



Oregon Water Resources Department 725
 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

A. Individuals

Applicant: Matthew Buchheit
First Last

Mailing Address: 6122 Brush Creek Road NE

Silverton Oregon 97381
City State Zip

Phone: (503) 873-5241
Home Work Other

*Fax: _____ *Email 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 or Organization: _____

City State Zip

Phone : _____
Day Evening

*Fax: _____ *Email Address: _____

**Optional*

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 SALEM, OREGON

For Department Use			
App. No. _____	Permit No. _____	Date _____	_____

2. PROPERTY OWNERSHIP

Yes (Please check appropriate box below then skip to section 3 'Ground Water Development')

- There are no encumbrances
- This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

No (Please check the appropriate box below)

- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

Not applicable	<p>RECEIVED</p> <p>OCT 21 2008</p> <p>WATER RESOURCES DEPT SALEM, OREGON</p>
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3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: Pudding River

Distance from well(s) to nearest stream or lake:

1) ~3,200 feet 2) _____ 3) _____ 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head:

1) ~40 feet 2) _____ 3) _____ 4) _____

B. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by:

Existing well constructed 2/3/1967. See MARI 3475.
--

Mailing Address: _____

City State Zip

Completion Date: _____

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

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1	See	MARI	3475						
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Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

C. Artesian Flows

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

None

4. WATER USE

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

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

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

B. Amount of Water

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

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	Alluvium	Nursery	45	6,012,500	100

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 0.1 cfs (45 gpm)
 (The fees for your application will be based on this amount.)

D. Period of Use

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

E. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 20.1 Acres
 (This number should be consistent with your application map.)

5. WATER MANAGEMENT

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A. Diversion

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

- Pump (give horsepower and pump type): 5-Hp submersible
- other means (describe): _____

B. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

- Pipe (give diameter and total length):

Diameter 3 inches Length ~400 feet

- other, describe: _____

C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

Primarily drip and other low use/low pressure systems will be used for irrigating in-ground, container, and greenhouse nursery stock. A small area (less than one acre) will be irrigated using overhead sprinklers.

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: _____

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Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- 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. If you need additional space, attach a separate sheet.

Drip and other low use/low pressure systems will be used as much as possible to minimize water use.

6. PROJECT SCHEDULE

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

Proposed date construction will begin: Existing well started 1/6/1967

Proposed date construction will be completed: May 2009

Proposed date beneficial water use will begin: May 2009

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.

The USGS map shows a perennial stream running through and adjacent to the areas proposed for nursery operations. This stream is actually an intermittent drainage that typically dries up in June and remains dry until heavy rains begin in the fall. Attached to this application are photographs taken on July 30, 2008, showing the dry, shallow drainage east of Brush Creek Drive. The photos were taken from the east edge of Brush Creek Drive. Also attached is an aerial photograph taken in July or August of 2006. The drainage has recently been enlarged to create a ditch about 3 feet wide to facilitate drainage of a low-lying area along the old Mount Angel Highway that in recent years has become wetter than in the past as a result of increased irrigation of lands located farther to the east.

8. MAP REQUIREMENTS

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

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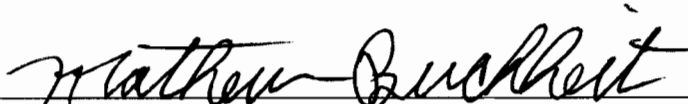
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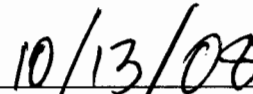
9. SIGNATURE

By my signature below I confirm that I understand:

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

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


Signature of Applicant (If more than one applicant, all must sign.)


Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

WRD on the web:
www.wrd.state.or.us



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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: 20.1 Acres

Secondary: _____ Acres

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

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

- | | | |
|------------------------------------|---|--|
| 1. <u>Nursery operations</u> _____ | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 2. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 3. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 4. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |

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

_____ 18.5 _____ acre-feet

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

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

- | | |
|--|---|
| <input type="checkbox"/> Daily during daytime hours | <input type="checkbox"/> Daily during nighttime hours |
| <input checked="" type="checkbox"/> Two or three times weekly during daytime | <input type="checkbox"/> Two or three times weekly during nighttime |
| <input type="checkbox"/> Weekly, during daytime hours | <input type="checkbox"/> Weekly, during nighttime hours |
| <input type="checkbox"/> Other, explain: _____ | |

NOTICE TO WATER WELL CONTRACTOR
The original and first copy
of this report are to be
filed with the
STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date
of well completion.

