXIMUM LENGTH OF TAPE USED	TOTAL TAPE OUTPUT (CFS)	ADDITIONAL INFORMATION
NA					

13. Pivot Information:

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

C. Storage

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

YES

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

If "YES" is it a: Storage Tank
 Bulge in System / Reservoir

YES
NO

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

2. Storage Tank:

MATERIAL (CONCRETE, FIBERGLASS, METAL, ETC.)	CAPACITY (IN GALLONS)	ABOVE GROUND OR BURIED
Poly tank	1,600 gallons	Above ground

D. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

E. Gravity Flow Canal or Ditch

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

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

NO

If "NO", items 2 through 4 relating to this section may be deleted.

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F. Additional notes or comments related to the system:

1. With ODFW approved fish screen 4.5" diameter by 19" inch long rated up to 0.37 cfs, screen.
2. This pump is the same setup: pump, meter and fish screen are used on POD 3. The meter reading is recorded separately for each POD.
3. Both POD 2 and POD 3 are also used as primary for Certificate 23305

**SECTION 5
CONDITIONS**

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

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

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	July 30, 1999		
BEGIN CONSTRUCTION (A)	July 30, 1999	July 1, 1999 per extension filed September 16, 2004	Construction began and completed fall 2000
COMPLETE CONSTRUCTION (B)	NA	June 28, 2021	ODFW fish screen approved for POD 2 and POD 3
COMPLETE APPLICATION OF WATER (C)	October 1, 2003 extended to October 1, 2021	September 2021	All the permit conditions have been met and water was put to full use.

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

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

If "NO", items a and b relating to this section may be deleted.

a. Did the Extension Final Order require the submittal of Progress Reports? **YES**

Due October 1, 2016

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

b. Were the Progress Reports submitted?

YES

Received September 28, 2016

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

3. Measurement Conditions:

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

YES

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

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

b. Has a meter been installed?

YES

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
POD 1	Netafim	20-150000209	Working	53,556 gallons (May 17, 2021) 54,166,470 gallons (September 23, 2021)	Replaced: April 2021
POD 2	Badger	17384280	Working	69,637,273 gallons September 23, 2021	June 2021
POD 3					

If a meter has been installed, items d through f relating to this section may be deleted.

4. Recording and reporting conditions:

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

YES

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

b. Have the reports been submitted?

YES

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

5. Fish Screening:

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

NO for POD 1

- Per letter from ODFW dated August 12, 1999
no fish passage or screening are required

YES – POD 2 and 3

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

Reminder: If fish screening devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Has the fish screening been installed?

YES
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c. When was the fish screening installed?

SOURCE	DATE	BY WHOM
POD 1 – voluntary installed	May 2018	Heritage Seedling
POD 2	June 2021	Heritage Seedling
POD 3	June 2021	Heritage Seedling

Reminder: If the permit was issued on or after February 1, 2011, the fish screen is required to be approved by the Oregon Department of Fish and Wildlife regardless of the rate of diversion.

d. If the diversion **involves a pump *and*** the **total** diversion rate of all rights at the point of diversion is less than 225 gpm (0.5 cfs) and the permit was issued prior to February 1, 2011:

- Has the self-certification form previously been submitted to the Department? **NO**

If not, go to <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx> complete and attach a copy of the 'ODFW Small Pump Screen Self Certification' form to this claim, and send a copy of it to the Oregon Department of Fish and Wildlife (ODFW).

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. The ODFW self-certification form needs to have been previously submitted or be attached to this form.

e. If the diversion does **not involve a pump *or*** the **total** diversion rate of all rights at the point of diversion is 225 gpm (0.5 cfs) or greater:

- Has the ODFW approval been previously submitted? **YES**

If not, contact and work with ODFW to ensure compliance. To demonstrate compliance, provide signed documentation from ODFW. A form is available at:

<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

Reminder: Failure to submit evidence of a timely installed fish screen may result in an unfavorable determination. In order to receive a favorable approval, the ODFW/WRD "Fish Screen Inspection" form needs to have been previously submitted or be attached to this form.

6. By-pass Devices:

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? **YES**

If "NO", items b and c relating to this section may be deleted.

Reminder: If by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

b. Have by-pass devices been installed? **NO**

c. Describe the diversion works as related to whether a by-pass device is installed or unnecessary:

(Provide a letter from ODFW indicating the device is approved or is unnecessary. If there is no letter from ODFW, explain whether or not a by-pass device is necessary.)

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DESCRIPTION (E.G. "ODFW HAS APPROVED THE BY-PASS DEVICE" OR "NO BY-PASS DEVICE IS NECESSARY BECAUSE THERE IS A DIRECT DIVERSION FROM THE STREAM VIA A PUMP ON RIVER LEFT STREAM BANK WITH FOOT VALVE DESCENDING DIRECTLY INTO NATURAL POOL.") IN ADDITION, YOU MAY ATTACH PHOTOS TO THIS CLAIM.	IF INSTALLED (DATE)	IF INSTALLED, BY WHOM
Per letter from ODFW dated August 12, 1999 no fish passage or screening is required at POD 1	NA	NA
Per letter from ODFW dated June 28, 2021 no by-pas device is required at POD 2 or 3	NA	NA

7. Other conditions required by permit, permit amendment final order, or extension final order:

- | | |
|--|-----|
| a. Was the water user required to restore the riparian area if it was disturbed? | YES |
| b. Was a fishway required? | NO |
| c. Was submittal of a water management and conservation plan required? | NO |
| d. Other conditions? | NO |

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

a) Condition:

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

Compliance:

POD 1: the centrifugal pump is mounted on a trailer bed with rubber tires alongside the bank of the reservoir with the intake hose extended toward the bank and supported by a metal stand. The intake pipe is then attached to the end of the hose, above the bank and down to the desired depth. The intake pipe is installed at the beginning of the season and removed at the end, limiting additional adjustments to the pipe during the season.

POD 2 and 3: The trash pump is set up along the upper banks which the intake hose and fish screen submerged in the creek. The intake hose is only installed when needed and removed after use.

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**SECTION 6
ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Claim of Beneficial Use Map	Claim of Beneficial Use Map
BLM Cadastral Map	BLM Cadastral Map T.8S. R.2W. showing DLC and Government Lot locations
Letter from ODFW, dated August 12, 1999	Letter stating a fish screen and/or fish by-pass devise is not required at POD 1.
Letter from ODFW, dated June 28, 2021	Letter approving the fish screen and fish by-pass devise is not required at POD 2 and 3.

**SECTION 7
CLAIM OF BENEFICIAL USE MAP**

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

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

The COBU map was prepared using tax assessor's map 09 3W 14, overlain by a 2014 aerial photo titled USDA-FSA-APFO NAIP County Mosaic and obtained on line from the Natural Resources Conservation Service, Image Metadata:
<http://datagateway.nrcs.usda.gov/Catalog/ProductDescription/NAIPM.html>

Map Checklist

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

- Map on polyester film.
- Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- Township, Range, Section, Donation Land Claims, and Government Lots
- If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- Locations of meters and/or measuring devices in relationship to point of diversion
- Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)

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- Point(s) of diversion or appropriation (illustrated and coordinates)
- Tax lot boundaries and numbers
- Source illustrated if surface water
- Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- Application and permit number or transfer number
- North arrow
- Legend
- CWRE stamp and signature

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84037 & 84036

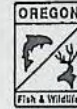
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Oregon

Aug. 12, 1999

AUG 13 1999

WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

Salem District Office

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: Permit No. 53603 and R-12733
Westbrook, Glen and Mary
Marion County
Weaver Gulch > Miller Creek; 121 acre feet

ODFW inventoried the site of this proposed reservoir for the presence of fish resources on April 12, 1999. No fish species were present in the north branch of Weaver Gulch, where the reservoir will be located, and existing habitat does not appear to be suitable for supporting trout. Therefore, neither fish passage nor screening will be required at this impoundment.

Sincerely,

Wayne L. Hunt

Wayne Hunt
Fish Biologist

C: Boatwright Engineering
Glen and Mary Westbrook
Zarnowitz, HD

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4412 Silverton Road NE
Salem, OR 97305
(503) 378-6925
FAX (503) 378-6233



Oregon

Kate Brown., Governor

Department of Fish and Wildlife

The Dalles Screen Shop

3561 Klindt Drive

The Dalles, OR 97058

(541) 296-8026

FAX (541) 296-7889

odfw.com



June 28, 2021

Attn. Mark Krautman
Heritage Seedlings & Liners
4194 71st Ave SE
Salem, OR 97317

RE: Application S-84037

To Whom It May Concern:

This letter is in regards to fish screening and bypass device requirements set forth by the Oregon Water Resources Department for S-84037. This allocates 0.45 cfs of water to be withdrawn from an unnamed stream and 0.55 cfs to be withdrawn from Weaver Gulch.

There is a mobile pump station that is transferred between these two points of diversion and uses the same pump screen for each site. The landowner constructed and installed a passive end of pipe screen to meet screening requirements for the actual water use of 0.32 cfs at POD 2, and 0.33 cfs at POD 3. The screen that has been installed is passive cylinder-shaped screen that measures 4.5" in diameter and is 19" long. This screen is rated for up to 0.37 cfs, and when installed and maintained properly will protect all age classes of anadromous salmonids from entrapment and impingement. ODFW concludes that this screen will meet current state and federal fish screening criteria set forth by National Marine Fisheries Service for a withdrawal rate up to 0.37 cfs, and will satisfy the screening requirements for S-84037. This is an end of pipe screen so no by-pass device is necessary at these points of diversion.

This approval is contingent on the following: the screen is installed each year prior to any diversion of water, the screen is installed so that the effective screen area is submerged during operation, and the screen is regularly inspected and maintained to ensure it remains in working order.

If there are any questions regarding the approval of this screen for S-84037, please call me at 541-967-2126.

Sincerely,

Bryce Macnab
Fish Screens and Passage Coordinator

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Checklist for Claims of Beneficial Use Received at CSG Counter

Application #: S-84037	WRD Reviewer: Judy
Transfer #:	
Date Received: 12/20/2021	
CWRE Name: Doann Hamilton	
Priority Date (s) 01-15-1999	

Fees Required:

- YES NO A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- YES NO A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
 Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

Map Review:

- Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- Application & permit #; or transfer # (OAR 690-014-0100(1))
- Disclaimer (OAR 690-014-0170(5))
- North arrow (OAR 690-310-0050(2)(c))
- CWRE stamp and signature (OAR 690-014 & 310-0050)
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

MONEY SLIP

DATE: _____ RECEIPT #: _____

RECEIVED FROM: _____ APPLICATION: _____
 PERMIT: _____
 TRANSFER: _____

CASH CHECK # _____ OTHER (IDENTIFY) _____ TOTAL RECEIVED _____

TREATMENT EST. SEC. CASH ACCT. _____

COPIES _____ OTHER (IDENTIFY) _____

CHS Instream Lease _____ CHS Mine Water Right Plan _____ CHS Cont. Water _____

TREATMENT WRS OPERATING ACCT. _____

MISCELLANEOUS	4611	
0401 COPY & TAPE FEES		
0402 RESEARCH FEES		
0406 SEC. REVENUE (IDENTIFY)		
TC 192 DEPOSIT TAGS (IDENTIFY)		
0140 EXTENSION OF TIME		
WATER RIGHTS	EXAM FEE	RECEIVED FEE
0301 SURFACE WATER		0202
0302 GROUND WATER		0204
0305 TRANSFER		
WELL CONSTRUCTION	EXAM FEE	RECEIVED FEE
0216 WELL DRILL CONSTRUCTION		0219
LANDOWNER'S PERMIT		0220
OTHER (IDENTIFY)	COBU	\$200.00

0200 OTHER (IDENTIFY) COBU \$200.00

0207 TREATMENT HYDROELECTRIC _____

0215 POWER LICENSE FEE (PWRM2) _____

0221 HYDRO LICENSE FEE (PWRM1) _____

HYDRO APPLICATION _____

SPECIAL INSTRUCTIONS:

RETURN TO APPLICANT - LETTER ATTACHED

Report Review:

- On form provided by the Department (OAR 690-014-0100(1))
- Application & permit #; or transfer # (OAR 690-014)
- Ownership information (OAR 690-014)
- Date of survey (OAR 690-014)
- Person interviewed (OAR 690-014)
- County (OAR 690-014)
- CWRE stamp and signature (OAR 690-014-0100)
- Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

Groundwater File Review:

- Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
- Pump Test required (Priority Date on or after December 20, 1988)
- Pump Test submitted
- Pump Test not submitted



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

December 23, 2021

West Jefferson LC, Kalapuya LLC & Heritage Seedling and Liners Inc
Attn: Mark & Jolly Krautmann
4194 71st Ave SE
Salem OR 97317

On December 20, 2021 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application S-84037 S-53603

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time, we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/Certificate.aspx>

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$230.00 COBU recording fee

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

Cc: file S-84037
Doann Hamilton, CWRE

**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 # **137130**

INVOICE # _____

RECEIVED FROM: <u>Heritage Seedlings & Liners, Inc</u>	APPLICATION <u>5-84037</u>
BY: _____	PERMIT _____
	TRANSFER _____

CASH: <input type="checkbox"/>	CHECK: # <input checked="" type="checkbox"/> <u>45903</u>	OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$ <u>230.00</u>
--------------------------------	---	--	------------------------------

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 <u>46111</u>		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY)	\$	
TC162 DEPOSIT LIAB. (IDENTIFY)	\$	
0240 EXTENSION OF TIME	\$	
WATER RIGHTS:		
0201 SURFACE WATER	EXAM FEE \$	RECORD FEE 0202 \$
0203 GROUND WATER	EXAM FEE \$	RECORD FEE 0204 \$
0205 TRANSFER	EXAM FEE \$	
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	LICENSE FEE 0219 \$
LANDOWNER'S PERMIT		LICENSE FEE 0220 \$
<u>0200</u> OTHER (IDENTIFY) <u>COBU</u>		<u>\$230.00</u>

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: **137130** DATED: 12-20-2021 BY: Mindy Carlson



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

December 23, 2021

West Jefferson LC, Kalapuya LLC & Heritage Seedling and Liners Inc
Attn: Mark & Jolly Krautmann
4194 71st Ave SE
Salem OR 97317

On December 20, 2021 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application S-84037 S-53603

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Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$230.00 COBU recording fee

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

Cc: file S-84037
Doann Hamilton, CWRE

HERITAGE SEEDLINGS & LINERS, INC

45903

Oregon Water Resources Dept.

11/29/2021

230.00

S-53606

Permit S-53603

App S-84037

RECEIVED

DEC 20 2021

OWRD

Checking (S) - Chase S-53606

230.00

5-84037

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Tuesday, May 25, 2021 9:23 AM
To: Doann Hamilton
Subject: RE: Question on POD and their locations

Doann,

I have researched the right and discussed the permit with Dwight.

The permit allows three sources and only describes the location of the point of diversion from the reservoir. The application/permit map identifies three points of diversion, but only coordinates for the reservoir diversion (possibly because the map referred to the points as "portable").

Based on a discussion with Dwight, we agree that there are three points of diversion; one from the reservoir, one from the unnamed stream and one from Weaver Gulch.

The Claim should describe each point of diversion by source and describe compliance with conditions at each point as well (meter/measuring device, water use reporting, and fish protection devices).

Please let me know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: Doann Hamilton <phgdmh@gmail.com>
Sent: Monday, May 24, 2021 11:17 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: Re: Question on POD and their loctions

Hi Gerry

I know you are just back from vacation
And I know how all the emails and stuff pile up while your gone
But if you can look into this one
If I can keep POD off the live flow with me describing where those locations are
I need the client to get a fish screen approved before June 30th to avoid and extension

thank you
Doann

On Sat, May 15, 2021 at 8:34 AM Doann Hamilton <phgdmh@gmail.com> wrote:

Hi Gerry

I am working on our client Heritage Farm - Mark Krautmann
Application S-84037, Permit S-53603

I am about to do the site walk

I see the source of water is from three sources:

1. Reservoir
2. POD in unnamed stream
3. POD in Weaver Creek

I see on the map the location of all three
and I see on WRIS listing 3 POD's

But in the permit

Only one point of diversion is described - which is for the reservoir

Can I describe POD 2 and 3
or is this adding to the permit?

Is there actually only one POD - the reservoir permitted
And only one I can prove up?

Thank you
Doann

Pacific Hydro-Geology, Inc.
18487 S. Valley Vista Rd.
Mulino, OR 97042
(503) 349-6946
Fax: (503) 632-5983
email: phgdmh@gmail.com

--
Pacific Hydro-Geology, Inc.
18487 S. Valley Vista Rd.
Mulino, OR 97042
(503) 349-6946
Fax: (503) 632-5983
email: phgdmh@gmail.com

**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 # **134305**

INVOICE # _____

5-84702

RECEIVED FROM: Heritage Seedlings and
BY: Liners, Inc.

APPLICATION	<u>5-84037</u>
PERMIT	
TRANSFER	

CASH: CHECK:# 43783 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.00

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 *46111*

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

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

0250 OTHER (IDENTIFY) Assignments \$ 200.00

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **134305**

DATED: 1-11-2021 BY: Mindy Cooper

HERITAGE SEEDLINGS & LINERS, INC

43783

Oregon Water Resources Dept.

Date	Type	Reference	Original Amt.	Balance Due	12/31/2020 Discount	Payment
12/31/2020	Bill	S-84702 / S-53817	100.00	100.00		100.00
12/31/2020	Bill	S-84037 / S-53603	100.00	100.00		100.00
					Check Amount	200.00

RECEIVED

JAN 11 2021

OWRD

Checking (S) - Chase

200.00



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

February 1, 2021

Heritage Seedlings and Liners, Inc.
4194 71st Ave. SE
Salem, OR 97317

Reference: Application S-84702, Permit S-53817
Reference: Application S-84037, Permit S-53603

The assignments from Krautmann Family Nursery, LLC to Mark and Jolly Krautmann, and Heritage Seedlings, Inc. have been recorded in the records of the Water Resources Department.

The Departments records will now show Mark and Jolly Krautmann, and Heritage Seedlings, Inc. as the permit holders of record.

Our records have been changed accordingly and the original requests are enclosed. Receipt number 134305 covering the recording fees is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permits to be familiar with the conditions and timelines contained in the permits.

Please note that regarding Application S-84702, Permit S-53817, this permit requires complete application of water to the proposed use by October 1, 2022, and regarding Application S-84037, Permit S-53603, this permit requires complete application of water to the proposed use by October 1, 2021. 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).

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt #134305

cc: Krautmann Family Nursery, LLC – 4199 75th Ave. SE, Salem, OR 97301
Data Center, OWRD (cover letter & requests)
File



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

Request for Assignment

RECEIVED
 JAN 11 2021

OWRD

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Krautmann Family Nurery LLC c/o Mark Krautmann
 (Name of Current Holder of Record)
4199 75th Ave SE Salem, OR 97301
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, sold all the land authorized under the right)
- hereby assign all my interest in and to a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, adding an additional person)

Application # S-84037; Permit # S-53603; Transfer # NA;
 Limited License # NA; Groundwater Statement # NA;

as filed in the office of the Water Resources Director, to:

Mark and Jolly Krautmann and Heritage Seedling Inc.
 (Name of New Owner)
4194 71st Ave SE Salem, OR 97317 503-585-9835
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below _____.

_____ I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this _____ day of _____, 20____.
 (Day) (Month) (Year)

Signature of Current Holder of Record Mark Krautmann, Jolly Krautmann

Failure to provide any of the required information will result in the return of your application.

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
 Fee receipt # 134305
 For Director by Mary F. Bjork, Program Analyst in Water Rights Division. MSB

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$100.

Assign - Approve
 MSB 2-2-2021



HERITAGE

seedlings & liners

Unusual Deciduous Species

4194 71st Avenue S.E.
Salem, OR 97317 USA

PORTLAND OR 972

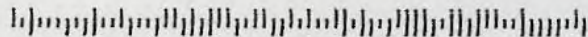
8 JAN 2021 PM 6:1



STATES POSTAGE
PITNEY BOWES
\$000.50⁰
02 IP
0000774939 JAN 08 2021
MAILED FROM ZIP CODE 97317

Oregon Water Resources Dept
725 Summer St. NE Suite A
Salem, OR 97301

97301-126673





Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

File

November 10, 2016

Krautmann Family Nursery LLC
4199 75th Ave SE
Salem, Or 97301-9242

REFERENCE: Application S-84037 / Permit S-53603

Dear Permit Holder:

The Water Right Services Division received your written 2016 Progress Report for Permit S-53603. Receipt of the progress report was published on the Department's weekly Public Notice, dated October 4, 2016. 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.

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, 2021.

If you have any questions, please feel free to contact me by telephone at (503) 986-0825.

Sincerely,

Corey Courchane
Adjudication & Extension Specialist

Enclosure

cc: Application S-84037
Watermaster District 16 – Joel Plahn

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

1. Extension Specialist: Progress Report Review

WRIS) Date Report was Due: 10/1/2016 (= "Deadline Date" for the corresponding ECP work flow record in

Date Report Received: 9/28/2016

Report Complete: YES

NO – Send letter requesting missing information.

letter mailed on: _____

2. Support Staff: Publish on the Department's Public Notice

315 320 OAR Division under which Progress Report was required

Publish on Public Notice Date: 10-4-16

Update workflow in WRIS

o (Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and

o add record for Checkpoint Public Notice ("EPR" or "EP2")

Return file to Corey Courchane.

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: 11-10-16

Update Progress Report Worksheet.xls

Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster 16 - Joel Platin

File S-84037

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Krautmann Family Nursery LLC Attn:

Application: S-84037

Permit: S-53603

County: Marion

Source: Westbrook Reservoir constructed under Permit R-12733, an unnamed stream, and Weaver Gulch, tributaries of Miller Creek

Use: Irrigation of 356.9 acres and Supplemental irrigation of 22.4 acres



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 Reporting Form
 For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Krautmann Family Nursery LLC

Application S-84037

Permit S-53603

RECEIVED
 SEP 28 2016
 WATER RESOURCES DEPT
 SALEM, OREGON

Progress Report Form for 2016

Report Due no later than October 1, 2016

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

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 S-53603. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between June 10, 2011 and October 1, 2016	FINANCIAL INVESTMENT
	See attached	
	pipe, fittings, trench labor + equipment	\$62,000+

- Describe actions taken to comply with terms/conditions of the permit and/or previous extension.
 We continue to irrigate by gravity flow the fenced field @ extreme SW corner of the farm - about 13 acres. Next summer we will crop and irrigate an additional 17 acres - cut flower production in the south fields -
- Total number of acres irrigated to date = about 30, excluding 3.7 Acres wetland in S. field
- 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 = 1.0 cfs (cubic feet per second)
 Maximum rate used to date = 40 gpm (gallons per minute)
 Maximum Acre Feet used per year to date = 1.1 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.

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.

Signature Mark Krautmann Date Sept 28 '16

Printed Name/Title Mark Krautmann, owner of Bee Krautmann Family Nursery

For OWRD use only

Diligence Shown Yes No

Reviewed by: Covey

Date Public Noticed: _____

Date: 9-28-16



HERITAGE

seedlings, inc.

Unusual Deciduous Species

Sept 28, 2016

OWRD
Salem, OR 97301

RE: Application S-84037; Permit S-53603

Progress Report form for 2016 – addendum

This year we dug 6-inch mainline trench according to the accompanying map #1 and are installing all the pipe beginning Oct. 3, 2016. The work will be complete within October '16 so we can close all trenches.

