

ENCLOSURE FOR WADE & PATRICIA MILLER GROUNDWATER APPLICATION

TO: ODWR Application Review and Groundwater Staffs.

The well being applied on is an existing well drilled for the owner, VanDerVeen Dairy, prior to Mr. and Mrs. Miller.

The following information is from measurements by Mr. Miller and/or verbal information provided by Mr. VanDerVeen.

The well has a 12" diameter steel casing. It is thought to be approximately 125 feet deep. One hundred feet of suction pipe was pulled out of the well and left nearby. The first 18 feet of the pipe was not rusty, indicating a static water level of about 18 feet.

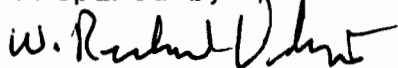
I have searched sections 11, 12 13 and 14 on the ODWR web site and not found any wells under the names of VanDerVeen, Magee, or Turley, the three prior owners. Mr. VanDerVeen thought that the Wilcox Company had drilled the well. The Wilcox Company has not been able to find any record of the well in their files.

I am enclosing a copy of the well log for L-60739 drilled in June of 2004 for the Miller's. This well is located 290 feet west of the application well. The new well log is provided to show the geologic conditions at that site. Considering the close proximity the application well should have comparable geologic conditions.

Mr. Miller has used the application well for lawn and landscape irrigation as an exempt use. He has noticed no change in pumping rate when the nearby unnamed intermittent tributary to Baker creek goes dry in early summer. The unnamed intermittent stream normally stays dry until November.

We hope staff will find the above information helpful. If a well log is finally found it will be sent to the assigned caseworker.

Prepared by:


Dick Verboort, P.E.
Civil Engineer/CWRE

Approved by:


Wade Miller
10-17-08
date

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SALEM, OREGON**

OWWR



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: Wade & Patricia Miller
First Last

Mailing Address: 13945 Pheasant Hill Road

McMinnville OR 97128
City State Zip

Phone: 503-472-3956
Home Work Other

*Fax: --- *Email Address: _____

B. Organizations

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

Name of Organization: N/A

Name and Title of Person Applying: _____

Mailing Address or Organization: _____

City State Zip

Phone : _____
Day Evening

*Fax: _____ *Email Address: _____

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*Optional

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

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

WELL I.D. # L 60739
START CARD # 166959

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

(1) OWNER: Well Number _____
Name Mr. + Mrs. Wade Miller
Address 1225 N.W. St. Andrews Pt.
City McMinnville State Or. Zip 97128

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

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 200 ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL	
Diameter	From To	Material	From To
1 1/2"	0 40	Bentolite	0 40
6"	40 200		

Sacks of pounds 28

How was seal placed: Method A B C D E
 Other Bentolite (Poured Slowly)
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 6"	+1	40	12.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 4"	0	200	160	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

Perforations Method Electric Drill
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele./pipe size	Casing	Liner
140	200		300	5/8"	Circular	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
25	Air Lift	200	3 hr.

Temperature of water 59° Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Yes No
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Yamhill Latitude _____ Longitude _____
Township 45 N or S Range 5W E or W. WM. _____
Section 13 N.W. 1/4 NW 1/4 _____
Tax Lot 200 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 13945 Pheasant Hill Rd. McMinnville Or.

(10) STATIC WATER LEVEL:
_____ ft. below land surface. Date 6/29/04
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 135'

From	To	Estimated Flow Rate	SWL
135	137	2.5	25

(12) WELL LOG:
Ground Elevation Approx. 300'

Material	From	To	SWL
Top soil Removed			
Brown + yellow Decomposed Clay w/ small cobbles	0	31	
From Gray Shale	31	90	
Coarse Grained Gray Basalt	90	130	
Coarse Grained Black + gray Basalt	130	155	
From Gray Shale	155	184	
Coarse Grained Black Basalt w/ white calcite	184	200	

Date started 6/25/04 Completed 6/29/04
(unbonded) Water Well Constructor Certification:

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

Signed Not Appl. WWC Number _____ Date _____

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

Signed Randall K. Wilder WWC Number 795 Date 6/29/04

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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	12"	12"-steel	est.125'	?	?	18'	125	port	125est.

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:

N/A

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**

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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: 2.20 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. lawn & landscaping Full season Partial season (from: _____ to _____)
2. _____ Full season Partial season (from: _____ to _____)
3. _____ Full season Partial season (from: _____ to _____)
4. _____ Full season Partial season (from: _____ to _____)

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

3.3 acre-feet

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

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

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

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	basalt	irrigation	12.3	3.3 ac ft	20+

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 12.3 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: April 1, October 31
 (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: 2.2 ac
 (This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

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

- Pump (give horsepower and pump type): Berkeley submersible turbine 3hp
- 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 2" & 3" aluminum Length 600'

- other, describe: _____

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C. Application/Distribution Method

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

Portable aluminum pipe with rainbird type sprinklers. Spacing will vary due to irregular shape of irrigated area.