3475
MARION

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WATER WELL REPORT

MAR 7 1967

STATE OF OREGON
(Please type or print)

STATE ENGINEER
SALEM, OREGON

Permit No. 6/1W-28N
State Permit No.

(1) OWNER:

Name JOE BUCHHIEF
Address RT 2 BOX 147
SILVERTON OREGON

(2) LOCATION OF WELL:

County MARION Driller's well number
SW 1/4 SW 1/4 Section 28 T. 6S. R. 1W. W.M.
Bearing and distance from section or subdivision corner

(3) TYPE OF WORK (check):

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

(4) PROPOSED USE (check):

Domestic Industrial Municipal Irrigation Test Well Other
Rotary Cable Dug Driven Jetted Bored

(6) CASING INSTALLED:

Threaded Welded
10" Diam. from 0 ft. to 223 ft. Gage 1/2" WALL
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Perforated? Yes No
Type of perforator used MILLS KNIFE
Size of perforations 1 1/8 in. by 3/8 in.
209 perforations from 90 ft. to 123 ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) SCREENS:

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

(9) CONSTRUCTION:

Well seal--Material used in seal CEMENT-BENTONITE
Depth of seal 32 ft. Was a packer used? NO
Diameter of well bore to bottom of seal 14 in.
Were any loose strata cemented off? Yes No Depth
Was a drive shoe used? Yes No
Was well gravel packed? Yes No Size of gravel:
Gravel placed from ft. to ft.
Did any strata contain unusable water? Yes No
Type of water? depth of strata
Method of sealing strata off

(10) WATER LEVELS:

Static level 22 ft. below land surface Date 2-3-67
Artesian pressure lbs. per square inch Date

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom? STADELI
Yield: 100 gal./min. with 50 ft. drawdown after 3 hrs.
" 130 " 70 " 6 "
" " " " " "
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m. Date
Temperature of water 53 Was a chemical analysis made? Yes No

(12) WELL LOG:

Diameter of well below casing 10"
Depth drilled 286 ft. Depth of completed well 223 ft.
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
TOPSOIL	0	5
YELLOW CLAY	5	22
BLUE CLAY	22	38
SMALL GRAVEL	38	48
FINE SAND	48	62
COARSE GRAVEL	62	95
FINE GRAVEL AND SAND	95	102
COARSE GRAVEL	102	114
FINE GRAVEL	114	121
FINE SAND	121	138
FINE SAND AND CLAY	138	195
STICKY BROWN CLAY	195	207
BLUE CLAY	207	245
BROWN STICKY CLAY	245	286

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Work started JAN 6 1967 Completed FEB 3 1967
Date well drilling machine moved off of well FEB 10 1967

(13) PUMP:

Manufacturer's Name
Type: H.P.

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME WILLIAM J. STENNETT
(Person, firm or corporation) (Type or print)

Address 361 WARNER MILNE RD. ORE CITY

Drilling Machine Operator's License No. 170-771

[Signed] William J. Stennett
(Water Well Contractor)

Contractor's License No. 3 Date 2-13 1967



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Matthew Buchheit
Mailing Address: 6122 Brush Creek Road NE
City: Silverton State: OR Zip: 97381 Day Phone: (503) 871-8518

This application is related to a Measure 37 claim. Yes No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
6S	1W	28		6 1W 28C 300	Primary Ag/EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Nursery
6S	1W	28		6 1W 28C 400	"	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Nursery
6S	1W	28		6 1W 28C 900	"	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Nursery
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

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B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water Water-Right Transfer Exchange of Water
 Allocation of Conserved Water Limited Water Use License
 Permit Amendment or Ground Water Registration Modification

Source of water: Reservoir/Pond Ground Water Surface Water (name) _____

Estimated quantity of water needed: 0.1 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-municipal Instream Other Nursery Operations

Briefly describe: Water will be withdrawn from an existing ground water well and conveyed to the places of use for irrigation of a variety of nursery stock using mostly drip and other low use/low pressure irrigation systems.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the 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): 136.0204

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	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

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

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Name: Patty Dora Title: Assistant Planner
 Signature: Patty Dora Phone: 503-588-5038 Date: 10/21/08
 Government Entity: Marion County Planning

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

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Photograph 1: Shallow drainage which runs through Parcels 400 and 900 (Tax Map 6 1W 28C). This photo was taken looking east from the eastern edge of Brush Creek Drive (July 30, 2008).