The tenant lease ends in summer 2018, after which we will begin the cropping plan as shown on the attached map #2. Obviously some of this will change within the coming two years, but the majority of the plan is set.

We will also install a pump on the extreme west edge of the property along Hochspeier Lane, and install PPL power and second pump and disc filter at the base of the dam so we can pump from either side.

This is the most progress we have made to date, and coupled with the tiling of almost 100 acres there, is an investment of almost \$215,000. The irrigation infrastructure for mainline alone this fall is more than \$60,000.

Sincerely,

Mark Krautmann

Krautmann Family Nursery
Cell 503-932-3920

RECEIVED

SEP 28 2016

WATER RESOURCES DEPT
SALEM, OREGON

Krauthmann S 84037
S 53603

$$\frac{43}{100} = \frac{67}{x} = 140$$

LEGEND:

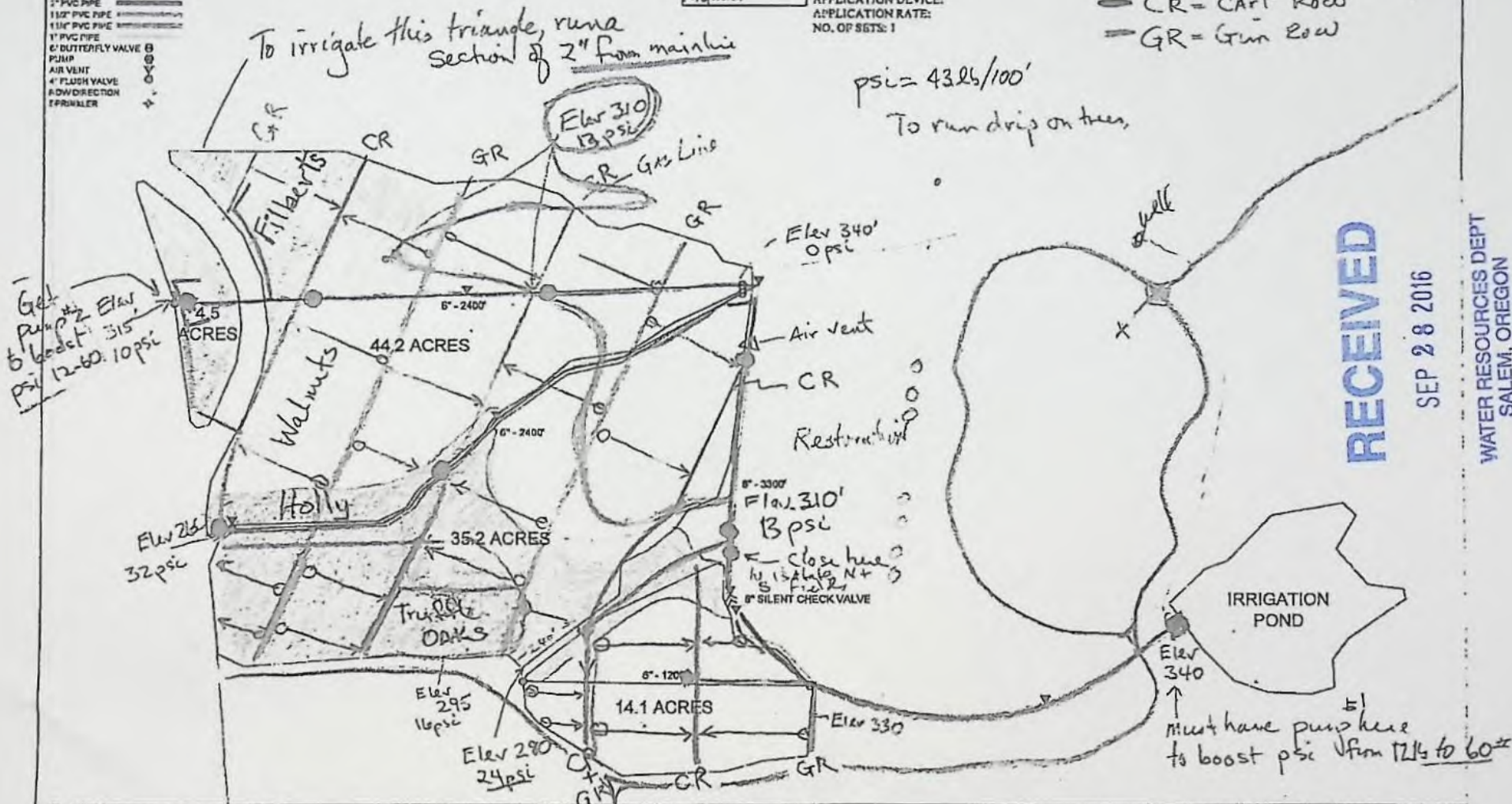
1" PVC PIPE	=====
1.5" PVC PIPE	=====
2" PVC PIPE	=====
2.5" PVC PIPE	=====
3" PVC PIPE	=====
3.5" PVC PIPE	=====
4" PVC PIPE	=====
5" PVC PIPE	=====
6" BUTTERFLY VALVE	⊗
PUMP	⊙
AIR VENT	⊕
4" FLUSH VALVE	⊖
AD/DIRECTION	→
SPRINKLER	⊙

GLUE NOTES:

711	PVC PIPE AND FITTINGS
718	GLUE ON SADDLES
785	FLEXIBLE PVC HOSE
P-70	PRIMER

DESIGN NOTES:
ACRES 4 : 98
CROP: VARIOUS SPECIALTY TREE FRUITS
ROW SPACING: 20'
PLANT SPACING: 20'
APPLICATION DEVICE:
APPLICATION RATE:
NO. OF SETS: 1

Irrigation (Real)
— CR = CART Row
— GR = Gun Row



RECEIVED

SEP 28 2016

WATER RESOURCES DEPT
SALEM, OREGON

CUSTOMER NAME: HERITAGE SEEDLINGS
JOB NAME: JEFFERSON FARM
DATE: 7/15/16
SCALE: 1" = 100'

Stallion Supply Company
Contributor to Sustainable Agriculture

DRAWN BY: EPW	NOTES: NA
DESIGNED BY: EPW	
JOB NUMBER: A-201001	MAN/RE
Copyright © Stallion Supply Company. All rights reserved.	

* Grower permissions → 280' Elev.
Holly ← < 285' Elev.

STETTLER SUPPLY COMPANY
 4420 RIDGE DR NE
 SALEM, OR 97301
 503 585-5550

584037
 553603
 Krautman
RECEIVED
 SEP 28 2016

WATER RESOURCES DEPT
 SALEM, OREGON

Quote 51059

Shipping Address: HERITAGE SEEDLING 4194 71ST AVE SE SALEM, OR 97317	For: HERITAGE SEEDLING 4194 71ST AVE SE SALEM, OR 97317
---	--

Customer's job: Quote date: 07/21/16 Ship date: Warehouse: 1	P.O.#: Salesperson: PAUL WALTHER Pay terms: NET 10TH OF MONTH Contact:	Ship terms: Ship via: F.O.B.: Customer #: HERSEEDL
---	---	---

Remarks:

Seq	Item code	Description	Unit	Quantity			Requested Ship Date	Unit Price	Amount
				Order	Shipped	Active			
001	IPP160060TS	PVC PIPE CL180 GASKETED 6	FT	10,000.00				2.64	26,400.00
002	IPP160060	PVC PIPE CL160 6	FT	200.00				2.71	542.00
003	IPP4020	PVC PIPE SCH 40 2	FT	200.00				0.58	112.00
004	CPWCV080	WAFER CHECK VALVE 6 #888	EA	1.00				811.89	811.89
005	NEARIB2PP	NETAFIM 2 COMBO AIR VENT 150PSI	EA	10.00				135.07	1,350.70
006	BGV030	BRASS GATE VALVE 3	EA	3.00				108.88	325.98
007	DVB150	VALVE BOX JUMBO W/COVER 15"X21"	EA	3.00				39.25	117.75
008	EPDA060060BTf	EPOXY DISCHARGE ADAP 6X6 BTXF	EA	2.00				178.55	357.10
009	EPBT060	EPOXY BOLT TITE TEE 6X6X6	EA	4.00				219.87	878.88
010	EPBT9060	EPOXY BOLT TITE 90ELL 6	EA	2.00				167.07	335.34
011	EPS060030	EPOXY SADDLE 6 X 3	EA	10.00				70.00	700.00
012	EXB8N030360	EXCALIBUR SCH80 NIPPLE 3X36	EA	3.00				23.75	71.25
013	SP44080	PVC SCH40 45ELL 6 SS	EA	6.00				22.28	133.58
014	SP43080	PVC SCH40 30 ELL 6 SS	EA	6.00				48.20	289.20
015	SP415080	PVC SCH40 15 ELL 6 SS	EA	6.00				48.20	289.20
016	SP4SC060	PVC SCH40 SLIP CAP 6	EA	4.00				10.35	41.40
017	SP4MA030	PVC SCH40 MALE ADAPTER 3	EA	3.00				3.80	11.40
018	SP6FA020	PVC SCH80 FEMALE ADAPTER 2	EA	10.00				13.84	138.40
019	SP4T030020	PVC SCH40 TEE 3X3X2 SS	EA	3.00				8.02	24.06
020	SP49020	PVC SCH40 90ELL 2 SS	EA	20.00				1.72	34.40
021	SP4B030020TT	PVC SCH40 BUSHING 3X2 TT	EA	7.00				7.52	52.84
022	SP4MA020	PVC SCH40 MALE ADAPTER 2	EA	7.00				1.10	7.70
023	FFG060	FULL FACE GASKET 6"	EA	2.00				3.56	7.12
024	CB007085HB	3/4X8-1/2 HEX BOLT GRADE 5	EA	8.00				4.67	37.36
025	CB007HN	3/4 HEX NUT GRADE 5	EA	8.00				0.21	1.68
026	CM711GRGAL	PVC-11 GRAY HEAVY BODY GALLON	EA	2.00				61.23	122.46
027	CMP70PUGAL	PVC PRIMER P70 PURPLE GALLON	EA	1.00				52.87	52.87
028	CMMT651	EMPTY CAN QT 1-3/4" NECK	EA	2.00				3.85	7.70
029	CMS4020	SWAB 4" FOR LARGE MOUTH CANS	EA	2.00				11.83	23.66
030	CMS5020	SMALL CAP SWAB 4"	EA	2.00				8.03	16.06
031	CMCMD015	CAN MATE DAUBER 1-1/2"	EA	2.00				2.92	5.84
032	TB31551	TRU-BLU THREAD SEALANT 1/2 PINT	EA	1.00				11.72	11.72

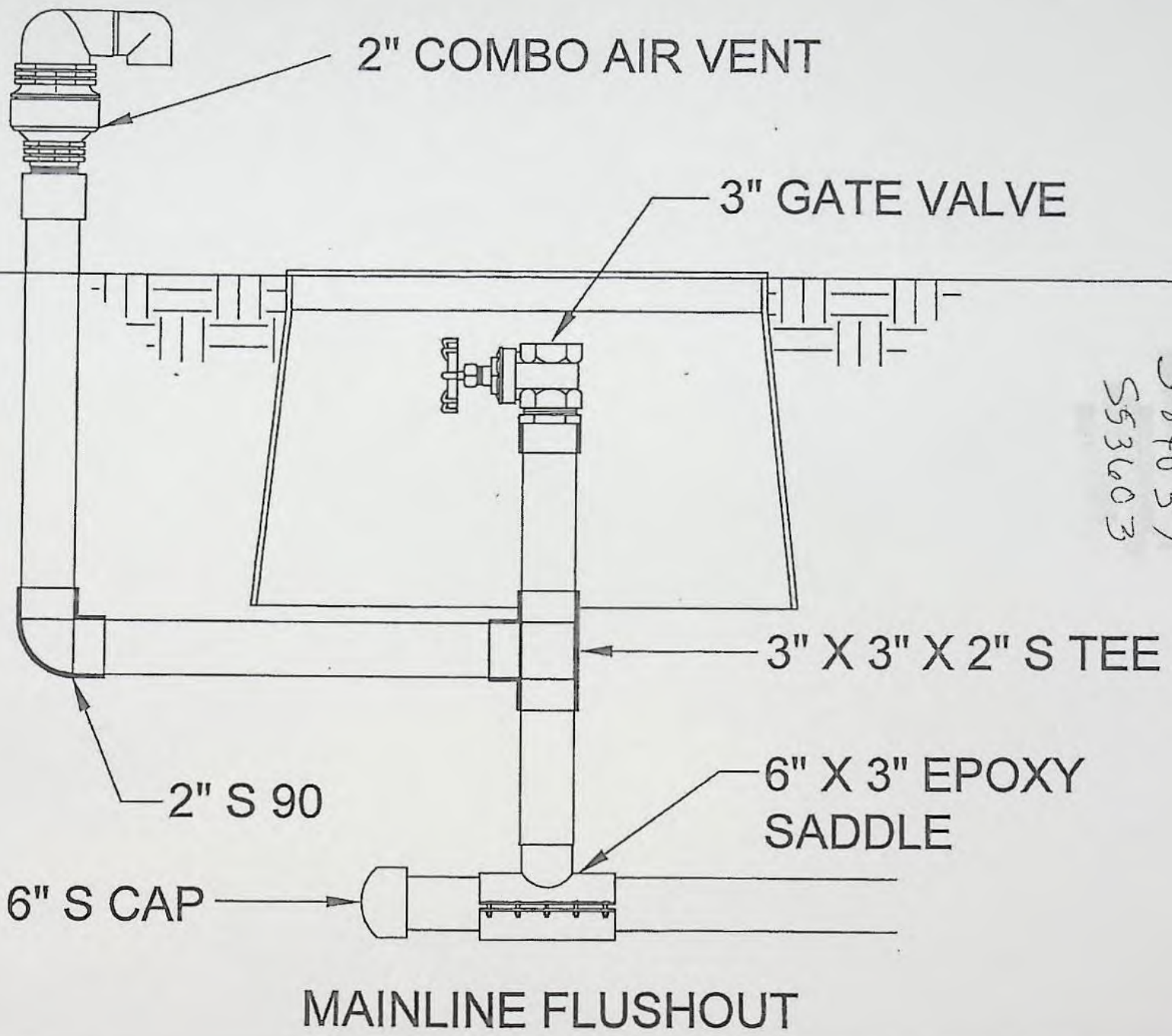
Sub Total: 33,111.12
 Sales Tax: 0.00
 Total: 33,111.12

This does not include pumps + electric valves

RECEIVED

SEP 28 2016

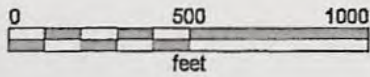
WATER RESOURCES DEPT
SALEM, OREGON



S-84037
553603

Mark Krautman / June 2016

S-84037
S-53603



CNS Mapped By:



Hostetler Farm Tiling
1967 NE 19th Ave
Canby, OR 97013

Hostetler Farm Tiling
1967 NE 19th
Canby OR 97013

4" plastic	132403.57 ft
6" plastic	5735.11 ft
8" plastic	850.00 ft
10" plastic	62.73 ft



HERITAGE

seedlings, inc.

Unusual Deciduous Species

Sept 28, 2016

OWRD
Salem, OR 97301

RE: Application S-84037; Permit S-53603

Progress Report form for 2016 – addendum

This year we dug 6-inch mainline trench according to the accompanying map #1 and are installing all the pipe beginning Oct. 3, 2016. The work will be complete within October '16 so we can close all trenches.

The tenant lease ends in summer 2018, after which we will begin the cropping plan as shown on the attached map #2. Obviously some of this will change within the coming two years, but the majority of the plan is set.

We will also install a pump on the extreme west edge of the property along Hochspeier Lane, and install PPL power and second pump and disc filter at the base of the dam so we can pump from either side.

This is the most progress we have made to date, and coupled with the tiling of almost 100 acres there, is an investment of almost \$215,000. The irrigation infrastructure for mainline alone this fall is more than \$60,000.

Sincerely,

Mark Krautmann

Krautmann Family Nursery
Cell 503-932-3920

RECEIVED BY OWRD

SEP 30 2016

SALEM, OR

4194 71st Avenue SE
Salem OR 97301

phone (503) 585-9835



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

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SEP 30 2016

SALEM, OR

Extension of Time
 Progress Reporting Form
 For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Krautmann Family Nursery LLC

Application S-84037 Permit S-53603

Progress Report Form for 2016

Report Due no later than October 1, 2016

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

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 S-53603. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between June 10, 2011 and October 1, 2016	FINANCIAL INVESTMENT
	See attached pipe, fittings, trench labor + equipment	\$62,000+

- Describe actions taken to comply with terms/conditions of the permit and/or previous extension.
 We continue to irrigate by gravity flow the fenced field @ extreme SW corner of the farm - about 13 acres. Next summer we will crop and irrigate an additional 17 acres = cut plow production of the south fields -
- Total number of acres irrigated to date = about 30, excluding 3.7 acres wetland in S. field
- 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 = 1.0 cfs (cubic feet per second)
 Maximum rate used to date = 40 gpm (gallons per minute)
 Maximum Acre Feet used per year to date = 1.1 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.

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM.

Signature Mark Krautmann Date Sept 28 '16

Printed Name/Title Mark Krautmann, owner of Bee Krautmann Family Nursery

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

STETTLER SUPPLY COMPANY
 4420 RIDGE DR NE
 SALEM, OR 97301
 503 585-5550

S 84037
S 53603
Krautman

Quote 51059

Shipping Address: HERITAGE SEEDLING 4194 71ST AVE SE SALEM, OR 97317	For: HERITAGE SEEDLING 4194 71ST AVE SE SALEM, OR 97317
---	--

Customer's job: Quote date: 07/21/16 Ship date: Warehouse: 1	P.O.#: Salesperson: PAUL WALTHER Pay terms: NET 10TH OF MONTH Contact:	Ship terms: Ship via: F.O.B.: Customer #: HERSEEDL
---	---	---

Remarks:

Seq	Item code	Description	U/M	Quantity			Requested Ship Date	Sell Price	Amount
				Order	Shipped	Active			
001	IPP160060TS	PVC PIPE CL160 GASKETED 6	FT	10,000.00			2.64	26,400.00	
002	IPP160060	PVC PIPE CL160 6	FT	200.00			2.71	542.00	
003	IPP4020	PVC PIPE SCH 40 2	FT	200.00			0.58	112.00	
004	CPWCV060	WAFER CHECK VALVE 6 #888	EA	1.00			611.89	611.89	
005	NEARIB2PP	NETAFIM 2 COMBO AIR VENT 150PSI	EA	10.00			135.07	1,350.70	
006	BGV030	BRASS GATE VALVE 3	EA	3.00			106.66	325.88	
007	DVB150	VALVE BOX JUMBO W/COVER 15"X21"	EA	3.00			39.25	117.75	
008	EPDA060060BTF	EPOXY DISCHARGE ADAP 6X6 BTXF	EA	2.00			178.55	357.10	
009	EPBT060	EPOXY BOLT TITE TEE 6X6X6	EA	4.00			219.67	878.68	
010	EPBT9060	EPOXY BOLT TITE 90ELL 6	EA	2.00			167.67	335.34	
011	EPS060030	EPOXY SADDLE 6 X 3	EA	10.00			70.00	700.00	
012	EX8N030360	EXCALIBUR SCH80 NIPPLE 3X36	EA	3.00			23.75	71.25	
013	SP44060	PVC SCH40 45ELL 6 SS	EA	6.00			22.26	133.56	
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032	TB31551	TRU-BLU THREAD SEALANT 1/2 PINT	EA	1.00			11.72	11.72	

RECEIVED BY OIMD

SEP 30 2016

SALEM, OR

Sub Total:	33,111.12
Sales Tax:	0.00
Total:	33,111.12

This does not include pumps + electric valves

“What’s the difference?”

It’s our primary question when we choose suppliers; but unfortunately, most liner suppliers patronize you with basics like great root systems or reasonable prices. If these are the main values you’re buying, you’re buying nothing special. When you buy pizza, you expect cheese. When you buy liners, you’re entitled to great root systems, correct counts, on-time delivery and good prices.

So beyond basics, what delivered values really set Heritage apart?

- **Unmatched selection** ... more than 540 different varieties. But wait; you get way more than just supply options. Your key benefit? To help you map out more profitable sales strategy We help you re-balance your own selection.
- **Highly trained, educated staff** Our total experience here comes to more than 150 years. Hard to believe, but that’s for only 8 people! We’ve seen most every surprise there is in growing exceptional liners, so our experience reassures you that we deliver what we confirm.
- **Start to finish, we have your back.** You don’t need to find a new liner supplier every few years. We’re your partner, not just your supplier.

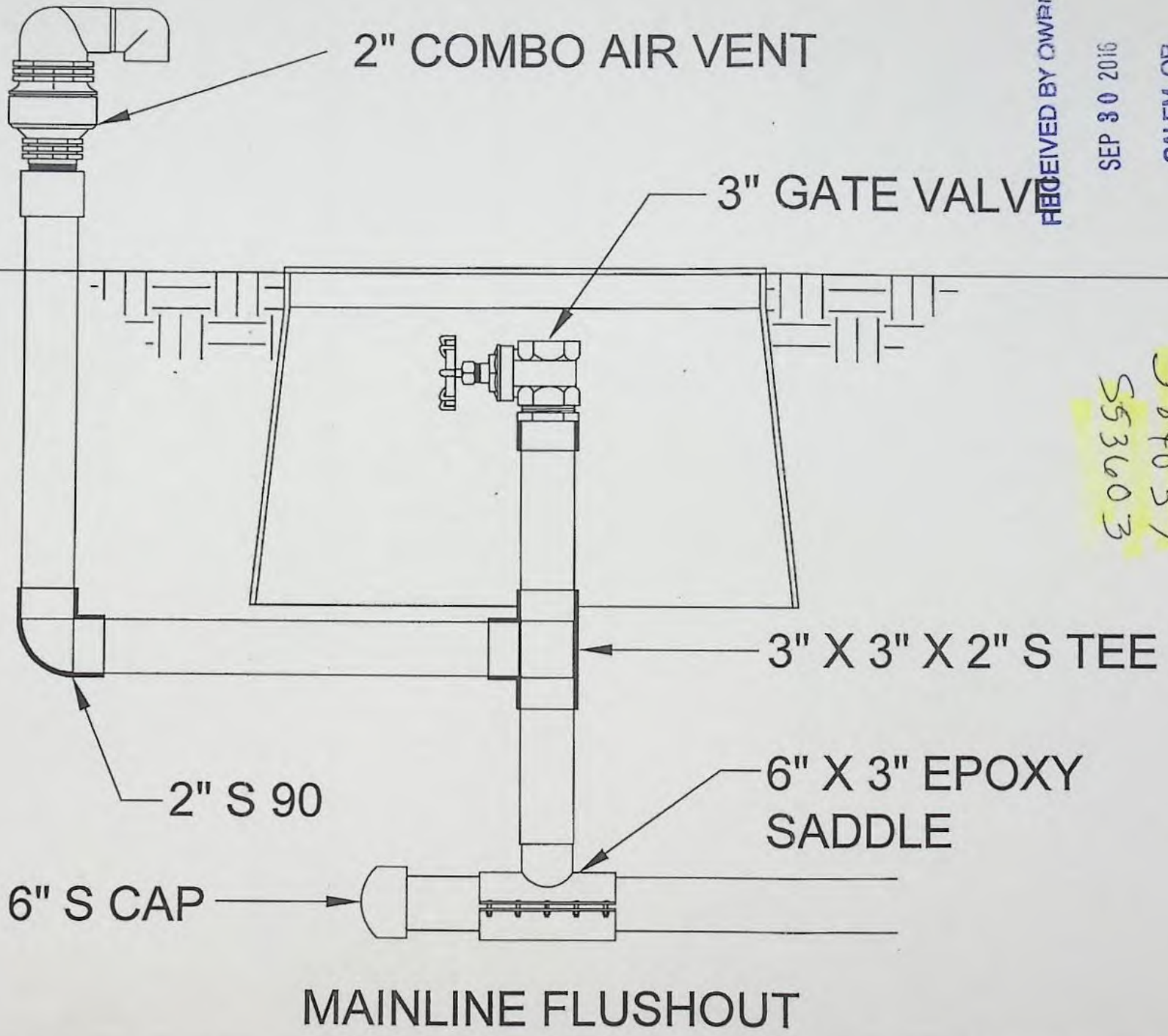
Horticulture has seen difficult challenges in recent years, but we’ll see even greater change in the coming 5-7 years as our companies deal with labor shortages that get worse and fundamentally alter our production options. Drought, especially in CA, will affect not only agriculture, but all industries in the world’s *7th largest economy. Retiring boomers: we’re all personally affected.