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

- Flood
- High pressure sprinkler
- Low pressure sprinkler
- Drip
- Water Cannons
- Center pivot system
- Hand Lines
- Wheel Lines
- Siphon tubes or gated pipe with furrows
- other, describe: _____

Distribution method

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

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.

Sprinkler application is the most appropriate for the area to be irrigated.

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: well is in

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Proposed date construction will be completed: construction is complete

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Proposed date beneficial water use will begin: as soon as permit is issued

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7. REMARKS

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

See enclosure regarding existing well.

8. MAP REQUIREMENTS

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

9. SIGNATURE

By my signature below I confirm that I understand:

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

Wade W. Miller Patricia Miller 10-17-08
Signature of Applicant (If more than one applicant, all must sign.) Date

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Before you submit your application be sure you have:

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

DMR-DDMR Cnt=1 Stn=3 SUSAN
\$10.00 \$10.00 \$11.00

Wade Miller
Patricia Miller
13949 NW Pheasant Hill Rd
McMinnville OR 97128

After Recording return to:
Wade Miller
Patricia Miller
13949 NW Pheasant Hill Rd
McMinnville OR 97128

Escrow No. 778910 LPZ
Title No. 778910

THIS INSTRUMENT WAS RECORDED BY THE CLERK OF THE COUNTY OF YAMHILL

ANNETTE VAN DER VEEN, Grantor, conveys and warrants to WADE MILLER AND PATRICIA MILLER, AS TENANTS BY THE ENTIRETY, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Yamhill County, Oregon, to wit:

See Attached Legal Description

The said property is free from encumbrances except: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS, AND EASEMENTS OF RECORD, IF ANY. Rights of the public in an to that portion lying within streets, roads and highways
2002/2003 taxes a lien due but not yet payable.

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.

The true consideration for this conveyance is \$505,000.00. (Here comply with the requirements of ORS 93.030).

Dated this 29 day of October, 2002.

Annette Van Der Veen
Annette Van Der Veen

State: OR
County: Yamhill

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The foregoing instrument was acknowledged before me this 29th day of Oct, 2002 by:

Annette Van Der Veen



Lydia Zimmerman
Notary Public
My Commission Expires: Jan 14 2006

 **TICOR TITLE INSURANCE COMPANY**

YAMHILL TITLE PLANT

829 N. Hwy 99 West
P.O. Box 267 • McMinnville OR 971280267
(503) 472-6101 • FAX: (503) 434-5311

REFERENCE ORDER NUMBER: 778910

All of the following described property lying NORTH of County Road known as Baker Creek County Road:

Part of the William Dawson Donation Land Claim No. 43 in Section 13, Township 4 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

BEGINNING at a stone in the County Road, 8x10x20 inches, marked C. S. 73C, said stone being North 85-1/2° West 4.60 chains from the corner of Sections 11, 12, 13 and 14; thence South along the East line of land conveyed to William Campbell, by Deed recorded July 17, 1873 in Book M, Page 81, Deed Records, 57 chains to a stone on the South line of Claim No. 43 at the Southeast corner of said Campbell tract; thence East on the South line of said Claim, 27.80 chains to a stake at the Southeast corner of land conveyed to W. B. Sharp, by Deed recorded July 24, 1883 in Book V, Page 556, Deed Records; thence North 58.66 chains to the center of the County Road, set Three stones, 5x6x9 inches; thence North 88-3/4° West 10.57 chains to a stone on the center of the road; thence South 89° West 14.25 chains to a stone at an old gate post; thence South 83° West 3 chains to the point of beginning.

SAVE AND EXCEPTING THEREFROM that portion conveyed to Yamhill County, a political subdivision of the State of Oregon, for roadway purposes, by Deed recorded October 17, 1979 in Film Volume 145, Page 289, Deed and Mortgage Records.

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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: Wade & Patricia Miller
 Mailing Address: 13945 Pheasant Hill Road
 City: McMinnville State: OR Zip: 97128 Day Phone: 503-472-3956

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:
4S	5W	13	NWNW	200	EF-80 (AFLM)	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	irrigation
4S	5W	14	NENE	200		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	irrigation
						<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 all counties and cities where water is proposed to be diverted, conveyed, or used. Yamhill

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

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

Estimated quantity of water needed: 12.3 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 _____

Briefly describe: irrigation of lawn and landscaping

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): 402 OF Y.C.Z. O-

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.

Name: Martin Chropst Masje Title: ASSOC. PLANNER.
 Signature: [Handwritten Signature] Phone: 503-434-7546 Date: 10-16-08
 Government Entity: YAMHILL COUNTY

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.