Photograph 2: Shallow drainage which runs through Parcels 400 and 900 (Tax Map 6 1W 28C). This photo was taken looking southeast from the eastern edge of Brush Creek Drive (July 30, 2008).

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After recording return to:
Mathew E. Buchheit
6182 Brush Creek Road
Silverton, OR 97381

Until a change is requested,
all tax statements shall be sent to:
Mathew E. Buchheit
6182 Brush Creek Road
Silverton, OR 97381

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PERSONAL REPRESENTATIVE DEED

Grantor, Edward L. Buchheit, Personal Representative of the Estate of Mary Anne Buchheit (Marion County Circuit Court Case No. 03C20014) ("Decedent"), grants, bargains, and conveys to Mathew E. Buchheit ("Grantee"), and to Grantee's heirs, successors, and assigns all the estate, right, title, and interest of Decedent, whether acquired by operation of law or otherwise, in the real property described on Exhibit A attached hereto and incorporated by this reference. The true consideration for this conveyance is other than monetary consideration. This property is known as 6182 Brush Creek Road, Silverton, Oregon 97381.

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

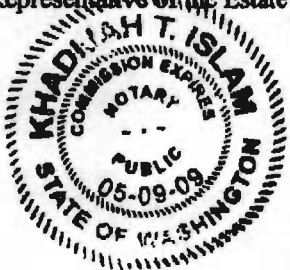
DATED: September 30, 2005.

Estate of Mary Anne Buchheit

By Edward L. Buchheit
Edward L. Buchheit, Personal Representative

STATE OF WASHINGTON)
) ss.
County of King)

This instrument was acknowledged before me on September 30th, 2005, by Edward L. Buchheit, Personal Representative of the Estate of Mary Anne Buchheit.



[Signature]
Notary Public for Washington
Residing at KING
My commission expires 5-9-2009

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SALEM, OREGON**EXHIBIT A****PARCEL I**

The North 7.00 acres off the following described premises, to wit: Beginning at a point 25.00 links East of the corner to Sections 28, 29, 32 and 33, in Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence East along the line between Sections 28 and 33, 10.74 chains; thence North 20.12 chains; thence West 10.74 chains; thence South parallel with and 25.00 links East of the line between Sections 28 and 29, 20.12 chains to the place of beginning; being situated in the Elias Cox Donation Land Claim, in Township 6 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; (the aforesaid 7.00 acre tract is described as follows: the North and South lines as 6.52 chains, and the East and West lines as 10.74 chains.)

PARCEL II

Beginning at an iron bar which is set 7.84 chains South 0°45' East of the quarter section corner between Sections 28 and 29, in Township 6 South, range 1 West of the Willamette Meridian in Marion County, Oregon; and from thence running South 89° East 11.011 chains; thence South 0°50' East 11.889 chains to a stone; thence South 89°25' West 10.78 chains to an iron rod; thence North 50 links to an iron rod; thence West 25 links to an iron rod; thence North 0°45' West 11.69 chains to the place of beginning; being situated in the Elias Cox Donation Land Claim, in Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

PARCEL III

Beginning at a point South 0°45' East 7.84 chains and South 89° East 11.011 chains, and South 0°50' East 13.406 chains from the quarter corner between Sections 28 and 29 in Township 6 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence South 89° East 1045.34 feet; thence South 3°11' West 214.50 feet; thence South 89° East 406.457 feet to the center of the County Road leading to Mt. Angel; thence South 3° 11' West along the center line of said road 89.1 feet; thence North 89° West 1429.362 feet to a point which is South 0° 50' East from the place of beginning; thence North 0°50' West 303.6 feet to the place of beginning.

EXHIBIT A TO PERSONAL REPRESENTATIVE DEED

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SALEM, OREGON**

REEL:2576

PAGE: 413

December 07, 2005, 01:11 pm.

CONTROL #: 156083

**State of Oregon
County of Marion**

**I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:**

FEE: \$ 31.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.