How will your strategies and profit prospects change? Will you rebalance your selection and re-focus on profit per square foot, profit per employee?

Choose your suppliers carefully. **Challenge us.**

Mark, Jolly & staff

* <http://www.bloomberg.com/news/articles/2015-01-16>



RECEIVED BY OWRD

SEP 30 2016

SALEM, OR

S-84037
S53603

Lidia Martinez

From: Jolly Krautmann
Sent: Saturday, June 06, 2015 2:34 PM
To: 'Lidia Martinez (LMartinez@heritageseedlings.com)'; Veronica Montoya (VMontoya@heritageseedlings.com); Octavio Martinez (OMartinez@heritageseedlings.com); Eric Hammond; Lynda Boyer (Lboyer@heritageseedlings.com); 'Mike Sweet (MSweet@heritageseedlings.com)'; Jeff Parr
Cc: Anthony Odenthal (AOdenthal@heritageseedlings.com); Joan Claire Gilbert (joancgilbert@gmail.com); Donna Burgess; Mark Krautmann (mark@heritageseedlings.com)
Subject: Heritage Seedlings, Inc. to Heritage Seedlings & Liners Inc.

Hello everyone,

Mark and I are working with Joan Claire (She's our in-house legal counsel because she is an attorney.) currently regarding all issues related with our company name and legal structure changes. We will gradually "decommission" our long-established Heritage Seedlings (C corp.) and grow new crops within a new company, Heritage Seedlings & Liners (S Corp.).

Why is this important to us all? You can help us to make a list of all stakeholders whom we work with so we can notify them of our new Employer ID number and company name. The S corp. has different federal id number and Oregon state id so it's a complete different entity in our government's eyes.

We all are responsible in different areas in our company so we need your help urgently to make sure we cover this area.

Please think about this and write down all entities you are currently involved with in this context. Will their records be affected by our company's name and structure change? For example and contracts or license agreements, but especially any firms or individuals that we ask to work for us on contract – firms whom we PAY.

The name difference is superficially minor, and the substance of our production and staff and all aspects of the company reality on the ground remains the same. So there is no benefit to anyone for us to notify clients, routine contacts, etc. It might cause unnecessary questions or concerns. But we must notify all government agencies who deal with Heritage Seedlings, INC. This means our nursery license from ODA, but what about all OWRD water rights, permits, etc.? What about Federal Dept. of Reclamation? Pesticide licenses are in our personal names so the Pesticide Division of ODA is not an agency to notify. Whereas, the labor contractor contract party, insurance company, all associations, web and all advertising/publishing companies ought to change their records.

Please don't notify anyone until we give you OK and tell you when to do it.

You can send your list to me and Donna. We'll put all information in a spread sheet first. Mark and I'll decide who and when we should notify those people.

Can we expect to get this list from you by this Wednesday (6/10)?

Let me know if you have any question.

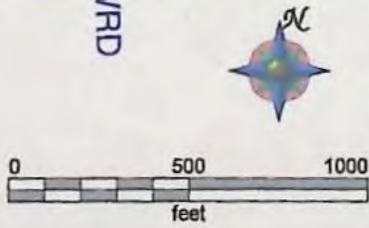
Thank you for your help,

Jolly

Mark Krautman / June 2016

S-54037

S-53603



GPS Mapped By:



Hostetter Farm Tiling
1967 NE 19th Ave
Canby, OR 97013

Hostetter Farm Tiling
1967 NE 19th
Canby OR 97013

4" plastic	132403.57 ft
6" plastic	5735.11 ft
8" plastic	850.00 ft
10" plastic	62.73 ft



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

File

April 14, 2016

KRAUTMANN FAMILY NURSERY LLC
4199 75TH AVE SE
SALEM, OR 97301-9242

REFERENCE: Application S-84037 / Permit S-53603

Dear Permit Holder:

On May 11, 2012, the Department issued a Final Order approving an Extension of Time for Permit S-53603. The Final Order contained a condition to submit a progress report to the Department by October 1, 2016.

This letter is being sent to you as a reminder the progress report is due on October 1, 2016.

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 progress report no later than October 1, 2016.

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, 2021.

Failure to submit written progress reports will most likely result in any future extensions being denied.

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0825.

Sincerely,

Corey A Courchane
Extensions
Water Rights Services Division

Enclosure

cc: Application S-84037
Watermaster District 16 – Joel Plahn

Mailing List for Extension FO Copies

2016

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: May 11, 2012

Copies Mailed

**Application S-84037
Permit S-53603**

By: CH
On: 5.14.12

Original mailed to permit holder

Krautmann Family Nursery, LLC
4199 75th Ave SE
Salem, OR 97301

Copies sent to:

- 1. WRD - App. File S-84037/ Permit S-53603
- 2. Brook Geffen-Prett/Greg Kupillas, Agent or CWRE

Fee paid as specified under ORS 536.050 to receive copy:

- 3. None

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

(DONE BY EXTENSION SPECIALIST)

- 4. WRD – Water Master District 16 – Mike McCord, Salem

Done by AWJ Date 5-11-12

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by JWG Date 5-11-12

IMPORTANT NOTICE
for holders of surface water permits

Oregon law requires that you hire a Certified Water Rights Examiner to survey the use that you make under your permit. This survey must be submitted to the Salem office of the Water Resources Department no later than one year after the completion dated allowed by your extension. [See ORS 537.230(4)]

ORS 537.230

(1) Except for a holder of a permit for municipal use, the holder of a water right permit shall prosecute the construction of any proposed irrigation or other work with reasonable diligence and complete the construction within a reasonable time, as fixed in the permit by the Water Resources Department, not to exceed five years from the date of approval.

(2) The holder of a permit for municipal use shall commence and complete the construction of any proposed works within 20 years from the date on which a permit for municipal use is issued under ORS 537.211. The construction must proceed with reasonable diligence and be completed within the time specified in the permit, not to exceed 20 years. However, the department may order and allow an extension of time to complete construction or to perfect a water right beyond the time specified in the permit under the following conditions:

- (a) The holder shows good cause. 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;
- (b) The extension of time is conditioned to provide that the holder may divert water beyond the maximum rate diverted for beneficial use before the extension only upon approval by the department of a water management and conservation plan; and
- (c) For the first extension issued after the effective date of this 2005 Act for a permit for municipal use issued before November 2, 1998, the department finds that the undeveloped portion of the permit is conditioned to maintain, in the portions of waterways affected by water use under the permit, the persistence of fish species listed as sensitive, threatened or endangered under state or federal law. The department shall base its finding on existing data and upon the advice of the State Department of Fish and Wildlife. An existing fish protection agreement between the permit holder and a state or federal agency that includes conditions to maintain the persistence of any listed fish species in the affected portion of the waterway is conclusive for purposes of the finding.

(3) Except as provided in ORS 537.240 and 537.248 and subsection (2) of this section, the Water Resources Department, for good cause shown, shall order and allow an extension of time, including an extension beyond the five-year limit established in subsection (1) of this section 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.

(4) Except as provided in subsection (5) of this section and ORS 537.409, upon completion of beneficial use as required under this section, the permittee shall hire a water right examiner certified under ORS 537.798 to survey the appropriation. Within one year after application of water to a beneficial use or the beneficial use date allowed in the permit, the permittee shall submit a map of the survey as required by the Water Resources Department, which shall accompany the request for a water right certificate submitted to the department under ORS 537.250. If any property described in the permit is not included in the request for a water right certificate, the permittee shall state the identity of the record owner of that property.

(5) The Water Resources Director may waive the requirement under subsection (4) of this section that a permittee hire a water right examiner certified under ORS 537.798 if:

- (a) The permit is a supplemental water right that shares the same distribution system and same place of use as the primary water right; and
- (b) The department determines that there is sufficient information in the records of the department to determine proof of beneficial use.

(6) Notwithstanding ORS 537.410, for purposes of obtaining a water right certificate under ORS 537.250 for a supplemental water right, the permittee shall have a facility capable of handling the full rate and duty of water requested from the supplemental source and be otherwise ready, willing and able to use the amount of water requested, up to the amount of water approved in the water right permit. To obtain a certificate for a supplemental water right, the permittee is not required to have actually used water from the supplemental source if:

- (a) Water was available from the source of the primary water right and the primary water right was used pursuant to the terms of the primary water right; or
- (b) The nonuse of water from the supplemental source occurred during a period of time within which the exercise of the supplemental water right permit was not necessary due to climatic conditions.

**Oregon Water Resources Department
Water Right Services Division**

Water Rights Application
Number S-84037

**Final Order
Extension of Time for Permit Number S-53603
Permit Holder: Krautmann Family Nursery, LLC**

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request 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 file 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

Permit S-53603 was issued by the Department on July 30, 1999. The permit called for complete application of water to beneficial use by October 1, 2003. On June 10, 2011, Krautmann Family Nursery, LLC submitted to the Department an Application for Extension of Time for Permit S-53603. In accordance with OAR 690-315-0050(2), on October 4, 2011, the Department issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use to October 1, 2021. The protest period closed November 18, 2011, in accordance with OAR 690-315-0060(1). No protest was filed.

The Department adopts and incorporates by reference the Proposed Final Order dated October 4, 2011.

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:

CONDITION

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2016. A form will be enclosed with your Final Order.**

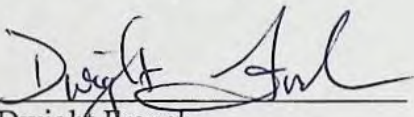
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder 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 537.230, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application S-84037, Permit S-53603, therefore, is approved subject to the condition contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2003 to October 1, 2021.

DATED: May 11, 2012



Dwight French
Water Right Services Administrator, *for*
PHILLIP C. WARD, DIRECTOR

- If you have any questions about statements contained in this document, please contact Jerry Gainey at (503) 986-0812.
- 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
 Progress Reporting Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Krautmann Family Nursery, LLC

Application S-84037
 Permit S-53603

Report Due no later than October 1, 2016

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

Progress Report Form for 2016

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 S-53603. **FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.**

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2003 and October 1, 2016	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.

INCOMPLETE REPORTS WILL BE RETURNED. AN ANSWER IS REQUIRED IN EACH ITEM. USE N/A FOR ITEM 3 IF THE USE IS NOT IRRIGATION.

Signature _____ Date _____

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit S-53603, Water Right Application S-84037) **PROPOSED FINAL ORDER**
in the name of Krautmann Family Nursery, LLC.)

Permit Information

Application File S-84037 Permit S-53603

Basin: 2 – Willamette / Watermaster District 16
Date of Priority: January 15, 1999

Authorized Use of Water

Source of Water: Westbrook Reservoir constructed under Permit R-12733, unnamed stream, and Weaver Gulch, tributaries of Miller Creek
Purpose of Use: Irrigation of 356.9 Acres and Supplemental Irrigation of 22.4 Acres
Maximum Rate: 105 Acre-Feet (AF) of stored water only and 1.0 cubic foot per second (CFS), being 0.45 cfs from unnamed stream and 0.55 cfs from Weaver Gulch

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 S-53603, water right Application S-84037. A copy of Permit S-53603 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, 2003 to October 1, 2021.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Water Resources Department
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute
AF – acre-feet

AUTHORITY

Generally, see ORS 537.230 and OAR Chapter 690 Division 315.

ORS 537.230(3) 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 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(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.

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 S-53603 was granted by the Department on July 30, 1999, to Glen D. Westbrook. The permit authorizes the use of water from the Westbrook Reservoir constructed under Permit R-12733, unnamed stream, and Weaver Gulch, for irrigation of 356.9 acres and supplemental irrigation of 22.4 acres. The maximum rate/volume allowed is 105 AF of stored water only and 1.0 cfs, being 0.45 cfs from unnamed stream and 0.55 cfs from Weaver Gulch. The permit specified complete application of water was to be made on or before October 1, 2003.
2. Krautmann Family Nursery, LLC, submitted an "Application for Extension of Time" to the Department on September 16, 2004. However, the permit required assignment and was accomplished on September 24, 2004, the permit was assigned to Krautmann Family Nursery, LLC. The Department requested additional information and the additional information was received on June 10, 2011 requesting the time to apply water to full beneficial use under the terms of Permit S-53603 be extended from October 1, 2003 to October 1, 2021. This is the first permit extension requested for Permit S-53603.
3. Notification of the Application for Extension of Time for Permit S-53603 was published in the Department's Public Notice dated June 21, 2011. 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 and/or 539.010(5)³.

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

4. On June 10, 2011, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 539.010(5) applies to surface water and ground water permits.

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

5. Actual construction of the water system began prior to the July 30, 1999 deadline specified in the permit.

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.

6. As of June 10, 2011, 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, 2021, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit S-53603 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. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the water system began prior to the July 30, 1999 deadline specified in the permit.
 - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit S-53603.

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 S-53603 on July 30, 1999, the permit holder has not diverted water from the Westbrook Reservoir constructed under Permit R-12733, unnamed stream, and Weaver Gulch for irrigation

- b. Delay of full beneficial use of water under Permit S-53603 was due, in part, to the original permit holder's health.

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 did not identify any concerns.

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

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

- a. As of June 10, 2011, the permit holder has invested approximately \$150,000, which is approximately 83 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$30,000 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 June 10, 2011, the permit holder has invested approximately \$150,000 which is approximately 83 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$30,000 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 S-53603.

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 S-53603; 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 point of diversion is located on Westbrook Reservoir constructed under Permit R-12733, unnamed stream, and Weaver Gulch, and is not located within a Withdrawn Area. Westbrook Reservoir constructed under Permit R-12733, unnamed stream, and Weaver Gulch is not located within or above any state or federal scenic waterway, however it is located within an area ranked "moderate" 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. Westbrook Reservoir constructed under Permit R-12733, unnamed stream, and Weaver Gulch is not 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 June 10, 2011, the permit holder has invested approximately \$150,000.
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 in order 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 not caused by any other governmental requirements.

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

21. Unforeseen events extended the length of time needed to fully develop and perfect Permit S-53603, in that the original permit holder's health prevented the completing construction

of the water system and applying water to full beneficial use in a timely manner.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(3).
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 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2021⁴, 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 S-53603.

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 S-53603 from October 1, 2003 to October 1, 2021.

⁴Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

Subject to the following condition:

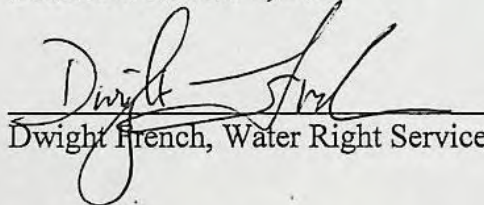
CONDITION

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2017**. *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 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: October 4, 2011


Dwight French, Water Right Services Administrator

*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 submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **November 18, 2011**, 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.

-
- If you have any questions about statements contained in this document, please contact Jerry Gainey at 503-986-0812.
 - 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 503-986-0801.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901
-

Mailing List for Extension PFO Copies

PFO Date: October 4, 2011

Copies Mailed

**Application S-84037
Permit S-53603**

By: Ja
On: 10/4/11

Original mailed to Applicant:

✓
Krautmann Family Nursery, LLC
4199 75th Ave SE
Salem, OR 97301

Copies sent to:

- ✓ 1. WRD - App. File S-84037/ Permit S-53603
- ✓ 2. Brook Geffen-Prett/Greg Kupillas, Agent or CWRE

Fee paid as specified under ORS 536.050 to receive copy:

- 3. None

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

(DONE BY EXTENSION SPECIALIST)

- 4. PFO: WRD – Watermaster District 16 – Mike McCord, Salem
Done by _____ Date _____

CASEWORKER: jwg

Application # S-84037 Permit # S-53603

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: _____

◆ **Extension Specialist ...**

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 6/14/10

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



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 14, 2011

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#: S-84037 (PERMIT#: S-53603)**. 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 Jerry Gainey at (503) 986-0812. 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".

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: S- 84037 Permit: S- 53603 Permit Amendment? No Yes T- _____ pending approved

Permit Holder's Name: Krautmann Family Nursery LLC

Permit Holder's Mailing Address: 4194 71st Ave SE, Salem OR 97317 email geffenprettphg@gmail.com

Phone Number: 503-585-9835 ext 103

POD Location: Township 9 S Range 3 W Section 14 $\frac{1}{4}$ $\frac{1}{4}$ NW SE

Drainage Basin: 2 County: Marion Watermaster District: 16 Watermaster: Mike McCord

Date Permit was issued: 7/30/1999

Priority Date: 1/15/1999

Date of PN: 6/21/2011

Source: Westbrook Res constructed under Permit R-12733, unnamed stream, & Weaver Gulch, trib of Miller Creek

Use: Irrigation of 356.9 acres and supplemental irrigation of 22.4 acres

"Q": 105 acre-feet of stored water only and 1.0 cubic foot per second, being 0.45 CFS from unnamed stream and 0.55 CFS from Weaver Gulch

Orig "A" Date: 7/30/1999

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2003

Extension request rec'd: See Remarks

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/

Request Number (1, 2, 3...): 1

Proposed "B" Date: 10/1/

Proposed C Date: 10/1/2021

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Constructon began by date in permit
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Meter not installed
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water has not been put to beneficial use, irrigation and supplemental irrigation
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

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

- Amount Invested to date: \$150,000 Estimated Remaining Cost: \$30,000

- Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 0 cfs gpm af of the total permitted quantity of water on 0 acres

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

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? Name _____ 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 sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
 - within a critical or limited Ground Water Area? Name of area South Salem
 - within a Withdrawn Area? Name of area _____
 - 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 for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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: 2016 and 2021)

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:

Extension request originally received September 16, 2004, assigned September 24, 2004, additional information requested. The information was finally received June 10, 2011. Original extension fees, \$250.00, was not returned when additional information requested in 2008. Extension being public noticed and processed at this time.

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

Jerry Gainey

From: brook geffen-prett [geffenprettphg@gmail.com]
Sent: Friday, June 10, 2011 1:22 PM
To: jerry.w.gainey@state.or.us
Subject: Application S-84037 - Update Request for Extension Period of Time

Jerry:

On September 16, 2004, Heritage Seedlings submitted an Application for Extension of Time for Application S-84037, Permit S-53603. The Application requested the beneficial use of water be extended from the authorized time in the Permit, being October 1, 2003 to October 1, 2008.

As of today, June 10, 2011, Oregon Water Resources Department has not not taken any action to process the Extension of Time Application and the original request for an extension to October 1, 2008 is no longer valid. Therefore, on behalf of the applicant, I would like to request the beneficial use of water be extended an additional 10 years, to October 1, 2021.

Please let me know if any additional information is needed.

Thanks,
Brook Geffen-Prett

--
Brook Geffen-Prett
Pacific Hydro-Geology Inc.
Mulino, OR 97042
(503) 936-9450

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **70145**

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

INVOICE # _____

RECEIVED FROM: Pacific Hydro-Technology, Inc.
BY: _____

APPLICATION	84037
PERMIT	
TRANSFER	

CASH: CHECK:# 2552 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

4270 WRD OPERATING ACCT

MISCELLANEOUS			
0407 COPY & TAPE FEES		\$	RECEIVED OVER THE COUNTER
0410 RESEARCH FEES		\$	
0408 MISC REVENUE: (IDENTIFY)		\$	
TC162 DEPOSIT LIAB. (IDENTIFY)		\$	
0240 EXTENSION OF TIME		\$ <u>250.00</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 \$

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

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

RECEIPT: **70145**

DATED: 9/16/04 BY: Linda Dwyer

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
725 Summer St NE, Ste A
Salem, OR 97301-1266
Phone #: (503) 986-0900
Fax#: (503) 986-0901
www.wrd.state.or.us

FAX TRANSMITTAL

TO: Malia Kupillas FAX NUMBER: 503-362-5983
DATE: 9-12-08 PAGES: 6, INCLUDING COVER SHEET
FROM: Ann Reece PHONE: (503) 986-0_____
COMMENTS: Ext. Appl. for Permit S-53603

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

FAX: (503) 986-0901

TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping
- Dam Safety
- Enforcement
- Water Use Reporting

FAX: (503) 986-0902

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FAX: (503) 986-0903 or
503-986-0904

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

I, Heritage Seedlings, Inc./Mark and Jolly Krautmann
NAME

4194 71st Avenue, S.E. Salem Oregon 97301 (503) 585-9853
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. S-84037, Permit No. S-53603,
do hereby request that the time in which to:

complete the construction of diversion/appropriation works and/or purchase and installation of
the equipment necessary to the use of water, which time now expires on October 1, _____,
be extended to October 1, _____,

and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time
now expires on October 1, 2003, be extended to October 1, 2008.

NOTE: **The extension of time requested should be long enough to finish the project. Should
this request be approved, it will be the Department's expectation that you will
complete your project within the new time period allowed. Future extensions may
not be granted.**

**Attached is an instruction sheet to assist you in completing the information on the
permit extension application form. Oregon Water Law and Administrative Rules
requires this information to be considered by the Water Resources Department
when reviewing a permit extension application. All items must be completed or the
application will be returned. Please feel free to provide the Department with any
additional information that would aid us in making our decision. Please use
additional sheets of paper as needed to fully respond to the questions.**

**After reviewing the application form and the instruction sheet, if you have any
questions, you may contact the Department at (503) 986-0900, and request
assistance from the Water Rights Division, permit extensions personnel.**

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1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?
Yes. Construction began in early July 1999. The begin construction date was July 30, 1999.

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?
No.

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

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.
See attached response.

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

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:
See attached response.

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WATER RESOURCES DEPT
SALEM, OREGON

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:
See attached response.

4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [*in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water*]:
Water has not yet been applied to beneficial use.

B) Number of Acres Irrigated (*if an irrigation permit*):
No irrigation has been accomplished to date.

5. Cost of project to date ~\$150,000. Estimated remaining cost to complete the project ~\$30,000.

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

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

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SALEM, OREGON

- B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

~~See attached letter.~~ *Not applicable*

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

The reservoir has been completed. However, poor health prevented the previous owner from completing the system to apply water for beneficial use. The new owner needs seven years to design and complete the system before water can be applied to beneficial use.

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

Mr. Westbrook's health deteriorated to the point he could not finish applying water to beneficial use from the reservoir. Mr. Westbrook has had to sell the property and the new owner (Heritage Seedlings, Inc./Mark and Jolly Krautmann) need more time to design the irrigation system.

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

Mark Krautmann
Signature

Jan 25 '04
Date

For an application to be complete, it must be accompanied with the required fee. See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

MAIL COMPLETED APPLICATION and FEE TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE, SUITE A
SALEM, OREGON 97301-1271

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WATER RESOURCES DEPT
SALEM, OREGON

Application for Extension of Time
Application No. S-84037, Permit S-53603
Heritage Seedlings/Mark and Jolly Krautmann

2(A) The applicable condition of the permit that has been met is the construction of the reservoir. Construction work on the reservoir was to start by July 30, 1999. According to the engineer who designed the dam, construction on the reservoir was started on or about July 1, 1999. The reservoir was completed by the fall of 2000 and a second storage and surface water application was submitted on March 27, 2001 for the additional stored water in the reservoir.

2(B) The applicable conditions of the permit that have not been met include the installation of a flow meter, pump station, mainlines, installation of a fish screen and bypass, and application of water to beneficial use. This work has not been completed because the original owner, Glen Westerbrook, became very ill while the reservoir was being constructed. His illness prevented him from finishing the infrastructure to complete this water right, and lead to the sale of the property. Mark and Jolly Krautmann from Heritage Seedlings have purchased the property, and they wish to perfect the water right. However, since they only just recently purchased the property (in October 2003) they have not owned the land long enough to have a chance to design and install the irrigation system to meet their irrigation needs. Therefore, they need to apply for an extension to give them a chance to complete the irrigation system and apply the water to beneficial use.

The Krautmans anticipate they will need until October 1, 2008 to complete the necessary infrastructure for the irrigation system, including installation of a flow meter. Within that time frame, they will also address the permit requirements for a fish screen and bypass.

3(A)(B) The reservoir was completed during the fall of 2000. Since then, no other work has been completed.

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SALEM, OREGON

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JUN 02 2011

WATER RESOURCES DEPT
SALEM, OREGON

May 25, 2011

Jerry Gainey
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-4172

Re: Authorized Agent for all water rights under the names Heritage Seedlings, Inc. and
Krautmann Family Nursery LLC

Dear Mr. Gainey:

This letter shall serve to document for the Oregon Water Resources Department that I, Lynda Boyer, authorize Pacific Hydro-Geology Inc. to serve as the agent for all water rights listed below whether under ownership of Heritage Seedlings, Inc. or Krautmann Family LLC. Krautmann Family LLC leases land and the attached water rights to the active family business Heritage Seedlings, Inc.

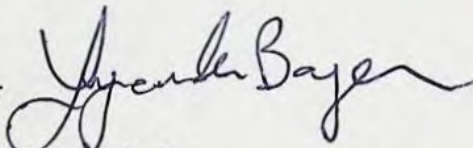
Lynda Boyer is accountable for all water rights administration for Heritage Seedlings, and is authorized by Mark Krautmann to do so until further notice. Mark is president of both Heritage and Krautmann Family LLC.

Please note that the address for Krautmann Family LLC, 4199 75th Ave SE Salem, OR, is the home of Mark and Jolly Krautmann owners of Heritage Seedlings, Inc. *Please change all documentation to use their business address for water rights owned by Krautmann Family LLC to 4194 71st Ave SE Salem, OR 97317 (the business address for Heritage).*

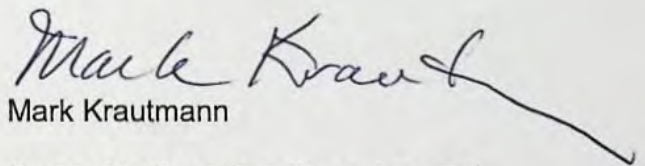
Please call me at (503) 585-9835 x103 if there are any questions, or additional information is required.

Sincerely,

Lynda Boyer



Water Rights Administrator
Heritage Seedlings, Inc.



Mark Krautmann

Owner Heritage Seedlings, Inc. and
Krautmann Family Nursery LLC

PERMIT NUMBERS

S-18817	S-53184	S-31614	S-51733	G-11568	S-53603	S-26454
S-26562	S-53892	S-32464	S-53532	S-18066	R-12733	G-3236
S-31373	S-18817	S-47553	S-39478	R-916	G-16542	E-82
S-31614	S-26562	S-53184	G-11144	S-53817	R-2299	
S-32464	S-31373	G-15878	G-13761	R-13367	S-31713	

S-84037



HERITAGE

seedlings inc.

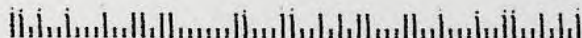
Unusual Deciduous Species

4194 71st Avenue S.E.
Salem, OR 97317 USA



Oregon Water Resources Dept
Attn: Jerry Gainey
725 Summer St NE Suite A.
Salem, OR 97301-4172

9730151266



Jerry Gainey

From: Jerry Gainey
Sent: Monday, April 04, 2011 11:45 AM
To: 'brook geffen-prett'
Subject: RE: Extensio Follow Up

Brook,
That sounds correct.
Jerry

From: brook geffen-prett [mailto:geffenprettphg@gmail.com]
Sent: Monday, April 04, 2011 9:59 AM
To: jerry.w.gainey@state.or.us
Subject: Extensio Follow Up

Jerry -
Regarding App: S-84037, Permit S-53603, I just wanted to make sure we're on the same page. It sounds like on your end you're going to double check with Dwight that the Extension is still in the system and that on our end, the permittee needs to submit a request for an extended period of time to complete work under the Extension. Or the permittee needs to submit a letter authorizing Pacific Hydro to act on their behalf and Pacific Hydro can submit the request for an extended period of time.

Does that sound right??

Thanks, Jerry!
Brook

--
Brook Geffen-Prett
Pacific Hydro-Geology Inc.
Mulino, OR 97042
(503) 936-9450

Jerry Gainey

From: brook geffen-prett [geffenprettphg@gmail.com]
Sent: Friday, March 25, 2011 5:16 PM
To: jerry.w.gainey@state.or.us
Subject: Fwd: Extension Question

Jerry -

Ok, so I found Extensions that are date stamped by the Department for the below permits, but it looks like they were submitted in 2009, not 2004.

So two things - 1) can you let me know what stage they are in? and 2) it looks like they only requested until 2011 to complete construction and fully apply water. Is it possible to amend that request for additional time? Can you let me know what the steps for that would be?

Thanks, Jerry!

----- Forwarded message -----

From: brook geffen-prett <geffenprettphg@gmail.com>
Date: Fri, Mar 25, 2011 at 5:01 PM
Subject: Extension Question
To: jerry.w.gainey@state.or.us

Hey, Jerry!

Hope this finds you well - it was good to chat a few weeks back.

Quick question - Malia seems to think that Extensions for App: S-84037, Permit S-53603 & App: S-84702, Permit S-53817 were submitted in 2004. However, WRIS doesn't show this. Can you let me know if you see anything that indicates that Extensions have been filed for these permits?

On another note - what's the time frame look like for moving App: R-84703, Permit R-13367 to the FO?

Thanks, Jerry and take good care!

Brook

--

Brook Geffen-Prett
Pacific Hydro-Geology Inc.
Mulino, OR 97042
(503) 936-9450

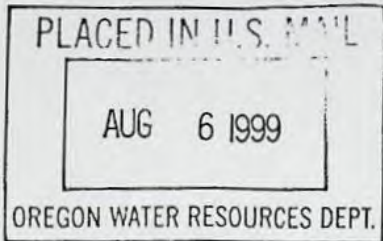
--

Brook Geffen-Prett
Pacific Hydro-Geology Inc.
Mulino, OR 97042
(503) 936-9450

4/14/2011

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-84037



Final Order

Application History

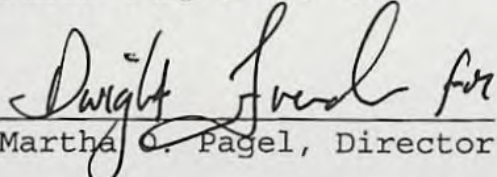
On January 15, 1999, GLEN D. & MARY L. WESTBROOK, submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 8, 1999. The protest period closed July 23, 1999, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to incorporate adjustments to the description of sources, which were submitted prior to issuance of the Proposed Final Order.

Order

Application S-84037 therefore is approved as proposed by the Proposed Final Order, and Permit 53603 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED July 30, 1999


Martha C. Pagel, Director

Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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.

Address all other correspondence to: Water Rights Section, Oregon
Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax:
(503) 378-2496

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

GLEN D. & MARY L. WESTBROOK
3022 UMATILLA PLACE
ALBANY, OREGON 97321

(541) 928-8293

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

APPLICATION FILE NUMBER: S-84037

SOURCE OF WATER: WESTBROOK RESERVOIR CONSTRUCTED UNDER PERMIT R-12733,
AN UNNAMED STREAM, AND WEAVER GULCH, TRIBUTARIES OF MILLER CREEK

PURPOSE OR USE: IRRIGATION OF 356.9 ACRES AND SUPPLEMENTAL IRRIGATION OF
22.4 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 105 ACRE-FEET OF STORED WATER ONLY AND 1.0
CUBIC FOOT PER SECOND, BEING 0.45 CFS FROM UNNAMED STREAM AND 0.55 CFS
FROM WEAVER GULCH

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER, AND MARCH
1 THROUGH JUNE 30 AND SEPTEMBER 1 THROUGH OCTOBER 31 FROM LIVE FLOW

DATE OF PRIORITY: JANUARY 15, 1999

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 14, T9S, R3W, W.M.;
RESERVOIR - 2030 FEET NORTH & 1725 FEET WEST FROM SE CORNER, SECTION 14

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NE 1/4	14.5 ACRES	
NW 1/4 NE 1/4	7.2 ACRES	
SW 1/4 NE 1/4	40.0 ACRES	
SE 1/4 NE 1/4	40.0 ACRES	
NE 1/4 NW 1/4	7.4 ACRES	
NW 1/4 NW 1/4	7.6 ACRES	
SW 1/4 NW 1/4	40.0 ACRES	
SE 1/4 NW 1/4	40.0 ACRES	
NE 1/4 SW 1/4	37.0 ACRES	2.9 ACRES
NW 1/4 SW 1/4	37.1 ACRES	2.9 ACRES
SW 1/4 SW 1/4	4.0 ACRES	1.2 ACRES
SE 1/4 SW 1/4	2.0 ACRES	2.7 ACRES
NE 1/4 SE 1/4	31.8 ACRES	2.5 ACRES
NW 1/4 SE 1/4	25.7 ACRES	6.8 ACRES
SW 1/4 SE 1/4		2.6 ACRES
SE 1/4 SE 1/4	2.7 ACRES	0.8 ACRE

SECTION 14

NE 1/4 NE 1/4	3.3 ACRES
SE 1/4 NE 1/4	10.8 ACRES
NE 1/4 SE 1/4	5.5 ACRES
SE 1/4 SE 1/4	0.3 ACRE

SECTION 15

TOWNSHIP 9 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

STANDARD CONDITIONS

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

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

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

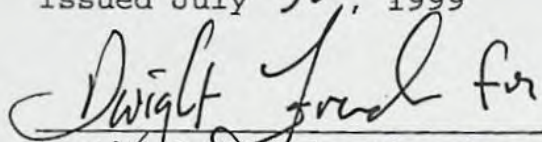
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin by July 30, 1999. 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 July 30, 1999


Martha O. Pagel, Director
Water Resources Department

Application S-84037 Water Resources Department
Basin 2 Volume 10A MILLER CR & MISC
RWK

PERMIT 53603
District 16

Mailing List for FO Copies

Application# S-84037

Mailing List Printed July 27, 1999

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

Applicant: GLEN D. & MARY L. WESTBROOK, 3022 UMATILLA PLACE, ALBANY, OREGON 97321

For FO w/Permit - Copies sent to:

1. WRD - File # S-84037
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - NWR (Gloria)

Copies Mailed
By: <u>JE</u>
(SUPPORT STAFF)
on: <u>8/5/99</u>
(DATE)

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

5. WRD - Watermaster District #: 16

COPIES TO Other Interested Persons

6. Corbey Boatwright (CWRE)

CASEWORKER: RWK

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **70454**

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

INVOICE # _____

RECEIVED FROM: Heritage Seedling, Inc
BY: _____

APPLICATION	<u>Below</u>
PERMIT	
TRANSFER	

CASH: CHECK: # 14114 OTHER: (IDENTIFY)

TOTAL REC'D \$ 25.00

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 R 34036 - \$12.50 \$ _____
0410 RESEARCH FEES R 34037 - \$12.50 \$ _____
0408 MISC REVENUE: (IDENTIFY) Below \$ 25.00
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME _____ \$ _____

WATER RIGHTS:		EXAM FEE	RECORD FEE
0201	SURFACE WATER	\$ _____	0202 \$ _____
0203	GROUND WATER	\$ _____	0204 \$ _____
0205	TRANSFER	\$ _____	
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$ _____	0219 \$ _____
	LANDOWNER'S PERMIT		0220 \$ _____
	OTHER (IDENTIFY) _____		

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD) _____ \$ _____
0231 HYDRO LICENSE FEE (FWWRD) _____ \$ _____
HYDRO APPLICATION _____ \$ _____

TREASURY OTHER / RDX

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

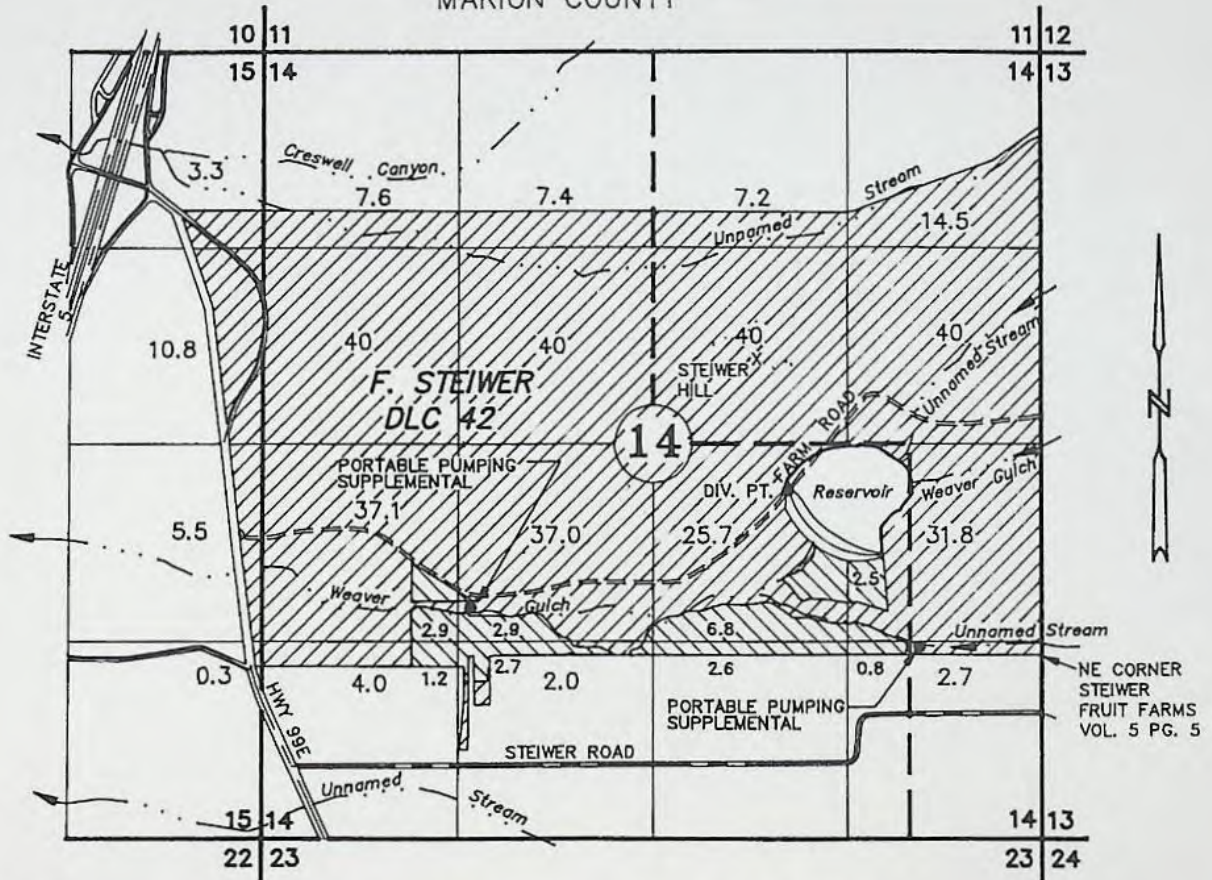
RECEIPT: **70454**

DATED: 9/29/01 BY: J. Allin

SUPERSEDING

T.9S. R.3W. W.M.

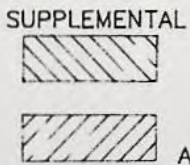
MARION COUNTY



TEXT SIZE AREA
 2.9 SUPPLEMENTAL
 4.0 PRIMARY

DIV. PT. LOCATION (PUMP): NW 1/4 SE 1/4, SEC. 14;
 1105' N AND 1725' WEST OF NE COR. STEIWER-FRUIT FARMS
 2030 SE SECTION 14

APPLICATION FOR APPROPRIATION OF SURFACE WATER



R-22915 R-916
 22916 18066
 R-84036
 S-84037

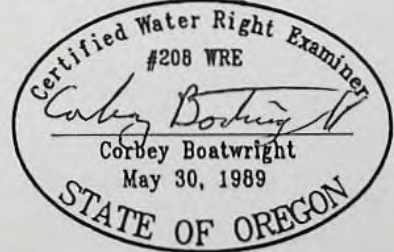
Application No. _____ Permit No. _____

GLENN AND MARY WESTBROOK

JANUARY 08, 1999
 SCALE 1" = 1320'

REVISED: APRIL 08, 1999
 REVISED: MAY 04, 1999

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.



RECEIVED

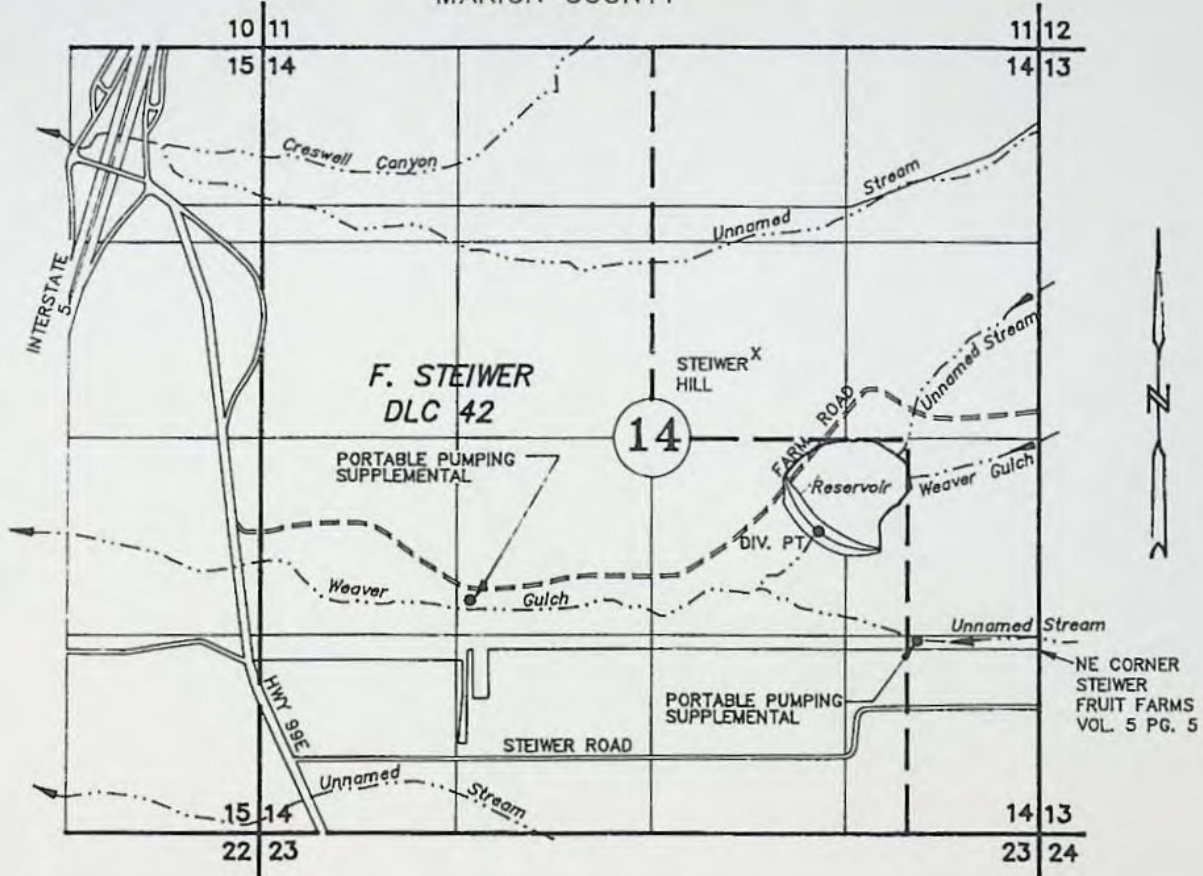
JUN 15 1999

WATER RESOURCES DEPT.
SALEM, OREGON

SUPERSEDING

T.9S. R.3W. W.M.

MARION COUNTY



DIV. PT. LOCATION (PUMP): NW 1/4 SE 1/4, SEC. 14;
785' N AND 1510' WEST OF NE COR. STEIWER FRUIT FARMS

APPLICATION TO CONSTRUCT A RESERVOIR

R-22915
22916
R-84036
S-84037

R-916
18066

Application No. _____

Permit No. _____

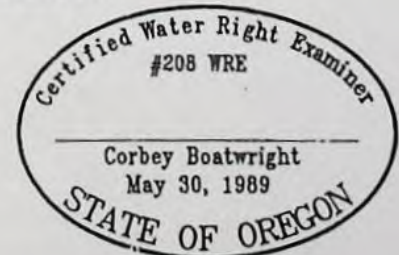
GLENN AND MARY WESTBROOK

JANUARY 08, 1999

SCALE 1" = 1320'

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

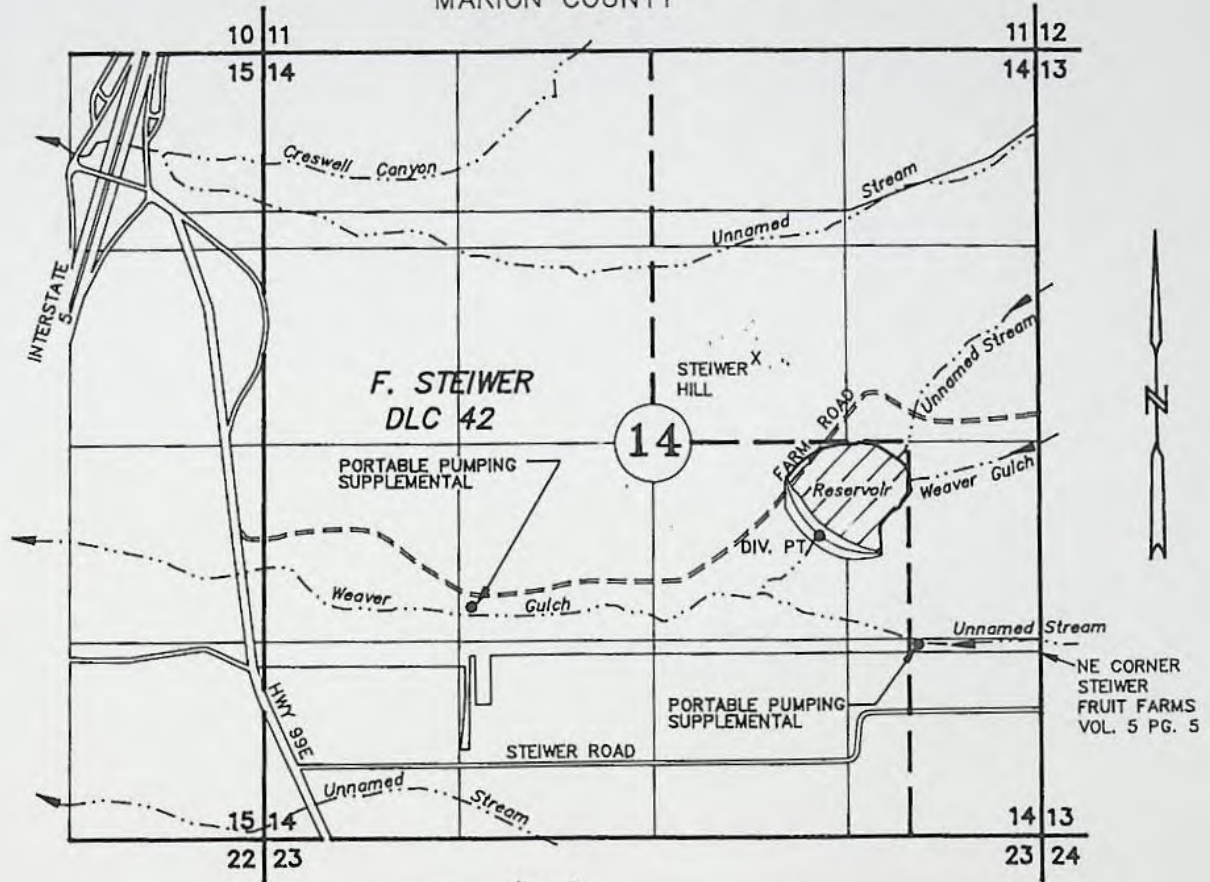
REVISED: APRIL 08, 1999
REVISED: APRIL 30, 1999



SUPERSEDING

T.9S. R.3W. W.M.

MARION COUNTY



(DAM)
 DIV. PT. LOCATION (PUMP): NW 1/4 SE 1/4, SEC. 14;
 785' N AND 1510' WEST OF NE COR. STEIWER FRUIT FARMS
 2030 SE SECTION 14

APPLICATION TO CONSTRUCT A RESERVOIR

R-22915
 22916
 R-84036
 S-84037

R-916
 18066

Application No. _____

Permit No. _____

GLENN AND MARY WESTBROOK

JANUARY 08, 1999

SCALE 1" = 1320'

REVISED: APRIL 08, 1999

REVISED: MAY '04, 1999

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.





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 1, 2004

Heritage Seedlings, Inc.
4194 71st. Avenue S.E.
Salem, Oregon 97301

Reference: Application R-84036, Permit R-12733
Application S-84037, Permit S-53603

The assignment from Glen D. and Mary L. Westbrook to Krautmann Family Nursery LLC., has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 70454 covering the recording fee of \$25.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: receipt 70454

cc: Watermaster 16
Glen D. Westbrook
Krautmann Family Nursery LLC
Data Center, OWRD
Mary Rohling
File

REQUEST FOR ASSIGNMENT

I, Glenn Westbrook / Mary Westbrook (dec.)
(Name of Applicant / Permit / Transfer Holder)

3022 Umatilla PI SW Albany OR 97321 (541) 928-8293
(mailing address) (City) (State) (Zip) (Phone #)

CHECK ONE

- ...hereby assign ***all my interest*** in and to application/permit/transfer;
- ...hereby assign ***all my interest*** in and to a ***portion*** of application/permit/transfer;
(You must include a map showing the portion of the application/permit to be assigned.)
- ...hereby assign ***a portion of my interest*** in and to the ***entire*** application/permit/transfer;

Application # R84036 / S84037, Permit # R12733 / S53603, Transfer # _____

-OR-

GR Statement # _____, GR Certificate of Registration # _____

as filed in the office of the Water Resources Director, to:

Krautmann Family Nursery LLC
(Name of New Owner)

4199 75th Ave SE Salem OR 97301-9242 (503) 585-9835
(mailing address) (City) (State) (Zip) (Phone #)

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

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

Witness my hand this 24 day of September, 2004.

Applicant/Permit holder _____

Applicant/Permit holder _____

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
Fee receipt # 70454
For Director by Jerry Sauter, Program Analyst in Water Rights Division *Jerry Sauter*

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

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

WATER RESOURCES DEPARTMENT
725 SUMMER STREET NE, SUITE A
SALEM, OREGON 97301-1271

RECEIVED

SEP 24 2004

WATER RESOURCES DEPT
SALEM, OREGON

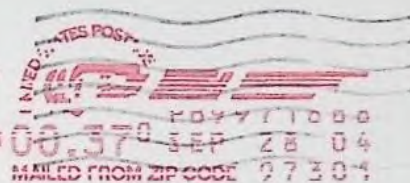
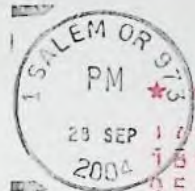
*Glenn Westbrook
9/24/2004*



HERITAGE

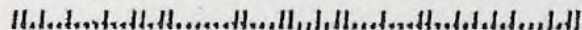
seedlings inc. _____ Unusual Deciduous Species

4194 71st Avenue S.E.
Salem, Oregon 97301 USA



WATER RESOURCES DEPT.
ATTN: JERRY SAUTER
725 Summer St NE, Suite A
Salem OR 97304-1271

97301+1271



Records have been redacted or withheld pursuant to the exemption for vital records specified in ORS 432.350.

FOR _____
DATE 9-21-04 TIME 11:14 A.M.
P.M.

FROM Frank McCally

FIRM Heritage Seedlings

PHONE 585 3290 9835
AREA CODE NUMBER EXTENSION

FAX
 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 \$25 - Assigh. fee

*Left message
9-21-04
@ 11:20*

SIGNED _____

 FORM 4007
MADE IN U.S.A.

MESSAGE



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

April 28, 2004

Heritage Seedlings Inc.
4194 71st. Avenue SE
Salem, Oregon 97301

Reference: Application R-84036, Permit R-12733
Application S-84037, Permit S-53603

Dear Heritage Seedlings Inc.:

I am returning the request for assignment and check you submitted on the above referenced water rights. I am not able to assign these files because the request is missing some needed information. The request does not show to whom these files are being assigned to, either an individual or a company etc. In addition these files are in the names of Glen and Mary Westbrook, and only Glen Westbrook has signed the request. This request will require Mary Westbrook's signature as well to authorize the assignment.

Should you have any questions, please do not hesitate to contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

encl: request and check

cc: file
Fiscal



S-84037

USER-ID 50160

2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

2001



Facility POD-ID	51502 K	51503 K	51504 K		
October - 2000	0	0	0		
November - 2000					
December - 2000					
January - 2001					
February - 2001					
March - 2001					
April - 2001					
May - 2001					
June - 2001					
July - 2001					RECEIVED
August - 2001					JAN 31 2002
September - 2001					WATER RESOURCES DEPT. SALEM, OREGON
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 0

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

[Signature]
Signature

owner
Title

Reporting Entity

1-28-02
Date



App: 84037

USER-ID 50160

Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form



1999

2000

✓ ✓ ✓

Facility <input type="checkbox"/>	POD-ID <input type="checkbox"/>	Westbrook Res	UNN STR	Weaver @		
October - 1999		0	0	0		
November - 1999						
December - 1999						
January - 2000						RECEIVED
February - 2000						DEC 01 2000
March - 2000						WATER RESOURCES DEPT. SALEM, OREGON
April - 2000						
May - 2000						
June - 2000						
July - 2000						
August - 2000						
September - 2000						
TOTAL *		0	0	0		

* 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.

Glenn Westbrook
3022 Vinnilla Pl SW
Albany, 97321

Glenn D. Westbrook

Signature

Title

Reporting Entity

Date

11-21-00

Glenn D. Westbrook

Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210

84037 & 84036

RECEIVED

Oregon

Aug. 12, 1999

AUG 13 1999

WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE

Salem District Office

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310

Re: Permit No. 53603 and R-12733
Westbrook, Glen and Mary
Marion County
Weaver Gulch > Miller Creek; 121 acre feet

ODFW inventoried the site of this proposed reservoir for the presence of fish resources on April 12, 1999. No fish species were present in the north branch of Weaver Gulch, where the reservoir will be located, and existing habitat does not appear to be suitable for supporting trout. Therefore, neither fish passage nor screening will be required at this impoundment.

Sincerely,

Wayne L. Hunt

Wayne Hunt
Fish Biologist

C: Boatwright Engineering
Glen and Mary Westbrook
Zarnowitz, HD



4412 Silverton Road NE
Salem, OR 97305
(503) 378-6925
FAX (503) 378-6233

Oregon

Aug. 12, 1999

Water Rights Section
Water Resources Department
158 12th Street NE
Salem, OR 97310



DEPARTMENT OF
FISH AND
WILDLIFE

Salem District Office

S-64037
R-84036
Re: Permit No. 53603 and R-12733
Westbrook, Glen and Mary
Marion County
Weaver Gulch > Miller Creek; 121 acre feet

ODFW inventoried the site of this proposed reservoir for the presence of fish resources on April 12, 1999. No fish species were present in the north branch of Weaver Gulch, where the reservoir will be located, and existing habitat does not appear to be suitable for supporting trout. Therefore, neither fish passage nor screening will be required at this impoundment.

Sincerely,

A handwritten signature in cursive script that reads "Wayne L. Hunt".

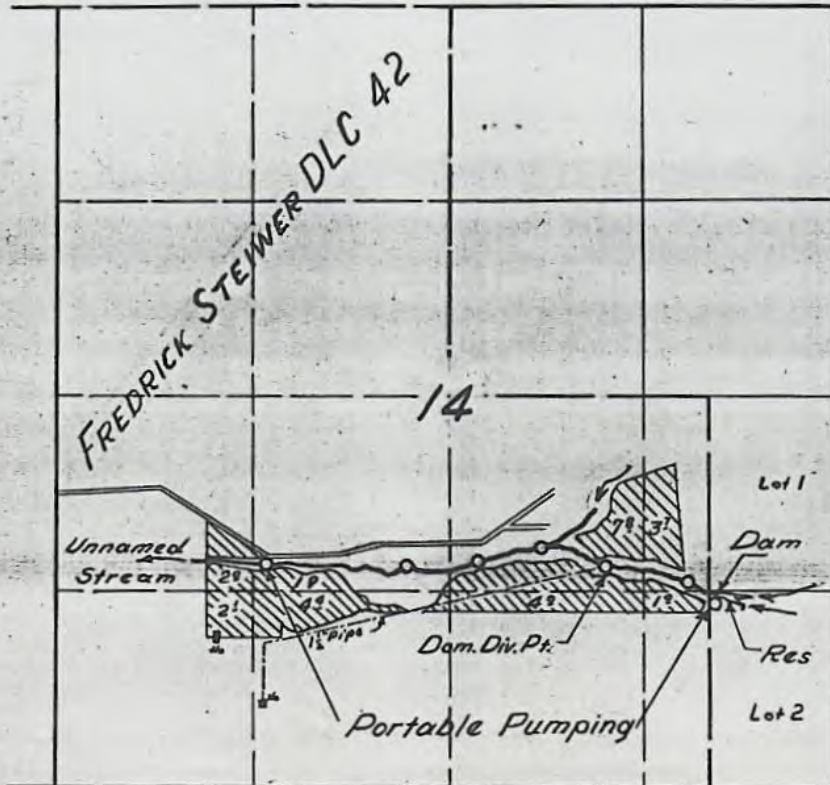
Wayne Hunt
Fish Biologist

C: Boatwright Engineering
Glen and Mary Westbrook
Zarnowitz, III



4412 Silvertown Road NE
Salem, OR 97305
(503) 378-6925
FAX (503) 378-6233

T. 9 S. R. 3 W. W. M.



FINAL PROOF SURVEY

UNDER

R-22915

R-916

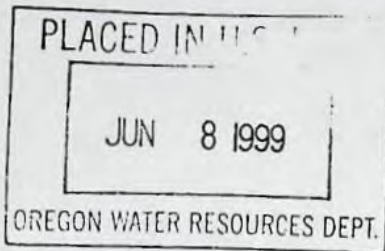
Application No. 22916 Permit No. 18066

IN NAME OF

KARL STEIWER

Surveyed 17 May 1956, by [Signature]

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number S-84037

Proposed Final Order

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

Application History

On January 15, 1999, GLEN D. & MARY L. WESTBROOK submitted an application to the Department for the following water use permit:

- Amount of Water: 121.0 ACRE-FEET FROM WESTBROOK RES, AND 1.0 CUBIC FOOT PER SECOND, BEING 0.3 CFS FROM AN UNNAMED STREAM AND 0.7 CFS FROM WEAVER GULCH
- Use of Water: IRRIGATION OF 378.4 ACRES AND RECREATION
- Source of Water: WESTBROOK RESERVOIR, AN UNNAMED STREAM AND WEAVER GULCH, TRIBUTARIES OF MILLER CREEK
- Area of Proposed Use: MARION County within SECTION 14, TOWNSHIP 9 SOUTH, RANGE 3 WEST, W.M.

On 3/23/99, the Department mailed the applicant notice of its Initial Review, determining that "The use of 105.0 ACRE-FEET FROM WESTBROOK RES TRIBUTARY OF MILLER CREEK for IRRIGATION OF 378.4 ACRES is allowable from March 1 through October 31 of each year. The use of 1.0 CUBIC FOOT PER SECOND, BEING 0.3 CFS FROM AN UNNAMED STREAM AND 0.7 CFS FROM WEAVER GULCH TRIBUTARIES OF MILLER CREEK for IRRIGATION OF 378.4 ACRES is allowable from March 1 through June 30 of each year." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 4/6/99, 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.

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
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Willamette Basin Program allows the following uses: IRRIGATION AND RECREATION. The use of water from live flow is limited to September 1 through June 30 for these uses.

The use of water for recreation use will be addressed under application R-84036. Water for maintenance of the reservoir for recreation use is not part of the request under application S-84037.

Senior water rights exist on WESTBROOK RESERVOIR, AN UNNAMED STREAM AND WEAVER GULCH, TRIBUTARIES OF MILLER CREEK, or on downstream waters.

WESTBROOK RESERVOIR, AN UNNAMED STREAM AND WEAVER GULCH, TRIBUTARIES OF MILLER CREEK, are not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at an 80 percent exceedance probability) for the period March 1 through October 31. The availability of stored water is contingent on approval of application R-84036.

The Department finds that the amount of water requested, 105 ACRE-FEET FROM WESTBROOK RES, 1.0 CUBIC FOOT PER SECOND (CFS), BEING 0.3 CFS FROM AN UNNAMED STREAM AND 0.7 CFS FROM WEAVER GULCH, is allowable for irrigation.

There is no evidence in the record of the presence of game fish at the described point of diversion.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest 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.

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) 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 will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

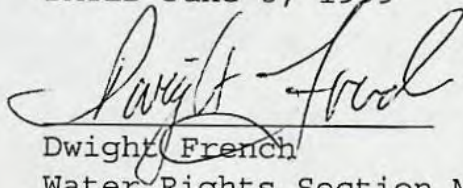
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

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 will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED June 8, 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 537.153(5), 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 **July 23, 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 Russell W. Klassen. 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 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. Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310
Fax: (503)378-2496

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF MARION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

GLEN D. & MARY L. WESTBROOK
3022 UMATILLA PLACE
ALBANY, OREGON 97321

(541) 928-8293

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

APPLICATION FILE NUMBER: S-84037

SOURCE OF WATER: WESTBROOK RESERVOIR CONSTRUCTED UNDER APPLICATION R-84036, AN UNNAMED STREAM, AND WEAVER GULCH, TRIBUTARIES OF MILLER CREEK

PURPOSE OR USE: IRRIGATION OF 356.9 ACRES AND SUPPLEMENTAL IRRIGATION OF 22.4 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 105 ACRE-FEET OF STORED WATER ONLY AND 1.0 CUBIC FOOT PER SECOND, BEING 0.3 CFS FROM UNNAMED STREAM AND 0.7 CFS FROM WEAVER GULCH

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FROM STORED WATER, AND MARCH 1 THROUGH JUNE 30 AND SEPTEMBER 1 THROUGH OCTOBER 31 FROM LIVE FLOW

DATE OF PRIORITY: JANUARY 15, 1999

POINT OF DIVERSION LOCATION: NW 1/4 SE 1/4, SECTION 14, T9S, R3W, W.M.; RESERVOIR - 2030 FEET NORTH & 1725 FEET WEST FROM SE CORNER, SECTION 14

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL
NE 1/4 NE 1/4	14.5 ACRES	
NW 1/4 NE 1/4	7.2 ACRES	
SW 1/4 NE 1/4	40.0 ACRES	
SE 1/4 NE 1/4	40.0 ACRES	
NE 1/4 NW 1/4	7.4 ACRES	
NW 1/4 NW 1/4	7.6 ACRES	
SW 1/4 NW 1/4	40.0 ACRES	
SE 1/4 NW 1/4	40.0 ACRES	
NE 1/4 SW 1/4	37.0 ACRES	2.9 ACRES
NW 1/4 SW 1/4	37.1 ACRES	2.9 ACRES
SW 1/4 SW 1/4	4.0 ACRES	1.2 ACRES
SE 1/4 SW 1/4	2.0 ACRES	2.7 ACRES
NE 1/4 SE 1/4	31.8 ACRES	2.5 ACRES
NW 1/4 SE 1/4	25.7 ACRES	6.8 ACRES
SW 1/4 SE 1/4		2.6 ACRES
SE 1/4 SE 1/4	2.7 ACRES	0.8 ACRES
SECTION 14		
NE 1/4 NE 1/4	3.3 ACRES	
SE 1/4 NE 1/4	10.8 ACRES	
NE 1/4 SE 1/4	5.5 ACRES	
SE 1/4 SE 1/4	0.3 ACRES	

TOWNSHIP 9 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from 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



Oregon Water Resources Department

Application for a Permit to Use Surface Water

EXAM 250.00
150.00 1 cfs
Recd 175.00
575.00

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: Westbrook Glen D.
Last First MI
Mary L.

Mailing address: 3022 Umatilla Place

Albany Oregon 97321
City State Zip

Phone: (541) 928-8293
Home Work Other

*Fax: (541) 928-2496 *E-Mail address: _____

B. Organizations

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

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

For Department Use

App. No. 84037 Permit No. _____ Date 1/7/99

2. Location and Source

The Department cannot 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 points of diversion 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 diversion proposed? Marion

B. River Basin

(see instruction booklet page 3 for list): Willamette River

C. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Westbrook Resv. Tributary to: Miller Creek

Source 2: Unnamed Stream Tributary to: Weaver Gulch

Source 3: Weaver Gulch Tributary to: Miller Creek

Source 4: _____ Tributary to: _____

D. Property Ownership

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

Yes (Skip to section no. 3 "Water Use")

No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.**

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.

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

Irrigate at night when practical

RECEIVED

JAN 15 1999

WATER RESOURCES DEPT.
SALEM, OREGON

5. Resource Protection

Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See Appendix A in the instruction booklet for a list of possible permit requirements from other agencies. Please indicate any of the following practices you plan to undertake to protect water resources:

Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: irrigation pump intake will be screened

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: N/A there will be no excavation or

clearing of the stream banks

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: only equipment used will be irrigation pump which will

be screened.

Water quality will be protected by preventing erosion and runoff of waste or chemical products.

Describe: the amount of irrigated land upgradient will be minimal and

Other: the natural ground cover will remain intact to prevent

erosion. Exposed surfaces caused by the reservoir

construction will be planted w/ a mixed grass seed

cover to provide erosion protection.

*JMB 1-15-99
Boatwright Eng.*

6. Project Schedule

Proposed date construction will begin permit date + 1 year

Proposed date construction will be completed permit date + 2 years

Proposed date beneficial water use will begin permit date + 5 years

R-84037

RECEIVED

JAN 15 1999

WATER RESOURCES DEPT.
SALEM, OREGON

3. Water Use

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of 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 page 3 in the instruction booklet for a list of Beneficial Uses.)

Irrigation and Recreation

- 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 amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

Source	Use	Amount
Westbrook Resv.	Irrigation	105 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Westbrook Resv.	Recreation	16 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Weaver Gulch	Irrigation	0.7 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Unnamed Stream	Irrigation	0.3 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

JMB 1-15-99
Boatwright Eng.

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses such as irrigation, give dates when water use would begin and end):

Irrigation - March 1 to October 31
Recreation - Year-round

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used:

3. Water Use

Please read the instruction booklet for more details on "type of use" definitions, how to express the amount of 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 page 3 in the instruction booklet for a list of Beneficial Uses.)

Irrigation and Recreation

- 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 amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

Source	Use	Amount	
Westbrook Resv.	Irrigation	105	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Westbrook Resv.	Recreation	16	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Weaver Gulch	Irrigation	1	<input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Unnamed Stream	Irrigation	1	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses such as irrigation, give dates when water use would begin and end):

Irrigation - March 1 to October 31
 Recreation - Year-round

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used:

4. Water Management

A. Diversion

What method will you use to divert water from the source?

- Pump (give horsepower and pump type) 25 hp Turbine
- Head-gate (give dimensions) _____
- Other means (describe) _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir
- Meter
- Periodic Sampling
- Other (describe) _____

C. 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
- Pipe (give diameter and total length)
Diameter(s) 6" Length 2000' ±
- Other (describe) _____

D. 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 _____ Not Determined Yet

Distribution method

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

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain.

Irrigate at night when practical

5. Resource Protection

Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See Appendix A in the instruction booklet for a list of possible permit requirements from other agencies. Please indicate any of the following practices you plan to undertake to protect water resources:

Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions:

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions:

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe:

Water quality will be protected by preventing erosion and runoff of waste or chemical products. Describe:

Other:

6. Project Schedule

Proposed date construction will begin permit date + 1 year

Proposed date construction will be completed permit date + 2 years

Proposed date beneficial water use will begin permit date + 5 years

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.

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 receive 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 cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

Shawn D. Westbrook

Signature of Applicant

Dec 23 - 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?

FO CHECKLIST

FILE # 84037
 PFO WEEK # 202

PFO TO FO CONVERSION

REVIEW DATE: 7/26/99
 INITIALS: RWK

In preparing to create the FO, you should check the following:

1. Y / N Were **comments or protests** received? If so, from whom and when?

THE APPLICANT 6/14/99

2. Y / N / NA Have affected owners, commentors, & those who paid \$10 been **notified** at the proper address?

3. Y / N / NA Has ODFW asked for **self certification** of screening? (If so, write "ODFW CERT" in the permit block on the file.)

4. Y / N Fees due?

owe	195	250 BASE 150 ICFB 100 10 AF 95 95 AF 175 REC <hr style="width: 50px; margin: 0;"/> 770 575 PD <hr style="width: 50px; margin: 0;"/> 195
-----	-----	--

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

6. Y / N Is **additional information required**, fees, secondary, etc., prior to permit? (Send certified letter prior to FO)

7. Y / N Assign **permit numbers** _____

8. Y / N Do the PFO conclusions require **modification**? Why? _____

FO Type: FOMOD DENIAL FO w/o PERMIT FO & PERMIT

	MGMT CODES
<p style="text-align: center; font-style: italic;">THERE WERE ADJUSTMENTS TO LOCATION OF ACRES & DESCRIPTION OF SOURCES AREA TO PFO THAT WERE NOT INCORPORATED IN THE PFO</p>	

Once created, modify FO as needed to:

9. Y / N Correct PFO **errors** (such as POD or POU location [verify from map] or Permit format)

10. **Save** WordPerfect document in M:\GROUPS\WR\FO\WEEK 201 & delete duplicates.

PFO CHECKLIST

Application #: 5 84037
County MARION Basin: WILLAMETTE 2
Township 9S Range 3W Section 14 1/4 1/4 NWSE

- 1. Complete by Minimum Requirements Checklist? Y / N
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y / N Should process continue Y / N
- 3. Groundwater Review A B C D River/Stream Name _____
 - a. Groundwater Availability A B C
 - b. Is second groundwater review complete Y / N necessary? (comments) Y / N
 - c. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y / N within area
- 4. Is use from BOR / Doug Co. project? Y / N Contract in file? Y / N Contract # _____
- 5. Is the use allowed by the Basin Program? Y / N Limited? Y / N LV FLW 3-6/30 + 9-10/31 STORED H₂O YEAR RWS
- 6. Water Availability Data OK / REDONE / NA (80% live flow & 50% storage) _____
- 7. Is the source **withdrawn** or limited by statute or Department order? Y / N _____
- 8. Is the Proposed Use located in or above a **SWW**? Y / N _____
- 9. Division 33: Y / N / NA Above Bonn (after July 17, 1992) Y / N
 Below Bonn (after April 8, 1994; June 3, 1994) Y / N
 Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N
- 10. IR identifies as on DEQ 303d List? Y / N / NA Comments received? Y / N
- 11. Have **conflicts** been addressed? Y / N / NA RESOLVED BY SUPERSEDING MAP
- 12. Duty PRO 25 Irrigation Season _____
- 13. Period of Allowed Use 3-6/30 + 9-10/31 LV FLW / YEAR RWS STORES H₂O

14. Allowed Rate .7 cfs from Veneta Gulch + .3 cfs from WINNARD STREAM + 121 AF
378.4 x .025 = 4.73

summary:
LV FLW LIMITED BY
BASIN PLAN TO
3-6/30 + 9-10/31

15. **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF)
condition **7I** and **municipal** use ≤ 0.1 cfs require the **Large** condition

16. **Conditions** PISPC
New River Basin? Y / N / NA (see M:\groups\wr\pfo\findings & other lang)

17. IR Date 3/23/99 Public Notice Date 4/6/99 Comment Rec'd _____

18. CWRE, representatives or Property owners to notify? Y / N CORREY BOUTWRIGHT OVER →

Initials: PKK Date: 5/25/99

H₂O IS DIVERTED FROM THE STREAM @ THE POINT
WHERE DAM INTERSECTS THE ORIGINAL STREAM
BED. MEASURED DISTANCES FROM MAP SUPPLIED
BY APPLICANTS REPRESENTATIVE. MEASUREMENTS
FROM PROPERTY CORNER NOT ACCEPTABLE.

IR CHECKLIST

Application # S-84037 Priority Date: 1/7/99
 Basin: 2-WILL County: MARION
 Township 9S Range 3W Section 14 1/4 1/4 N/4 SE
 WAB: 01053 POU WAB: _____

1. Complete by Minimum Requirements checklist Y N Items still required: _____

N/A 2. Groundwater Review A B C D River/Stream Name _____
 Conditions _____ Water Availability A B C _____

3. Is the well located in a groundwater limited area? Y N Name _____

4. Is the well located in TIN R3E SEC 20, 21, 28, 29 Y N

5. Within or above a Scenic Waterway Y N Conditions/Restrictions Y N

6. Basin Maps have been checked Y N Will R @ N.E.S. Santiam confluence

7. Allowed under Basin Program Y N Limitations Y N 690-502-050(i)(e) @ WILL Rm 106.

8. Withdrawn Y N Season Allowed 9/1-6/30 1R L.F. 4R-STORED

9. Water Availability 80% 4R 50% _____ N/A 690-502-040(j)

10. Use 1R Period of allowed use 3/1-6/30

11. Season requested by applicant 3/1-10/31

12. For Irrigation: Rate 1/80 Duty 2 1/2 Season 3/1-10/31

13. For Nursery or Cranberry: Rate _____ Duty _____ Season _____

14. Allowable rate of use: 378.4/80 = 4.73 cfs, 946.0 AF.

Requested Rate: 105.0 AF, .70, .30
weaver unnamed

15. BOR project Y N Contract # _____

16. Subject to Division 33 Y N N/A Above Bonneville _____ TES Y N
 Below Bonneville TES Y N TES only Y N

17. Conflict Y N C 23305, C 23306 (les)

18. Conditions? (BOR, GW, other) Y N

19. Measuring condition Small _____ Medium _____ Large

20. Within Dept. Of Agriculture Water Quality Management Area Y N N/A
 TUALATIN _____ BEAR CREEK (ROGUE) _____

21. On DEQ 303d list Y N N/A

22. Land use approval OK'd Needs Approval County Notified N/A

23. Watermaster Dist: (1 2 16 18 20 NWR) (3 4 5 NCR) (6 8 9 10 ER)
 (11 12 17 SCR) (13 14 15 19 SWR)

24. ODFW Biologist Nancy Leibowitz

24. Letter will be: GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

ve: Corby Bostwright
 Name: [Signature] Date: 3/4/99

WATER AVAILABILITY TABLE

Basin: WILLAMETTE Exceedance Level: 80
 Water Availability Subbasin: 0105300000000000 (and Nested Subbasins)
 Time: 11:26 Date: 03/04/1999

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0100000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2	0105000000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
3	0105300000000000	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

STREAM NAMES

Basin: WILLAMETTE
 Water Availability Subbasin: 0105300000000000 (and Nested Subbasins)
 Time: 11:26 Date: 03/04/1999

WAB #	Stream Name	Tributary to
0100000000000000	WILLAMETTE R @ mouth	COLUMBIA R
0105000000000000	WILLAMETTE R ab MOLALLA R	COLUMBIA R
0105300000000000	WILLAMETTE R @ 14191000	COLUMBIA R

LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0105300000000000
 Basin: WILLAMETTE Exceedance Level: 80
 Time: 11:26 Date: 03/04/1999

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0105300000000000	WILLAMETTE R @ 14191000	YES	16600.0
2	0105300000000000	WILLAMETTE R @ 14191000	YES	15400.0
3	0105300000000000	WILLAMETTE R @ 14191000	YES	13400.0
4	0105300000000000	WILLAMETTE R @ 14191000	YES	12300.0
5	0105300000000000	WILLAMETTE R @ 14191000	YES	12100.0
6	0105300000000000	WILLAMETTE R @ 14191000	YES	6010.0
7	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	2020.0
8	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	1000.0
9	0105000000000000	WILLAMETTE R ab MOLALLA R	YES	1330.0
10	0105300000000000	WILLAMETTE R @ 14191000	YES	2920.0
11	0105300000000000	WILLAMETTE R @ 14191000	YES	7640.0
12	0105300000000000	WILLAMETTE R @ 14191000	YES	15000.0
Stor	0105300000000000	WILLAMETTE R @ 14191000	YES	*****

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE
 Stream: WILLAMETTE R @ mouth
 Water Availability Subbasin: 0100000000000000
 Time: 11:26

Exceedance Level: 80
 ID Number: 181
 Date: 03/04/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	28800.00	483.00	28300.00	261.00	28000.00	1500.00	26500.00
2	31100.00	3550.00	27600.00	258.00	27300.00	1500.00	25800.00
3	29300.00	4600.00	24700.00	248.00	24500.00	1500.00	23000.00
4	26100.00	4410.00	21700.00	236.00	21500.00	1500.00	20000.00
5	21200.00	2170.00	19000.00	230.00	18800.00	1500.00	17300.00
6	10900.00	1270.00	9630.00	422.00	9210.00	1500.00	7710.00
7	6300.00	1640.00	4660.00	428.00	4230.00	1500.00	2730.00
8	4940.00	1470.00	3470.00	395.00	3070.00	1500.00	1570.00
9	5030.00	1090.00	3940.00	372.00	3570.00	1500.00	2070.00
10	6030.00	358.00	5670.00	178.00	5490.00	1500.00	3990.00
11	12800.00	374.00	12400.00	216.00	12200.00	1500.00	10700.00
12	25800.00	415.00	25400.00	259.00	25100.00	1500.00	23600.00
Stor	19900000	1960000	18000000	210000	17800000	1080000	16700000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE
 Stream: WILLAMETTE R @ mouth
 Water Availability Subbasin: 0100000000000000
 Time: 11:26

Date: 03/04/1999

APP #	181A	0	ISWRs	0	0	0	RESULTANT
STATUS	Cert.						
1	1500.00	.00	.00	.00	.00	.00	1500.00C
2	1500.00	.00	.00	.00	.00	.00	1500.00C
3	1500.00	.00	.00	.00	.00	.00	1500.00C
4	1500.00	.00	.00	.00	.00	.00	1500.00C
5	1500.00	.00	.00	.00	.00	.00	1500.00C
6	1500.00	.00	.00	.00	.00	.00	1500.00C
7	1500.00	.00	.00	.00	.00	.00	1500.00C
8	1500.00	.00	.00	.00	.00	.00	1500.00C
9	1500.00	.00	.00	.00	.00	.00	1500.00C
10	1500.00	.00	.00	.00	.00	.00	1500.00C
11	1500.00	.00	.00	.00	.00	.00	1500.00C
12	1500.00	.00	.00	.00	.00	.00	1500.00C

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE
 Stream: WILLAMETTE R ab MOLALLA R
 Water Availability Subbasin: 0105000000000000
 Time: 11:26

Exceedance Level: 80
 ID Number: 182
 Date: 03/04/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	21400.00	347.00	21100.00	195.00	20900.00	1500.00	19400.00
2	23200.00	3290.00	19900.00	193.00	19700.00	1500.00	18200.00
3	22400.00	4480.00	17900.00	191.00	17700.00	1500.00	16200.00
4	19900.00	4280.00	15600.00	186.00	15400.00	1500.00	13900.00
5	16600.00	1970.00	14600.00	194.00	14400.00	1500.00	12900.00
6	8740.00	854.00	7890.00	365.00	7520.00	1500.00	6020.00
7	4980.00	1100.00	3880.00	363.00	3520.00	1500.00	2020.00
8	3830.00	986.00	2840.00	335.00	2500.00	1500.00	1000.00
9	3890.00	727.00	3160.00	327.00	2830.00	1500.00	1330.00
10	4850.00	253.00	4600.00	159.00	4440.00	1500.00	2940.00
11	10200.00	263.00	9940.00	179.00	9760.00	1500.00	8260.00
12	19300.00	287.00	19000.00	195.00	18800.00	1500.00	17300.00
Stor	15100000	1750000	13400000	173000	13200000	1080000	12100000

DETAILED REPORT OF ISWRs

Basin: WILLAMETTE
 Stream: WILLAMETTE R ab MOLALLA R
 Water Availability Subbasin: 0105000000000000
 Time: 11:26

Date: 03/04/1999

ISWRs						
APP #	182A	0	0	0	0	RESULTANT
STATUS	Cert.					
1	1500.00	.00	.00	.00	.00	1500.00C
2	1500.00	.00	.00	.00	.00	1500.00C
3	1500.00	.00	.00	.00	.00	1500.00C
4	1500.00	.00	.00	.00	.00	1500.00C
5	1500.00	.00	.00	.00	.00	1500.00C
6	1500.00	.00	.00	.00	.00	1500.00C
7	1500.00	.00	.00	.00	.00	1500.00C
8	1500.00	.00	.00	.00	.00	1500.00C
9	1500.00	.00	.00	.00	.00	1500.00C
10	1500.00	.00	.00	.00	.00	1500.00C
11	1500.00	.00	.00	.00	.00	1500.00C
12	1500.00	.00	.00	.00	.00	1500.00C

DETAILED REPORT ON WATER AVAILABILITY

Basin: WILLAMETTE
 Stream: WILLAMETTE R @ 14191000
 Water Availability Subbasin: 0105300000000000
 Time: 11:26

Exceedance Level: 80
 ID Number: 14191000
 Date: 03/04/1999

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	18400.00	500.00	17900.00	36.70	17900.00	1300.00	16600.00
2	20100.00	3400.00	16700.00	34.90	16700.00	1300.00	15400.00
3	19600.00	4900.00	14700.00	34.20	14700.00	1300.00	13400.00
4	18000.00	4400.00	13600.00	31.50	13600.00	1300.00	12300.00
5	15500.00	2100.00	13400.00	41.40	13400.00	1300.00	12100.00
6	8310.00	920.00	7390.00	75.90	7310.00	1300.00	6010.00
7	4710.00	1090.00	3620.00	80.70	3540.00	1300.00	2240.00
8	3620.00	1010.00	2610.00	59.80	2550.00	1300.00	1250.00
9	3680.00	830.00	2850.00	54.00	2800.00	1300.00	1500.00
10	4650.00	410.00	4240.00	23.70	4220.00	1300.00	2920.00
11	9400.00	430.00	8970.00	28.20	8940.00	1300.00	7640.00
12	16700.00	400.00	16300.00	36.60	16300.00	1300.00	15000.00
Stor	13400000	1830000	11600000	32200	11500000	934000	10600000

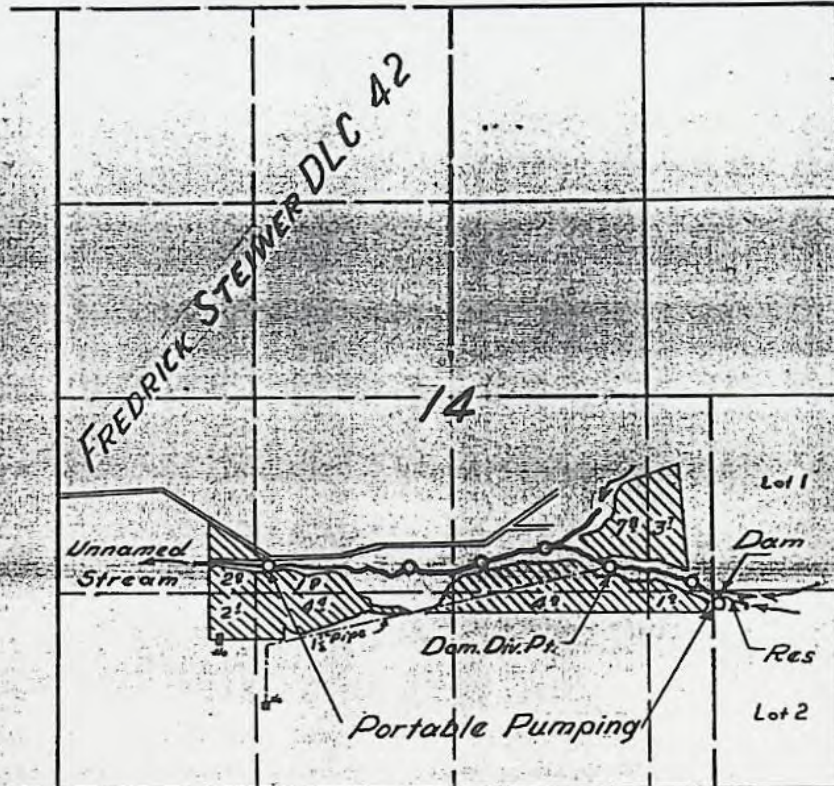
DETAILED REPORT OF ISWRs

Basin: WILLAMETTE
 Stream: WILLAMETTE R @ 14191000
 Water Availability Subbasin: 0105300000000000
 Time: 11:26

Date: 03/04/1999

-----ISWRs-----						
APP #	183A	0	0	0	0	RESULTANT
STATUS	Cert.					
1	1300.00	.00	.00	.00	.00	1300.00C
2	1300.00	.00	.00	.00	.00	1300.00C
3	1300.00	.00	.00	.00	.00	1300.00C
4	1300.00	.00	.00	.00	.00	1300.00C
5	1300.00	.00	.00	.00	.00	1300.00C
6	1300.00	.00	.00	.00	.00	1300.00C
7	1300.00	.00	.00	.00	.00	1300.00C
8	1300.00	.00	.00	.00	.00	1300.00C
9	1300.00	.00	.00	.00	.00	1300.00C
10	1300.00	.00	.00	.00	.00	1300.00C
11	1300.00	.00	.00	.00	.00	1300.00C
12	1300.00	.00	.00	.00	.00	1300.00C

T9S.R.3W.W.M.



FINAL PROOF SURVEY

UNDER

R-22915

R-916

Application No. 22916

Permit No. 18066

IN NAME OF

KARL STEIWER

Surveyed 17 May 1956, by

C. Schubert

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ESTATE OF JANET GREY STELWER
of R. H. Bassett
325 Oregon Building, Salem, State of Oregon 97305, has made proof

to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
an unnamed stream, tributary of Miller Creek, tributary of Willamette River, to
be appropriated under Application No. 22916, Permit No. 18066,

irrigation, domestic and fish propagation for the purposes of

under Reservoir Permit No. R-916 of the State Engineer, and that said right to store said
waters has been perfected in accordance with the laws of Oregon; that the priority of the right
hereby confirmed dates from November 18, 1947,

that the amount of water entitled to be stored each year under such right, for the purposes afore-
said, shall not exceed 0.8 acre-feet.

The reservoir is located in Section 14 Lot 2 (SE 1/4 SE 1/4) Tp. 9 S. , R. 3 W. , W. M.

WITNESS the signature of the State Engineer,
affixed this 20th day
of November , 19 57

LEWIS A. STANLEY
State Engineer.

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ESTATE OF JANET GRAY STEIWER
 & R. H. Bassett 97303
 of 325 Oregon Building, Salem, State of Oregon, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
 an unnamed stream and reservoir constructed under Application No. R-22915, Permit
 No. R-916 tributary of Willamette River for the purpose of
 irrigation, domestic use 2 families, and fish propagation
 under Permit No. 18066 of the State Engineer, and that said right to the use of said waters
 has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
 confirmed dates from November 18, 1947

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
 0.25 cubic foot per second, being 0.19 c.f.s. for irrigation, 0.01 c.f.s. for domestic & 0.05 c.f.s. for fish propagation,

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within
 Steiwer DLC #42, Lot 2 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 14, Township 9 South, Range 3 West, W.M.

The amount of water used for irrigation, together with the amount secured under any other
 right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
 per acre, or its equivalent for each acre irrigated from direct flow and shall be
 further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each
 acre irrigated during the irrigation season of each year from direct flow and
 storage from reservoir constructed under Permit No. R-916,

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

A description of the place of use under the right hereby confirmed, and to which such right is
 appurtenant, is as follows:

- 1.9 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
- 2.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
- 2.1 acres and domestic in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
- 4.4 acres and domestic in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
- 7.8 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
- 1.8 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
- All as projected within Steiwer DLC No. 42
- Fish Propagation in Lot 2 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
- Section 14
- Township 9 South, Range 3 West, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
 use herein described.

WITNESS the signature of the State Engineer, affixed

this 20th day of November, 19 57.

.....LEWIS A. STANLEY.....
 State Engineer

✓ 002

Row	App #	Acres	Use	Prim/Supp	Swapping App #	PERMIT	CERT #	Status	Use	Acres	Prim/Supp	
	84037	38.00	IR									
	9.005	3.00W14	NWSE	Conflicts:	82511			V	LV	0.000	P	
S	84037	40.00	IR	P								
	9.005	3.00W14	NWSE	Conflicts:	22915	S	18055	23305	V	IR	1.500	P
S	84037	27.20	IR	P								
	9.005	3.00W14	NWSE	Conflicts:	84035	R			V	IR	0.000	P
					84035	R			V	IR	0.000	P
					22915	S	18055	23305	V	IR	1.200	P
					22915	S	18055	23305	V	IR	1.800	P
S	84037	40.00	IR	P								
	9.005	3.00W14	NWSE	Conflicts:	22915	S	18055	23305	V	IR	2.300	P
S	84037	2.70	IR	P								
	9.005	3.00W14	SESE	Conflicts:	22915	R	970	23305	V	PT	0.500	P
					22915	S	18055	23305	V	PT	0.000	P
					22915	R	970	23305	V	PT	0.000	P
					82511	R	970	23305	V	LV	0.000	P
					18055	S	18055	23305	V	IR	4.200	P
					01830	S	18055	23305	V	IR	4.200	P
S	84037	4.20	IR	P								
	9.005	3.00W14	SESW	Conflicts:	22915	S	18055	23305	V	P	4.400	P
S	84037	40.00	IR	P								
	9.005	3.00W14	SWNF	Conflicts:	82511	R			V	LV	0.000	P
S	84037	2.50	IR	P								
	9.005	3.00W14	SWSE	Conflicts:	22915	S	18055	23305	V	IR	1.800	P
S	84037	3.10	IR	P								
	9.005	3.00W14	SWSW	Conflicts:	18055	S	18055	14500	V	IR	0.000	P
					22915	S	18055	23305	V	IR	2.100	P

no
 yes
 subject
 yes

yes
 Conflict
 No
 NCR

yes
 no
 yes
 no
 yes

RECEIVED

JAN 7 1999

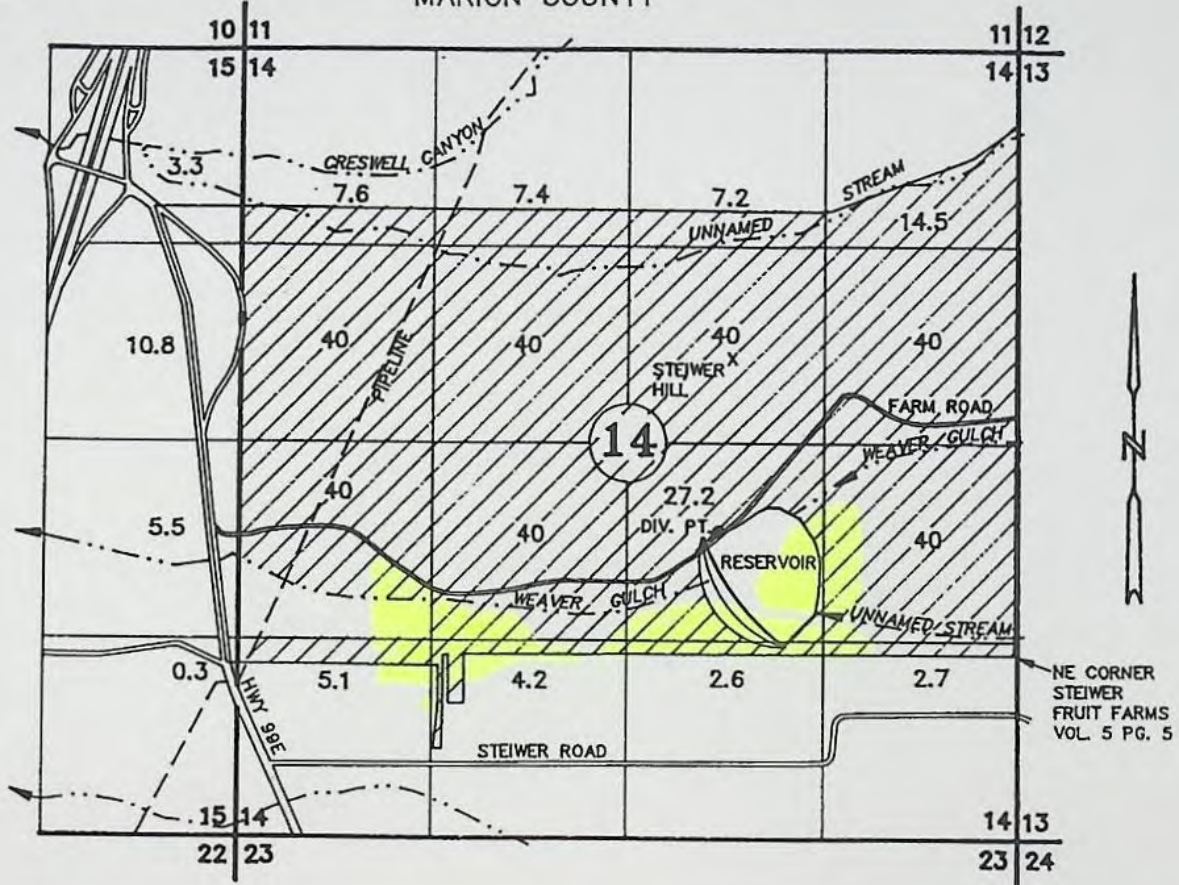
WATER RESOURCES DEPT.
SALEM, OREGON

Application No. 84037

Permit No.

T.9S. R.3W. W.M.

MARION COUNTY



DIV. PT. LOCATION (PUMP): NW 1/4 SE 1/4, SEC. 14;
820' N AND 2010' WEST OF NE COR. STEJWER FRUIT FARMS

APPLICATION FOR APPROPRIATION OF SURFACE WATER

Application No. _____

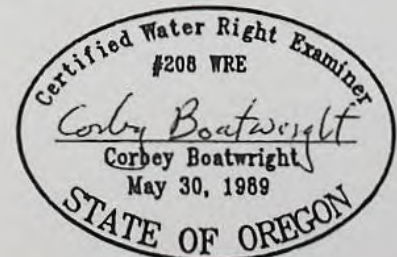
Permit No. _____

GLENN AND MARY WESTBROOK

JAN 08, 1999

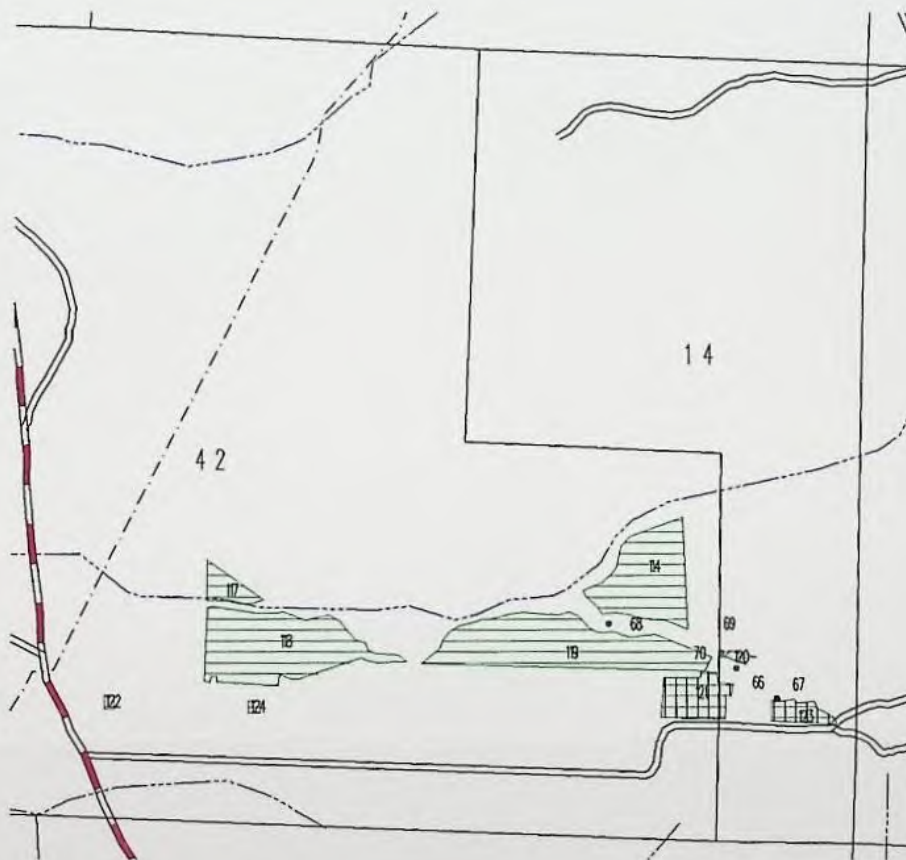
SCALE 1" = 1320'

NOTE: This map is for the purpose of identifying the location of water rights and has not intent to dimension or locate property ownership lines.



WATER RIGHTS IN TOWNSHIP 9 S 3 W

Section(s) 14



PLACE OF USE BY SOURCE OF RIGHT
 Multiple shades indicates multiple sources for rights servicing the parcel; Bold number in parcel is referenced in report.

- Serviced by surface water or decree right
- Reservoir right
- Serviced by Groundwater right
- Serviced by Groundwater registration right

POINT OF DIVERSION BY SOURCE OF RIGHT
 Number next to point is referenced in report.

- Surface water right point of diversion
 - Groundwater right point of diversion
 - Groundwater registration point of diversion
- In stream rights shown in red along reach:
 Application number shown on lowest reach:*



Rights shown on this map are approximate. Contact OWED for best locational data.



03/04/99

PAGE 1

PLACE OF USE REPORT 9 S 3 W
Section(s) 14

TWP/RNG	POU-ID	POD-ID	APPLICATION	PERMIT	CERT #	USE
9.00S 3.00W	114	70	S	22916	S 18066	23305 IR
9.00S 3.00W	117	70	S	22916	S 18066	23305 IR
9.00S 3.00W	118	70	S	22916	S 18066	23305 IR
9.00S 3.00W	119	70	S	22916	S 18066	23305 IR
9.00S 3.00W	120	69	R	22915	R 916	23306 ST
9.00S 3.00W	121	66	S	61830	S 45834	62010 IR
9.00S 3.00W	121	67	G	10399	G 9371	62009 IS
9.00S 3.00W	122	68	S	19385	S 14992	14533 DO
9.00S 3.00W	123	67	G	10399	G 9371	62009 IS
9.00S 3.00W	123	66	S	61830	S 45834	62010 IR
9.00S 3.00W	124	68	S	19385	S 14992	14533 DO

POINT OF DIVERSION REPORT 9 S 3 W
Section(s) 14

TWP/RNG	POD-ID	APPLICATI	PERMIT	CERT #	USE	RATE (Cfs/Gpm)	PRIORITY DATE
9.00S 3.00W	66 S	61830 S	45834	62010	IR	0.0500 C	6/24/1981
9.00S 3.00W	67 G	10399 G	9371	62009	IS	0.0500 C	6/24/1981
9.00S 3.00W	68 S	19385 S	14992	14533	DO	0.6000 G	6/27/1941
9.00S 3.00W	69 R	22915 R	916	23306	FI	0.8000 A	11/18/1947
9.00S 3.00W	69 R	22915 R	916	23306	FI	0.8000 A	11/18/1947
9.00S 3.00W	70 S	22916 S	18066	23305	DO	0.0500 C	11/18/1947
9.00S 3.00W	70 S	22916 S	18066	23305	DO	0.1900 C	11/18/1947
9.00S 3.00W	70 S	22916 S	18066	23305	DO	0.0100 C	11/18/1947

This report printed for request c9S3W

The map extent is for Township 9 S 3 W
Section(s) 14

The following layers are shown on the map -

Roads
Streams and Lakes
Township/Range and Sections
City boundaries and names
Surface water rights
Groundwater rights
Places of Use
Points of Diversion
Instream water rights

The following Instream Water Rights are within the map extent:

PERMIT	NAME	PRIORITY
--------	------	----------

OWRD Groundwater Management Areas

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

\$RECNO	NAME1	NAME2	SUB-AREA	STATUS
1	SOUTH SALEM HILLS			LIMI

The water rights reported here have been interpreted by Department staff from Department files and are intended to represent that interpretation graphically. Locations shown on the map are only approximate and should not be used for legal, financial or real estate decisions. For more accurate legal location information, please contact the Department.

RECEIVED

JUN 15 1999

WATER RESOURCES DEPT.
SALEM, OREGON



Boatwright Engineering Inc.

2613 12th ST SE, SALEM, OREGON 97302
civil engineers • land surveyors

(503) 363-9225 (FAX) 363-1051

June 14, 1999

Russell W. Klassen
Water Rights Section
Oregon Department of Water Resources
158 12th Street SE
Salem, Oregon 97310

Re: R-84036
S-84037
Glenn D. and Mary L. Westbrook
Marion County

Do THIS ADJ
BEFORE
FO

Dear Russ,

Thanks for meeting with me today at your office. This letter is intended to discuss areas with which we and the applicants disagree with the Proposed Final Order and accompanying Draft Permit. On, or about, May 10th, I visited Anita Huffman in your office and explained that the reservoir site had been mis-mapped at the wrong confluence and involved a different Unnamed Tributary and changed the $\frac{1}{4}$, $\frac{1}{4}$ acres. I was told that this was not a problem. She directed me to Laura Snedeker, who she said would be doing the next work on it. On May 10th, I brought a portion of a Quad map into your office reflecting the change in the dam and reservoir site which I presented to Laura. The map notes that the amount of live flow cfs, which was calculated as a percentage of the total drainage area, was going to change to 0.55 from Weaver Gulch and 0.45 from the different, more northerly, unnamed Tributary. There is also a note regarding changes to the $\frac{1}{4}$, $\frac{1}{4}$'s. I asked if a letter was needed to make the change and was told it was OK. I thought I was told that I would be contacted if anything was needed. The chain of communication was broken when you were given the file to process.

A copy of the dated map with the above related facts is presently in the file. Please advise me whether or not this letter is sufficient to make the rate and area changes in the Proposed Final Order. I have included copies of the revised application maps which show the proper $\frac{1}{4}$, $\frac{1}{4}$ acres for primary and supplemental irrigation and the revised diversion points.

Also, please note that Mr Westbrook's first name is spelled with two N's.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeanne".

Jeanne M. Boatwright

CC: Glenn and Mary Westbrook



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-02
(503) 378-37
FAX (503) 378-81

March 23, 1999

GLEN D WESTBROOK
MARY L WESTBROOK
3022 UMATILLA PLACE
ALBANY, OREGON 97321

Reference: File S-84037

Dear Applicants:

**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 WESTBROOK RESERVOIR, TRIBUTARY OF MILLER CREEK for IRRIGATION OF 378.4 ACRES is **allowable** under OAR 690-502-040(1)(a).

The use of water from AN UNNAMED STREAM AND WEAVER GULCH, TRIBUTARIES OF MILLER CREEK for IRRIGATION OF 378.4 ACRES AND RECREATION is **allowable** under OAR 690-502-050(1)(e), the Willamette Basin Program.

3. Water in the amount of 105.0 ACRE-FEET FROM WESTBROOK RES, 1.0 CUBIC FOOT PER SECOND, BEING 0.3 CFS FROM AN UNNAMED STREAM AND 0.7 CFS FROM WEAVER GULCH for IRRIGATION OF 378.4 ACRES AND RECREATION is **available** year round.

4. OAR 690-502-050(1)(e) limits the use of water from live flow for IRRIGATION to the period March 1 through June 30 of each year. The use of stored water is allowed March 1 through October 31
5. According to Department records, there are existing rights, certificates 23305 and 23306, covering a portion of land proposed under this application. Prior to proceeding with application S-84037, the Department must receive a completed form authorizing cancellation of the existing right, a completed affidavit of diminution of the existing right, a transfer of the existing certificate, or other means of dealing with the conflict with the existing certificate/ permit and the use proposed under this application. Please refer to the Conflict Resolution section below for more information.

Summary of Initial Determinations

The use of 105.0 ACRE-FEET FROM WESTBROOK RES TRIBUTARY OF MILLER CREEK for IRRIGATION OF 378.4 ACRES is allowable from March 1 through October 31 of each year. The use of 1.0 CUBIC FOOT PER SECOND, BEING 0.3 CFS FROM AN UNNAMED STREAM AND 0.7 CFS FROM WEAVER GULCH TRIBUTARIES OF MILLER CREEK for IRRIGATION OF 378.4 ACRES is allowable from March 1 through June 30 of each year.

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 **Tuesday, April 6, 1999**. For your convenience you may use the enclosed "STOP PROCESSING" form.

Conflict Resolution Information:

According to Department records, there are existing rights, certificates 23305 and 23306, covering a portion of land proposed under this application. Prior to proceeding with application S-84037, the Department must receive a completed form authorizing cancellation of the existing right, a completed affidavit of diminution of the existing right, a transfer of the existing certificate, or other means of dealing with the conflict with the existing certificate/ permit and the use proposed under this application. Please refer to the Conflict Resolution section below for more information. **Please submit this information no later than May 13, 1999 or The Department may issue the Final Order and permit with the land in question made supplemental to the existing right, which will limit and/or jeopardize that portion of the right as follows:**

- ◆ If the existing certificate is found to have been forfeited the use supplemental to such certificate may also be canceled.
- ◆ You may only use the supplemental right after the primary right becomes unavailable. The primary right must be exhausted first.
- ◆ The season of use for the supplemental irrigation will be limited to that of the primary right.

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.

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. The permittee shall install, maintain, and operate fish screening to prevent fish from entering

the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The permittee may submit evidence that the Oregon Department of Fish and Wildlife (ODFW) has determined screens and/or fishways are not necessary. The required screens and fishways are to be in place, functional, and approved by ODFW before diversion of any water.

3. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area.

The use may be restricted if the quality of the source stream or downstream water decrease to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

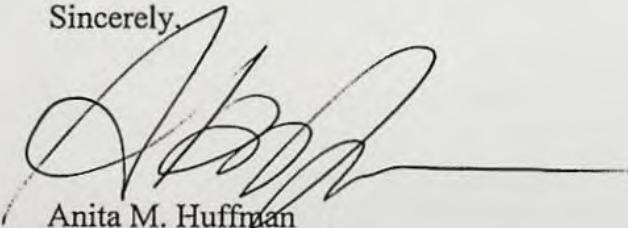
4. You will be required to comply with state and federal water quality standards.
5. The priority date for this application is January 15, 1999.

Information obtained from the Department of Environmental Quality (DEQ) indicates that the source of water identified in your application is "Water Quality Limited". That means that there are water quality concerns. DEQ will be looking at information from your application to see if additional conditions or restrictions are needed to protect the water quality situation. One possible outcome is that the Water Resources Department will propose in the proposed final order that your application be denied. You are encouraged to contact Tom Rosetta, (503) 229-5053 at DEQ to discuss the specifics of your application. Often, this information exchange can allow the water use to occur and at the same time keep the water quality situation from worsening.

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.

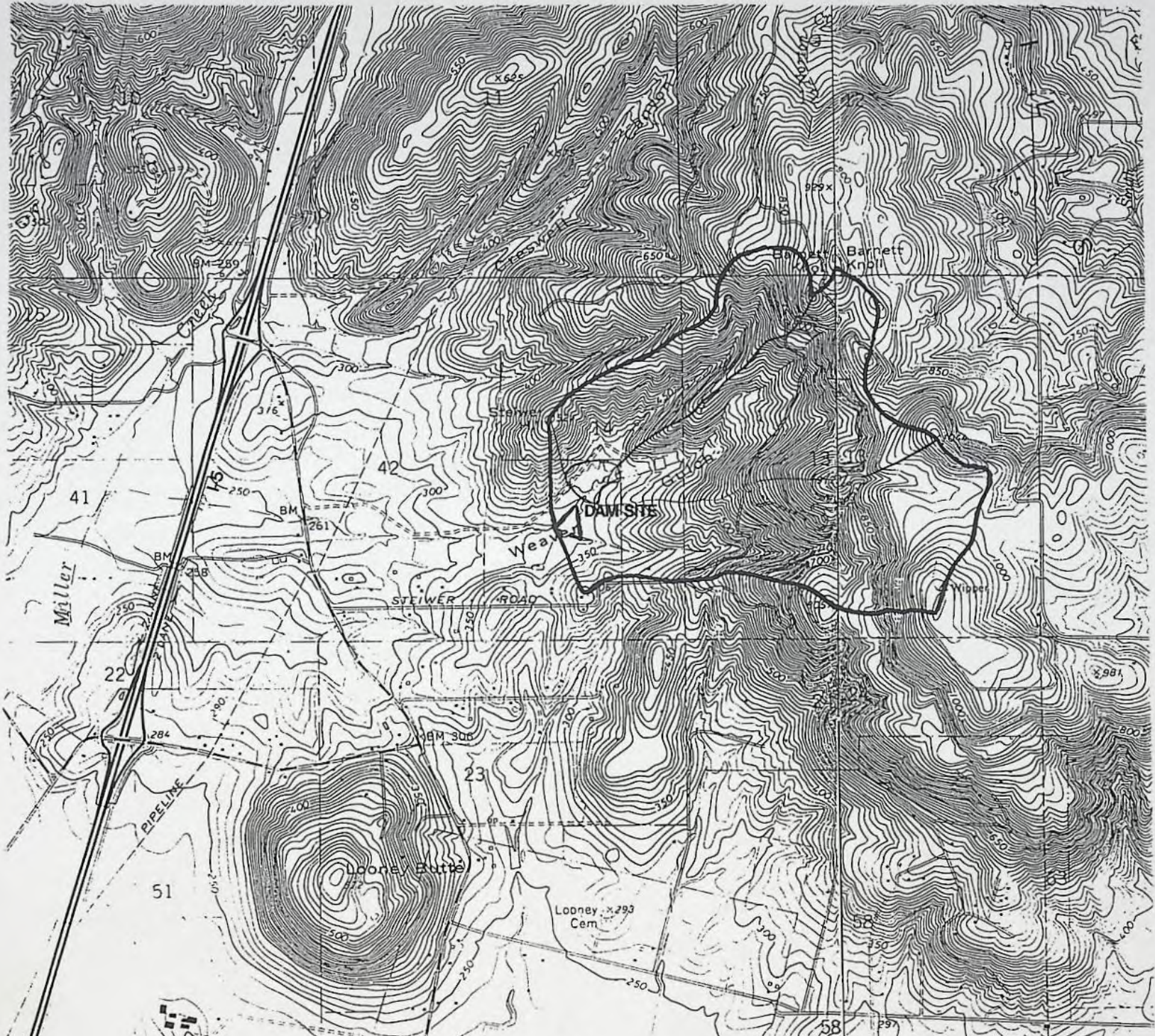
Sincerely,



Anita M. Huffman
Water Rights Specialist

cc: Regional Manager, Watermaster District 16, Water Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

S-84037 wab 02-01053 pou 02-01053 gw



5-10-98

Laura,

Res. was @ wrong stream intersection on original maps. This changes irrig acreage in 1/4's + changes 1 cfs to 0.55 from Weaver 0.45 from Unnamed

Seanne Bootwright

J. Falk has been advised of move + has no problem w/ exist. plans

Arce Drainage
 Weaver = 181 AC
 Unnamed = 146 AC
 327

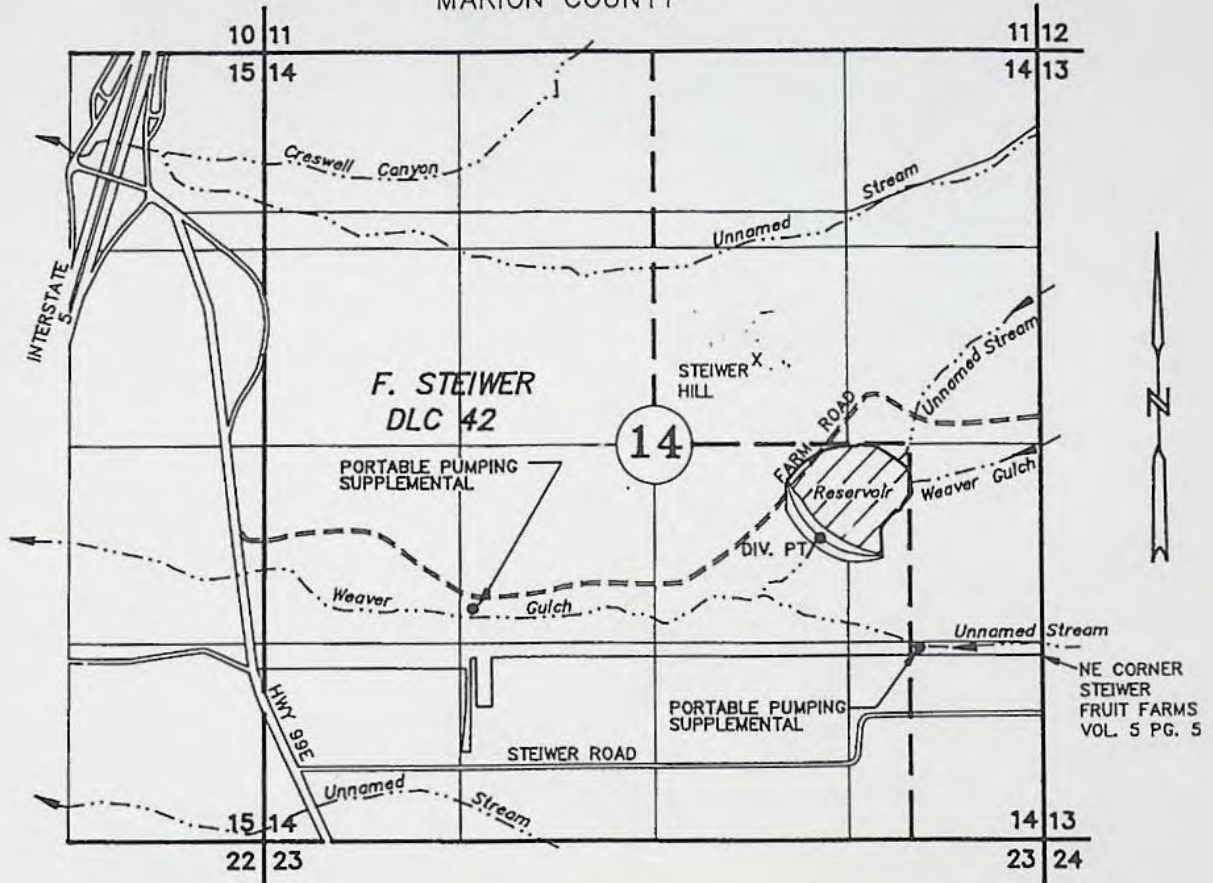
Weaver 55
 45

34

35

T.9S. R.3W. W.M.

MARION COUNTY



DIV. PT. LOCATION (PUMP): NW 1/4 SE 1/4, SEC. 14;
785' N AND 1510' WEST OF NE COR. STEIWER FRUIT FARMS

APPLICATION TO CONSTRUCT A RESERVOIR

R-22915
22916
R-84036
S-84037

R-916
18066

Application No. _____

Permit No. _____

GLENN AND MARY WESTBROOK

JANUARY 08, 1999

SCALE 1" = 1320'

REVISED: APRIL 08, 1999

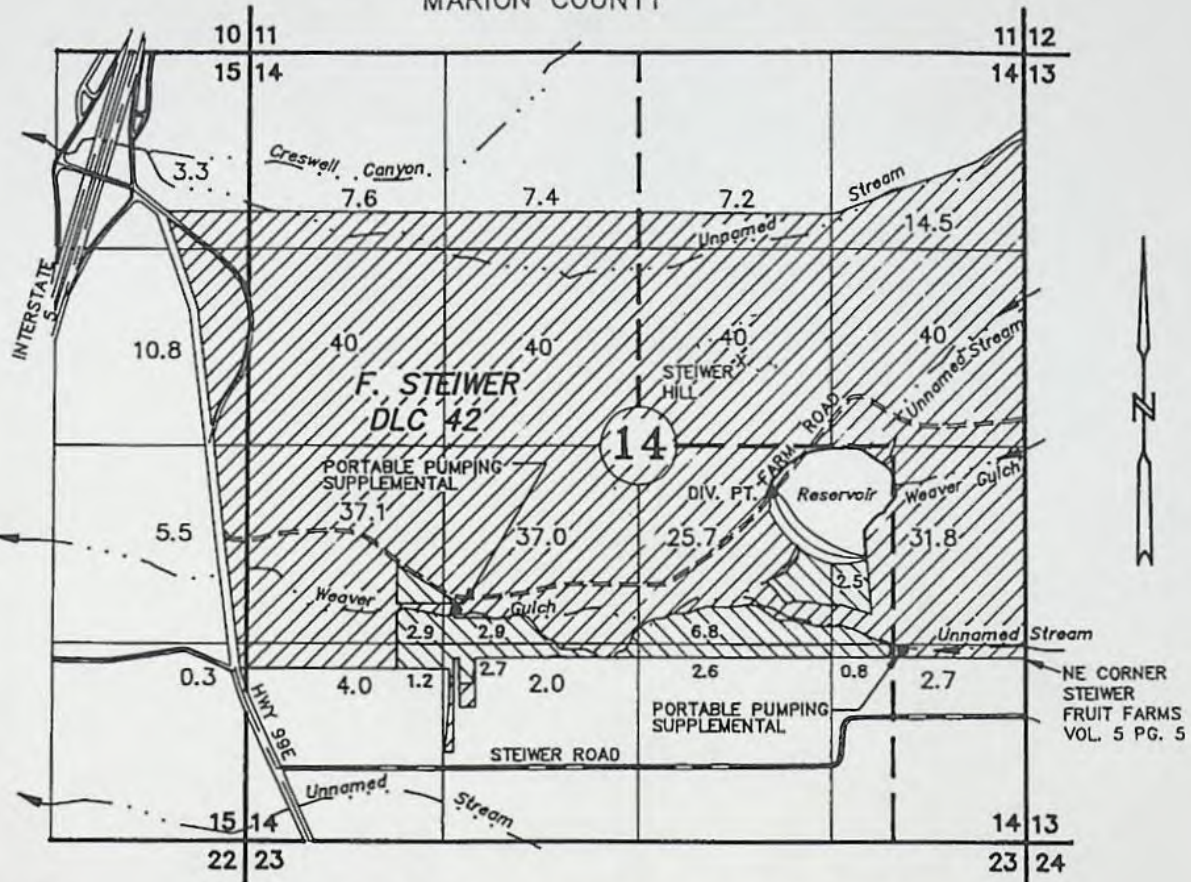
REVISED: MAY '04, 1999

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.



T.9S. R.3W. W.M.

MARION COUNTY



TEXT SIZE AREA

2.9 SUPPLEMENTAL
4.0 PRIMARY

DIV. PT. LOCATION (PUMP): NW 1/4 SE 1/4, SEC. 14;
1105' N AND 1725' WEST OF NE COR. STEIWER FRUIT FARMS

APPLICATION FOR APPROPRIATION OF SURFACE WATER

SUPPLEMENTAL



R-22915
22916
R-84036
S-84037

R-916
18066

Application No. _____

Permit No. _____

GLENN AND MARY WESTBROOK

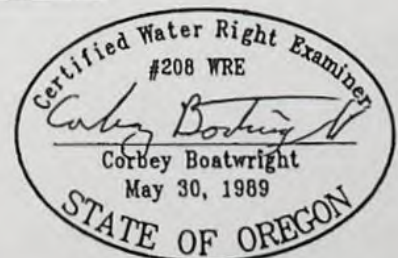
JANUARY 08, 1999

SCALE 1" = 1320'

REVISED: APRIL 08, 1999

REVISED: MAY 04, 1999

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.



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: S-84037

Applicant: GLEN D WESTBROOK WESTBROOK, MARY L

County: MARION

Watermaster: District 16

Priority Date: January 15, 1999

Source: WESTBROOK RESERVOIR, AN UNNAMED STREAM AND WEAVER GULCH,
TRIBUTARIES OF MILLER CREEK

Use: IRRIGATION OF 378.4 ACRES AND RECREATION

Quantity: 121.0 ACRE-FEET FROM WESTBROOK RES, 1.0 CUBIC FOOT PER SECOND,
BEING 0.3 CFS FROM AN UNNAMED STREAM AND 0.7 CFS FROM WEAVER GULCH

Basin Name & Number: Willamette, #02

Stream Index Reference: Volume 10A MILLER CR & MISC

Point of Diversion Location: NWSE, SECTION 14, T 9S, R3W, W.M.; 820 FEET NORTH &
2010 FEET WEST FROM NE CORNER, STEIWER FRUIT FARMS NWSE, SECTION 14, T
9S, R3W, W.M.; 820 FEET NORTH & 2010 FEET WEST FROM NE CORNER, STEIWER
FRUIT FARMS NWSE, SECTION 14, T 9S, R3W, W.M.; 820 FEET NORTH & 2010 FEET
WEST FROM NE CORNER, STEIWER FRUIT FARMS

Place of Use: NENE 14.5 ACRES NWNW 7.2 ACRES SWNE 40.0 ACRES SENE 40.0 ACRES
NENW 7.4 ACRES NWNW 7.6 ACRES SWNW 40.0 ACRES SENW 40.0 ACRES NESW
40.0 ACRES NWSW 40.0 ACRES SWSW 5.1 ACRES SESW 4.2 ACRES NESE 40.0 ACRES

NWSE 27.2 ACRES NWSE SWSE 2.6 ACRES SESE 2.7 ACRES, SECTION 14, TOWNSHIP
9 SOUTH, RANGE 3 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Tuesday, April 6, 1999

PUBLIC NOTICE DATE: Tuesday, April 13, 1999

30 DAY COMMENT DEADLINE DATE: Thursday, May 13, 1999



Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

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

Primary Supplemental

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

Primary: 378.4 ~~195~~ ^{9MB} Acres
1-7-99

Secondary: _____ Acres

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

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

1. grass seed Full season Partial season (from: _____ to _____)

2. row crops Full season Partial season (from: _____ to _____)

3. _____ Full season Partial season (from: _____ to _____)

4. _____ Full season Partial season (from: _____ to _____)

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

_____ acre-feet

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

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

Daily during daytime hours

Daily during nighttime hours

Two or three times weekly during daytime

Two or three times weekly during nighttime

Weekly, during daytime hours

Weekly, during nighttime hours

Other, explain: _____

Application No. 84037

Permit No.

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdictions where your water right will be used and developed. The planning official may chose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan.

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

Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact WRD's Land Use Coordinator at (503) 378-3739, ext. 241.





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: Glen and Mary Westbrook
 Address: 3022 Umatilla Place
 City: Albany State: OR Zip: 97321 Day Phone: (541) 928-8293

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)		
93w14-200	<u>EFU / Primary Ag.</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

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

C. Description of Water Use

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

Beneficial Use(s): Irrigation and Recreation
 Briefly describe: 378± gmb 1-7-99
Irrigate 215± Ac and 16 Ac/Ft for general recreational
uses.

Application No. 84037
Permit No.

D. Source

Indicate the source for the proposed water use: Westbrook Reservoir
Weaver Gulch
 Reservoir/Pond Ground Water Surface Water Unnamed Stream
(source)

E. Quantity

Indicate the estimated quantity of water the use will require:
1 cfs and 121 Ac/Ft
 CFS GPM Acre-Feet

For Local Government Use Only

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

A. Allowed Use

Check the appropriate box below and provide requested information.

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

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

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

B. Approval

Please provide printed name and written signature.

Name: NORMAN BICKELL Date: 12/28/98

Title: Associate Planner Phone: (503) 588-5038

Signature: *Norman Bickell*

C. Additional Comments

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

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

FAT. 295933

in consideration of FIVE THOUSAND SEVENTY FIVE THOUSAND & NO/100 Dollars,
paid to the Grantee herein, do hereby grant, bargain, sell and convey unto
GLENN D. WESTBROOK and MARY L. WESTBROOK, husband and wife

the following described real property, situated in the County of MARION
State of Oregon, to wit:
SEE EXHIBIT A WHICH IS ATTACHED HERETO AND MADE A PART HEREOF...

"THIS DEED IS BEING RERECORDED TO CORRECT THE DESCRIPTION"

Parcel # 62468-000

To have and to hold the granted premises unto the said Grantees, their heirs and assigns forever,
And the Grantees do covenant that they are lawfully seized in fee simple of the above granted
premises free from all encumbrances, SEE EXHIBIT A WHICH IS ATTACHED HERETO AND MADE A PART...

and that they, will and shall, heirs, executors and administrators, shall warrant and forever defend the granted
premises, against the lawful claims and demands of all persons, except as above stated.
Witness my hand and seal this 7th day of October 19 97

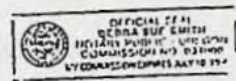
THIS INSTRUMENT WILL NOT ALLOW ONE OF THE PROPERTY INTERESTS IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE
LAND USE LAWS AND REGULATIONS BEING SIGNOR IN ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING THE
TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO
VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWNSET AGAINST ANY TARIFFS OR HEREDITARY AS
SETFORS IN THIS STATE

STATE OF OREGON
County of Marion

BE IT REMEMBERED, That on this 7th day of October, 19 97, before me, the
undersigned, a Notary Public in and for said County and State, personally appeared the within named
Robert L. Richmanschneider and Lorene Richmanschneider.

Known to me to be the identical individual as described in and who executed the within instrument and acknowledged to
me that they executed the same freely and voluntarily.
IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this day and year last above
written.

Notary Public for Oregon
My Commission expires 11/10/98



STATE OF OREGON
County of _____

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

GLENN D. WESTBROOK
3022 UMATILLA PLACE SW
ALBANY, OR 97321
Return to:
GLENN D. WESTBROOK
3022 UMATILLA PLACE SW
ALBANY, OR 97321

I certify that the within instrument was received for
record on _____ at _____ o'clock _____ and was recorded
in Book _____ Page _____ Return
of Deeds of said county.

Recorder of Counties

By _____ Deputy

A.T.S.

62468-000 0931114-00200
Run in R36332

A.T.S.

1501
0369

Application No 84037
Permit No.

JUL 01 1998

Superseded

Application No. 84037

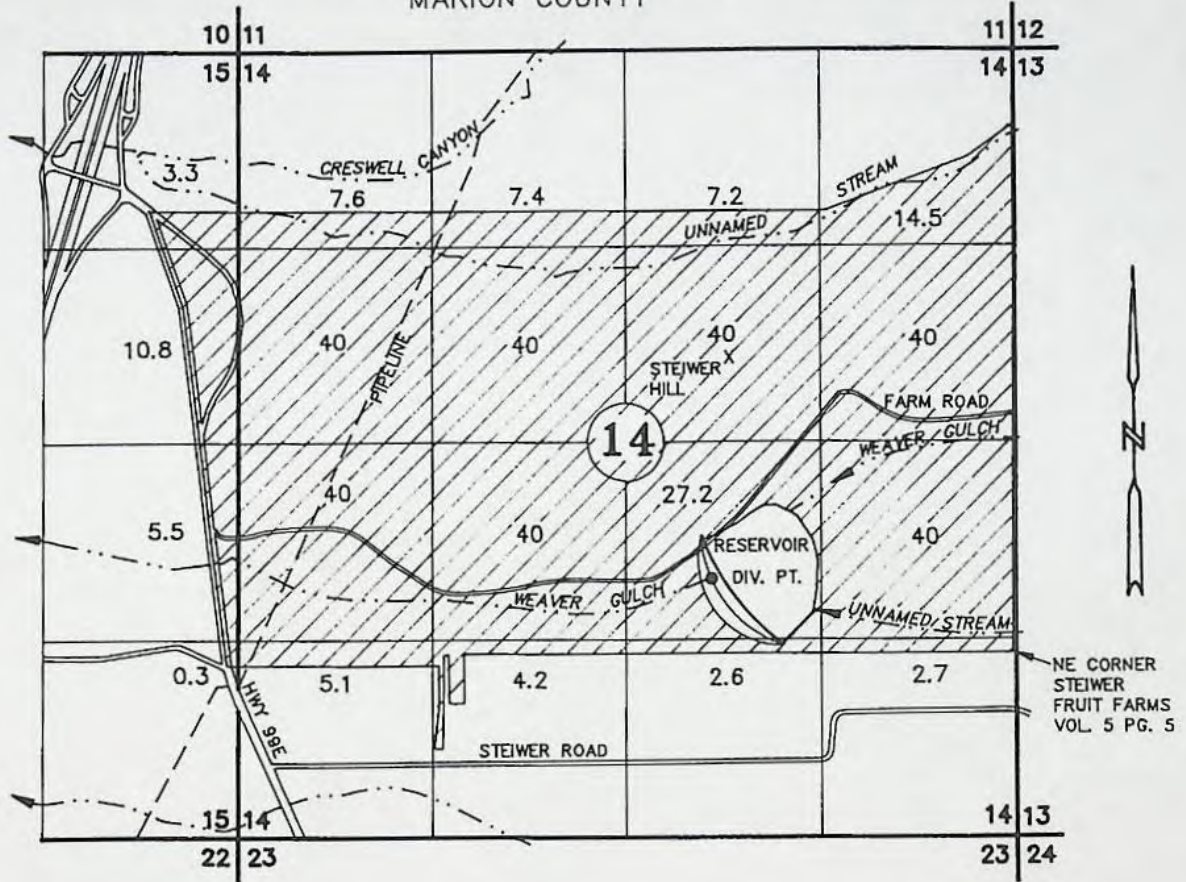
Tax Lot
93w 14-200

JMB-1-7-99

Permit No.

T.9S. R.3W. W.M.

MARION COUNTY



DIV. PT. LOCATION (DAM): NW 1/4 SE 1/4, SEC. 14;
475' N AND 2060' WEST OF NE COR. STEIWER FRUIT FARMS

APPLICATION FOR APPROPRIATION OF SURFACE WATER

Application No. _____

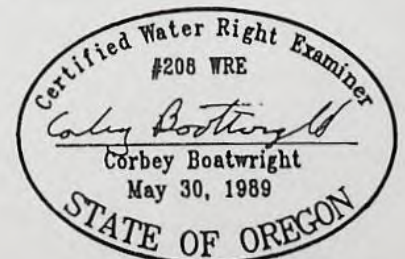
Permit No. _____

GLENN AND MARY WESTBROOK

AUG 24, 1998

SCALE 1" = 1320'

NOTE: This map is for the purpose of identifying the location of water rights and has not intent to dimension or locate property ownership lines.



RECEIVED

JAN 7 1999

WATER RESOURCES DEPT.
SALEM, OREGON

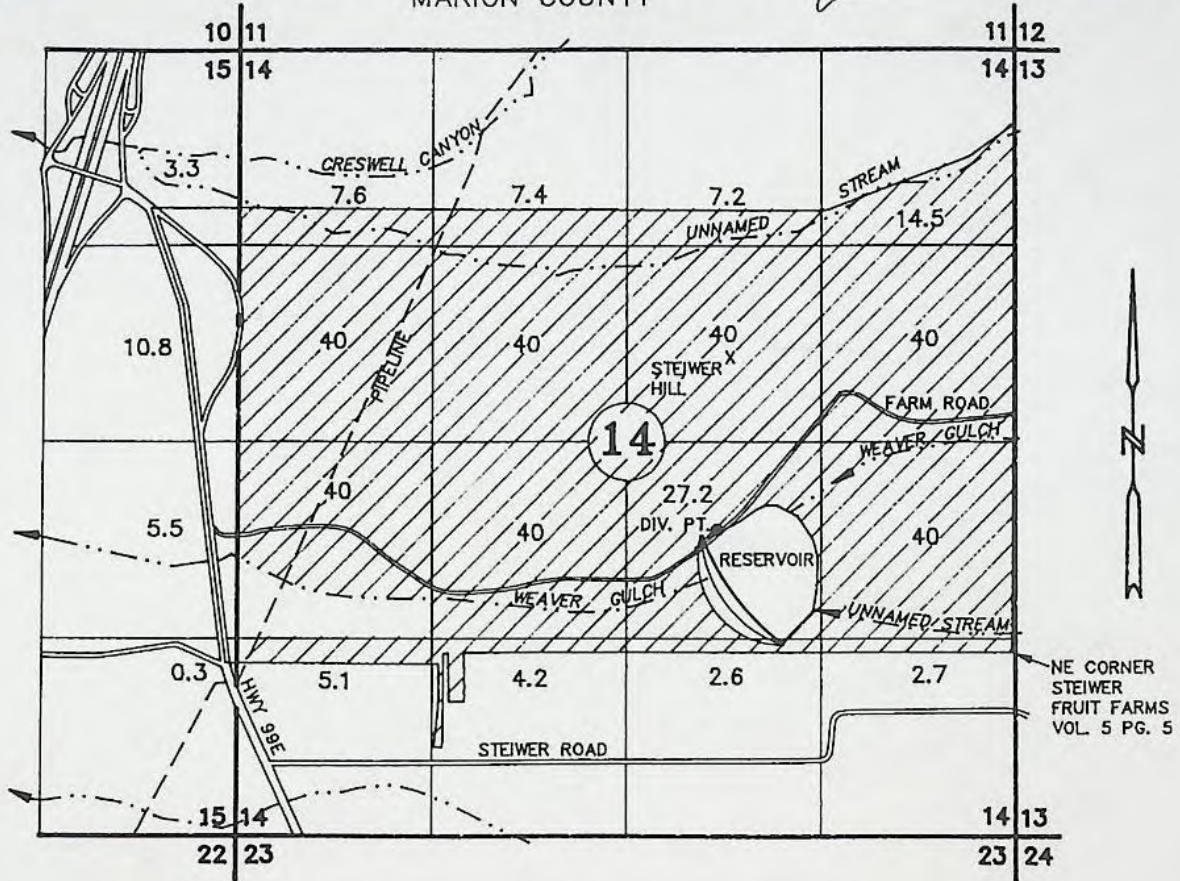
Application No. 84037

Permit No.

T.9S. R.3W. W.M.

MARION COUNTY

SUPERSEDED



DIV. PT. LOCATION (PUMP): NW 1/4 SE 1/4, SEC. 14;
820' N AND 2010' WEST OF NE COR. STEJWER FRUIT FARMS

APPLICATION FOR APPROPRIATION OF SURFACE WATER

Application No. _____

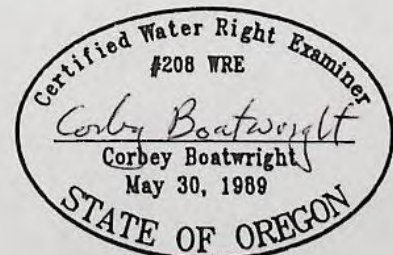
Permit No. _____

GLENN AND MARY WESTBROOK

JAN 08, 1999

SCALE 1" = 1320'

NOTE: This map is for the purpose of identifying the location of water rights and has not intent to dimension or locate property ownership lines.



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **27027**

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

INVOICE # _____
5-34037

RECEIVED FROM: Glenal D. Westbrook
BY: _____

APPLICATION	#1057
PERMIT	
TRANSFER	

CASH: CHECK: # 196-656 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1,121.00

0417 WRD MISC CASH ACCT

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

**RECEIVED
OVER THE COUNTER**

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

0407 MISCELLANEOUS	\$
0410 COPY & TAPE FEES	\$
0408 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
(New) TC165 DEPOSIT LIAB. (IDENTIFY)	\$
(Existing) TC168 WATER RIGHTS:	
0201 SURFACE WATER	EXAM FEE \$ 575.00 0202
0203 GROUND WATER	\$ 0204
0205 TRANSFER	\$ 0206
WELL CONSTRUCTION	EXAM FEE
0218 WELL DRILL CONSTRUCTOR	\$ 0219
LANDOWNER'S PERMIT	\$ 0220
OTHER (IDENTIFY)	

*PCA # 66111
Ref # 27026*

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 (FWWRD)	LIC NUMBER	\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **27027**

DATED: 1-7-99

BY: Roger Wright

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 27026

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

INVOICE # _____

RECEIVED FROM: Glenn D Westbrook
BY: _____

APPLICATION	R-84036
PERMIT	
TRANSFER	

CASH: CHECK: # ✓ 96-656 OTHER: (IDENTIFY)

TOTAL REC'D \$ 1121.00

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

0407 MISCELLANEOUS
0410 COPY & TAPE FEES
0410 RESEARCH FEES
0408 MISC REVENUE: (IDENTIFY)
(New) TC165 DEPOSIT LIAB. (IDENTIFY)
(Existing) TC168

*PCA # 66111
Ref # 27027*

\$
\$
\$
\$

WATER RIGHTS:

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

EXAM FEE	
\$ 546.00	0202
\$	0204
\$	0206
EXAM FEE	
\$	0219
	0220

RECORD FEE	
\$	
\$	
\$	
LICENSE FEE	
\$	
\$	

____ OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

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

\$
\$

CARD #	
CARD #	

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

Application No. 84037
Permit No.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **31543**

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

INVOICE # _____

RECEIVED FROM: Glen O. Westbrook
BY: _____

APPLICATION	84637
PERMIT	
TRANSFER	

CASH: CHECK: # 96-656 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 285.00

0417 WRD MISC CASH ACCT

ADJU		\$
PUBLI		\$
OTHEI		\$
OTHEF		\$

Russ Klassen

RED COUNTER

REDUCTION

PCA AM		\$
DUCHER #		

0427 WRD

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

*PL# 66111
Ref # 31542*

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202 RECORD FEE
0203 GROUND WATER	\$	\$ <u>195.00</u>
0205 TRANSFER	\$	\$

WELL CONSTRUCTION

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 # **31543**

DATED: 7-27-99 BY: Roger Wright

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **31543**

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

INVOICE # _____

RECEIVED FROM: Glen D Westbrook
BY: _____

APPLICATION	84637
PERMIT	
TRANSFER	

CASH: CHECK: # 96-656 OTHER: (IDENTIFY)

TOTAL REC'D \$ 285.00

0417 WRD MISC CASH ACCT

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

**RECEIVED
OVER THE COUNTER**

REDUCTION OF EXPENSE

CASH ACCT.	\$
VOUCHER #	

0427 WRD OPERATING ACCT

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

*PAID 6/11/99
Ref # 31542*

WATER RIGHTS:

0201	SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203	GROUND WATER	\$	0204	\$ 195.00
0205	TRANSFER	\$	0206	\$

WELL CONSTRUCTION

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 # **31543**

DATED: 7-27-99 BY: Roger Wright